



# Ethical principles in the re/integration of trafficked persons. Experiences from the Balkans.

## 2013

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TRAFFICKING VICTIMS RE/INTEGRATION PROGRAMME  
(TVRP)



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### TRAFFICKING VICTIMS RE/INTEGRATION PROGRAMME (TVRP)

*An initiative of the King Baudouin Foundation (Belgium)  
with the support of Deutsche Gesellschaft für Internationale  
Zusammenarbeit (GIZ) GmbH*

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NEXUS Institute, Washington*

## COLOPHON

Trafficking Victims Re/integration Programme (TVRP)

**Ethical principles for the re/integration of trafficked persons.  
Experiences from the Balkans. Issue Paper #5**

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## FOREWORD

This paper has been developed in the context of the Trafficking Victims Re/integration Programme (TVRP), which funds NGOs in several countries of Western Balkans. In addition to direct funding, the TVRP provides technical assistance and capacity development for partner organisations.

Since its inception in 2007, beyond assistance provided to more than two thousand trafficked persons throughout the region, one of the main achievements of the TVRP has been to build a common understanding of the highly complex undertaking that is re/integration. This has involved cooperation and collaboration amongst partner NGOs employing a variety of professional practices and working in different contexts and with a range of challenges. Numerous regional workshops, peer learning opportunities and exchanges of practices led to mutually developed tools including quite critically the development of tools to monitor and evaluate individual re/integration plans and services and to strengthen professional skills while meeting international standards of care.

However, it has become clear that it is difficult to properly implement, monitor and evaluate re/integration work without commonly articulated ethical principles.

Re/integration of trafficked persons involves a multidisciplinary approach, involving expertise and engagement from a range of different professional fields including social work, psychology, medicine, education and so on. While each of these fields has guidelines and codes of conduct, there is no commonly agreed set of principles underpinning re/integration efforts.

This paper is a first attempt to develop common ethical principles within the anti-trafficking re/integration field in order to ensure that the programmes and policies meet the highest human rights standards, offer the highest quality of care and are underpinned by and monitored according to internationally recognised and transparent ethical principles.

The King Baudouin Foundation would like to express its gratitude to the author Rebecca Surtees, of the NEXUS Institute, for her insightful perspective on these critical issues as well as to the TVRP partner NGO's and to the international experts for sharing lessons from their daily practice. Extended thanks are to be addressed to the GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit) which has been supporting the TVRP since 2011 in the context of their Regional Programme on Human Trafficking and Social Protection.

King Baudouin Foundation

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Re/integration of trafficked persons is a highly complex undertaking, involving intensive and often long term assistance and protection measures. Re/integration work is best undertaken in a multidisciplinary way, involving expertise and engagement from a range of different professional fields including social work, psychology, medicine, education and so on. Each of these fields has ethical guidelines and codes of conduct that guide their work at a national and international level. However, there are no common guidelines for all professionals to work from when engaged in anti-trafficking assistance and re/integration. Moreover, there are some very specific issues faced when working toward the re/integration of trafficked persons, which bring unique and often complex challenges. This paper is intended as a first step toward articulating common ethical principles within the anti-trafficking re/integration field as well as a starting point for discussing some of the real life ethical challenges faced by trafficked persons and service providers when working toward sustainable re/integration.

I would like to begin by thanking the King Baudouin Foundation (KBF) and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH for their interest in articulating ethical principles for re/integration work within the context of the Trafficking Victims Re/integration Programme (TVRP). In particular, my thanks to Fabrice de Kerchove, TVRP project manager, who oversees the programme and has worked closely with NEXUS Institute on all aspects of its technical assistance, including providing valuable assistance and inputs into the articulation of these ethical principles. Thanks also to Rrezarta Jashari and Tatjana Junuzagic of GIZ's Regional Programme on Social Protection and Prevention on Human Trafficking for their review of and inputs into this paper.

This paper is based on the direct work and experiences of re/integration organisations working within the framework of the TVRP in Albania, Bosnia-Herzegovina (BIH), Bulgaria, Kosovo, Macedonia, Romania and Serbia since 2007. Their day to day experiences and re/integration work form the foundation of this paper. They have contributed to this paper through discussions at annual partner meetings in Brussels, Belgium (2008), Durrës, Albania (2009), Pomorie, Bulgaria (2010) and Becici, Montenegro (2012). In addition, partner organisations have reviewed and provided inputs into the document, including concrete examples from their daily work. Their openness and candour in sharing not only good practices but also ethical breaches and problems they have faced in their work has been essential in better understanding (and illustrating) the ethical challenges inherent in re/integration programmes and responses. Thanks to all TVRP partners which includes: Different and Equal (Albania), Tjeter Vizion (Albania), Vatra (Albania), Medica Zenica (Bosnia-Herzegovina), Zemlja Djece (Bosnia-Herzegovina), Animus (Bulgaria), Nadja Centre (Bulgaria), Centre for Protection of Victims and Prevention of Trafficking in Human Beings, PVPT (Kosovo), Hope and Homes (Kosovo), Open Gate (Macedonia), Equal Access (Macedonia), Adpare (Romania), Young Generation (Romania), Atina (Serbia) and Centre for Youth Integration (Serbia).

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## ACRONYMS AND ABBREVIATIONS

AT	anti-trafficking
BID	best interests determination
CRC	Convention on the Rights of the Child
D&E	Different and Equal
EC	European Commission
EU	European Union
KBF	King Baudouin Foundation
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH
GMS	Greater Mekong Subregion
GO	government organisation
HIV	human immunodeficiency virus
IO	international organisation
IOM	International Organization for Migration
nd	no date
NGO	non-governmental organisation
PVPT	Centre for Protection of Victims and Prevention of Trafficking in Human Beings
SEE	South-eastern Europe
THB	trafficking in human beings
TIP	trafficking in persons
TRP	temporary residence permit
TVRP	Trafficking Victims Re/integration Programme
UN	United Nations
UNHCR	Office of the United Nations High Commissioner for Refugees
UNIAP	United Nations Inter-agency Project on Human Trafficking
UNICEF	United Nations Children's Fund
UNOHCHR	Office of the United Nations High Commissioner for Human Rights
VoT	victim of trafficking
WHO	World Health Organisation



## SUMMARY

Attention to human trafficking has been steadily increasing since the late 1990s and it is now widely recognised that this crime and human rights violation affects staggering numbers of men, women and children throughout the world. In the Balkan region, human trafficking continues to be a pressing issue – taking many forms and claiming many victims. One central aspect of anti-trafficking work is assistance and protection to trafficked persons, including re/integration services and support. Re/integration services are often key to trafficked persons' ability to recover and move on with their lives. They are also part of broader international and national commitments and legislation to protect and assist trafficked persons.

To ensure that re/integration programmes and policies meet the highest human rights standards and offer the highest quality of care, it is important that they are underpinned by and monitored according to internationally recognised and transparent ethical principles. And yet very few organisations and programmes have carefully articulated ethical principles accordingly to which their work is implemented, monitored and evaluated. This constitutes a significant gap and constraint in efforts to ensure high quality, adequate and appropriate re/integration support to trafficked persons.

Ethical principles provide guidance in protecting the human rights and well-being of trafficked persons and must be strictly adhered to at all times. Re/integration interventions and policies must pay close attention to the primacy of human rights; they should never, in any way, infringe on the rights and well-being of trafficked persons. Ethical principles are needed to underpin all re/integration efforts to ensure quality of care and to guarantee that the human rights of beneficiaries are respected and promoted. It is against these principles that re/integration programmes, policies and legislation should be assessed and measured. Activities conducted without due attention to ethical principles (and, by implication, ethical practice) are unlikely to be of a high quality, will have little credibility and may potentially cause harm to those that they are intended to assist. Any re/integration programmes or policies that have the potential to breach ethical principles should be suspended as the risk to beneficiaries in such cases is too great.

This document, then, is a step in the articulation of ethical principles for re/integration programmes and policies in the Balkan region, building on existing efforts to articulate and address ethical issues in the anti-trafficking field. In addition, the document also explores some of the problems and challenges that organisations have faced while working on re/integration as well as different strategies used to anticipate, manage and address ethical issues in the day to day operations of re/integration organisations. The document outlines these ethical principles as a basis for reflection, discussion and analysis of the challenges and dilemmas that re/integration professionals face, supporting them in making ethically informed decisions about how to act in each different situations in accordance with the values of the re/integration process.

Importantly, these principles are based on the direct experiences of TVRP partner NGOs, over many years of re/integration work in the Balkans. They are not exhaustive but rather reflect issues that have arisen in this context. It is hoped that these experiences – both the challenges faced and the solutions developed – can be a helpful starting point for other re/integration organisations in their day to day work as well as a resource for donors and policy makers in thinking through the design and implementation of re/integration interventions, both policies and programmes.

## **Ethical principles in the re/integration of trafficked persons**

### **Principle #1. 'Do no harm'.**

Re/integration programmes and policies should “do no harm” to trafficked persons.

### **Principle #2. Informed consent.**

Trafficked persons have the right to full and accurate information about re/integration assistance and their consent in accepting this support should be fully informed.

### **Principle #3. Confidentiality.**

Trafficked persons' confidentiality must be strictly guarded in the context of re/integration work.

### **Principle #4. Anonymity.**

Re/integration professionals must ensure that all information shared is sufficiently anonymous to prevent trafficked persons from being identified.

### **Principle #5. Privacy.**

Trafficked persons have the right to privacy, to be free of unwanted or unsanctioned intrusion at all stages of their re/integration.

### **Principle #6. Non-discrimination.**

Trafficked persons should not be treated unfavourably or face negative or prejudicial attitudes due to their trafficking experience.

### **Principle #7. Safety and security.**

Trafficked persons' safety and security is paramount and must be assessed (and responded to) throughout the re/integration process.

### **Principle #8. Sensitivity.**

Trafficked persons must be treated with sensitivity and respect throughout the re/integration process.

### **Principle #9. Empowerment.**

Trafficked persons should be equipped with the skills, ability and confidence to recover and lead an autonomous life. Empowerment should be fostered throughout the re/integration process.

**Principle #10. Beneficiary participation.**

Beneficiaries should be (voluntarily) involved in their own individual re/integration plan as well as, where appropriate, the design, implementation, monitoring and evaluation of the re/integration services, programmes and policies.

**Principle #11. Data protection.**

Data collected about trafficked persons in the context of re/integration must be strictly protected in adherence with national and international legal standards.

**Principle #12. Child protection and the “best interests of the child”.**

Re/integration programmes and policies should ensure that trafficked children are protected and their best interests are the primary consideration.





## SAMENVATTING

De aandacht voor mensenhandel is sinds de late jaren 1990 voortdurend toegenomen. Vandaag de dag wordt op ruime schaal erkend dat deze vorm van misdaad en schending van de mensenrechten over de hele wereld een ontzettend aantal mannen, vrouwen en kinderen treft. In de Balkan blijft de mensenhandel een urgente aangelegenheid die tal van gedaanten aanneemt en vele slachtoffers maakt.

Een centraal facet in de strijd tegen mensenhandel is de bijstand voor en bescherming van mensen die er het slachtoffer van zijn, met inbegrip van de dienstverlening die ijvert voor hun (her)integratie. Dit aanbod aan diensten is vaak de sleutel om slachtoffers er weer bovenop te laten komen en hen hun leven weer te laten oppakken. Ze maken ook deel uit van ruimere internationale en nationale verbintenissen en wetgeving om slachtoffers van mensenhandel te beschermen en bij te staan.

Om er zeker van te zijn dat programma's en ook het beleid voor (her)integratie beantwoorden aan de hoogste standaarden wat mensenrechten betreft en dat ze de hoogst mogelijke kwaliteit aanbieden op het vlak van zorg, is het belangrijk dat ze gebaseerd zijn op en gemonitord worden volgens internationaal erkende, transparante ethische principes. Toch beschikken maar zeer weinig organisaties en programma's over dergelijke zorgvuldig geformuleerde principes waarmee ze hun werk ten uitvoer brengen, monitoren en evalueren. Dit vormt een grote leemte en het is een beperking bij de inspanningen om in te staan voor hoge kwaliteitsnormen en voor een adequate en passende (her)integratiesteun voor slachtoffers van mensenhandel.

Ethische principes bieden een richtsnoer bij de bescherming van de mensenrechten en het welzijn van slachtoffers van mensenhandel en moeten te allen tijde strikt worden nagevolgd. De initiatieven en ook het beleid inzake (her)integratie moeten nauwgezet aandacht besteden aan de primairheid van mensenrechten; ze mogen hoe dan ook nooit inbreuken plegen op de rechten en het welzijn van slachtoffers van mensenhandel. Ethische principes zijn nodig om alle inspanningen voor de (her)integratie een basis te geven, de kwaliteit van de zorg te verzekeren en te garanderen dat de rechten van de mensen voor wie de interventies en het beleid zijn bedoeld, worden gerespecteerd en bevorderd.

De programma's, het beleid en de wetgeving inzake de (her)integratie moeten tegen deze principes worden beoordeeld en afgemeten. Activiteiten die worden uitgevoerd zonder de nodige aandacht voor ethische principes (en bijgevolg ook niet voor ethische praktijken) zullen waarschijnlijk niet kwaliteitsvol zijn, weinig geloofwaardig zijn en misschien ook schade berokkenen aan mensen die ze geacht worden te helpen. Elk (her)integratieprogramma of -beleid dat potentieel ingaat tegen de ethische principes moet worden opgeschort omdat het risico voor wie er een beroep op doet in dergelijke gevallen te groot is.

Dit document zet een stap in het formuleren van ethische principes voor de (her)integratieprogramma's en het dito beleid in de Balkan. Het bouwt voort op bestaande inspanningen om ethische thema's te formuleren en aan de orde te stellen in de strijd tegen mensenhandel. Bovendien onderzoekt het document ook problemen en uitdagingen waar organisaties mee te maken krijgen bij hun (her)integratiewerk, en diverse strategieën die gehanteerd worden bij het anticiperen, het managen en het aansnijden van ethische thema's bij de dagelijkse activiteiten van organisaties die instaan voor de (her)integratie van mensen. In dit document worden deze ethische principes geschetst als een fundament voor de reflectie, discussie en analyse van de uitdagingen en de dilemma's waar professionals op het vlak van (her)integratie mee te maken krijgen. Het biedt hun ondersteuning bij het nemen van ethisch onderbouwde beslissingen over hoe je in diverse situaties moet handelen in overeenstemming met de waarden van het (her)integratieproces.

Belangrijk is te weten dat deze principes gebaseerd zijn op de directe ervaringen van partner-ngo's van het TVRP-programma (Trafficking Victims Re/integration Programme), gedurende vele jaren (her)integratiewerk in de Balkan. Ze zijn niet exhaustief maar snijden veeleer thema's aan die in deze context aan de orde zijn. Het valt te hopen dat deze ervaringen – zowel de uitdagingen waar de organisaties voor staan als de oplossingen die werden ontwikkeld – een bruikbaar startpunt zijn voor andere (her)integratieorganisaties in hun dagelijks werk, én een hulpmiddel voor donoren en beleidsmakers bij het concipiëren en implementeren van hun optreden inzake (her)integratie, zowel in het beleid als in de programma's.

## Ethische principes bij de (her)integratie van slachtoffers van mensenhandel

### Principe #1. 'Niet schaden'

Het beleid en de programma's voor (her)integratie mogen slachtoffers van mensenhandel 'niet schaden' (het 'do no harm'-principe).

### Principe #2. Geïnformeerde toestemming

Slachtoffers van mensenhandel hebben recht op volledige en accurate informatie over de (her)integratiebijstand. Hun toestemming bij het aanvaarden van deze bijstand moet gebaseerd zijn op deze volledige informatie (informed consent).

### Principe #3. Confidentialiteit

Bij het (her)integratiewerk moet de confidentialiteit van slachtoffers van mensenhandel strikt worden bewaakt.

### Principe #4. Anonimiteit

Professionele werkers in de (her)integratie van slachtoffers van mensenhandel moeten ervoor instaan dat alle informatie die wordt gedeeld voldoende anoniem is en dat slachtoffers van mensenhandel er niet door geïdentificeerd kunnen worden.

### Principe #5. Privacy

Slachtoffers van mensenhandel hebben recht op privacy en op het gevrijwaard zijn voor elke ongewenste of onbestrafte inbreuk daarop in alle stadia van hun (her)integratie.

### Principe #6. Non-discriminatie

Slachtoffers van mensenhandel mogen niet benadeeld worden of te maken krijgen met negatieve of bevooroordeelde houdingen op grond van wat ze hebben meegemaakt.

**Principe #7. Beveiliging en veiligheid**

De beveiliging en veiligheid van slachtoffers van mensenhandel zijn essentieel en moeten gedurende het hele (her)integratieproces worden bewaakt (en verzekerd).

**Principe #8. Gevoeligheid**

Slachtoffers van mensenhandel moeten gedurende het hele (her)integratieproces worden behandeld met de nodige gevoeligheid en met respect.

**Principe #9. Empowerment**

Slachtoffers van mensenhandel moeten worden empowerd met de nodige vaardigheden en het nodige vertrouwen om er weer bovenop te komen en een zelfstandig leven te leiden. Empowerment moet tijdens het hele (her)integratieproces worden gestimuleerd.

**Principe #10. Participatie**

Wie geniet van een (her)integratieprogramma moet (vrijwillig) worden betrokken bij het individuele plan en, waar dat gepast is, bij het concipiëren, implementeren, monitoren en evalueren van de diensten, programma's en het beleid voor (her)integratie.

**Principe #11. Bescherming van gegevens**

Gegevens die over slachtoffers van mensenhandel werden verzameld in de context van hun (her)integratie moeten nauwgezet worden beschermd, in overeenstemming met nationale en internationale wettelijke standaarden ter zake.

**Principe #12. De bescherming van kinderen en van het belang van het kind**

Programma's en het beleid inzake (her)integratie moeten garanderen dat kinderen die het slachtoffer zijn van mensenhandel beschermd worden en dat hun belang de voornaamste zorg uitmaakt.



## SYNTHÈSE

La traite des êtres humains fait l'objet d'une attention croissante depuis la fin des années 1990 et aujourd'hui on s'accorde largement à reconnaître que ce crime et cette violation des droits humains touchent un nombre stupéfiant d'hommes, de femmes et enfants de par le monde. Dans la région des Balkans, la traite des êtres humains reste une question urgente, qui prend des formes très diverses et fait de nombreuses victimes. L'assistance et la protection fournies à ces victimes, notamment grâce à des services d'aide à la réinsertion, constituent un aspect essentiel de la lutte contre la traite. Ces services de réinsertion jouent souvent un rôle déterminant pour aider les victimes à se reconstruire et à renouer le fil de leur existence. Ils s'inscrivent aussi dans des engagements nationaux et internationaux plus larges et une législation visant à fournir assistance et protection aux victimes de la traite.

Pour être sûr que les programmes et les politiques de réinsertion répondent aux normes les plus élevées en matière de droits humains et de qualité des soins, il est important qu'ils s'appuient sur des principes éthiques transparents et internationalement reconnus. Et pourtant, rares sont les organisations et les programmes à avoir soigneusement articulé les principes éthiques en fonction desquels leur action est mise en œuvre, suivie et évaluée. C'est une lacune et une contrainte majeure dans les efforts visant à garantir aux victimes de la traite une aide à la réinsertion adéquate, appropriée et de haute qualité.

Les principes éthiques fournissent des repères pour protéger les droits humains et le bien-être des victimes de la traite et doivent être à tout moment respectés de manière rigoureuse. Les mesures et les politiques de réinsertion doivent être très attentives à la primauté des droits humains et ne jamais porter atteinte, de quelque façon que ce soit, aux droits et au bien-être des victimes. Les principes éthiques sont nécessaires pour soutenir tous les efforts de réinsertion, pour veiller à la qualité de la prise en charge et pour garantir le respect et la défense des droits humains des bénéficiaires. Ce sont eux qui doivent servir à évaluer et à mesurer les programmes, les politiques et les législations visant à réinsérer les victimes. Les actions qui ne prennent pas suffisamment en compte ces principes (et donc aussi ces pratiques) éthiques n'ont guère de chances d'être d'un haut niveau de qualité, manquent de crédibilité et risquent de causer du tort à ceux qu'elles sont censées assister. Tout programme de réinsertion susceptible d'enfreindre les principes éthiques doit être suspendu parce qu'il fait courir un trop grand risque aux bénéficiaires.

S'appuyant sur des efforts déjà entrepris pour prendre en compte les enjeux éthiques dans la lutte contre la traite des êtres humains, ce document est un pas dans l'articulation des principes éthiques pour les programmes et les politiques de réinsertion dans la région des Balkans. Il explore aussi quelques-uns des problèmes et des défis auxquels ont fait face les organisations qui travaillent à la réinsertion des victimes ainsi que plusieurs stratégies utilisées pour anticiper, gérer ou aborder les questions éthiques dans la pratique quotidienne. Le document esquisse ces principes éthiques pour en faire une base

de réflexion, de discussion et d'analyse des défis et des dilemmes que rencontrent les professionnels de la réinsertion et pour les aider à prendre des décisions éthiques dans différentes situations, conformément aux valeurs du processus de réinsertion.

Il est important de noter que ces principes sont basés sur les expériences directes d'ONG partenaires du TVRP et sur plusieurs années de travail de réinsertion dans les Balkans. Ils ne sont pas exhaustifs, mais reflètent plutôt des questions qui se sont posées dans ce contexte. Nous espérons que ces expériences – tant les défis rencontrés que les solutions imaginées – pourront être un point de départ utile pour d'autres organisations dans leur action quotidienne ainsi qu'un incitant, pour les donateurs et les décideurs politiques, à réfléchir à la conception et la mise en œuvre des mesures, des politiques et des programmes de réinsertion.

## **Principes éthiques dans le processus de réinsertion de victimes de la traite**

### **Principe #1. Ne pas causer de tort.**

Les programmes et les politiques de réinsertion ne doivent pas causer de tort aux victimes de la traite.

### **Principe #2. Consentement informé.**

Les victimes de la traite ont droit à des informations complètes et précises sur l'aide à la réinsertion et leur consentement à bénéficier de cette aide doit être pleinement informé.

### **Principe #3. Confidentialité.**

Il faut veiller de manière rigoureuse à la confidentialité des victimes de la traite dans le cadre du travail de réinsertion.

### **Principe #4. Anonymat.**

Les professionnels de la réinsertion doivent veiller à ce que toutes les informations partagées soient suffisamment anonymes pour empêcher l'identification des victimes de la traite.

### **Principe #5. Vie privée.**

Les victimes de la traite ont droit au respect de leur vie privée et à être exemptées de toute intrusion non désirée ou non sanctionnée à toutes les phases de leur réinsertion.

### **Principe #6. Non-discrimination.**

Les victimes de la traite ne doivent pas subir de traitements défavorables, de préjugés ou d'attitudes négatives en raison de l'expérience qu'elles ont vécue.

### **Principe #7. Protection et sécurité.**

La protection et la sécurité des victimes de la traite sont d'une importance suprême et doivent être évaluées (et garanties) tout au long du processus de réinsertion.

### **Principe #8. Sensibilité.**

Les victimes doivent être traitées avec sensibilité et respect tout au long du processus de réinsertion.

**Principe #9. Empowerment.**

Il faut fournir aux victimes de la traite les compétences, les aptitudes et la confiance leur permettant de se reconstruire et de mener une existence autonome. Cet objectif d'empowerment doit être favorisé tout au long du processus de réinsertion.

**Principe #10. Participation des bénéficiaires.**

Les bénéficiaires doivent être impliqués (de leur plein gré) dans leur propre projet individuel de réinsertion ainsi que, le cas échéant, dans la conception, la mise en œuvre, le suivi et l'évaluation de tous les services, programmes et politiques de réinsertion.

**Principe #11. Protection des données.**

Les données recueillies au sujet des victimes de la traite dans le contexte de leur réinsertion doivent faire l'objet d'une protection rigoureuse, conformément aux normes juridiques nationales et internationales.

**Principe #12. Protection de l'enfance.**

Les programmes et les politiques de réinsertion doivent veiller à protéger les enfants victimes de la traite et à prendre en compte leurs intérêts de manière prioritaire.





# 1. INTRODUCTION

Attention to human trafficking has been steadily increasing since the late 1990s and it is now widely recognised that this crime and human rights violation affects staggering numbers of men, women and children throughout the world. In the Balkan region, human trafficking continues to be a pressing issue – taking many forms and claiming many victims. One central aspect of anti-trafficking work is assistance and protection to trafficked persons, including re/integration services and support. Re/integration services are often key to trafficked persons' ability to recover and move on with their lives. They are also part of broader international and national commitments and legislation to protect and assist trafficked persons.

Re/integration refers to the process of recovery and economic and social inclusion following a trafficking experience. It includes settlement in a stable and safe environment, access to a reasonable standard of living, mental and physical well-being, opportunities for personal, social and economic development and access to social and emotional support. It may involve returning to one's family and/or community of origin; it may also involve integration in a new community and even in a new country. A central aspect of successful re/integration is that of empowerment, to enable trafficked persons to become independent and self-sufficient and to be actively involved in their recovery and re/integration.<sup>1</sup>

To ensure that re/integration programmes and policies meet the highest human rights standards and offer the highest quality of care, it is important that they are underpinned by and monitored according to internationally recognised and transparent ethical principles. And yet very few organisations and programmes have carefully articulated ethical principles accordingly to which their work is implemented, monitored and evaluated. This constitutes a significant gap and constraint in efforts to ensure high quality, adequate and appropriate re/integration support to trafficked persons. This document, then, is a step in the articulation of ethical principles for re/integration programmes and policies in the Balkan region, building on select efforts to articulate and address ethical issues in the anti-trafficking field including:

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<sup>1</sup> This definition was developed in the framework of KBF's TVRP programme. Please see Surtees, R. (2006) *Re/integration programmes in SE Europe—a background paper for the King Baudouin Foundation*. Brussels: KBF.

- UN **Recommended Principles and Guidelines on Human Rights and Human Trafficking**<sup>2</sup> and the **Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking**<sup>3</sup>;
- WHO's **Ethical and safety recommendations for interviewing trafficked women**<sup>4</sup>;
- UNIAP's **Guide to ethics and human rights in counter-trafficking. Ethical standards for counter-trafficking research and programming**<sup>5</sup>;
- IOM's **Handbook on direct assistance for victims of trafficking**<sup>6</sup>; and
- UNICEF's **Guidelines on the protection of child victims of trafficking**<sup>7</sup> and the **Reference guide on protecting the rights of trafficked children in Europe**.<sup>8</sup>

At the same time, the document also seeks to refine the focus from anti-trafficking at a general level to the very specific issues and challenges that arise in the context of re/integration programmes and policies and the specific ethical principles needed in this sphere of work.

A range of ethical issues and challenges are faced by organisations working on the re/integration of trafficked persons. Since 2007, when the first phase of the King Baudouin Foundation (KBF)<sup>9</sup> funded Trafficking Victims' Re/integration Programme (TVRP) began, ethical issues have been a consistent topic of discussion, debate and concern amongst TVRP partners. These principles were initially identified in the context of KBF's Trafficking Victims' Re/integration Programme (TVRP), implemented between 2007 and 2011 with nine partner NGOs in six countries in the Balkans and technical expertise from NEXUS Institute (Washington). These included: Different and Equal (Albania), Tjeter Vision (Albania), Animus (Bulgaria), Nadja Centre (Bulgaria), Centre for Protection of Victims and Prevention of Trafficking in Human Beings (Kosovo)<sup>10</sup>, Open Gate (Macedonia), Adpare (Romania), Young Generation (Romania) and Atina (Serbia). These principles have been further discussed and refined in the context of the TVRP, which, since 2012, has involved eleven partner organisations in five countries, and is jointly funded by KBF and GIZ. Partner organisations funded since 2012 include: Different and Equal (Albania), Tjeter Vision (Albania), Vatra (Albania), Medica Zenica (BiH), Zemlja Djece (BiH), Centre for

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

3 Gallagher, A. (2010) *Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking.*

4 WHO (2003) *Ethical and Safety Recommendations for Interviewing Trafficked Women.* Geneva: WHO.

5 Rende-Taylor, L. (2008) *Guide to ethics and human rights in counter-trafficking. Ethical standards for counter-trafficking research and programming.* Bangkok: United Nations Inter-Agency Project on Human Trafficking (UNIAP).

6 IOM (2007) *The IOM Handbook on direct assistance for victims of trafficking.* Geneva: IOM.

7 UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking.* NY: UNICEF.

8 Dottridge, M. (2006) *Reference guide on protecting the rights of trafficked children in Europe.* UNICEF.

9 *The King Baudouin Foundation has been active in the field of human trafficking in South-eastern Europe (SEE) since 2003, at which time it focused on schemes to provide Temporary Residence Permits (TRP). The work resulted in the implementation of TRP schemes in Bosnia and Herzegovina, Croatia, Macedonia, Montenegro and Serbia. Additionally, since 2005 the Foundation has been supporting NGOs and networks providing direct assistance to victims. The Foundation also works with EU Member States and at the EU level to raise the standards of anti-trafficking legislation.*

10 *This designation is without prejudice to positions on status and in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.*

Protection of Victims and Prevention of Trafficking in Human Beings (Kosovo)<sup>11</sup>, Hope and Homes (Kosovo)<sup>12</sup>, Open Gate (Macedonia), Equal Access (Macedonia), Atina (Serbia) and Centre for Youth Integration (Serbia).<sup>13</sup> Because the TVRP has, as one of its objectives, the increased capacity of anti-trafficking (AT) organisations and high quality service provision, the development and testing of ethical principles for re/integration efforts are considered a critical concern.

This paper outlines twelve ethical principles that should be observed by any organisation or professionals undertaking the re/integration of trafficked persons. Within the TVRP, these ethical principles are adhered to in terms of each organisation's re/integration programmes and also serve as guidance in other areas of their re/integration efforts – for example, in the design of policies and legislation. These principles are listed in Box #1 (below).

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<sup>11</sup> Please see footnote 8.

<sup>12</sup> Please see footnote 8.

<sup>13</sup> Please see appendix 1 for more information about the TVRP and TVRP partner organisations.

**Box #1. Ethical principles in the re/integration of trafficked persons**

**Principle #1. 'Do no harm'.**

Re/integration programmes and policies should "do no harm" to trafficked persons.

**Principle #2. Informed consent.**

Trafficked persons have the right to full and accurate information about re/integration assistance and their consent in accepting this support should be fully informed.

**Principle #3. Confidentiality.**

Trafficked persons' confidentiality must be strictly guarded in the context of re/integration work.

**Principle #4. Anonymity.**

Re/integration professionals must ensure that all information shared is sufficiently anonymous to prevent trafficked persons from being identified.

**Principle #5. Privacy.**

Trafficked persons have the right to privacy, to be free of unwanted or unsanctioned intrusion at all stages of their re/integration.

**Principle #6. Non-discrimination.**

Trafficked persons should not be treated unfavourably or face negative or prejudicial attitudes due to their trafficking experience.

**Principle #7. Safety and security.**

Trafficked persons' safety and security is paramount and must be assessed (and responded to) throughout the re/integration process.

**Principle #8. Sensitivity.**

Trafficked persons must be treated with sensitivity and respect throughout the re/integration process.

**Principle #9. Empowerment.**

Trafficked persons should be equipped with the skills, ability and confidence to recover and lead an autonomous life. Empowerment should be fostered throughout the re/integration process.

**Principle #10. Beneficiary participation.**

Beneficiaries should be (voluntarily) involved in their own individual re/integration plan as well as, where appropriate, the design, implementation, monitoring and evaluation of the re/integration services, programmes and policies.

**Principle #11. Data protection.**

Data collected about trafficked persons in the context of re/integration must be strictly protected in adherence with national and international legal standards.

**Principle #12. Child protection and the "best interests of the child".**

Re/integration programmes and policies should ensure that trafficked children are protected and their best interests are the primary consideration.

In addition to articulating these principles, the document also explores some of the problems and challenges that organisations have faced while working on re/integration as well as different strategies used to anticipate, manage and address ethical issues in the day to day operations of re/integration organisations. The document outlines these ethical principles as a basis for reflection, discussion and analysis of the challenges and dilemmas that re/integration professionals face, supporting them in making ethically informed decisions about how to act in each different situations in accordance with the values of the re/integration process.

Importantly, these principles are based on the direct experiences of TVRP partner NGOs, over many years of re/integration work in the Balkans. They are not exhaustive but rather reflect issues that have arisen in this context. It is hoped that these experiences – both the challenges faced and the solutions developed – can be a helpful starting point for other re/integration organisations in their day to day work as well as a resource for donors and policy makers in thinking through the design and implementation of re/integration interventions, both policies and programmes.



## 2. ETHICAL PRINCIPLES IN ANTI-TRAFFICKING RE/INTEGRATION WORK

Ethical principles provide guidance in protecting the human rights and well-being of trafficked persons and must be strictly adhered to at all times. The primacy of human rights is made explicit in the United Nation's Recommended Principles and Guidelines on Human Rights and Human Trafficking (guideline 1, section 1), which recommends:

Taking steps to ensure that measures adopted for the purpose of preventing and combating trafficking in persons do not have an adverse impact on the rights and dignity of persons, including those who have been trafficked.

Further, principle 1 of the 2010 Commentary on the Recommended Principles and Guidelines on Human Rights and Human Trafficking states that:

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.

This confirms that priority must be given to the human rights obligations accepted by States under international human rights law. The centrality of human rights in combating human trafficking is founded upon international and regional human rights law, not least Article 28 of the Universal Declaration of Human Rights that provides that "[e]veryone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised". This means that States must themselves respect human rights and also ensure compliance with human rights by non-State actors, in accordance with the duty of due diligence.<sup>14</sup>

Re/integration interventions and policies must pay close attention to the primacy of human rights; they should never, in any way, infringe on the rights and well-being of trafficked persons. Ethical principles are an important tool in guarding the human rights of trafficked persons in the re/integration process.

### **What are ethical principles?**

Ethics is a branch of philosophy that involves systematising, defending and recommending concepts of right and wrong behaviour. Personal ethics might also be called "morality" as they reflect general expectations of any person in any society, acting in any capacity. These include, for example, concern for the well-being of others, respect for the autonomy of others, honesty, trustworthiness, good behaviour, compliance with the law, fairness, benevolence and preventing harm.<sup>15</sup>

<sup>14</sup> Gallagher (2010) *Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking*.

<sup>15</sup> Colero, L. (nd) *A framework for universal principles of ethics*. Crossroads Inc.

Ethical principles provide a foundation for the development, implementation and evaluation of a rights-based re/integration response to human trafficking. Principles underpinning re/integration work relate to attitudes, rights and duties about human welfare – for example: “respect for the autonomy of service users” or the “promotion of human welfare”.

Principles are much broader in scope than standards, which are, very generally a set of rules for ensuring quality re/integration programming. That is, standards are a tool to help service providers provide the best quality of care and re/integration support for trafficked persons. Standards are used by care administrators and governments to regulate a professional and accountable system of re/integration service provision. Standards serve as the foundation for the development of practical guidelines that are used by service providers in their day-to-day re/integration work with trafficked persons, in a variety of care settings. Guidelines are not infrequently confused with standards. Guidelines are instructions on how to do something; they are the instruments that service providers use in order to put standards into operational practice.

**Diagram #1. Ethical principles, standards and guidelines**



For example, “social workers should respect the privacy and confidentiality of service users” is an ethical principle; whereas, “social workers shall not disclose confidential information about clients to unless clients have authorised such disclosure” might be regarded as an ethical standard or rule.<sup>16</sup>

Professional ethics concerns matters of right and wrong conduct, good and bad qualities of character and the professional responsibilities attached to relationships in a work context.<sup>17</sup>

Professional associations typically have codes of ethics and standards that prescribe required behaviour within the context of a professional practice such as medicine, psychology, social work, law and so on. These are based on the principles of professional ethics, which, depending on the field of work, might include: impartiality, objectivity, full disclosure/transparency, confidentiality, due diligence/duty of care, fidelity to professional responsibilities and avoiding conflict of interests.<sup>18</sup> Ethical principles (as well as codes and standards) exist in all fields of work which intersect with re/integration interventions, whether social work, psychology, medicine or law enforcement.

16 British Social Work Association (BASW) (2012) *Code of ethics for social workers, statement of principles*. UK: British Social Work Association, p. 18.

17 Banks, S. (2012) *Ethics and Values in Social Work, 4<sup>th</sup> edition*. Basingstoke, Palgrave Macmillan, BASW Macmillan Practical Social Work Series.

18 Colero, L. (nd) *A framework for universal principles of ethics*. Crossroads Inc.

19 This designation is without prejudice to positions on status and in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

20 In addition, child rights organisations often have codes of conduct as part of their child safeguarding policies.



**Box #2.: Examples of professional codes of ethics related to re/integration work****In Albania:**

- Ethical Code of Social Workers, Albania (2003)
- Manual of psychologist and social worker in Court, Albania (2004)
- Medical Ethical Code, Albania (2002 & 2011)
- Legal Ethical Code, Albania (2005)

**In Bosnia-Herzegovina:**

- Code of Ethics for all primary schools in BiH, Agency for Pre-Primary, Primary and Secondary Education (no date), <<http://aposo.gov.ba>>
- Code of Ethics, Association of Psychologists in the Federation of Bosnia and Herzegovina (2009), <<http://www.dpfbih.ba>>
- Code of Ethics for Civil Servants in FBiH, FBiH Official Gazette no. 7/05, 82/09 (2009) <<http://www.adsfbih.gov.ba>>
- Code of Lawyers' Ethics of the Lawyers in the Federation of Bosnia and Herzegovina (2005), <<http://www.advokombih.ba>>

**In Kosovo:<sup>19</sup>**

- Code of Ethics for Social Services Officers-Ministry of Labour and Social Welfare Kosovo (2002), Not available online

**In Macedonia:**

- Code of Judicial Ethics, Association of Judges of the Republic of Macedonia (2006), <[http://www.mja.org.mk/Upload/Content/Documents/kodeks\\_na\\_sudska\\_etika.pdf](http://www.mja.org.mk/Upload/Content/Documents/kodeks_na_sudska_etika.pdf)>
- Code of conduct, Association of Social Workers of the Republic of Macedonia (2008)
- Code of conduct, Association of Psychologist of the Republic of Macedonia (2009)

**In Serbia:**

- Code of Ethics of Serbian Psychological Association, (2000), <[http://www.paragraf.rs/propisi/kodeks\\_profesionalne\\_etike\\_lekarske\\_komore\\_srbije.html](http://www.paragraf.rs/propisi/kodeks_profesionalne_etike_lekarske_komore_srbije.html)>
- International Code of Ethics for Occupational Health Professionals (2009), <<http://www.dzvozovac.rs/images/dokumenta/eticki%20kodeks%20za%20strucnjake%20iz%20oblasti%20medicine.pdf>>

**Internationally:<sup>20</sup>**

- International Federation of Social Workers and the International Association of Schools of Social Work, Ethics in Social Work, Statement of Principles (2004), <<http://www.ifsw.org/f38000032.html>>
- American Psychological Association, Ethical Principles of Psychologists and Code of Conduct (2010), <<http://www.apa.org/ethics/code/index.aspx>>
- American Sociological Association, Code of Ethics (1999), <<http://www.asanet.org/images/asa/docs/pdf/Ethics%20Code.pdf>>
- Australian Association of Social Workers, Code of Ethics (2010), <<http://www.aasw.asn.au/document/item/740>>
- British Social Work Association, Code of ethics for social workers, statement of principles (2012), <[http://cdn.basw.co.uk/upload/basw\\_112315-7.pdf](http://cdn.basw.co.uk/upload/basw_112315-7.pdf)>
- Canadian Association of Social Workers, Guidelines for Ethical Practices (2005), <[http://www.casw-acts.ca/sites/default/files/attachements/CASW\\_Guidelines\\_for%20Ethical\\_Practice\\_e.pdf](http://www.casw-acts.ca/sites/default/files/attachements/CASW_Guidelines_for%20Ethical_Practice_e.pdf)>
- Ontario College of Social Workers and Social Service Workers, Code of Ethics and Standards of Practice (2008), <[http://www.ocswssw.org/en/code\\_of\\_ethics.htm](http://www.ocswssw.org/en/code_of_ethics.htm)>

## Why do we need ethical principles?

Ethical principles are needed to underpin all re/integration efforts to ensure quality of care and to guarantee that human rights of beneficiaries are respected and promoted. It is against these principles that re/integration programmes, policies and legislation should be assessed and measured. Any re/integration programmes or policies that have the potential to breach ethical principles should be suspended as the risk to beneficiaries in such cases is too great.

Re/integration programmes and policies have an obligation to society, beneficiaries, funders and colleagues to ensure that they are carried out in line with the ethical, moral and legal context of the society. Activities conducted without due attention to ethical principles (and, by implication, ethical practice) are unlikely to be of a high quality, will have little credibility and may potentially cause harm to those that they are intended to assist.<sup>21</sup>

## Who uses ethical principles?

Ethical principles are intended for use by any professional working in the field of anti-trafficking re/integration, whether for GOs, NGOs or IOs, from a range of different fields including social work, psychology, medicine, law enforcement, law and so on. Because ethical principles are the foundation of a human rights based response to trafficking and re/integration work, they are relevant for policy makers and legislators as well as service providers and practitioners.

Those working on re/integration of trafficked persons in various capacities must be adequately informed about these principles and trained in an ethical and a human rights based approach. This includes training not only the re/integration staff themselves but also all other persons who come into contact with trafficked persons or data collected from trafficked persons – e.g. translators/interpreters, administrative staff, field assistants, organisational management, donors, etc. Most professional sectors have a code of ethics and ethical guidelines that guide their day to day work and to which they must adhere. Many of the issues discussed in this document are already included in these codes. As such, the ethical principles outlined in this document are a complement to these professional standards and codes, tailored to the specifics of re/integration work with trafficked persons.

These ethical principles may also be of interest to policy makers and donors, who require information about re/integration processes and programmes and the ethical principles that underpin them, to support their work in developing effective re/integration policy and programme responses. They are also relevant tools in the context of monitoring and evaluating re/integration interventions in that adherence to ethical principles is an important indicator of successful re/integration interventions and policies.

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<sup>21</sup> Plan (2009b) *How to: Include Ethical Standards in all Monitoring, Evaluation and Research Initiatives*. Woking, Plan Ltd. Unpublished document.

### 3. ETHICAL PRINCIPLES FOR RE/INTEGRATION WORK

Ethical principles for re/integration work are listed in Box #3 and discussed more detail in the sections below.<sup>22 23</sup>

#### **Box #3: Ethical principles in the re/integration of trafficked persons**

##### **Principle #1. 'Do no harm'.**

Re/integration programmes and policies should "do no harm" to trafficked persons.

##### **Principle #2. Informed consent.**

Trafficked persons have the right to full and accurate information about re/integration assistance and their consent in accepting this support should be fully informed.

##### **Principle #3. Confidentiality.**

Trafficked persons' confidentiality must be strictly guarded in the context of re/integration work.

##### **Principle #4. Anonymity.**

Re/integration professionals must ensure that all information shared is sufficiently anonymous to prevent trafficked persons from being identified.

##### **Principle #5. Privacy.**

Trafficked persons have the right to privacy, to be free of unwanted or unsanctioned intrusion at all stages of their re/integration. >>

22 These principles were originally outlined in KBF's 2009 issue paper on monitoring and evaluation (see Surtees, R. (2009b) *Re/integration of trafficked persons: developing monitoring and evaluation mechanisms*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute, at 35)) and are further elaborated in the context of KBF's 2010 manual on monitoring anti-trafficking re/integration programmes (see Surtees, R. (2010) *Monitoring anti-trafficking re/integration programmes. A manual*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute). Other resources on ethics include: Plan (2009a) *How to: Include Child Protection in All Monitoring, Evaluation and Research Initiatives*. Woking, Plan Ltd. Unpublished document; Plan (2009b) *How to: Include Ethical Standards in all Monitoring, Evaluation and Research Initiatives*. Woking, Plan Ltd. Unpublished document; Rende-Taylor, L. (2008) *Guide to ethics and human rights in counter-trafficking. Ethical standards for counter-trafficking research and programming*. Bangkok: United Nations Inter-Agency Project on Human Trafficking; UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*. NY: UNICEF; WHO (1999) *Putting women's safety first: Ethical and safety recommendations for research on domestic violence against women*. Geneva: Global Programme on Evidence for Health Policy. Publication no. WHOIEIPI GPEI99.2; WHO (2003) *Ethical and Safety Recommendations for Interviewing Trafficked Women*. Geneva: WHO.

23 In addition to these principles, some TVRP organisations have developed and implemented their own tools to assure ethical standards – e.g. codes of conduct and ethical guidelines. Some also draw on tools developed by other organisations or institutions – for example, more than one partner implements policies developed by Save the Children, such as its code of conduct and child safeguarding policy. Organisations that are members of networks or coalitions also employ principles or guidelines developed in these contexts. For example, Open Gate (Macedonia) is part of the La Strada network which has a code of conduct (see La Strada (2005) *La Strada Code of Conduct*) and, moreover, assistance provided by La Strada partner organisations should be consistent with the following principles: voluntariness, confidentiality, safety, respect for beneficiaries' choices and decisions, empowerment, no victimisation or stigmatisation against beneficiaries, non judgement of beneficiaries and the needs, views and concerns of the trafficked person must be central.

**Principle #6. Non-discrimination.**

Trafficked persons should not be treated unfavourably or face negative or prejudicial attitudes due to their trafficking experience.

**Principle #7. Safety and security.**

Trafficked persons' safety and security is paramount and must be assessed (and responded to) throughout the re/integration process.

**Principle #8. Sensitivity.**

Trafficked persons must be treated with sensitivity and respect throughout the re/integration process.

**Principle #9. Empowerment.**

Trafficked persons should be equipped with the skills, ability and confidence to recover and lead an autonomous life. Empowerment should be fostered throughout the re/integration process.

**Principle #10. Beneficiary participation.**

Beneficiaries should be (voluntarily) involved in their own individual re/integration plan as well as, where appropriate, the design, implementation, monitoring and evaluation of the re/integration services, programmes and policies.

**Principle #11. Data protection.**

Data collected about trafficked persons in the context of re/integration must be strictly protected in adherence with national and international legal standards.

**Principle #12. Child protection and the "best interests of the child".**

Re/integration programmes and policies should ensure that trafficked children are protected and their best interests are the primary consideration.

These *ethical principles are often interrelated* and so will commonly be considered in combination. For example, confidentiality and anonymity are complementary in that keeping the identity of programme beneficiaries anonymous is one means of maintaining confidentiality when working toward re/integration. Similarly, protecting confidentiality is essential to ensure both the safety of victims and also data protection.<sup>24</sup> Maximising beneficiary participation is often central in ensuring non-discrimination. And practising non-discrimination and approaching victims with sensitivity are elements of ensuring that the re/integration 'does no harm'.

In many cases, these *ethical principles are mandated by international and national legislation*, making their safeguarding not only an issue of ethics but also a legal requirement. For example, there are a range of legal issues associated with the collection, transfer and sharing of sensitive data (sometimes the subject of legislation on data protection), such as data collected in the context of re/integration case management. In some cases, re/integration programmes and activities may be governed by multiple legal and ethical codes – for example, the country of the organisation managing the programme, the country where the programme is

<sup>24</sup> WHO (1999) *Putting women's safety first: Ethical and safety recommendations for research on domestic violence against women*. Geneva: Global Programme on Evidence for Health Policy. Publication no. WHO/IEPI GPEI99.2, p. 5.

being implemented (if different from the former) and/or the country funding the programme.<sup>25</sup> Even when not legally bound by ethics bodies, re/integration service providers are still responsible for ensuring that activities are carried out ethically. Programme managers should strive to uphold the same high standards of formal ethical supervision that apply to all assistance activities when working with vulnerable groups such as trafficked persons.

### Are there different ethical principles for different types of beneficiaries?

The majority of ethical issues that apply to **adults** are also relevant for **children**. However, in addition, special care must be taken **in the case of children** to ensure that they are afforded all of the specific rights and protections that their age and maturity requires, including being given the opportunity to participate in their own re/integration. There are specific considerations when it comes to children for each of the ethical principles outlined below as well as the overarching issue of child protection and best interests of the child, as outlined in principle #12.

In addition, there may be other groups of trafficked persons for whom there are **specific ethical considerations** in undertaking re/integration work – for example, persons with mental disabilities or who are mentally ill. For example, working toward the empowerment of persons with mental disabilities is a more complex process than with many beneficiaries and may involve other professionals as well as the beneficiary's parents or guardians. There are also complexities in terms of how to appropriately ensure informed consent and beneficiary participation in an appropriate way in such cases. Working on the re/integration of "difficult cases" – i.e. victims with more complex and/or challenging assistance needs – may also involve specific ethical considerations.<sup>26</sup> For example, issues of confidentiality and privacy become more difficult when working with trafficked persons who require a number of services that are not easily accessible, so different professionals must be informed and engaged in making these services available.

Ethical issues may also differ when it comes to the re/integration of different profiles of victims and those exploited for different forms of trafficking. For example, victims of sexual exploitation may face different issues as part of their re/integration. Some women who have been trafficked into prostitution have faced discrimination from service providers because of their involvement in prostitution. Victims of sex trafficking have also, in some instances, faced security problems in returning to their communities – both at the hands of their traffickers and also within the community. Some women have been raped or sexually harassed by neighbours who perceived them to be prostitutes. Victims of trafficking for forced labour may face different types of ethical issues. Some men trafficked for labour, for example, have been very concerned about keeping their exploitation confidential (potentially a barrier to their seeking or accepting assistance), making adherence to this principle particularly important.

25 Schenke & Williamson (2005) *Ethical Approaches to Gathering Information from Children and Adolescents in International Settings: Guidelines and Resources*. Washington, DC: Population Council, p. 7; Surtees, R. (2009b) *Re/integration of trafficked persons: developing monitoring and evaluation mechanisms*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute, p. 35.

26 For a discussion of working with "difficult cases" please see: Surtees, R. (2008a) *Re/integration of trafficked persons: handling "difficult" cases*. Brussels: King Baudouin Foundation & Vienna: NEXUS Institute.

## Principle #1. "Do no harm"

*Re/integration programmes and policies should "do no harm" to trafficked persons.*

### 'Do no harm'

An overarching ethical principle (and practical guidance) for all anti-trafficking re/integration work is to **"do no harm"**. This is also a professional principle in other assistance fields, like social work, medicine and international development. The minimum requirement is that an intervention (in this case, supporting the recovery and re/integration of trafficked persons) must not put the trafficked person in a worse situation, in the short term or longer term, than s/he would have been if s/he had not been involved in the programme or interventions. Re/integration policies must equally ensure that they 'do no harm' to trafficked persons.

### Causes of harm in re/integration work

Those conducting anti-trafficking re/integration work should anticipate ways that their work might result in security, emotional or social risks to the programme beneficiary and safeguard against these negative impacts.<sup>27</sup> An example from Cambodia illustrates how harm may result from poor programming.

*An intervention in Cambodia sought to provide women in the sex industry with skills to transition into another type of employment. Women were provided with beautician skills training and assisted in finding an apprenticeship in a beauty shop. However, an evaluation of the programme found that the women had been trained and had been working as apprentices for 16 months but had never been paid (the shop owner kept their earnings). Because they could not earn any money at the beauty shop, many returned to the sex industry but lower in the "hierarchy" than when they left, which meant less pay and worse conditions than before they were "assisted". When the issue was broached with programme staff and the beauty shop owner, they intimated that "women like them" (i.e. prostitutes) were lucky to have such a work opportunity. On balance, in this case, the social, economic, emotional, and possibly health impacts were harmful to the beneficiary women.<sup>28</sup>*

Not all harm is as extreme or obvious as in the case above. Harm may occur with the best intentions and with highly qualified and committed staff. For example, in some situations, the assistance and long-term options available to trafficked persons are limited and, therefore, are not satisfactory for the beneficiary. Comprehensive and long-term re/integration support is not always available. This is an issue for trafficked persons assisted with government institutions and agencies as well as by non-governmental organisations (NGOs) and international organisations (IOs). It is an issue in the Balkans as well as in other regions.<sup>29</sup> It is important to consider the ways in which providing less than comprehensive services may (or may not) cause harm to beneficiaries. Some other examples of how harm may occur in a re/integration programme are listed below.

27 Rende-Taylor, L. (2008) *Guide to ethics and human rights in counter-trafficking. Ethical standards for counter-trafficking research and programming.* Bangkok: United Nations Inter-Agency Project on Human Trafficking, p. 12.

28 Rende-Taylor, L. (2008) *Guide to ethics and human rights in counter-trafficking. Ethical standards for counter-trafficking research and programming.* Bangkok: United Nations Inter-Agency Project on Human Trafficking, p. 15.

29 A recent study of re/integration in the GMS found that one of the main barriers to re/integration was the lack of comprehensive assistance to support the full (and often complex) re/integration process. Please see: Surtees, R. (2013) *After trafficking. Experiences and challenges in the (re)integration of trafficked persons in the GMS.* UNIAP & NEXUS.



### What causes harm in re/integration work?

- **Poor quality services and inadequately trained staff.** Offering inappropriate or ineffective re/integration services and/or employing professionals without the adequate skills and sensitivity to work on re/integration.
- **Lack of minimum standards.** Not adhering to minimum standards of care in the provision of re/integration support and services or not having minimum standards that guide re/integration efforts and to which service providers must adhere.
- **False or unrealistic expectations.** Raising false or unrealistic expectations about re/integration support and services as well as future options and opportunities available to beneficiaries.
- **Lack of ethical principles.** Not adhering to ethical principles such as guarding the privacy, anonymity and confidentiality of programme beneficiaries, not ensuring the best interests of the child, inadequate attention to data protection and so on. For example, programmes or interventions that reveal to families or communities that a returning individual has been trafficked may lead to stigma and discrimination or the use of different (and sometimes conflicting) codes of ethics and standards of care by various service providers engaged in the re/integration process.
- **Lack of or inadequate beneficiary participation.** Designing and implementing re/integration programmes and policies without the involvement of trafficked persons. Making assumptions about trafficked persons – e.g. about their experience, their background, their needs and so on – without consulting them in an appropriate and meaningful way, particularly when they turn out to be incorrect. Not fulfilling the principle of participation in decision-making and re/integration planning, both with children and adults.
- **Lack of individual (and on-going) needs assessments.** Inappropriate assessment of trafficked person's situation and re/integration needs. Not exploring the full range of assistance options to best support the individual's re/integration wishes and opportunities.
- **Lack of risk and family assessments.** Making return to one's family or community obligatory even when facing economic problems or safety/security concerns. Lack of or an inappropriate family assessment including failure to engage with partners at a community level who can support this assessment. Lack of risk assessments for trafficked persons prior to re/integration in their family/community.
- **No assessment of best interests of the child.** Failing to assess or determine the best interests of a child trafficking victim in an appropriate way without ensuring that, among all available re/integration options, the one selected is that which maximises the child's well-being and enjoyment of his/her rights.
- **Lack of cooperation and coordination.** Inadequate or ineffective communication, cooperation and coordination between institutions and agencies in the provision of re/integration support, which leads to gaps in service provision.

Case study #1, below, provides examples of when re/integration efforts caused harm to those they were intended to support and assist.

### Case Study #1. When re/integration efforts cause harm

"Marija" approached the national employment agency in her hometown in an effort to find a job as part of her re/integration. A clerk at the admissions desk recognised her and began asking her questions about her life. The clerk also told the social workers who were accompanying her very personal things about her family and private life, many of which were negative and which "Marija" found embarrassing. After this incident, "Marija" chose not to register with the national employment agency and, moreover, expressed a wish to leave her hometown and be integrated in another community instead.

One re/integration organisation supported its beneficiaries in pursuing a legal case against their trafficker. As victim/witnesses, they provided statements during a trial but were badly treated by court officials, including being interrogated and treated insensitively. Because of this poor treatment, these trafficked persons lost their trust in the legal process and refused to be involved in subsequent court hearings.

"Jasmina" was assisted in a shelter-based programme for one year. The organisation worked with her family to mediate her eventual re/integration into her family and community. Initially things went well but when the organisation began the process to return her home, family relations soured and the family refused to allow her to return to the family home. The re/integration organisation worked with the local centre for social work to identify other accommodation options, but there were no suitable alternative solutions. Eventually she was returned to the family, although the re/integration organisation was not satisfied with this option. The organisation closely monitored the case and learned during a follow-up visit that Jasmina's father was trying to marry her off against her will, which he did six months after her return.

### Strategies to avoid harm

To ensure that no harm results from a re/integration response, it is essential that programmers and policy makers consider, as part of the design process and in advance of any implementation, how harm might come about as a result of proposed re/integration efforts. **Good intentions are not enough; unintended consequences should be anticipated.** Moreover, all interventions should be monitored to make any needed changes to the process and, upon completion, evaluated to assess, among other things, the extent that these interventions contributed to "good" and avoided causing harm.

It is particularly important that potential harm be anticipated in the case of **trafficked children**. Organisations caring for a child are under an obligation based in international law (primarily the UN Convention on the Rights of the Child) to make the **best interests of the child** a primary consideration in every action or decision affecting a child and to ensure his/her full protection. Children may be particularly ill-equipped to assess the potential for harm in their case, making it incumbent upon the professionals involved and most particularly their guardian<sup>30</sup> to be especially vigilant on their behalf. Re/integration staff is responsible for protecting all child victims from any emotional or physical harm and for upholding their rights and interests, to be assessed on an individual, case-by-case basis. Because there may be risks associated with being assisted in a re/integration programme, staff must regularly consider and accommodate the principle of "do no harm" for each child.<sup>31</sup>

<sup>30</sup> On the appointment of legal guardians, see UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*. NY: UNICEF as well as the associated reference guide (Dottridge, M. (2006) *Reference guide on protecting the rights of trafficked children in Europe*. UNICEF).

<sup>31</sup> UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*. NY: UNICEF.



For example, there are some critical protections for children under the CRC aimed at preventing harm. In the case of re/integration, particularly important issues are that, under Article 9, children have a right not to be separated from their parents against their will and, if they are, they have the right to have direct contact with their parents. Moreover, children have the right to expeditious family reunification (Article 10) and to express their views freely about what's happening to them (Article 12). Such rights are key in ensuring that trafficked children do not suffer harm in the context of re/integration efforts.

#### **Box #4. Some strategies of avoid harm in re/integration work**

- **Provide appropriate re/integration services.** Design re/integration services based on the identified needs of a wide range of trafficked persons and with inputs and expertise from both service providers and trafficked persons. This should include options for specialised services for trafficked persons with special needs – e.g. persons with disabilities, persons with mental health problems, children of trafficking victims and so on.
- **Develop, implement and monitor minimum standards.** Design minimum standards for the provision of re/integration support. Ensure that all re/integration services and service providers adhere to minimum standards of re/integration support and care. Systems of accountability should be in place when minimum standards are not enforced. Trafficked persons should be fully informed about their rights under these minimum standards of care.
- **Ethical principles.** Ensure that all re/integration programmes and policies (and staff working on re/integration) conform to professional ethical principles and that standards and codes are underpinned by these principles. When ethical codes and standards of different professions or organisations are inconsistent with one another, a common understanding and way of working should be discussed and agreed.
- **Clear information about re/integration services and outcomes.** All programme beneficiaries should be fully informed about their status as trafficked persons and the rights and assistance to which this entitles them, including access to safe and easily accessible complaint procedures of their rights are not being respected. It is also important that they receive information about their responsibilities as programme beneficiaries. It is critical that staff do not give false or unrealistic information about re/integration support and services such that beneficiaries have unfeasible expectations about their support and future options.
- **Trained professional staff.** All re/integration support and services should be provided by staff who have a satisfactory professional qualification and are sensitised on the issue of human trafficking and in working with trafficked persons, including trafficked children, where relevant.
- **Involve beneficiaries.** Design and implement re/integration programmes and policies with the involvement of trafficked persons, including children. Engage beneficiaries also in the monitoring of all programmes and policies. Consider how this can be done ethically, sensitively and safely. In the case of children, child friendly and appropriate tools and strategies should be used. Staff should be trained in child friendly and participatory practices.
- **Working together on re/integration.** Communication, cooperation and coordination should be promoted between organisations and institutions involved in providing various types of re/integration support and services. This allows for the provision of a wide range of services to support the individual's re/integration.

## Principle #2. Informed consent

*Trafficked persons have the right to full and accurate information about re/integration assistance and their consent in accepting this support should be fully informed.*

### Informed consent

Informed consent refers to the process by which trafficked persons are fully informed about the opportunity to participate in a re/integration programme/intervention. This requires having a clear understanding of what participation in the programme entails, including potential risks and benefits, and then making an informed and independent decision as to whether to participate or not, without coercion or undue pressure. Gaining consent is not a “one-off” activity but rather must be regularly repeated over time as the re/integration process evolves and different situations and opportunities arise. The re/integration process is a long, often multi-year process and the situation (for both the beneficiary and the service provider) may change over time. For this reason, consent must be sought throughout the re/integration process – in response to different or new services or approaches and as the individual moves through the various phases of re/integration.<sup>32</sup>

In the context of the TVRP, organisations have identified three distinct phases of re/integration, over a period of three years:

- Phase 1, crisis intervention (0-3 months),
- Phase 2, transition (4-12 months), and
- Phase 3, re/integration/social inclusion (13-36 months).

While this three year time frame is the general framework of the TVRP programme, each organisation frames the re/integration process differently. For some, the crisis phase is more typically a period of three months; for others it lasts six months. Some consider re/integration complete at twelve months, while others use a 36 month timeframe. Moreover, even within programmes, individual victims function according to different time frames and recovery periods. The framework is designed to accommodate wide variations in approaches between partner organisations and the complexity and diversity of the re/integration process between individual trafficking victims.

To ensure that consent is informed, it is advisable to give respondents time to consider their participation and even discuss with persons they trust about whether to accept (some or all of the ) re/integration support offered. Informed consent can be written or verbal and translation or interpretation should be provided in cases where the respondent’s language is different than that of the service provider. Information should be provided to children in a language that they fully understand and in a manner that is appropriate to their age, experience and maturity.

Gaining informed consent in terms of a beneficiary’s participation in a re/integration programme includes providing complete and comprehensible information about:

- **The assistance organisation.** Information about the organisation offering the services, including mission statements or ideological positions that underpin re/integration programming and services.

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<sup>32</sup> Surtees, R. (2010) *Monitoring anti-trafficking re/integration programmes. A manual.* Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute.

- **The services available.** The re/integration services to be offered and the opportunities and entitlements available to re/integration programme beneficiaries, including what s/he may not be able to receive. This would also include mentioning options for re/integration support through other organisations and/or institutions and how to contact them.
- **Results/outcomes.** Expected results/outcomes of the beneficiary's involvement in the re/integration programme, including discussing this over time and according to any changes in the situation. This would include long term plans and outcomes anticipated during and upon completion of the programme.
- **The timeframe.** The timeframe for re/integration assistance, including the maximum period a beneficiary may be supported.
- **Data collection and protection.** Recording of case information and who will have access to such information as well as the beneficiary's right to view professional records and to seek avenues of complaint.
- **Rights in terms of services, including the right to decline assistance.** The right to obtain a second opinion or to refuse or cease any (or all) re/integration services. That participation in any re/integration programme is voluntary and can be ended at any time.
- **Ethical principles and standards.** The ethical principles (and the associated standards, guidelines and procedures) followed within the programme (e.g. confidentiality, anonymity, sensitivity, non-discrimination, etc.) as well as the limits of professional confidentiality (e.g. in a situation where there is risk of harm to themselves or others) and available complaint mechanisms.
- **Selection criteria.** Criteria, if any, that beneficiaries may need to meet to be admitted into a programme.
- **Terms and conditions.** Conditions, responsibilities and restrictions for beneficiaries involved in the programme.

### **Strategies to ensure informed consent**

There are different strategies for informing beneficiaries about re/integration opportunities and different programmes/organisations use different approaches. These are outlined in the box below.

### Box #5. Strategies to ensure informed consent

- **Written information (e.g. a pamphlet, poster or brochure outlining the services and giving follow-up contact information).** Such material needs to be appropriate in terms of respondents' language, literacy level, educational background, age and maturity and should include contact information to allow those reading the materials to know which staff member(s) to contact with any questions or concerns.
- **Verbal information (e.g. information from an appointment with social worker, information provided over the phone, including a helpline, etc.).** When providing verbal information, it is important that the information is tailored to the respondent's language, literacy level, educational background, age, maturity and so on. In some cases – for example in the case of a foreign national integrating in a country – this may involve hiring an intercultural mediator or translator to ensure information is fully understood and agreed.
- **Tour/orientation of the programme (e.g. visit organisation's office, day centre or shelter, meet staff, etc.).** Visiting programme facilities can be helpful in getting a better sense of how the programme operates, which is especially helpful for persons who have limited or negative experiences of assistance and/or who do not trust service providers
- **Meet programme beneficiaries.** This might involve meeting with or even having a phone conversation with past and/or present beneficiaries to learn about their experiences in the programme and to have someone answer their questions, from the perspective of a beneficiary rather than staff.
- **Written consent forms upon entry to the programme.** These forms are a means to systematise, standardise and document the consent process. The form should be signed by both the beneficiary and respective staff after having reviewed, explained and consented to participation in the re/integration programme. This would involve outlining not only what the beneficiary was to receive in the programme but also rules and responsibilities of beneficiaries. As importantly, it would also outline the role and responsibilities of re/integration staff.
- **Engaging parents and long-term or temporary guardians in the case of children.** In the case of trafficked children, consent should be obtained not only from children but also their parent/guardian. Parents/guardians should be fully informed about the re/integration programme and should have consented to the child's involvement (in addition to engaging the child herself/himself in decision-making depending on the child's age and maturity level).

Often organisations use more than one such strategy as part of their informed consent process. For example, they may initially provide verbal information but will commonly also provide potential beneficiaries with written material that they can carefully review and consider and potentially refer back to at a later stage. Some organisations also mix verbal and written information with more interactive ways of informing potential beneficiaries about re/integration programmes, as illustrated in the case studies below.

## Case Study #2. Gaining informed consent

“Mariana” was trafficked for sexual exploitation internally within her country. She worked in prostitution in an apartment where she also lived, under the control of a man who restricted her movements and took the majority of her earnings. One day the police raided the apartment where she was living and working and she was taken to the police station. The police did not initially recognise that she was trafficked and she was badly treated by them during the interview process – threatened with arrest and prison if she did not inform on her exploiter. Eventually a social worker was called in and recognised her as a trafficking victim and verbally informed her about the option of assistance through a local NGO that provided re/integration services. The NGO was called to the police station and they also told her about their services and provided her with written information about the programme. She was very nervous about the assistance being offered, having had previously bad experiences living as a child in state-run shelters. She refused the assistance and left the police station. After some time she contacted the NGO for more information but was still reticent to enter the programme. The NGO invited her to visit the shelter and meet with the staff and beneficiaries. Only after doing this did she feel comfortable to accept the assistance being offered.

One trafficked girl, “Ana” was initially placed in a state-run institution for children without parental care. Her experience there was negative, as staff did not have the skills to understand her trafficked related behaviours. She did not receive proper psychosocial assessment and instead was treated as a child with a behaviour disorder. While in the state shelter, her mental health deteriorated and she lost trust in services providers. Her case was referred to one re/integration organisation that contacted the girl and offered her services. However she was highly suspicious and mistrustful of the organisation and initially declined their help. The organisation stayed in contact with the girl, regularly visiting her and explaining their work and options. Over time the organisation won her trust and confidence and she eventually accepted their assistance.

“Fadila” was offered assistance in a residential programme because of conflicts within her family (not least because her brother-in-law was involved in her exploitation) and stigma she faced in the community after trafficking. Initially, Fadila and her family declined assistance because they were misinformed by people in the community that the shelter was closed and she could not have contact with her family. The state social worker, the police officer and the social worker from the re/integration programme spent time with the girl and her family to inform them about the programme, including that it was voluntary and she could leave at any time. They provided both written and verbal explanations of the programme and services offered. Eventually she agreed to enter the programme.

In some cases, trafficked persons may decline to enter a re/integration programme once they have been fully informed of the opportunity. This may be for different reasons including: because they do not want or need the services on offer; because the current design of the assistance response does not meet their needs; because they (or their family) do not want to enter a programme (e.g. because they are suspicious of the organisation/programme, have had negative assistance experiences in the past and/or because they wish to put the experience behind them and move on with their lives.<sup>33</sup> Decisions to decline re/integration assistance should be respected. Consent should never be forced or coerced.

<sup>33</sup> Brunovskis & Surtees (2007) *Leaving the past behind. When trafficking victims decline assistance*. Oslo: Fafo and Vienna: NEXUS Institute.

At the same time, studies have found that the initial period after exiting a trafficking situation is often one of extreme stress and anxiety for trafficked persons. It may involve a lack of comprehension and understanding by trafficked persons in terms of what re/integration means and the services being offered. For some, it may be too early to make a decision about accepting assistance or not.<sup>34</sup> In such cases, trafficked persons may, at a later stage, follow-up and even enter re/integration programmes. This option should be offered to trafficked persons, which involves providing them with the necessary information and contact details should they change their mind about re/integration support at a later stage.

Even when trafficked persons have been out of their situation of exploitation for some time, the process of informed consent is important and may not be straightforward. Time is often needed for trafficked persons to process their options and opportunities and come to a decision as to whether available re/integration interventions meet their needs. Part of gaining informed consent is affording trafficked persons whatever space and time they need to make decisions in their best interests.

Failing to obtain informed consent is not only unethical but also has the potential to put programme beneficiaries at risk, physically or psychologically. For example, not fully informing a beneficiary of the nature of a programme and services may lead him/her to accept re/integration support that is inappropriate for them. It may also mean entering programmes that are inconsistent with their way of thinking or individual needs – e.g. entering a closed shelter programme when s/he needs to work and earn money and wishes to have regular contact with family. This, in turn, can negatively impact recovery and re/integration. Some re/integration organisations faced problems in working with victims who had been referred to them by police and other service providers, but incompletely or incorrectly informed about assistance options and opportunities. In some cases, authorities made false promises about assistance as a way of securing their cooperation with law enforcement agencies. Such promises and misinformation meant beneficiaries had unrealistic expectations of assistance and life after trafficking. This caused problems for staff of the re/integration organisation in that these beneficiaries felt disappointed, cheated and frustrated. Time was then needed to correctly inform them of re/integration options and gain their consent. While trust can sometimes be repaired, breaches of trust cannot be taken lightly.

In terms of **children**, there are some **specific considerations on the issue of informed consent**. All information about the project needs to be tailored to the child's age, maturity, level of education and experience and presented in a child friendly and appropriate way. While parents or guardians have decision making responsibilities in the case of children, consent is also needed from the children involved and children's consent should be considered paramount.<sup>35</sup> All decisions about re/integration efforts should be taken with the involvement and inputs of the child. This process should also take into account the potential impact of the power imbalance between children and adults, including whether this creates pressure to consent (by the staff or parent/guardian). The extent to which children can provide informed consent will vary according to the child's age, experience and stage of development.<sup>36</sup>

34 Brunovskis & Surtees (2007) *Leaving the past behind. When trafficking victims decline assistance*. Oslo: Fafo and Vienna: NEXUS Institute; Surtees (2007b) *Listening to Victims: Experiences of Identification, Return Assistance in SE Europe*. Vienna: ICMPD.

35 It may not be appropriate to obtain consent from a parent or guardian in the following circumstances: (1) where participation in the activity involves minimal risk (i.e. risks no greater than those in everyday life) and will not infringe on the rights or impact on the welfare of participants; (2) where parental or guardian consent is impossible to get or would not protect the child; (3) where the young person concerned is resistant to a parent or guardian's consent being sought on the grounds of their right to privacy and confidentiality and where the emotional and social maturity of the young person has been evaluated and the risks of participation are considered to be low. If this is not the case, a child advocate, such as a social worker or psychologist, who is trusted by the child, should be involved in order to assure the child's best interests. Plan (2009b) *How to: Include Ethical Standards in all Monitoring Evaluation and Research Initiatives*. Working, Plan Ltd. Unpublished document.

36 Surtees, R. (2010) *Monitoring anti-trafficking re/integration programmes. A manual*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute.

### Principle #3. Confidentiality

*Trafficked persons' confidentiality must be strictly guarded in the context of re/integration work.*

#### Confidentiality

Confidentiality is a professional value that demands that professionally acquired information be kept private and not shared with third parties unless the beneficiary provides informed consent or a professional or legal obligation exists to share such information without the beneficiary's informed consent.<sup>37</sup> The principle of confidentiality means that information regarding the programme beneficiary is not revealed to others from the moment of first contact through the duration of his/her involvement in the re/integration programme, without their express and informed consent. Confidentiality must also be maintained in terms of how information and case files are maintained and stored over time. Most countries have categories of information that (legally) must be kept confidential, such as medical records or social work case files.

Exceptions to this may only be justified on the basis of a greater ethical requirement such as evidence of serious risk or the preservation of life. Service providers need to explain the nature of that (limited) confidentiality to people with whom they work and any circumstances where confidentiality must be waived should be made explicit. Service providers should identify dilemmas around confidentiality faced in their work and seek support from colleagues and relevant institutions to address these issues.<sup>38</sup>

#### Breaching confidentiality

Breaches of confidentiality can have very serious impacts on the recovery and re/integration of trafficked persons as well as their safety and security. It also negatively impacts relationships with and the credibility of re/integration organisations. Below are some examples of what happens when **confidentiality is breached**.

- **Stigma and discrimination.** Breaching confidentiality may lead to stigmatisation and discrimination within the family and community, including family problems and break-ups.
- **Risks to safety and security of trafficked persons.** Trafficked persons may be exposed to risk – e.g. at the hands of traffickers, family and community members, in the workplace, by state institutions and so on.
- **Loss of trust.** Trafficked persons may lose trust in service providers and re/integration programmes when their confidentiality is not guarded.
- **Discomfort and fear.** Trafficked persons may suffer feelings of discomfort and fear, concerned about the implications of confidentiality not being guarded.
- **Secondary victimisation.** Trafficked persons feel victimised by the system and service providers when other learns about their trafficking experience.
- **Economic fall-out.** Trafficked persons may lose their job and, by implication, their economic stability if colleagues and employers learn about their experience.

<sup>37</sup> *Canadian Association of Social Workers (CASW) (2005) Guidelines for Ethical Practice. Canadian Association of Social Workers, p. 27.*

<sup>38</sup> *BASW (2012) Code of ethics for social workers, statement of principles. UK: British Social Work Association, p. 14; CASW (2005) Guidelines for Ethical Practice. Canadian Association of Social Workers, p. 27; Ontario College of Social Workers and Social Service Workers (OCSWSSW) (2008) Code of Ethics and Standards of Practice Handbook. Ontario: Ontario College of Social Workers and Social Service Workers, p. 23.*



- **Setbacks and dropouts.** Loss of confidentiality may have negative effects on trafficked persons recovery leading to setbacks and even dropping out of re/integration programmes.
- **Loss of credibility.** Being unable to ensure confidentiality of programme beneficiaries may lead to a loss of credibility on the part of institutions/agencies.

One woman explained how confidentiality was breached by the local medical clinic where she was treated after trafficking, leading to serious and long-term implications for herself and her family:

*"When I came back, I tested positive for HIV at the local clinic. Then the whole village got to know it. My neighbours learned about it. I had very many problems. They didn't let me approach the well. They treated me as if I were a piece of dirt. They humiliated me. I had many problems with my child at school. They wanted to expel him from school, although I showed them the negative result of his test, under different pretexts. I suffered a lot".*

When asked whether she had made any complaints, she explained she had tried:

*"Yes, to the chief doctor of the clinic, but nothing came of it. Now it's too late. How can you change the attitude of the community? I should never have thought that it could happen to me. I thought I would never get in a situation worse than trafficking".<sup>39</sup>*

Similarly, one NGO in Myanmar providing support to returned trafficked persons and others became aware of the fact that their home visits and check-ups were leading some community members to make the assumptions that every person visited was a trafficked person. Some beneficiaries requested that the NGO staff not visit their house because of possible stigma. In response, the NGO expanded their modes of service delivery, giving beneficiaries the choice to access services and assistance through telephone calls and appointments at the NGO's office<sup>40</sup>.

A complicating feature in the protection of confidentiality is that re/integration programmes often involve a wide range of professionals, with different roles, mandates and ethical/legal standards and parameters. That is, re/integration services typically utilise multidisciplinary teams of professionals – for example, physicians, psychiatrists, social workers, lawyers, law enforcement – who are likely to be covered by different standards and procedures for confidentiality and information sharing. Involving other service providers in re/integration programmes and the provision of diverse forms of services and support can augment the quality, breadth and depth of care. However, it also poses risks in the disclosure of confidential information. For example, a service provider may inadvertently reveal information (such as details of the beneficiary's trafficking experience or re/integration process) that s/he would like to keep confidential from others assisting her.<sup>41</sup> This is not to say that information sharing between service providers is not needed or advisable. Rather what is needed is the (limited) sharing of information on a "need to know" basis, with strict (and mutually agreed) parameters and protocols for confidentiality. With such parameters, it is possible to have confidentiality, while at the same time avoiding unnecessary re-interviewing and, potentially, re-traumatisation and secondary victimisation.<sup>42</sup>

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39 Surtees, R. (2007b) *Listening to Victims: Experiences of Identification, Return Assistance in SE Europe*. Vienna: ICMPD, pp. 201-202.

40 Rende-Taylor, L. (2008) *Guide to ethics and human rights in counter-trafficking. Ethical standards for counter-trafficking research and programming*. Bangkok: United Nations Inter-Agency Project on Human Trafficking, p. 31.

41 Surtees, R. (2009b) *Re/integration of trafficked persons: developing monitoring and evaluation mechanisms*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute, p. 30.

42 Surtees, R. (2007b) *Listening to Victims: Experiences of Identification, Return Assistance in SE Europe*. Vienna: ICMPD. pp. 202-203.



### Case Study #3. When confidentiality is breached

"Katja" was trafficked for prostitution within her country. After escaping, she was identified as a trafficking victim and offered re/integration assistance near her hometown. Shortly thereafter, the local media broadcast a reportage that described her case and, as a result, her relatives and neighbours learned about what had happened to her. She was discriminated against in her community and rejected by some of her relatives. Her family also faced problems in the community and moved to another town, which also meant that Katja was unable to be in regular contact with them.

In one meeting of state and non-state anti-trafficking stakeholders, a staff member of one of the state institutions presented a trafficking case for discussion within the group. However, the staff member presented the victim's full name and details of her story.

"Blanka", a former victim of trafficking, was assisted for two years during which time she successfully re/integrated in her community. She then met a man whom she married and had two children. She had very good relations with her husband's family. While her husband and his mother knew about her trafficking experience, the rest of the family did not. One day her sister-in-law read an old article about a trafficking case which involved Blanka, after which she told the whole family about Blanka's trafficking experience. Both Blanka and her husband were shocked and unprepared for this situation. They moved to another town because of the social fall-out from this disclosure.

"Elissa" was giving a statement in presence of a police officer whose cousin was from the same town that she was from. Afterward, the police officer told the girl's story to his cousin who spread the story around Elissa's town. She was labelled a prostitute in her hometown and both she and her family were discriminated against and faced many stressful encounters with community members. They eventually moved to another town.

"Sladjana" was forced to marry while trafficked. Afterward, she sought legal assistance to annul the marriage. She insisted that the lawyer keep the information about her case confidential; she was particularly concerned about her family learning about what had happened. While the lawyer agreed to keep this information confidential, she nonetheless shared the information with Sladjana's mother. This caused a great deal of tension in the family and the girl was without her mother's support as a consequence.

A group of beneficiaries were attending vocational training in cooking. The instructor knew about their trafficking experiences but was bound by a confidentiality agreement. Nonetheless, on a number of occasions, she referred to these students as "girls who are helped by the organisation", thus identifying them, if not as trafficked, then as socially vulnerable. The programme beneficiaries felt badly about this behaviour and refused to continue with the course unless their confidentiality could be assured.

### Guarding confidentiality

In practice this means organisations and institutions implementing internal systems (e.g. staff codes of conduct, suitable case management systems) and systems involving other organisations (e.g. formal protocols for sharing confidential information and suitable "continuity of care" procedures when an individual beneficiary is referred to other organisations or services). There are different ways that confidentiality can be guarded in the context of re/integration work. Some of those strategies and techniques are listed in box#6, below.

### Box #6. Strategies to guard confidentiality in re/integration interventions

- **No discussion of confidential information.** Do not discuss any confidential case information without the prior knowledge, consent and agreement of the beneficiary. Some discussion of confidential information may take place within (or between) organisations in the context of case management, although consent may be needed. No informal discussion of confidential information should take place within the organisation or externally.
- **Internal tools and protocols to guard confidentiality.** Develop tools and protocols – like confidentiality agreements, anonymised case files, rulebooks and codes of conduct – which all staff within the organisation are required to sign and adhere to. These would include protocols for how and with whom confidential information can be shared within the re/integration organisation and with other service providers. Ensure that beneficiaries are fully informed of these protocols.
- **Interagency tools and protocols to guard confidentiality.** Develop procedures and protocols to ensure confidentiality when trafficked persons (or their data) are in contact with various stakeholders, within and beyond the re/integration organisation – e.g. when shelters and programmes are being monitored and inspected by state institutions or by a donor.
- **Camouflage identity of trafficked persons.** Present trafficked persons to external agencies or institutions as someone who is entitled to that service rather than explicitly as a trafficking victim – e.g. as someone who is socially vulnerable, a single mother and so on.
- **Compulsory ethical adherence for all staff.** Make respecting confidentiality a legal as well as ethical requirement within staff contracts and in arrangements between organisations and institution. This would make violations a disciplinary offence that would lead to sanctions and/or dismissal.
- **Lobby for ethical principles within state and non-state institutions.** Advocate that confidentiality be required of all persons working with trafficked (or socially vulnerable) persons in the state and non-state structures. In some countries this will be not only an ethical obligation but also a legal one.
- **Raise awareness about the importance of confidentiality.** Educate stakeholders about the importance of confidentiality as well as their legal obligations in terms of data protection.
- **Enforce national data protection legislation.** Ensure the management of case files is in line with data protection legislation including encryption of data and secure storage of files. This is needed within NGOs as well as within all state institutions and in terms of how information is shared between these agencies/institutions.

Confidentiality agreements – even those negotiated on a case-by-case basis – between and among service providers should explicitly mention what types of information can be shared amongst professionals for service provision. If there is an overriding ethical issue that would compel disclosure of information (for example, where someone has been abused while receiving re/integration assistance), professional codes of ethics

should be consulted.<sup>43</sup> Contents of case files and case interviews should only be shared with those bound by the same duty of confidentiality and with the consent of beneficiaries. Confidentiality should also be guaranteed using methods to maintain the anonymity of programme beneficiaries and to protect data being collected (see also Principle #4: Anonymity and Principle #11: Data Protection below).

Given **children's vulnerability**, respect for confidentiality must be particularly attended to in re/integration efforts for trafficked children. The importance of confidentiality (and the negative implications if it is not respected) may not be clear to children, making it incumbent on service professionals to anticipate and guard against risks and issues if confidentiality were to be breached. Breaches of confidentiality may have serious implications for children – for example, in terms of how they are received by families, peers and communities.

The above points notwithstanding, confidentiality can never be 100 per cent assured when working with **children**. If a child discloses a need for protection – for example, abuse within the family or community setting where they are being re/integrated – staff may be obliged to take action, even if this means breaching confidentiality. These **limits on confidentiality** must be clearly communicated to **children** and any temporary guardian, if they have one. In situations where confidential information must, for ethical reasons, be disclosed, staff must discuss with the child, including what action can/should be taken. All staff working on re/integration (as well as project partners) must be aware of procedures concerning limited confidentiality; the team should discuss the requisite steps prior to implementation.<sup>44</sup>

43 Rende-Taylor, L. (2008) *Guide to ethics and human rights in counter-trafficking. Ethical standards for counter-trafficking research and programming*. Bangkok: United Nations Inter-Agency Project on Human Trafficking, at 27-28. Please see Box #2 for a list of some of these codes.

44 Plan (2009a) *How to: Include Child Protection in All Monitoring, Evaluation and Research Initiatives*. Woking, Plan Ltd. Unpublished document.

## Principle #4. Anonymity

*Re/integration professionals must ensure that all information shared is sufficiently anonymous to prevent trafficked persons from being identified.*

### Anonymity

Anonymity is **the right to not be identified**, including through indirect background information that could inadvertently reveal the beneficiary's identity, personal experiences and/or opinions. Anonymity may be compromised by many different identifying factors (e.g. age, physical description, home community, specific case details and so on) and, therefore, simply changing a beneficiary's name may not be sufficient to guarantee anonymity. **Anonymity is often key in maintaining trafficking victims' privacy, confidentiality and safety and security.**

Breaching anonymity can pose safety and security issues as well as compromise trust in the re/integration organisation and/or process, even leading to someone leaving a programme. All staff must be trained and adhere to this principle. Re/integration professionals should consider the possible ways that they may breach anonymity and establish rules and procedures for all staff and partners to ensure this does not happen. For example, one woman explained how her safety was severely compromised when the police violated her anonymity by providing information about her case to the media:

*"[The police officer] gave a statement to the press. There was my full name... All newspapers were full of that. "Girl was pulled out from the criminal group... Name of girl is that... she lives there... age that... she was married... she has son... name of the son was..." All newspapers were full of that... I couldn't believe that my story reached [the neighbouring country]. I was shocked. I couldn't continue... They harassed me at my house, they threatened me. Many things happened. They were in custody only 48 hours and they let them out. They didn't have proof".<sup>45</sup>*

Another woman described how she faced a similar situation when her details and address were given to local journalists who, as a result, came to her home community to interview her:

*Once the local policeman sent a group of journalists to my house. They came to take my picture. I asked them to leave me alone. At that moment my lawyer came and I asked him to help me get rid of those stupid journalists since he was my lawyer. He did nothing.<sup>46</sup>*

### Threats to anonymity

There are ways that **anonymity may be compromised** in the implementation of re/integration programmes. These include but are not limited to the following:

- **Revealing details in reports.** Personal details and identifying characteristics of trafficked persons (and their families) are shared in reports or public presentations.
- **Revealing details to the media.** Personal details and identifying characteristics of trafficked persons (and their families) are shared in the media – e.g. physical description, home community, specific case details and so on.

<sup>45</sup> Surtees, R. (2007b) *Listening to Victims: Experiences of Identification, Return Assistance in SE Europe*. Vienna: ICMPD, p. 171.

<sup>46</sup> Surtees, R. (2007b) *Listening to Victims: Experiences of Identification, Return Assistance in SE Europe*. Vienna: ICMPD, p. 201.

- **While coordinating case management.** Disclosing personal information or case details in discussion with other organisations.
- **During coordination, monitoring and referral.** Through written correspondence with centres for social work and other institutions or agencies that is part of coordination, monitoring and referral.
- **While formalising a person's status as a VoT.** The process of certifying individuals as trafficked persons so they can access assistance and support (e.g. medical care, economic aid and so on) may involve providing information and details that breach anonymity.
- **When mediating with other service providers.** Service providers mediating on behalf of trafficked persons to receive services may need to provide information that violates their anonymity.
- **Inconsistent staff behaviour.** Inconsistent adherence of employees concerning anonymity within an organisation (or between organisations and institutions) as well as inadequate or unsafe systems for collecting and storing personal data.

#### Case Study #4. When anonymity is not guarded

One journalist in the Balkans made a documentary about a trafficked girl, "Elena". While filming, the journalist promised to protect the identities of Elena and her family. However, when the documentary was aired, the journalist revealed all of the details of Elena's life and family and trafficking experience. The reportage also included interviews with a range of people commenting on her life. After the first segment aired, the re/integration organisation working with Elena threatened to bring a lawsuit against the journalist and television director, which resulted in the cancellation of the show. However, the damage was already done and Elena was forced to change her name and move to another town.

One police inspector involved in the arrest of a group of traffickers provided information about the case to the news media. This included giving all of the details of where the victim was living and photographs of her house. As she came from a small village, everyone immediately knew who the victim was.

It is important to be clear about the parameters of anonymity within a re/integration programme – for example, when anonymity will (or will not) be guaranteed and the difference between confidentiality and anonymity. For example, beneficiaries who participate in re/integration activities with other trafficked persons will not be anonymous. However, rules within the programme can be used to ensure that all beneficiaries respect the confidentiality of persons within the programme.

Some re/integration activities are not conducted anonymously and this must be clear to beneficiaries in obtaining informed consent for their participation. Shelter stays, while assuring confidentiality of information, will not be anonymous. Group discussions amongst beneficiaries (a not uncommon approach in information sharing and even counselling) lack anonymity, vis a vis staff and other beneficiaries.

Concerns about anonymity may serve to silence some participants or prevent them from participating in some services or programmes as a whole. However, there are tools available to address this concern. For example, in Cambodia, when victims of trafficking are invited to share their experiences in meetings or workshops, they

are provided with the option of using booths or screens to conceal their identity, so that they can be heard but not seen by audience members.<sup>47</sup>

By contrast, in certain participatory projects, respondents may wish to use their real names in order to have acknowledgement for their work and contribution. Staff needs to discuss this with respondents who may not be aware of all the possible consequences of publicly sharing (even publishing) their views or experiences. If a participant does insist on using his/her real name, it is important to have him/her sign a waiver of their right to anonymity, keeping the waiver on record.<sup>48</sup>

### Strategies to ensure anonymity

#### Box #7. Strategies for safeguarding anonymity

- **Protect personal and identifying information.** Do not share personal details and identifying characteristics with others – e.g. between organisations, in public presentations, etc.
- **Obscure information, as needed.** Alter/obscure all identifying information – including hometown, workplace, family names, etc. – about an individual beneficiary for any public discussion or presentation, including the use of photos, film footage and so on.
- **Secure material in ways that are anonymous.** Take steps to maintain anonymity in interview tapes as well as case files/notes, photos and film footage – e.g. use identifying codes rather than names, secure in locked files with restricted access, use password protected computers, etc.
- **Secure all information.** All information should be securely maintained – e.g. with data encryption, locked files, password protected, etc.
- **Unmarked shelter and offices.** The addresses of shelters and centres are not publically listed to avoid having trafficked persons identified through their presence at these facilities.
- **Staff do not wear or use identifying materials.** Staff do not wear clothes, carry materials (e.g. bags, signs) or travel in vehicles that advertise their organisation or work on human trafficking when meeting trafficked persons at airports/stations, in home communities and so on.
- **Not facilitating interviews with media.** Some organisations have, after many breaches of confidentiality and anonymity by the media, decided not to facilitate interviews with trafficked persons. When trafficked persons wish to present their story to the media, however, the organisation's support in this process is important, including information about potential risks and what measures are needed to protect them.
- **Programme beneficiaries keep personal information anonymous.** Some organisations encourage beneficiaries to be careful in sharing information with others including disclosure of their personal story, their area of origin, information about their families and so on.

47 Rende-Taylor, L. (2008) *Guide to ethics and human rights in counter-trafficking. Ethical standards for counter-trafficking research and programming.* Bangkok: United Nations Inter-Agency Project on Human Trafficking, p. 31.

48 Plan (2009a) *How to: Include Child Protection in All Monitoring, Evaluation and Research Initiatives.* Woking, Plan Ltd. Unpublished document.

In the case of children, particular attention must be paid to protecting their anonymity. Under no circumstances should information about (including photos of) trafficked children be publicly shared, without obscuring identifying features/information. The importance of anonymity (and any potential negative implications if it is not respected) may not be clear to children. Re/integration professionals need to guard against such risks and problems, including anticipating ways in which anonymity may be compromised during participation in a re/integration programme and how to address this risk/concern.

## Principle #5. Privacy

*Trafficked persons have the right to privacy, to be free of unwanted or unsanctioned intrusion at all stages of their re/integration.*

### Privacy

Privacy refers to the **right to be free of unwanted and unsanctioned** intrusion and is considered a basic human right in most countries. In the context of re/integration, respecting privacy may mean different things at different stages of the process. Service providers should be careful about inadvertently revealing information about the beneficiary to those within her/his family and/or home community. This could include information as basic as the fact that the beneficiary has sought or received certain services (e.g. psychological counselling or family mediation) that might identify him/her as trafficked and/or be stigmatising. For some beneficiaries, — means not being contacted after leaving the programme, even for case monitoring or follow-up. (Any follow-up should suit the beneficiary's needs and this should be clarified at the outset of the programme). For others, privacy (and confidentiality) may be breached when information about their case or situation is shared with other organisations/institutions.

### Breaching privacy

There are different ways that privacy may be breached in the context of re/integration programming. These include but are not limited to the following:

- **Contacting beneficiaries who do not want to be contacted.** For some beneficiaries, part of recovery involves breaking with the assisting organisation. Contacting beneficiaries for follow-up or to participate in monitoring or evaluation may constitute a breach of their desire for and right to privacy.<sup>49</sup>
- **Sharing case files and information with other professionals.** Privacy is threatened when case files are shared with other re/integration organisations or authorities without the beneficiary's consent. This is particularly a concern when information is shared with those organisations/institutions that may not adhere to the same data protection standards as the primary re/integration service provider.<sup>50</sup>
- **Conducting interviews and meetings with trafficked persons in non-private settings.** Professional interactions in non-private settings can breach the privacy of respondents, especially in smaller communities or when discussions can be overheard. When staff are known to be anti-trafficking service providers, there can also be threats to beneficiary's privacy.
- **Providing non-residential services in a confidential and private way.** Services provided to beneficiaries living outside of shelters must take into account the issue of privacy. This would include providing services in private (and unidentifying) settings as well as respecting the privacy of beneficiaries including vis a vis their families. Many trafficked persons never divulge their trafficking experiences to family or friends, keeping their experiences private. Re/integration efforts should not violate their right to privacy.

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49 Surtees, R. (2009b) *Re/integration of trafficked persons: developing monitoring and evaluation mechanisms*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute, p. 48.

50 Surtees, R. (2009b) *Re/integration of trafficked persons: developing monitoring and evaluation mechanisms*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute, p. 30.



- **Case follow-up and monitoring.** In some communities (e.g. smaller environments where the presence of “outsiders” is visible), case follow-up and monitoring may identify trafficked persons within their communities, breaching their right to privacy. In other cases, unannounced monitoring of shelter and semi-independent living environments can also lead to violations of beneficiaries’ privacy.

Steps should be taken to ensure that information sharing is on a need-to-know basis and limited to the least amount of sensitive information. Care should also be taken to provide physical privacy when interviewing and working with programme beneficiaries, to create a safe environment where others will not be able to overhear a conversation that might include sensitive topics such as trafficking exploitation, problems faced, assistance needs and/or criticism of service providers on whom the beneficiary may depend. This is of particularly importance when re/integration organisations work with different types of beneficiaries.

#### **Case Study #5. Violations of victims’ privacy**

“Diana” returned home pregnant from her trafficking experience. She did not want to reveal the father of the child. Suspecting incest, the police wanted to learn the identity of the father. The girl was brought to the police station without any parent or guardian and pressured to reveal the name of the child’s father. The police even threatened that her mother would be arrested and she would be placed in a foster home. The girl remained adamant about not revealing the name of the father, wishing to keep this information private. She was deeply traumatised by the interrogation and threats by the police.

“Vesna” was 16 years old when she escaped from her trafficking situation. Her case was investigated and she was asked to provide a statement. While giving her statement to the investigating judge, the door was left open and the judge’s friend, who had no connection with the case, entered the office and remained for the duration of the statement. Vesna was very upset about having to talk about her experience in front of an unknown person.

“Linda” received re/integration services including vocational training and then was assisted to find a job. Having completed the initial stages of re/integration, the organisation followed up with her from time to time. However, she requested that the re/integration organisation not visit her workplace as part of their monitoring work.

## Principle #6. Non-discrimination

*Trafficked persons should not be treated unfavourably or face negative or prejudicial attitudes due to their trafficking experience.*

### Discrimination

Discrimination means treating people unfavourably or holding negative or prejudicial attitudes based on discernible differences or stereotypes.<sup>51</sup> **Non-discrimination is a basic human rights principle** enshrined in national and international law. It is a violation to discriminate on the grounds of race, colour, sex, language, religion, political or other opinions, national, ethnic or social origin, property, disability, birth or other status.<sup>52</sup> Expert bodies of the UN have also determined that the principle includes discrimination on the basis of sexual orientation.<sup>53</sup> Non-discrimination is also one of the principles underpinning the CRC (in article 2). Professional ethics codes similarly highlight the principle of non-discrimination.

Many trafficked persons face discrimination as a consequence of their trafficking experience; many also have been discriminated against because of other characteristics and experiences (e.g. sex, ethnicity, bad family reputation, nationality), which may have contributed to their trafficking vulnerability.

The types of discrimination that trafficked persons may face include those listed below. Moreover, some trafficked persons may suffer multiple forms of discriminations. Discrimination may be linked to:

- Ethnicity; belonging to an ethnic minority
- Race
- Sex
- Age
- Nationality
- Social-economic situation
- Class
- Education levels
- Cultural/linguistic differences
- Sexual orientation
- Disability
- Religion
- Health condition
- Political affiliation
- Discrimination linked to involvement in prostitution (or, in some societies, sex outside of marriage)

Re/integration professionals should pay attention to how discrimination may have been a factor in a person's exploitation and/or may have a negative impact on options for re/integration (including when reintegrating in one's home community may not be preferred). Communities may routinely exclude individuals or groups who are disapproved of for any number of reasons.<sup>54</sup> Given that so many trafficked persons return and re/integrate in their home communities, the issue of discrimination is not insignificant or easy to manage.

<sup>51</sup> Australian Association of Social Workers (AASW) (1999) Code of Ethics. Kingston: Australian Association of Social Workers.

<sup>52</sup> Please see Article 2 of the Universal Declaration of Human Rights.

<sup>53</sup> Please see United Nation's 2008 Declaration on sexual orientation and gender identity.

<sup>54</sup> Plan (2009a) How to: Include Child Protection in All Monitoring, Evaluation and Research Initiatives. Woking, Plan Ltd. Unpublished document.

One woman was discriminated against as a trafficked person by the state institutions she approached for assistance:

*"I was frustrated with the state organisations. I wish they were more tactful with trafficking victims".<sup>55</sup>*

Another trafficked person spoke of a general bias against and negative attitude toward vulnerable groups:

*"I also think that [those working] in our state organisations, which deal with assisting poor people, are people with ill manners. The education that you get is not enough. Your upbringing also matters".<sup>56</sup>*

Another woman explained how she had suffered discrimination as a member of an ethnic minority, which impacted her ability to access state services:

*[The organisation] contacted the mayor's office of my village asking them to help me or, to be exact, my children. The house I was born in was destroyed a long time ago and in its place another house was already built. The mayor was to provide me with some housing instead. I was given an absolutely destroyed house: no windows, doors, roof... Only one room was left. I was promised some building materials for fixing the house. It took the [organisation's] lawyer great effort to arrange all these things. When I came to the mayor's office in [my town], the woman started to shout at me and then she closed the door in front of me. Then I heard her arguing with someone on the telephone. She was saying "this [woman from an ethnic minority] wants too much". My lawyer recommended that I to go to the [child protection department] which was supposed to provide my child with some assistance. When I went there, I was refused. They said they could not help me at all. They angrily started asking me who had sent me to them and I told about [the assisting organisation]. I even had an argument with them. I asked them what they were doing and how the state could help. What would have happened to single mothers who were even in a much worse situation than I was? They told me 'who made you give birth to so many children?'<sup>57</sup>*

55 Surtees, R. (2007b) *Listening to Victims: Experiences of Identification, Return Assistance in SE Europe*. Vienna: ICMPD, pp. 219-220.

56 Surtees, R. (2007b) *Listening to Victims: Experiences of Identification, Return Assistance in SE Europe*. Vienna: ICMPD, pp. 219-220.

57 Surtees, R. (2007b) *Listening to Victims: Experiences of Identification, Return Assistance in SE Europe*. Vienna: ICMPD, pp. 219-220.

### **Case Study #6. Discrimination faced by beneficiaries during re/integration**

"Juliete", a woman from an ethnic minority, was trafficked abroad. After trafficking, she was assisted and then returned to live with her long term partner who was regularly abusive. After a violent incident witnessed by the assisting NGO, the police were called but the police dismissed this as "Roma business".

While trafficked, "Alina" was forced to drink alcohol and take drugs. She became addicted. After her identification Alina was assisted to manage her addiction but, nonetheless, faced problems with her family and community who rejected her as a drug addict and prostitute. She was also unable to find work in her hometown, as no one wanted to employ "someone like her".

"Nadja", who was trafficked on more than on occasion, was discriminated against by the state authorities because of her multiple trafficking experiences. It was inferred that she was re-trafficked because she didn't really want to get out of prostitution.

A private clinic was contracted by the re/integration organisation to offer medical and dental services to programme beneficiaries. When the clinic staff learned about the mission of the organisation and the target group, they asked that beneficiaries take tests for HIV/AIDS and hepatitis, something that was not required for the other patients of this clinic.

"Ema", a Roma girl, faced many problems in finding a job because of her ethnicity. On one occasion, she was accompanied by her case manager who entered a shop and asked if there is a vacancy. The employer initially said: "Yes", but when he was told that it was Ema who was searching for a job, he said that there were no vacancies.

### **Strategies to address discrimination**

Re/integration efforts must be vigilant in avoiding any type of discrimination, by omission or commission. In other words, re/integration programmes should not discriminate by excluding certain groups of people or in the way the programme is implemented (e.g. how it involves a person, how participants are treated). Staff must ensure that each individual's right to participate in a programme is fulfilled, if this is his/her wish. For example, beneficiaries should not be subjected to judgmental attitudes, derogatory statements or disparaging comments about some aspect of their situation (past or present). Rather, ethical re/integration interventions would ensure that all participants are approached with sensitivity and neutrality. Moreover, re/integration initiatives must not adversely affect the physical, social or psychological well-being of beneficiaries – for instance, by causing distress, tensions in families or communities or by increasing stigma, discrimination or punishment.<sup>58</sup>

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<sup>58</sup> Plan (2009b) *How to: Include Ethical Standards in all Monitoring Evaluation and Research Initiatives*. Woking, Plan Ltd. Unpublished document.

**Box #8. Social work strategies to ensure non-discrimination<sup>59</sup>**

Social workers have a responsibility to promote social justice, in relation to society generally, and in relation to the people with whom they work. This means:

**Challenging negative discrimination** – Social workers have a responsibility to challenge negative discrimination on the basis of characteristics such as ability, age, culture, gender or sex, marital status, socio-economic status, political opinions, skin colour, racial or other physical characteristics, sexual orientation or spiritual beliefs.

**Recognising diversity** – Social workers should recognise and respect the ethnic and cultural diversity of the societies in which they practice, taking account of individual, family, group and community differences.

**Distributing resources equitably** – Social workers should ensure that resources at their disposal are distributed fairly, according to need.

**Challenging unjust policies and practices** – Social workers have a duty to bring to the attention of their employers, policy makers, politicians and the general public situations where resources are inadequate or where distribution of resources, policies and practices are oppressive, unfair or harmful.

**Working in solidarity** – Social workers have an obligation to challenge social conditions that contribute to social exclusion, stigmatisation or subjugation and to work towards an inclusive society.

In addition, *children may be discriminated* against in that their views and perspectives are not taken into account because of their age. Thus, the principle of *child participation* is part of an effort to ensure non-discrimination of children and to ensure that the voices of children are included. Re/integration programmes must be designed in ways that all children are able to access and participate, including children with disabilities, children of different sexes, children from different social/cultural backgrounds and so on. Processes for girls and boys to participate should be equitable, non-discriminatory and as inclusive as possible, actively trying to reach out to the most marginalised children.<sup>60</sup>

<sup>59</sup> International Federation of Social Workers (IFS) (2004) *Ethics in Social Work, Statement of Principles*. Bern, Switzerland: International Federation of Social Workers and the International Association of Schools of Social Work.

<sup>60</sup> Plan (2009a) *How to: Include Child Protection in All Monitoring, Evaluation and Research Initiatives*. Woking, Plan Ltd. Unpublished document and Plan (2009b) *How to: Include Ethical Standards in all Monitoring Evaluation and Research Initiatives*. Woking, Plan Ltd. Unpublished document.

## Principle #7. Safety and security

*Trafficked persons' safety and security is paramount and must be assessed (and responded to) throughout the re/integration process.*

### Safety and security

This refers to the physical and psychological well-being of trafficked persons in the re/integration process. A beneficiary's safety and security must, at all times, be of paramount importance and due attention is needed to assessing any possible risks or issues. Each trafficked person will have different concerns and assessments of his/her safety/security situation. Staff must take this seriously as well as make their own independent assessment of what constitutes risks to safety and security in each case.

Those undertaking re/integration work should be aware of the different potential risk factors (for different beneficiaries and at different stages of re/integration) and should be prepared to act if the beneficiary determines s/he is at risk or faces problems which require intervention. Beneficiaries should actively participate in any decision making related to their involvement in re/integration interventions. At the same time, beneficiaries may not always be the best positioned to assess safety and security risks and professional staff may need to build risk assessments into their re/integration planning and programming.

**Children** may be particularly ill equipped to assess safety or security concerns associated with their involvement in re/integration programmes. They may be convinced that they should be allowed to go and live at home, for example, despite substantial evidence that they would be at high risk of abuse. This is one reason why, while children's views should be listened to and taken seriously, a broader risk assessment is needed. All re/integration activities should take place in a child safe environment and where children feel comfortable and secure. Children may need to be accompanied by adults to attend re/integration activities; transport generally needs to be organised.<sup>61</sup>

### Safety and security risks faced by trafficked persons

Trafficked persons faced a range of safety and security issues from different sources – both in countries of destination and once they have returned home. Some trafficked persons faced risks and reprisals from traffickers while abroad or from traffickers and brokers once they returned home, many of whom lived in their home communities or knew where they lived. However, safety and security risks are not only due to traffickers. Other risks and problems can be the result of threats and issues within the family and community environment to which trafficked persons return as part of re/integration. Many trafficked persons do not divulge their trafficking experience to their family and/or community because of the potential fall-out and associated risks including to safety and security. Even when their experiences are known or assumed, the full extent of their exploitation may not be known, for fear of the serious fall-out that can result. Concerns about safety and security must be particularly attended to in the **case of children** and risk assessments should be part of a broader "**best interests determination**" procedure, which is discussed in more detail in principle #12.

**Reprisal from traffickers.** Some trafficked persons faced the risk of reprisal from "traffickers" (i.e. recruiters, transporters, employers, trafficking agents, pimps, etc.) in their home country and/or home community. Past studies in the Balkan region have found this to be a serious issue as trafficked persons have explained their experiences.<sup>62</sup>

61 Plan (2009a) *How to: Include Child Protection in All Monitoring, Evaluation and Research Initiatives*. Woking, Plan Ltd. Unpublished document.

62 This has also been noted in the Mekong region. Please see: Surtees, R. (2013) *After trafficking. Experiences and challenges in the (re) integration of trafficked persons in the GMS*. Bangkok, Thailand: UNIAP & NEXUS Institute.

*"[When I got home] they were already waiting on me. There were about seven [traffickers]. They were yelling at my mother, at me. I couldn't say anything. They threatened me that they would kill me if I didn't go back. They said that they bought me and that I have to return some money".<sup>63</sup>*

Threats and risk are likely to be particularly acute when trafficked persons are victim-witnesses in criminal justice proceedings against their traffickers. In some countries, investigators and prosecutors appear not to make an assessment of the risks to a victim-witness in providing statements or testifying in the case. Trafficked persons have described situations in which their involvement in legal proceedings has been risky and stressful:

*"I don't feel well and I don't have any plans for the future as the men that kidnapped me were in prison for two and a half years after I testified against them but now they are out of prison. I heard from others that they said that if they ever get me they will kill me. I used to go out with a guy for a while and I told him the whole story and we wanted to get engaged, but those men beat him up badly and he left me. So this is the reason why I don't have a future here."<sup>64</sup>*

*"The trafficker met me on my way to the police station and threatened me with a knife. I knew she wasn't joking because even her husband was stabbed with a knife by her. She threatened that she would kill me if I did not retract my testimony. I informed the police officer about the threats and he asked me to make a statement about the threats and that was the end. They promised to detain her for several days but didn't do that because there was no evidence. In case of emergency, I was supposed to address the local police. When I was given a personal lawyer, I told him about these threats but he didn't pay attention to them... The policeman from the local police also threatened me with a pistol ordering me to retract my testimony against the trafficker. I complained to my lawyer about that; he wrote a note and gave it to me to give to the local policeman. When the policeman read the so-called 'appeal' (there wasn't even the lawyer's signature there), he laughed in my face and told me to get lost".<sup>65</sup>*

Such risks are particularly relevant in the case **of children**, where a **best interests assessment** is, in many situations, likely to conclude that it is not in the **best interests of the child** to be known by her/his trafficker or their associates to have testified against them and, therefore, not in their interests to act as a witness. Such assessments should be part of a broader "best interests determination" procedure, discussed in more detail in the context of principle #12.

63 Surtees, R. (2007b) *Listening to Victims: Experiences of Identification, Return Assistance in SE Europe*. Vienna: ICMPD, p. 169.

64 Dottridge, M. (2008) *Young People's Voices on Child Trafficking: Experiences from South Eastern Europe*. UNICEF.

65 Surtees, R. (2007b) *Listening to Victims: Experiences of Identification, Return Assistance in SE Europe*. Vienna: ICMPD, p. 169.

### **Case Study #7. Risks and reprisals from traffickers**

"Ardiana" was trafficked by her mother and stepfather. A case was brought against them and she was involved as a victim/witness. During the trial, Ardiana received a threatening letter from her step-father, telling her to change her statement or "face the consequences". After receiving the threat, the girl contacted the re/integration organisation and the letter was given to the police inspector in charge and the state prosecutor. Because of the threats and pressure to change her statement, a request was made for witness protection.

"Suzana" gave a statement in a case against her trafficker. Shortly thereafter she was stabbed by her trafficker's cousin. Suzana was hospitalised and a complaint made with the police but the threats continued. She was placed in a residential programme and provided with a security detail. Pressure was put on law enforcement to arrest the offender, which eventually happened.

**Risks within the family setting.** Family members may also pose a threat to the safety and well-being of trafficked persons. Some victims suffered abuse at the hands of family members who blamed them for their trafficking exploitation. Others faced shame and rejection or punishment by family upon return home, being blamed for their exploitation. In other instances, their family restricted their movements because of fear of more violations and also because of the shame that the woman/girl had brought on the family through (forced) prostitution. There were also risks involved in returning to the family when there were indications that the family was involved in their initial trafficking.

### **Case Study #8. Safety and security issues in the family**

"Besiana" faced many problems in her family after trafficking – they blamed and judged her for her exploitation. The re/integration organisation worked with her family as part of her re/integration process, mediating tensions and conflict within the family and aiming to rebuild and reconcile her family relationships. Besiana also trained as a beautician and a hairdresser and is now running her own salon and able to contribute to her family economy which has also contributed to improved family relationships. As she explained: "Today, I am another person. I feel strong and empowered to continue my life. I feel safe and comfortable at my home... My income helped me to regain self-esteem and the trust of my parents."

"Milena" was trafficked for sexual exploitation when she was a child/adolescent. Some years later, she returned to live with her family in her home village. Her family forced her to stay at home and not to go out because of the shame that she had caused her family. Her parents and brothers didn't talk to her for months even though they lived in the same house. Because of the on-going conflict and tension in her family, Milena eventually left home and ended up being trafficked again.



**Risks in the community.** There are also examples when threats, violence and abuse were at the hands of those in the community environment and amongst one's peers. Trafficked persons not uncommonly faced rejection, discrimination and even abuse within the community environment where they were looked down on, especially in cases of women forced into prostitution. This also sometimes meant rejection and discrimination in the work place. Some trafficked persons also faced problems within their peer group, which included condemnation and rejection by peer groups as well as peer violence.

### Case Study #9. Safety and security issues in the re/integration process

"Tatiana" was trafficked abroad for prostitution. She was exploited for four years. When she returned home, she did not reveal anything about what had happened to her but many within her community suspected she had been in prostitution. One evening she went to a party in the village and a group of men took her outside the party and raped her. They said to her: "You were there and did this for money, why not do it for us free of charge?"<sup>66</sup>

"Biljana" returned home to her village after being trafficked. She lived alone in a small house with her two children. One day, her next door neighbour, knowing she was alone, came to her house and beat and tried to rape her. She was unable to move to another house as she was very poor and came from a dysfunctional family that provided her with no help.<sup>67</sup>

### Safety and security issues for service providers

Safety and security concerns may also apply to anti-trafficking practitioners. The safety of those implementing re/integration work is important to consider in programme planning and implementation. For example, re/integration interventions that are (or are perceived) as threats to the business interests of those benefitting from trafficking can put counter-trafficking practitioners at risk.<sup>68</sup> Beneficiaries assisted within a re/integration programme (in a shelter or while living at home) may be perceived as more likely to divulge information about their trafficking (and thus their traffickers and exploiters), leading to threats against both the beneficiary and the programme staff. Re/integration organisations need to consider the safety and security of staff working with trafficked persons and strategies to prevent violations.

### Strategies to cope with safety and security risks

The above discussion highlights the need for various strategies and techniques in the design and implementation of re/integration interventions, to protect both re/integration beneficiaries and staff. Some possible strategies are outlined in Box #9 (below).

66 Brunovskis & Surtees (2007) *Leaving the past behind. When trafficking victims decline assistance*. Oslo: Fafo and Vienna: NEXUS Institute, pp. 129-130.

67 Brunovskis & Surtees (2007) *Leaving the past behind. When trafficking victims decline assistance*. Oslo: Fafo and Vienna: NEXUS Institute, p. 36.

68 Rende-Taylor, L. (2008) *Guide to ethics and human rights in counter-trafficking. Ethical standards for counter-trafficking research and programming*. Bangkok: United Nations Inter-Agency Project on Human Trafficking, p. 16. See also WHO (2003) *Ethical and Safety Recommendations for Interviewing Trafficked Women*. Geneva: WHO.

### Box #9. Strategies to minimise safety and security risks

- **Knowledge of the intervention area.** Be familiar with the area and surroundings where a programme/intervention is to be implemented. Where appropriate, spend time getting to know the community and community leaders. Also be aware of when it will be preferable and safer to keep a low profile as a means of protecting the beneficiary (and possibly also the staff).
- **Consider how the target group is presented to the wider population.** Because trafficking is potentially stigmatising (with attendant safety and security risks), many organisations opt to present their re/integration services and work in more general, neutral terms – e.g. for single mothers, the poor, returned migrants, etc. This can serve to camouflage the trafficking experience in ways that provide protection to trafficked persons as well as service providers.
- **Conduct comprehensive (and regular) family assessments.** Re/integration into family and home communities must be preceded by a thorough assessment of the social environment into which the individual may return. Family and community assessments should be conducted regularly, built into case monitoring and follow-up, given that beneficiaries often face different situations and challenges over time.
- **Conduct comprehensive (and regular) risk assessments.** Some victims may face threats in their communities from recruiters, transporters, trafficking agents, pimps, etc. This necessitates a thorough assessment of safety and security before they return. Such assessments should be conducted regularly, in response to the changing situation beneficiaries may face and need to involve not only social workers but also law enforcement. For children, risk assessments should be part of a broader “best interests determination” procedure, discussed in more detail in the context of principle #12.
- **Contact information in case of emergency.** Programme beneficiaries should be provided with contact information in case they face safety or security problems – for example, for police, an assistance organisation, a lawyer and so on. This is equally the case whether staying in a residential programme or re/integrating in the community. It is also important to ensure that they have the means to make contact in the case of an emergency – e.g. access to a telephone or address to go to, etc.
- **Strategic partnerships in local community.** Partnerships with local stakeholders – e.g. law enforcement, service providers (GO or NGO), community leaders – can be an important source of information prior to a victim returning home and as a safety net once the individual has returned.
- **Case monitoring and follow-up.** Safety and security is one issue to be considered when conducting case monitoring and follow-up. When risks are present, re/integration staff need to develop a plan to respond to this situation. This may include removing the individual from the family/community, exploring options for integration, contacting law enforcement for protection and so on.

## Principle #8. Sensitivity

*Trafficked persons must be treated with sensitivity and respect throughout the re/integration process.*

### Sensitivity

Treating beneficiaries with sensitivity involves recognition that trafficking (as well as pre and post-trafficking experiences) have been painful, even traumatic. It requires approaching the re/integration process in ways that recognise and respect these experiences and reactions.

At a very basic level, this involves approaching beneficiaries in a sensitive manner – in terms of manner of speech, words, body language, professional approach and so on. Part of this process is also being sensitive to the wide range of diversity they may encounter in working on re/integration – such as gender issues, socio-economic barriers, educational differences, cultural and linguistic issues – as well as the unique sensitivities when working with trafficked persons. During re/integration work, beneficiaries may, at different stages and in response to different issues and situations, become distressed, stressed, angry, anxious, sad, depressed and/or hopeless. This requires developing strategies to prevent such reactions – e.g. in the way beneficiaries are treated, words used, questions asked, etc. – as well as to manage them when they arise.

Some trafficked persons reported sensitive treatment and behaviours by the practitioners that worked with them during re/integration, which contributed to their sense of well-being and recovery.<sup>69</sup>

*"I'm satisfied with the staff because they are very sensitive to our problems".*

*"[I liked] her humanity, simplicity, a sort of a soul mate-hood. For me, in general, it is hard to find a person to trust".*

*"A positive experience is the good attitude of the shelter's staff. They take me into account. There isn't any negative experience".*

*"And the staff working here in [the organisation], I like them. They don't look at you in a judgmental way; you can always talk to them about everything. They understand you and they explain things to you. They hear you, they tell you how you should do things, they always help".*

By contrast, other trafficked persons reported being insensitively treated in the re/integration process by various stakeholders:<sup>70</sup>

*"They took me to their doctor. She asked me: 'Why you did that?'... Yes, she made comments... [I felt] hurt a little bit. You don't have to judge somebody who had to go through that. It was not her job. Her job is to do what she had to do, not to ask questions... She had to receive us because she was connected to that woman from the shelter and we asked for a check-up. She was polite but she made comments".*

*"[The doctor] said: 'Pull up your sleeves'. I pulled my sleeves so they can check if I was a drug addict. She said: 'Okay, pull up your shirt so I can check your stomach'. Okay, I pulled up my shirt. Then she started to check my head, to pull my hair. That [police] guy told her: 'Okay, it's enough, stop upsetting her. You can see from here that the girl is clean'. She said it was her job, she must. He said: 'Don't upset her anymore. Don't you see that she is scared? She couldn't eat'. I was glad that he took my side... [I felt] terrible. I thought: 'Wait, what I am? An animal, so she can treat me like that?'"*

69 Surtees, R. (2007b) *Listening to Victims: Experiences of Identification, Return Assistance in SE Europe*. Vienna: ICMPD, pp. 216-217.

70 Surtees, R. (2007b) *Listening to Victims: Experiences of Identification, Return Assistance in SE Europe*. Vienna: ICMPD, p. 218.

*"[My lawyer] was always shouting at me. He told me what I was to tell at the trial. If I didn't say what he wanted to hear he yelled at me. Once when we were leaving the trial he even told me that I was good for nothing and he was more inclined to believe the trafficker than me".*

### **Case Study #10. Examples of insensitive treatment from TVRP partners**

"Snezana", one trafficked woman, described a very uncomfortable interview she had endured with the social worker tasked with her case: "During the interview process a social worker appointed as my case manager asked me, besides other questions, "Did you enjoy sleeping with him". I was shocked and blocked. I felt very badly, humiliated..."

"Jovana" was living in a semi-independent flat, part of her second stage of re/integration. During a routine inspection of the re/integration centre, a representative of state social service asked to visit the flat. During the visit to the flat, the inspector asked Jovana: "What are you, a victim of trafficking?" Jovana was shocked and upset by the inspector's inappropriate and insensitive question.

In *working with children*, particular attention must be paid to being sensitive to the experiences, needs and situations of trafficked children.<sup>71</sup> Some trafficked children had very insensitive encounters with anti-trafficking practitioners, made all the more distressing by their young age and less developed abilities to cope and process this type of treatment. (Please also see Principle #12: Child protection and "best interests of the child"). Some examples are listed in Case Study #11, below.

### **Case Study #11. Insensitive treatment of trafficked children**

One trafficked girl, "Emina" was involved in two legal proceedings related to her trafficking experience – one for human trafficking, the other for rape. Staff from the Centre for Social Work arranged for Emina to provide testimony in both cases on the same day to save time and reduce travel costs. Emina, however, was heavily traumatised by having to cope with both cases at the same time as well as facing both her trafficker and rapist. Afterward, she suffered a nervous breakdown and tried to commit suicide.

"Nejla" was involved as a victim/witness in the case against her trafficker. She requested to provide her statement in private but her request was denied. During the hearing, relatives of the defendant (more than thirty people) began to mock Nejla and the judge did not interfere with this harassment. This frightened her. In addition, the judge asked Nejla some intimate questions that had nothing to do with the case. She lost trust in the legal process and also became frightened because of the threat posed by her trafficker and his family.

### **Strategies to ensure sensitive treatment**

Trafficked persons should be approached and treated sensitively, in line with their specific needs and situations. There are various strategies and techniques that can be used toward sensitive and appropriate treatment of beneficiaries and staff. Some possible strategies are outlined in Box #10 (below).

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<sup>71</sup> See also Principle #12: Child protection and "best interests of the child".

### Box #10. Strategies to prevent and address insensitive treatment

- **Capacity building.** Ensure all personnel involved in re/integration work are adequately trained in their field of expertise and in terms of working appropriately and sensitively with trafficked persons. This should include not only service providers but all staff who have contact with trafficked persons including administrative staff, translator/cultural mediators, drivers and so on. Working sensitively with trafficked children will require tailored training.
- **Monitor personnel in terms of sensitive treatment of beneficiaries.** All staff working on re/integration should be subject to monitoring and supervision to ensure sensitive treatment of beneficiaries. This should also involve the development and monitoring of codes of conduct.
- **Mechanisms for accountability.** Institute complaint procedures that can be used when beneficiaries are treated insensitively (or face other types of maltreatment), both within the organisations as well as externally. Mechanisms for accountability should apply to treatment by re/integration practitioners and authorities in state and non-state structures, including disciplinary procedures requiring a staff member not to repeat certain behaviour or imposing an appropriate sanction.
- **Educate trafficked persons about complaint procedures.** Educate trafficked persons about systems of complaint and reporting so that they can register problems they face at the hands of authorities and practitioners. Practitioners should also be equipped with this information and support trafficked persons in this process, as needed.
- **Establish and implement child safeguarding policies and procedure.** Organisations working with children should have child safeguarding policies that should be made operational in practice. All staff should be trained in terms of working appropriately with trafficked children.
- **Sensitise family and community.** Sensitise families and communities about trafficking and re/integration needs prior to the re/integration stage, to the extent possible, and where such actions do not compromise other principles such as confidentiality and privacy.
- **Sensitise re/integration stakeholders.** Sensitise all practitioners and authorities who come into contact with trafficked persons as part of the re/integration process, including those who are specialised in anti-trafficking and those who work more generally with state and non-state agencies and who may come into contact with trafficked persons.
- **Mainstream knowledge of trafficking.** Mainstream trafficking as a category of vulnerability so that all state and non-state agencies are aware of the impact of trafficking on the people involved and how to behave appropriately and sensitively with this target group.
- **Build skills to manage and address insensitivity.** Empower beneficiaries in how to react in a constructive way when they face insensitive treatment and/or discrimination.

## **Principle #9. Empowerment**

*Trafficked persons should be equipped with the skills, ability and confidence to recover and lead an autonomous life; empowerment should be fostered throughout the re/integration process.*

### **Beneficiary empowerment**

Empowerment is the process by which trafficked persons are equipped with the skills, ability and confidence to draw on their own resources in the recovery process and to lead an autonomous life. Within the framework of the TVRP, empowerment is considered a core value. The definition of re/integration developed within the TVRP states that:

*A central aspect of successful re/integration is that of empowerment, supporting victims to develop skills toward independence and self-sufficiency and to be actively involved in their recovery and re/integration.<sup>72</sup>*

Empowerment is critical in the re/integration process because among the many consequences of trafficking is a loss of self-confidence, trust and control. Regaining one's confidence in one's own abilities, capacity and strengths underpins re/integration success. Empowerment must be fostered from the beginning of re/integration work, through victim participation in decision-making about assistance and individual re/integration plan. Focus on empowerment must continue throughout the re/integration process as trafficked persons may face situations and challenges that undermine their sense of autonomy and confidence. Working on empowerment is an on-going process. Some examples of empowering beneficiaries are discussed in the box below.

In terms of service providers, this also means developing positive policies, procedures and practices that are anti-oppressive and empowering and that respect and build on people's beliefs, values, culture, goals, needs, preferences, relationships and affiliations.<sup>73</sup> Paternalistic attitudes and behaviours toward trafficked persons serve to undermine beneficiary empowerment.

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<sup>72</sup> Surtees, R. (2006) *Re/integration programmes in SE Europe – a background paper for the King Baudouin Foundation*. Brussels: KBF; Surtees, R. (2008a) *Re/integration of trafficked persons: handling "difficult" cases*. Brussels: KBF; Surtees, R. (2008b) *Re/integration of trafficked persons – how can our work be more effective*. Brussels: KBF & Vienna & Washington: NEXUS Institute.

<sup>73</sup> BASW (2012) *Code of ethics for social workers, statement of principles*. UK: British Social Work Association, p. 13.

### Case Study #12. Empowering programme beneficiaries

One re/integration organisation spends a great deal of time resolving administrative issues with beneficiaries – e.g. civil registration, obtaining new documents and so on. Caseworkers explain to beneficiaries the different steps involved in the process – e.g. what office to contact, how to get there, how to fill in forms and how to submit documents. The organisation supports this process but requires beneficiaries to undertake this process themselves to learn how to take on this responsibility themselves. On one occasion, a caseworker, with the best of intentions, accompanied a beneficiary to the relevant institution and completed the necessary forms on her behalf. This meant that the next time the beneficiary did not feel able or motivated to do this herself.

“Milica” was assisted by one re/integration programme including receiving vocational training and later help finding a job. She faced difficulty in her job because her co-workers suspected that she was a trafficking victim and treated her badly. This led to problems in the work place and eventually to her dismissal. The re/integration organisation, having followed this process, worked with her to build her social and interpersonal skills, not least in terms of managing workplace relationships and conflicts. Milica’s self-confidence increased and, when she found another job, she was able to manage the work environment in a positive way, even when conflicts arose.

“Jana” was 17 years old when she was identified and offered assistance. She had been trafficked for sexual exploitation. She initially had a withdrawn personality and suffered from low self-esteem. Staff in the re/integration programme worked intensively with her to encourage her and help her assume greater responsibility and interest in the various re/integration activities in which she was engaged. She was also encouraged by her family, with whom she was in regular contact. Over time she became more confident and comfortable and eventually returned to live with her family where she studied hairdressing. She was initially accompanied to the training by her family members but slowly over time gained the confidence to attend trainings on her own.

### Empowerment strategies

Some strategies for supporting the empowerment of trafficked persons are discussed in the box, below.

### Box #11. Strategies to support empowerment

- **Beneficiary involvement in re/integration plans.** Actively engage beneficiaries in the design and implementation (and evaluation) of their individual re/integration plans.
- **Beneficiary involvement in monitoring the design and implementation of re/integration services.** Involve beneficiaries in monitoring and evaluating re/integration services that they receive. This would include a consideration of how to encourage their participation in ways that empower them and don't undermine their confidence or sense of well-being. Tokenism should be avoided: consultation should mean that beneficiaries' views and recommendations are taken seriously (and relevant recommendations are implemented).
- **Educate trafficked persons about their rights and options.** Inform beneficiaries about their rights and their various assistance options. Provide them with information about other assistance programmes, beyond the anti-trafficking framework, which might be relevant for them (e.g. social assistance, community based support, religious institutions and so on).
- **Support beneficiaries to access services.** Work with beneficiaries in approaching institutions to access services and rights. This might include not only informing beneficiaries about this process but also more proactively teaching them how to manage situations and encounters by accompanying them on some initial visits, role playing, debriefing after having approached institutions and so on.
- **Assuming responsibility.** Beneficiaries gradually take on responsibilities over the course of re/integration; accomplishments build their self-esteem, self-confidence and sense of responsibility. Working toward assumption of responsibility should be part of all re/integration planning.
- **Challenging paternalistic attitudes.** Challenge the paternalistic attitudes from service providers or authorities who trafficked persons encounter in their re/integration. Support beneficiaries in managing paternalistic behaviours and attitudes in the most constructive way.
- **Increased life skills.** Enhancing trafficked persons' life skills can be an important tool in building their confidence in their capacity and supporting their autonomy. This may include developing or honing a range of different skills in terms of personal care, family relations, parenting, household management, organisation, communication, social relations, personal empowerment, and so on.



## Principle #10. Beneficiary participation

*Beneficiaries should be (voluntarily) involved in their own individual re/integration plan as well as, where appropriate, the design, implementation, monitoring and evaluation of the re/integration services, programmes and policies.*

### Beneficiary participation

Beneficiary participation means that beneficiaries should be involved not only in their own individual re/integration but, where appropriate, also in the design, implementation, monitoring and evaluation of the re/integration services they receive. Beneficiary participation plays a fundamental role in ensuring that programmes and policies are created according to beneficiaries' self-expressed needs, interests and opinions. It also potentially facilitates the empowerment of beneficiaries whose views and opinions are taken on-board alongside those of service professionals. And it forms part of a process of accountability on the part of anti-trafficking organisations and institutions to their beneficiaries, donors, governments and civil society. Systems of intervention and assistance that are designed, implemented and adjusted in a participatory manner are more effective, efficient and appropriate.<sup>74</sup> Beneficiaries should be provided with the opportunity to participate at all stages of their re/integration to ensure that programmes and policies are designed and implemented according to their needs, interests and opinions. The UN Recommended Principles and Guidelines on Human Rights and Human Trafficking, in guideline 3, section 6, specifically calls for:

*Recognizing the important contribution that survivors of trafficking can, on a strictly voluntary basis, make to developing and implementing anti-trafficking interventions and evaluating their impact.<sup>75</sup>*

At an individual level, participation is needed in the design and implementation of each client's re/integration plan, including being involved in all decisions about their assistance and protection needs. This generally starts with the initial interview when a preliminary re/integration plan is developed with the beneficiary. Equally important is that the implementation of the plan is monitored on a regular basis in collaboration with the beneficiary.<sup>76</sup> The manner in which beneficiaries' everyday lives are organised in some programmes reflects this prioritisation of participation. For example:

- the division of domestic duties and organisation of the living space is done by beneficiaries rather than determined by the professional staff who may provide support in achieving agreement on these issues, but do not make decisions on their behalf.
- the manner in which conflicts are managed in programmes facilitates beneficiaries' participation – for example, using mediation as a tool for conflict resolution focuses responsibility for problem solving on beneficiaries.<sup>77</sup>

<sup>74</sup> For a more detailed discussion of beneficiary participation in re/integration programmes, please see Surtees, R. (2008b) *Re/integration of trafficked persons – how can our work be more effective*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute, pp. 37-39 and Surtees, R. (2009b) *Re/integration of trafficked persons: developing monitoring and evaluation mechanisms*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute, pp. 51-62.

<sup>75</sup> UNOHCHR (2002) *Recommended Principles and Guidelines on Human Rights and Human Trafficking*. Addendum to the Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council, UN document E/2002/68/Add.1, 20 May 2002, p. 8.

<sup>76</sup> For an example of how to monitor individuals re/integration plans, please see: Surtees, R. (2010) *Monitoring anti-trafficking re/integration programmes. A manual*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute.

<sup>77</sup> Surtees, R. (2008b) *Re/integration of trafficked persons – how can our work be more effective*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute, p. 37.

At a broader level, it is also important to engage victims in the design, implementation and evaluation of re/integration programmes and policies. This might be done in terms of an individual organisation's programme or at a national level, in terms of the programmes being offered in the country generally.<sup>78</sup> For example, within the TVRP, a monitoring tool has been developed for monitoring re/integration efforts in a country, according to different service areas.<sup>79</sup>

**Participation** applies not only to adults but also to **children and young people**. The United Nation's Convention on the Rights of the Child (CRC) enshrines in law the right of children to have their opinion taken into account on matters that affect them in accordance with their maturity. Article 12 of the UN Convention on the Rights of the Child provides that:

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.<sup>80</sup>

Child participation means mainstreaming children's views and efforts in all activities, recognising that they are capable of understanding, making decisions and acting on them. Children's participation involves acknowledging children as human beings with dignity and rights and focusing on what they can do, rather than on what they cannot do. It is also an important tool toward empowerment.<sup>81</sup>

However, child participation requires careful thought. The trend toward child participation has, in some contexts, led to "tokenistic" participation,<sup>82</sup> which has not benefited the children involved. **All participation of children should be voluntary, informed, meaningful and in their best interests.**<sup>83</sup>

Meaningful child participation should be informed by a consideration of the evolving capacities of the child, based on his/her individual age, capacities and experience and should adhere in all circumstances with what constitutes the "best interests of the child". Moreover, specific expertise and skills are required to consult and

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78 Surtees, R. (2008b) *Re/integration of trafficked persons – how can our work be more effective*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute, p. 37.

79 Please see: Surtees, R. (2010) *Monitoring anti-trafficking re/integration programmes. A manual*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute.

80 In addition, the CRC makes provisions for children to receive, or have access to, information to help them participate meaningfully as well as access to education so that they are aware of their rights and can become responsible citizens (Articles 17 and 29). Children also have the right to freedom of expression, including to express their opinions in what they consider to be the most suitable form – i.e. orally, in writing or in print, in the form of art, or through any other media of the child's choice (Article 13). In addition, they have the right to form organisations to represent their own interests (Article 15).

81 Regional Working Group on Child Labour (RWG-CL) (2003) *Learning to work together. A handbook for managers on facilitating child's participation in actions to address child labour*. Bangkok: Child Workers Asia, p. 4.

82 For a discussion of when participation is "real", please see RWG-CL (2003) *Learning to work together. A handbook for managers on facilitating child's participation in actions to address child labour*. Bangkok: Child Workers Asia, at 7-8.

83 RWG-CL (2003) *Learning to work together. A handbook for managers on facilitating child's participation in actions to address child labour*. Bangkok: Child Workers Asia, pp. 4-5.

engage with children. Guidance can be found in a number of existing manuals and resources;<sup>84</sup> these should be used to educate staff in safe and appropriate child participation.

While participation is an important part of meaningful re/integration, it is not uncomplicated. While beneficiaries need to be engaged in and participate in their individual re/integration, it may not always be advisable or appropriate for them to participate in higher level consultations with, for example, service providers and policymakers. Participation may be difficult (even traumatising) for some beneficiaries – it may bring back memories of trafficking and/or require beneficiaries to revisit and be involved in a part of their life that they wish to put behind them. For some, the period of assistance and re/integration may also be a stage of their lives that they wish to leave in the past. It may also be traumatising in that involvement with service professionals may not always be positive and empowering. At the same time, professionals should not make unilateral decisions about beneficiary participation. Decisions about if, how and when beneficiaries participate should be made by beneficiaries, albeit with full information about what this involves and any potential risks or problems that may result from their participation. The principle of beneficiary participation needs to be balanced with concerns about whether such participation will compromise other principles such as “do no harm” (e.g. when such participation could be traumatising), privacy, safety and security, among others.<sup>85</sup>

### Considerations in beneficiary participation

Considerations in beneficiary participation include, but are not limited to, some of the issues listed below.<sup>86</sup>

- **Discomfort; trauma.** Participation may be uncomfortable and even traumatising for some beneficiaries.
- **Intrusive and overwhelming.** Participation may be intrusive and overwhelming for some trafficked persons.
- **Not a priority.** For some beneficiaries, participation may not be a priority or even of importance to them in their re/integration process.
- **Barriers to participation.** There may be personal, cultural and social obstacles to beneficiary participation including, for example, nationality, education, economic situations, sex, age, trafficking trauma and so on.
- **Representativity.** Participation must be representative, to ensure the voice of all groups are heard and taken into account. In the context of child participation, various handbooks explore how to ensure all children’s voices are heard or to reduce the tendency of some to dominate discussions.

84 See, for example, Di Maio, Kanics & Haldorsson (2007) *Position Paper on Preventing and Responding to Trafficking of Children in Europe*. SC/SCEP; Plan (2009a) *How to: Include Child Protection in All Monitoring, Evaluation and Research Initiatives*. Woking, Plan Ltd. Unpublished document and Plan (2009b) *How to: Include Ethical Standards in all Monitoring Evaluation and Research Initiatives*. Woking, Plan Ltd. Unpublished document; RWG-CL (2003) *Learning to work together. A handbook for managers on facilitating child’s participation in actions to address child labour*. Bangkok: Child Workers Asia; Save the Children (2004) *So you want to involve children in research? A toolkit supporting children’s meaningful and ethical participation in research relating to violence against children*. Stockholm: Save the Children; Save the Children (2003) *So you want to consult with children? A toolkit of good practice*. UK: Save the Children; Save the Children (2000) *Children and participation. Research, monitoring and evaluation with children and young people*. UK: Save the Children; Schenk & Williamson (2005) *Ethical Approaches to Gathering Information from Children and Adolescents in International Settings: Guidelines and Resources*. Washington, DC: Population Council; UN Committee on the Rights of the Child (2009) *Convention on the Rights of the Child, General Comment No. 12 the right of the child to be heard*. UN Committee on the Rights of the Child, UN document CRC/C/GC/12 1 July 2009; UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*. NY: UNICEF.

85 Surtees, R. (2009b) *Re/integration of trafficked persons: developing monitoring and evaluation mechanisms*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute, p. 58.

86 Surtees, R. (2008b) *Re/integration of trafficked persons – how can our work be more effective*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute, pp. 58-61.

- **Resources and time needed.** There needs to be adequate time and resources available to undertake meaningful participation of beneficiaries.
- **Participation is unfamiliar.** Participation may be unfamiliar to both beneficiaries and service providers in which case knowledge and commitment to this approach must be fostered.
- **Usability.** Beneficiaries may be (reasonably) concerned about whether the information and inputs they share during consultations and feedback mechanisms will be used by practitioners and policymakers.
- **Ethical considerations.** Engaging beneficiaries in participatory processes requires following strict ethical guidelines on how to interact effectively and sensitively with beneficiaries in these processes and respecting confidentiality, privacy and, where appropriate, anonymity. Additional ethical considerations will apply in the case of children.

Re/integration organisations use different tools and techniques to engage with trafficked persons in the process of participation. Each has advantages and disadvantages and the appropriateness of each tool varies according to programme, individual beneficiaries and context. Ultimately it is likely that by using multiple methods service providers will be able to most effectively access a wide range of inputs from beneficiaries at different stages of the assistance process. The box below explores some of the observations and experiences of service providers in undertaking beneficiary participation.

#### **Box #12. Approaches to beneficiary participation in the TVRP<sup>87</sup>**

"From our point of view all the [different] methods have advantages and disadvantages. But it depends on the staff professionalism to use the appropriate method at the appropriate stage of re/integration. We have to take into account that the victim's personality and their behaviour differs according to the exploitation period, the life before exploitation, the family role, the beneficiary's school education, etc." (TVRP Service provider)

"We must have many methods [for beneficiary participation] because one beneficiary likes to talk only to me or a case worker but also many like to talk in the group. The method will depend on the case". (TVRP Service provider)

"In order to get real opinions from beneficiary about programme, we use different methods such as complaint and suggestions box, evaluation forms, interviews by the programme coordinator (not by staff that conduct activity) and in some specific cases, free discussion with the head of [the organisation]". (TVRP Service provider)

#### **Strategies to ensure beneficiary participation**

Listed in box #13 are some of the tools and techniques that can be mobilised for beneficiary participation in monitoring their own re/integration and re/integration services within a country.

<sup>87</sup> Surtees, R. (2009b) *Re/integration of trafficked persons: developing monitoring and evaluation mechanisms*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute, pp. 52, 55.

**Box #13. Tools and techniques for beneficiary participation**

<b>Tools/techniques</b>	<b>Pros</b>	<b>Cons</b>
<b>Complaint/suggestion boxes</b>	<ul style="list-style-type: none"> <li>- opportunity for direct and open critiques and inputs</li> <li>- anonymous feedback process facilitates disclosure</li> <li>- can comment on any issues of importance to beneficiary</li> </ul>	<ul style="list-style-type: none"> <li>- static nature of inputs</li> <li>- concerns about anonymity</li> <li>- lack of trust in the process (by either beneficiaries or staff)</li> <li>- issues of literacy and language</li> </ul>
<b>Anonymous evaluations or questionnaire or feedback forms at the end of a residential stay</b>	<ul style="list-style-type: none"> <li>- anonymity facilitates disclosure and openness</li> <li>- can comment on any issues of important to beneficiary</li> <li>- can be direct and open with critiques and inputs</li> </ul>	<ul style="list-style-type: none"> <li>- written format was not comfortable for all beneficiaries</li> <li>- literacy and education issues</li> <li>- concerns about anonymity (e.g. recognising handwriting)</li> <li>- takes time to write (by beneficiaries) and read (by staff)</li> <li>- may not be a child friendly format</li> <li>- may face language barriers</li> </ul>
<b>Group discussions</b>	<ul style="list-style-type: none"> <li>- dynamic format</li> <li>- can generate their own questions, issues and concepts; flag their own priorities</li> <li>- use own terms and words</li> <li>- more comfortable to criticise in a group</li> <li>- beneficiaries can learn from each other</li> </ul>	<ul style="list-style-type: none"> <li>- some voices are louder/more dominant than others</li> <li>- some voices may be silenced</li> <li>- can trigger a "contagion of criticism"</li> <li>- conflict in group discussion can foster tension amongst beneficiaries</li> <li>- difficult for staff to be open and objective about feedback</li> <li>- may raise beneficiary expectations (about improvements they request) to an unrealistic level</li> </ul>
<b>Individual interviews (by a member of organisation's staff)</b>	<ul style="list-style-type: none"> <li>- dynamic format</li> <li>- private environment to share concerns</li> <li>- can generate their own questions, issues and concepts; flag their own priorities</li> <li>- use own terms and words</li> </ul>	<ul style="list-style-type: none"> <li>- harder to be critical one-on-one</li> <li>- fear that criticism will impact on-going service or relationship with service provider</li> <li>- service providers may not "hear" what is said because familiar with the case</li> <li>- difficult for staff to be open and objective about feedback</li> </ul>
<b>External evaluators (i.e. by someone independent but also unfamiliar)</b>	<ul style="list-style-type: none"> <li>- independent and objective</li> <li>- address fear of anonymity or appearing ungrateful</li> </ul>	<ul style="list-style-type: none"> <li>- beneficiary may not feel comfortable with an "outsider"</li> </ul>

## Principle #11. Data protection

*Data collected about trafficked persons in the context of re/integration must be strictly protected in adherence with national and international legal standards.*

### Data protection

Re/integration professionals maintain records of their professional interventions and opinions, in relation to the trafficked persons they assist. This should always be done with due care to the ethical principles (and operational and regulatory standards). Re/integration staff should document information impartially and accurately and with an appreciation that the record may be revealed to clients or disclosed during court proceedings. Similarly, they should take care to report only essential and relevant details, refrain from using emotive or derogatory language, acknowledge the basis of professional opinions and protect clients' privacy and that of others involved.<sup>88</sup>

Beyond codes of ethics and practice within respective professional fields, there are also legal requirements in terms of data protection. International and national law include requirements for data protection, which applies to case files, monitoring information, research and so on. Most countries in southeastern Europe have legislation on data protection, with which all re/integration files and procedures should be in conformity. In the absence of national legislation, it is recommended that countries refer to the principles (and the letter) of the EC Directive on Data Protection (Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data).<sup>89</sup>

Laws and regulations as well as professional standards and rules often dictate what types of data require protection and how data is to be protected and with whom it can be shared and under what circumstances.<sup>90</sup> Re/integration service providers have an obligation to ensure that they properly collect, retain, store and use/analyse data (and also that those to whom referrals are made do the same).

### Threats to data protection

Recording case data is essential in case management work. Equally important, however, is the protection of this data as highly personal and confidential. There are various threats to data protection principles organisations face in their re/integration work. Some of these threats and issues are listed below:

- **Data protection rules are not elaborated and enforced.** Information is not secure when agencies and institution do not have (or do not enforce) data protection principles and standards.
- **Political pressure to share information.** Re/integration organisations are pressured to share (confidential) case files with state authorities, such as police investigators or with other NGOs and international organisations.

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88 CASW (2005) *Guidelines for Ethical Practice*. Canadian Association of Social Workers, pp. 9-11.

89 For a discussion of the legal and ethical issues associated with collecting data about trafficked persons, please see Surtees, R. (2007a) *Handbook on anti-trafficking data collection in South-eastern Europe. Developing regional criteria*. Vienna: ICMPD, pp. 33-42 and Surtees, R. (2009a) *Anti-trafficking Data Collection and Information Management in the European Union – a Handbook. The situation in the Czech Republic, Poland, Portugal and the Slovak Republic*. Vienna: ICMPD, pp. 52-68.

90 Surtees, R. (2007a) *Handbook on anti-trafficking data collection in South-eastern Europe. Developing regional criteria*. Vienna: ICMPD, p. 42.

- **Interagency coordination.** Information and case files are shared with others who may not adhere to the same data protection standards as the primary re/integration service provider.
- **Data is not appropriately secured.** Case files and other data/information is not appropriately secured – e.g. with locked files or password protected computers, limited access by staff and so on.
- **Timeframe.** Data about trafficked persons are kept past the legally allowed timeframe.

### Case Study #13. Example of data protection issues in re/integration programming

One organisation working on re/integration faced a situation in which it was legally obliged by the state social services to share case files of their child beneficiaries. However, the staff subsequently learned that these case files had not been securely and confidentially stored but rather had been left in boxes in the corridors of social services' offices, accessible to anyone who wished to look at them.<sup>91</sup>

One re/integration organisation was contacted by the national law enforcement unit responsible for anti-trafficking. The unit wished to contact beneficiaries to interview them about their traffickers and trafficking experiences to pursue criminal proceedings. The police unit demanded that the organisation hand over their case files. The organisation refused but did offer to contact beneficiaries on their behalf to inquire as to their interest in contacting law enforcement to pursue legal proceedings. Law enforcement declined this option (which would have assured beneficiaries' confidentiality, privacy and anonymity) and once again demanded the case files. When the organisation again refused, the authorities froze the organisation's bank account to pressure them to cooperate. To protect their beneficiaries, the organisation destroyed their case files. Eventually the situation was resolved but only through the intervention of an international organisation.

<sup>91</sup> Surtees, R. (2009b) *Re/integration of trafficked persons: developing monitoring and evaluation mechanisms*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute, p. 30.



### Strategies to ensure data protection

Staff should be aware of how long records must be stored and respect these time delimitations. When records are no longer needed destruction of all records should be done in an appropriate manner – e.g. shredding files not recycling them.<sup>92</sup> In addition, it is important that information be shared only with the consent of the beneficiary and only with those organisations/institutions that adhere to the same data protection standards as the primary re/integration service provider.<sup>93</sup> Steps should be taken to ensure that information sharing is on a need-to-know basis and limited to the least amount of sensitive information. Moreover, anonymised data must be truly anonymous with due attention to what/who may be recognisable in different settings.

#### Box #14. Data protection strategies in re/integration organisations

- **Use initials or codes, not names.** Case files are anonymised and coded with initials or other types of codes so that names and other personal information are not easily accessed.
- **Anonymous information exchange.** All personal information is anonymised when cooperating or coordinating with other agencies in the re/integration process.
- **Secure files.** All files containing personal information are maintained and secured in line with national data protections laws and human rights principles.
- **Limited access.** Access to case files and other confidential information is limited to staff working on the case. Communication about a case with other professionals does not include personal and identifying information.
- **Secure communication.** All email communication concerning work with beneficiaries or containing sensitive data is controlled and encrypted.
- **Protocols and procedures.** Staff are contractually bound to conform to data protection principles and laws.

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92 Plan (2009a) *How to: Include Child Protection in All Monitoring, Evaluation and Research Initiatives*. Woking, Plan Ltd. Unpublished document.

93 Surtees, R. (2009b) *Re/integration of trafficked persons: developing monitoring and evaluation mechanisms*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute, p. 30.



## Principle #12. Child protection and the “best interests of the child”

*Re/integration programmes and policies should ensure that trafficked children are protected and their best interests are assured.*

### Child protection

**Child protection** is the term used to describe the responsibilities and activities undertaken to prevent or to stop children being abused or ill-treated. Everyone under 18 years of age is a child.

States have the duty to ensure protection of every child against any form of neglect, abuse, violence and exploitation<sup>94</sup>. All children are to be protected as required by their status as minors without discrimination of any kind due to race, sex, language, religion, ethnic or social origin, birth or other status, including immigration status.<sup>95</sup> The involvement of child victims in criminal activities shall not undermine their status as both a child and a victim or their related rights to special protection. States are required not only to refrain from measures infringing on children’s rights but also to take positive measures to ensure the enjoyment of these rights without discrimination.<sup>96</sup>

More specifically in terms of re/integration work, article 39 of the CRC, states that States have an obligation to promote social re/integration of any child victim of abuse and violence, which includes human trafficking. That is:

*States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.*

All trafficked children have an inherent right to life, survival and development<sup>97</sup>. In the case of separated trafficked children, States need to provide special protection and assistance to children deprived of their family environment.<sup>98</sup>

Further, in Guideline 8 of the *UN Recommended Principles and Guidelines on Human Rights and Human Trafficking*, it is specified that the particular physical, psychological and psychosocial harm suffered by trafficked children and their increased vulnerability to exploitation require that they be dealt with separately from adult trafficked persons in terms of laws, policies, programmes and interventions. It further states that child victims of trafficking should be provided with appropriate assistance and protection and full account should be taken of their special rights and needs.<sup>99</sup>

94 Articles 19, 32, 34, 35, 36 CRC. Other CRC articles relevant to children’s right to protection are: 9,10, 11, 16, 20, 21, 22, 23, 24, 25, 37, 39, 39 and 40.

95 Article 2 CRC; *Interagency guidelines*, p. 17; UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*. NY: UNICEF, p. 10.

96 Articles 37, 40 CRC; UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*. NY: UNICEF, p. 10.

97 Article 6, CRC.

98 Article 20, CRC.

99 UNOHCHR (2002) *Recommended Principles and Guidelines on Human Rights and Human Trafficking. Addendum to the Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council, UN document E/2002/68/Add.1, 20 May 2002, p. 12.*

For **trafficked children**, the ethical principles discussed earlier must be considered in conjunction with additional safeguards and other relevant specific procedures (e.g. for unaccompanied children, persons in need of an appointed guardian or legal representative).<sup>100</sup> Because of the special position of children in society it is necessary to seek the permission of a parent or guardian. However, the consent of an adult alone is not sufficient. Consent must also be obtained from children themselves, although the age of individual child will determine to what extent this is feasible and meaningful.<sup>101</sup>

### “Best interests of the child”

The “best interests of the child”, as enshrined in article 3.1 of the *UN Convention on the Rights of the Child* (CRC), applies to re/integration activities as with any other action undertaken in relation to a child. That is:

*In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*

Guideline 8 of the *UN Recommended Principles and Guidelines on Human Rights and Human Trafficking* states that the best interests of the child must be a primary consideration in all actions concerning trafficked children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies.<sup>102</sup>

The Best Interests Determination (BID) is a formal process with specific procedural safeguards and documentation requirements that is conducted for certain children [...], whereby a decision-maker is required to weigh and balance all the relevant factors of a particular case, giving appropriate weight to the rights and obligations recognised in the CRC and other human rights instruments so that a comprehensive decision can be made that best protects the rights of children.<sup>103</sup> In the case of children, a re/integration programme should be embedded in broader, more comprehensive process, aimed at determining their best interests<sup>104</sup>. All re/integration service providers have an obligation to assess the best interests of a child but this is not the same as a formal BID procedure conducted by UNHCR or a government authority in the context of deciding upon a durable or sustainable solution.

Care professionals must, at all times, act in the best interests of the child and always in good faith. The best interests of a child involves balancing key factors related to the competing rights of the child: the views of the child, the views of family members and others close to the child, safety as a priority, the importance of the family and of close relationships and nurturing the development needs of the child.<sup>105</sup>

100 UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*. NY: UNICEF and WHO (2003) *Ethical and Safety Recommendations for Interviewing Trafficked Women*. Geneva: WHO, pp. 27-29.

101 UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*. NY: UNICEF, p. 36.

102 UNOHCHR (2002) *Recommended Principles and Guidelines on Human Rights and Human Trafficking*. Addendum to the Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council, UN document E/2002/68/Add.1, 20 May 2002, p. 12.

103 UNHCR (2008) *Guidelines on the Protection of Child Victims of Trafficking*. Geneva: UNHCR, p. 32.

104 SCEP (2009) *Statement of Good Practices*. 4<sup>th</sup> Revised Edition, at D9.

105 The main factors that need to be taken into account when determining the development needs of the child include: 1) “the right [...] to preserve his or her identity, including nationality, name and family relations” (Article 8); 2) due regard to “the desirability of continuity in a child’s upbringing and to a child’s ethnic, religious, cultural and linguistic background” (Article 20); 3) understanding that this should not lead to the acceptance of harmful traditional practices and that with maturity the child may make a free choice regarding his or her religion; 4) “the right of the child to the enjoyment of the highest attainable standard of health” (Article 24); 5) “the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral, and social development” (Article 27); 6) “the right to education” (Articles 28 and 29); and 7) “the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child” (Article 31). UNHCR (2008) *UNHCR Guidelines on Determining the Best Interests of the Child*. Geneva: UNHCR.

In terms of re/integration work, determining what constitutes “the best interests of the child” will involve weighing a range of factors including the various re/integration options available (including what is realistic given an individual child’s circumstances and possibilities) as well as the consequences of each of these alternatives.<sup>106</sup> Such determinations are highly individual and can, in practice, be very complex and difficult. Undertaking such determinations will require a range of considerations.

### **Threats to child protection and “best interests of the child” in re/integration efforts**

There are various ways in which child protection and the “best interest of the child” may be compromised. Some threats to child protection and best interests of the child that may occur in the context of re/integration programming are listed below:

- **Not tailored to children.** Re/integration programmes have not been specifically designed to accommodate the needs and interest of child beneficiaries, including tailoring to their age and/or stage of development. Re/integration programmes and policies do not take into account child protection principles and standards.
- **Staff is not trained in child protection.** Staff is not appropriately trained and specialised in working on the re/integration of trafficked children. Protection institutions do not have sufficient capacities to comply with BID and child protection principles.
- **No child safeguarding policies in place or enforced.** Child safeguarding policies, based on child protection principles, are lacking amongst organisations or institutions working on re/integration. Child protection policies are not always made clear to staff and sufficiently enforced. Such policies are not regularly reviewed and revised.
- **Lack of child participation.** Children are not involved in the design and monitoring of their individual re/integration plans. Children are not included in the design, monitoring and evaluation of the re/integration interventions and policies.<sup>107</sup>
- **Lack of informed consent.** Informed consent is gained from parents or guardians but not from children themselves. Children are not fully informed of the re/integration programme, including the opportunities it offers as well as any risks or limitations.
- **Separation from or lack of contact with family.** Children are separated from their parents or families during re/integration, even when this may not be what best meets their re/integration needs and best interests.<sup>108</sup>

<sup>106</sup> TdH (2009) *Supporting child (re)integration*. Tdh policy paper. Lausanne: Tdh, p. 4.

<sup>107</sup> According to Article 12 of the CRC, a child capable of forming a view on his or her best interests must be able to give it freely, and it must be taken into account. However, acting in the best interests of the child may sometimes require that his/ her wishes are overridden.

<sup>108</sup> Article 9(3) of the CRC makes clear that it is in a child's best interests to maintain contact with both parents in most circumstances and according to Articles 5 and 18(1), parents have primary decision-making responsibility on behalf of their children. Care in an institution should be considered a last resort and, when necessary to deprive a child of parental care, only for the shortest period of time possible.

The case studies below provide some examples of challenges faced when working with child beneficiaries in re/integration.

#### **Case Study #14. Challenges in child protection and ensuring the 'best interests of the child'**

"Lejla" was asked to provide a statement for use in prosecuting her trafficker, which she initially agreed to do. However, the prosecutor did not treat her in an appropriate way or take into account what was in her best interests. As she explained: "I don't want go in the prosecutor's office because they asked me the same things so many times, about the trafficker and his characteristics. I don't remember him and I don't want to go there anymore".

"Atifete" came from a problematic family environment. She was trafficked for forced prostitution when she was 14 years old, after which her parents refused to accept her home because they blamed her for her sexual exploitation. As she put it: "No one takes care about me, not even my parents!". Finding a long term, durable solution for Atifee was a challenge as her family remained hostile and unreceptive despite efforts at family mediation and counselling by re/integration staff. There were no options for alternative care and, as a result, the girl was accommodated in a shelter programme for three years, until adulthood.

#### **Guarding child protection and the best interests of the child**

It is important to ensure that child protection measures are built into all re/integration programmes and policies. UNICEF's 2006 Guidelines on the Protection of Child Victims of Trafficking outline general principles to which service provider should adhere in working with trafficked children<sup>109</sup> as well as set out standards for good practice with respect to protection of and assistance to trafficked children. These guidelines are based on international human rights instruments and look at the protection of trafficked children from their identification through to their recovery and integration. They are listed in box #15, below. As important is the associated reference guide to UNICEF's guidelines on the protection of trafficked children.<sup>110</sup> In addition, there are also twelve guidelines developed by the ILO's Regional Office in the Asia Pacific Region in the development

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<sup>109</sup> General principles for the guidelines include: rights of the child; best interests of the child; right to non-discrimination; respect of the views of the child; right to information, right to confidentiality; right to be protected, definition of roles and steps; and coordination/cooperation. UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*. NY: UNICEF, pp. 9-13.

<sup>110</sup> Please see Dottridge, M. (2006) *Reference guide on protecting the rights of trafficked children in Europe*. UNICEF.

of its *Child friendly standards and guidelines for the recovery and integration of trafficked children*.<sup>111</sup> Some strategies and techniques for guarding child protection and the best interests of the child in reintegration programming are outlined in box #15 (below).

### **Box #15. Strategies for building child protection and BID measures into re/integration interventions** <sup>112</sup>

- **Elaborate and adhere to child safeguarding policies.** All re/integration organisations should clearly articulate their child protection practices, which should include keeping children safe from various professionals (re/integration staff, law enforcement and so on) as well as from other children. All children should be equally protected under such policies. These practices should be evaluated and updated as needed.<sup>113</sup>
- **Train (and re-train) all staff in child protection.** All staff involved in re/integration activities (including translators, assistants, drivers and administrative staff) should be trained in child protection principles. All staff should have knowledge and experience of working with trafficked children, skills which should be regularly updated over time. All staff should be aware of the local legal and social welfare systems and the local social and cultural context. Ensure re/integration professionals have a strong understanding of child rights issues and what they mean in the local context. >>

<sup>111</sup> These standards were drawn from the UN Convention on the Rights of the Child (CRC), its Optional Protocols, ILO Convention No. 182 on the Worst Forms of Child Labour, UNICEF's Guidelines on the Protection of Child Victims of Trafficking and UNOHCHR's Recommended Principles and Guidelines on Human Rights and Human Trafficking. They include:

1. Each child is an individual and the recovery and integration process should be an individual one promoting the best interests of each child;
2. While respecting differences between individual children, each child should not suffer discrimination on the basis of age, sex, nationality, race, language, religion or ethnic or social origin, birth or other status;
3. No trafficked child should be held in detention at any time;
4. Each child's right to privacy and confidentiality should be respected and protected at all times;
5. Each child should be protected from all forms of neglect and physical and psychological abuse (including verbal abuse) at all times;
6. The views of each child should be considered and actively sought;
7. Each child should be made aware of her/his rights as well as responsibilities;
8. Each child should be treated with respect, affection and dignity. Self-reliance and resilience of the child should be promoted in line with her/his age and maturity;
9. Family and community-type arrangements for a child should be favoured over institutional settings;
10. Each child should not be separated from her/his family unless there is a risk of being neglected, abused or re-trafficked;
11. Care providers should form networks to ensure that each child has appropriate physical and emotional care in a setting that encourages her/his development; and
12. Care providers should be trained and experienced in caring for children and have the relevant professional qualifications according to their job description.

ILO (2006) *Child friendly standards and guidelines for the recovery and integration of trafficked children*. ILO: Bangkok, pp. 18-20.

<sup>112</sup> Adapted from Plan (2009a) *How to: Include Child Protection in All Monitoring, Evaluation and Research Initiative*. Working, Plan Ltd. Unpublished document; Surtees, R. (2010) *Monitoring anti-trafficking re/integration programmes. A manual*. Brussels: King Baudouin Foundation & Vienna & Washington: NEXUS Institute; and Tdh (2009) *Supporting child (re)integration*. Tdh policy paper. Lausanne: Tdh.

<sup>113</sup> For an example of professional code of conduct for safeguarding children and young people, please see the reference guide to UNICEF's guidelines on the protection of trafficked children. Please see Dottridge, M. (2006) *Reference guide on protecting the rights of trafficked children in Europe*. UNICEF, p. 143. See also: *Keeping Children Safe Coalition - Standards for child protection (2007)* produced by Keeping Children Safe Coalition.

<sup>114</sup> For guidance on the roles and responsibilities of guardians, please see the reference guide to UNICEF's guidelines on the protection of trafficked children. Please see Dottridge, M. (2006) *Reference guide on protecting the rights of trafficked children in Europe*. UNICEF, p. 117.

- **Promote child protection policies with child beneficiaries.** Ensure child protection policies are known to everyone – not only staff but also children and their parents/guardians. Policies should be written in a language and style that is accessible to all child beneficiaries.
- **Screening of all staff working with children.** All staff should be screened for their appropriateness in working with minors, including police checks where available and reliable.
- **Appropriate supervision.** Re/integration staff should be regularly supervised by a qualified child protection professional to ensure that child protection principles are being adhered to.
- **Work with children and their families/communities, where appropriate.** Re/integration of children often also requires support to the family and even community. Supporting the capabilities, assets and livelihood activities of the family and community can ensure the well-being of the child – e.g. one component of much re/integration is in promoting positive parenting skills.
- **Appoint a legal guardian, in the absence of a parent.** In the absence of a parent, children should be appointed a legal guardian who is responsible for their protection and best interests, including re/integration processes.<sup>114</sup>
- **Cooperate with state social worker.** Re/integration staff should, to the greatest extent possible and appropriate, closely cooperate with the state social worker appointed as a legal case manager for the child for each step of the child's re/integration process. Where state social work support is lacking, re/integration programmes should support the enhancement of these services, wherever possible.
- **Draw on a wide range of professionals and services.** Employ a multi-disciplinary team with a diverse set of expertise, which is able to assess the range of options available to each individual child. There is a need for continuity of care, to ensure a "joined up" approach of service providers working with trafficked children.
- **Ensure child participation throughout the re/integration process.** Children should be actively engaged in the design and monitoring of their re/integration. No decision should be made without their knowledge and consent. Listen to the child in terms of what is possible and what s/he wants and why.
- **Conduct (on-going) risk and family assessments.** Assess and ensure that the re/integration pathways chosen by the child will not endanger the child – e.g. lead to the same or a different form of exploitation, threaten the life or health of the child and so on. This includes not only assessing risk from traffickers but also within the family and community environment. Such assessments need to be repeated over time and in responses to changing situations.
- **Consider any consequences of re/integration plan.** Assess if positive change will be brought to the child as a consequence of the re/integration plan selected – e.g. the child will be better protected, have access to financial means, further empowered, improved health and so on. Pursue the least detrimental course of action for the child and the least intrusive one for the family, unless this is required.
- **Implement systems of accountability.** Ensure that there is an accessible process for dealing with complaints by children (or their parents/guardians) about any unacceptable and/or abusive behaviour, with clear timelines for resolving the complaint.

**Box #16. UNICEF's 2006 Guidelines on the Protection of Child Victims of Trafficking**

1. **Identification** – Proactive identification measures and presumption of age
2. **Appointment of a guardian** – Appointment process and responsibilities of the guardian
3. **Registration and documentation** – Initial questioning, initial action and interviewing child victims
4. **Regularization of status**
5. **Interim care and protection** – Care and protection and accommodation in a safe place
6. **Individual case assessment** – Tracing, risk assessment and best interest determination
7. **Implementation of durable solution** – Local integration, return to country or place of origin, resettlement and integration in a third country, follow-up
8. **Access to justice** – Criminal proceedings, civil proceedings, prevention of deprivation of liberty, victim/witness security and protection
9. **Cost of proceedings, financial assistance, reparation, compensation**
10. **Research and data collection** – Ethical principles, ethical questions, misinformation as a coping strategy.

These guidelines are supplemented by a reference guide on the protection of trafficked children which provides detailed and practical guidance on how these guidelines can be operationalised. Please see Dottridge, M. (2006) *Reference guide on protecting the rights of trafficked children in Europe*. UNICEF, p. 143.





## 4. CONCLUSION

The ethical principles outlined in this document have emerged in the context of re/integration programming in the Balkan region over the past decade or so. They capture and address the main ethical issues that have arisen in the work of TVRP partner organisations. That being said, these organisations work in multiple countries, with different target groups and have different models of care. Thus, while not definitive or exhaustive, these are nonetheless broadly relevant ethical principles for these diverse organisations working in the field of re/integration.

Developing and articulating ethical principles within the framework of the TVRP has been a constructive exercise. While these principles have often been implicit in the work of re/integration organisations, there is value in identifying and articulating them explicitly, including how an organisation or programme has (and sometimes has not) been able to adhere to and promote these ethical principles. It is also helpful in terms of considering how an organisation's ethical principles' can be operationalised in terms of its day to day work.

Ethical principles have been and will continue to be an on-going discussion in the TVRP. This is of particular importance in terms of sensitively and appropriately meeting the needs of trafficked persons in the re/integration process. It is also critical given that re/integration is a dynamic process and one in which new issues and challenges constantly arise. Meeting those challenges will often involve new ethical issues and considerations. By implication, new ethical principles (or the further articulation of these existing principles) are likely to be needed as well as the strategies to realise those principles.



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## APPENDIX 1:

### **Organisations working on re/integration through KBF/GIZ's Trafficking Victims Re/integration Programme (TVRP) in the Balkans**

#### **About the Trafficking Victims Re/integration Programme (TVRP), 2006-2013**

Within the framework of its project Assisting the Victims of Human Trafficking (AvoT), the King Baudouin Foundation launched the Trafficking Victims Re/integration Programme (TVRP) in order to enhance the scope and capacity of re/integration programmes for trafficking victims in the Balkan region. The TVRP aims to support programmes that result in sustainable re/integration of victims, to build NGO capacity in the re/integration sector, to encourage cooperation and synergies with government agencies, to identify effect models of re/integration and to promote sustainable re/integration programmes in the region.

From 2007 to 2011, the TVRP, funded by KBF, was implemented in Albania, Bulgaria, Macedonia, Romania, Serbia and Kosovo.<sup>115</sup> Grants totalling 875,000 Euros were awarded to nine NGO's in these six countries. Since 2011, the TVRP has been funded by KBF and GIZ, with grants to 11 NGOs in Albania, Bosnia-Herzegovina, Macedonia, Serbia and Kosovo.<sup>116</sup> Grants totalled 370,000 Euros.

#### **Different and Equal (D&E), Albania (2007-2013)**

Different & Equal (D&E) is a non for profit organisation offering qualified psychological and social services for the protection and re/integration of the victims of trafficking or those in risk of being trafficked, and contributing to the systems of identification, referral, awareness raising, prevention and assistance toward victims of trafficking and those in risk of being trafficked. The main activities of the organisation include: re/integration assistance for former Albanian victims of trafficking and their children; prevention activities through supporting vulnerable groups, especially vulnerable youth groups; income generating activities for the beneficiaries (VoT) through catering services, handicraft production and distribution; training for NGOs and state institutions; and supporting the National Referral Mechanism. For more details, see [www.differentandequal.org](http://www.differentandequal.org) or contact Different and Equal (D&E) at: [different&equal@icc-al.org](mailto:different&equal@icc-al.org)

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<sup>115</sup> This designation is without prejudice to positions on status and in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

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**Tjeter Vizion (Another Vision), Albania (2007-2013)**

"Tjeter Vizion" (Another Vision), with its headquarters in Elbasan, offers services for women, children and youth. For nearly six years, Tjeter Vizion has been offering social care services for the vulnerable categories of the population: children, youngsters and women, in the prefecture of Elbasan, through: 1) residential and non-residential centres. Tjeter Vizion is a member of the National Referral Mechanism for the Victims of Trafficking (NRMVT). Tjeter Vizion is also a member of various coalitions and international networks. Services for trafficking victims are both residentially based and non-residential and are designed for the individual needs of victims toward an independent system of living. For more details, contact Tjeter Vision at: [tjetervizion@gmail.com](mailto:tjetervizion@gmail.com)

**Vatra, Albania (2012-2013)**

Psycho – Social Centre "Vatra" was created in 1999 in southern Albania. Vatra Centre aims to support persons in need, particularly women and children. This includes work in the areas of prevention and awareness raising of human trafficking (and domestic violence), advocacy and assistance and re/integration of victims of human trafficking, domestic violence and their children. In 2001, Vatra established the first shelter in Albania for the treatment of Albanian victims of human trafficking. Vatra is a signatory member of the National Referral Mechanism Agreement (since 2005) and recipient of the Appraisal Awards delivered by Higher National and International institutions. For more information contact the Psycho-Social Centre "Vatra", [www.qendravatra.org.al](http://www.qendravatra.org.al), [info@qendravatra.org.al](mailto:info@qendravatra.org.al), [qvatra@icc-al.org](mailto:qvatra@icc-al.org)

**Medica Zenica, Bosnia-Herzegovina (2012-2013)**

Medica Zenica is a non-governmental organisation, established in 1993, to work with victims/survivors of trauma and violence. This has included working with women and child victims of war rape and torture as well as victims of sexual violence, domestic violence and human trafficking. Medica provides a wide range of services to its beneficiaries (including shelter, psychological counselling, medical care, legal assistance, educational opportunities, vocational training, small business opportunities and job placement) and operates an SOS helpline. Medica also runs a drop in centre and shelter for children at risk and street children. Medica has developed a comprehensive, multidisciplinary model of care, working closely with government and NGO partners in the provision of services. Medica has also established referral mechanisms for addressing domestic violence and violence in Zenica Dobo Canton. In addition to providing services to victims of violence and human trafficking, "Medica" Zenica implements a variety of other educational, research and advocacy initiatives aimed at preventing violence and promoting gender equality and human rights. For more information, please see: [www.medicazenica.org](http://www.medicazenica.org) or contact the organisation at: [medica1@bih.net.ba](mailto:medica1@bih.net.ba)

**Zemlja Djece, Bosnia and Herzegovina (2012-2013)**

Association "Zemlja djece" was established in Tuzla, BiH, in 1995 with the mission of protecting and promoting the rights of children. Its programme focuses on psycho-social support to youth and advocacy on child protection and children's rights. In 1999, Zemlja Djece began its work with street children, offering, through its day centre, educational and counselling activities and assistance in enrolling children in the formal school system. Today, assistance to street children is offered through the association's Daily Centre for Street Children in Tuzla, where children are provided with basic support (e.g. food, clean clothes, laundry service) and assistance with any urgent needs. The association also continues its work in education and psycho-social support and has, since 2012, been working on the identification and re/integration of trafficked children identified through the Daily Centre and community outreach. The Daily Centre also works on the prevention of child trafficking. For more details, see <http://www.zemljadjece.org> or contact "Zemlja djece" at: [hug.zemd@bih.net.ba](mailto:hug.zemd@bih.net.ba)



### **Animus Association, Bulgaria (2007-2011)**

Animus Association Foundation was founded in 1994 with the aim of providing space where women and children victims of violence can receive professional help and non-victimizing attitude. Animus has been working against trafficking and in support to victims since 1997. In 1998 Animus Association became part of La Strada International programme for prevention of trafficking in women in Central and Eastern Europe. For the past fourteen years, Animus has worked against violence and trafficking of women and children in Bulgaria. Its policy centres on the protection of their human rights. The activities of Animus Association Foundation against trafficking are organised in 3 main areas of work: 1) Rehabilitation Centre, 2) Work in the Community including Lobby and Prevention activities and 3) Training Centre through which the organisation transfers its experience and model of work. For more details, see <http://www.animusassociation.org> or contact Animus Association at: [animus@animusassociation.org](mailto:animus@animusassociation.org)

### **Nadja Centre, Bulgaria (2007-2011)**

Nadja Centre was established in 1995 to respond to the lack of services for victims of violence, as a project of the Bulgarian Women's Union, with the financial support by Novib, the Netherlands. It is a psychosocial care centre for women and children who are victims of violence and the centre provides a variety of services including a telephone help-line; psychological, medical, legal, and social counselling, psychotherapy; and referral services. The Nadja team has experience in the implementation of projects related to psychological, medical and juridical consultations provided to women and children victims of domestic violence and trafficking and has branches in Russe, Sandanski, Turgovishte and Kjustendil. Nadja Centre implements projects related to prevention of violence, giving priority to child sexual abuse and re-integration programmes for victims of trafficking, both women and children. For more details, see <http://www.centrenadja.org/> or contact Nadja centre at: [nadja@cablebg.net](mailto:nadja@cablebg.net)

### **Center for Protection of Victims and Prevention of Trafficking in Human Beings (PVPT), Kosovo<sup>117</sup> (2008-2013)**

PVPT is a non-governmental organisation that works to address the causes and consequences of violence through a multi-sectoral approach (e.g. socio-economic long term services, awareness raising, advocacy, and research) and facilitates empowerment of its target population. PVPT staff has been working in the field of anti-trafficking since 2000, both on direct assistance and on trafficking prevention and awareness-raising. Since 2005, PVPT has been working on the long-term re/integration of victims of the worst forms of child labour, including trafficking, and, in July 2008, opened the Rehabilitation Centre, which is an open-type shelter for trafficked women and children. This Centre provides survivors of trafficking with long term re integration services, including shelter, medical care, psychological assistance, legal counselling, educational and professional opportunities and empowerment sessions. The PVPT Centre operates in close cooperation and partnership with various government ministries (e.g. Ministry of Internal Affairs, Ministry of Justice, Ministry of Labour and Social Welfare, Ministry of Education Science and Technology) as well as international and national organisations. For more details, see [www.pvptcenter.net](http://www.pvptcenter.net) or contact PVPT at: [pvpt\\_ngo@gmail.com](mailto:pvpt_ngo@gmail.com)

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<sup>117</sup> This designation is without prejudice to positions on status and in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

### **Hope and Homes, Kosovo<sup>118</sup> (2012-2013)**

Hope and Homes is a non-governmental organisation which focuses on the protection and re/integration of children who are victims of human trafficking or at risk of trafficking, as well as child victims of other forms of violence and abuse. The organisation was established in 2001 in Pristina and Prizren. Hope and Homes provides a range of assistance and re/integration services to child victims of trafficking including shelter, medical and psychological assistance, education opportunities, life skills, vocational training legal assistance and family counselling and mediation. The organisation also works with children who have returned to live with their families, providing various off-site services and referrals and monitors the families over the course of the full re/integration process. Assistance is individually tailored to each child's age, needs and capacity. For more details, please contact Hope and home at: [sdsf\\_ks@yahoo.com](mailto:sdsf_ks@yahoo.com)

### **Equal Access, Macedonia (2012-2013)**

Association for Equal Opportunities Equal Access is a non-profit organisation founded in 2007 with the aim of providing equal opportunities for all persons, regardless of sex, ethnicity, sexual orientation, age, disability and so on. Trafficking of human beings is a priority issue for Equal Access. The organisation's main activity is in the identification of trafficking victims in their local communities, through mobile teams and in cooperation with Centres for Social Work and various local NGOs. Once trafficking victims are identified, Equal Access provides support and services toward their re/integration. Equal access assists all victims of human trafficking including women, men and children and victims of all forms of exploitation. For more information, see: [www.ednakvimoznosti.mk](http://www.ednakvimoznosti.mk) or contact Equal Access at: [ednakov\\_pristap@yahoo.com](mailto:ednakov_pristap@yahoo.com)

### **Open Gate, Macedonia (2007-2013)**

Open Gate – La Strada Macedonia is a non-government, non-profitable organisation registered in September 2000; it works on the prevention and psychological and social support rendered to potential and victims of trafficking in persons. The organisation manages the shelter for victims of human trafficking (or the "Residence"). This facility offers specialised services to beneficiaries, such as safe haven and accommodation, food, clothing, psychosocial support, medical treatment, legal aid, vocational training, on-job training or help with opening a small business. A team of trained professionals, which includes skilled social workers and psychologists, is available 24 hours a day. All beneficiaries are enrolled in the Residence program solely on voluntary basis. For more details, see [www.lastrada.org.mk](http://www.lastrada.org.mk) or contact Open Gate at: [lastrada@on.net.mk](mailto:lastrada@on.net.mk)

### **Adpare, Romania (2007-2011)**

Established in 2003, as a non-governmental, non-profit organisation, ADPARE's mission is the promotion of human rights through the development and implementation of integrative, complex and long-term assistance programmes that increases social inclusion of victims of trafficking in human beings and their families as well as young people from vulnerable groups. Assistance is carried out in cooperation with state institutions, other non-governmental organisations and international organisations with relevant experience in the field of protection and assistance for this category of beneficiaries. For more details, see <http://www.adpare.eu/> or contact ADPARE at [adpare@adpare.eu](mailto:adpare@adpare.eu)

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<sup>118</sup> This designation is without prejudice to positions on status and in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

### **Young Generation, Romania (2007-2011)**

Association "Generatie Tanara" (Unga Liv) was created in 2001 and is a non-governmental, democratic, non-profit, independent, non-religious and non-political association which promotes children's rights in Romania according to the United Nations Convention on the Rights of the child, and also the Family's Rights according to the international Treaties and Conventions. Other main activities are: prevention and combating trafficking in human beings; assistance for familial and social re/integration of THB victims; assistance for asylum-seekers, refugees and refugee children. For more details, see [www.generatietanara.ro](http://www.generatietanara.ro) or contact Young Generation at: [office@generatietanara.ro](mailto:office@generatietanara.ro)

### **Atina, Serbia (2007-2013)**

Founded in 2004, NGO ATINA works toward the equality of all members of society in public and private spheres, through identification of and struggle against gender-based marginalization, discrimination and violence and provision of direct assistance and support in re/integration to women and children, victims of trafficking, labour and sexual exploitation. Beneficiaries of ATINA's programmes are women, girls and children, Serbian citizens and foreigner nationals holding temporary residence permits, victims of trafficking in human beings and labour and sexual exploitation. Assistance and support in re/integration are provided to beneficiaries within three separate programmes: 1) the transition house (a semi-independent residential programme), 2) the open club (a non-residential programme) and 3) the field support team. The key objective of the ATINA programme is the establishment and improvement of mechanisms for provision of direct assistance and support to victims of trafficking in human beings in order to provide for their psycho-physical recovery, empowerment and thus sustainable re/integration. Each individual programme of assistance and support in re/integration is based on the unconditional respect for beneficiary's human rights, mutual cooperation, respect and tolerance. Individual programmes are designed with the participation of each beneficiary, to meet their individual needs and support them in regaining control over their lives. For more details, see [www.atina.org.rs](http://www.atina.org.rs) or contact ATINA at: [atinango@eunet.yu](mailto:atinango@eunet.yu)

### **Centre for Youth Integration (2012-2013)**

The Centre for Youth Integration (CYI) was founded in 2004 with the aim of supporting the integration of socially excluded children and youth in Serbia. The organisation works on the protection of the rights of the child, with due attention to the best interests of children and youth in all of its work. More specifically, CYI works with children and young people who are involved in living or working on the streets of Belgrade as well as their families, whenever possible. CYI provides a range of services, supporting approximately 250 street involved children each month. In March 2012, CYI began its work in the field of anti-trafficking re/integration, working in select communities on the identification of child victims of trafficking and their referral for assistance and re/integration support. The programme focuses on child victims of trafficking for both labour and sexual exploitation. Identification is undertaken through CYI's on-going work with street involved children as well as through the establishment of local task forces in communities, which work to identify child trafficking victims. Re/integration support involves meeting the range of assistance needs of trafficked children, either through direct service provision or through referral to state and NGO partners. CYI has also been involved in supporting the foster care system as an alternative option for trafficked children unable to return to their families/communities and in developing minimum of standards of care for child trafficking victims in shelters. For more details, please see: [www.cim.org.rs](http://www.cim.org.rs) or contact CYI at: [office@cim.org.rs](mailto:office@cim.org.rs)

### **NEXUS Institute, Washington, DC**

NEXUS Institute is a multi-disciplinary and independent international human rights policy and research centre dedicated to developing more effective counter-trafficking laws, policies and practices. NEXUS has produced numerous trafficking studies, including on victim assistance and re/integration work in SEE and other regions. NEXUS provides technical assistance to KBF as part of the TVRP programme. For more details, see [www.nexusinstitute.net](http://www.nexusinstitute.net) or contact Stephen Warnath, Chair and founder at [swarnath@nexusinstitute.net](mailto:swarnath@nexusinstitute.net)

### **About GIZ's "Regional Programme on Social Protection and Prevention of Human Trafficking (SPPHT)"**

SPPHT's objective is to develop a comprehensive age and gender sensitive social service system, which is catering to the needs of people affected by or at the risk of human trafficking.

To this end, the programme offers advice to state actors at national and local level in policy-making. It supports NGOs and public providers of social services to improve the quality and sustainability of their services. SPPHT further aims to strengthen regional cooperation and to improve coordination among key actors.

SPPHT is commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ) from 12/2010 until 11/2015. It works in Bosnia and Herzegovina, Kosovo, Macedonia and Serbia. Since 2011 KBF and SPPHT are jointly funding the TVRP. For more information please visit [www.htsocialprotection.org](http://www.htsocialprotection.org)

The "Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH" offers customised solutions to complex challenges. GIZ is an experienced service provider and assists the German Government in achieving its objectives in the field of international cooperation. It offers demand-driven, tailor-made and effective services for sustainable development. For more information please visit [www.giz.de](http://www.giz.de)

## APPENDIX 2: WORKING TERMS AND DEFINITIONS

**Accountability.** Obligation to demonstrate that work has been conducted in compliance with agreed rules and standards or to report fairly and accurately on performance results vis a vis mandated roles and/or plans. This may require a careful, even legally defensible, demonstration that the work is consistent with the contract terms.

**Anti-trafficking actors.** Persons from GOs, NGOs or IOs who are involved in efforts to combat trafficking in persons.

**Assistance and protection.** Measures, programmes and services aimed at the recovery of trafficked persons as outlined in Article 6 of the Palermo Protocol. These may be offered by non-governmental, governmental or international organisations in countries of destination, transit and origin. These might include but are not limited to accommodation/housing, medical care, psychological assistance, education, vocational training, employment, legal assistance and transportation. Assistance may involve one or multiple services.<sup>119</sup>

**Beneficiaries.** The individuals, groups, or organisations, whether targeted or not, that benefit, directly or indirectly, from the intervention.

**Confidentiality.** A professional value that demands that professionally acquired information be kept private and not shared with third parties unless the client provides informed consent or a professional or legal obligation exists to share such information without client informed consent.<sup>120</sup>

**Counselling services.** Counselling services are defined as services provided within the context of a professional relationship with the goal of assisting clients in addressing issues in their lives by such activities as helping clients to find solutions and make choices through exploration of options, identification of strengths and needs, locating information and providing resources, and promoting a variety of coping strategies, but do not include psychotherapy services.<sup>121</sup>

**Efficacy.** The capacity to help the beneficiary achieve, in a reasonable time period, the goals of a given intervention.<sup>122</sup>

**Empowerment.** The process by which trafficked persons are equipped with the skills and ability to lead an autonomous life.

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<sup>119</sup> Surtees, R. (2007)

<sup>120</sup> CASW (2005) *Guidelines for Ethical Practice*. Canadian Association of Social Workers, p. 27

<sup>121</sup> OCSWSSW (2008) *Code of Ethics and Standards of Practice Handbook*. Ontario: Ontario College of Social Workers and Social Service Workers, p. 40.

<sup>122</sup> OCSWSSW (2008) *Code of Ethics and Standards of Practice Handbook*. Ontario: Ontario College of Social Workers and Social Service Workers, p. 40.

**Ethics.** Ethics, also known as moral philosophy, is a branch of philosophy that involves systematising, defending and recommending concepts of right and wrong behaviour. Ethical principles are general statements of ethical principles underpinning re/integration work, relating to attitudes, rights and duties about human welfare and re/integration efforts.

**Guidelines.** Guidelines are instructions on how to do something. Guidelines are the instruments which care providers use in order to put standards into operational practice. Guidelines are frequently confused with “standards”.

**Human Rights.** The rights of an individual that are considered the basis for freedom and justice, and serve to protect people from discrimination and harassment. Social workers may refer to the Canadian Charter of Rights and Freedoms enacted as Schedule B to the Canada Act 1982 (U.K.) 1982, c. 11, which came into force on April 17, 1982, as well as the Universal Declaration of Human Rights (1948) proclaimed by the United Nations General Assembly December 10, 1948.<sup>123</sup>

**Intervention.** In social work, the term is analogous to the physician’s term “treatment”. Many social workers prefer using “intervention” because it includes “treatment” and also encompasses the other activities social work members use to solve or prevent problems or achieve goals for social betterment. These could include psychotherapy, advocacy, mediation, social planning, community organisation, finding and developing resources.<sup>124</sup>

**Minimum.** A level, amount or quantity than which, by law or agreement, less is not to be offered. In the context of “minimum standards”, the meaning is “bottom line” or a level of standard that cannot be compromised, must be always maintained and ideally should be exceeded.

**Principles.** A principle is a positive attribute that serves as the foundation for the conduct of behaviour individually with others. Principles are qualities that most people support because they are viewed as socially appropriate and inherently valuable. Ethical principles are general statements of principles underpinning work, relating to attitudes, rights and duties about human welfare. Principles are broader in scope than rules or “standards”, tending to apply to all people in all circumstances.

**Psychosocial.** Of or involving the influence of social factors or human interactive behaviour, it recognises the complex interdependence of individual psychology, cultural and social/interpersonal context.<sup>125</sup>

**Re/integration.** Re/integration refers to the process of recovery and economic and social inclusion following a trafficking experience. This inclusion is multifaceted and must take place in social and economic arenas. It includes settlement in a safe and secure environment, access to a reasonable standard of living, mental and physical well-being, opportunities for personal and economic development and access to social and emotional support. In many cases, re/integration will involve the return to the victim’s family and/or community of origin. However, it may also involve integration in a new community and even in a new country, depending on the needs and interests of the victim. A central aspect of successful re/integration is that of empowerment, sup-

123 CASW (2005) *Guidelines for Ethical Practice*. Canadian Association of Social Workers, p. 28

124 OCSWSSW (2008) *Code of Ethics and Standards of Practice Handbook*. Ontario: Ontario College of Social Workers and Social Service Workers, p. 41

125 OCSWSSW (2008) *Code of Ethics and Standards of Practice Handbook*. Ontario: Ontario College of Social Workers and Social Service Workers, p. 41

porting victims to develop skills toward independence and self-sufficiency and to be actively involved in their recovery and re/integration.<sup>126</sup>

**Recovery.** The process by which persons who have experienced abuse and/or exploitation achieve physical and mental well-being.

**Self-determination.** A core social work value that refers to the right to self-direction and freedom of choice without interference from others. Self-determination is codified in practice through mechanisms of informed consent. Social workers may be obligated to limit self-determination when a client lacks capacity or in order to prevent harm.<sup>127</sup>

**Service providers.** Organisations and individuals that provide one or more of the range of services and assistance provided to trafficking victims. These may include social workers, psychologists, shelter staff, medical personnel or legal professionals from NGOs, IOs and GOs.

**Social work.** The social work profession promotes social change, problem solving in human relationships and the empowerment and liberation of people to enhance well-being. Utilising theories of human behaviour and social systems, social work intervenes at the points where people interact with their environments. Principles of human rights and social justice are fundamental to social work.<sup>128</sup>

**Standards.** Degree or level of attainment (or ability, facilities, service) required for a particular purpose. For example, standards for re/ integration are requirements for the practice of re/ integration. "Standards" are, very generally a set of "rules" for ensuring quality re/integration. There is a difference between "operational standards" and "regulatory standards". Operational standards are requirements for practice. Regulatory standards are governmental requirements for organizations and individuals to engage in practice, such as registration, licensing, financial systems, policies and monitoring compliance to operational standards.

**Sustainability.** The continuation of benefits from a development intervention after major development assistance has been completed. The probability of continued long-term benefits. The resilience to risk of the net benefit flows over time.

**Trafficking victim/trafficked person.** For many people, the term 'victim' implies powerlessness and constructs identity around the individual's victimisation. At the same time, from a human rights framework, the term 'victim' is important as it designates the violation experienced and the responsibility for redress. It is for this reason that the term 'victim' is used in this report. The term 'trafficked person' is also used because it too acknowledges that person's trafficking experience as central and in need to redress. Both terms designate persons who qualify as victims of trafficking in accordance with Article 3 of the UN trafficking Protocol and/or according to relevant national legislation.<sup>129</sup>

126 Surtees, R. (2006) *Re/integration programmes in SE Europe – a background paper for the King Baudouin Foundation*. Brussels: KBF; Surtees, R. (2008a) *Re/integration of trafficked persons: handling "difficult" cases*. Brussels: KBF; and Surtees, R. (2008b) *Re/integration of trafficked persons – how can our work be more effective*. Brussels: KBF & Vienna & Washington: NEXUS Institute

127 CASW (2005) *Guidelines for Ethical Practice*. Canadian Association of Social Workers, p. 28.

128 BASW (2012) *Code of ethics for social workers, statement of principles*. UK: British Social Work Association, p. 6.

129 Brunovskis & Surtees (2007) *Leaving the past behind. When trafficking victims decline assistance*. Oslo: FAFO and Vienna: NEXUS Institute and Surtees, R. (2007b) *Listening to Victims: Experiences of Identification, Return Assistance in SE Europe*. Vienna: ICMPD.









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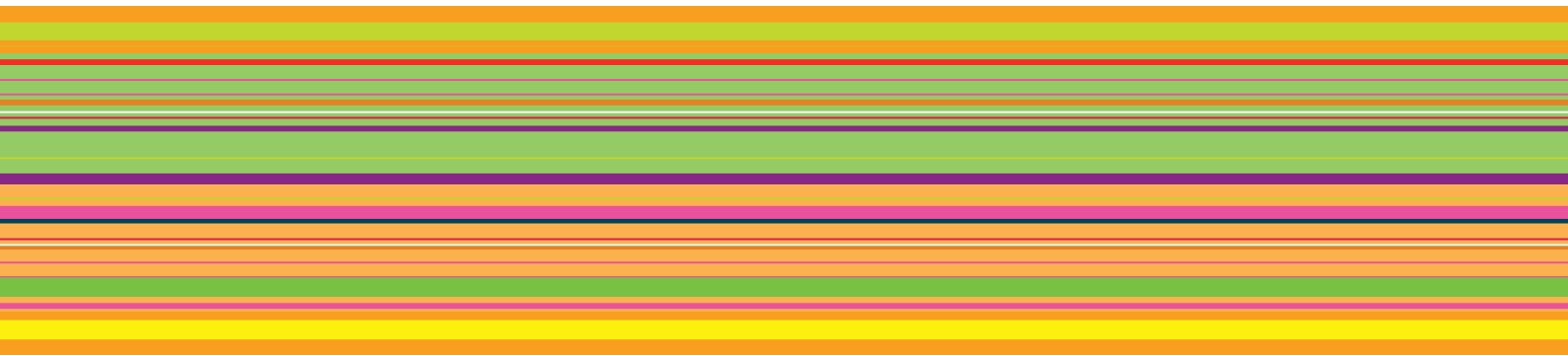
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