

Lise Bjerkan (ed.)

A Life of One's Own

Rehabilitation of victims of trafficking for sexual exploitation



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A Life of One's Own Rehabilitation of Victims of Trafficking for Sexual Exploitation

A joint report by:

Victimology Society of Serbia, Sør-Trøndelag University College
(Faculty of Health Care and Social Professions, Department of
Social Work Programme) and Fafo

Authors:

Lise Bjerkan

Linda Dyrliid

Vesna Nikolic-Ristanovic

Biljana Simeunovic-Patic

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Preface

This report is the result of research collaboration across borders and disciplines between the Victimology Society of Serbia, Sør-Trøndelag University College, and Fafo Institute for Applied International Studies. The collaboration was initiated in the process of applying for funding from the Research Council of Norway's call for proposals for the Cooperation Programmes with Central and Eastern Europe. Funding was secured during the summer of 2003, and the research project was initiated during the last quarter of 2003 and finalised during the first quarter of 2005. We are grateful to the Research Council for believing in and supporting our project, and thereby enabling a research collaboration that has proved to be very fruitful.

The project team has consisted of four researchers – two representing the Serbian institution and one representing each of the two Norwegian institutions. Whereas the Serbian researchers have professional backgrounds from law and criminology, both the Norwegian researchers are social anthropologists.

While the nature of trafficking in persons implies a potential risk for all actors involved in the fight against it, the situation for those who have been victims of trafficking is particularly risky. For this reason, the safety of our respondents was a main priority for the researchers during this study. In order to protect and respect our informants in the process of writing, we have consciously either changed or omitted all names from the report. We are further aware that the majority of the victims of trafficking we have met during this study have shared with us thoughts, experiences, emotions, and memories that they may never share with even their closest relatives or friends. Therefore, we have not only substituted their names with a pseudonym but, in some cases, also edited parts of their stories without undermining their content. Moreover, we have either avoided mentioning the names of the sending and/or destination countries or swapped the name of one country with that of another.

In the process of planning and implementing this study, we have been fortunate to draw upon the insights, experience, and practical support of several individuals and organisations. The chief part of our research has been carried out in Serbia, where we have conducted interviews – repeatedly in some cases – with victims of trafficking, representatives of local nongovernmental organisations (NGOs), governmental bodies and international organisations, local social wel-

fare offices, individual experts, and professionals. Additionally, we have conducted interviews with victims of trafficking, international organisations, and NGOs in Moldova and Italy.

We would like to express our gratitude to all contributors to this report. Most of all, we are deeply grateful to all the women who shared with us their experiences and sometimes, recalled very painful memories for the sake of science. In order to honour these women properly, we feel both obliged and proud to disseminate our findings through this report. It is our sincere hope that this work, in one way or another, will contribute to making a difference for those who are most severely affected by the illegal, organised crime of trafficking in persons for sexual exploitation: its past, current, and future victims.

We are also grateful to the organisations and individuals in Norway who have encouraged and showed interest in our work. In particular, we are grateful to Mona Dia for her early assistance in linking the Norwegian and Serbian partners of this study. We would also like to express our thanks to our respective colleagues and friends at Victimology Society of Serbia, Sør-Trøndelag University College Programme for Social Work Studies, and Fafo Institute for Applied International Studies for encouragement, useful comments, advice, and assistance along the way.

Acronyms

EU – European Union

FRY – Federal Republic of Yugoslavia

ICMPD - International Center for Migration Policy Development

IO – International organisation

IOM - International Organisation for Migration

MoU – Memorandum of Understanding

NGO – Nongovernmental organisation

NRM - National Referral Mechanism

ODIHR – Office for Democratic Institutions and Human Rights

OSCE – Organisation for Security and Cooperation in Europe

SECI - Southeast European Cooperative Initiative

SPTF - The Stability Pact Task Force on Trafficking in Human Beings

THB – Trafficking in Human Beings

UN – United Nations

UNDP – United Nations Development Programme

UNHCHR - UN High Commissioner for Human Rights

UNICEF – United Nations Children’s Fund

USAID – U.S. Agency for International Development

Introduction

This report presents the findings of a one-year-long research project related to the rehabilitation of victims of trafficking for sexual exploitation in Serbia.¹ More specifically, our ambition has been to assess the mechanisms and processes involved in the *identification, rehabilitation, and reintegration* of victims of trafficking. In particular, we have aimed to explore to what extent and in what ways victims' expectations and needs are met during these processes. We have tried to shed light on as extensive a part of the rehabilitation process as possible – ideally from the time a victim of trafficking escapes the trafficking situation until she is reintegrated. For this reason, we have based our study on repeated fieldworks and a series of interviews, primarily in Serbia but also in Moldova and Italy – countries known as sending and receiving countries, respectively, for women trafficked through and/or from Serbia.

This study was premised on the need for more research-based information on the contents and effects of rehabilitation of victims of trafficking.² Our interpretation of the term “rehabilitation” relates to the assisted process of recovery and training that is offered to women and girls who have been identified as victims of trafficking, primarily for sexual exploitation. In concrete terms, rehabilitation of women exposed to this form of trafficking contains certain basic services such as accommodation in a safe house or shelter, and assistance with regard to medical and psychological needs, legal rights, etc. Most rehabilitation programmes also offer some form of vocational training and/or educational courses.

The main chapters of this report reflect the four key areas of information that the researchers have targeted: a) current responses concerning assistance, protection, and support to victims of trafficking; b) socio-economic background of the victims followed; c) victimisation and coping mechanisms during and after trafficking, and; d) expectations and needs of victims and rehabilitation professionals during the assisted processes of rehabilitation and reintegration.

¹ Our study did not include the province of Kosovo. Although it is formally still part of the Republic of Serbia, Kosovo is currently administered by UN/international government (UNMIK).

² Various actors involved in the fight against trafficking have stressed this need, see for instance Nikolic-Ristanovic et al (2004); Elizabeth Kelly (2002); IOM (2001).

In order to meet these ambitions, the researchers have interviewed victims of trafficking, rehabilitation professionals, and representatives of various departments, institutions, and organisations involved in the referral, rehabilitation, and reintegration of victims of trafficking. These include the police and the law enforcement agencies, immigration authorities, local social work offices, and nongovernmental organisations (NGOs).

During all of our interviews, we have tried to gain information on the concrete interaction that has taken place between victims of trafficking and the different actors involved in their identification, rehabilitation, and reintegration. While this kind of information provides immediate input on good and not-so-good practices from both victims' and the various professionals' points of view, it also offers valuable insight into the professionals' perceptions of their own space for action – i.e. the obstacles, challenges, and opportunities that they face when dealing with victims (or potential victims) of trafficking.

Trafficking in persons

The phenomenon of trafficking was first put on the international agenda at the end of the 19th century, in the form of a series of international conferences³ on what was, at the time, addressed as “white slavery”.⁴ The first international agreement related to trafficking was signed in Paris in 1904 (Wijers & Lap-Chew 1997).⁵ In the ensuing years, trafficking received increased attention and was the subject of several international agreements. One of these was the *United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others* (1949). This convention has been criticised for, among other things, its equation of trafficking with the exploitation of prostitution, its emphasis on criminalisation rather than protection, and its lack of implementation mechanisms.⁶ In order to meet the demands produced by the constantly changing dynamics of trafficking, subsequent international documents have been produced.

³ The first international conference on trafficking was held in Paris in 1895, the second in London in 1899, and the third in Budapest in 1904 (Bindman, 1997).

⁴ Disputes among nations on whether or not prostitution should be eliminated is the reason why “until 1949 prostitution was not named as a separate phenomenon but addressed in international agreements through the concept of ‘white slavery’ and, after 1921, through ‘trafficking’ ” (Bindman, 1997:5).

⁵ The International Agreement for the Suppression of the White Slave Trade.

⁶ See e.g. Surtees 2000; Stop Violence Against Women (<http://www.stopvaw.org>)

The most recent is the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (2000).⁷ Article 3 (a) in the protocol addresses trafficking in persons:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

The following article, 3 (b), emphasises that the consent of a victim of trafficking (in persons) “to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.” Furthermore, article 3 (c) stresses that the recruitment, transportation, transfer, harbouring, or receipt of a child⁸ for the purpose of exploitation, “shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article”.

It has been argued that this protocol succeeds to a greater extent than the earlier conventions and protocols in addressing the complexity embedded in the concept “trafficking in persons”. Hence, the “the topic becomes not merely an issue of violence against women but one of violent and coercive practices of which many victims are women but of whom many are also men” (Surtees 2000: 110). The protocol has also been lauded for recognising “the need for a combined approach that integrates effective prevention of trafficking, with the prosecution of traffickers and the protection of human rights and assistance to victims of trafficking” (Ekberg 2002: 40). Moreover, the protocol does not limit its focus to exploitation taking place as a result of the more obvious forms of coercion, such as threats or the use of force, but includes “abuse of power or of a position of vulnerability”. The protocol does not distinguish between trafficking within a country and trafficking across international borders.

Although the protocol represents an important step towards uncovering the complex and constantly shifting scenarios of one of the world’s most cruel and lu-

⁷ This protocol is a supplement to the *United Nations Convention Against Transnational Organized Crime* (2000).

⁸ Article 3 (d) defines “child” as “any person under eighteen years of age.”

crative businesses,⁹ researchers have emphasised that there are ambiguities inherent in the protocol's definition of trafficking in persons. This particularly applies to how trafficking in persons may or may not be distinguished from other abuses, such as slavery, human smuggling, and prostitution (Tyldum et al. forthcoming).

Trafficking in persons and its ambiguities

As argued above, trafficking in persons bears similarities to other terms describing various forms of human exploitation. In the following, we will briefly clarify what we consider the main related terms: human smuggling, illegal migration, slavery and slavery-like conditions, and prostitution.

Human smuggling differs from trafficking in persons primarily by the purpose of the movement of the concerned individuals; that is, the purpose of smuggling is to assist persons in the illegal crossing of borders, not the exploitation of the persons as such.¹⁰ Moreover, smuggling has to include the crossing of an international border. However, a case of smuggling may take the form of trafficking if “a voluntary migrant, by placing himself/herself into the hands of smugglers, has put himself/herself into a situation of dependency on the smuggler and is therefore vulnerable to subsequent trafficking” (Stop Violence Against Women, Trafficking Training Modules).

Illegal migration is commonly considered the only viable form of migration for persons constrained by strict visa regulations and/or financial scarcity. Although illegal migrants, whether assisted by human smugglers or not, may be considered vulnerable to trafficking, this is “not an automatic dimension of the movement of persons” (Surtees 2000: 118).

Slavery and slavery-like conditions may or may not coincide with trafficking; although a woman may be recruited and transported by means either of coercion, or of the abuse of power or of a position of vulnerability, she may not necessarily end up in a forced or slave-like situation. At the same time, women “may find themselves in forced labour/slavery-like situations without having been trafficked” (Wijers and Lap Chew 1997: 37).¹¹

Prostitution is an activity that is perceived very differently by different actors. Whereas some advocate sex workers' rights, others see all prostitutes as victims and

⁹ Trafficking in persons is estimated to be the world's third largest criminal business, only outnumbered by drugs and weapons.

¹⁰ See, e.g. the *United Nations Protocol Against the Smuggling of Migrants by Land, Sea and Air*, supplementing the United Nations Convention Against Transnational Organised Crime. See also Tyldum et al.. (2005).

¹¹ For further discussions on slavery and trafficking see e.g. Bindman (1997), Bales (1999), Surtees (2000), and Tyldum et al.. (forthcoming).

argue for the abolition of all forms of prostitution. Several authors have discussed how these polarised positions may also colour the discourse on trafficking.¹²

Elizabeth Kelly (2002) notes that debating definitions of trafficking for sexual exploitation has already consumed countless hours during international policy discussions. She predicts that divergent definitions will remain a stumbling block, despite what she sees as the fairly broad definition within the optional Protocol to the UN Convention on Transnational Organised Crime. Kelly stresses that even signatories to the protocol are likely to have different definitions in their national laws and, consequently, it is “even less likely that research participants, trafficked women and children in particular, will be aware of an agreed international definition and they are, therefore, likely to define trafficking in a variety of ways that diverge both from the Palermo definition and various national laws” (Kelly 2002: 15).

We will not in this report engage in any thorough discussion of the protocol, but rather underscore the importance of these kind of conventions and other legal instruments on the perception and treatment of victims of trafficking. As stressed by Gunilla S. Ekberg, it is not only vital to support the implementation of the Protocol but also “to ensure that countries do not improperly use the Protocol as an excuse to treat trafficked women as migration criminals, who automatically should be deported” (Ekberg 2002: 41):

Instead we should use this Protocol to hold governments responsible for implementing measures to prevent trafficking for prostitution, and make sure that the women and children who are the victims of trafficking are accorded the protection and assistance that is their right. (Ekberg 2002: 41)

A number of governments have signed the 2000 international treaty on trafficking and are in the process of adopting, and even applying, domestic anti-trafficking policies and legislation. In this process, as argued by Ann D. Jordan (2002), NGOs and advocates can contribute to the implementation of these legal instruments and influence the development of a human rights-based response to the trafficking of human beings.

In the process of applying national laws on trafficking in persons, a crucial element relates to the ways in which they are interpreted and implemented. This aspect may decide whether or not a woman or child is defined as a victim of trafficking. In the majority of cases, the law enforcement agency first encountered by a victim of trafficking is the police – either in the destination, transit, or sending country. For a woman to be acknowledged as having been trafficked – “i.e. someone whose human rights have been violated and who is entitled to protec-

¹² See e.g. Tyldum et al. (forthcoming); Vandekerckhove (2003); Kelly (2002).

tion and assistance” (Kelly 2002: 37) – she has to perceive and identify herself as having been a victim of trafficking, and the law enforcement authorities have to concur with this assessment. This raises several problematic issues:

Many women may not define themselves as having been trafficked either because their exploiters have instructed them not to, or because they do not see themselves as having been trafficked or they simply do not understand the significance of what they are being asked (interpreters are not always available to communicate the nuances of meaning). It also appears that law enforcement officers are operating with narrow definitions of trafficking (forcible recruitment) and/or using poorly constructed and limited questionnaires during the interviews. (Kelly 2002: 37)

Yet another aspect contributing to the complexity of these issues is the women’s fear of being morally judged and stigmatised by family, relatives, and/or friends. We will return to this dimension and its potential consequences in the chapter titled “A sheltered life”.¹³

Trafficking in the Serbian context

The presence of large, multinational peacekeeping forces contributed to the growth of sex trafficking problem in the Balkans, including Serbia. Serbia, owing to its better economic situation at the beginning of 1990s, was for some time among the main destination countries for trafficking within Eastern Europe. Later, however, Serbia became mainly a transit country for trafficking both to neighbouring countries, where the war was raging and the military presence large, and to Western Europe (Nikolic-Ristanovic 2002; Nikolic-Ristanovic 2003). Recently, Serbia has also become a sending country. Thus, Serbia is at present largely a transit country, but it is also a country of origin and temporary or permanent destination for victims of sex trafficking.

The victims of sex trafficking in Serbia are mainly foreign citizens, usually from Moldova, Ukraine, or Romania. However, some victims of trafficking are also Serbian citizens; apart from transnational trafficking, intensive internal trafficking in women exists in Serbia as well. Routes of trafficking in women mostly start in the countries of the former USSR (Ukraine and Moldova), go through Romania, Bulgaria, and, less often Hungary, and end up in Serbia and Montenegro. It has been estimated that 500,000 women from all over the world are trafficked each year into Western Europe alone (Stiftelsen Kvinnoforum 1999). Figures from the International Organisation for Migration (IOM) have shown that “120,000 women

¹³ See in particular the section titled “Simplified perceptions and their consequences”.

and children are being trafficked into the European Union each year, mostly through the Balkans” (quoted in Limanowska 2002: 4).

A recent survey in Serbia (Nikolic-Ristanovic et al. 2004) identified 940 cases of female victims of trafficking to, through and from Serbia during 2002 and the first half of 2003. In a newly released report by the Regional Clearing Point and IOM, it is indicated that a *minimum* of 169 foreign and 45 national trafficking victims have been *assisted within Serbia* between 2001 and 2004 (Surtees 2005).

According to the survey carried out by Nikolic-Ristanovic et al. (2004), some of the important factors contributing to the appearance of trafficking of women in Serbia are: the geographical position of Serbia on the crossroads between West and East; the opening of borders to Eastern Europe after the end of the Cold War; myths about the West, existing both in Serbia and in other Eastern European countries, that prompt women to seek ways to get to what they perceive as a “better life”; economic factors, particularly poverty and unemployment, in countries of origin and in Serbia itself; widespread corruption; a grey economy; general insecurity caused by transition; disorientation of young people; marginalizing of some social groups, such as the Roma population; sexual violence, family violence, and disturbed family relations in broader sense; insufficiently defined limits between legal and illegal actions and behaviour; and the ill functioning of the rule of law.

The 2001 Decree of the President of FR Yugoslavia (FRY)¹⁴ promulgated the Law on Ratification of the UN Convention Against the Transnational Organized Crime and Supplementary Protocols,¹⁵ by which FRY committed to implement appropriate legal changes so as to ensure compliance of national legislation with the international standards envisaged by this Convention, and the supplementary Protocol on Prevention, Suppression and Punishing People Trafficking, particularly in Women and Children.

The Serbian partner in this project, Victimology Society of Serbia, has since its establishment in 1997 worked for the development of the protection of the rights of women and children as victims of trafficking. Among their main activities relating to trafficking are the drafting of new laws on trafficking in human beings, advocacy for the implementation of new laws and proper law enforcement, and monitoring the implementation of existing laws and the position of victims of crime. Amendments to the Criminal Code of the Republic of Serbia that explicitly declare people trafficking to be a criminal offence (Article 111 b) were adopted on 11 April 2003 (Victimology Society of Serbia 2003).

¹⁴ The country changed its name to Serbia and Montenegro in 2003, with Serbia being one of two entities in a federal state.

¹⁵ Published in the Official Gazette of FRY, International Agreements, No. 6/2001.

A guide to the report

Methodological approach

This report is based on fieldwork and interviews in Serbia, Moldova, and Italy. As stated above, the study aims to assess the mechanisms and processes involved in the *identification, rehabilitation, and reintegration* of victims of trafficking in and from Serbia. Moreover, we have attempted to shed light on as extensive a part of the rehabilitation process as possible – ideally from the time a victim of trafficking escapes the trafficking situation until she is reintegrated. This explains why Moldova and Italy were included, in addition to Serbia. In order to meet these goals, we have interviewed victims of trafficking both within and outside the rehabilitation system,¹⁶ police officers, social workers, psychologists, lawyers, judges, prosecutors, and representatives of NGOs and international organisations. Cumulatively the information gathered from the different sources comprises stories of expectations, experiences, and challenges, as observed from the respective perspectives.

The vast majority of our interviews have been semi-structured, based on interview guidelines. According to Kvale (1996), the semi-structured interview has sequences of themes to be covered, as well as suggested questions. “Yet at the same time there is an openness to changes of sequences and forms of question in order to follow up answers given and stories told by the subjects” (Kvale 1996: 124). In some cases we have carried out only one interview with the respondents; in others we had the opportunity to meet twice or even more often to discuss unclear matters or recent developments, as was the case with a group of women enrolled in the rehabilitation programme for Serbian nationals in Serbia. This opportunity to both build gradual trust through numerous meetings and update our information has enabled us able to develop a more thorough understanding of these women’s past, present, and future lives – their reflections, expectations, and fears. In the particular case of the Serbian women, the continuous contact was suggested by the women themselves and the terms were later clarified with both the concerned women and the social workers assisting them. We have been conscious both in these repeated meetings and during other interviews with victims of trafficking to avoid allowing the interview to turn into a therapeutic situation, which we would not know how to handle (Kvale 1996: 125).

¹⁶ Among the victims interviewed during this study were seven of foreign nationality (from Ukraine, Romania, Bosnia, and Moldova) and five of Serbian nationality.

By applying a life history approach to interviews with victims of trafficking, we have been able to identify critical phases in their life careers where important choices and decisions were made either by or for them. This approach has also enabled us to get information about what alternatives the respondents themselves considered having at the time of these critical choices and decisions. John Chr. Knudsen has described a life history as “a situationally conditioned construct, a cognitive chaining of selected elements from the past, present and future, simultaneously” (Knudsen 1990: 122). According to Knudsen, “what is presented by the subject in the form of a life history is selected information; information that varies over time, with regard to the situation and to identity management strategies vis-à-vis various sets of significant others” (Knudsen 1990: 122). “Thus”, Knudsen goes on to say, “given its situationally constructed nature, a life history is not a story of life but rather a conscious, or even unconscious, strategy for self presentation, a legitimization of moves and counter-moves and of projections for the future” (Knudsen 1990: 122).

Lise Bjerkan (2002) has stressed the importance of also taking into consideration the ideological aspects that either explicitly or implicitly influence the structure and direction of a life history. In every social setting, there are certain standards and expectations as to how life should be lived. “One way of adding continuity to the story of one’s life is by relating this story to ideals embedded in specific social, cultural or religious guidelines. Criteria for good, honest or just life vary from one ideological setting to another” (Bjerkan 2002: 198). Moreover, as argued by Marianne Gullestad, although a life (hi)story is never a microcosm of the socio-cultural order, “a life story may be read in such a way that it speaks to important social and cultural questions” (Gullestad 1996: 309). With regard to trafficking for sexual exploitation, the ideals evoked may be reflected in, or adopted from, campaigns arranged by organisations involved in anti-trafficking work. For example, a woman who had been trafficked from one of the Baltic States¹⁷ was asked during an interview how her trafficker had treated her; she replied that he had been disrespectful to her and had treated her “like a doll”. The woman’s allusion to the treatment of a doll was particularly interesting in the context of a major poster campaign warning against trafficking that was visible in all the Baltic States not long before this interview. The posters showed a woman hanged by her flesh in hooks, accompanied by the text: “They will sell you like a doll”.

By interviewing not only victims of trafficking but also representatives of the rehabilitation programmes, we have on several occasions been told the same, rec-

¹⁷ The interview was carried out as part of the research of a project on foreign prostitution and trafficking in Oslo, Norway. The research data are published in the report “Crossing Borders” (Brunovskis and Tyldum 2002).

ognisable stories from various sources. The sum of these representations of the same event has in some cases enabled us to both see more clearly and understand more fully the “editing” behind some of the narratives we were told.

Ethical considerations and confidentiality

Ethical considerations have been of primary concern in this survey. During the preparation phase, we thoroughly considered and implemented measures to ensure the physical and psychological safety of all individuals participating in the research, as well as the full recognition of human and child rights standards in the course of the research. In the process of data gathering, informant consent of all respondents (victims, family members, service providers staff, and representatives of various actors involved in the fight against trafficking in persons) was regularly obtained upon the provision of full information on the objectives of the research, how the research would be carried out, possible risks and benefits of participation, and how the confidentiality of information, when needed, would be ensured. The respondents were apprised on the right to withhold consent at any time. In order to optimally ensure the safety and confidentiality of victims as well as other informants, the names and, when necessary, all other personal details of interviewed individuals were either altered or eliminated from this report.

Bearing in mind the particular vulnerability of victims of sex trafficking, the ethical concerns related to the interviewing sessions were crucial. The interviews with the victims were prepared and conducted wholly in accordance with the guidelines and principles recognized in the *WHO Ethical and Safety Recommendations for Interviewing Trafficked Women* (2003). The initial request for the interviewing was on every occasion mediated by shelter providers and individuals working closely with the victims (e.g. IOM counter-trafficking officers and shelter employees). The respondents were given relevant information about the research prior to their agreement to participate and were provided with the opportunity to choose the time and, when possible, the place of interviewing. In the pre-interview situation, the respondents were presented with a clear statement describing the subject and the purpose of the interview, as well as how the information they shared would be used. Informed consent in oral form was provided upon giving the information on free choice to participate, to choose not to answer the particular questions, to put restrictions on using of information, to withdraw at any time, and to reschedule the time of interviewing. Special caution was paid on the occasions of providing informed consent of minor victims.

The interviews were conducted in secure and completely private settings, upon the assessment of safety risks and preparing of safety and emergency measures together with the IOM Program Assistants and shelter management. The inter-

viewing of victims that were beneficiaries of the confidential shelter was conducted in the premises of a local NGO where the women were transferred and guarded by IOM staff. The victims placed in open-type reintegration shelters chose to be interviewed on the shelter premises.

Based on agreement with IOM staff, a symbolic payment of “pocket money” was given to each of the victims at the conclusion of the first interview.

The avoidance of any harm, re-traumatisation, and emotional draining of the respondents were primary considerations in designing interview tools (semi-structured interview guidelines), as well as in the way of posing the questions and perceiving the emotional reactions during the interviewing. The interviewers were prepared to ask the questions in a supportive manner, to watch for signs of and to deal with distress, and to end the interview in a positive manner. Given the purpose and the aim of this study, the research questions were primarily oriented toward the present (post-trafficking) and future situation rather than the past. It was expected that, by focusing on coping strategies in the present rather than on traumas of the past, the respondents would be able to highlight – and perhaps also engage in an empowering process of realising – their own strengths.

The four researchers in the project team conducted all the interviews, either individually or in teams. In some cases, the assistance of carefully selected and prepared interpreters was necessary. The selected interpreters were females specially trained in victim support work. The interpreters were also provided with relevant background information about the phenomenon of trafficking ahead of the interviews.

Special measures to ensure the anonymity and confidentiality of the interviewed victims have been taken. The respondents were informed at the beginning of the interview that they were not expected to give their real names, names of hometowns/villages, and countries of origin. They were also ensured that their personal details would be kept strictly confidential and that it would not be possible to identify them in any of the written or oral material coming out of the project. The interviews were not recorded: the interview notes were made in written form and translated into English personally by the interviewers. The interview notes have been shared only within the four members of the project team. All personal respondents' details (personal names, names of hometowns, workplaces, family members, friends and co-workers), as well as the names of destination places, were altered at an early stage of preparation of the report.

The chapters

Protection, assistance and support of trafficked persons: current responses

This chapter focuses on conceptual and practical issues relating to actual models and mechanisms of protection, assistance, and support of victims of sex trafficking. In particular, attention is called to current situation, regulations, structure, procedures, and practice regarding the recognition (identification), protection, and assistance of sex trafficking victims in Serbia. The Serbian legal framework for the protection of victims of trafficking, as well as the cooperation framework and roles of various governmental, non-governmental, and international actors and agencies involved in identification, referrals, protection, assistance, and support to victims of sex trafficking, are described extensively.

Who were the victims of trafficking and what made them vulnerable?

This chapter explores the most important characteristics of victims of sex trafficking and their social contexts, as well as their agency and coping skills as they were before they became trafficked. It is intended to show both the human face of the victims, and how certain shared characteristics contributed to their vulnerability to sex trafficking. In this way, the chapter contributes to the scarce knowledge about both the victims of trafficking themselves, and victims' original coping abilities and their potential to be tapped into in rehabilitation. Notions of (passive) victims and survivors as active agents are discussed in the light of both existing feminist debate and the findings of our's and other's research.

What victims went through and how they survived

This chapter explores different forms of victimisation experienced by victims of trafficking. Important terms in this chapter are *victimisation*, *re-victimisation*, and *secondary victimisation*. Victimisation means the process of inflicting different forms of harms and human rights abuses on the victim by people involved in trafficking networks. Re-victimisation includes inflicting harm on the victim again by the same or by other traffickers, e.g. if she comes in the hands of traffickers after being rescued. Secondary victimisation means the process of inflicting different forms of harms and human rights abuses by people, other than traffickers, who are supposed to assist and protect her. In this chapter we also explore continuity of victimisation and coping in the lives of trafficked women; links between different forms of violence they suffer; and the consequences of trafficking on victims. In addition, we explore the impact of some external actors, such as police, judges, prosecutors, defence lawyers, and victim's legal representatives, in terms of either secondary victimisation, vulnerability to re-victimisation, or protection and em-

powerment of victims. In the conclusion of the chapter, we suggest possible implications of victimisation on the agency of women and the role that gender plays in that regard. For the explanation of the relationship between victimisation and agency, our research findings are explored against existing feminist theories on violence against women.

A sheltered life

In this chapter, we describe some of the contents of the assisted processes of rehabilitation and reintegration of victims of trafficking for sexual exploitation. In particular, we explore the experiences of individuals playing a role in these processes, either as beneficiaries or as assistants. The chapter starts by a discussion on the meaning and main components embedded in the term “to be rehabilitated”, as perceived from both the victims’ and the assistants’ perspectives. Further, the chapter sheds light on the transition involved in the processes of rehabilitation and, in particular, the transition from what we have called a “sheltered life” to independence. This transition not only involves a concrete, physical movement, but also changes in personality and perceptions of self and others. The chapter concludes with a discussion on the challenges related to reintegration, with a particular focus on the dilemmas involved in the management of dignity and stigma.

Protection, assistance and support of trafficked persons: current responses

By **Biljana Simeunovic-Patic**

Introduction

Concomitant to the current tendency to address the trafficking in human beings primarily as a grave abuse of the human rights, is the increasing recognition that trafficked persons commonly suffer from continual human rights violations before, during, and after a trafficking situation. Trafficking is not only a condition of human rights abuse; it is also an outcome of previous, and a cause of possible future, rights violations.

However, the migration and crime control approaches to trafficking have generally prevailed even in the recent past: strict immigration policies and crackdowns on organised crime and migrant smuggling have been states' priorities and seen as "solutions" to the problem of trafficking. The majority of trafficked persons worldwide are still being deported to their countries of origin, often without due consideration to their safety. Many women experience further victimisation after being "rescued" from a trafficking situation by being arrested, detained, prosecuted, punished, potentially "used" as a source of information and evidence on organised criminal activity, and returned home without due safety considerations. Many trafficked persons have no possibility to be informed of and exercise their rights, including the right not to be returned to a place where their physical integrity and freedom are endangered.

On the other hand, a declarative adoption of a "human rights-based approach" will not significantly improve the situation as long as the problem of trafficking is treated in isolation from the broader political and economic contexts – including migration policies and states' and other actors' agendas – as well as the global problems of violence against women, poverty, inequality and discrimination that con-

textualise the initial and subsequent human rights violations of trafficked persons. One of the most important challenges to current responses in terms of protection of the rights of trafficked persons, particularly victims of sex trafficking, stems from the practice of separating “trafficked victims protection and assistance issues” from the general framework of protection, assistance, and support to other categories of vulnerable victims. As Jo Goody has recently stressed:

The focus of intergovernmental organisations and governments on trafficking in women has largely developed separately to feminist-led responses to violence against women. Instead, international attention on sex-trafficking has been subsumed under wider concerns about immigration, crime, and insecurity, and has, as a result, become distanced from the underlying global problem of violence against women. (Goody 2004: 35)

The specialisation of trafficked victims’ protection and assistance risks cementing the focus on victim/witness protection and repatriation issues. The practical result of such prioritisation would be that the protection, assistance, and support to trafficked women would be more to the benefit of crime and migration control than the trafficked victims themselves.

A human rights-based approach to anti-trafficking responses is expected to be normatively based on international human rights standards and directed to protection of all trafficked persons’ rights. The International Centre for Migration Policy Development (ICMPD) says that:

A human rights perspective that considers the full range of indivisible, interdependent and interrelated civil, cultural, economic, political and social rights of each individual should be part of any strategy, measure and policy to address trafficking. Indispensable elements of a human rights based approach are the observance of human rights standards and the principle of non-discrimination, standard setting and accountability, the integration of a gender perspective and the recognition of human beings as subjects and holders of rights... In essence, a human rights based approach asserts that human rights and well-beings of victims are at the core of anti-trafficking response and take precedence over other considerations. (ICMPD 2004: 10)

A strategic response predicated on a human rights-based approach should encompass efforts to protect the trafficked persons’ rights, both in country of destination and origin, and to prevent both the relocation of victims from one abusive context to another, and the return of unsupported trafficked persons to a context they have once run away from.

The primacy of human rights is in fact recognised as the basic principle of any anti-trafficking response. As stated in UN High Commissioner for Human Rights

(UNHCR) *Recommended Principles and Guidelines on Human Rights and Human Trafficking*.¹

The human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims [Para 1]. States have a responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons [Para 2]. Anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked... [Para 3]

The provision of protection and assistance to trafficked persons is also recognised as a basic, universal principle. According to the UNHCHR *Recommended Principles*, states shall:

[...] prevent trafficked persons from being detained, charged, or prosecuted for the illegal entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons [Para 7]; protect the trafficked persons from further exploitation and harm and ensure their access to adequate physical and psychological care, unconditional upon the capacity or willingness to cooperate in legal proceedings [Para 8]; ensure legal and other assistance to trafficked persons for the duration of any criminal, civil, or other actions against suspected traffickers and provide protection and temporary residence permits to victims and witnesses during legal proceedings [Para 9]; guarantee the safe return of trafficked persons and provide legal alternatives to repatriation in cases where such repatriation would pose a serious risk to their safety and/or to the safety of their families [Para 11].

European standards for protection of and assistance to women and children trafficked for the purpose of sexual exploitation are represented through a number of legal instruments and politically binding documents. It should be noted that a human rights-based approach to the issue of trafficking in human beings has been strongly recommended at the European level, as has a comprehensive approach towards protection of and assistance to victims. One of the most important documents in this regard is the Council of Europe Committee of Ministers' *Recommendation N° R (2000) 11 on action against trafficking in human beings for the purpose of sexual exploitation*, which is considered to be a comprehensive set of guidelines

¹ *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, United Nations High Commissioner for Human Rights, Report to the Economic and Social Council, E/2002/68/Add.1, 20 May 2002.

and principles for the protection and rehabilitation of trafficked women and children. The document proposes a wide range of legal and social measures regarding physical and psychological protection, support, and assistance to trafficked women and children, with a particular focus on their vulnerability.²

Child victims of trafficking are protected by both victim rights provisions, and the standards and rights recognised in 1989 *UN Convention on the Rights of the Child*. The child's best interest is the leading principle in the decision making process with regard to the child victims; this must take under consideration the right to be protected from abandonment and violence; right to family unity; economic and social rights; right to participation; and right to receive guidance. Within a protection and assistance system, special measures and procedures are expected to be developed in order to protect, promote, and fulfil the rights of child victims of trafficking.³

Through various international and regional initiatives, states are increasingly encouraged to improve national legislation concerning the protection of victims of trafficking, as well as to develop a cooperative and coordinated framework of protection and assistance that cover the entire response, from identification of trafficked persons, to the processes of their recovery and participation in legal proceedings, to return and/or social inclusion. On policy development track focuses on the legal provisions related to trafficking: the physical and psychological protection of victims, data protection, victim and witness protection programmes, legal representation, counselling and assistance to victims in criminal and civil proceedings, access to legal redress, compensation, and temporary/permanent residence permits for trafficked persons. Another track aims to develop a cooperative framework that will ensure the proper identification of trafficked persons and provide protection, support, and assistance during the process of their physical, psychological, and social recovery and (re)integration. The National Referral Mechanism – a widely proposed cooperation system – relies on a multidisciplinary and inter-agency approach and enables optimal cooperation between all relevant actors and stakeholders, including law enforcement and other governmen-

² The new European convention on action against trafficking in human beings, currently under preparation, is expected to contain more precise provisions going beyond minimum standards in universal legal instruments, bringing a “clear human rights and victim protection focus and inclusion of a gender perspective”. See: The *Recommendation 1610 (2003) on migration connected with trafficking in women and prostitution* adopted by the Parliamentary Assembly of Council of Europe on June 2003.

³ According to UNHCHR *Recommended Principles*, “Children who are victims of trafficking shall be identified as such. Their best interests shall be considered paramount at all times. Child victims... shall be provided with appropriate assistance and protection. Full account shall be taken of their special vulnerabilities, rights and needs” [Para 10].

tal actors, as well as nongovernmental organisations (NGOs) and other civil society actors.

Given current international standards and initiatives, the components of a comprehensive protection and assistance system developed under a general anti-trafficking response are expected to comprise, at minimum: proper identification of trafficked persons; establishment of a mechanism to refer the trafficked persons (on a voluntary and confidential basis) to specialised agencies providing shelter and medical, psychological, social, and legal support and assistance; regulation of reflection period and residence status; repatriation and (re)integration assistance; victim/witness protection measures; and development of special measures of protection of child victims.

Protection and assistance system: general overview

Identification of trafficked persons

A prerequisite to protect trafficked persons' rights and prevent further violations is proper identification. Correct identification allows trafficked persons to enjoy physical, psychological, and legal protection and a full range of accessible assistance and support services. In addition, proper identification prevents the treatment of trafficked persons as violators ("prostitutes", "illegal migrants/workers", etc). It is important to note that the identification of trafficked persons is still the most challenging issue with regard to protection of the rights of trafficked persons.

Stereotyped perceptions about trafficking have markedly affected the general approach to the identification of victims of trafficking in previous years. However, there are typically no clear differences between the circumstances of trafficked persons and illegal migrants/workers. Thus, self-identification appears to be the most desirable identification criterion in practice. On the other hand, self-identification may be an undesirable solution for trafficked persons for many reasons, including trauma, lack of trust, fear of deportation, stigmatisation, revenge, etc. Furthermore, trafficked persons often do not see themselves as "victims", but rather as "migrant workers" who have had some bad luck. As noted in *Anti-Slavery International's* report,

People who migrate in search of employment or a better life, and end up being trafficked, tend to be those who had the initiative and courage to change

their situation, by seeking better fortune and opportunity in migration. These are not people who will always blame others for misfortune, and they certainly do not start by seeing themselves as victims. For many trafficked persons, they are not ‘rescued’ from their situation, but are ‘captured’ by the authorities. The authorities were not regarded initially as saviours, but oppressors. (Anti-Slavery International 2002: 33)

The identification of trafficked persons may be conducted by the police, NGOs, social welfare and health workers, labour inspectors, labour unions, consular personnel, clients of prostitution, and others. To date, most trafficked persons have been identified and referred by the police, during targeted or routine police raids and rescue missions. However, the recent development of referral systems, specialised NGO networks, and training of various actors tends to reduce the participation of law enforcement in identification. Outreach forms of social work (e.g. mobile teams engaged in fieldwork on the street), hotlines, and NGOs engaged in victim support and protection of women and children play a crucial role in improving the efficacy and range of identification of trafficked persons. That said, it is important for the police to adopt a proactive approach to victims’ identification, including flexible procedures that are adaptable to changing strategies and methods of trafficking (Stiftelsen Kvinnoforum 2003: 9). Because trafficked persons are rarely in a position to seek help while under the control of traffickers – and may be frightened by the risk of being prosecuted (for illegal border crossing/residence or prostitution), deported, and stigmatised – a proactive approach by the police is a necessity. Additionally, because trafficked persons often show little trust towards police, it is essential that the police, social workers, and NGOs cooperate on the identification process as soon as possible.

Referral mechanism and coordination of protection and assistance

The development of referral systems has arisen alongside with the shift towards a “victim centred” and “human rights-based” approach to the problem of trafficking in human beings. A referral mechanism is commonly understood as a set of actions by various international, national, governmental and nongovernmental actors focused on human rights protection and rehabilitation of trafficked persons. Conceptually, a referral mechanism should be understood as a means of avoiding re-victimisation as well as of providing the trafficked persons with necessary assistance within the processes of protecting their human rights, recovery, and (re)integration.

Contemporary National Referral Mechanisms (NRMs) have been shaped in accordance with both the provisions of international and national legal instruments and adopted guidelines, and developed initiatives and implemented programmes by different actors in the anti-trafficking field. The widely accepted definition of an NRM and its basic aims is provided by the ODIHR:

A National Referral Mechanism is a cooperative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-coordinating their efforts in a strategic partnership with civil society. The basic aims of an NRM are to ensure that the human rights of trafficked persons are respected and to provide an effective way to refer victims of trafficking to services. (Kröger et al. 2004: 15)

In practical sense, the referral mechanism covers a range of measures, from identification of victims, assistance, protection, and support to return and social inclusion in the country of origin/destination or a third country. It formalises and defines the terms of cooperation and mandates, including roles and responsibilities, of all actors involved (ICMPD 2004: 39).

The National Referral Mechanisms (NRM) are primarily intended to be solid frameworks for the protection of the rights of trafficked persons, with collateral positive impacts on crime control. To adhere to the primacy of human rights protection, referral systems must be flexible enough to respond properly to the individual needs of trafficked persons insofar as possible. Furthermore, the comprehensive measures of protection and assistance envisioned in NRMs must exchange both between the different actors within the NRM and the various actors in receiving and sending states. In order to prevent confusion and ensure the continuum of protection and assistance, a clear division of duties and responsibilities, as well as standardised procedures and terms of cooperation, are necessary between anti-trafficking actors with different mandates and interests within the referral mechanism.⁴

Building a cooperative structure is an essential step towards ensuring the recognition and protection of the rights of trafficked persons as victims of crime, bearing in mind the potentially conflicting agendas of the actors involved in anti-trafficking responses. A cooperative agreement that stipulates that presumed trafficked persons should be referred to civic support and protection structures can ensure that victims of trafficking are not held in detention centers, and are in a

⁴ The prioritised interest of law enforcement authorities is the revealing and prosecuting the traffickers while the interest of NGOs is the rights protection and empowering of victims. In reality, these interests often clash.

position to pursue legal actions that will enable them to protect and enjoy their rights (Kröger et al. 2004: 17-18).

In practice, cooperation is often arranged either by means of an internal directive (issued by the relevant ministries) under which presumed trafficked persons are referred from the police to support and protection services operated by NGOs, or through formal memoranda of understanding, which are considered to be a more effective option (ibid.: 65). A directive may contain measures pertaining to: prevention of the expulsion of a presumed trafficked person; issuing of a “reflection delay” or temporary residence; referrals to an NGO support and assistance agency; coordination of the police protection measures with the services provided by NGOs; and provisions of support and assistance services provided by NGOs (ibid.: 66). On the other hand, a memorandum of understanding provides even more clear cooperative and procedural structures, defining the terms, rights, and duties of all actors involved. Today, memoranda of understanding between police and victim-assistance and protection institutions are in place in numerous European countries (ibid.: 66).

Appointed national coordinators for the fight against human trafficking and multidisciplinary roundtables with respective working groups, are expected to be efficient holders of developing, coordinating, monitoring and evaluation of national action plans, policies and NRMs (see: Kröger et al. 2004: 48-52). A national coordinator is responsible for strengthening the cooperation between governmental and nongovernmental actors, and proposing and/or coordinating necessary steps toward improving the legal, regulatory, and operational frameworks for protection and assistance to trafficked persons and effective functioning of the National Referral Mechanism (ibid.: 49).

Assistance and support services

Assistance and support services commonly target the wide range of trafficked persons’ needs in both the countries of destination and origin. Physical and psychological protection, first-aid medical care, and social support and assistance are the first steps in a long-term process of recovery.

The most immediate needs of trafficked persons in a destination country are safe accommodation and full information, assistance, and counseling with regards to legal status, rights, and procedures, including those related to immigration issues. Further, trafficked persons need a variety of specialised services, including medical care, psychological assistance, and support during the process of recovery; legal counseling and assistance within the criminal proceedings and repatriation process; and social support and assistance throughout the process of (re)integration.

The victim's access to specialised services – such as medical intervention and care, psychological assistance, and legal consultation – is guaranteed by the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000)⁵, which is a universal legal instrument. According to Article 6 of the Protocol, victims are entitled to access to extensive support and assistance measures in countries of origin, transit, and destination; these measures include housing, medical care, legal assistance, education/training and employment opportunities, access to information on their rights, and interpreters. Specialised services are primarily offered or mediated by NGOs and international organisations (IOs).

Shelters

Thus far, shelters have been seen as the most appropriate solution for meeting the variety of trafficked persons' needs. Shelters should provide protection and different kinds of services from specially trained personnel; they should give trafficked persons the opportunity to reflect on their current situation and consider future steps and assistance, within the process of rehabilitation and social inclusion. As noted above, trafficked persons often have little trust towards authorities and governmental institutions. NGOs are therefore widely considered to be best suited to provide sheltering, support, and assistance; and presently, most shelters are indeed run by NGOs and funded by international organisations or governments.

The physical protection of trafficked persons is typically the most urgent need and responsibility. Shelters that accommodate those trafficked persons still in danger from traffickers are expected to fulfill high security standards, and must be protected through secret locations, panic buttons, and police guards. However, the need for protection and needs related to recovery and rehabilitation sometimes interfere to some extent. Recognising the differential needs of trafficked persons in terms of protection, support, and assistance, has led to in some cases to the adoption of a much more flexible approach and development of different shelter types: from drop-in, emergency care shelters and confidential shelters to autonomy houses for victims who are involved in reintegration/social assistance programmes.⁶

⁵ *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000) supplementing the *UN Convention against Transnational Organised Crime* (2000), UN GA Res. A/55/383, went into force in December 2003.

⁶ For example, the Italian NGO On the Road offers several kinds of accommodation: emergency care shelters for a first short stay, first care shelters for stays between 2-3 months and autonomy houses for victims who are taking part in integration activities (See: Stiftelsen Kvinnoforum 2003: 11).

Medical and psychological assistance

Most trafficked women experience both physical and psychological abuse resulting in physical traumas and prolonged psychological problems. Trafficked persons commonly run the risk of being infected by reproductive tract and other infections and suffering from physical injuries, drug/alcohol addiction, unwanted pregnancies, and psychological traumas. Medical and psychological help should therefore be offered to trafficked persons urgently. Because the recovery process usually takes place in both the country of destination and origin and may be prolonged, the medical and psychological assistance should be both urgent and accessible, as well as comprehensive and flexible enough to meet individual needs in terms of forms and duration of psychological assistance through the long-term process of recovery.

Currently, medical care and psychological assistance of trafficked persons is most often funded by states or mediated by the International Organisation for Migration (IOM), which organises and pays all medical expenses for trafficked persons enrolled in IOM integration programmes, through contracts with specialist doctors, hospitals, and NGOs.

Legal assistance

Trafficked persons often need multifaceted legal assistance. First, they need to be fully informed about their status and rights in countries of destination and origin, and provided with all relevant information on provisions and regulations with regards to the issuing of residence permits for trafficked persons and asylum-seeking procedures in a given destination country. They also need information on: legal procedures; the possible outcomes of legal actions; opportunities and risks related to witnessing in criminal proceedings; repatriation aspects and procedures; and available victim/witness protection measures and programmes in both countries of destination and origin. Victims that participate in criminal or civil proceedings against traffickers need legal advice and representation. Finally, many trafficked persons need to be provided with new documents in order to return to their countries of origin, or to apply for a residence permit in the destination country. Lawyers engaged by NGOs and IOs play an important role in informing, counselling, and representing victims, with the aim of minimizing secondary victimisation in the course of proceedings. Assistance in document issuing is, in most of the countries, efficiently handled by the IOM.

Repatriation and (re)integration assistance

Some trafficked persons want to return home as soon as possible, while others want to stay in the country/place of destination. Reasons for staying in the destination country include the fear of stigma attached to prostitution, rejection from family and community, fear of reprisals from traffickers, or a perception of a better life

for themselves and their families in the destination country. However, in most cases the trafficked persons return to their country of origin, either soon upon identification or after the expiry of a reflection delay or temporary residence permit.

The repatriation of trafficked persons generally involves many complex issues and considerations: legal, regulatory, and safety issues; financing of repatriation; preparing and making available immediate assistance and reintegration programs in countries of origin; preparing trafficked person for return; escorting of trafficked persons during travel; ensuring their reception upon return; and protecting trafficked persons from stigmatization. Currently, most repatriation assistance to trafficked women in OSCE states is offered and administered by the IOM. IOM repatriation programmes are built on voluntary return: the programme is offered to women who are defined as victims of trafficking by IOM experts and willing to return to the country of origin. The IOM mediates the travel and other documents; assists in the arranging of, and provides the finances for the return; arranges the escort; receives the trafficked women in the countries of origin; transfers them to the final destination; and provides them with small financial support upon repatriation. Mostly in cooperation with numerous NGOs and other local actors, the IOM administers and runs shelters, mediates in providing medical, psychological, and social assistance during the process of recovery and repatriation of trafficked women, and runs reintegration programmes offered to repatriated women.

The availability and range of the (re)integration assistance differs from country to country. Generally there is a lack of assistance aimed at social inclusion of trafficked women in the countries of destination. On the other side – that is, in the European countries that normally figure on the list of countries of origin of trafficked women (countries of Southeastern and Eastern Europe, for example) – reintegration programmes are mainly run by IOM and various NGOs. These programmes primarily include short- or medium-term (often up to one year) shelter and medical, psychological, legal, and social assistance (sometimes including financial, educational, vocational and/or employment assistance and support) for trafficked women. Broadly speaking, the type, scope and effectiveness of reintegration programmes are shaped by the willingness of trafficked women to return home, various return aspects, and provisions of the granting of reflection delay and residence permits. The present efforts, initiatives, and programmes with regards to (re)integration of trafficked persons are generally insufficient and underdeveloped; they often suffer from a lack of funds, lack of involvement and inefficient cooperation among all relevant actors, an unsystematic approach, and lack of flexibility and evaluation. The lack of regional standards relating to immigration policy, identification, referrals, repatriation, residency status and regulation with regard to trafficked persons, and the absence of systematic regional cooperation between international, governmental, and nongovernmental actors involved

in protection and assistance, affect even these modest reintegration efforts. The generally poor reintegration assistance and safety assurance in countries of origin is particularly disturbing considering the obvious risk of re-trafficking upon repatriation. Indeed, a global study of women trafficked into prostitution reveals that unemployment, psychological and medical problems, debts, stigmatisation, and rejection by society affect many of the repatriated women (Wijers and Lap-Chew 1997); OSCE/ODIHR experts have therefore rightly emphasised the importance of investigating possible alternatives to repatriation, such as issuing of permanent residence permits or offering the possibility of going to a safe third country (Kröger et al. 2004: 81).

The success of efforts undertaken with regard to reintegration of trafficked women depends both on the existence and quality of social assistance programmes in the countries of origin and destination, and on the policies regulating residence status in the countries of destination. It is apparent that trafficked persons who have been deported, unassisted, and not provided with necessary time to reflect on their status and consider possible risks and future steps, have a slim chance of being successfully reintegrated. Recognition of the difficulties posed to reintegration – and the fact that victims that are summarily deported are less willing to testify against traffickers – has resulted in many international and other initiatives related to the issue of granting trafficked persons a reflection delay and temporary residence permit.

Reflection delay and residence permit

In many European countries today, trafficked persons unwilling to immediately return home because of safety threats or for other reasons may be granted a “reflection delay”, or temporary/permanent residence permit. A reflection delay is a period of time offered to a “presumed victim” to rest, get free from the influence of the traffickers, reflect on her current status and consider next steps, including whether to testify against the perpetrators. During the reflection delay, “presumed victims” are protected from detention and deportation measures and provided with support and assistance, including shelter, medical care, and psychological and legal counseling.⁷

A residence status permit goes beyond the reflection delay, affording victims time to overcome the trauma they have experienced without further disturbance

⁷ A “reflection delay” is available in many “host” European countries in duration from one to few months. The EU *Council Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subjects of an action to facilitate illegal immigration, who cooperate with the competent authorities* has stipulated a reflection period. However, the regulation on its duration has been left to member states [Article 6(1)].

connected with a repatriation process, as well as the opportunity to actively pursue civil action against traffickers. General humanitarian principles and human rights standards⁸ call for the granting of temporary residency permits to all trafficked persons, regardless of the victims' decision with regards to cooperating with law enforcement agencies or participating in criminal proceedings against traffickers. The adoption of a human rights-based approach implies that decisions on residency status should be based primarily on an assessment of whether the trafficked person has suffered serious harm or abuse in the destination country, and the risk of further harm upon returning home (Anti-Slavery International 2002: 45). However, most of the existing residence status regulations actually depend on victims' contribution to law enforcement actions against traffickers and, to a lesser extent, assessments on safety risks and rehabilitation needs. In some European countries, victims that contribute to the criminal proceedings against traffickers while on temporary residence permits are allowed to apply for a residence permit on humanitarian grounds.⁹ In many others, after the closing of criminal proceedings, victims face deportation or involuntarily return home. Although some of the common destination countries (e.g. Belgium and Netherlands) offer the possibility of granting permanent residence for trafficked persons on humanitarian grounds, this is extremely rare in practice (Anti-Slavery International 2002: 45). Generally, most European national laws contain "rewarding provisions" that deal with the issuing of residence permits to trafficked persons. The recently adopted *EU Council Directive (2004/81/EC) on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities*¹⁰ has reaffirmed the "rewarding system", which favours the law enforcement and migration control policy objectives over protection of human rights of trafficked persons.¹¹

⁸ Including the standard of not expelling a person if there are substantial grounds for believing he/she may be in danger of reprisal or torture ("non-refoulement" principle).

⁹ For example, in Germany, Italy, Netherlands, Spain. In Belgium, the success of an application for a residency permit upon closing of criminal proceeding depends on the case's outcome. If the case against traffickers succeeds, victims enjoy the extended residence permits. Otherwise, the chances are diminished (See: Kleij 2003: 19).

¹⁰ EU Document 2004/81/EC of 29 April 2004, OJ L 261. EU states are obliged to bring their national law into line with the Directive before August 6, 2006.

¹¹ Namely, according to the Directive provisions, upon expiration of the reflection period (or earlier), trafficked persons who show "a clear intention to cooperate" [and fulfill additional criteria set by Article 8] should be granted "at least 6-months" renewable residence permit. However, Article 4 of the Directive contains a "more favourable provision" which allows to Member States to adopt or maintain more favourable provisions for the persons covered by the Directive.

Victim/witness protection and support

Victims of trafficking in human beings that decide to cooperate with authorities and/or act as witnesses in criminal proceedings are in need of, and entitled to, a wider range of protection and support measures than other trafficked persons. These additional measures aim to ensure physical safety, psychological protection, and necessary legal assistance before, during, and after the criminal proceedings.

The state's duty to provide victim/witness protection to victims of trafficking is prescribed by several international legal instruments.¹² At the universal level, under Article 24 of the UN *Convention Against Transnational Organised Crime* (2000), states are obliged to provide effective protection from potential retaliation or intimidation of witnesses in criminal proceedings and, as appropriate, for their relatives and other persons close to them [Para 1]. The measures of protection may include establishing procedures for physical protection (including relocation), non-disclosure, and other limitations on the disclosure of identity information, as well as providing evidentiary rules to permit witness testimony to be given through the use of communications technology such as video links or other adequate means [Para 2]. Article 25(1) of the UN Convention obliges states to take "appropriate measures within their means" to provide assistance and protection to victims, particularly in cases where retaliation or intimidation are threatened. Article 6 of the supplementary UN Anti-Trafficking Protocol provides further explanation of these "appropriate measures", obliging states to provide for the physical safety of victims of trafficking while they are within the state's territory. States are obliged to protect privacy and identity of victims, "in appropriate cases" and "to the extent possible under its domestic law". States also have a duty to ensure that their domestic legislation contains measures that offer victims the possibility to obtain compensation for damage suffered. "In appropriate cases", victims shall be provided with information on relevant court and administrative proceedings and assistance to enable their views and concerns to be presented and considered within criminal proceedings. In applying the provisions of the Article 6 of the Protocol, states shall take into account the age, gender, and special needs of victims. As a result of the limited scope of these and other legal obligations set by international instruments (as evidenced by language such as "appropriate cases", and "to the extent possible under domestic law", etc), the range, scope, and duration of victim/witness protection varies from country to country depending on national legislation as well as international, regional, and national initiatives

¹² See: *UN Convention Against Transnational Organised Crime* [Arts 24, 25] and its supplementing Anti-Trafficking Protocol [Article 6]; *EU Joint Action to combat trafficking in human beings and sexual exploitation of children*, 1997 (97/154/JHA), OJ L 63; *EU Framework Decision on the standing of victims in criminal proceedings*, 2001, (2001/220/JHA), OJ L 82, [Article 8]; *European Convention on the Compensation of Victims of Violent Crimes* (1983), ETS No. 116, etc.

that apply to the implementation of relevant international standards¹³ and recommendations.

Victim/witness protection may include enrolling witnesses into witness protection programmes (which should include isolation, relocation, and change of identity), but more often implies the application of a number of lesser measures of physical and psychological protection before, during, and after the trial. These may include police guardianship; criminalisation and punishment of intimidation of victim/witnesses; a victim- and gender-sensitive approach in the concerned law enforcing authorities; victim/witness identity protection; closed hearings; the use of witness statements or audio/video recordings instead of their personal appearances in the courtroom; use of visual/aural shielding and video-conferences; legal representation of victim/witnesses; temporary exclusion of defendants during the court proceedings. Additional measures of victim/witness protection include: sensitisation and education of the police; informing the victim when the accused perpetrator is released from custody; informing the victim/witness on what to expect in the courtroom; providing a separate waiting-room to avoid confrontation between a victim/witness preparing to testify and the defendants and their associates; and allowing supportive persons (such as counsellors in whom the victims have trust) to accompany the victim to the courtroom. After the criminal proceedings, protection measures may include relocation, change of identity, and continuation of physical and/or psychological protection, as well as measures to ensure safe repatriation, so that the safety of victim/witnesses and their family members are not compromised.

Support and assistance to victims that participate in proceedings are mainly offered by counsellors from shelters for trafficked persons; nongovernmental organisations working with victims of crime, trafficked women and children, female victims of violence; and specialised victim/witness assistance and support services and centres.

¹³ See: *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (1985), GS Res. 40/34, Council of Europe Committee of Ministers *Recommendation N° R (85) 11 on the Position of the Victim in the Framework of Criminal Law and Procedure*; *Recommendation N° R (2000) 11 on action against trafficking in human beings for the purpose of sexual exploitation*; *Recommendation N° R (2001) 16 on protection of children against sexual exploitation*; *Recommendation N° R (97) 13 on intimidation of witnesses and the rights of the defence*, etc.

Special measures of protection and assistance to child victims

According to international standards,¹⁴ child victims are entitled to special protection and support. The adoption of specialised policies and programmes to protect and support trafficked children is particularly recommended.¹⁵

It is important that the procedures in place enable rapid identification of child victims. Pro-active identification measures should therefore be established, including active information-sharing between agencies and individuals (law enforcement, health, education, social welfare agencies, and NGOs). In addition to appropriate shelter accommodation, medical care, and psychological and legal assistance, child victims of trafficking should be provided as soon as possible with temporary guardianship and comprehensive educational assistance. Guideline 8 of UNHCHR *Recommended Principles and Guidelines* requires that: child victims be dealt with separately from adult trafficked persons in terms of laws, policies, programmes, and interventions; steps toward identifying and locating family members be taken, and facilitating of the reunion of the trafficked child with their family be facilitated where this is deemed to be in child's best interest; and adequate care arrangements, which respect the rights and dignity of the trafficked child be established if safe return of the child to the family is not possible or not in the child's best interests. The Guideline also calls for procedures that: respect the right of a child capable of forming his/her own views, and enable the child to express those views freely in all matters affecting him/her, in particular concerning decisions about his or her possible return to the family; protect the rights and interests of trafficked children at all stages of criminal proceedings against alleged offenders and during procedures for obtaining compensation; protect the privacy and identity of child victims and avoid the dissemination of information that could lead to their identification; and ensure adequate and appropriate training (in particular legal and psychological training) for persons working with child victims of trafficking should be taken.

The repatriation of trafficked children is an especially demanding task. According to international standards, decisions regarding repatriating a child must be based on thorough investigations of the family situation, other factors that impact on child development, and the risks that repatriation may involve for the child. The evaluation of the child's best interest is the crucial element for decisions regarding repatriation. This evaluation should be done in accordance with provisions of the

¹⁴ See: *Convention on Rights of the Child* (1989); UN GA Res. A/44/25; UNHCHR *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (2002), and UNICEF *Guidelines for the protection of the rights children victims of trafficking in South-East Europe* (2003).

¹⁵ UNHCHR *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, Guideline 8.

Convention on Rights of the Child, especially respecting the rights to participation, family unity, and the economic and social rights of a child. Trafficked children should be accompanied by a guardian during the repatriation process until parents or legally appointed guardians in the country of origin can undertake further care of them.

Current situation in Serbia

Introduction

Currently, the protection, assistance, and support services provided to trafficked persons in Serbia are undergoing a process of development. This process started few years ago, and was initiated primarily by the local NGOs and international organisations active in the field of protection and assistance to victims of trafficking in human beings. Along with the establishment and development of support, protection and assistance services by NGOs and IOs, the process has recently (in the past five years) encompassed initiatives towards the establishment of a cooperative framework of key actors (governmental and nongovernmental) and toward implementation of a legal framework in line with the international standards of protection and assistance to trafficked persons.

After years of government neglect of the problem of trafficking in human beings, political changes in 2000 brought changes in the response of the authorities. The new Serbian government has shown the willingness to face the problem of trafficking in human beings, and has cooperated closely and intensively with the international community on this matter. The change in Serbian government response was evident by April 2001, when an international roundtable on the issue of trafficking in human beings – conducted by the OSCE Mission to the Serbia and Montenegro, in cooperation with the ODIHR and the Anti-Trafficking Task Force of the Stability Pact for South-East Europe – brought to Belgrade representatives from governmental bodies and nongovernmental organisations, as well as the representatives of relevant international organisations. The importance of a multidisciplinary approach to the problem of trafficking in human beings was introduced, and the task of developing and implementing a national action plan – suggested by the Stability Pact Task Force – was recognised and delegated to representatives of the government of the Federal Republic of Yugoslavia (FRY). The Deputy Minister of the Federal Ministry of Interior set up the Initial Board for Combating Trafficking in Human Beings, which encompassed representatives

from the Federal and Republic Ministries, NGOs, IOs, and the media. Subsequently, the National (Yugoslav) Team for Combating Trafficking in Human Beings was created in May 2001, comprising four working groups that consist of governmental, nongovernmental, and international organisations. The working groups deal with prevention and awareness-raising; assistance and protection of victims; law enforcement strengthening and legislative matters; and data collection, research, and evaluation.

Further activities that deal with the protection and assistance to trafficked persons in Serbia have mostly been run through projects proposed and implemented by nongovernmental, governmental, and international organisations. In 2002, for example, a shelter for trafficked women was established under the auspices of IOM and a local NGO. Additionally, the OSCE, in cooperation with the Yugoslav Team, started to design and draft the guidelines for a National Referral Mechanism in FRY; however, as a result of political changes within the Yugoslav Federation and appearance of the new state union (Serbia and Montenegro), activities and initiatives that had started on federal level must now be developed on a republican level, within the general framework of the republican (Serbian and Montenegrin) National Teams for Combating Trafficking in Human Beings.

Legal framework of protection of trafficked persons' rights

The Serbian legal framework on the issue of protection of trafficked persons' rights has changed in recent years. Upon the ratification of the *UN Convention against Transnational Organised Crime* (2000) and supplementary UN Anti-Trafficking Protocol in 2001, the push for appropriate legal changes in Serbia, including those relevant for the protection and assistance to trafficked persons, have intensified. Victimology Society of Serbia, a Serbian NGO, has worked on the drafting of legislative changes concerning trafficking in human beings since 1998; a draft proposal was finalised in 2003. Together with other members of the National Team for Combating Trafficking in Human Beings, the Victimology Society of Serbia advocated for the acceptance of the proposed amendments by the Serbian Parliament. The efforts resulted in legislative changes on April 11, 2003, when the new Article 111b of the *Criminal Code of the Republic of Serbia*¹⁶ was introduced. It prescribed the crime of trafficking in people in line with the definition of trafficking stipulated in the UN Anti-Trafficking Protocol. Since then, the initiatives toward further changes of Serbian legislation and implementation of the measures

¹⁶ Official Bulletin of SRS, Nos. 26/77; 28/77; 43/77; 20/79; 24/84; 39/86; 51/87; 6/89; 42/89; 21/90, Official Bulletin of RS, Nos. 16/90; 26/91; 75/91; 9/92; 49/92; 51/92; 23/93; 67/93; 47/94; 17/95; 44/98; 10/02; 11/02 and 80/02, 39/03.

proceeding from state obligations stipulated in the UN Convention against Transnational Organised Crime and additional Anti-Trafficking Protocol, have intensified.

Despite the fact that there is still no comprehensive legal protection of victims and witnesses in criminal proceedings or witness protection programme in Serbia,¹⁷ some legislative changes introduced recently may be understood, at a very general level, as a step forward with regard to the protection of rights of trafficked persons – especially the rights of those who act as witnesses or injured parties within the criminal procedure.

Under the Serbian *Law on Criminal Procedure*,¹⁸ victims generally have the right to participate in criminal proceedings, present evidence, examine the accused and other witnesses, comment and, if necessary, clarify their statements, inspect files and evidence [Article 60], and pursue civil law claims in the course of criminal proceedings [Article 202]. All victims of crime have the possibility to exercise their procedural rights through a legal representative [Article 66]. Victims and witnesses are protected from intimidation under Article 109(1), which obliges the court to protect witnesses and injured parties from insults, threats, and any other attack. The court shall also warn or fine any participant in the procedure or other person who, in front of court, insults a witness or the injured, threatens them, or impairs their safety. In case of violence or serious threat, the court shall notify the state prosecutor [Article 109(2)]. The Law stipulates that police protection of a witness or the injured party may be ordered by the prosecutor or the president of the court, upon proposal by the investigative judge or the president of the jury [Article 109(3)].

The Law on Criminal Procedure also contains several provisions with regards to protecting victims of crime (“injured parties”) or persons acting as witnesses, which could lower the risk of secondary victimisation during the trial (Nikolic-Ristanovic et al. 2002: 19-20). In order to protect the victim’s privacy, the jury may exclude the public for the whole duration of the main hearing or any of its parts (at any time from the opening of the court session until the end of the main hearing), if it considered necessary to protect the personal or family life of the injured [Article 292]. The investigating official may also order that investigative material or certain facts or data contained therein, be kept confidential, with disclosure punished as a criminal offence [Article 261]. Witnesses may refuse to answer particular questions if answering would expose them or their family members to serious disgrace, considerable material damage, or criminal prosecution

¹⁷ The drafting of a new Serbian Law on protection of victims and witnesses is currently being finalized, and it is expected that the new law will appear in 2005.

¹⁸ Official Gazette of FRY Nos. 70/2001 and 68/2002 and Official Bulletin of RS, No. 58/04.

[Article 100]. Finally, hearings of minors should be carried out with precautions that will prevent adverse effects to her psychological condition; and, if appropriate, hearings of minors may be facilitated by a pedagogue or other professional [Article 102(4)].

Along with the above-mentioned provisions in the *Law on Criminal Procedure* relating to the protection of injured parties and witnesses, there are also some special provisions applicable in cases where an “element of organised crime” is present, including cases of trafficking in human beings.¹⁹ By amendment of the *Law on Criminal Procedure* in 2002, the institution of “informant witness” was established; this is applicable to a member of a criminal organisation against which criminal charges have been raised or criminal procedures conducted [Article 504d], who is willing to cooperate with law enforcement authorities and provide them with relevant information about the criminal organisation to which he/she belonged. This amendment is expected to transfer the “essence of evidence providing” from trafficked persons to the members of trafficking chains themselves, thus reducing the risk of secondary victimisation of victims.²⁰ A further amendment, providing for the acceptance of statements and notifications gathered by the prosecutor in pre-criminal proceedings as evidence in criminal procedure (with regard to the organised crime cases), is also expected to contribute to prevention of secondary victimisation of trafficked persons, by preventing them from having to give evidence at the main hearing. Finally, in cases of organised crime, the prosecutor may order special protection for the victim, informants and witnesses, and family members. However, these protective measures are not specified in the *Law on Criminal Procedure*.

The *Law on Organisation and Jurisdiction of Government Authorities in Suppression of Organised Crime*²¹ from 2002 introduced additional options relating to the protection of victims and witnesses from re-traumatisation and secondary victimisation within the criminal proceedings.²² According to the law, if the presence of

¹⁹ These provisions are contained in the section named “Specific Provisions on the Procedure for Criminal Offences of Organised Crime” entered in amendments to the *Law on Criminal Procedure* on December 2002.

²⁰ Additionally, separate provisions envisage a possibility to apply some other measures with the aim of discovering, substantiating, or preventing the criminal offence of organised crime, including: providing simulated business services, concluding simulated legal transactions, and hiring undercover investigators.

²¹ Official Bulletin of RS Nos. 42/02, 27/03, 39/03, 67/03 and 29/04.

²² Under the provisions of this law, organised crime is considered to be those criminal offences for which a sentence of imprisonment of 4 years or more is envisaged, being committed by an organised criminal group, other organised group or its members [Article 2]. Organised criminal group is considered to be a group of three or more persons, existing for a period of time and acting in con-

such persons at the main hearing is not possible, their testimony may be provided using video-conference [Article 15lj(1)]. Witness or injured party testimony may also be heard by way of International Judicial Assistance [Article 15lj(2)]. Finally, in certain instances the court may provide for the protection of personal data concerning the witness or injured party [Article 15m].

Provisions of the Serbian *Law on Misdemeanor*²³ stipulate a system of sanctions for misdemeanours, as well as the procedures, status, and competence of the relevant authorities related to misdemeanours. Other laws contain the norms that define what concrete actions constitute an offence (e.g. the *Law on Public Order and Peace*, the *Law on Movement and Residence of Foreigners*, etc). Deportation from the territory of Serbia is envisaged as a protective measure. According to the law, regardless of whether a foreigner is a victim of trafficking or a person intending to seek asylum, she/he cannot evade her/his liability for misdemeanour if he/she has violated provisions of the *Law on Movement and Residence of Foreigners* in terms of illegal entry into the country. However, the *Instruction on conditions for obtaining temporary residence permit for foreign citizens, victims of trafficking in human beings*,²⁴ adopted by the Interior Ministry in 2004, stipulates the issuing of a “reflection delay” and temporary residence permit on humanitarian grounds to the victims of trafficking in human beings, containing also a “non-punishment clause” for trafficked persons²⁵ This regulation may be considered as a precursor to the relevant legislation changes that can be expected in the future.

cert with the aim of committing one or more criminal offences for which a sentence of imprisonment of four years or more severe sentence is envisaged, in order to obtain, directly or indirectly, a financial or other material benefit [Article 3]. The District Court in Belgrade has the first-instance jurisdiction over the cases of organised crime in Serbia, within which a Special Department was established.

²³ Official Bulletin of SRS No. 44/89, Official Bulletin of RS Nos. 21/90, 11/92, 6/93, 20/93, 53/93, 67/93, 28/94, 16/97, 37/97, 36/98, 44/98, 65/01 and 55/04.

²⁴ The Instruction was adopted by the Minister of Interior on July 5, 2004 on the basis of Article 101 of the *Law on Movement and Residence of Foreigners* (Official Gazette SFRY Nos. 56/80, 53/85, 30/89, 26/90 and Official Gazette of FRY Nos. 24/94, 28/96 and 68/02), and on the basis of commitments undertaken by signing the UN Convention against Transnational Organised Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; “Declaration on commitments” signed at the 3rd Regional Ministerial Forum of Stability Pact in Tirana on December 11, 2002; “Declaration on victims-witness protection” signed at the 4th Regional Ministerial Forum of Stability Pact in Sofia on December 10, 2003; and Recommendation of UNHCHR *Recommended Principles and Guidelines on Human Rights and Human Trafficking*.

²⁵ According to the Paragraph 5 of the Instruction, “If the victim of trafficking in human beings has entered the country in an impermissible way or he/she stays there illegally, the competent authority is obligated before the court proceeding to define facts and circumstances excluding or reducing criminal or misdemeanor accountability of victims of trafficking in human beings (defining of elements of force, threat and compel, that is, in the case of extreme need or necessary defense).”

Access to compensation for crime victims in Serbia is allowed within the criminal proceedings, as well as through the separate civil proceedings against perpetrators. Victims of crime can only gain compensation from the perpetrator, since there are no victim compensation funds and no legal possibilities for gaining compensation from the state.²⁶ Generally, crime victims can be compensated for personal suffering due to physical and psychological distress (non-material damages), as well as material damages (material loss suffered and withheld earnings). Within the context of criminal proceedings against perpetrators, compensation for the injured party's losses is possible by submitting a civil claim for compensation. However, the jury is authorised to refer the injured party to a civil suit if it assesses that the criminal proceeding could be dragged out by the process of fixing the compensation payment. As a rule, victims of trafficking acting as injured parties in criminal proceedings are referred to civil suits. However, bearing in mind the common costs and duration of civil proceedings, as well as the fact that many of the victims are without material resources and/or foreigners not in position to follow the long-lasting legal proceedings, it is evident that the right to compensation for the victims of trafficking in Serbia is endangered.

General cooperative framework: National Team for Combating Trafficking in Human Beings

The general framework for cooperation between different actors involved in the field of protection of trafficked persons in Serbia is the *National Team for Combating Trafficking in Human Beings*. In 2002, the Serbian National Team succeeded the Yugoslav National Team that was created in May 2001 from the various actors working in the anti-trafficking field. As in other countries in the South-eastern Europe, the creation of the National Team was initiated and encouraged by the Stability Pact's Task Force on Trafficking in Human Beings.

Setting up the national action plans for the fight against trafficking in human beings is one of the main tasks of the national anti-trafficking teams. The National co-coordinator, at the top of the organisational and operational structure of the National Team, coordinates various activities with regard to law reform, research,

²⁶ The *Basic Criminal Code* reintroduced the confiscation of property as a specific form of punishment, which involves seizure of property from the convicted person without compensation within the law's prescribed limits, but only if the perpetrator is convicted of a criminal offence with the element of organised crime and given a sentence of imprisonment of at least four years (the common cases of trafficking in human beings are generally included in the scope of this provision). *Basic Criminal Code* was published in Official Gazette of SFRY, Nos. 44/76, 36/77, 34/84, 74/87, 57/89, 3/90, 38/90, 45/90, 54/90, and Official Gazette of FRY, Nos. 35/92, 16/93, 31/93, 37/93, 24/94, 61/01, and Official Bulletin of RS, No. 39/03.

prevention, victim assistance, support, and integration of trafficked persons. Cooperation between different actors involved in the National Team is an essential point: in order to build up mutual confidence and share information, ideas, and responsibilities within working groups, the members are encouraged to work together to develop cooperation standards and principles toward the final creation of the structure based on standardised procedures.

The Serbian National Team is made up of representatives from the state administration, NGOs, and international organisations. State agencies represented include: the Ministry of Foreign Affairs of Serbia and Montenegro; Interpol's national bureau in Belgrade; the Supreme Court of the Republic of Serbia; the Republican Public Prosecutor's Office; the Ministry of Interior of the Republic of Serbia; the Ministry of Finance (Anti-Corruption Initiative); the Ministry for Labour, Employment and Social Policy; the Ministry of Justice; the Ministry for Health and Protection of the Environment; and the Ministry for Education. The following NGOs are also represented: Astra; Victimology Society of Serbia; Counselling Centre against Family Violence; Beosupport; and Atina. International organisations such as the IOM, OSCE, UNICEF, Save the Children UK, and Christian Children's Fund also participate.

The National Team is divided into four separate working groups with specific tasks and responsibilities, covering the issues of: 1) prevention and education; 2) victim assistance and protection; 3) combating trafficking in children, and 4) law enforcement issues. The working group for victim assistance and protection is coordinated by the representatives from the Serbian Ministry of Labour, Employment and Social Policy, and has representatives from: NGOs (Counselling Centre against Family Violence, Victimology Society of Serbia, Astra, and Atina); the Ministry of Foreign Affairs of Serbia and Montenegro; the Ministry of Interior of the Republic of Serbia; the Ministry of Health of the Republic of Serbia; and two international organisations (OSCE and IOM), which participate as observers.

Identification and referrals

Background: challenges from the past

Previously, the identification of trafficked women in Serbia, both nationals and foreigners, was rather inefficient: it has been estimated that the figure of *non-identified* and *non-assisted* trafficked women in previous years was 10 times higher than the number of those who were *properly identified and assisted* (Counter-Trafficking Regional Clearing Point 2003: 189). Deportation, referral of undocumented women to the reception centre for foreigners, or even punishment for violating the provisions of the *Law on the Movement and Residence of Foreign Nationals* or

the *Law on Public Order and Peace*²⁷ were common responses before the year of 2001. Serbian victims in particular usually faced punishment for violating the provisions of the *Law on Public Order and Peace* (for prostitution).

These practices were slightly changed in the administrative agreement reached in 2001 between the Federal (Yugoslav) Ministry of Interior and the IOM Mission in Belgrade. The agreement stipulated that authorities should contact IOM in cases of trafficking as soon as the process of information gathering at the reception centre was completed. Subsequently, an IOM officer would visit the reception centre, determine whether the person was indeed a “victim of trafficking”, and if so, provide information on the assistance programme offered to those who accept voluntary return. Since 2001, therefore IOM has been one of the main actors in identifying trafficked foreign women in Serbia. However, the overall situation for most victims was little improved. Besides the fact that IOM’s identification practically depended on the trafficked person’s willingness to be repatriated, any identification efforts could only reach the foreign women that were placed in the reception centre – in other words, women without proper passports. Upon the establishment of an IOM shelter in Belgrade in February 2002, the women who accepted the IOM repatriation programme were referred there and provided with medical, psychological, and other services.²⁸ However, it is unknown how many trafficked persons were not identified by the police, as well as how many women refused the IOM repatriation programme.

Thus, the key actors in identification and referral of trafficked women in Serbia in previous years were the police and IOM officials, with some cases of also being performed by local NGOs, consular representatives, and other actors. Identification was commonly performed on an *ad hoc* basis, depending on the self-determination of the victims and the personal views, skills, and “experience” of the professionals engaged. Most often, trafficked women were identified by police during targeted or routine raids, or by IOM officers at the detention centre for foreigners or in third countries. Only in few instances were they identified at the border crossings on their way in or out of the country, by traffic police units, or by consular representatives. National victims identified in third countries (Italy, Macedonia, Bosnia and Herzegovina, etc) were mostly assisted upon return by IOM and offered participation in its reintegration programme in Serbia.

²⁷ Serbian *Law on Public Order and Peace* (Official Bulletin of RS, Nos. 51/92, 53/93, 67/93, 48/94) stipulates that prostitution constitutes a misdemeanour for which a person practicing prostitution may be punished by up to 30 days in jail [Article 14(1)].

²⁸ However, when interviewed in this research, IOM program assistants declared that some of trafficked women who refused voluntary return were also placed and assisted in the shelter.

Since 2001, the lack of proper identification of trafficked women and children in Serbia has been widely addressed as a serious problem by local NGOs and IOs. Numerous sensitisation and training programmes have been implemented and managed by different actors in order to improve law enforcement performance in identification of trafficked persons. Because dependent countries in the southeastern European region have to respond quickly and positively to “soft law” and other initiatives from important international actors, the close cooperation between governmental bodies and NGOs has been agreed and implemented in Serbia, both with regard to the protection of and assistance to trafficked women and children, and with regards to their identification. The National Team for Combating Trafficking in Human Beings, including its working groups and various members, continues to play an important role in changing the practices and policies with regards to identification, protection, support, and assistance to trafficked persons.

Recent initiatives toward change

Trainings

Since 2001, numerous awareness-raising campaigns, seminars, roundtable discussions, conferences, and training programmes for the police, prosecutors, magistrates, judges, social workers, NGO representatives, and other professionals have been organised by the Serbian Ministry of Social Affairs, the Secretariat for Employment and Gender Equality of Vojvodina, local NGOs²⁹ and various IOs, foreign NGOs and governmental bodies.³⁰ Yet research conducted by the Victimology Society of Serbia in 2003 showed that only 35.8 percent of the interviewed professionals from law enforcement, social welfare institutions, and NGOs, throughout Serbia had attended some form of training (Nikolic-Ristanovic et al. 2004: 210). The research indicated both a professional and regional disproportionality in the inclusion of professionals in various forms of training: specifically NGO representatives, as well as representatives from the Serbian Ministry of Social Affairs

²⁹ NGOs Astra, Victimology Society of Serbia, Incest Trauma Center, Beosupport, etc.

³⁰ OSCE, Council of Europe, UNDP, USAID, ICMPD, SPTF, IOM, Lefö, Admira, La Strada, Hans Zeidel Foundation, Ministry of Interior of Greece, etc. One of the most recent, large-scale training programmes for the social welfare agencies was organised and carried out by the Serbian Ministry of Social Affairs with the financial support of OSCE and UNDP. Four seminars organised in the period from June to November 2003, included around 120 professionals from 46 Centres for Social Work in Serbia, all Serbian institutions concerned with care of orphans and children without parental care, and professionals from the Centre for Upbringing of Children and Youth in Belgrade. Each seminar lasted for two and a half days. The main goal was to educate the social welfare professionals on trafficking issues and to initiate the creation of mini-cooperative teams on the local level consisting of professionals from social welfare institutions, police, and NGOs.

and, particularly, the Ministry of the Interior, received much more training than other professional categories (prosecutors, judges, magistrates, etc).³¹ It was also discovered that professionals from Belgrade (within all professional categories) received much more training on this issue than those from the provinces. Almost half of the respondents from Belgrade – versus one-fourth from other parts of the country – had attended some form of training (Nikolic-Ristanovic et al. 2004: 210-211). Additionally, professionals employed in the headquarters of the ministries of Interior and the Social Affairs received much more training than those employed in the local Centres for Social Work and local police stations. The problem identified through this research is rather serious – especially considering that most of the professionals from the border towns (e.g. Apatin, Sombor, Po•arevac, and Novi Pazar) have never attended any form of education (ibid.: 210-211).

Approach Transformation

The identification of trafficked persons and referral practices in Serbia have been transformed over the last five years, particularly with respect to practices related to women trafficked for the purpose of sexual exploitation.

The most notable changes have happened over the last two years. The Serbian National Team has strongly promoted cooperation between governmental bodies, NGOs, and IOs on the full range of trafficking issues, including the protection of trafficked persons, following the guidelines received from the Stability Pact Task Force. Work on drafting the identification practices, referral structure, and standardised procedures has also intensified. Upon the initiative of the OSCE Mission to Serbia and Montenegro, a special referral structure called the “Referral and Counselling Centre” was created in October 2002. This body was supposed to be the central point of the cooperation scheme – that is, the Serbian National Referral Mechanism. Subsequently, the actors that often come across potential victims of trafficking in human beings were identified and linked into a cooperative framework (Kröger et al. 2004: 45). Together with the working group for victim assistance and protection of the National Team for Combating Trafficking in Human Beings, the OSCE Mission has since developed the “Guidelines for a Referral Mechanism of Trafficked Persons in FRY” (now Serbia and Montenegro),³²

³¹ NGO representatives and representatives from the Serbian Ministries of Social Affairs and Interior attended from between four to several dozen seminar and training programmes.

³² OSCE Mission to Serbia and Montenegro and Working Group on Victims Assistance: “Smernice za nacionalni mehanizam za upuivanje i preuzimanje brige o osobama koje su •rtve trgovine ljudskim biima u SR Jugoslaviji” (Guidelines for National Referral Mechanism for the Victims of Trafficking in Human Beings in FR Yugoslavia), in: National Team for Combating Trafficking in Human Beings (2001) *Aktivnosti jugoslovenskog tima u borbi protiv trgovine ljudima u 2001/2002* (Activities of the Yugoslav Team in Combating Trafficking in Human Beings in 2001/2002), Add., pp. 12-15.

and drafted a Memorandum of Understanding (MoU). The central element of the new referral structure is the creation of the “mobile team”, which is responsible for identification, needs assessment, and referral of trafficked persons, and consisting of one governmental and two NGO representatives – Astra and Counseling Centre against Family Violence (National Team for Combating THB, 2001: 12). Despite the fact that this initial structure failed to be implemented successfully before 2004, the identification and referrals by the mobile team members started informally at the end of 2002, even without clear and formalised procedures.³³

On a complementary track, numerous IO and local NGO activities aimed at awareness-raising, sensitisation, and educational training of the police, prosecutors, judges, magistrate judges, and professionals from the social welfare agencies, have led to notable improvement in the general prospects for proper identification of both national and foreign trafficked women in recent years. The identification of trafficked persons and referrals to the specialised NGOs have in recent months started to be performed by judges, prosecutors, magistrates, and lawyers. Furthermore, in 2002 the NGO Astra installed the ASTRA SOS information hotline, through which some cases of trafficked women were identified, including cases of internal trafficking. Anti-trafficking media campaigns and other NGO activities have also made trafficking issues more visible.

However, flexibility in the approaches used to identify trafficked persons is crucial. Elsewhere trafficking in women for the purpose of sexual exploitation has started to change its methods, becoming even more hidden or masked by seeming legality: the number of victims possessing valid documents has increased, but at the same time victims are increasingly kept and exploited in private apartments and isolated places outside the cities (Nikolic-Ristanovic et al. 2004: 185). Thus, identification criteria and proactive practices must be flexible in order to cope. Accordingly, the Ministry of Interior of Serbia, as well as other governmental actors, has been encouraged by the Stability Pact Task Force and OSCE to adopt a proactive, flexible, and victim-sensitive approach to the identification of trafficked persons. Notwithstanding the absence of a long-term, comprehensive National Plan of Action in Serbia,³⁴ the approach of the main actors – especially the police – has recently started to change from reactive to proactive (Nikolic-Ristanovic et al. 2004: 179).

³³ For instance, the NGO Astra used to contact the police as soon as they received information that a girl might be in a specific country. The local specialised NGOs in the destination country would also be contacted. As stated by the representatives of Astra, the result of these actions was the identification of 45 victims of trafficking: 30 of Serbian origin, and the rest foreigners (mainly Moldovans). Seven of those trafficked females were children.

³⁴ At this point of time, the Serbian National Action Plan is still under preparation.

In the working plan of the Serbian National Team for Combating Trafficking in Human Beings presented in October 17, 2002, it was pointed out that:

It is necessary to educate governmental and law-enforcement officials who might come across the victims as well those who work directly with victims (i.e. consular staff, the police, social workers, judges, prosecutors, magistrates and prison staff), in order to make them capable to recognise the methods and treatment used by traffickers, to recognise a victim on the basis of conversation and observation, as well as informed how to provide assistance and protection to those victims. (National Coordinator for the Fight Against Trafficking in Human Beings 2002: 8)

Because the national coordinator is also the deputy to chief commander of the Directorate of Border Police Administration for Foreigners and Administrative Affairs, the initiatives launched from the top of the National Team have been well-received by the Ministry of Interior. The Ministry underwent structural changes during 2002, resulting in the establishment of special police teams for combating trafficking on both the state and municipal levels. These teams comprise representatives from all departments of the Ministry: border police and administrative affairs, the department dealing with foreigners, organised crime, general crime, public law and order, and traffic police. Before 2004, around 400 of the officers on the new special police teams received special education with regard to the identification of trafficked persons.

Current identification and referral structure: mechanism and key actors

The Agency for Coordination of Protection of Victims of Trafficking in Human Beings and the Mobile Team

As mentioned earlier, the initial referral structure created in October 2002 in accordance with the OSCE “Guidelines for a Referral Mechanism of Trafficked Persons in FRY” was not implemented successfully. However, in December 2003, a new referral body called the “Agency for Coordination of Protection of Victims of Trafficking in Human Beings” was created from the same concept.³⁵

Resulting from joint efforts by the OSCE Mission to Serbia and Montenegro and the Ministry of Social Affairs of the Republic of Serbia (now the Ministry of Labour, Employment and Social Policy), the Agency was established as a governmental body and started work March 1, 2004. Currently, the Agency is adminis-

³⁵ In the text referred to either by its full name (Agency for Coordination of Protection of Victims of Trafficking in Human Beings) or as “the Agency”.

tratively and physically a part of the Centre for Upbringing of Children and Youth in Belgrade. However, it functions as an independent body inside the structure of the Ministry of Labour, Employment and Social Policy. At present, the Agency is co-financed by the OSCE Mission and the Ministry. However, the Ministry has committed to take over full financing after the expiration of the first, pilot phase of the implementation.³⁶

The Agency is charged with being the first point for contact for victims after they have been encountered by the police or other actors. It performs the identification, needs assessment, and referrals, and provides further assistance and monitoring of the protection of the trafficked person's human rights. The main duties of the Agency include: receiving information on possible trafficked persons from all other actors; going into the field to rescue possible victims; referring the victim to the proper assistance providers; keeping the victims fully informed on their options and rights; avoiding secondary victimisation; providing assistance in all administrative proceedings; coordinating assistance during legal proceedings; transporting the victims; gathering data on available assistance providers and services; and overseeing the reintegration of victims in Serbia.

The key task of the Agency is to ensure the correct identification of trafficked persons, and their subsequent referral to assistance providers. Protection, assistance, and support are offered to all trafficked persons, both foreign and national, regardless of their actual recognition as "victims of crime" by law enforcement agencies, or the willingness of the trafficked person to be repatriated or to cooperate with authorities in crime control efforts. The only two conditions for receiving help relate to the trafficked person's assent to be assisted and supported, and to a positive identification by the mobile team. As noted above, the mobile team is in charge of determining whether a person is a "victim of trafficking" in each individual case.

The creation of the Agency for Coordination of Protection of Victims of Trafficking in Human Beings also marked the beginning of the standardisation and formalisation of identification and referral procedures. This is an ongoing process: the MoU between the key actors (the Agency, Ministry of Interior, Ministry of Labour, Employment and Social Policy, relevant NGO representatives, IOM, and OSCE) is still waiting to be signed. It may be expected that the current (unformalised) practice will have an impact on the final MoU provisions.

³⁶ As stated by the representatives of the OSCE Mission during the public promotion of the Agency for Coordination of Protection to Victims of Trafficking in Human Beings in Republic of Serbia in June 2004, the establishment of the Agency has served as a pilot project for the National Referral Mechanism concept developed by OSCE's Office of Democratic Institutions and Human Rights (ODIHR).

The referral procedure starts when the Agency coordinator receives information on a possible victim of trafficking in human beings. Upon receiving the information, the coordinator goes into the field in order to take custody of a possible trafficked victim from the person who found her/him. The coordinator brings the possible trafficked person into the premises of the Agency, where the mobile team makes the assessment and identification as quickly as possible. If the identification is positive, the mobile team creates a personalised plan of protection and assistance, choosing the best possible solutions for the situation. Upon identification, needs assessment, and creation of the plan for protection and assistance, the trafficked person is referred to a shelter (or other accommodation if needed for security reasons) and/or other specialised services. Within the next seven days, the Agency applies for a residence permit (a reflection period).

The most recent development with regard to the identification of trafficked persons relates to the composition of the mobile team. In November 2004, it was decided (upon consultation between the Ministry of Employment, Labour and Social Policy and OSCE) that the mobile team would not have fixed membership in the future. Apart from the current NGO representatives from Astra and Counselling Centre against Family Violence, the team will be open to other NGO representatives and specialists (e.g. psychologists, psychiatrists, etc) on an as-needed basis for specific cases. The new members would be invited to participate in an *ad hoc* mobile team to perform the identification, needs assessment, and referrals of the trafficked person, a change which should enable the mobile team to react as quickly as possible.

The role of the police and other key actors in identification and referrals

Currently, the initial recognition of trafficked persons in Serbia may be enacted by the police, magistrates, prosecutors, judges, consular personnel, lawyers, NGOs, IOs, medical personnel, social welfare and educational institutions, and via hot-lines victim support services.³⁷ All of these actors are expected to inform the Agency for Cooperation of Protection of Victims of Trafficking in Human Beings immediately upon initial recognition of a trafficked person: all referrals should be performed via this Agency, and its mobile team is solely in charge of enacting the identification of trafficked persons, whether nationals or foreigners. The establishment of this specialised Agency has finally ended the former *ad hoc* referral practice based on informal networks and unstandardised procedures.

³⁷ For instance, the NGO Astra has managed an SOS telephone hotline for women victims of trafficking for several years, and has some experience with regard to identification of trafficked women and children. In April 2003, the NGO Victimology Society of Serbia established a service for providing support to victims of crime. The “VDS Info and Support to Crime Victims” offers emotional support and information to all victims of crime and refers them to specialised service providers.

However, in the future, as in the past, the police are naturally expected to be one of the main actors involved in the initial recognition of trafficked persons. Most of the initial information about trafficked persons is still expected to come from the police; typically the Agency only comes into play after being alerted by the special republican police unit for the trafficking in human beings that a new victim has been recognised by the police in any part of the country.³⁸

The IOM, as another key actor, is also expected to inform the Agency in all cases of trafficking in human beings. This precludes the IOM from giving repatriation and reintegration assistance to any victim before informing the Agency.

Similarly, all NGOs, including those capable of providing support and assistance to victims of trafficking, are supposed to inform the Agency immediately upon the initial recognition of a trafficked person.

Thus far, the new structure and procedure seems to be functional. Upon receiving information from the police or any other actor, the Agency contacts the Centre for Social Work (if the victim is a Serbian national), and the police in the area where the victim was found, and immediately informs the appropriate shelter as to the possible arrival of a new beneficiary. For national victims, the Centre for Social Work immediately assesses the family situation and capacity and, subsequently, the reintegration possibilities for the trafficked persons. This role is particularly crucial when minors are involved.

The Agency coordinator has described the first responses to identification cases as follows:

Regardless of where the information comes from, we respond in the very same way. The identification is the first step: upon receiving the information, three members of the mobile team go into the field in order to make the assessment and decision relative to the identification. So far, most calls we have received from the police. When the police finishes their part of the job, they call us. The Mobile team is the one who enacts the identification of victims. If we assess that the case of trafficking is in question, the police cancels the process of reporting and sanctioning girls for possible violations... The mobile team bears in mind the fact that most of the victims refuse to report their victimisation during the first inquiry. Victims need some time to stabilise themselves before they decide to talk about victimisation. Our first job in terms of identification of foreign victims had to do with three foreign girls that were found

³⁸ Soon after its establishment, the Agency representatives were tasked (in an agreement with the Ministry of Interior to visit the reception centre for foreigners on a regular basis (twice per month) in order to prevent the eventual detention or deportation of trafficked persons not recognised as such by the police.

without proper documentation. Police did not start any procedure against the girls for violations of law and informed us about the case from the very beginning... The police usually has the very first contact with victims. So the Agency tries to develop the closest possible coordination with the police.

The Agency typically pays for the assistance and support services provided to trafficked persons in the areas where they are found until they can be transferred to the shelter in Belgrade. Currently a roster of various service providers throughout the country is being developed, which will enable quicker response and contact with appropriate service providers, depending on the victim's needs.

Cooperation: principles, procedures and duties of key actors

Although it is not yet signed yet, the MoU between the Ministry of Interior, the Ministry of Labour, Employment and Social Policy, relevant NGO representatives, the IOM, and OSCE is expected to determine the formal procedure of identification and referrals and specify in detail the duties of each signatory party.

According to the draft MoU,³⁹ the agreed "General principles" with regard to the identification and assistance to trafficked persons, cover: "The key role of the Agency for Coordination of Protection of Victims of Trafficking in Human Beings" [Articles 3.1.-3.2.]; "The interests of victims" [Articles 3.10.-3.13.]; and "Confidentiality and privacy" [Articles 3.14.-3.17.].

As stipulated in the draft Memorandum, the Ministry of Interior "shall refrain from repressive measures (including detention in the Reception centre) against those persons who committed criminal acts or violations under the conditions of trafficking (e.g. illegal border crossing, illegal stay, prostitution, illegal work, possessing or using forged documents, and alike)" [Article 4.1.3].

The Ministry shall inform the Agency about each revealed case of possible trafficking as soon as possible [Article 4.1.1(ii)], and allow the presence of the Agency representatives during the police procedures [Article 4.1.1(iii)]. The Ministry shall undertake the responsibility for security of victims and those offering assistance to the victims. Security services shall be given in all phases of the victim assistance process, as well as during the victim's participation in different kinds of court proceedings in the Republic of Serbia [Article 4.1.6(i)]. The Ministry shall establish connections with colleagues in other countries if the victim's participation in court proceedings in Serbia could lead to security risks for her/his family in the country of origin, so as to prevent these security risks [Article 4.1.6(ii)]. Significantly, the Ministry "shall ensure that deportation of a victim from the

³⁹ *Memorandum o Sporazumevanju – Nacr (Memorandum of Understanding – Draft).*

Republic will not happen before this is considered safe by the Ministry” [Article 4.1.6(iii)]. The Ministry of Interior “shall develop security measures for each individual case and determine the end of security measures in cooperation with the Agency” [Article 4.1.7]. The Ministry shall not initiate the process of deportation if the victim (in the country she/he would have to return to) could face reprisals, torture, or threats before, during, and after the court proceedings, or if the life of the victim or her family members would be put in danger upon the victim’s return [Article 4.1.14(i); (ii)].

The Agency for Coordination of Protection of Victims of Trafficking in Human Beings “shall receive information from the signatory parties or any other (national or foreign) person regarding the possible victims, while the Mobile Team shall decide on the best suitable action” [Article 4.3.2(i)]. The mobile team decides whether a person qualifies as a victim, and informs all relevant signatory parties or other relevant persons on its decision [Article 4.3.2(ii)]. The decisions of the mobile team have to be made on a consensual basis and as rapidly as possible [Article 4.3.8(3)]. Significantly, the Agency has a duty to develop “guidelines for the identification of victims within six-months after the Coordinator started to work” [Article 4.3.2(ix)]. Only Agency representatives are authorised to refer trafficked persons to the shelter [Article 4.4.3]; they have the duty to escort and transfer trafficked women whenever they go out the shelter [Article 4.3.2]. Agency representatives must inform the police as to whether the trafficked person is willing to cooperate with the authorities or press charges, or whether the security situation with regard to the Agency, shelter, personnel, or victims has changed [Article 4.3.6.(ii)]. Importantly, the Agency must create, and update on a daily basis, the database on all available social and other services in the Republic of Serbia of relevance to victim assistance. The coordinator (or his/her assistant) is expected to be available 24 hours per day, seven days per week [Article 4.3.10].

According to the provisions of the draft MoU, the communication between shelter and other key actors shall be, in almost all cases, mediated by the Agency, and changes related to security issues in the shelter “shall be immediately reported to the Agency” [Article 4.4.7].

Particularly emphasizing the obligation to protect the privacy of trafficked women, the draft MoU explicitly stipulates that the media must not have any access to shelters, sheltered persons, or their personal data [Article 4.4.8], and that shelter staff members are obliged to keep information connected with the shelter and shelter victims secret [Article 4.4.9].

Although the MoU has not yet been signed, the designated actors already seem to be implementing most of the agreed tasks and procedures. It should be noted, however, that – apart from a cooperation agreement, which is expected to be fi-

nally formalised and signed between regular actors through the Memorandum – the Agency intends to develop a quite flexible approach to service provision, including making various bilateral agreements with relevant NGOs, medical institutions, and other service providers. Bilateral cooperation will be initiated and decided upon according to the specific needs assessments of victims; that is these bilateral agreements will be made on an *ad hoc* basis for the specific cases, or for specified services provided to various beneficiaries for an agreed period of time.

Reflection delay and residence permit

Until recently, there were no provisions for a reflection period or temporary residency permit for trafficked persons in Serbia. In 2004, however, the Serbian police started to practice a “toleration of stay” on an informal and *ad hoc* basis. On July 5, 2004, the *Instruction on conditions for obtaining temporary residence permit for foreign citizens, victims of trafficking in human beings* was adopted by the Minister of Interior of the Republic of Serbia, per the commitments taken on by signing the “Declaration on Commitments” at the Third Regional Ministerial Forum of the Stability Pact held in Tirana on December 11, 2002.

The *Instruction* stipulates granting trafficked persons a reflection period of three months on humanitarian grounds, for the purpose of providing protection and assistance during the process of recovery and repatriation [Para 2]. The foreign national must be judged a victim of trafficking needing protection and assistance. This assessment is carried out by the Agency [Para 1]. After the expiration of the reflection period, a new temporary residence permit can be approved under specific conditions. Specifically, a temporary residence permit for the period of six months can be issued if the trafficked person cooperates with competent authorities in the process of discovering criminal acts and perpetrators [Para 3]; and a temporary residence permit for the period of one year may be permitted if the trafficked person actively participates in the court proceeding as a witness or injured party, as well as “when it is necessary for her personal safety” [Para 4]. The temporary residence permit should be renewed if the conditions specified in Paragraphs 3 and 4 of the *Instruction* are still present.

According to the provisions of the Directions for the procedure of granting foreign nationals – victims of trafficking in human beings a temporary residence permit,⁴⁰ authorised persons from the Agency for Coordination of Protection of

⁴⁰ *Uputstvo o proceduri odobrenja privremenog boravka stranim državljanima •rtvama trgovine ljudima* (Directions for the procedure of granting foreign nationals – victims of trafficking in human beings a temporary residence permit), Document No. 26-1658/04 issued by the Ministry of Interior of the Republic of Serbia, Directorate of Border police, for Foreigners and Administrative Affairs on September 20, 2004.

Victims of Trafficking in Human Beings are responsible for submitting the formal request for a temporary residence permit to the Ministry of Interior. The formal request must be signed by the trafficked person. The procedure for issuing a residence permit should not take more than three days after the formal request is submitted. Within that period, specially trained police officers shall conduct an interview with the victim, avoiding secondary victimisation.

Although the relevant legislation has not yet been amended, the proposed regulations on temporary residence permits represent a huge step forward. Over the last few months, a reflection period has become an integral part of the state response towards protection of trafficked persons' rights, and has a huge impact on the referral mechanism relevant to foreign victims. The provisions on the duration of the reflection period, as well as the possibility for granting residence permits on humanitarian grounds and for security reasons (when unconditioned by the cooperation of the victim with authorities), are progressive compared to the regulations that exist in most of the other receiving countries in Europe.

Assistance and support services

Shelters and specialised services

Confidential shelter

The confidential shelter located in Belgrade and managed by Counselling Centre against Family Violence⁴¹ in cooperation with IOM was, until recently, the only shelter for trafficked women in Serbia. The shelter was launched in early 2002 following the provisions of the *Code of Conduct for the Establishing of Shelter for Trafficked Women in Belgrade*,⁴² developed in 2001 by the multidisciplinary team under the guidance of the OSCE Mission to Serbia and Montenegro.

The *Code of Conduct* stipulated the purpose and principles of sheltering, management of the shelter, target groups, security issues, entry procedures, and serv-

⁴¹ Before opening the shelter for victims of trafficking, the Counselling Centre against Family Violence, an NGO, managed a shelter for female victims of domestic violence. During the initial phase of establishing the shelter for trafficked women in Serbia, the shelter staff members received training by the Austrian NGO Lefö, which specialises in providing shelter, assistance, and support to victims of trafficking.

⁴² "Pravilnik ponašanja u skloništu za žene koje su žrtve trgovine ljudima u Beogradu" (The Code of Conduct for the Establishing the Shelter for Trafficked Women in Belgrade), in: National Team for Combating Trafficking in Human Beings (2001) *Aktivnosti jugoslovenskog tima u borbi protiv trgovine ljudima u 2001/2002, op. cit., Add., pp. 23-26.*

ices provided to the victims.⁴³ The stated purpose of the shelter was to create a safe space for trafficked women, including adequate and safe housing; access to all relevant health and social services; counselling in the trafficked woman's native language; and opportunities for education and training. The designated target groups for the shelter were:

- Foreign women who have been trafficked to Serbia and Montenegro (former FRY) for the purpose of sexual exploitation;
- Foreign women who have been trafficked to Serbia and Montenegro for the purpose of exploitation (forced marriage, domestic labour, and other forms of exploitation);
- Women from Serbia and Montenegro that have been trafficked for the purpose of sexual exploitation or any other form of exploitation and returned to their country of origin, and
- Women from Serbia and Montenegro who have been trafficked within the country for the purpose of sexual exploitation.⁴⁴

As explicitly stated in the *Code of Conduct*, returning to the country of origin was not a precondition for a foreign victim's admission to the shelter. The address of the premises was also determined to be highly confidential information. A consultation board consisting of members of the mobile team and the OSCE Mission to Serbia and Montenegro was appointed to monitor the implementation of the shelter and its ongoing activities.

The shelter has a capacity of 15 persons. Through December of 2004, a total of 144 trafficked women and children had been accommodated in the shelter: 111 were foreign and the remaining 35 were Serbian nationals, including three children. The average stay was one month. Initially, the shelter was intended to be a

⁴³ The signing of the MoU between the implementation partners (IOM and Counselling Centre against Family Violence) as well as the Letter of intent (between the implementation partners and the Ministry of Interior) was planned to be performed from the very beginning. The Letter of intent was expected to standardise procedures on the following issues: access to jails and detention centres; police support in the case of emergency at shelters; police escort for official travels; expeditious referrals of women in detention to victim-protection services; securing the safety of the shelter, staff and beneficiaries and short-term residence permit for victims. See: "Projekat osnivanja skloništa za žene žrtve trgovine ljudima u Beogradu" (The Project of Establishing the Shelter for Women Victims of Trafficked in Human Beings in Belgrade, in: *ibid.*: 16-22). Meanwhile, the broader draft Memorandum of Understanding between the all key actors of the protection, assistance and support system has been drafted, incorporating these issues.

⁴⁴ "Pravilnik ponašanja u skloništu za žene koje su žrtve trgovine ljudima u Beogradu", *op. cit.*, p. 24.

transit shelter (for one to two month stays). However, many victims, including foreigners, stayed much longer, sometimes for months, despite the fact that almost all of them were enrolled in an IOM repatriation programme and expressed a wish to return home as soon as possible. The reason for the relatively long stay of foreigners could be the length of the procedure to acquire travelling documents, but there may be other causes as well. Some sources noted that law enforcement bodies tended to delay issuance of exit visas in order to obtain more evidence from victims (Counter-Trafficking Regional Clearing Point 2003: 201). Bearing in mind that the foreign women were commonly restricted from freedom of movement outside the shelter (because of illegal residence status as well as for security reasons), it is questionable how this “service” (unwilling long-term sheltering) was regarded by the affected women. The length of the stay of national victims varied even more – from a few days to two-and-a-half years.

The shelter staff comprises five persons: two social workers, a nurse, a special pedagogue, and a supplier. Lawyers, psychotherapists, and interpreters (mostly Russian- and Romanian-speaking) visit the shelter when needed. The shelter staff members rotate day and night shifts. Commonly, one assistant stays at the shelter overnight. The counsellors have a duty to organise daily life in shelter, take care of security issues, and organise group counselling and recreational activities with all beneficiaries. However, they are also obliged to undertake special care of the beneficiaries that are assigned to them.

The services offered to women in the shelter include:

- Counselling;
- Medical screening and assistance;
- Psychological consultation;
- Educational assistance;
- Legal consultation and assistance;
- Interpretation;
- Providing of recreational activities, such as television, videos, books, board games, creative workshops, language study, fitness, and other recreational outings.

Each new beneficiary is expected to be familiar with and accept the rules for living in the shelter, including cleaning and cooking duties, regulations for entering and leaving the premises, and restriction in telephone communications. Upon entering the shelter, each new beneficiary is left in peace for the first two-three days in order to stabilise herself. Within this phase, women are only introduced

to the shelter rules and the contract between the beneficiary and shelter. The first interview (usually lasting between 20 and 45 minutes) is performed after a few days of stabilisation. Subsequently, each beneficiary is referred to one of the shelter social workers, who is assigned to be specifically dedicated to her needs and can play a mentoring role.

Counselling and educational assistance

The counsellors' "minimal criteria for working with a trafficked woman" include:⁴⁵ security and protection (women should feel safe); confidence and anonymity; women's consent to counselling; the counsellor has to act confidently; the counsellor's duty is to listen to a woman and to counsel her; the counsellor has to respect women's decisions; and the aim of counselling should be support and empowerment.

The shelter's counsellors recognise empowerment as a strategy for making women take control over their own lives and enjoy the right to make decisions on their own. The recognised aims of the counselling include: psychosocial stabilisation; working out the process that led to traumatising; providing information relative to health and available medical services; planning of future life (respecting the available resources); and developing new abilities and skills.

In dealing with a trafficked woman, counsellors are expected to show care, attentiveness, and understanding, and to follow the principles of patience, respectful distance, trust, attention, and availability.

Educational workshops are organised once or twice a week, and usually last for 30-45 minutes. They include:

- Health and hygiene education (information on drug and alcohol dependence, STDs);
- Information sharing (on customs in countries of origin, cultural background, experience in countries of destination, information on trafficking, shelters and services in countries of origin);
- Language skills trainings (English, Serbian, etc, according to the interests of the beneficiaries);
- Computer literacy (Word, Excel, and internet);
- Sewing courses.

⁴⁵ The written lists of counselling criteria, aims and guidelines were obtained personally from the shelter counsellors.

The creative workshops (not necessarily in-group work) include painting, drawing, sculpting, etc. They are organised according to the wishes and interests of the beneficiaries.

Medical screening and assistance

Medical screening is offered to women soon upon their arrival. Most of them request routine medical examinations. The basic medical screenings take place in the shelter.

On the basis of agreements between private medical institutions and the IOM and/or shelter, gynaecological examinations are usually performed by specialists from private clinics. Almost all women in the shelter need more or less extensive gynaecological medical treatment. Tests for sexually transmitted diseases are commonly offered (except HIV tests), and most of the women request them and subsequently receive some medical treatment.

If needed, women are referred to specialists at medical institutions for further examination and treatment. However, there are no protocols for the cases of hospitalisation of sheltered women. The few hospitalisations required for physical conditions or psychiatric disorders proceeded on an *ad hoc* basis. The problem of lack of financial resources generally limits the access of trafficked women (especially foreigners) to specialised medical services. Serbian nationals also have difficulty in accessing specialised medical services in public medical institutions if they are not in possession of medical insurance documentation. Considering that access to free medical services covered by medical insurance requires an initial registration in the medical institution in the place of residence – which sometimes may not be performed without exposing a woman to safety risks – medical care of Serbian women sheltered in Belgrade often demands additional expenses because of the need to acquire services from private medical institutions.

Psychological consultation

Psychological assistance in the shelter is provided by a clinical psychologist, mainly through individual and group counselling sessions based on assessments from the initial diagnostic interview. Soon after a woman comes to the shelter, the psychologist conducts the introductory meeting. After the phase of adaptation and initiation of the recovery phase, the psychologist conducts diagnostic interviews, psychological tests, and needs assessments.

So far, psychotherapy was needed only in a couple of cases. If there is a need for psychiatric treatment, the psychiatrist would be invited to visit the shelter in order to make an examination, provide for psychiatric care, or refer the beneficiary to a medical health institution if necessary. However, psychiatric care and treatment (with regard to mental disorders, alcohol and drug dependence) have rarely been needed so far.

Legal consultation and assistance

Legal assistance offered to the shelter's beneficiaries encompasses assistance in providing documentation needed for returning home; information regarding the legal status in the destination country or as a victim of trafficking in human beings; legal counselling; and legal representation for victims who participate in legal proceedings against traffickers. While the IOM is the main actor in providing travelling documentation,⁴⁶ lawyers engaged by the shelter management provide for other kinds of legal assistance.

Once a week, the lawyer comes to the shelter and organises an information session, where he/she explains relevant legal issues and answers questions. The lawyer also provides general information to the beneficiaries in writing. As a rule, almost all women choose to participate in the lawyer's information sessions. The victims that have participated in criminal cases have received legal assistance and representation.

As mentioned before, under Serbian legislation, it is possible for victims to join civil damage claims appended to criminal cases against traffickers, as well as to pursue a separate civil claim in a lawsuit. The lawyer, who acted as the legal representative of the sheltered victims that participated in criminal proceedings as injured parties, assisted them in adhering civil damage claims to the criminal cases. However, so far, none of the trafficked women have succeeded in obtaining legal redress within the criminal proceedings (except in one case, when one Serbian victim obtained partial redress). In other words, the victims were normally referred to civil lawsuits that may be expensive and last for years. Bearing in mind the extremely tough economic situation of the victims, as well as the fact that foreigners usually have to leave Serbia long before the civil proceedings could even start, the issue of limitation of possibilities for exercising the right to legal redress inevitably arises. However, it is expected that the Agency will contribute to protecting victims' rights in legal proceedings in the future. This proceeds from its agenda with regard to coordination of assistance to victims through all legal procedures, as well as from its current ambition to establish the practice of providing free legal aid and assistance to victims of trafficking in both criminal and civil proceedings.

"Transition house"

On June 1, 2004, the new one-year reintegration programme for Serbian trafficked women started, and a new, open-type reintegration shelter (*Transition house*) was established. The new reintegration programme is funded by IOM through the fi-

⁴⁶ The process of obtaining of travel documentation normally lasts from few a days to one month, depending on whether a woman has any identity documentation in possession and/or whether the country she comes from has diplomatic mission in Serbia.

nancial support of the U.S. government. The implementation partner is the local NGO that runs the shelter and carries out the programme. Initially, four Serbian girls, two adults and two minors, were involved into the programme and subsequently transferred from the confidential shelter to the transition house. Later, three more girls were included into the programme.

The transition house is a middle-class apartment in Belgrade, consisting of two rooms, one workroom, a kitchen, and a bathroom. The capacity of the shelter is five persons. The shelter personnel include two coordinators (working as counsellors at the same time) from the NGO Atina. Counsellors visit the shelter regularly, but beneficiaries are encouraged to call them whenever they need to. There are a few, basic house rules that are mutually agreed on by the staff and the beneficiaries at the beginning. The prohibitions are related to the use of drugs and alcohol in the shelter and revealing the shelter's address, phone numbers, and other confidential information to strangers. The violation of these basic rules can lead to exclusion from the shelter, but not from the reintegration programme as such. On the other hand, girls are not supervised 24 hours a day.

The medical assistance of beneficiaries is generally provided through the regular national system of health insurance. Psychological assistance and support is provided through individual sessions and group work, depending on the needs and preferences of the beneficiaries. Normally, the psychologist visits the shelter once a week, as does the legal advisor who provides the beneficiaries with all the information they need concerning their status and rights in relation to the legal proceedings. In addition, the legal advisor provides beneficiaries with other information and legal advices, upon their requests. Most often, the information that beneficiaries ask for relates to their family situation (e.g. what are the legal obligations of divorced parents toward children and how to ensure them, what is the legal procedure for applying for relief, etc).

Generally, the beneficiaries are obliged to enrol in school or vocational trainings of their choice. Additionally, they are offered the chance to attend language courses or other courses. In the form of educational workshops, all beneficiaries are instructed in basic computer skills; seeking and applying for a job; writing CVs; assessing their own needs and capacities; and so on. Within the reintegration programme framework, the personalised programmes for each beneficiary are created in line with individual needs, wishes, and expectations. At the same time, two counsellors tend to try out some alternative approaches to education and integration: for example, they encourage the girls to get involved in various NGO support and education programmes and activities. There is also a plan for realising "workshops for economic empowering", in cooperation with other NGOs. The programme is similar to those that already exist for preventive purposes, and will be applied by means of a two-day seminar. The beneficiaries will be supported in

personal identity empowering and recognising and meeting their own needs and aspirations.

Having finished school or a course, each beneficiary is encouraged and assisted in finding a job. The integration programme oversees a three-month supervision of beneficiaries after they leave the shelter. The special “advisory body” will estimate the success of their reintegration. If they determine that the girl should be brought back to the shelter for some additional time, she would be given that option.

Repatriation and reintegration assistance

Currently, the biggest part of the reintegration assistance to both Serbian and foreign women and children trafficked in/from Serbia is provided by the IOM. Most often, this assistance includes voluntary assisted repatriation and subsequent enrolment into the IOM reintegration programmes in the countries of origin. In Serbia, there are no special social assistance programmes for foreign trafficked women and children in place.

Repatriation and reintegration of foreign trafficked women identified in Serbia

Foreign trafficked women and children identified in Serbia and willing to return home are commonly referred to the IOM. The IOM’s “voluntary assisted repatriation package” includes pre-departure assistance (shelter, medical and psychological care, legal assistance, and recreational activities), transfer to the country of origin, and post-return assistance (escort to final destination, financial assistance, and enrolment in reintegration programmes).

The majority of the IOM voluntary assisted repatriation of trafficked persons identified in Serbia was provided for Moldovan, Romanian, and Ukrainian women and children.⁴⁷ All of them had been sheltered in Serbia and provided with the common service package. On average, foreign women and children stayed in the shelter for four to five weeks before repatriation. As stated by IOM programme assistants, the victims commonly stay at the shelter as long as necessary while preparing physically and mentally for the return. Meanwhile, IOM obtains travel documents and informs the receiving mission in the country of origin in order to ensure the preparation of the reintegration programme. When the time comes, the victims are escorted to the airport and during transit. IOM staff in the country of origin wait for the woman at the airport and escort her to the final destination, if she agrees.

⁴⁷ As of the middle of 2003, IOM had assisted the voluntary return of 124 foreign women and children identified in Serbia. Moldovan nationals prevailed in the structure (48%), followed by Romanians (30%) and Ukrainians (16%). (See: Counter-Trafficking Regional Clearing Point 2003: 198).

The draft MoU stipulates several new procedures and duties regarding the processing of reintegration of trafficked persons, both foreigners and nationals. Namely, the IOM should offer necessary information to the Agency for Coordination of Protection of Victims of Trafficking in Human Beings in order to enable an assessment of the circumstances in which the victim should be returned [Article 4.5.2]. Although there is no doubt that “assessment of circumstances” is primarily targeted on security aspects, this provision will hopefully mark the first sign of future development towards the continuity of protection, assistance, and finally, integration.

Currently, the Agency intends to develop the practice of requesting feedback information from the services providers to which victims are referred. It is now preparing for the first follow-up activity on repatriation, related to a Ukrainian woman. In order to develop the follow-up practice, the Agency plans to cooperate closely with the IOM, local NGOs, and other service providers in the countries of origin.

The Agency also intends to standardise a practice of providing the victims with all necessary information on possible reintegration programmes in the country of origin. The written agreement that is expected to be signed between the Agency and the IOM shall stipulate that the IOM will enact the repatriation, regardless of the victim’s choices related to repatriation programmes offered in the country of origin. In the future, victims shall be allowed to choose between various reintegration programmes offered by different service providers in their country of origin upon their repatriation.

It should be noted that there is a general tendency towards the Agency undertaking full responsibility for repatriation in the future, which would secure access to a full range of services for all trafficked persons before and during the repatriation process, regardless of the accessibility of the IOM’s or other repatriation programmes. The Agency has already acquired some experience in this regard, providing the repatriation services in a few cases during the last year.

Repatriation and reintegration of Serbian trafficked women

The Serbian women trafficked abroad are either deported from their destination country, assisted in voluntary repatriation by the IOM, or manage to return on their own. Many of them have little or no information on assistance services and reintegration programmes offered to trafficked women in Serbia. The Serbian women waiting for deportation or preparing for return on their own can get information on shelter, services, and reintegration programmes in Serbia only if they have had an opportunity to come into touch with specialised NGOs in the destination country that cooperate with specialised NGOs in Belgrade. On the other hand, Serbian women returning through the IOM repatriation programme are

commonly given some basic information on the shelter, services, and reintegration programmes in Serbia by the IOM missions in destination countries.

The women returning to the country without IOM repatriation assistance may be informed of, and referred to, rehabilitation and repatriation service providers if they are recognised as victims of trafficking by law enforcement officials, lawyers, NGOs, or other actors. Women repatriated by the IOM are commonly picked up at the airport and offered shelter, specialised services, and reintegration assistance immediately upon arrival. Former experience has shown that the rate of refusals of IOM reintegration assistance is rather low.

Women who decide to enrol in the IOM reintegration programme commonly stay in the shelter. Because the confidential shelter does not have provisions on the duration of stay, women may stay in the shelter as long as they need services. Those who choose to return home have the opportunity to come back to the shelter if at any time they change their mind. Women staying in the shelter are normally provided with a post-return assistance package (medical, psychological, and social assistance), as well as educational and vocational training opportunities and assistance in finding a job. One of the current initiatives is to provide regular counselling and support for all women, regardless of whether they choose to stay in the shelter or immediately go back to their local community. The women who choose to go home are offered support by the IOM in the form of funding for educational/vocational training, as well as some additional financial support. Local NGOs may also be subcontracted by the IOM to assist the women. However, this kind of IOM support is limited to one year.⁴⁸

The beneficiaries are normally expected to gradually undertake responsibility for their own future as they recover their self-esteem. At first, women and girls are expected to enrol in school or, at least, vocational training. Upon the return of women to the community, the role of local actors becomes crucial, in terms of both assistance and support and, in particular, integration and social inclusion. As pointed out by the IOM programme assistants, a general strategy under the reintegration programme is to allocate the responsibility for the victims and potential victims back to the community. Currently, this is not an easy task, considering the various regulative, organisational, financial, and other issues: for instance, “victims of trafficking” have not been defined as a category that the Centres for Social Work are directly responsible for. However, this group of beneficiaries may be encompassed by other categories, such as children from broken homes, dysfunctional families, families with poor living conditions, etc. Within their current frameworks, and with the exception of child cases, the Centres for Social Work are

⁴⁸ So far, the IOM has provided this kind of support for five women who decided to go back to their communities.

obliged to engage in financial and other assistance to trafficked women only in the case of extremely poor living conditions or in the case of maternity. Although the Ministry of Social Affairs has recognised the need to engage the centres in activities related to prevention and reintegration of trafficked persons, and has arranged training programs for social workers from throughout Serbia initiating the creation of “mini teams” on the municipal level, the personal sensitivity and goodwill of local welfare workers still crucially determine the Centres’ activation – which appears to be generally insufficient.

The IOM one-year reintegration programme that is being realised at the newly established open-type shelter (transition house) is based on a strategy of support, leading to empowerment, culminating in a return to the community. The counsellors from the transition house have established regular contacts and cooperation with the Agency for Coordination of Protection of Victims of Trafficking in Human Beings. This cooperation is expected to intensify as beneficiaries are prepared to leave the shelter, as well as during the subsequent monitoring of the reintegration process.

Assistance, protection and support of child victims

The absence of a sub-system for referrals, assistance, protection, and support of minor victims of trafficking in human beings is currently one of the biggest and most often addressed shortcomings of the Serbian national referral mechanism. Despite the fact that the guidelines for a referral mechanism for trafficked persons, developed by the OSCE Mission to Serbia and Montenegro and the Working Group for victim assistance and protection, has foreseen a special referral procedure and protection and assistance services for child victims, there is still no such referral subsystem in place in Serbia. Today, both foreign and Serbian minors are sheltered alongside adult women, and offered practically the same protection, assistance, and integration programmes as adults. Official guardians for minors have not yet been appointed, and the participation of the vast majority of local Centres for Social Work in Serbia is currently too modest. However, it should be noted that the draft MoU recognises the current international standards with regard to protection and assistance to child victims of trafficking, stipulating that UNICEF’s *Recommendations for Special Measures to Protect Children Victims of trafficking in South Eastern Europe* “shall be applied as much as possible” [Article 3.12.].

Concluding remarks

Currently, a human rights-based approach to the issue of trafficking in human beings is increasingly shaping the general strategy of international and national anti-trafficking responses. At the national level, the contemporary anti-trafficking response is expected to be both normatively based on international human rights standards and operationally directed to the promotion and protection of human rights, especially those of victims (ICMPD 2004: 10). States are generally expected to develop anti-trafficking laws and policies with due consideration to internationally recognised human rights standards. At the same time, they are expected to adopt a comprehensive, multidisciplinary, and cross-sectoral approach to the problem of trafficking in human beings, and to build up partnership with civil society and a cooperative framework through which states may fulfil their obligations to protect the human rights of trafficked persons.

The components of a comprehensive, rights-based protection and assistance system should be: proper identification and protection from further physical and psychological harm to trafficked persons; provision of information on human rights and on the specific rights they are afforded as crime victims, and the opportunity to exercise those rights; and provision of medical, psychological, social, and legal support and assistance throughout the entire process of recovery and social inclusion. The establishment of a National Referral Mechanism – the mechanism of cooperation between all relevant governmental and nongovernmental actors and stakeholders – is a task of special importance within the process of building up a comprehensive national response towards the protection of and assistance to trafficked persons. Partnership and cooperation between governmental bodies, NGOs, and other civil society actors is considered crucial for the protection and promotion of the full range of trafficked persons' rights. Besides playing an important role in providing support and assistance to trafficked persons, NGOs guarantee advocacy for, and the monitoring of, the implementation of human rights standards.

In general, the present practice of identification of trafficked persons is far from efficient. In many European and other countries, there is still the need to develop identification criteria and sophisticated means for identification; educate the police and other actors; and sufficiently promote and systematically protect trafficked persons' rights. Within national responses, there is still a lack of guarantees with regard to respecting the trafficked person's right to privacy and right to be fully informed and protected from reprisals, as well as of the non-discrimination principle. Most national laws still contain "rewarding provisions" with regard to issuing residence permits to trafficked persons, revealing the prioritisation of crime/migration control policy over the protection of victims' human rights. There also

remains the need to better protect victims/witnesses participating in criminal proceedings from secondary victimisation, intimidation, and reprisals; more comprehensive procedural and other appropriate protective measures and practices are still needed. Some improvements are also needed regarding the access of victims of trafficking to legal redress and compensation in both criminal and civil proceedings (or through the state compensation scheme). Establishment of institutional frameworks, cooperation structures, and referral mechanisms aimed at ensuring access of all trafficked persons to basic social assistance and protection – including safe accommodation, medical care, psychological and legal assistance, education, training, and employment opportunities – is still in the preliminary phases of consideration in most countries worldwide. Quality standards of services, adequate funding of NGO service providers, development of special measures of protection and assistance to child victims, establishment of safe and dignified return procedures and comprehensive social assistance programmes, and cooperation between governmental bodies, NGOs and, IOs in sending and host countries, are issues that must be thoroughly considered in future.

The Serbian national response with regard to protection, assistance, and support of trafficked persons has undergone a dynamic process of change during the last five years. Under the initiatives of international actors and NGOs, the general cooperative framework and referral structure have been established. The Agency for Coordination of Protection of Victims of Trafficking in Human Beings – the central part of new referral structure - was established as a governmental body. Thus, the state has undertaken the responsibility for providing basic assistance and protection to all trafficked persons, regardless of their decision relative to cooperation with law enforcement agencies and/or participation in criminal proceedings. Through the mobile team, NGOs participate regularly in the process of identification of trafficked persons. However, the standardisation and formalisation of identification and referral procedure are still ongoing processes, and the MoU between the key governmental and nongovernmental actors has not yet been signed.

Recent regulatory changes related to issuing a “reflection period” and a residence permit to trafficked persons reflect a positive change in the approach of governmental actors in terms of the balance between crime/migration control agendas and protection of the human rights of victims. As of recently, all immigrants identified by the mobile team as victims of trafficking are granted a three-month reflection period. Importantly, the issuing of a renewable residence permit upon the expiration of the reflection period should not be based on the victim’s decision to cooperate with law enforcement or to participate in criminal proceedings as an injured party or witness. A renewable residence permit can also be issued in the case of personal safety risks. However, these regulatory changes adopted

by the Serbian Minister of Interior have not yet become part of the relevant legislation.

Along with positive new developments in Serbia regarding the range and scope of protection, assistance, and support services for trafficked persons, there are still many shortages waiting to be resolved in the future by the National Team for Combating Trafficking in Human Beings and the Agency for Coordination of Protection of Victims of Trafficking in Human Beings. For example, quality service standards for service providers have not yet been developed. Furthermore, the reintegration programmes carried out in Serbia have neither been thoroughly discussed within the national team before implementation, nor systematically evaluated. Limited employment opportunities generally weaken the prospects of social inclusion of trafficked women. Information to returning women and children on reintegration programmes and social assistance available in their countries of origin is rather insufficient. Access to free legal aid in criminal and civil proceedings, and to medical services, is still limited and un-systematic. The financing of the confidential shelter is a further challenge: because the IOM is not able to cover all the shelter's expenses, supplementary funds have to be obtained by shelter management. There is also a lack of standardised procedures of risk assessments with regard to the safety of returning women and children. Victim/witness protection is far from sufficient, especially in the cases not deemed by the competent authorities to be organised crime cases. Intensive advocacy for further legislative amendments towards improving the procedural rights and position of victims and witnesses in legal proceedings, and their protection from reprisals, re-traumatisation, and secondary victimisation, appear necessary.

The absence of a sub-system for referrals, assistance, protection, and support of child victims of trafficking in human beings is one of the biggest shortcomings of the Serbian protection and assistance system. The procedures and practices involved in appointing a guardian for child victims, assessments of the child's best interest as the leading principle in any action related to repatriation, and various measures of protection and assistance to children, have not yet been developed. The participation of Centres for Social Work in protection, assistance, and rehabilitation of child victims appears to be insufficient; the NGOs providing services to trafficked children experience limited cooperation with the local welfare institutions.

Although a new, promising referral structure has finally appeared in Serbia, the fact is that activation of the Agency and mobile team practically depends on information received from other actors. Indirectly, protection and assistance to victims depends on the level of sensitisation to trafficking issues and recognition of human rights standards by various actors in society. Apart from the implementation of structures, principles, and guidelines, the long-term mission to ensure adequate protection and assistance to victims will require a continuous struggle with prejudices and lack of awareness and training among professionals, especially those in the provinces.

Who were the victims we met and what made them vulnerable?

By Vesna Nikolic-Ristanovic

Introduction

In this chapter we present the social and family backgrounds of the victims of sex trafficking that we met, and explore their agency and coping skills prior to being trafficked. The main aim of the chapter is to give a complex and multidimensional insight into the life of sex trafficking victims before trafficking, and to explore the relationship between the original (before trafficking) coping abilities of the trafficked women and their vulnerability to sex trafficking. By showing a diversity of backgrounds, situations, and experiences of trafficked women, we hope to expand the scarce knowledge on the victims of trafficking, and the processes through which they get entrapped in trafficking (Kelly 2002: 32, 42). In this way, we also hope to contribute to dismissing the existing stereotypes about trafficked women from eastern Europe as “loose women”, eager to emigrate and become rich. Finally, the knowledge contained in this chapter may be significant for the creation of both prevention and rehabilitation programs for victims of sex trafficking.

Age of victims

The age of the victims we interviewed ranged from 16 to 35 years. At the time they were trafficked, almost half of the victims were younger than 18, i.e. they were minors. Hence, the interviewed victims were from the age groups that, according to available data for Serbia, are most vulnerable to sex trafficking (IOM 2003; Nikolic-Ristanovic et al. 2004: 29,57).

Origin and destination

Since Serbia is a country of both origin, transit, and destination for trafficking, victims of trafficking in Serbia are both domestic and foreign citizens. Foreign citizens prevail among identified and assisted victims, and they are most often from Ukraine, Romania, or Moldova (Nikolic-Ristanovic et al. 2004: 29, 58). The common countries of destination for women trafficked from/through Serbia are Bosnia, Macedonia, Kosovo, Croatia, Slovenia, Germany, and Italy.

The victims that we met were both foreign and Serbian citizens. The foreign citizens were originally from Ukraine, Romania, Bosnia, and Moldova, which is consistent with the origins of most of the victims trafficked to and through Serbia. Similarly, their final destinations were among the common destination countries listed above.

Involvement in prostitution

More than half of the interviewed victims had at some point been involved in prostitution. However, only one got involved in prostitution “voluntarily”, while six were forced into prostitution either before or after they were sold. The rest of the victims were not involved in prostitution at all, either because their “owners” did not force them to – they served as dancers or domestic slaves – or because they were rescued before their “owner” could exploit them in prostitution.

Education

According to existing data for Serbia and for the countries from where victims are trafficked through and to Serbia, and according to the assessments of the experts interviewed as part of our own research, the typical educational level attained by victims of sex trafficking is primary and secondary school (Nikolic-Ristanovic et al. 2004: 31, 59; Amnesty International 2004: 10). Minors that have dropped out of school before their high school graduation are especially vulnerable (IOM 2003a: 5).

The victims we met fit the standard profile: all had either primary or secondary school; one had started, but left, university; and none of the interviewed victims had a university degree. Most of the victims had only primary school: they had either abandoned school, or were still attending high school, when trafficked.

As we will see later in this chapter, the connection between educational level and women’s vulnerability to trafficking is primarily related to women’s decision to leave school and look for a job. Insufficient education also contributes to a lack of opportunities and the skills necessary to make informed choices on appropriate jobs, whether in their home country or abroad.

Employment status and economic situation

Victims of trafficking are both unemployed and employed women. A recent IOM survey in Moldova found that over 70 percent of the victims defined themselves as poor or very poor, and that those that were employed earned less than 30 euros per month. 88 percent told IOM that their main reason for leaving Moldova was to find work (Amnesty International 2004: 10). Among our interviewees, some were employed before trafficking and some were unemployed.

At the time they were trafficked, both minor and adult victims were forced to look for job in order to secure economic survival. The adult women either lost their previous job and were looking for a new one, or found themselves on the street without any source of income after becoming an adult and having to leave orphanage. Minor girls, on the other hand, usually left their homes because of family conflicts, and consequently were seeking a way to secure their own survival/economically independent life. In some cases, they had to look for a way to secure the economic survival of the entire family. The most striking example in that regard is Tanja's case:

The economic living conditions were very difficult for Tanja and her mother – they lived in a rented apartment, the mother had no permanent job, and she recently got seriously ill. Tanja had to find a job soon after she finished primary school, and this is why she left high school. She had been working in a shop for about a year. But one day (one year before she left home) the shop was closed, and she lost her job. Tanja's "ordinary" day before leaving home was marked by always looking for a job and desperation because of hard economic deprivation.

However, many of the women we met, whether they had been employed or unemployed, had faced economic difficulties and/or were in need of additional money to secure a sufficient standard of living for their families. Victims of trafficking that were employed at the time they were recruited often had jobs that did not require particular qualifications (e.g. in video clubs, flower shops, waitressing, etc), in accordance with their educational background. Some of them decided to accept the offer after discussing with their partners which one of them should travel abroad to work.

Kacusa and Oxana described their situation to us in the following way:

Kacusa worked as a nurse in Ukraine. After sixteen years in the job, she quit to go to Belgrade. Her monthly salary had been approximately 50 Euro (her husband earned about the same). They had enough money to buy food, etc., but not enough to buy clothes for the children. Kacusa's husband used to work with computers. He had been supposed to go to Siberia to work, but he had delayed his departure to wait for Kacusa's return.

Oxana explained similarly why she looked for a job abroad: “I used to work in a video club. My salary was dependent on the number of videos that were rented - I used to work ‘on percent’. My husband works and earns enough money for one person, but that is not enough for the entire family.”

Very similar in terms of economic hardship is the story of Ljudmila, published in the Serbian women’s magazine *Lisa* (*Lisa*, No 19, 6 May 2004):

I was born twenty-three years ago in Ukraine. My family was impoverished, like most of the families in my homeland are. My father left me, my mother, and my brother, for another woman very early during my childhood, so growing up was a struggle. My mother worked in the local co-op, and my brother attended elementary school. Despite the fact that we could barely feed ourselves, I always knew that the only chance I had was education, which would allow me to make something out of my life. I completed the pre-med high school, and I spent the greater part of my life working various jobs, and giving all the money I earned to my mother, in appreciation for her continuing efforts to get me and my brother onto the right path in life. My early youth had been very difficult, because of all the responsibilities I had, but also because we were faced with a fight for survival and a fear from an altogether uncertain future. Because the poverty in Ukraine is of frightening proportions.

However, the vulnerability of the employed victims was not always connected only to an insufficient salary, which prompted them to look for another, better-paid job; in some cases, the offers for better-paid jobs came in their workplaces. Moreover, although most of the women had economic difficulties before being trafficked, we also came across the case of a minor whose good economic situation, together with family problems, made her vulnerable to trafficking:

Anita’s mother had a large amount of money since she had sold a truck. Two days before Anita and the money disappeared, her mother had put the money in Anita’s room, considering that it was a safer place. She informed Anita about it and warned her not to tell anybody. However, Anita had a boyfriend who was very poor and who had bad company. Anita was threatened with a gun and asked by her boyfriend’s friends to come to some hotel and to bring a passport, a health security card, and the money, and to give that to them, otherwise they would harm her, her mother, and her brother. Thus, Anita was both robbed and abducted.

This illustrates some of the diversity of backgrounds among victims of trafficking for sexual exploitation, and underlines the need of a holistic approach to their situation.

Victims' family situation

Our interviews with both victims and experts suggest that, besides being faced with economic problems, victims often come from broken or dysfunctional homes and/or families where domestic violence is a problem. Based on interviews with 105 trafficked women, IOM found that 22 percent had been physically or psychologically abused within their family, while another 15 percent reported physical and sexual violence. The same findings suggest that many women's final decision to leave home was precipitated by an argument with their parents or partner, or an episode of domestic violence (Amnesty International 2004: 11). The psychologist at the shelter for victims of trafficking in Belgrade estimates that about 80 percent of the victims come from broken families: "They grow up with one parent, their parents are usually divorced, or one or both parents are alcoholics."

Our research findings confirm the connection between family problems and women's vulnerability to trafficking, but they also show that some trafficked women come from nuclear families with more or less stable relationships. Before being trafficked, the victims that we met had either lived with their parent(s) and/or siblings; husbands; children (as single mothers); or did not live with their own family members at all (e.g. grown up in an orphanage). The majority of them lived in one-parent/partner families, where either the father or the mother was missing, or else were divorced and living as single mothers. In addition, especially when the victim's mother was missing, victims often lived with both the single parent and other family members (e.g. their paternal grandparents).

The family situation of the victims who previously lived in broken families was always connected with serious difficulties and problems, even in the cases where the family relationships were described as normal. The common feature of the victims from these families was that the victims' decisions to leave home were directly connected to bad family relationships, domestic violence, and/or other traumatic events. Thus, victims usually left their family/home before being trafficked, and this contributed to their vulnerability.

Against the backdrop of dominant one-parent families, we identified two groups of victims:

1. Victims with good family relationships, but who experienced economic difficulties/traumatic events;
2. Victims facing disturbed family relationships and conflicts (with and without domestic violence – child and/or wife abuse), as well as economic difficulties.

Thus, the vulnerability of women from broken families was connected with either economic or family problems/traumatic events, or with both.

Economic difficulties were usually the main problem for single mothers, who had a hard time earning enough money in their own countries to secure a decent life for their children.

For Natalija, as a single mother, the main problem was to secure a decent future for her daughter. She said that she could not manage normal life with a salary of 30 euros. She also realized that it would be important for the future of her daughter to save some money, which she could never earn working in Ukraine. Thus, her feeling of responsibility for her child's future was the main motivating factor for her to look for a job abroad.

However, there were also cases of minor girls who found themselves in a difficult economic situation and responsible for the economic survival of their only parent. Connected to the situation of single mothers, the minors' burden of responsibility was much heavier due to the reversal of roles: although they were children, they had to support those that are expected to be supporters and caregivers.

Economic difficulties and aspects of disturbed relationships – including conflicts, gender-based restrictions, and/or sexual stereotypes – were often part of the reality in the family life of the women before they were trafficked. Women living with their fathers and grandparents, seem to have been especially vulnerable, both as minors and as adult women.

The case of Bilja is especially illustrative in that regard.

Bilja's parents were divorced. Her mother married again and got a new child. Bilja described her relationships with her father as fine, with occasional conflicts, while, according to her, her mother was a "bad woman". Although Bilja did not describe her family relationships as conflicts, bad relationships between her parents, as well as strong misunderstandings with her grandmother (who used to replace her absent mother), obviously had a negative impact on her and contributed to her decision to leave school and further to her vulnerability to trafficking. Bilja's decision to leave school was the result of her active resistance to the imposed way of life which was based on traditional gender expectations and an old-fashioned way of treating children. The fact that she did not like it was crucial for the further decisions and changes that led her towards being trafficked. She described her family situation in the following way: "My grandmother was an old-fashioned woman. She thought that domestic chores were the most important things in the world. I did not have time to learn because she forced me to do domestic chores. Also, my mother put pressure on my father to make me go to a highschool which I did not like instead of one I liked very much. So, I felt bad because of that, I was not interested in learning these particular subjects, and I left school."

Bilja was still a minor when she left school. She sought work and changed jobs several times because of the low salary. Finally, she found a job in a shop owned by two women. After some time, they spread rumors that she was pregnant and had had an abortion; this led her to have conflicts with both her father and boyfriend. This was the eventual reason why she decided to leave her father's home, split from her boyfriend, and live on her own. All these changes made her vulnerable to trafficking.

Several victims who lived with their father or both parents were faced with domestic violence as well. Gender-based restrictions and domestic violence precipitated their decisions to leave home, and made them vulnerable to prostitution and later to trafficking. Mila's case is a striking example:

Mila considered the divorce of her parents as "the beginning of all the problems" in her life. At that time she was 14 year-old and just finishing primary school. Her parents' divorce was accompanied by conflicts and "fighting" over Mila's place of living and otherwise for proving that they were right. While her father wanted Mila to live with his own parents, where she found herself at the time of their divorce, her mother wanted her to come back and live with her. After severe arguments, Mila's mother rejected her. At the same time, she did not feel that her father cared about her: "I know very well why he pressured me to stay at his parents after the divorce. You see, my father comes from some kind of 'nice' family where divorce is seen as a blame... If none of the children lived with him or his parents, people could say that he was the one who had to be blamed for the divorce. My staying there gave him a chance to blame my mother."

Mila described her new life with her grandparents as highly restrictive and full of emotional violence, based on gendered and sexual stereotypes: "They were killing me psychologically", "they were insulting me every day", "they often told me that I was a whore like my mother", etc. Mila also did not attend school during this time. After some time passed, Mila decided to leave her paternal grandparents and move to the house of her friend, who had previously worked as a prostitute. Mila explained her decision as "led by the impulse to do something, to change my life somehow". She could not stand being with her grandparents any longer, and was not aware of any other alternative. She soon started to work as a prostitute "for fun" and "to earn a living". When Mila left, her grandparents reported her disappearance to the police and to Mila's father. The police soon found Mila and brought her back to her grandparents, informing them that she was involved in prostitution; afterwards her father came home and beat Mila so brutally that she ended up in hospital. The result was that Mila eventually broke off all contact with her father, and returned to prostitution. She said: "For me, he didn't exist

anymore. I went to the police after that episode and told them that he would be a dead man if they ever took me back to him”.

In Mila’s case, it is obvious that her decision to leave home and begin working as a prostitute was directly connected to the bad relationships and gendered violence she suffered in her family.

Apart from the above-mentioned cases, in which the minor girls’ decisions to leave home were connected with problems and violence in single father families and extended families, there were also cases of adult women who, after divorcing, went back to live (together with their children), at their father’s house and experienced violence. For example, Sofia was a single mother who went to live with her father after separating from the father of her child in March, 1999. After the separation, Sofia looked for a job, without success. At the same time, the relationship with her father became complicated and increasingly fragile. Sofia often had verbal conflicts with him; he also abused her physically. At one point, Sofia ended up in hospital with three broken ribs as a result of her father’s violence.

Among the women we met, there were also those that left their homes in order to escape the violence of their stepfathers, men that their widowed mothers had married. In Jana’s case, for example, the worsening of the family relationship was connected to the new marriage of her mother after the death of her father. After one year, her stepfather started to “yell at them and beat them”. The increasing violence from her stepfather eventually made Jana leave her family: as she said, the situation at home made her very nervous, and she “did things without thinking about the consequences”. The precipitating event was when she started to date a boy, and her stepfather started to follow her wherever she was going. One day, when he saw her with the boy, they had a fight. Afterwards, as a result of the fight, she decided to leave the house and went to stay with her brother in his apartment.

However, for the minor victims, family problems were not always the result of parental divorce or having to live with fathers and stepfathers; sometimes, the worsening of the family relationships were connected to traumatic events such as war, exile, or the sudden death of their father. Anita’s case is an example:

One day, when he went to a market, Anita’s father had a stroke, and soon after that he passed away. He was 46 years old then. The family situation started to change from that moment on - everybody tried to live through it in their own way, and Anita’s way was to lock herself in her room and watch videotapes with her father, which would make her cry. Most probably, this sudden change, which added new trauma to her war and refugee trauma, affected Anita’s relationship with her mother as well. Thus, although Anita described the relationships with her mother as stable and good, there are some indications that immediately before her disappearance/kidnapping they had very severe argu-

ments, which, together with her traumas, could have contributed to her vulnerability to kidnapping.

Victims that did not grow up with their families at all usually spent their childhood in an orphanage, which they had to leave at the age of 19. At that point, they often did not get support from social welfare or from their broader family. Draga, for example, had only two brothers. However, she could not rely on them, since she had a bad relationship with one of them, while the other brother was in prison. In order to cope with the situation after leaving orphanage, she had to look for a job. This turned out to be exactly what made her vulnerable to trafficking.

Victims who lived in nuclear families described their family relationships as stable and supportive, mentioning having only occasional arguments. Their efforts to go abroad were connected primarily with their need for a temporary job as a source of additional money in order to provide a better life for their family and/or themselves, but money-related tensions in the family contributed as well. Occasional arguments among family-members were mostly attributed to insufficient earnings, i.e. poverty, and to the alcoholism of a family member.

Anka, for example, mentioned having arguments with her mother because her mother expected her to contribute more to covering the family expenses:

I was living with my family at that time. I always had discussions with my mother about money. There were always some bills my mother wanted me to pay, telephone or other things. But, besides this, the relationship was good. These quarrels made me nervous. I wanted to go and live with my girlfriend.

Similarly, a case heard in the municipal court in a small Serbian town suggests the vulnerability of minor girls who live in nuclear families and are faced with both poverty and alcoholism:

M. is the second child of five, born in a legitimate marriage, in a family of very limited living conditions. The father was an unemployed tin tradesman, while the mother was a housewife. Her father was an alcoholic, but according to M's statement to a psychiatrist and to a clinic's psychologist who evaluated her psychological condition, he was not violent to his family members (while drinking he would only joke with them). According to M's statement to judicial experts, she was equally close to her mother and father and had a good relationship with both of them. Yet, the family was suffering because of poverty and the father's alcoholism.

Coping as vulnerability – women searching for a solution and recruiters who seem to have it

The life histories of the interviewed victims suggest that their vulnerability to trafficking is the combined result of the difficult situation they found themselves in and their efforts to actively cope or find a solution to their problems. As noted by a Belgrade-based psychiatrist, vulnerability is the result of several factors, such as bad family and socio-economic situations, a bad moment in women's lives, and the appearance of the person who makes the offer that led to trafficking.

As seen above, the difficulties that victims face are mostly related to different combinations (or the individual influence) of factors such as economic problems; family problems; traumas connected to the death of a family member, illness and/or war; and gender-based discrimination and violence. However, the victims that we interviewed did not remain passive: they tried to change their life. Ljudmila explained how proud she felt in trying to make changes in her life: "My heart was filled with hope and at its root was the core human need to work in order to change one's life."¹

Unfortunately, exactly these attempts to cope with the difficulties they faced often led women into the hands of recruiters. Interviewed victims were recruited through job promises/offers, domestic prostitution, and kidnapping, all of which have been identified by many researchers as common forms of recruitment (Kelly 2002: 30; Nikolic-Ristanovic 2002: 116; Nikolic-Ristanovic et al. 2004: 72, 99).

Job promises were typical in the recruitment of both foreign and domestic victims, while kidnapping and recruitment into domestic prostitution were found only in the cases of the domestic victims that were interviewed. However, other research sources and findings suggest that kidnapping exists in other countries as well, particularly often in Albania, Moldova, and Ukraine (Kelly 2002: 30).

The job offers usually came from known or unknown persons, or from newspaper advertisements. In most of the cases, the women had good reason to trust the offers, such as that the recruiter was known to them or looked friendly, and told them that some girls they knew were already abroad. However, the women's trust was abused, and their expectations for a better life were turned into a tragedy.

Anka was working in a bar/restaurant when she was trafficked. She met a guy that was also working there, and they were friends for three months. One day when she was working, this guy told her that he had a good friend in Italy, and that she could go there and work as a waitress. She would earn more money, and she could live alone. He also told her that he knew this girl in Italy, that Anka also knew. Anka had heard that she was working in a boutique, and she

¹ *Lisa*, No 19, 6 May, 2004

didn't suspect anything wrong. She knew her as a good girl, and she had also finished high school.

Sometimes women heard "stories with a happy ending" from other women who went to work abroad. As an IOM survey in Romania suggests, they heard about cases of successful migration from acquaintances or from the recruiters who communicated the job proposals to them (IOM 2003a: 6).

The psychologist from the shelter for trafficked women in Belgrade commented: "I believe them. They believed in a promised job until the very end."

Tanja read the newspaper ads and saw an advertisement offering transport to Germany in order to seek asylum. Tanja had already heard many times that all Romas who went to Germany and succeeded in getting an asylum, immediately after also got a job and an apartment. She desperately needed a job because she had to earn money to provide for her mother. She remembers that day: she was so desperate, so sad and hopeless. "I have never wanted anything more than to find my sister and live all together: her, mother, and me...". Tanja had no doubt that she would get the "asylum" as soon as she came to Germany: "Yes, that is really true! Every Roma I know said that he/she had got asylum, a job, and an apartment after coming to Germany." Tanja called the number from the newspapers and got into contact with "some older man" who drove her by car to what was meant to be Germany.

Sometimes they even had good experiences themselves from previous experiences working in other countries.

Oxana came to work in Serbia. Her acquaintance proposed that to her. She lived in Kiev. Serbia was the second country where she had gone to work. The first time she has been to Cyprus. She used to work as dancer there as well. That was in 2003, and she did not have any problems at all. During her stay there she was free and used to go to seaside. Police used to come every week and ask if everything was OK. She expected the same to happen in Serbia. In Ukraine she heard nice things about Serbia – like that there was big money in Serbia and that everything was fine there. According to Oxana, she did not hear much about the risks.

But it also sometimes happened that women trusted offers from completely unknown men, without obvious reasons to have confidence in them. Usually these women were simply not in a position to make a well-informed choice, considering their difficult situation.

Jana said that she started to date a boy, and her stepfather started to follow her wherever she was going. One day he saw her with the boy and they had a fight. As a result of this conflict, she decided to leave the house, and went to stay with her brother in his apartment. During this period she used to spend time walking around with her girlfriend. They met two men they didn't know from before. She met these men 2-3 times, and they offered her a job in Italy. The men said that they would make all necessary documents, and that they would travel by plane. She didn't have to pay anything for the documents or the trip, and they promised that they would get her a job in a restaurant.

Not all the women made their decisions alone. In some cases, their families participated in the decisionmaking or, at least, supported them in their decision.

Ljudmila², for example, met two young men, while she was walking on the main street of her hometown with her girl friend. They offered to take them out for a drink to a nearby restaurant. They were about ten years older than Ljudmila and her friend (who were eighteen at the time), and they looked very sophisticated. They drove luxury cars and were dressed in the finest of suits, and Ljudmila and her friend felt flattered that they approached and wanted to meet the two of them. During conversation they mentioned that they had an employment agency. They also mentioned also that the girls could get jobs in Italy, Germany, or Austria. They told that most of the girls were wanted for babysitting, nursing, or club dancing. Ljudmila spoke with her mother and brother, and together they decided that she should accept the offer. It seemed like a reasonable decision, since in this way she would be able to help herself as well as her family.

For some women, getting involved in domestic prostitution preceded trafficking. Some were forced to prostitute themselves, and afterwards they became an easy target of traffickers. For example, Bilja's decision to leave home did not mean that she decided to be involved in prostitution, but it made her vulnerable to become forced into it by the women she worked for and their friends. Bilja was first raped cruelly, then stigmatized, forced into prostitution and finally sold in Italy. Thus, Bilja's vulnerability to forced prostitution is primarily the result of her gender-related stigmatization, which was used to make her less worthy in the eyes of people she loved and, thus, also in her own eyes. As a result of this, she decided to leave home.

The other victims became involved in prostitution through their own decisions, in an attempt to improve their lives by leaving a disturbed family situation

² *Lisa*, No 19, 6 May, 2004

and domestic violence. However, even when they themselves decided to work in prostitution, they soon lost control over their lives and became severely victimised in different ways, including trafficking.

Although it is rare, kidnapping also exists as a recruitment method in Serbia. Among the victims we interviewed, Anita was the only one that had been kidnapped. As mentioned above, Anita herself was desperate and wanted to leave home – a fact that most probably was known to traffickers. This links her case with the cases where the connection between the woman's desire for positive change and her vulnerability is more direct and, thus, more visible. This is even more obvious in the previously mentioned case from the municipal court:

M. finished elementary school with satisfactory marks. She started high school but after failing the first grade she decided to leave school and start working. A month before the recruitment she left home and took up residence with a married couple. She worked as a waitress for a while but quit the job in search for a better one. This is exactly when the couple she was living with kidnapped her by force and intimidation and later trafficked her.

However, there also cases of kidnapping of girls without any pre-history, in terms of direct or indirect relationships between the victims and traffickers.

L.L. from Romania, for example, was abducted when she went out of an internet café. Her brother left earlier due to other commitments, so she stayed there alone until 7 PM. When she went out it was already dark. A car was parked in front of the café with three men inside. The man who was in front seat, pulled her hand and threw her into the car. They took her to an apartment that belonged to the people who “bought” her and who kept her locked up for four months.

Cases of kidnapping are very important to study because of the complete lack of agency at the moment of recruitment, and thus the lack of any control from the victim's side. These cases should be given special attention and taken seriously with respect to the rehabilitation of the victim, especially bearing in mind the impact of trafficking on women's coping abilities.

Passive victims or active agents – reconsidering the notions of victims and survivors

The images of trafficked women that prevail both in the media and within academic literature tend to reinforce stereotypes of them either as passive victims or “migrant sex workers” who exercise agency in seeking a way to earn a living. However, some authors have noted that all trafficked women, like all human be-

ings, exercise agency. Moreover, some NGOs that support trafficked women are also beginning to develop more complex frameworks to understand the impact of sexual exploitation, from a perspective that emphasises the importance of recognising the coping and survival strategies of women (Kelly 2002: 40).

There is an ongoing debate on the use of terms to denote individuals who have been trafficked. Kelly emphasizes the effort invested into establishing an understanding of these individuals as “victims” – “both in terms of the violent crimes such as rape and assault they have endured, and the range of human rights violations that sexual exploitation involves” (Kelly 2002: 17). Yet the term has been widely criticized for implying passivity and denying agency, and feminists have “substituted the word ‘survivor’ for ‘victim’, in order to both challenge victim-blame and make visible women and children’s resistance and coping strategies” (Kelly and Radford 1996:20). Kelly nevertheless concludes that it may be too soon to introduce the term survivor into work on trafficking, “where many are still unwilling to accord the status of victim to those who are sexually exploited” (Kelly 2002: 17). Also, as Goody has observed, “recognizing the ‘victimhood’ of trafficking cases is not to construct trafficked women as one-dimensional ‘victims’ who are powerless [...] Individual victims may want recognition as victims, while others will not be happy with a ‘victim’ label that fails to distinguish their experience or experiences of victimisation that predates this latter state”(Goody 2004: 34).

However, little of the existing research in this field has focused on the victim’s agency as it was exercised before the victimisation, i.e. how women’s active search for solutions was abused and manipulated, and what kind of consequences this may have on their recovery and rehabilitation. One of the questions crucial for successful rehabilitation is how to make best use of the women’s original coping skills, or how to help them recover these skills while they are supported, assisted, and empowered, in order to avoid the trap of re-victimisation.

Our research findings, presented in this chapter, suggest that there is a clear connection between women’s coping strategies and their vulnerability to trafficking. Coping is transformed into vulnerability and disempowerment rather than positive change because women are acting in conditions where their space for action is severely constrained (Kelly 2002: 40). There are few, if any, alternatives, and this results in the dependency on powerful others that “rule[s] out the capacity for meaningful choice” (Kabeer 2003: 170). Moreover, this absence of choice “is likely to affect women and men differently because gender-related inequalities often intensify the effects of poverty” (Kabeer 2003: 170).

The combination of structural constraints and agency, resulting in vulnerability, has by some authors been termed as a “forced/coerced willingness” (CVME 2001, quoted by Kelly 2002: 29). We found two illustrative examples of this combination in our own research material:

In order to improve the desperate economic situation of her family, Tanja responded to an advertisement in the newspaper offering transport to Germany and assistance in seeking asylum there. On the way to the final destination, she was left behind at a border crossing and later discovered by the local police and transferred to an NGO offering shelter for victims of trafficking. It was assumed by both the police and the NGO that Tanja was a case of attempted trafficking. Looking back at these events, Tanja said: “I am glad I had the opportunity to find myself ready to make a decision about something, stand up and do it. I astonished myself! I made the decision and executed it on my own. Oh, that really helped me to gain self-confidence. I demonstrated to myself that I truly can do much more than to sit and cry.”

According to the court case file of the victim M, a photograph from the period before she was trafficked showed a girl with a bit confused expression and a slightly insecure posture, dressed in a very modest, dark dress and old, a bit shabby light-colored shoes. She was probably photographed in her room, or in the room of some of her friends of the same age. The wall at the background was covered by posters and photos of Jennifer Lopez, Kylie Minogue, Britney Spears and other smiling beauties with long hair in sparkling and expensive wardrobes and generally, perfect “outfit”. That sparkling wall and M’s modest, almost gloomy appearance in front of it, looked somewhat sad and personified a pathetic contrast between these two infinitely distant worlds.

This is further confirmed by the statement of the psychologist at one of the shelters in Belgrade, who noticed that trafficked women are not integrated enough in their families, making them an easy target for traffickers. Because they did not feel self-confident, those that offered them some security and the possibility of self-promotion had the opportunity to gain their trust. At the same time, the trafficked women have very traditional views about gender issues. They still seek security in men – for example, they want to be married to a man who can support them, and often say that they do not necessarily need to work themselves. Similarly, the IOM report for Romania showed that women who are vulnerable to trafficking are “rather independent and risk-takers able to cope with uncertainty”, but at the same time do not feel close to their family and do not value education as a means to achieving success, tending to think instead that money would justify the acceptance of any job (IOM 2003a: 5).

In order to avoid vulnerability, there must be alternatives. While empowerment can be defined as the ability to make choices, the term “agency” relates to how a choice is put into effect; or, as Goddard states, agency refers to “the capacity of individuals or groups to embark on processes of autonomous self-realization. The

approach is one that considers agency as 'located in a dialectic relationship with social structures' and 'embedded in social relations'" (Goddard 2000: 27). Applied to our research findings, this suggests that women's desperate state – because of their difficult situation and their efforts to find a solution/exit from it – contributes both to their inaccurate perception of risks, i.e. to a mistaken cost/ benefit calculation, and to the failure to anticipate danger (Nikolic-Ristanovic 2002: 136). This is further intensified by their lack of risk awareness and information (Brunovskis and Tyldum 2004: 117). As the IOM report for Romania suggests, the vulnerable girls are actually less aware than other girls their age. This, together with their strong desire to find a solution to their difficult situation, makes them "deny or tend not to listen to cases of deception and exploitation because they want to maintain a positive outlook so [as] to be able to continue to nurture their dream of working abroad" (IOM 2003a: 6).

Herman stresses that "those who are already disempowered or disconnected from others are most at risk" (Herman 1992: 60). Victims of trafficking that we met often lacked appropriate social support from the family or broader society, or both, in relation to the difficulties they faced before being trafficked. They even experienced deception by those they expected this kind of support from; this is evident in the case of Mila, who was completely shocked and in denial, upon discovering that the man who pretended to be her boyfriend and her means of getting out of prostitution, intended to sell her. Thus, our research findings confirm the connection between the lack of support to victims regarding their prior problems and traumas, on the one hand, and their vulnerability to trafficking, on the other. Bearing in mind that social support is one of the most important sources of effective coping (Lazarus, quoted by Vlajkovic 1992:104), we can assume that the lack or manipulation of support may be a serious obstacle to efficient coping with the problems, which in turn makes women vulnerable to trafficking. As we will see in the next chapters, this is even more important afterwards, when women's self-esteem and, thus, their original coping abilities, are seriously affected by different forms of victimisation.

Conclusion

The victims that we met were between 16 and 35 years old. They were both foreign³ and Serbian citizens, and they were trafficked to Bosnia, Macedonia, Kosovo, Croatia, Slovenia, Germany, Italy, and Serbia. They had either primary or secondary school, and whereas some of them had dropped out of school, others were still attending high school when trafficked. The connection between education and the women's vulnerability to trafficking is mainly related to the women's decision to leave school and look for a job. Furthermore, insufficient education contributed to a decrease in opportunities and skills needed to make a well-informed choice of appropriate job, whether in their own or other countries. Some of the victims were unemployed, others were employed, but both groups faced economic difficulties. Apart from those who were forced to work in prostitution, we also met girls who entered prostitution "voluntarily". In addition to economic problems, victims were faced with family problems and domestic violence; however some trafficked women came from nuclear families with more or less stable relationships as well.

Our research findings suggest that women's active search for solutions was abused and manipulated, illustrating that there is a connection between women's coping strategies and their vulnerability to trafficking. In addition, our findings suggest that coping was transformed into vulnerability because women were acting under conditions where their space for action was severely constrained. Finally, our findings confirm a connection between the lack of social support to the victims in dealing with problems before they were trafficked, and their vulnerability to trafficking.

³ The foreign victims of trafficking that we interviewed were from Ukraine, Romania, Bosnia, and Moldova.

What victims went through and how they survived

By Vesna Nikolic-Ristanovic

Introduction

The aim of this chapter is to explore the different forms of victimisation experienced by the victims of trafficking we met. We explore the continuity of victimisation and coping in the lives of trafficked women, the links between the different forms of violence they suffer, and the consequences of trafficking for the victims. In addition, we explore the impact of some external actors, such as the police, judges, prosecutors, defence lawyers, and victims' legal representatives, in terms of secondary victimisation, vulnerability to re-victimisation, or protection and empowerment of victims. In the conclusion of this chapter, we suggest possible implications of victimisation on the agency of women, and the role that gender plays in that regard. To explore the relationship between victimisation and agency, our research findings are compared with existing feminist theories on violence against women.

Inventory of suffering: The victims' experience of violence and control

The victims of trafficking we met experienced various forms of interconnected victimisation. They were victims of physical, psychological, and sexual violence; of kidnapping and robbery; and they were kept in isolation and under control in different ways. They were also forced to prostitute themselves, to work as entertainers, to do domestic work, as well as to use alcohol and drugs. Moreover, the

women were sold and resold many times, their documents were withdrawn from them, they were deceived about their documents' validity, they were forced to work without payment, and they were humiliated on a daily basis. Thus, they were kept under constant fear and threats, and had good reason to believe that those who were supposed to protect them were not willing to do so. On the contrary, their own experiences often showed that they were left at the mercy of their abusers, and that asking for help from outsiders might have jeopardized them even further. Some of them were arrested and experienced severe victimisation in relation to failed attempts to seek help.

Violence, control, and intimidation started very early – immediately after recruitment, or while working voluntarily in domestic prostitution, or during preparation for selling or transfer abroad, or immediately after coming to the destination country. Women often suffer the worst violence in the earliest stages of trafficking, something that is connected to their actual or expected resistance, escape, or pleas for help. The deputy of chief of the detention centre for foreigners in Belgrade supports this thesis, noting: “The first time that the girl shows any disagreement or rebellion her boss punishes her brutally in order to discipline her. By using that tactic he ‘trains’ her to work more and more for less and less money”.

In one case, for which the trial was held in a small Serbian town, when the police stopped a car with the recruiters and the victim inside, the female recruiter put a knife to the victim's belly, threatening to stab her if she asked the police for help. Also, Bilja told us that she experienced the worst violence at the very beginning of being a victim of trafficking. The violence started already in the town where she used to live in Serbia. She was abused physically and sexually, and forced to drink alcohol and take drugs as well. After coming to Italy she was left on her own in a flat where she experienced traumas all the time. She was raped, robbed, and beaten with the intention to frighten her. Tatjana, a Moldovan woman trafficked to Serbia, experienced very brutal sexual violence at the very beginning of her stay in Serbia. She jumped from the 2nd floor of the building where she had been held confined for 20 days and raped by two men that guarded her.

In the early stages of trafficking, isolation and violence are usual ways of preparing the victim to work in prostitution. The aim of the preparation is to break the victim mentally by making her feel worthless, helpless, ashamed, and stigmatized, and thus unable to reject working in prostitution. Sexual violence is especially effective in making victims feel as if they do not have alternatives to working in prostitution. This also means that, after being subjected to the cruelest violence, a victim would accept prostitution abroad as less evil in comparison to what hap-

pened to her during the preparation in her home country (Chassagne and Gjelošhaj 2004: 34).

Women are subjected to the worst physical and sexual violence if they refuse to obey, i.e. to work as prostitutes. Unfortunately, violence is usually effective in making women accept all the terms they are set by their exploiters. As an Amnesty International survey suggests, “women who protest are subjected to violent threats and abuse. This abuse is deliberately designed to instil fear in women and create dependence on their traffickers” (Amnesty International 2004: 13).

Sofia, for example, says that, after arriving in Italy by boat, she was brought to some flat and explained that she was expected to work as a street prostitute. She protested. Soon after that, Sofia was moved into a deserted house. There she was locked up for three days and beaten and kicked extremely hard. The man who beat her also twice cut her so that she had to mend her own open wounds on the leg and the arm. She was beaten until she accepted to work as a street prostitutes.

As Nazer puts it, “traffickers typically use coercive strategies to ensure that women do not escape, including sexual abuse, torture, imprisonment, and threats of violence towards the victims or their families back home” (Nazer, quoted by Albert and Santos 2004: 59). Women hear tragic stories about other women, which makes the threats sound so real that the control is effective. For instance, one victim said: “Who knows what could happen to me. I heard later that the girl I had been living with for months, was found dead somewhere”.

Mobility is also a typical tool used by traffickers to keep the victim isolated from her surroundings. As recent surveys on sex trafficking suggest, moving victims constantly prevents them from building new identities, close relationships with clients, and trust in social services and authorities, and keeps them perpetually insecure by creating an unpredictable and unsafe environment (Chassagne and Gjelošhaj 2004: 33; Amnesty International 2004: 15). Similarly, the deputy chief of the detention centre for foreigners in Belgrade told us that traffickers tend not to keep the girls in the same place for too long, so as to prevent them from building relationships and close contacts with local people and, eventually, feeling safer.

Prostitution itself includes numerous forms of violence and control. Control, intimidation, humiliation, and a constant feeling that a woman cannot expect protection from anyone except her pimp, are constantly present. The victim’s exclusion from relationships with people other than those from the “underworld” makes it impossible for her to ask for help from people outside of it. Indeed, some of the victims who were originally involved in domestic prostitution without being trafficked suffered violence and control by their pimps, and did not have oth-

er choices than to ask for protection from the even more abusive men who later became their traffickers.

Mila, for example, described that she and her friend were threatened and terrified so much by their pimp that they had to ask someone for protection. Her friend found another “tough guy” who protected them from their ex-pimp and his old rival. But then a real nightmare started for them: the “protector” became their new pimp, and he was much more brutal and violent than the previous one. He controlled them by forcing them into alcohol and drug addiction as well as by physical and emotional violence. They had to do everything for him, including smuggling drugs over the Bosnian-Croatian border, which was most often Mila’s job because she was the youngest. “If I refused to do what he ordered, he would start to beat my friend. He knew that was what hurt me the most, and that I would do anything to stop it”, said Mila.

Our research findings suggest that control is implemented in various ways, and that physical and sexual violence is only one aspect of it. As in domestic violence, trafficking includes many control tactics, which contribute significantly to making the physical and sexual violence effective. Control tactics often include fear and the lack of freedom of movement, but also economic and emotional abuse, intimidation, threats, isolation, and other forms of control. In that regard, our findings are in accordance with the findings of Giobbe et al. (quoted by Farley et al. 1998: 410), who described methods of coercive control exercised by pimps and customers over women in prostitution as identical to the methods used by battering men to control women. In trafficking cases, control also includes other forms of psychological abuse, such as lies and deception, emotional manipulation, and blackmail – in particular, threatening to tell women’s families back home about the true nature of their work and telling them that no one will protect them (Amnesty International, 2004: 15). Moreover, the victim is often given a new name to signify the “total obliteration of her previous identity and her submission to the new order” (Herman 1992: 93).

This was further confirmed by Dusan Zlokas, the Serbian national coordinator for combating trafficking, who said: “Victims are in a state of total fear of their traffickers: they are frightened of their bosses, they do not have the freedom of movement, they are scared of everyone, especially of the police, because they have been told that the police would arrest them as soon as they find them”. He mentioned the example of four girls that had freedom of movement in the six months immediately after they were trafficked, but nevertheless did not dare to report their situation. This was because their traffickers made them believe that everyone in the neighbourhood – from the man in the coffee shop to the taxi driver – was part of their network. This way of exercising control is particularly power-

ful when the victims are led to believe that there are close links between their traffickers and the police.

Natasa was stopped by the Montenegro police at the border between Montenegro and Serbia, and it was discovered that she had a false passport. She was very afraid, because “everyone” said to her that if she was caught “she was going down”. She said: “Everybody told me that if I was stopped by the police, everything was over. I was afraid they would arrest me. I was not aware that I was a victim, and I thought that I would be put in jail”.

Women in prostitution are also used by their pimps to prevent other women from escaping:

Sofia said that there was no chance for her to run away while she was living together with the other girls. She could escape only during the day; at night it was impossible. Whenever one girl tried to run away, the other girls immediately reported that to the boss. He would alarm the whole “mafia”, and the runaway girl would be found very quickly and severely punished. Sofia supposed that at least 20 girls had been working for her boss. She realised that if she wanted to escape, she should separate herself as much as possible from the other girls.

As in domestic violence cases (Walker 1989: 42), cycles of violent and kind behaviour by the abusers are also found in trafficking cases. However, it seems that the predictability of violence is higher in cases of trafficking than in battering cases. In situations of domestic violence, “the battered woman may not know, from one minute to the next, whether she will be faced with her ‘good’ husband or her ‘bad’ husband” (Walker 1989: 47). In trafficking, conversely, once the woman stops opposing working in prostitution, and as long as she behaves in a way that pleases her “boss”, the victim may expect to be taken care of so that she looks good for her customers. On the other hand, however, any later rejection or attempt to escape provokes violence and cruel treatment. The example of Sofia is illustrative in this regard. As already mentioned, Sofia was beaten until she agreed to work as a street prostitute. However, from the moment Sofia accepted working on the street, her pimp completely changed his behaviour towards her: he stopped behaving violently and cruelly and instead became “kind”.

Thus, the survival of a person in prostitution to a great extent depends on her ability to predict the pimp’s behaviour, which forces her to develop a vigilant attention to his needs and may even result in her identifying with his view of the world. This is especially challenging for women who are trafficked by their husbands or by men who claim to be their “lovers”, and where prostitution and trafficking appear as forms of domestic violence. In these cases, “a mixture of gener-

osity and violence may be used to reinforce the dependence of the trafficked woman on her trafficker” (Amnesty international 2004: 15), at the same time decreasing both the predictability of the abuser’s behaviour and the woman’s control over what happens.

Moreover, some research findings suggest the existence of a Stockholm syndrome – a psychological strategy for survival in captivity, which is useful in explaining the traumatic bonding that occurs between women in prostitution and their pimps/captors. As observed by Farley et al., “when a person holds life-or-death power over another, small kindnesses are perceived with immense gratitude. In order to survive on a day-to-day basis, it is necessary to deny the extent of harm which pimps and customers are capable of inflicting” (Farley et al. 1998: 409).

The impact of victimisation on victims and their needs

Trauma, suppression, and loneliness – the latter often in terms of being unable to share experiences – characterise the lives of many victims of trafficking upon return to their native place (Kelly 2002: 40–41). Herman describes traumatic events as extraordinary – “not because they occur rarely, but rather because they overwhelm the ordinary human adaptations to life” (Herman 1992: 33). Unlike commonplace misfortunes, traumatic events generally involve threats to life or physical integrity, or a close personal encounter with violence or death. They confront human beings with the extremities of helplessness and terror, and evoke the responses of catastrophe. According to the *Comprehensive Textbook of Psychiatry*, the common denominator of psychological trauma is a feeling of “intense fear, helplessness, loss of control, and threat of annihilation” (Herman 1992: 33).

Like other victims of extreme violence, victims of trafficking suffer severe consequences from the different forms of victimisation and control they have endured. Exploring and understanding the complexity of the consequences of trafficking on women is essential for assessing the victims’ needs and for creating successful victim support and rehabilitation programmes.

Our research findings are in accordance with sparse findings about the impact of trafficking on victims. They suggest that victims of trafficking suffer both physical and psychological consequences, and that trafficking has serious negative effects on their relationships with close family and other people. Similarly, recent research on sex trafficking carried out in Indonesia, the Philippines, Thailand, Venezuela, and the United States showed the existence of extremely high rates of violence and control, in the forms of physical harm (80%), sexual assault (60%),

and emotional abuse (80%). The same findings showed that “depression, anxiety and symptoms of trauma were common across the five countries, with rates of depression and psychopathology as high as 84% in some of the sample” (Albert and Santos 2004: 60). The findings of the recent Amnesty International Survey in Kosovo are similar (Amnesty International 2004: 16). Moreover, our findings showed that there is a clear link between previous and latter victimisations, including the range of tragic events in the life of the victims (such as war, death of close relatives, etc.), which cumulatively result in the continuity of victimisation and commutation of traumas.

The most frequent physical consequences are various physical injuries and health problems, including sexually transmitted diseases such as HIV. Victims who got pregnant while trafficked were in a particularly difficult situation. A psychologist from Moldova told us that she was especially worried about the situation of the children. She gave the example of one victim of trafficking who gave birth to twins; the victim’s mother had committed suicide and her father was an abusive alcoholic. The victim therefore could not go back to her father, and was concerned about her sons’ security.

Our findings nevertheless suggest that the psychological consequences are much more numerous, complex, and, often, longer lasting than the physical ones. In common with other studies (Amnesty International 2004: 16) and therapists that work with trafficked women (Albert and Santos 2004: 67, 69), we found that victims of trafficking suffer from a wide range of traumatic symptoms, such as difficulty in sleeping, intrusive and recurring symptoms, anger and irritability, dissociation, hyper-vigilance, dual identities, intensive feelings of fear and insecurity, self-blaming, and extremely low self-esteem and trust in other people. Most of these symptoms meet the criteria for post traumatic stress disorder (PTSD), which is extremely important to consider in terms of rehabilitation because it means that “most women coming to the shelters may be experiencing high level of distress and trauma symptoms” (Albert and Santos 2004: 67).

Herman described long-term changes in trauma survivors’ emotional regulation; changes in consciousness, self-perception, perception of perpetrators, and in relations with others; and changes in systems of meaning. She suggested that these symptoms are the result of a history of being subjected to totalitarian control over a prolonged period, and noted that organised sexual exploitation may be one cause of complex PTSD (Herman 1992: 74). Thus, as both Herman and other authors¹ point out, prostitution itself is the source of severe victimisation

¹ Farley et al. (1998: 407); McKeganey and Barnard (1996), Hunter (1994) and Baldwin (1992), quoted by Farley et al. (1998: 405).

and produces long-lasting consequences, of which self-hatred and lack of self-respect are among the most important

Psychologists who work with trafficked women support this notion. One psychologist from Moldova, for example told us that she had the impression that some victims always told her their stories as if they were telling them for the first time, and then kept repeating it. Similarly, an expert witness court report written by a female psychiatrist and psychologist about a victim of trafficking from Serbia, states that “the examined person is of limited intellectual abilities”, “passively – addictive”, and “an emotionally immature person”, who at the critical time was “disorganised” by acute stress events but later managed to organise herself and started to act constructively to the benefit of her protection. The report emphasized that for some time after the critical events, the victim had nightmares of being threatened, taken away, and her body being slashed (court file).

Several victims that we interviewed reported that they were having nightmares and reliving situations.

Anita had frequent nightmares. At the time of interview she still had troubles sleeping, and she had fits from time to time (when she “screamed and lost the ground under her feet”). Anita said to us that she was scared of going to sleep. Once she dreamt that S. was raping her in front of her brother whom he forced to watch. Also, Anita said that she felt the urge to talk to someone. Talking about the experience she had gone through made her feel relieved in the beginning, but soon after the conversation everything came back to her, she relived everything, and she suffered.

The other victims showed signs of numbing (freezing) and dissociation.

During the interview, Bilja looked absent, slowed down and from time to time switched off completely. At the very beginning she told that she was very nervous, and that she smoked too much, but at the same time needed cigarettes badly. The interviewer started the conversation with her explaining the purpose and the structure of the interview, as well as that she did not need to answer the questions with which she did not feel fine. She did not comment on that, but said that she could only speak when she was asked. She also showed difficulty in understanding longer and more complicated sentences. At moments she looked completely absent-minded. She described herself as forgetting things, without interest in anything.

The shelter counsellors, psychologists, and psychiatrists we spoke with had had similar experiences in their work with other victims.

The counsellor for a 23-year-old Ukrainian girl, who was brought to the shelter in Serbia by the police and stayed for one month, told us that the girl did not want to speak about what had happened to her. She was only willing to speak about the time she spent in Poland. The girl had spent some time in Poland, 6 months in Kosovo, and a week in Serbia, but she did not want to speak about what happened to her in Kosovo and Serbia. The counsellor did not insist that she should speak. The girl had travelled to Poland, where she had been trafficked by deception. In the shelter she spent a lot of time sleeping (she slept during the day and was awake during the night), and she avoided getting in touch with the workers in the shelter. She did not want to speak about her trafficking experience, but was willing to speak about other topics.

According to a Belgrade-based psychiatrist, a common defence mechanism during victimisation is dissociation – precisely because many victims have “holes” in their memory of the event. Dissociation helps the women “survive” victimisation (to “attenuate” the pain that it generates), but afterwards, in the process of rehabilitation, it can become a serious problem that has to be overcome by psychotherapy. Similarly, the psychologist from the transition house in Belgrade told us that when victims speak about trafficking, “they speak about it as if it were a job, without emotions, fear or sadness. This experience is isolated from the emotions, but it also may be a defence mechanism: in order to survive they have had to separate their experience from their emotions”. As Herman (1992: 87) puts it, “through the practice of dissociation, voluntary thought suppression, minimization, and sometimes outright denial, they learn to alter an unbearable reality”. However, not all victims are able to alter reality through dissociation, or they cannot rely on it all the time, which makes them create dual (bad and good) self-identity (Herman 1992: 103-105). Low self-esteem and an intensive feeling of guilt create contradictory feeling in victims about their own identity. On the one hand, they wish to hide their real (bad, i.e. contaminated, stigmatized) identity and start a completely new life; on the other, they have the urge to throw off their mask and be who they (believe they) are.

We found some examples of dual identities among our own respondents.

In Anita’s absence, her mother read us a poem that her daughter had written. The poem was about how Anita always carries a paintbrush with her and paints herself so that the others cannot see what she really looks like”, and how she wishes to “take all these layers of paint off herself”, but is afraid to do so.

The psychologist from Moldova showed us a drawing made by one of her clients. It was a drawing of a fantasy animal with two faces: a cat in one end, a

dog in the other. She told us that this was a psychological test that showed the good side/the aggressive side of the girl who made the drawing. The girl has not decided what she is, the smiling face is one of her faces, and the aggressive/angry is another. When the psychologist told the girl about her analysis of the drawing, the girl turned the paper around and showed her drawings of several animals: a snake, a cancer, a fish, a dog, and a rat, and said: “This is how I really feel”.

Some victims and other people we interviewed also mentioned victims’ suicide attempts, aggressiveness toward others, manipulations, dual identities, the wish to switch to a completely new life, frequent changes of mood, self-blaming and low self esteem, lack of trust, an intensive feeling of fear, helplessness, and insecurity/lack of control and negative thinking.

Anita’s mother told us that her daughter’s behaviour frightened her very much. Anita tried to commit suicide by swallowing two boxes of pills the same evening as she came home. She did the same thing while she was in Italy. When her mother asked her why she took the pills, she answered: “Now when I came home and kissed you and my brother, I can kill myself because I don’t want to live any more”.

According to a psychologist from the IOM rehabilitation centre in Moldova, aggressiveness aimed at themselves and the persons in their surroundings is common. She also said that she had seen many cases of schizophrenia, and that at the moment of interview she had a case of paranoid schizophrenia. In one moment victims can be “like an animal” and threaten people. Both she and the counsellor of the Belgrade shelter for trafficked victims stressed the tendency of victims to manipulate others, which is connected to the fact that they themselves have been manipulated by so many people. The victims, during the trafficking situation, had to lie, show wrong emotions, and use false identity. Thus, as stressed by this psychologist, all the people in the surroundings of victims of trafficking suffer afterwards.

Like victims of other forms of gender-based violence, victims of trafficking suffer from intensive self-blaming and extremely low self-esteem.

Tatjana blamed herself for what had happened to her and mentioned how easily they (Moldovans) believed in offers of work abroad. The counsellor from the Belgrade shelter described the case of the girl whose mother sold her into prostitution when she was only 13 – 14 years old, in order to buy drugs. In spite of that, she always came back to her mother. While the girl was in the IOM shelter, her mother disappeared. However, the girl felt guilty and thought this had happened because of her.

As observed by the psychiatrist from Belgrade, a victim can be conscious or unconscious of the exploitation, and her main problem during the acute trauma is to understand and accept what was happening to her: “Why was it happening?” and “Why precisely to me?” According to the psychiatrist, the victims internalise the abuse they suffer through intensive feelings of guilt:

The victims of torture in concentration camps regard themselves as ‘absolutely innocent’ victims who were victimised only because of their ethnic (or some other) identity. Victims of sexual exploitation, however, feel ‘guilty’ because they think that it was their own fault. This sense of guilt generates very low self-esteem in general, thus referring to all aspects of life (‘I am not worthy of anything’, ‘I am of no use’).

Low self-esteem and self-blaming are connected with both the loss of control over their own life and lack of confidence in other people. The Belgrade-based psychologist told us that, from her experience in working with victims of trafficking, she knows that the victims feel helpless: “They usually do not have self-confidence and keep telling themselves that whatever they do, things will go wrong. I am able to recognize manipulation if it appears, but usually these feelings are true”.

The way in which the cycle of violence makes victims of trafficking feel helpless and out of control, and thus expecting only negative results from whatever action they undertake, was best illustrated by Bilja, when she was asked to describe what she did on her first day in the shelter:

I remember that day very well. My lawyer promised me to arrange my stay in the shelter. But it took several days until it really happened. I waited for her to come to bring me there. However, even that day, when everything was arranged, she did not manage to come and I had to take a taxi. I waited for the taxi about an hour since the weather was very bad that day. I was thinking: It started wrong again, even this time something unclear, strange is going on... I felt lost since I was so nervous while I was waiting for the taxi. I thought they had made another trap for me, but fortunately everything ended well and I was met by IOM at the arranged place.

Because the victims’ trust was usually abused several times before, during, and sometimes after the trafficking, their feelings of not being in control of their life and not trusting other people are logical reactions to what they went through. The lack of trust in other people is also connected with the fear of being re-victimised by traffickers. This is not surprising, considering that the women were accustomed to having very little control over their own bodies during the period they were trafficked, which included not having a choice about their clients or what the cli-

ents did with them, as well as not being allowed to sleep, forced to be awake all night, not having a choice of diet, etc. (Albert and Santos 2004: 63).

In spite of the fact that she liked very much to talk with people, Mila never opened her heart to anybody. After all she experienced, especially after being deceived by the man she loved and considered as her boyfriend, she said that she “could not trust anybody one hundred percent” and that she did not expect too much from people, “trying to prevent be disappointed again”. Mila constantly and explicitly emphasized her lack of confidence in people and reduced expectations in others. She said that she would never again let others deceive and hurt her so badly, because she would never totally trust anybody again.

It is not only the victims that blame themselves and have problems trusting others: victims’ close relatives also lack trust in other people and have feelings of self-blame, especially when they are the parents and/or have a duty to take care of and protect the victim.

Anita’s mother repeated several times that “she trusted nobody any more” and that “it was not clear who worked for whom”. She said that a lot of confidential information, which she shared with other people, reached the families of perpetrators in an inexplicable way. It seems that Anita’s mother was afraid of the possibility of the perpetrators taking revenge, and that’s why she was distrustful of everybody.

Victims of trafficking also have intensive feelings of insecurity and fear, either of their own re-victimisation or the victimisation of their relatives, which tend to last a long time after being rescued. These feelings are often well founded, since, even when the victims are in a shelter and under protection, they eventually need to go home and face risks. As observed by the psychologist from the Belgrade shelter: “They are usually eager to go home, but a couple of days before their departure their mood starts to change. They start to be afraid of going home, they are aware that they do not have enough money, they start to worry what will happen to them, etc”.

Anka told us that she did not care what the people in her hometown thought, but she was afraid of going home because of the friends of the trafficker. She was most of all afraid that something might happen to her sister, who had been stopped two times in the street by a guy who asked about Anka. She thought that he was a friend of the trafficker. He had many friends from Italy, and she was afraid of them.

During the interview with Bilja, at the very beginning, the interviewer tried to make her feel safe and relaxed, saying that she could feel free and comfortable like at home. She reacted immediately by saying: “No, not like at home, since I do not feel safe at home”. From the answers to other questions, the interviewer could conclude that it was because the traffickers could find her there.

Awareness about the impact of trafficking and related traumatic events on women needs to be included in any serious rehabilitation programme for victims of trafficking. As stressed by representatives from an NGO in Kosovo, it is very difficult for women to regain their sense of self-esteem after their trafficking experience, since they have been subjected to such humiliating and degrading treatment (Amnesty International 2004: 16). It is therefore essential for both grassroots victim support and social welfare services to start by helping women to establish control over their bodies and over their lives in general, and to ensure them that they are in a safe and secure place where they can speak about their experiences (Albert and Santos 2004: 73).

Surviving protectors? Re-traumatisation versus protection and empowerment

As mentioned above, the different forms of violence and control experienced by victims of trafficking may be intensified by the law enforcement representatives' direct or indirect participation in trafficking. Victims of sex trafficking are often left without proper protection, and even victimised by those that are supposed to provide this protection (e.g. the police). Moreover, even after escaping from the traffickers and coming to a safe place, they may still suffer from inappropriate treatment and/or secondary victimisation by officers of the criminal justice system and other institutions and organisations.² The problem of secondary victimisation is not unique to victims of sex trafficking, but because of the high level of trauma from primary victimisation and the risks of re-victimisation, these victims need to be treated with much more sensitivity than other crime victims. How they are treated by the police and during a, if one occurs, can have a crucial – either positive or negative – impact on their overall recovery. This is especially important in terms of (positive or negative) influence on the victims' feeling of safety and their ability to regain self-esteem, control, and trust.

² In this chapter we will focus on the treatment the victims received from law enforcement officers. Their treatment by those responsible for their support and rehabilitation will be addressed later.

The survey carried out by the Victimology Society of Serbia in 2003 identified recent changes in how victims are treated within the criminal justice system in Serbia. This is connected to a shift in the approach of the police towards trafficked women, and the implementation of new legislation in relation to trafficking in people and organised crime. Contrary to earlier practice, a proactive police approach³ has recently become dominant. Also, there have been important steps taken towards treating victims of trafficking in compliance with the protection of their human rights. This means that victims are more often treated as victims rather than perpetrators referred to in the *Law on Public Order and Peace* (prostitution), the *Law on Movement and Stay of Foreigners* (illegal stay), and the *Labour Law* (illegal labour) (Nikolic-Ristanovic et al. 2004: 179).

On the other hand, however, there are still many shortcomings and gaps regarding victim protection in both laws and their implementation. Earlier research findings for Serbia identified the problem of the linking between traffickers and the police, customs officers, and employees of other governmental institutions, as well as political pressure to release traffickers, as the most significant barriers to both discovering trafficking and rescuing and protecting victims. Despite personal efforts by special units in the police – who were generally very enthusiastic regarding their own education and opportunities to develop skills for better treatment of victims – the results are usually only symbolic, mainly because of obstructions by other parts of the police, as well as from prosecutors, defence lawyers, and judges (Nikolic-Ristanovic et al. 2004: 182, 185).

Similarly, our research findings show two sides of the attitudes of law enforcement officers towards trafficking: on the one hand, obstruction, bad infrastructure and material conditions, legislative gaps, prejudice, lack of knowledge, and connections with criminals; on the other, enthusiasm, awareness, empathy, effort, and high skills. Analysis of examples of bad and good practice shows, on the bad side, lack of proper protection and secondary victimisation, versus, on the good side, victim protection and empowerment. Clearly these different treatments differentially impact on the victim's coping abilities and recovery. Moreover, the same analysis suggests both the difficulties and dilemmas, and the courage and the high level of personal commitment, of some of the actors.

³ The proactive approach means the police initiative that includes operational work on collecting data, and reacting on the basis of data obtained by controlling night clubs and bars in which it is suspected that criminal offences of human trafficking are committed, by arresting perpetrators, arresting and/or rescuing victims, closing night clubs and bars, intensifying border control, particularly looking after children, regardless of whether they travel alone or accompanied by adults. The proactive approach also means other forms of active police operation in discovering such offences, such as: using intelligence services, calling up escort agencies and introducing themselves as clients and making appointments to choose girls, monitoring of cell phones, etc.

The victims' experience with the police

Our research offers a number of examples of both bad and good police practice, experienced by both foreign and domestic victims. Bad practice includes either direct involvement of the police in trafficking or their inappropriate, i.e. stereotypical, humiliating, and stigmatizing, questioning and other bad treatment of victims. On the other hand, good practice includes establishing friendly relationships, being supportive and giving the victim time to relax, asking questions in an appropriate way and at an appropriate place, using female police officers to interrogate victims, giving information and offering assistance, etc.

Linkages between the police and the traffickers strongly jeopardize women's feeling of safety and trust, especially in the situations where the information that the victim gave to the police was not kept confidential. Moreover, some victims were put in danger after the information was passed on to traffickers.

Local policemen were regular customers in the town where Draga was forced into prostitution. She worked both in a bar and in the streets. Police raids of the bar were carried out by the same police officers that were her customers and they were beating the girls. Draga said that they tortured her a lot. She also confirmed that the police knew she was forced to stay in the bar. Apparently, the police were bribed by being allowed to have free sex in exchange for letting the bar owner continue his illegal business.

Sofia said that soon after she came back home from the hospital, she realized that information she gave to the police a few months ago had leaked. She started to receive phone threats and "offers" to receive money for not saying anything and withdrawing the statement she gave to the police. She was frightened, but anyway she decided to inform the police. Subsequently, two perpetrators were arrested. After that time, Sofia had 24-hour police protection.

Upon escaping traffickers, police officers are often the first people that women have contact with. Bearing in mind that traffickers often terrify victims with stories about the police, it is very important that at this first contact the women feel protected and gain confidence. Thus, the approach of the police may have a crucial influence on the victim's trust in the state system as a whole. If positive, it may form a good basis for her recovery, by decreasing the victim's feeling of self-blame and strengthening her feelings of safety, trust, and self-esteem. However, a negative initial interaction may contribute to a further deepening of all the consequences of primary victimisation, which can in turn make the recovery of the victim much slower and more complex. Additionally, the first contact is the most important in terms of the victim's willingness to tell the truth about what happened to her and decide to testify in court.

Some of the victims we spoke with had bad experiences with police questioning, particularly when it was carried out by men.

Immediately after Tanja landed at Belgrade airport, an older policeman took her to a separate room and told her: “Shame on you.... Where have you tried to go? I know very well what all of you want to do!”. He called her a prostitute. Tanja asked him where her mother was and whether they had informed her mother about the time of her arrival. He answered: “Forget your mother for now, you are going to the police first”. At that very moment, Tanja saw two policemen with machine guns, and she thought that they were coming for her: “I froze in panic and started to shake like a leaf”. The policeman took her into an office. In the office there was another policeman “who was very nice”. He talked to her briefly and then called the first policeman again and told him to take her “downstairs”. The first policeman grabbed her by the upper arm and then started to nag again. He also told her mother that she was a ‘whore’.

When we spoke with a high-ranking police officer in Belgrade, he told us that the policeman who treated Tanja badly was punished; we were also told that the mobile team had requested that three police officers be assigned to wait for the victims in the future. The mobile team deems that three police officers are enough for the girls to be safe, yet not feel frightened

The first conversation with the police in Belgrade was a very unpleasant experience for Anita as well. Although she mentioned that the same day she had talked to many police officers, of which some were women, Anita was questioned by male inspectors. She found talking about being raped especially embarrassing, since it was hard for her to be reminded about it. Nevertheless, she said everything.

Instead of asking me whether something had happened to me, and if I was ok, they asked me if I had taken any drugs, because they noticed the bags under my eyes and the rags I was dressed in (which I had got at the dormitory in Italy). I don't think they treated me with respect. I had bags under my eyes because I hadn't had a good sleep for days. Nevertheless, I answered all questions, but with impudence.

Interviewed victims also told us about bad experiences with the police in Montenegro.

Natasa described her experience with the police in Montenegro as very stressful. For two days Natasa was under constant pressure – questions, interviews, etc. She was kept in a cell where she had to sleep on the floor. She was interviewed by male police officers, and they were aggressive and rough to her. The

interviews went on for hours and hours, and she told them everything she knew, but they still wanted more information. They didn't believe she had told everything she knew, and they threatened by saying that she would be put in jail for having a false passport.

The experience of being a prostitute arrested in a foreign country may be extremely traumatic for trafficked women. Bilja described how terrified she was at being arrested in Italy, both because of the way the police treated her and because of her fear of her pimp:

The police arrested me while I was standing and waiting for clients in the street. They registered every new girl. They took my fingerprints, took photographs and let me go. The first time they were carabinieri. The second time they were police, and they were much worse. They tried to arrest our owners by using us. However, we did not dare to tell anything. They were not so bad, except for the inspector. There were mostly psychological traumas: they showed pictures of us with our owner, but since I was terrified, I did not dare to confess that I was in the picture. And without my confession, they could not prosecute him.

Bilja was also imprisoned under very bad conditions for 16 days. She said that there were high walls, and that it looked like a big cage. There was a place where police vans could enter the yard, and there were policemen with machine guns there. The machine guns were turned towards them as a threat for those who thought about escaping.

Some victims, however, mentioned having both bad and good experiences with the police.

Mila told us that she didn't like that the police insisted on getting "answers" she did not or could not give. She didn't like their "rough approach" either, an approach that was especially characteristic for male police officers. She said that she would have felt much better if all the people she had to speak to, especially the police, had understood her need to be spared from questioning immediately after the release. Especially bad in the first contact with the police was their insisting on getting answers from her: "I really feel upset when someone asks me the very same question I don't want to answer hundreds of times. I don't like any pressure." An NGO representative and a policewoman from the department for foreigners made quite a different impression. They were "much nicer, more gentle, and more polite", and this made Mila feel easier. Thus, it is not surprising that Mila thinks that contacts and conversations on "these kinds of matters" should always be done by women in the police and from other institutions.

Anka was also very upset about her first contact with the police at Belgrade airport. She felt that she was not treated with respect since the policeman interrogated her in front of a lot of people. However, Anka later on had good experience as well with the police. She talked with the police inspector at the airport as well. He was nice and asked her to come to his office. Contrary to the other policeman, Anka felt that he treated her with respect. He didn't question her in front of the other people, and he said that she only had to answer a few questions. He said that he understood that she was nervous, and that he didn't need to know anything personal. There were no questions she felt were difficult to answer.

Cases we encountered of both foreign and domestic victims demonstrate how a supportive approach by the police can make the women feel secure. In these cases, the Serbian police – and also the international police forces in Bosnia – treated the victims with respect, gave them advice and information about shelter facilities and other available NGO assistance, arranged meetings with NGO representatives in the police station, guarded them, and generally took care of them.

After five days of abuse, Tatjana went out on a balcony and jumped from the 3rd floor. She was brought to the hospital, went through surgery, and was then taken to the shelter. This incident happened after one month in Serbia. The shelter counsellor (Dada) told us that Tatjana experienced the hospital as a secure place. When she started to walk, the police prevented her from approaching the window, in order not to be seen. They found a policeman that spoke Romanian and also established contact with the IOM. She informed the police about what had happened to her. When arriving at the place of the accident the police could see the sheets hanging from the window, and this made it easy to identify the place where she had been kept. The police treated her well, and she felt very grateful to them. At the hospital the police guarded her day and night.

Draga's experience with international police forces was similar:

The IPTF were very protective, and Draga said that she felt like they were her personal bodyguards. They tried to improve her mood and make her relaxed. When they took her to the IOM office in Sarajevo, Draga asked the IPTF officer she liked the most if he could stay with her. He said that he couldn't, and she started crying.

A high-ranking police officer from Belgrade told us that the first contact between the victims and the police is not always satisfactory, and that it should be improved. He also mentioned that his department would fight police prejudice through education. Some measures are already being implemented: for example, victims will be received by a female police officer that will link them with families (if they want) or place them in the shelter.

According to the same police officer, efforts are being made within the police to develop a strategy of interrogating victims that reduces the victims' fear of the police. According to the officer, all victims, foreign as well as domestic, are afraid of the police, and this is why the police during the first interrogation try to establish a friendly relationship with the victim. This is especially important because, as a consequence of what victims have heard from traffickers about the police, the victims' reaction during the first contact with the police is often anger.

A high-ranking female police officer told us that, according to her experience, many victims of sex trafficking show hostility and anger during the first few contacts with the police, with the exception of the few victims that have reported trafficking to the police themselves. "They have a hostile attitude towards the police, which is understandable. Some of them may even see the police as a barrier on the road to the better life they try to reach", said the same police officer.

Victims and trials

The trial is often a new source of victimisation and re-traumatisation for victims in general, and for victims of sex trafficking in particular. Victims of sex trafficking are among the most vulnerable witnesses because of the high level of original traumas from trafficking, and the risks of re-victimisation and retaliation from traffickers. The latter is especially pronounced in relation to the victim's cooperation and decision to testify against traffickers. In addition, the vulnerability of victims of sex trafficking is connected to stereotypes and prejudices related to gender-based violence in general, and to sexual violence and prostitution in particular.

However, if adequate measures are undertaken by both the state and NGOs, the risk of re-victimisation, revenge, and secondary victimisation during the trial may be kept at a minimum. Moreover, well-established laws on victim protection – encompassing the prevention of unnecessary appearance by the victim at the trial, the implementation of practical measures that do not allow direct contacts between victims and defendants, their families and defence witnesses in the courtroom, and adequate training of involved legal and other (e.g. NGO) representatives – may lay the ground for a better situation for the victims. These measures both protect and empower the victim, and can have significant positive consequences on the victim's overall potential for recovery.

Great effort has recently been put into improving the position of the victim in general, and the victim of sex trafficking in particular, when she is a witness and/or the injured party at a trial. However, these procedures still appear to be unsatisfactory in Serbia. Our research identified a number of obstacles to strengthening the position of the victim, such as: inappropriate laws on victim protection

and compensation; inadequate space solutions in the courtrooms and lack of facilities for witness separation and support in the courts; low level of education of judges, prosecutors, and defence lawyers about victims' rights in general and about sex trafficking in particular; unsatisfactory cooperation of state organs in the countries of origin and destination; the lack of witness support to sex trafficking victims; and the lack of respect for the court's decisions by different participants, leading to a breach of the victim's identity protection. On the other hand, we identified examples of good practice as well. In particular, we found examples of personal commitment and courage among individuals, including judges, prosecutors, victim's legal representatives, and NGO representatives. These people managed to create positive changes for the victims in spite of the above-mentioned obstacles, the hostile surroundings, and often very low or no payment for their work.

During our survey, both old and new legislation relevant for sex trafficking victims was used in Serbian courts. This meant that we were in a situation to compare the experiences of victims before and after trafficking in people started to be treated as a separate offence and a form of organised crime. New legislation made it possible to use more advanced legal and practical measures for the protection of victims, better use of evidence other than victim statements, the involvement of better educated prosecutors and judges in trafficking cases, and stricter measures for protection of the victim's identity. Furthermore, because trafficking is now treated as a form of organised crime, trials against traffickers, regardless of where the trafficking was committed, come under the jurisdiction of the newly established Belgrade district court – Special Department for Organised Crime (further referred to as the special court). We were able to compare four trials, observed by the Victimology Society before and during the survey, with only one of them being based on the new legislation. The following analyses are based on both direct observation of trials and on different accounts from victims and other participants that we interviewed.

Testifying: from fear to empowerment

Our interviews with victims and criminal justice actors suggest that, before appearing in court, the victim usually had already given a statement to the police and the investigating judge. Nevertheless, the decision to testify at the trial in the presence of the defendants, their lawyers, family, and friends, is often a difficult one. It requires the courage and strength of the victim to face fears of meeting the offender and of possible revenge. In addition, testifying is usually a traumatic experience for the victim, because it includes reliving traumatic experiences in rather unfamiliar and unsupportive surroundings and risking exposure to hostile comments, threats, and interrogation.

Making a decision to testify is especially difficult for foreign victims, who usually go back home shortly after giving a statement to the police and the investigating judge in Serbia, and who are thus left to cope with traffickers threatening them and their families. Victims are aware that the traffickers know their addresses and that therefore threats may easily become reality. In addition, they often do not have much confidence in the victim protection mechanisms in their countries. Consequently, it is not surprising that some victims refuse to testify.

While in Belgrade, Natasa was asked to testify against her traffickers, but she didn't want to. The reason was that she was afraid. The traffickers knew everything about her. "He knew every breath I took", said Natasa, including all her passport details, etc. She had been living with the trafficker for five years, and she had also witnessed that he had ordered the killing of some girls that had managed to escape from him. Natasa feared for her safety. She had been assured that she would be guarded, but according to Natasa it is known that traffickers easily get out of jail. Her trafficker was also in jail, but he got out. She told us that she was glad that she didn't testify. However, at the beginning she wanted to testify, and she was promised witness protection and the possibility to move to Canada. But she changed her mind. She has spoken to a lot of people, and she realized that only one girl had actually managed to go to Canada. Also, this kind of protection did not guarantee the safety of her family.

It is important for the victim to have a feeling of safety when she is deciding whether to testify. The victim also needs to have guarantees that the safety of herself and her family will not be jeopardized once she appears at the trial and gives her statement. The safety of the victim may be secured by accommodating her in the shelter or in another safe place, as well as through efficient measures of physical and identity protection, both in her own country and in Serbia. However, this is not easy to achieve, even when significant efforts are made.

Our interviews revealed a rather low level of safety offered to victims of sex trafficking once they decided to testify in Serbia. The low level of safety, especially of foreign women, can be a source of risk and re-traumatization of victims who decide to testify. This was noticed both in Serbia and in other countries from where victims are trafficked to Serbia.

A victim from Moldova gave a statement to the investigating judge while she was in Serbia. This statement initiated a criminal procedure against her traffickers. Later, while in Moldova, the woman was visited by one woman and three men who told her that they came on behalf of one of the accused. They told her that it was best for her to go to the court in Serbia and tell the truth. She didn't come to the first hearing because her mother did not allow her to

go. The people threatened her by saying that “if she didn’t appear at the trial, it would end badly for her”. Later on, she came and gave the statement, including these details, before the court. Also, at the trial in the Belgrade District court, the representative of the SECI Center said that Moldovan women were scared for the safety of their families at home and worried whether the trial would be fair. He said that one of them told him that in Moldova there were people who were ready to kill for \$50, and she asked who was going to protect her and her family.

For foreign victims, it is also important that the trip to and stay in the country where the trial is held are safe. In this regard, the SECI Center⁴ plays a significant role in bringing victims from other countries to testify before the courts in Serbia. The SECI Center provides and pays for the victim’s travel expenses and accommodation; victims are usually accommodated in a shelter in Belgrade, and transported to and from the trial by the police. However, on one occasion, for security reasons, the Belgrade shelter refused to accommodate victims from Moldova who came to Serbia to testify. Victims were held under police control and accommodated in other hidden places. This particular case shows not only how risky the victims’ decision to testify is, but also how difficult it is for both NGOs and state bodies to secure their safety.

An additional problem is the lack of proper communication and coordination between the state bodies of Serbia and Moldova, as well as different obstructions of procedure rules by defendants and their attorneys. A lawyer who represented victims in several trials for trafficking explained it in the following way:

The mechanism of ensuring the injured parties’ attendance has not been solved yet, although it nominally falls under the federal government’s jurisdiction. The standard procedure of following the diplomatic route is susceptible to obstruction, which has proven true in several cases. For example, the injured party’s homeland institutions do not receive the request in time, or do not receive it at all, all the while our institutions claim that it was processed on the same day; or the court receives an official statement that the girls do not wish to testify, while at the very same trial the prosecutor is submitting a verified statement that one of them wishes to testify after all; expenses of the entire process are transferred to the SECI Center, which often lacks sufficient funds to finance and execute it, especially if the case involves only one girl; district courts do not have the option to fax or phone internationally, so in this they rely solely on the injured parties’ legal representative, etc. As this cycle keeps repeating,

⁴ SECI – Regional Center for Combating Trans-border Crime.

the proceedings are unnecessarily prolonged, and the defence council reacts accordingly. (Simonov 2004: 41)

This makes the position of victims even more complicated: their absence from the trial may be abused by defence attorneys, and they may not be heard even when they come to Serbia to testify. For example, in the Belgrade trial, the absence of the victim was misinterpreted by the defence lawyer as a consequence of her allegedly being expelled from the shelter in Moldova, following her “refusal to give a statement as it was expected from her”. On another occasion, at the trial for the same case, two victims from Moldova were brought in by the SECI Center, but were not allowed to testify. The representative of the SECI Center answered the question of the presiding judge, asking him about the chances for bringing the victims back later: “I agree that you are limited by law but I ask you to understand that these girls were emotionally maltreated, that they have big problems at home, that we hardly managed to bring them as well as that we spent over \$5000 for that. It is obvious that the defendant did not expect that we would manage to bring them and that he is now trying to slow down the procedure”.

One of the biggest obstacles to the safety of the victim is the lack of identity protection. Anita’s case is a striking example. Her mother told us that she was afraid of every court session since she knew that “every new detail would be known the following day in the whole community”. She also could not understand why the judge could not banish the public from the court trial. It was difficult for her to understand why the journalists had to be present and earn their living “on our misfortune”.

Even when the public is excluded and sanctions in place for the breach of identity protection, details from victims’ statements are almost always disclosed to journalists and made public immediately after the trial. This happened even at the trial before the special court, where the presiding judge very energetically warned all participants not to reveal the identity of the victim. Consequently, no printed media revealed any secret information. However, the very same day that the victim was heard, all details from her statement, with her full identity, were revealed on a radio station. The fact that the identity of the victim and the details of her statement are already known by the defendant and his lawyer seems to be sufficient for confidential details to be passed on to the media, which are eager to publish sensationalistic stories. In addition, the exclusion of the public does not always mean that the relatives of the defendant are excluded. This was the case in the trial we observed before the special court. In spite of training recently offered to journalists, the level of media awareness and responsibility not to disclose the identity of victims and other confidential information is still very low. The media looks for sensations, often without caring about the interests of the victims.

Women's feeling of safety and self-confidence are especially endangered in court. The court is the place where the victim needs to have a maximum level of support and protection in order to stick to her decision to testify against traffickers, which often requires significant courage. This is where the victim comes into interaction with various actors, including judges, prosecutors, the defendant, defence attorneys, expert witnesses, as well as with her own legal representative and other people giving her support and/or assistance. The people in court act in different ways; some offer support or are at least friendly, while others are insulting, threatening, and in other ways try to victimise her.

At the trials that we observed, it was common for the defence lawyers to insult victims, often on the basis of sexual stereotypes about women in general and prostitutes in particular, and to confuse and attempt to discredit them as witnesses. Furthermore, the defendants themselves, as well as their family members and friends, often insulted, terrified, and threatened victims. The victim's legal representative and the NGO representatives that were monitoring the trial were threatened as well. Bearing in mind that the victims' supporters are usually outnumbered by those supporting the defendant, we can assume that the victims need more support at the trial than they have presently.

During the break, the victims' lawyer was attacked verbally by the defendant's lawyer in the courtroom, in front of the judge. Outside of the courtroom he verbally attacked the representative of VDS, saying that she should "seek medical help". The defendant told the victim, in front of the judge, that "he was going to fuck her mother", and that he was going to kill her. The defendant's lawyer yelled at the victims' lawyer.

At the end of the hearing, the threats and shouts continued. The female defendant screamed "Let me go to face the whore!", "You whore!", "Shoot me now but I'm not going out", and so on. Security reacted and threw them out. Both witnesses were obviously scared. The police officer was with them all the time. On his way out, the defendant shouted to the victim: "Just keep laughing, you whore!".

As noted by the legal representative of the victims at that trial, Olivera Simonov, the judge failed to react properly to this incident, although the law is very clear as to what is to be done when a criminal act is committed during trial (Simonov 2004: 42).

In courts in Serbia the space is organised in a way that makes victims and prosecution witnesses use the same entrance. Victims wait in the same corridors as the defendant's friends and family, which allows for direct contacts and conflicts between them. Witness support neither exists in court nor as the part of the prosecution office. Also, the hearings are usually done in very small courtrooms, and

the victims are expected to give statements or listen to the hearing of the defendants in the presence of, and very close to, the defendant. This is how the observers from VDS described the impact of the court space on the victim's experience of the trial:

The courtroom was fairly small. At the back there were about 15 chairs in three rows. I. and I sat in the last row. The two accused sat in the front row. Bilja entered and initially sat down in the second row, intending to sit as far as possible from the accused. When the trial began she had recognized me, and she asked me: "May I sit next to you? I. and I made room between us, and she sat there. Although the trial already had started and we didn't have a chance to speak to each other, I could feel her tension, and I noticed that she was very pale (she held her hands on her lap, her hands drawn into the sleeves of her jacket). The President of the Court noticed Bilja's movements and for a moment interrupted the interrogation of the witness, although she had changed places swiftly and silently.

When the owner of the flower shop where Bilja used to work started to testify, Bilja started to cry. While listening to her speaking about threats from one of the defendants, Bilja's entire body started to shake. I asked her whether she could bear it, or if she wanted to leave. She first said that she did not know, but then said that she preferred to stay in. The representative of the Agency for Coordination of Protection of Victims of Trafficking in Human Beings and I held her hands, hugged and encouraged her, but she kept crying during the whole hearing.

The small courtroom space makes the already terrifying experience of facing the defendant even worse, as the victim must experience the defendant's provocative staring and laughing at them at such a close range. In this regard, the only exception was the trial held in the special court, where the very construction of the court allows victims to use a separate entrance, and where the defendants are separated from the victim and other participants. In this court, as in others, the victim must give a statement in the presence of the defendant, but in the trial that we observed an exception was made once. The victim, who was heard as a witness in a trial where she was not treated as an injured party, was allowed to give evidence in the absence of all defendants. However, in the next hearing, she testified in their presence, in spite of promises given to her that the defendants would not be present.⁵ As the shelter psychologist told us, the victim was in a panic afterwards, and felt scared for the safety of her family.

⁵ It is worth noticing that the victim (Sofia) who was injured party in the same trial was always heard in the presence of all defendants.

In other courts, the request by the victim's legal representative to exclude the defendant from the hearing of the victim sometimes led to a compromise, mainly as a consequence of the court's efforts to find a balance between the rights of the defendant and the victim. In these cases, the defendant was ordered to move into the row behind the victim, from where he could neither see her directly nor she could see him. However, this didn't appear to decrease the victim's fear. As stated by the victim's legal representative, the girl testified completely and visibly impeded by fear.

The victim's statement given to the investigating judge cannot be used at trial, even if this spares the victim from having to recollect and recount her traumatic experiences. The only measures to make the victim's hearing less stressful are: the possibility of police protection of victims whose safety is endangered; the possibility that the minor victims can testify with the help of psychologist; and the possibility of using a video-conference link to hear victims⁶ (before the special court only).

However, we also noticed some positive trends in relation to the protection of the victim from the offender at the trial, as well as in relation to the possibility that she is not heard at all at the trial. A good example is found in a case where the representatives of the Agency for Coordination of Protection of Victims of Trafficking in Human Beings and the OSCE mission in Serbia advised judges and prosecutors about the approach in sex trafficking trials. As a consequence, it was agreed in some courts that, during the main hearing, the victims will be interrogated in the defendants' absence, and that the verdict will be based on the defendant's and the victim's separate statements. Also, in one case, the judge allowed victims to stay in his own office so as to avoid waiting in the corridor and meeting the defendant's family and friends. During the roundtable conference on trafficking in people, organised by the OSCE mission in Belgrade on 29 November 2004,⁷ Miroljub Vitorovic, prosecutor in the sex trafficking case tried before the special court, suggested that the best way to prevent secondary victimisation of victims of sex trafficking would be to use the testimony she gave during investigation, done in the presence of a psychologist, as evidence in court.

Our findings suggest that victims' overall experience of appearing in a trial and testifying against traffickers depends very much on how much support they receive and how they are treated by judges and prosecutors. From interviews with victims we learned that, even under very terrifying circumstances and without proper protection of identity, the victim may come out of trial strong and em-

⁶ So far this possibility has not been used.

⁷ Roundtable on "International legal aid/protection of victims' rights in cases of trafficking in people", Belgrade, 29 November 2004.

powered, provided that she has had some supportive person with her during the trial and that the judge and prosecutor have treated her well. Moreover, in these circumstances, some victims take an additional interest in establishing the truth and preventing other women from suffering. Some victims said that they agreed to testify because they expected to feel better afterwards, and because they were aware that it could help rescue other victims.

In spite of breaking the rule on her identity protection, Anita did not feel bad about her decision to testify. Moreover, she was very eager to establish the truth in court. Anita defended her interests actively at this stage. She was not inert; she monitored the trial with attention and said she was neither afraid of the presence of the accused nor of facing them. She was even eager to face them so that everyone could “see, as soon as possible, who is lying”.

The considerate approach of the presiding judge and the prosecutor was especially pronounced at the trial before the special court. Both the presiding judge and the prosecutor intervened at every single attempt by the defence lawyers to discredit or insult the victim. The victim had 24-hour police protection, but in spite of that she was attacked two times.⁸ She experienced testifying as an enormous burden, and even twice attempted to commit suicide. This case may also be used as an argument for the importance of victim/witness support, because in this case the victim had neither legal representation nor any kind of emotional support while testifying. Moreover, she was neither accommodated in the shelter nor included in other rehabilitation programmes for trafficked victims. As a consequence, she was not offered any kind of support during the trial by the Agency, the shelter, or other NGOs, except that the latter were present at the trial as observers.⁹

We can assume that the lack of a general witness support service and an underdeveloped victim support and rehabilitation programmes for victims who, for any reason, are not ready to stay in the shelter, are serious obstacles to strengthening the position of the trafficked victim when she appears at the trial. An additional argument for this assumption is the fact that another victim who was heard as a witness in the same trial and who was placed in the shelter/included in rehabilitation programme was provided complete witness support from the shelter itself.

The presence of representatives from support organisations at the trial is of special importance, since in this rather unfamiliar and unknown environment, the

⁸ According to Mirosljub Vitorovic, prosecutor in the sex trafficking case tried before special court, from the roundtable on “International legal aid/protection of victims’ rights in cases of trafficking in people”, Belgrade, 29 November 2004.

⁹ The victim spent a short time in the shelter immediately after her return to Serbia. However, shortly after that she went back home so that she could take care of her small child.

victim needs someone who is there only for her, and whom she perceives as trusting, friendly, and easy to speak to about her feelings before, after, and especially during the breaks while giving testimony.

This support may of course be given by some person close to the victim, as was the case with Anita and her mother. Herman stresses that if the victim is lucky enough to have a supportive family, “their care and protection can have a strong healing influence” (Herman 1992: 63). However, not all victims of trafficking, especially not adults and those from broken and otherwise unsupportive families, have this possibility. This is why it is very important that witness support organisations exist, and that their representatives are allowed to be present at the trial in order to give emotional support and information to the victim. However, this is not yet the case in Serbia, and the rare representatives of human rights and victim support organisations are mostly present as observers, not as direct support to the victim.

Most of the victims had a legal representative, which made their position more balanced in comparison to the position of the offender. However, the very positive reactions of the victims themselves when some kind of assistance and support was occasionally and spontaneously offered to them by persons other than their legal representative, clearly suggest the especially empowering effect of this kind of support. As stressed by the judge Lidija Gujas, “victims need help during the trial as well as afterwards. They need empowerment, a feeling of safety, and encouragement”. A good example in that regard is Tatjana, who said that an IOM person had advised her to only answer the questions she was comfortable with/liked to answer. She emphasized that the IOM person was very helpful to her - she was friendly, open to cooperation, and more like a friend than staff. Also, victims repeatedly told us that they felt more calm and secure because of the presence of the representatives of the VDS and the Agency, who observed the trials, spoke with them after the trial, gave them information and sometimes sat beside them and held their hand. We noticed that the more support the victim had, the more confident she felt and the better she coped during the trial and afterwards.

Victimisation, gender and coping

Much feminist work on violence has sought to demonstrate that women have acted even within the most constraining of contexts; they have used physical and psychological resistance strategies in the moments of violence, and developed coping and survival strategies both during ongoing abuse and in the aftermath (Kelly 1987; Goudolf and Fisher 1988). Theories of both learned helplessness and sur-

vival were built on the idea of a continuity of victimisation and coping. Learned helplessness theory suggests constant decreasing of and finally paralysing of women's agency as the consequence of many unsuccessful attempts at action/escape (Walker 1989: 50). On the other hand, survival theory argues that the problem is not with the women, since they do not actually stop seeking help, but in the society that does not give them necessary support and assistance (Goudolf and Fisher 1988: 13).

This apparent contradiction between victimisation and agency is well pronounced by Lamb, who suggests the notion "agentic victim", which implies "agency as well as passivity, strength as well as harm, resistance as well as dissociation" (Lamb 1999: 11). Similarly, our findings suggest the continuity of both victimisation and coping in the lives of victims of sex trafficking, as well as the lack of appropriate support and protection. A good illustration may be the victims' constant attempts at, or plans for, escaping. Tatjana, for instance, jumped from the third floor, and has said that she would even have jumped from the tenth floor to escape. Another victim was frightened and tried to escape several times, but without success since she was under constant watch. Thus, like victims of domestic violence and other victims of long-term abuse and stress, sex trafficking victims cope in such a way that they are most of the time looking for the most appropriate response at any given moment (Vlajkovic 1992: 97). Considering their helpless situation and risks of worse violence if they resist, it is not unusual that most of the time they actually use acceptance of abuse as the most appropriate way of coping. As with battered women (Walker 1989: 50), they don't attempt to leave the abusive situation, even when it may seem to outsiders that escape is possible, because they cannot predict their own safety.

However, the analyses of concrete cases of women's more or less successful escapes suggest that – in spite of the fact that most of the time women's coping primarily included their acquiescence to work in prostitution in order to avoid violence – they often suddenly exercised agency in more decisive ways in extreme situations, similar to battered women who either kill or suddenly leave their abusers. Like many other victims of violence, victims of trafficking react out of anger. But, as Walker points out, it is this anger that is positive and empowering and "feeds the flames of esteem for others and for self" (Walker 1989: 221).

Lundgren argues that gender violence decreases women's space for action, whilst at the same time increasing men's (Lundgren 1998: 191). In relation to sex trafficking, the discussion needs to focus less on images of naive and poorly educated women, and more on the links between different forms of violence in the lives of women, as well as on the crises for women in countries undergoing economic transition and/or post-conflict reconstruction. There is a strong argument here for looking again at the concept of structural violence – the deepening of gender in-

equality that has severely narrowed women's options and space for action (Kelly 2003: 142–143).

In addition, gender-based violence in general – and domestic and sexual violence, including stigmatisation connected with it in particular – creates favourable ground for further abuse and social exclusion of victims. This brings us back to the issue of social support and its importance for successful coping, as well the need to look at all forms of gender-based violence in the life of women as interconnected or as a continuum.

Looking at all forms of violence in the life of the individual woman is important for several reasons. It can give us useful ideas about how appropriate and timely support to victims may prevent her from being a victim of other forms of violence. Some of the women that we interviewed may not have ended up in the hands of traffickers if they had had enough support while suffering from domestic and sexual violence, or prostitution. Also, since the efficiency of coping is connected with the duration and intensity of stress (Ilfeld 1980: 1239-1243), in order to help women recover their coping abilities and assess their needs, we must bear in mind the overall effects of violence in women's lives. Finally, victims of trafficking suffer because their relationships with people close to them are broken or they are unable to share experiences with these people – either as a consequence of the experience of being trafficked, or because they have never had good family relationships. Sometimes, they also experience violence in their own home after being trafficked. This may be a severe obstacle to their recovery and could also contribute to the risks of re-victimisation, and as such should be kept in mind by those providing support and rehabilitation to victims.

Conclusion

Our research findings suggest that, in sex trafficking cases, control is implemented in various ways, physical and sexual violence being only one aspect. As in domestic violence, trafficking includes many control tactics, which contribute significantly to the effectiveness of physical and sexual violence. Victims of trafficking suffer both physical and psychological consequences, as well as serious negative consequences on their relationships with close family and other people. Moreover, our findings show that there is a clear link between previous and latter victimisations, including the range of tragic events in the life of the victims, such as war, death of close relatives, etc., resulting in the continuity of victimisation and commutation of traumas.

Our findings suggest a continuity of both victimisation and coping in the lives of victims of sex trafficking, as well as a lack of appropriate support and protection. Women's more or less successful attempts to escape suggest that, in spite of the fact that most of the time women's coping primarily included their agreement to work in prostitution in order to avoid violence, they often suddenly exercised agency in more decisive ways in extreme situations, much like as battered women who either kill or suddenly leave their abusers. As with many other victims of violence, victims of trafficking react out of anger.

Victims of sex trafficking are among the most vulnerable witnesses due to the high level of original traumas from trafficking, and the risks of re-victimisation and retaliation from traffickers. The latter is especially pronounced in relation to victim's reporting and decision to testify against traffickers. In addition, the vulnerability of the victims of sex trafficking is connected to stereotypes and prejudices related to gender-based violence in general, and to sexual violence and prostitution in particular. Great effort has recently been put into improving the position of the victim in general, and of the victim of sex trafficking in particular, when she is a witness and/or the injured party at a trial. However, these procedures still appear to be unsatisfactory in Serbia. However, our findings suggest that the victim's overall experience of appearing at the trial and testifying against traffickers depends very much on how much support she receives and how she is treated by judges and prosecutors. The lack of a general witness support service and an underdeveloped support and rehabilitation programmes for victims who for any reason are not ready to stay in the shelter, are serious obstacles to strengthening the position of the trafficked victim when she appears at the trial.

A sheltered life

By Lise Bjerkan and Linda Dyrlid

The title of this chapter alludes to the assisted processes of rehabilitation and reintegration of victims of trafficking for sexual exploitation. The chapter aims at shedding light on the general contents of these processes, using concrete examples based on field observations and interviews in Serbia, Moldova, and Italy.

In analysing our observations and interviews, the term *transition* has become an analytical guide. In one sense, transition refers to the process of physical movement from one concrete location to another, e.g. from a shelter in the country of destination to a shelter in the country of origin, or from a sheltered life to an independent life – alone or with family or relatives. At a more subtle level, these processes also involve transition through emotional, psychological, and relational stages. The aimed outcome of the transition is incorporation into society and the establishment of an independent and self-sufficient life without professional assistance. This chapter is based on the thoughts and experiences of individuals either passing through or assisting in these transitions, and culminates in reflections on the final stage of the processes of rehabilitation and reintegration: incorporation into society on equal and independent basis.

To be rehabilitated

Whereas rehabilitation was formerly a term used to denote training related to the healing of physical dysfunction and disabilities, today it is commonly used to describe a process that aims at improving a person's ability to function in society on independent and equal terms (Normann et al. 2003). Moreover, one aspect of rehabilitation often relates to creating continuity between the past and the present.

This does not necessarily mean that all rehabilitation should focus on enabling beneficiaries to return to their lives as these used to be, e.g. before being trafficked. Indeed, some do not even want to return to that situation, but have hopes and aspirations of an entirely different life for themselves. This was the situation for Draga, one of the young women we interviewed. Draga grew up in foster care and had never had any contact with her biological parents or other relatives. When, towards the end of our first conversation, she was asked about her future hopes and aspirations, Draga unhesitatingly stated that her desire, after concluding the rehabilitation programme she was currently participating in, was to get a permanent job, a place to live, a boyfriend, and, not least, her own family: “I have been longing for a normal family all my life!”

As previously described,¹ victims of trafficking for sexual exploitation often come from socially and/or financially difficult family environments, and their reasons for leaving home may be rooted in either a desire to improve their own and their families’ prospects, or a wish to escape a difficult situation. During the time they were trafficked, the situation they left is not likely to have improved. Hence, if the women receive poor or no assistance, it is likely that they will return to the same, difficult situation, but carrying the additional burden of memories, wounds, and stigma. On the contrary, successful rehabilitation will often involve much more than re-establishing, or re-constructing, something that used to be. The experience that created the need for rehabilitation may have changed victims’ perspective on life completely (Normann et al. 2003); in such cases, rehabilitation may imply a transformation with regard to, e.g., their way of life, values, self-esteem, attitudes towards others, etc. In extreme cases, rehabilitation may be addressed as a process of “substituting one life with another” (Åslid 2001:39).

Building trust

When victims arrive at a shelter, the first priority of shelter personnel is to make them feel safe and, as part of this initial process, to establish a relationship between each woman and the social worker that will have particular responsibility for her. The shelters often grant each victim a period of stabilisation – in Serbia, for example, there is a rule allowing women who have been exposed to serious violence a few days of solitude in order to recover. One of the social workers described for us how she had gradually gained the trust of one of the women she had recently been counselling:

¹ See the preceding chapter by Vesna Nikolic-Ristanovic, “Who were the victims we met and what made them vulnerable?”

The woman used to cry for hours. The first time this happened I was with her all the time. She cried from approximately 9.30 until 13. I did not say a word, but made clear that I was ready to listen if she wanted to talk. After some time, the woman told me that she liked to be alone and cry. When this happened on later occasions, I normally approached her and told her I was available if she wanted to talk, if there was something she needed, etc. I also told her that she could always come to the office and talk to me. After some time, the woman on her own initiative started coming to talk to me.

Another social worker was the counsellor of a young Ukrainian woman who was brought to the shelter by the police:

She did not want to speak about what had happened to her and this was a new experience to me. She spent a lot of time sleeping – she slept during day and was awake during night and avoided everybody in the shelter. I found it very difficult to work with her, but tried to speak to her during my night shifts. She was willing to speak about other topics than the trafficking experience – for instance she enjoyed talking about her family, her country and the way of life there. She also accepted carrying out her tasks in the shelter, but insisted on doing them at night.

In these cases, the social workers' patience might have been crucial to initiating and building a relationship of trust with the women they were counselling. However, it might take months to establish such a relationship, and it sometimes never happens.²

Although she had spent several months in the shelter, Mila still had not dared to “open her heart” to anyone in the shelter: “I really like to talk with people, but after everything I have experienced I cannot trust anybody one hundred percent. I try to avoid being disappointed once again.” During the interview, Mila several times repeated that she finds it unbearable when people do not “respond adequately” to her “emotional investments.” Consequently, she now tried to control both her emotional investments in and expectations from others.

Based on fieldwork in a psychiatric hospital in Norway, Hans Chr. Sørhaug (1982) underlines the importance of trust between patients and personnel. He sees the combination of a small number of patients and a stable group of personnel as a precondition to build trust: “I do not believe I can recall one successful treatment

² See also the section labelled “Challenges and constraints in rehabilitation” for further discussions on challenges in rehabilitation.

where there was not a solid relationship of trust between the patient and one or more of the personnel. This is a banal but crucial consideration” (Sørhaug 1982: 248, our translation). Sørhaug demonstrates that in contexts where there is not enough time to develop trusting patient-counsellor relationships, one may develop a situation where only a few patients draw the staff’s attention: “[...] often the resourceful, the ‘interesting’, or those who break most rules and agreements, ‘the difficult’. Many are easily forgotten about” (Sørhaug 1982: 248, our translation).³

Adding to the difficulties many victims face, in terms of trusting those who claim to offer assistance and help, is the fact that, in the process of being trafficked, they were often deceived by somebody they had reasons to trust – e.g. a boyfriend or a relative. A psychologist who for several years has worked closely with victims of trafficking told us that she has started to see a pattern in the way traffickers gain the trust of their victims:⁴

Provided the person who intends to exploit a woman knows some details about her family relations, he (or she) will know how to make the woman feel appreciated and valued. Gradually he starts treating her worse, but at the same time he continuously makes sure she does not give up hoping the situation will improve.

She illustrated this by using the case of a girl who had been trafficked through Albania to Italy. The girl, who came from an abusive family background, was first taken to Albania, where she was sold on to a young man who told her frankly that his intention had been to exploit her sexually. However, he claimed, after he met her he did not want to exploit her. Soon they became a couple and spent some time together in Albania. When the psychologist first met the girl, several months later, the girl referred to this period as the most beautiful time of her life; she said she had never been treated so nicely before. She recalled in particular how they had celebrated her birthday all night and not gone to bed until early the next morning – and when her boyfriend woke her up later that day, he gave her a ring. The psychologist presented her analysis of this particular case in this way:

When the girl spoke about this period, she addressed it as if it was a separate period – as if she had never seen this man again. However, it was the same man who later brought her to Italy, put her into street prostitution, and de-

³ “This is not necessarily an expression of the preferences of the personnel. The point is that some patients create problems and situations that are difficult for the personnel to handle. Thus there is often no time for those who do not attract attention, but sit quietly and calmly in a corner.” (Sørhaug, 1982:248, our translation)

⁴ See also the earlier chapter by Vesna Nikolic-Ristanovic, “What victims went through and how they survived”.

manded she made 1000 euros each night, or he would get extremely violent. Every time he sensed she could not take more violence, he started talking about the nice time they had spent together in Albania.

“This is a very sophisticated way of exercising force,” the psychologist concluded. Moreover, she emphasised the emotional vulnerability of women whose backgrounds are marked by abuse in one form or the other – vulnerability in terms of a longing for love, attention and care. Consequently, she warned against simplifying the relationships that have been established between exploiters/traffickers and their victims:

These relationships are not black and white, but on the contrary quite often extremely complicated. For this reason it is not the best thing to tell a girl: “You are stupid since you did not understand that he wanted to exploit you.” Instead you should respect her feelings. If you are not judging the girls, they will tell you everything.

Normann et al. (2003) emphasise the link between hope, motivation, and the possibility to control one’s own situation and rehabilitation process. One of the psychiatrists involved in the rehabilitation of victims of trafficking in Serbia, summarised what he considers most crucial in terms of successful rehabilitation:

It is essential to replace uncertainty with structure and predictability. Uncertainty is the crucial thing that raises fears and depression in all victims of trafficking, e.g. uncertainty in relation to when they can return home. A lot of them do not even know if they want to go home. It is important for these victims to regain control. In this respect the structure of the rehabilitation institution is important. If there is no structure, this will encourage feelings of fear and aggression.

This statement points to what we see as the three fundamental components that should be incorporated as the goal of all rehabilitation programmes: elimination of uncertainty, reestablishment of a sense of control, and mitigation of the level of fear and aggression. When victims of trafficking arrive at their first shelter, they may have spent several months in harsh, manipulative, and abusive environments. Consequently, they are likely to find it difficult to believe anyone who professes their intention of offering assistance.

Draga recalled that she was both scared and very aggressive during the first period in the shelter. The shelter representative who received her at the airport added: “Draga was swearing all the way from the airport to the shelter. I have never encountered anyone who was that difficult to work with!”

Rehabilitation professionals, being well aware of this, often emphasised in interviews that the first meeting with the victims is crucial. One of the social workers said:

The first contact with the victims is very important – it is important to build their trust already from the first meeting, e.g. at the airport. We have to make them feel they are “ours” – make them have confidence in us, and try to minimise their aggression and calm them down. I will not say that some girls are “difficult” to work with. It is more a question of the girl being in a difficult psychological state.

Attending to individual needs

During a discussion with a psychologist in Moldova on the question of when psychological assistance should be provided – i.e. in the country of destination or not until repatriation – the psychologist exclaimed:

It is hundred times easier to work with those who have received psychological support before! They ask for me: “Where is the psychologist? I want to see the psychologist!” Those who have not received psychological support need to be convinced that they need it and that they would benefit from it. It is also easier to work with the women just after they have escaped the trafficking situation. In this period they are generally more receptive of psychological treatment, whereas later – after repatriation to their native countries – other problems appear.

IOM personnel in Italy stressed the importance of remembering that many of the victims of trafficking carry a history of abuse, discrimination, underestimation, abandonment, etc. since early childhood.⁵ According to psychologists, one of the possible outcomes of such histories is that the women at some point start believing that they deserve the abuse and violence they are exposed to. Based on this knowledge, IOM Italy’s starting point when they work with victims is:

This woman has most likely received a lot of negative messages and our words may be the first positive words she has heard in a long time – maybe the first positive words she has ever heard.

IOM Italy’s general approach to the women they work with is emotional acceptance and, as they phrased it, “to suspend the judgement of the person”. This im-

⁵ See also the previous chapter by Vesna Nikolic-Ristanovic, “Who were the victims we met and what made them vulnerable?”

plies the need to establish a relationship of empathy, built on and contributing to acceptance – “the full acceptance of the person – also the negative sides”. As we will see in the following section,⁶ the value of this approach is confirmed by our respondents, who emphasised how important it was for them to feel accepted and to experience that somebody really cared for them.

In Moldova, rehabilitation personnel had found that women being repatriated from Macedonia, Poland, Bulgaria, and the Czech Republic often had received short-term assistance in local shelters. Apparently, in Macedonia one girl – a Moldovan citizen – had even attended a one-year rehabilitation programme. The psychologist who subsequently worked with her upon her return to Moldova said: “It was easy to work with her when she returned, because she had already received rehabilitation services and had recovered from post-traumatic stress disorder.”

A psychologist in Serbia told us that victims who come to the shelter directly from a trafficking situation are usually in a state of apathy, lacking the will to want or do anything:

The victims’ reactions to the experiences they have passed through are similar to depressions – without really being depressions. They also have neurotic symptoms, but I have not come across anyone with psychosis, with the exception of one girl, she was a minor and mentally retarded, who had symptoms similar to psychosis. The overwhelming feelings among the victims are insecurity and uncertainty – and they do not trust people. They never know how long they will stay in the shelter and they expect me to be able to tell them. When I tell them that I do not have this information, they sometimes get angry and deny speaking with me.

She explained that, in most cases, the victims need some time before they start feeling sure that they have come to a place that is safe:

One week to ten days is generally enough, but then they tend to start asking when they will be able to go home. Their situation at home is usually uncertain. They are often eager to go home, but two days or so before they are scheduled to leave, their mood commonly changes: They are afraid of going home; they are concerned about returning without money; they worry for their future and what will happen to them, etc.

She also explained for us how a victim’s mental state often depends on the length of her trafficking experience. This implies that, for example, women rescued in the process of being trafficked – perhaps only a short time after they left their home country – are often confused and disappointed: “They tend to show no interest

⁶ See “Challenges and constraints in rehabilitation”.

in anything and continuously ask themselves if life has any sense at all. Their financial problems are often of major concern to them, and they worry a lot about what they will do when they come back home.” A social worker in one of the rehabilitation shelters added:

Most of the women left their country with an idea – a vision – of getting access to a nice and easy life in the western world. Those who are stopped by the police and rescued before they have really encountered the dangers, or at all understood what they risk being exposed to, believe that the police and the shelter staff try to deprive them of a golden opportunity.

The girls sometimes do not understand what has happened to them, e.g. that they are sold from one “owner” to another and what implications it has that their documents are taken away from them, etc. What sometimes also adds to their confusion is the fact that traffickers spend money on them – i.e. buy them nice clothes and make-up to make them look attractive – so that they (the traffickers) are able to sell them on at a profit.

As mentioned in the section above, some women also get emotionally involved with their exploiters. This was the case for Tina, who was trafficked to Italy and exploited in street prostitution:

Tina was in a group of women who were exploited by the same man. When the other women managed to escape and pressed charges against him, she denied testifying and the Italian police deported her to her native country. The trial started a few months later and when the defendant’s lawyer called Tina and asked if she would come to testify in the defendant’s defence, she accepted. She was informed that her “boyfriend” (the defendant) would cover her expenses for travelling, etc. However, during her first meeting with the defendant and his lawyer in Italy, the defendant told her she would have to work in the streets for a few days to reimburse her travelling expenses. This made Tina suddenly realise what was going on and she immediately decided not to testify in his defence but rather against him.

Tina had a difficult childhood marked by abuse and violence. In later conversations with the IOM psychologist, she explained that she was so affectionate with her exploiter because, as she phrased it: “He made me feel important”. However, she explained: “His request that I worked in the streets a few days to cover my travelling expenses for his defence made me see everything very clearly.”

The statements above demonstrate that victims of trafficking often struggle with complex sets of thoughts and emotions that require professional assistance, such as fear, shame, guilt, anger, humiliation, and powerlessness. They need assistance

to regain belief in themselves and their abilities, and it is crucial that such assistance is provided as early as possible.⁷

Challenges and constraints in rehabilitation

As argued above, the building of trust demands time and resources – precisely what are often scarce commodities in the rehabilitation contexts we have studied. Rehabilitation facilities such as shelters are run with limited budgets, and rehabilitation professionals we talked to expressed some concern as to the “abuse” of shelter employees – e.g. the relative lack of supervision, training, and follow-up of the personnel in the shelters. A psychologist who was familiar with the working conditions of shelter employees through his occasional visits to one of the shelters in Belgrade said:

After three – four months in the shelter, the personnel are so burnt out that their capacity to see and value individual strengths and weaknesses is severely reduced. Yet they are expected to be able to see all the shelter beneficiaries as individuals with unique qualities.

In a report by *Stiftelsen Kvinnoforum* (the Foundation of Women’s Forum) and *Kvinna till Kvinna*, an OSCE representative is quoted as having given the following description of the conditions in the oldest rehabilitation shelter in Serbia:

The centre lacks staff, they have just one person on the shift all the time, and now when it is 16 women there it is almost impossible for one person to be in control. There should be at least two at every shift as a minimum. Also they have a problem with transport as they have no car but have to collect women in a taxi, which is not very safe either. OSCE have said that they would try to look for additional funding, but have not yet succeeded. (*Stiftelsen Kvinnoforum and Kvinna till Kvinna 2003: 59*)

One of the questions we focused on in our research was: To what extent does the lack of capacity (as described above) influence the rehabilitation professionals’ ability to observe and meet the needs of the women enrolled in rehabilitation programmes? The responses to this question have been interestingly homogeneous among the rehabilitation professionals, on the one hand, and the rehabilitation beneficiaries, on the other.

The rehabilitation professionals often described their own contribution at work as limited by heavy workloads and long working hours. For example, one of the social workers emphasised lack of capacity as one of the major obstacles she faced

⁷ See e.g. *Stiftelsen Kvinnoforum (2003)*.

in carrying out her work, and illustrated this by referring to one of her recent night shifts:

We cannot predict what will happen on a shift. For instance, the other day I was alone on the night shift. During the day shift there had been a meeting that the girls wanted to discuss with me when I came in the evening. In addition, one of the girls fell ill and we needed to call for an ambulance. At this very moment, a severely beaten girl arrived the shelter, and it was all very chaotic.

Colleagues of the social worker also expressed frustrations in regard to the time available to work with and follow up on victims on an individual basis. However, they all stressed their efforts to identify the individual victims' needs and resources. One of the psychologists put it this way:

Victims have often been maltreated all their lives; they are used to hearing that they have no worth, that they are ignorant, etc. I try to recognise what they need, but sometimes I find this difficult – especially when they carry a lot of negation and rage.

Occasionally the strategies and forms of behaviour adopted and exercised by the victims in a trafficking context add to the challenges faced by the rehabilitation professionals, and consequently become barriers to rehabilitation and reintegration. One of the social workers described how some of these coping strategies at times made her job very challenging:

Despite all the trainings and education I have passed, I find it very challenging to work with the girls. They tend to manipulate – because they are used to doing this – they got used to this when they were trafficked. The challenge is to face the girls with their manipulation and make them understand what they are doing.

The social worker gave an example of how this sort of behaviour may manifest itself. The shelter where this social worker is employed has a particular person who is in charge of the supply of food. When she is on leave, some of the shelter beneficiaries are delegated these tasks, which requires them to pick up food and other items the shelter needs from a shop and/or the market. The shelter personnel normally put together a list of the required items. However, sometimes the women who do the shopping claim that specific items were not available – which, according to the social worker, is very unlikely because they do their shopping at the biggest market in the city. Moreover, although they fail to buy all the goods, they always spend the entire amount of money that were given. Rather than buying what was on the list, they then tend to buy things according to their own preferences:

Sometimes, when they return without the items that other women in the shelter have asked for, they even tell them: “This is better for you!” We try to make the girls understand that they have to change this practice – and the next time they go shopping they might in fact buy what they were supposed to buy, but then it all goes back to “normal” again.

Another example we were given of how shelter beneficiaries sometimes try to stretch the limits and undermine shelter regulations, relates to the shelter’s rule of when the beneficiaries should go to bed:

The girls commonly leave the living room at midnight and go into their rooms. However, they also have to prepare for going to bed – i.e. instead of going to bed at midnight as they are supposed to, they end up spending a lot of time after midnight talking, showering, etc. It often takes 1 – 1 ½ hours from when they leave the living room until they are ready to go to bed. Moreover, when they all start preparing for going to bed at the same time, it gets very crowded in the bathroom.

A social worker recalled how she had recently asked the women to turn down their music, which they did for a short while – before turning up the volume once again. In her view, this habit of pushing limits was a result of survival strategies the women adopted during the period they were trafficked:

They tend to test the limits. They often manipulate and create false images of themselves. They became used to this when they were trafficked. They are also often used to a passport with a false name. Hence, when we use their real names, they do not answer ... it is like they fully adopt this imaginative person and escape into a different personality.

In some cases the girls’ behaviour has consequences in the form of restrictions, e.g. with regard to their access to services such as the internet, or the time they are allowed to spend outside when they go to rent videos. Social workers at the shelters said that they felt that the strictness that was at times demanded of them is very tiring:

I sometimes feel bad ... it feels like I am objecting to everything ... like I am always negative. I feel better when I can tell the girls they are good, that they did well, etc. – for instance when they have got up in time in the morning, or they have cooked something, they have a new and nice hair dye, or they did something on their own initiative without having to be told to do it.

Whereas the professionals, in our interviews with them, often focused on their own limitations and shortcomings in carrying out their work, the shelter beneficiaries

on the contrary expressed gratitude and appreciation for the efforts made by the professionals assisting them. In particular, they emphasised as positive the closeness and care offered by those working directly with them. Moreover, they stressed the extent to which they valued being accepted and treated as equals.

Anka said that she felt like the personnel at the shelter understood what she had been through: “When I arrived here, they made me feel safe. They worried about me because of the things I had experienced. I felt that they were interested in my life – interested in me – and that they really wanted to help me.” Natasa put it this way: “Every time I needed anything somebody was there to assist me. The people working in the shelter seemed to love their jobs – and they really wanted to help.” Mila said she really appreciated that she was able to address whatever problem she had with one of the specialists employed by the shelter. She added that it seemed to her that all the persons employed by the shelter intended to do their best to assist the women staying there.

The above descriptions by Anka, Natasa, and Mila mirror the sentiments we heard from the majority of the women we talked to with experience from rehabilitation programmes in Serbia and/or Moldova – specifically, the importance of relational aspects to their recovery. However, based on our interviews with rehabilitation professionals, we were left with the impression that only rarely did the professionals themselves truly recognise the importance of these contributions. Moreover, to be able to deal with this form of closeness in a professional way, shelter personnel should be given proper guidance and psychological assistance. A social worker in one of the shelters described for us how she experienced this challenging professional closeness: “The women I work with are a part of my life, yet I cannot live their lives ... I try to develop and keep a ‘psychological protection’, but sometimes I cannot avoid them entering my heart ...”

During our meetings with IOM Rome, it was argued that shelter staff should have psychological assistance at least once a month – “but this never happens, mainly because there are no donors who are interested in giving money for this purpose.” In particular, IOM personnel in Rome stressed the importance of ameliorating the difficult situation experienced by shelter staff in sending countries: “Our colleagues in, e.g., Chisinau and Belgrade face a tougher situation than we do here. In Moldova and Serbia everything – the entire environment – reminds them of the suffering and the root causes of trafficking.” Some time ago, IOM Italy arranged training sessions for their IOM colleagues in the Balkans. The focus of these sessions were issues of relevance to them all: how to deal with victims, how to avoid burnouts, etc. However, the representatives from Moldova could not get Italian visas, and hence lost this desired opportunity to share with and learn from their colleagues.

In order for rehabilitation personnel to succeed in keeping the emotional and relational closeness to the women they work with on a professional level, these matters require a more systematic approach. An initiative to increase the “space for rehabilitation” for shelter staff may imply more frequent regional trainings; regular supervision at the local level; and strengthening of the capacity at shelters, by increasing the number of staff on duty at each shift and/or the number of shifts.

Transition

In the introduction to this chapter, the term “transition” was presented as a key analytical guide. The reason for this is rooted in the nature of the processes involved in rehabilitation. As we understand the concept and idea of rehabilitation, a common feature of all successful rehabilitation programmes is that they qualify or enable the rehabilitation beneficiaries to evolve from one state – physical and/or psychological – to another. What we have addressed as transition can for instance be observed in a study by Flore Singer Åslid of the rehabilitation of drug addicts (2001). Singer Åslid describes a holistic, client-centred treatment approach, involving the active participation of both clients and staff and giving priority to each client’s goals and needs. A major aim of the approach is to strengthen the clients’ self-esteem and help them establish meaningful relations with others. The overall effect of this approach, as observed by Singer Åslid, is that the clients are separated from what she calls “junkyard” and reintegrated into mainstream society:

In this respect rehabilitation becomes a rite of passage, in the sense that it enables individuals going through an important transition to find a “place” for themselves in the new state. This involves leaving behind attitudes, attachments and life patterns that belong to the previous state and being accorded a clear sense of their new identity, social roles and personal boundaries. (Åslid 2001: 40)

The transition described by Singer Åslid may also be applied to understand some of the processes involved in the rehabilitation of victims of trafficking. These processes should not only heal the wounds and traumas from abuse, but also serve as “rites of passage” – a transition ritual preparing the victims for reintegration into society (Van Gennep 1909; Turner 1969). In anthropological literature, rites of passage are referred to as “[...] rites which accompany every change of place, state, social position and age” (Van Gennep 1960; Turner 1991: 94). The purpose of these rites is to enable the individual to return to society in the capacity of a “new”

person – a person whose earlier status and characteristics are removed. The last stage of rites of passage consists in reintegration to society – often as a person who has been “reborn” and, in this sense, as someone who has been given a fresh start (Turner 1991). In the following, we will illustrate this form of transition by using examples related to the gradual move from a sheltered life towards independence and, in particular, reflect upon the challenges involved in this move when the individual possesses a stigmatised identity.

From shelter towards independence

Rehabilitation can take many forms, but the typical scenario with regard to the rehabilitation of victims of trafficking is that the rehabilitation starts in a shelter that is either closed or open, depending on the legal conditions of the residents and, consequently, on the level of security and surveillance required. Specific services of protection and assistance are commonly offered in this process, potentially including legal, health, social, and psychological assistance. Later in the rehabilitation process, the shelter beneficiaries may move from a closed shelter to an open shelter in their country of origin.

The situation with regards to shelters for victims of trafficking differs from country to country. At the start of this research, in December 2003, there was only one shelter for victims of trafficking in Serbia.⁸ Hence, both victims of Serbian and foreign nationality, adults and minors, were staying together under the same roof and were subject to the same indoor rules and regulations. However, important differences were caused by the legal status of the victims of foreign nationality, particularly concerning their lack of residence permit, which prohibited them from leaving the shelter to, e.g., participate in activities in other localities. Moreover, the length of their stay in the shelter and, consequently, in the country, depended greatly on the extent to which the authorities – primarily the police and the legal system – considered them to be of a potential utility as a witness. In contrast, the national victims were in a position to decide for themselves when they wanted to move out of the shelter. According to IOM and rehabilitation professionals at the shelter, the different conditions applying to national and foreign shelter beneficiaries represented an obstacle to the shelter’s possible development of satisfying reintegration programmes. In order to solve these difficulties, a second shelter – often called a transition house – for victims of Serbian nationality was opened in the summer of 2004. The transition house is part of a recently implemented, one-year reintegration programme for national (i.e. Serbian) vic-

⁸ See also the earlier chapter by Biljana Simeunovic-Patic, “Assistance, Protection and Support of Trafficked Persons: Current Responses”

tims of trafficking. The overall purpose of this programme is to offer the beneficiaries a gradual transition to a “normal” and independent life, and the approach is characterised by a greater extent of openness and involvement. This approach is evident in the lower level of surveillance and greater demand for individual responsibility from the beneficiaries’ side. Because the programme only involves women of Serbian nationality, it can more easily make use of expertise and services at external locations.

Various models of transition houses exist in different countries in southeastern Europe; the common characteristic of all models is that they intend to prepare the beneficiaries staying here for a gradual transition to an independent life. For most of the victims, the transferral to a transition house represents a transition from a closed to an open form of shelter, with the former bearing a resemblance to what Erving Goffman calls a “total institution”:

A total institution may be defined as a place of residence and work where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an enclosed, formally administered round of life. (Goffman 1961: xiii).

According to Goffman, one of the characteristics of a total institution is its “encompassing or total character [...] symbolized by the barrier to social intercourse with the outside [...]” (Goffman 1961: 4). The coordinators of the transition house in Serbia described their particular approach to the domestic women’s transition from the closed shelter to the transition house in this way:

We tend to involve the girls in the normal life and routines. They are expected to provide themselves with necessary documents and papers for public transportation, medical service, etc. In the previous (closed) shelter all the girls, also the Serbian girls, were provided with services that were only required for the foreign nationals, e.g. private health care, transport by taxi, etc. Now, the situation is completely different: the girls are expected to be active and do necessary things for themselves on their own – they use the national health care system, public transport, etc. In other words, all the benefits that were previously provided only because of the needs of the foreign girls are now removed. Hence, the girls experience a gradual transition to “normal” life, although there is still a huge gap between the services and financial space they have now and what they will have when they leave the programme. While they are in the programme, they are provided with more than an average Serbian family and there is always somebody to attend to their needs.

In other words, the transition from the closed shelter to the transition house implies that the beneficiaries of this reintegration programme renounce some serv-

ices, but instead are trusted to a greater extent and also allowed greater space for individual action and judgement. According to employees in the closed shelter, the beneficiaries had both expectations and worries ahead of the transfer:

The Serbian girls said they were a bit afraid and insecure about moving to the new shelter. On the one hand they were glad they would be subject to greater freedom, but on the other hand they feared they would not be able to manage the responsibility demanded from them.

Our observations indicate that, whereas the women staying in the transition house enjoyed their extended freedom, they also tended to depend heavily on the social workers monitoring them for advice and support on different matters. Moreover, during the period we observed the transition house, incidents occurred that indicate that the women find it difficult to relate to the fact that the reintegration programme is based upon their voluntary participation. For instance, at the time of our last field visit in November 2004, two of the women had ended their reintegration programmes – several months before their scheduled termination. According to our information, one of them seemed to have consciously violated the rules of the house in order to be expelled from the programme, while the other had gotten married and moved back to her local community. Soon after her marriage, however, the latter woman called the social workers at the transition house to tell them she was willing to return to the programme if she was obliged to.

In our view, this exemplifies some of the challenges and demands embedded in rehabilitation programmes, from the perspective of both beneficiaries and professionals. One obvious issue is that of voluntary participation in rehabilitation programmes. The two examples above demonstrate that the women who take part in these programmes sometimes feel as if they are mandatory. This may consequently negatively affect the women's ability to develop a sincere sense of "ownership" and commitment to the programme and its intended output. Furthermore, the very nature of the programmes – with beneficiaries expected to take on a gradually increasing burden of individual responsibility, and professionals to facilitate but not dominate this transition – implies demanding tasks for both parties. The rehabilitation beneficiaries have, in their recent past, experienced the denial of any ability to have any influence over their own lives; depending on the length and contents of this period, they may find the transition back to independence more or less challenging. In this respect, one of the social workers in the transition house admitted that she often faced a dilemma regarding whether to instruct the women what to do, or to allow them the freedom to make their own decisions. In her experience, there are no fixed answers to this, and she realised that both she and her colleagues and the women themselves would need time to learn what worked or not.

Informed choice?

The goal of rehabilitation should be to enable, or empower, individuals to deal with their own lives. The term “empowerment”, which is often used in descriptions of successful approaches to rehabilitation, refers to “the processes by which those who have been denied the ability to make choices acquire such an ability” (Kabeer 2003: 170). The opposite of empowerment is disempowerment, which implies being denied a choice. This absence of choice “is likely to affect women and men differently because gender-related inequalities often intensify the effects of poverty” (Kabeer 2003: 170). An empowerment approach to rehabilitation implies “facilitating the processes where trafficked persons cease to be victims and start being agents in control of their own lives” (Stiftelsen Kvinnoforum 2003: 24). In order to again trust oneself, one needs to be trusted by others – for example, trusted to choose from alternatives.

Our observations indicate that certain phases, or stages, of the rehabilitation process are marked by higher levels of uncertainty than others. This is particularly true of the phases involving a physical transition – such as from a police station or a hospital to a rehabilitation shelter or reception centre; from one shelter to another; from the country of destination to the country of origin, etc. These forms of transition not only involve a change in context and personnel, but may also involve choices influencing their opportunities in life – e.g. what shelter one chooses may influence what services one has access to, or what kind of vocational trainings and courses one can attend. As part of this project, we have tried to assess how these forms of transition were dealt with and experienced, in particular by the victims but also by rehabilitation professionals. Our findings indicate that the routines as to how and when the victims are prepared for a physical transition differ from country to country and from organisation to organisation.

Kacusa was repatriated to Moldova from a neighbouring country where she had been taken care of by one of the local NGOs in collaboration with IOM. The NGO presented her with a list of services that was available to her while she was waiting for repatriation, and she also received information about what services would be available to her after return to Moldova. Kacusa said it was important for her to receive this kind of information and that it made her feel more confident. However, at the time her major concern was “to go home, to be safe, and to be treated like a human being.” Not until she arrived in the shelter in Moldova, was she able to start relating to her future. Here she was informed about further, future opportunities, e.g. with regard to vocational training, job placement, etc. Kacusa stressed that it had been very important for her to know that she had something to plan for. Moreover, she emphasised

that at this stage she had also been able to mentally relate to this kind of information.

Looking back, Kacusa concluded that everything – all the assistance and information she had received – had been offered her at the right time. She emphasised the approach of the NGO as especially valuable – particularly that they had not put any pressure on her and that the head of the NGO, a woman, had been very caring and understanding to her.

Kacusa's rehabilitation and reintegration was helped by the fact that she received proper guidance and follow-up at every critical stage in this process. When we met Kacusa, she had resettled with her family and was running her own successful business.

Whereas Kacusa was informed at an early stage of her rehabilitation process about the services available to her upon returning to her home country, others managed to get some – insufficient – information on their own initiative by looking up the website of IOM in their home country. There were also some, like Tatjana, who received no such information. In retrospect, Tatjana said it might have been better for her if she had known what to expect and the choices she faced. The need for information, but the need for information in a language well understood by the victim is also emphasised in some of Tatjana's experiences:

Tatjana was hospitalised in her destination country and had expected to go back to her native country as soon as she was discharged from the hospital. However, instead she was taken to a shelter run by IOM. The reason for this misunderstanding was either that she had not received proper information, or that she had been informed in a language she did not understand. Tatjana said: "IOM may have told me that I was going to the shelter, but at the time the translator was not present."

At the shelter, Tatjana was told that there was an IOM office in the capital city of her native country, and that she could receive assistance there. The first week at the shelter she did not know when she could return home, nor did the IOM. This uncertainty occurred because she had to give testimony to the police, and only when she agreed to this would they let her leave the country.

In addition to police interviews and testimonies in court, the preparation of identification papers and proper travel documents are what normally delays the repatriation of foreign victims of trafficking from Serbia. When we met Natalija, she was waiting for her travel documents to be finished:

Natalija did not know how long she would be staying in the shelter. She said she hoped that her documents would be finished very soon. She was looking forward to going home – and hoped that would soon happen. She had been

told that IOM would accompany her to her flight back home and that IOM representatives would receive her at the airport in her home country. Moreover, she had heard that IOM was in charge of a reintegration programme in her native city, but she had not yet received any information about the content of this programme. Upon arrival, she would first get to know what this programme included and how it was organised, and then decide whether or not to get involved in it. By way of conclusion, Natalija said: “According to my experience with IOM until now, I expect only the best from them.”

Our interviews indicate that information about services available in the women’s native countries often is provided just before their departure – if at all.

We met Jana the day before her departure from Serbia. She knew that IOM representatives would be at the airport to receive her, but she had not yet decided whether or not she would identify herself for them. She said she needed more information about the services they can offer her in order to make a decision. Apparently someone from IOM would come to the shelter that evening to give her more information.

Part of the reason why women receive limited, if any, information about services in their home countries before repatriation is the limited amount of information actually available to the professionals involved in their repatriation. According to a social worker in Moldova, there had been loose, and not yet realised, plans to make a study trip to other countries in the region to learn from and exchange experiences with colleagues. At the time, she had herself only scarce and occasional information about the rehabilitation services available in neighbouring countries. Our observations indicate that, although the shelter employees recognised the importance of cooperation and exchange of information with colleagues across borders, in practice they rarely got the opportunity to do so. Some of the reason for this was apparently rooted in limited budgets for communication. However, the relatively limited flow of information between shelters in the Balkans reduces the victims’ ability to make informed decisions with regard to their immediate, and consequently, also distant future. What could be a continuum between the different shelters and their programmes often ends up being completely separate, sometimes repeated, stages in the women’s transition through the process of rehabilitation. This implies that their sheltered lives may turn more liminal and less productive than they could be, had they been provided a greater extent of cooperation and continuity.

Transformation of identities

The experience of transition and transformation during processes of rehabilitation and reintegration may depend on several factors, such as the concerned individual's personality, childhood, and family relations, as well as the duration, location, and contents of the person's trafficking experience. In concrete terms, the transition experienced by victims of trafficking for sexual exploitation may involve e.g. changing the hours they keep from night to day, leaving behind survival strategies adopted during the time they were trafficked, and learning to relate to and trust other people. In short, one aspect of rehabilitation may be perceived as a "transformation of deviant identities" (Åslid 2001: 39). The latter is reflected in what in Moldova was addressed as a "correction of personalities", which referred to exercises aiming at making the shelter beneficiaries reflect on their own values and priorities. Social workers in Moldova said they sometimes witness dramatic changes in the girls who go through these kinds of exercises on a regular basis over two to three months, and emphasised that the changes were particularly visible in the girls' ways of relating to others. We were told, for example, that in many cases the younger girls were not able to give compliments to anyone before they were trained to do so.

This transformation of identities is also sometimes encouraged by means of changes in appearance and style, such as through clothing and make-up. Some of the shelter beneficiaries in Serbia told us they had been advised by shelter counsellors to stop wearing short mini-skirts and heavy make-up. In Moldova, shelter beneficiaries are also alerted if they adopt an extreme personal style in terms of make-up and clothing. While this change in personal style is partly linked to the development of a new way of life and the transformation of "deviant identities", it is also related to the shelters' security measures, as part of a policy of attracting as little attention as possible to the shelter premises. Based on their experiences, social workers explained how this change of style facilitated a desired internal transformation:

By changing the women's physical look in terms of make-up and clothing we "remove" the identity they were given when they were trafficked. Gradually this external transformation provokes an inner transformation of their identity. The women literally start seeing themselves from a different perspective.

For women who have been living with a false identity and/or been involved in prostitution for a long time, rehabilitation may also involve learning to relate to their true names, identities, and personalities. In Moldova, rehabilitation professionals told us that when they received women who were repatriated from the same brothel, the women often continued addressing each other by their false names:

They find it difficult to leave these names behind. When we ask them what they want us to call them, they say: “Use our real names.” A reason for this may be that these are the names they associate with this life (in Moldova), with their family, etc.

A psychologist in Moldova expressed great concern about the changes in personality she often observes in the women she works with, particularly in terms of their sometimes extremely rapid changes in moods and behaviour. She also stressed that many of the women she has worked with have adopted very manipulative behaviour.⁹ This not only makes her job complicated, but also represents a major challenge to the rehabilitation of the women and their ability to get back to ordinary work:

The girls themselves do not see the changes, but I see them. I try to demonstrate this to them by making them realise how aggressive and manipulative they are now as compared what they used to be like. I ask them: Were you like this before? Then they realise the changes – and often try to explain for me why these changes have occurred. They say: “We had to lie and beat to survive – and hide our real emotions”.

Another challenging area for women who have been sexually exploited is their sexual relations with their partners. During a discussion on this issue with a psychologist, she argued: “The victims of trafficking for sexual exploitation will always have problems with their sexual life and with their relations with men – no matter whether they have been in prostitution only for one night.” Eva Lundgren explains some of the psychological processes involved in these forms of abuse:

When a woman is abused, it is impossible for her to be *completely* present in her painful, violated body. She has to “break loose” from her body. Like a prostitute or a sexually abused child, she may separate her body from her “self,” repress her body, make it into an *object*. She cannot feel the feelings with her “self”; that would be too painful, so she estranges herself from her body and flees to a *symbolic* world as a survival strategy; “she” is no longer her body. (Lundgren 1998: 192)

Among the women we met, the strategies adopted with regard to relations with men seem to differ to some extent depending on marital status and/or age: whereas women who were married at the time of trafficking often seemed to find it difficult to re-establish a physical, sexual relationship with their husbands, some of the younger, unmarried women tended to adopt a seductive behaviour towards men

⁹ See also the section titled “Challenges and constraints in rehabilitation”.

– sometimes both finding it difficult to commit themselves to one particular partner, and perceiving the purpose of having emotional relations with men as solely one of “use”.

Some of the women who returned to a husband or boyfriend experienced a worsening or even a break in their relationships. In cases in which the marriage or relationship was part of what the woman escaped from when leaving home, this may turn out as, ultimately, a positive consequence for her. For others, a break may have severe consequences and enhance the burden of carrying a stigmatised identity. This particularly applies to societies with little or no tradition or tolerance for women establishing independent lives. A number of the countries known as “sending countries”, i.e. countries from where a majority of the women trafficked into prostitution originate, tolerate few independent moves by women, e.g. in terms of setting up an independent household. The relatively higher costs of a single-headed household, high unemployment rates, and relatively lower salaries of women, may also add to the burden and make this an unbearable situation.

Simplified perceptions and their consequences

The 2001 *Global Conference on Rethinking Care*¹⁰ produced the following declaration with regard to rehabilitation programmes:

The primary goal of all rehabilitation programmes must be the equalization of opportunities for all disadvantaged people. Rehabilitation professionals should be skilled in identifying and resolving barriers, i.e. environmental, economic and social, in order to develop a fully inclusive community. (Normann et al. 2003: 73)

What we find particularly interesting in this recommendation is the emphasis it gives to the context – in the form of environmental, economic, and social barriers – in which rehabilitation beneficiaries should be made able to function on equal terms.

Based on our experiences in addressing the barriers encountered by victims of trafficking for sexual exploitation in the processes of rehabilitation and – in particular – reintegration, negative attitudes and prejudices still stand out as major obstacles to a dignified and smooth rehabilitation and reintegration. This means that the women who have been victims of this form of crime often have to deal with both their own self-blame and shame, and the prejudices of others. We be-

¹⁰ The conference was arranged in Norway with support from the World Health Organisation.

lieve that the prejudices encountered by victims of trafficking are often based on stereotyped perceptions about the women that fall victim to this form of exploitation. While Liz Kelly has pointed to the relatively limited attention that return and reintegration programmes pay to the implications of having been prostituted (Kelly 2001), Ann D. Jordan argues that women who are trafficked and forced into prostitution are treated as either “[...] ‘madonnas’ (innocent, vulnerable) who need assistance and support or as ‘whores’ (conniving, tainted) who need redemption and rehabilitation” (Jordan 2002: 31). Donna M. Hughes (2002) has observed a similar distinction in Russia, where there is a tendency to differentiate between the “innocent” and the “willing” victims. This dichotomy may be illustrated by the two stories below:

We were in the social work office in a small town in Serbia and the social workers were telling us about Ljilja, a woman they describe as attractive. Moreover, she is twenty-one years old and the mother of three children. First they explained for us was that Ljilja had left her children with her own mother. Furthermore, early in the conversation it became clear that they believed – or suspected – that she has previously been working as a prostitute in the town. Later it became clear that she had now disappeared for the second time under somewhat unclear circumstances. A while after she had disappeared for the first time, the social work office started receiving phone calls from her. On the phone, she sounded like she was scared, but they were not able to identify where she was calling from – and she did not tell. However, some time later, Ljilja showed up at the social work office. She needed assistance to receive treatment for a serious infection in the abdomen. Moreover, she told the social workers horrendous stories of what had happened to her abroad: She had not been able to move around freely and her passport and other documents had not been in her possession. In the end she had managed to escape and returned home. The social workers said they did not get the impression that she had earned any money while she was abroad – at least her mother had complained she did not bring anything home for her children.

To us it immediately sounded like Ljilja had been trafficked and sexually exploited. When we asked the social workers whether they had thought along the same lines, and whether this had been reported to the police, they responded a bit reluctantly: “No ... and she looked all right.” Not long after Ljilja asked for assistance from the social work office, she disappeared once again. At the time of our meeting with the social workers, nobody had yet heard from her. The social workers admitted it was not likely that she had travelled on her own, without some form of assistance; and they confirmed that this time the police had been informed.

Tatjana was promised a job as a hairdresser in Belgrade, but ended up being kept captive and abused in a flat in the outskirts of the city. She soon understood that the plan was to sell her on to a brothel in Kosovo. After several weeks of severe abuse, she managed to escape by jumping from a balcony on the third floor down to a pile of snow. Somebody who passed by discovered her, and although she was not able to communicate in Serbian they realised that she was in a bad physical and mental state and alerted an aid organisation. When we met Tatjana a few months later, she had gone through some initial mental and physical rehabilitation and was about to be repatriated to her native country.

When we asked rehabilitation professionals for examples of “successful rehabilitation”, Tatjana was on several occasions emphasised as an example of “good practice”. She was also referred to and praised for her courage and initiative. In short, she fit the image of the “successful” and “worthy” victim: the innocent woman who is lured and ends up fighting for her freedom. Ljilja was never addressed in these terms. On the contrary, it was assumed that she had voluntarily entered prostitution in the first place, and also did not adopt any familiar “victim attitude” upon her return from abroad (“... she looked all right”).¹¹

According to Ann D. Jordan, one of the consequences of the “whore – madonna” dichotomy is that the “madonnas” become the favourite target of governments, NGOs, and others offering rehabilitation activities, while the “whores” are left with little assistance and (partly) blamed for their actions. Our findings indicate a prevalence of influential forms of categorisation related not only to moral, but also social and ethnic, indicators. These forms of categorisation may impact on whether or not women are perceived as relevant victims for rehabilitation programmes, and also on the forms of assistance and follow-up they are offered. The case of Andrea, a Roma girl from a small community outside Belgrade, illustrates our argument:

When she was fourteen years old, Andrea was attempted sold by the woman she worked for as a maid. There was suspicion that Andrea’s mother was also involved. The men who bought her were stopped when they tried to bring her out of the country. Via a childcare institution Andrea was linked up with the social work office near her home.

During our conversation with the social workers in Andrea’s community, they remarked that they did not consider this event as very serious. The reason for this being that, as they put it, “[...] it is common for the Roma to sell

¹¹ We would like to stress that this understanding is fully based on the researchers’ personal observations and interpretations of what was being said, and may consequently be incorrect assumptions.

their daughters – or, at least, to gain money from marrying away their daughters.” They also told us that they had been responsible for bringing Andrea from the childcare institution back to her mother.

The social workers said they did not see any options for Andrea with regard to rehabilitation activities or initiatives. Her family was dependent on social welfare, and all ten children, including Andrea, were illiterate. Besides, they said: “Andrea is used to this kind of life”. When we again asked whether they really did not see any resources in Andrea – no abilities, skills, or interests that could be stimulated – the social workers said: “No, she is pretty, but not smart, and not educated. She does not show any interest and she gets no stimulation from the environment”.

During an interview at another social work centre, the social workers started discussing the case of Draga with us. Draga originated from this community:

Draga had been trafficked abroad and was now in rehabilitation in the capital. She had recently paid a visit to her native place to sort out some practical matters with the social work centre. According to the social workers that met with her during this visit, she appeared to have high expectations regarding her future and she also had concrete plans as to her priorities in life. However, their overall impression was that she had unrealistic expectations, e.g. she saw herself with a job and a flat in the capital city. Moreover, they told us that she lacked initiative and explained this by pointing to her background. Draga grew up in foster care and, as phrased by the social workers: “All her life there had been somebody else taking care of her.” The social workers apparently suggested that this background had created in Draga an attitude of “somebody else will take care of me”, and that this explained her lack of initiative: “The girl is without initiative. As a child she also had no initiative – she was always taken care of”.

In our view, the stories above demonstrate that simplified perceptions built on stereotypes of any kind may impose limitations on individuals’ ability to gain from assisted processes of rehabilitation and reintegration. Normann et al. (2003) suggest that rehabilitation professionals sometimes fail to see that beneficiaries’ lack of hope and motivation may be linked to the way the rehabilitation services are organised: to concrete experiences of how the services actually work, and to disagreement with the proposals for solutions and initiatives that the rehabilitation professionals represent. Moreover, they underline the negative impact on both motivation and self-esteem caused by rehabilitation professionals that tend automatically to characterise wishes and dreams uttered by beneficiaries as unrealistic. Hence, giving women who have been trafficked and sexually exploited the opportunity to step out of the stereotypical images framing them may benefit not

only their ability to express their individual needs and ambitions, but also their prospects for recovery and rehabilitation.

Management of a stigmatised identity

The sociologist Erving Goffman has defined stigma as “an attribute that is deeply discrediting [...]” (Goffman 1963: 3):

The term stigma and its synonyms conceal a double perspective: does the stigmatised individual assume his differentness is known about already or is evident on the spot, or does he assume it is neither known about by those present nor immediately perceivable by them? In the first case one deals with the plight of the *discredited*, in the second with that of the *discreditable*. This is an important difference, even though a particular stigmatised individual is likely to have experience with both situations. (Goffman 1963: 4)

Victims of trafficking for sexual exploitation often carry an experience of differentness that is not immediately apparent and perceivable to others – hence they fall into the category of *discreditable*, and the dilemma they constantly have to deal with is whether or not to share this with others. Moreover, they often rely on promises of confidentiality from significant actors, such as police officers, social workers, and others who may have been involved in their identification, rehabilitation, and/or reintegration. Social workers we talked to both in Serbia and Moldova emphasised the destructive effects of stigma, and stressed that it often takes some time to actually become aware of the stigma: “At first the family is happy to see their daughter, but later the problems arise – also with regard to the local community”.

A majority of female victims of trafficking for sexual exploitation come from traditional, male-dominated societies where there is little or no understanding of trafficking as a criminal offence and of the woman (or “the prostitute”) as a victim of organised crime. One of the social workers involved in rehabilitation and repatriation of victims in Moldova said: “In the victims’ local communities, the issue of trafficking is generally not known or understood. Hence, people see the women as prostitutes, not as victims”.

During our visit to Moldova, we visited a region known for its traditional values with regard to gender roles and expectations. One of the social workers we talked to in the capital city recalled her own reactions after she had visited some beneficiaries of their programmes in this region:

I had to recover for a couple of days after this experience. All the beneficiaries of the shelter come from poor families, but this region is particularly poor.

Stigma is another severe problem here. We have arranged trafficking seminars in this region for the local police, medical doctors, etc. On these occasions I clearly felt their negative attitude to the issue. Although they understand that this problem exists, they all think the women wanted this themselves. This is a very traditional region – where women shut up and obey their men. In some villages women cannot even dine at the same table as men. There is also a lot of labour exploitation from this region – e.g. begging, which is often combined with sexual exploitation.

The head of a local NGO told us that most often the women returning home after having been trafficked are rejected not by their parents, but by their husbands: “Parents are generally more understanding, whereas husbands want divorce”. This means that married women often develop cover stories for their husbands, and are left with this story for the rest of their married lives. When asked how married women cope with keeping this secret from their husbands, the NGO head answered: “Women are like a castle – they can stand everything. Here the family is traditionally considered more important than the individual and men more important than women”. Moreover, on the issue of whether to tell the truth or a cover story to the community, he said: “If the community gets to know the truth, it is practically speaking not possible for a woman to resettle there. Whatever the circumstances of her prostitution were, she will be blamed for her activities”. This implies that, although a woman was forced into prostitution, she will nevertheless be blamed for what happened to her.

The media plays an important role in the representation of trafficking. For this reason, journalists in Serbia are included in training sessions to learn more about the issue, as well as the consequences that their way of angling stories about trafficking might have. Hence, one has lately observed a slight improvement in the Serbian press with regard to their way of presenting such cases. However, Anita experienced some of the damage journalists may cause:

Anita pressed charges against her traffickers and gave testimony in court. The case was widely covered in the local media and due to the way this was done, the entire community today knows even details of Anita’s story. One of the consequences faced by Anita was that other pupils in her school avoided her, harassed her, asked her inappropriate questions and laughed at her. According to Anita they now see her as “dirty”, “raped”, “infected”, and as a “thief”. For a while she managed to stand up to the situation. She said: “I tried to laugh in school and to look as ‘normal’ as possible, but it all became unbearable”. A couple of times she had a seizure in school because of the behaviour and rejection by others, and all her classmates reacted by laughing. This whole incident has made her unable to concentrate and she gets bad marks and generally does

not feel good at school. Looking back, Anita said that of all the people who have caused her evil, the journalists were most persistent to use her misfortune to their benefit, at any cost: “They came from all papers, and even a TV crew, and persistently asked me to tell them in front of the TV cameras everything I had gone through ... Can you imagine how they upset me? No one asked me how I felt. I think that even the policemen – when they call my mother to ask ‘if there are any news’ – they are referring to their ‘evidence’ in order to satisfy their bosses. They all ask for information because of their personal benefit. They do not care about me”.

In Moldova, journalists have published articles about the activities of IOM in Moldova. These articles apparently condemned women who return to Moldova through IOM support as being prostitutes. Such articles are likely to add to the already well-established stigma attached to the bags carried for identification purposes by all persons repatriated through IOM’s voluntary return and reintegration programmes.¹² This identification system requires that the repatriated person openly carry an IOM bag upon arrival in countries of transit or destination, provided they want to be identified and assisted by IOM. Victims of trafficking have often announced their return to their parents and/or husbands and children, and may expect to be welcomed at the airport both by their family and by IOM representatives. Obviously, this may cause a dilemma as to whether or not they should identify themselves for IOM in the presence of their family.

When we met Sonja at the airport in Belgrade just before she was departing to her native country, she still had not decided whether or not to identify herself for IOM upon arrival.

She said she was looking forward to going home, although she had not yet decided what experiences she would share with her husband. She had informed him what flight she would be on and therefore expected he might be at the airport to receive her. She also knew IOM staff would be waiting for her.

¹² IOM are aware of the stigma attached to the IOM bags in certain countries, and are in the process of developing other means of identification. Another problem encountered by this mean of identification is that the concerned persons may forget to show their bag upon arrival, hence the risk that people who would like to receive assistance will not get it. In Moldova, La Strada and IOM have a formal cooperation as to victim identification, repatriation, and rehabilitation. When representatives of La Strada go to the airport to receive victims, they use other means of identification than the IOM. Sometimes they are told what she will wear, or they have agreed on an item she will be holding in her hands. A third option is that the victim has been informed about how the person representing La Strada will be dressed and/or look like. The La Strada representative may also have received a photograph of the woman from her parents, other relatives, or friends. La Strada are conscious not to use their logo on these occasions, as they do not consider the airport a safe arena.

However, she had been told that they would not be able to identify her without her clearly showing the IOM plastic bag. Hence, it would be fully up to her to decide whether to get into contact with them or not.

During interviews with other women, the IOM bag was often referred to when we discussed the issue of return and identification:

Draga was scared when they put her on the plane back home. She had never been in a plane before. She recalled she was sitting next to the window – looking out.

IOM representatives were waiting for her at the airport when she landed. She was hiding her IOM plastic bag, although she had been told that she should keep it visible for identification purposes. However, she was embarrassed to carry an empty plastic bag.

Natasa was escorted by IOM to Vienna and from there she flew alone to Moldova. She was informed that somebody from IOM Moldova would meet her at the airport and that she should identify herself by the IOM bag. Natasa did not feel good about the identification by the bag: “I felt as if everybody would see that I was a victim. I only wanted to arrive and hide”.

As previously argued,¹³ the phases of rehabilitation and reintegration that involve the highest level of uncertainty and stress for victims are those involving a physical transition. Hence, the more smoothly and dignified these transitions can be managed, the more likely it is that the victims themselves can decide whether and on what conditions they will share their differentness with others.

Victims of silence

It is known that the majority of victims of trafficking for sexual exploitation choose not to share their experiences with anyone – not even with their closest family members. In Moldova, we were told that as many as ninety percent of the women do not tell even their closest relatives about their experiences: “You can count on one hand the number of girls who have told everything to their families.” Sometimes the girls tell their families that they have been attempted trafficked, but that they were rescued or managed to escape. However, one of the rehabilitation professionals said: “If the girls go to Russia or Turkey the stigma is the same even if they have not been involved in prostitution. People will suspect prostitution anyway”.

¹³ See the section titled, “Informed choice?”

This indicates that many of the women struggle on their own in dealing with the memories of their experiences. The fear of stigma and prejudices forces women to develop cover stories and to produce lies and fake stories that they often will have to live with for the rest of their lives. These lies, or cover stories, may be seen as a way of coping with an environment that is not prepared to accept the women's true experiences, but its consequences may also be seen as yet another form of revictimisation, such that the woman's own lie turns her into a victim of secrecy and silence.¹⁴ This may not be a healthy strategy in the long run, but, from the women's perspectives, their future social and cultural contexts may not offer any true alternatives. A psychologist exclaimed in frustration to the stigma and prejudices marking the victims of trafficking:

Society should change its attitude towards this problem. If ten percent of the victims would *not* tell the truth about being trafficked and ninety percent would tell, it would be much easier both to work with and to live with this problem.

The dilemmas faced by the women with regard to self-censorship are at their most intense at the time of repatriation to their native countries:

When Tatjana returned by flight to her country of origin, she was welcomed both by her family and by IOM representatives. Tatjana was fully dependent on IOM for medical assistance, and therefore chose to identify herself by help of the IOM bag at the airport despite the presence of her family. However, she did not tell her family the precise mandate of IOM, but said they assisted women who have been attempted trafficked.

Tatjana said she was unsure of whether her family would have rejected her if they learned the truth, but she said she feared it would have caused them a lot of pain. In general, she remarked, "reintegration is difficult when you leave the country to earn money and return without anything at all".

Like Tatjana, Natasa had informed her family about her return, but had not been precise about the date and time in order to avoid them coming to receive her at the airport:

Natasa spent the first night after her return at the IOM shelter, but the second day she went to see her family. After two weeks with her family, she returned to the shelter. She had experienced it as very unpleasant to come home to her family with no money. During the years she had been trafficked, she had regularly talked to her family and always told them that she had a job and earned

¹⁴ See also the earlier chapter by Vesna Nikolic-Ristanovic, "What victims went through and how they survived".

good money. She was forced to lie to her family to explain why she had no money: “Sometimes it is better to lie to protect your family”.

Based on research in Russia, Donna M. Hughes argues that, because of the silence and secrecy surrounding the experiences of victims of trafficking, they “remain one-dimensional figures whose terrifying stories are condensed and simplified for media reporting” (Hughes 2002: 33). In the following section, we will illustrate what consequences this may produce in terms of the victims’ management of identity and dignity in different contexts.

A call for suffering

As the above statement by Donna M. Hughes indicates, it has proven difficult to draw the attention of politicians, donors, NGOs, media, and even researchers to the multitude of what it might imply to be – or have been – a victim of trafficking. For instance, in some countries the Swedish movie “Lilja 4-ever”¹⁵ has become the legendary and oft referred to model of how trafficking for sexual exploitation should be understood. Striking in the discourse that coalesces around this form of understanding is what we have chosen to address as “a call for suffering” – more particularly, a call for suffering in the form of physical violence and force. This unfortunately seems to imply that less concrete, more subtle forms of violence, abuse, and use of force are given less attention in discussions on how to identify victims of trafficking. It may even seem that the call for suffering in the form of physical violence/brutal force has become the ideal, or normative, description of stories of trafficking for sexual exploitation.

In his research on self-organisation among disadvantaged people and marginal groups, Rune Halvorsen explores individual effects of adopting the identity of “victim” (Halvorsen 2002). His findings indicate that, although this reduces the alternatives in terms of presentations of self (e.g. in more positive or resourceful terms), it may also serve as a source of moral, practical, and financial support. Hence, Halvorsen suggests that a presentation of self in the form of “victim” may be considered a symbolic resource or form of capital – *victim capital* – that can be converted to more concrete forms of resources. According to Halvorsen, the access to and value of the “victim capital” depends on the extent to which one’s suffering or marginalised position is ascribed by others – rather than oneself – or

¹⁵ “Lilja 4-ever” (2003, directed by Lukas Moodysson) presents the story of a sixteen-year-old Lithuanian girl who is trafficked to Sweden, where she becomes the prisoner of a prostitution ring and is forced to obey their requests. The film, in our opinion, offers a realistic presentation of a trafficking scenario. However, it is important to keep in mind that this is only one of a multitude of possible scenarios.

is considered as being caused by conditions beyond one's control. In the following, we will discuss some of the implications of expectations related to the idealised, innocent victim – more concretely, implications we observed among victims of trafficking in rehabilitation in Serbia.

Some of the women we followed during this research period participated in a documentary about trafficking in women for sexual exploitation. The documentary was screened on national Serbian TV during one of our stays in Serbia, and we saw it with a group of women who were all victims of trafficking. Among them were two of the women who were interviewed in the documentary. When we afterwards discussed the programme, Anka, one of the women who had narrated her story in the film, complained at the way her interview was edited: "They made it sound as if I had hardly suffered at all!" In our view, Anka's reaction indicates the existence of an "ideal" trafficking scenario founded on a call for suffering. Moreover, it demonstrates how this ideal not only affects policymakers, donors, practitioners, and other actors in the field of anti-trafficking work, but ultimately also the victims themselves.

During one of our later talks with the same group of women, they shared with us their concern for one of their friends, Draga. They were concerned because she no longer answered their phone calls and had apparently abandoned her flat.

When we met with the women again a few months later, they told us that Draga had called them from Greece. They suspected she was involved in street prostitution, although she had not admitted to this on the phone. In the process of sharing this information with us, we noticed that Anka, who had been trafficked to Greece herself, gradually turned silent. After some time she said:

It might be my fault that she has travelled to Greece ... She has never been there before, but I have told her a lot about my stay there. However, I never spoke about the bad things that happened ... I only told her about the nice things: the shopping and the sightseeing ...

Anka admitted that she was afraid that she had contributed to giving Draga an unrealistic idea of what life in Greece was like, and that she was now struggling with a sense of guilt. Anka's presentation of her experiences to the TV crew strongly diverges from the story she narrated for Draga. In front of Draga, as opposed to in front of the television cameras, Anka did not want to be a victim – and there was no reason why she should. On the contrary, Draga gave Anka an opportunity to act out a more resourceful presentation of herself.

Concluding remarks

In this chapter, we have described some of the contents of the assisted processes of rehabilitation and reintegration of victims of trafficking for sexual exploitation. Furthermore, the chapter has portrayed the experiences of individuals playing a role in these processes – either as beneficiaries or as assistants.

The processes of rehabilitation and reintegration imply transition – transition from what is initially often a closed rehabilitation shelter, to an independent life without professional assistance. Closed rehabilitation shelters of the type we earlier described as “total institutions” impose strict limitations on the repertoire of roles each person can possess.¹⁶ Goffman (1961) describes the differences with regard to the playing of individual roles in total institutions versus civil life in this way:

In civil life, the sequential scheduling of the individual’s roles, both in the life cycle and in the repeated daily round, ensures that no one role he plays will block his performance and ties in another. In total institutions, in contrast, membership automatically disrupts role scheduling, since the inmate’s¹⁷ separation from the wider world lasts around the clock and may continue for years. Role dispossession therefore occurs. (Goffman 1961: 14)

This implies that certain roles are lost for the entire duration of the stay in a closed rehabilitation shelter or other “total institutions”. Combined with the expectations related to what it implies to be a victim of trafficking, this is likely to leave the women in this form of shelter room to be little more than victims.¹⁸ As argued above,¹⁹ the consequences of this may lead to a discourse that discourages positive experiences from surfacing from the women’s trafficking experiences, and instead nourishes the image of victims of trafficking as one-dimensional figures carrying terrifying stories (Hughes 2002). This has implications not only for the development of policies and initiatives in the field of anti-trafficking work, but ultimately for the rehabilitation, recovery, and reintegration of the victims themselves.

¹⁶ See the section titled, “From shelter towards independence”.

¹⁷ Goffman uses the term “inmate” in a wide sense referring to e.g. patients in hospitals, soldiers in the army, novices in monasteries, and prisoners.

¹⁸ We would like to emphasise that we did not identify this attitude among rehabilitation professionals we interviewed during this research. Rather, our concern in this regard relates to the limitations and constraints embedded in the rehabilitation structure and the global discourse referred to above.

¹⁹ See the section titled, “A call for suffering”.

One of the psychologists we quoted in an earlier section²⁰ warned against simplifying the relationships between exploiters/traffickers and their victims: these relationships are not black and white, she said. Our findings indicate that this statement is also valid to the victims' thoughts of and relation to, for example, the destination they were trafficked to, and also sometimes their former clients. For instance, a number of the women we got to know gradually revealed stories of affectionate friendships and pleasant travels with some of their clients during the period they were trafficked. Bilja, for instance, described her relationship with some of her clients in these terms:

We spent time together and they paid me. I was not allowed to tell them I had a pimp, but they already knew. They used to buy me ice cream, clothes and other gifts. For my pimp it was only important that I brought back the money. Also, I travelled with these friends and saw beautiful parts of Italy. This is something I remember with a good feeling.

Several of the women emphasised these kinds of positive experiences as important sources of laughter and comfort in their processes of recovery and rehabilitation. Some of them still keep in touch with earlier clients over e-mail, and occasionally also receive gifts and visits. Our research findings confirm the necessity of renouncing the "ideals" and "norms" often attached to perceptions of what it implies to be a victim of trafficking. In order to improve programmes of rehabilitation and reintegration, it is important that women passing through these programmes be given the opportunity to perform in more roles than that of "the innocent victim" without having their victim capital devalued.

The narratives and presentations of self that we have referred to and interpreted in these chapters should be understood as parts of a process involving the regaining of control, and establishing a sense of continuity onto one's life. Hence, these narratives should be considered not as finalised stories telling "the truth" about disruption, its causes, and consequences, but rather be seen as part of an ongoing process of self-presentation, "[...] a legitimization of moves and counter-moves and of projections for the future" (Knudsen 1990: 122). Moreover, these narratives may also be seen as illustrations of "how particular identities and places are continuously being created by people in their efforts to gain control over their own lives" (Refslund Sørensen 1997: 161). To use yet another allusion, one may argue that narratives may be a way of "re-drawing maps and finding new destinations" (Frank 1995: 53).

²⁰ See the section titled, "Building trust".

Early in the chapter, we highlighted three fundamental components that should be incorporated as the goal of all rehabilitation programmes: elimination of uncertainty, reestablishment of a sense of control, and mitigation of the level of fear and aggression.²¹ Moreover, our findings have indicated a relatively high level of uncertainty embedded in the phases of the rehabilitation involving a physical transition. This particularly concerns the transition that, in a sense, implies going home and the potential of, in the near future, being reunited with the family, the local community, etc. – i.e. the transition from a shelter in the country of destination to the country of origin. Whereas victims often expressed a desire for more information ahead of transitional phases, rehabilitation professionals were frustrated that they did not possess sufficient information to ease the victims' tensions ahead of transitions.

By way of approaching the ideal of eliminating uncertainty, reestablishing a sense of control, and mitigating the level of fear and aggression in the victims of trafficking enrolled in rehabilitation programmes, we find it immensely important to prioritise the form and contents of the flow of cross-border information – both between shelter employees and to the victims. This relates to the discussion in an earlier section²² regarding the importance of an empowerment approach in rehabilitation programmes – i.e. an approach that facilitates the processes whereby victims of trafficking are transformed from (passive) victims to agents in control of their own lives.

Based on the above assumptions, we find it is time to reorient some of the conditions and premises in the design of rehabilitation programmes designed for trafficked persons. This particularly concerns the focus on suffering at the expense of resources, energy, and initiatives. By increasing the extent to which the beneficiaries of rehabilitation programmes are considered and treated as subjects with individual qualities and desires – beyond being a victim of trafficking – the transition from a sheltered life to independence may become smoother. However, still remaining to be fought are the barriers to reintegration created by the negative attitudes and prejudices of others towards victims of trafficking for sexual exploitation. These barriers imply that the women who have been victims of this form of crime often have to deal with both their own self-blame and shame, and the prejudices of others.

The need for reorientation also concerns the situation for shelter employees, i.e. social workers, psychologists, and others involved in the daily and direct follow-up and interaction with victims at shelters. In our view, it is time that policy-

²¹ See the section titled, "Building trust".

²² See the section titled, "Informed choice?"

makers and donors recognise and start valuing the achievements and efforts made by these actors – and, consequently, put *their* needs on the agenda when discussing initiatives in the field of anti-trafficking. Our interviews with rehabilitation beneficiaries underline the value of the individual contributions, such as in the form of closeness and care, offered by social workers and others involved in their recovery. However, as previously argued,²³ rehabilitation professionals need guidance and assistance themselves in order to succeed in keeping their personal investments in the women they work with on a professional level. In concrete terms, this may be implemented through more frequent regional trainings; regular supervision on local level; and strengthening of the capacity at shelters by increasing the number of staff on duty at each shift and/or the number of shifts.

²³ See the section titled, “Challenges and constrains in rehabilitation”.

Current and future challenges

The aim of this report has been four-fold:

- To give an overview of the Serbian models and mechanisms offering protection, assistance, and support to trafficked persons.
- To discuss the background, i.e. vulnerability and efforts to deal with a difficult situation, of the victims of trafficking interviewed as part of this research project, in the light of other relevant literature.
- To indicate different experiences faced by victims in the process of being trafficked and in the wake of the trafficking experience.
- To describe needs and experiences of victims of trafficking and rehabilitation professionals in the assisted processes of rehabilitation and reintegration.

On the basis of the preceding descriptions and discussions, we will in the following section point to what we see as some of the current and future challenges in the field of rehabilitation of victims of trafficking for sexual exploitation that we have observed during this study.

Procedures, dialogue, and cooperation

The prospects for proper identification of trafficked women and children in Serbia have recently been notably improved, particularly upon the establishment of the new referral structure. However, there is still a need for further efforts in ensuring the recognition of trafficked persons by various actors in the field and their referral to the Agency for Coordination of Protection of Victims of Trafficking in Human Beings and other service providers as early as possible. Alongside the strengthening of cooperation between the Agency and other actors in the anti-trafficking field, current challenges in ensuring the identification may be overcome through: further training of governmental and nongovernmental actors on issues related to the identification of trafficked women and children; development of guidelines on identification and treatment of victims of trafficking for relevant

governmental and nongovernmental actors; further efforts toward the development of a proactive approach in governmental and NGO outreach work, and establishment of drop-in centres throughout the country. A Memorandum of Understanding between the key actors should be signed as early as possible to standardise the procedures, duties, responsibilities, and cooperation rules.

Moreover, development of quality standards for services and service providers, and of a practice to consider proposed reintegration programmes within the Serbian National Team for Combating Trafficking in Human Beings, should be indicated as important future tasks. Monitoring and evaluation procedures should also be developed and standardised.

Protection

Clear procedures for risk assessment regarding the safety of returning women and children should be developed and standardised. The National Team for Combating Trafficking in Human Beings and the Agency for Coordination of Protection of Victims of Trafficking in Human Beings should develop and implement concrete measures and procedures to ensure adequate data protection related to the confidentiality of trafficked persons.

Victim/witness protection is far from sufficient in Serbia. Consequently, further advocacy is needed to procure legislative and procedural improvements with respect to the position of victims and witnesses in legal proceedings, and their protection from reprisals, re-traumatisation, and secondary victimisation. The concrete measures that should be considered in that regard include: ensuring identity protection for the victims/witnesses; using the victim/witness pre-trial statements or audio/video recordings instead of requiring personal appearances in the courtroom; using visual/aural shielding and video-conference; limitations regarding to cross-examination on sexual history; and allowing the presence of supportive persons for the victim in the courtroom.

Information

The processes of rehabilitation and reintegration were in the previous chapter¹ described as transition through emotional, psychological, and relational stages, with the intended outcome of incorporation into society and the establishment of an independent and self-sufficient life without professional assistance. To some, this implies a return to a context and social environment they know well; to others, it requires a fresh start in new social and/or physical surroundings.

¹ See the chapter titled, “A sheltered life”.

Rehabilitation professionals emphasised three critical components in the rehabilitation offered to victims of trafficking for sexual exploitation: elimination of uncertainty, reestablishment of a sense of control, and mitigation of the level of fear and aggression. Moreover, we observed that the stages of rehabilitation and reintegration involving physical transitions were marked by more uncertainty than other stages. Our findings indicate that challenges remain related to the elimination of this uncertainty: one obvious solution seems to be an improved flow of information between organisations involved in return/repatriation and rehabilitation in the region. Our interviews indicate that in cases where relevant information was given to the women in proper time, fear and insecurity have been alleviated and the women experienced an increased sense of control over their transitions. Ultimately, sufficient and relevant information should enable women to make qualified decisions as to their own near and distant futures.

In other words, cooperation between relevant governmental and nongovernmental actors in Serbia and countries of origin/destination of trafficked women and children should be improved in order to keep victims fully informed on their options with regard to protection, assistance, and (re)integration programmes, as well as to ensure a continuum of protection, assistance, and support measures.

Predictability and continuity

Rehabilitation and reintegration programmes are often characterised by short-term, unpredictable, and limited funding. As one of the psychologists we talked to noted in frustration, referring the limited budgets and time frames he was compelled to deal with in his work with victims of trafficking: “I am only removing symptoms!”. This short-term perspective implies a paradox with respect to the desired outcome of the initiatives that should, ideally, be to secure the women benefiting from them sustainable and durable solutions. The financing of actors providing services in terms of protection, assistance, and support to trafficked women and children is decisive to ensure predictability and continuity in the availability and quality of these services. Optimally, committed and long-term funding of these projects should be ensured by the state.

Our study indicates a need for more flexible, durable, and sustainable solutions, designed to match individual women’s needs. Our material demonstrates a connection between previous forms of victimisation (e.g. war, death of close relatives, neglect) and trafficking. Thus, in order to have the expected effect, it is essential that rehabilitation programmes that target victims of trafficking for sexual exploitation have a holistic approach to the experiences that women are bringing with them. Moreover, these solutions should take into consideration the challenges faced by the dilemmas, secrecy, and lies that the majority of victims of trafficking for

sexual exploitation are forced to deal with in relation to their return to their native countries. Considering the fact that many of the women who become victims of trafficking never reveal their experiences to relatives or friends, they are faced with a huge dilemma when they ultimately return from abroad with no money. In this respect, the reintegration grant offered to women who return to their native countries through IOM has proved to have some mitigating effect. However, the reintegration grant varies from one country to another. In most countries, the grant amounts to 150 U.S. dollars or euro (depending on the donor).

Italy is an exception: the Italian government has provided financial support that grants each woman who agrees to voluntary return through IOM a total amount of 1500 euro. The amount is paid in three allotments, throughout a period of minimum six months of assistance. Before departure, the beneficiary of the programme is provided with counselling sessions, during which she is assisted in elaborating a self-tailored plan of reintegration that will enable her to use the reintegration grant in the best way possible in order to meet her individual needs and expectations. For the concerned women, this amount may qualify them for a fresh start in their countries of origin. This substantial amount of money is also likely to silence those who would otherwise wonder why the woman returned with no money. In brief, this financial support, combined with advice on how to invest the money, should increase the likelihood of successful reintegration and reduce the risks of re-trafficking.

Minors

The absence of a sub-system providing for the referral, assistance, protection, and support of child victims of trafficking is one of the most considerable current shortages of the Serbian protection and assistance system. Special measures of protection and assistance, as well as special (re)integration programmes for children in line with the principles and standards set out in international recommendations and agreements,² should be considered within the National Team and developed as soon as possible. These measures should ensure that children are not returned home before a qualified assessment has been made of their best interests and potential safety risks. The role and responsibilities of Centres for Social Work and other welfare institutions should be clearly defined and supported from the Ministry for Labour, Employment and Social Policy.

² Such as the UN Convention on the Rights of the Child, UNHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking, and UNICEF's Recommendations for Special Measures to Protect Children Victims of trafficking in South Eastern Europe.

Professional assistance

Finally, this study has demonstrated a need for a reorientation concerning not only the structures of the rehabilitation programmes, but also the professionals working within these programmes, i.e. social workers, psychologists, and others involved in the daily and direct follow-up and interaction with victims of trafficking for sexual exploitation.

During our interviews with rehabilitation professionals, they tended to focus on their own limitations and shortcomings in carrying out their work. The shelter beneficiaries, on the contrary, expressed gratitude and appreciation as to the efforts made by the professionals assisting them. In particular, they emphasised as important to their recovery the closeness and care offered by those working directly with them. In order for rehabilitation personnel to succeed in keeping the emotional and relational closeness to the women they work with on a professional level, these matters require a more systematic approach.

The nature of trafficking is devastating not only to its victims, but indirectly also to the professionals working closely with them. In order to avoid burnouts, greater emphasis should be put on the professionals' needs in terms of guidance, assistance, and exchange of experiences.

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A Life of One's Own

This report presents the findings of a study related to the *identification, rehabilitation, and reintegration* of victims of trafficking for sexual exploitation. A particular aim has been to explore whether and in what ways victims' expectations and needs are met during these processes. The report is based on repeated fieldworks and a series of interviews, primarily in Serbia but also in Moldova and Italy. The latter are known to be sending and receiving countries, respectively, for women trafficked through and/or from Serbia.



Fafo

Borggata 2B/Postboks 2947 Tøyen

N-0608 Oslo

www.fafo.no

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