

2015

# Guidelines on Rehabilitation and (Re)integration of Trafficked Persons

A MANUAL FOR THE WESTERN BALKAN REGION

**Ariadne**  
network  
*Against Trafficking in Human Beings  
in South-Eastern and Eastern Europe*



**HUMAN RIGHTS DEFENCE CENTRE**  
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ΑΝΘΡΩΠΙΝΩΝ ΔΙΚΑΙΩΜΑΤΩΝ



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This publication has been produced within the framework of the 5<sup>th</sup> Project of ARIADNE network "Developing effective (re)integration models for trafficked persons in the Western Balkans", implemented **in 4 participating countries** of South-Eastern Europe/Western Balkans (**Albania, Bosnia & Herzegovina, Former Yugoslav Republic of Macedonia and Greece**) by the Human Rights Defence Centre (KEPAD), Greece, funded by the Norwegian Ministry of Foreign Affairs. The content of this publication is the sole responsibility of the author and under no circumstances shall be deemed to reflect the opinions of the Norwegian Ministry of Foreign Affairs.



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## FOREWORD

Nowadays Trafficking in Human Beings (hereinafter – THB) continues to be a challenge for the Western Balkan region. One main aspect of anti-trafficking response is the provision of assistance to trafficked persons, including rehabilitation and (re)integration support.

Notwithstanding the fact that much progress has been made in the field of legislation, especially with the THB criminalization and more recently with the development of guidelines concerning victim identification, many shortcomings exist in THB victims rehabilitation/(re)integration. The countries' efforts concentrate on saving victims from criminal rings and providing crisis intervention in the first critical period when it is mostly needed. Once the victims have escaped their traffickers, they are considered “saved” and attention shifts to busting the next criminal ring. According to national and international reports, most countries in the Western Balkan region fall short of providing long-term rehabilitation/(re)integration. Many factors may influence this situation:

- emphasis on human trafficking as organised crime rather than a serious human rights offence prioritises criminal prosecution instead of victim rights;
- lack of material/ professional resources;
- lack of coordination on the part of the state.

However, THB victims have needs that often fail to be addressed: **they need to be supported on a long-term basis** to make the transition from “victim” to “survivor” to an independent person. The so called after-care services that make the difference between dependence on social welfare (where it exists) and leading an independent and productive life have to be enhanced.

Efforts to combat THB in the Western Balkan Region should be targeted towards victims' rehabilitation and (re)integration, giving victims the chance **to fully integrate into society**. The current shift in European anti-trafficking policy towards a more victim-centred approach makes it imperative that more is done towards this front. It requires joint and coherent efforts by the international community, dialogue and cooperation among the countries of origin and destination.

These Guidelines are based on the many years' experiences in rendering rehabilitation and (re) integration assistance of non-governmental organisations functioning in the Western Balkans – members of the ARIADNE network. It is hoped that these experiences will be helpful for other state and non-state organisations in their day to day work.

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## ACKNOWLEDGEMENTS

The author would like to thank the representatives of NGOs - members of the ARIADNE Network that have been involved in the elaboration of this publication:

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### **Bosnia and Herzegovina**

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### **Former Yugoslav Republic of Macedonia**

*Verica Stamenkova Trajkova, President, "For Happy Childhood"*

### **Greece**

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## ABBREVIATIONS

NGO – non-governmental organisation

NRM – National Referral Mechanism

MoU – Memorandum of Understanding

Plan – Individual Plan of (Re)integration of Trafficked Person

THB - Trafficking in Human Beings

SOPs – Standard Operating Procedures

## INTRODUCTION

The present Guidelines on Rehabilitation and (re)integration of Trafficked Persons (hereinafter – Guidelines) have been elaborated in the framework of the 5th Joint Project of the ARIADNE Network against Trafficking in Human Beings in South-Eastern and Eastern Europe entitled “Developing effective (re)integration models for trafficked persons in the Western Balkans”. The Project was implemented by the *Human Rights Defence Centre* (KEPAD), Greece, in partnership with 5 non-governmental organisations (hereinafter – NGOs) from 4 participating countries, members of the ARIADNE Network (**Albania, Bosnia and Herzegovina, Former Yugoslav Republic of Macedonia**).

The subject-matter of these Guidelines is closely connected with the previous publication of the ARIADNE Network – “Regional Guidelines on the Identification of Trafficked Persons”<sup>1</sup> and further develops it. (Re)integration of the trafficked persons is targeted towards recovery of identified trafficked victims’ capacity in order to lead a responsible life. A (re)integration process is adding together the efforts contributed by the specialists of different profiles who take part in the process of identification of the trafficked persons, render assistance in releasing victims from exploitation, help them return back to their country and provide any other required assistance and protection.

In order to provide a basis for the development of the present Guidelines, a thematic research has been conducted, the main objective of which consists in the analysis of the existing situation and the particularities of the rehabilitation and (re)integration of trafficked persons in each participating country. The research has focused on the following issues:

- 1) legal and regulatory aspects of national policy and level of formalisation/standardisation of rehabilitation and (re)integration procedures in each country;
- 2) institutional framework/stakeholders responsible for rehabilitation and (re)integration of trafficked persons;
- 3) typical profile of trafficked persons;
- 4) organisational aspects of rehabilitation and (re)integration of trafficked persons (monitoring and evaluation; capacity building of professional; coordination and budgeting, etc.);
- 5) respect of special rights of trafficked persons and special rights of minors, providing access to necessary protection and assistance;
- 6) existing good practices, success stories and gaps.

The research has shown that all participating country ratified the main regional instrument in the anti-trafficking field - the Council of Europe Convention on Action against Trafficking in Human Beings, signed in Warsaw on 16 May 2005. This Convention recognises trafficking in human

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1 T. Fomina, M.Vogiatzi, Regional Guidelines on the Identification of Trafficked Persons. A Manual for South-Eastern and Eastern Europe, ARIADNE Network, 2012. Available at: <http://www.ariadnet.net/publication.php?Id=75&>

beings (further - THB) as a violation of human rights and establishes special rights of trafficked persons. These rights range from secure accommodation, material assistance and emergency medical treatment to access the vocational training and labour market, access to legal redress and compensation.

However, in all participating countries the conceptual and practical problems in rehabilitation and (re)integration of trafficked persons still exist. First of all, the majority of participating countries has not elaborated a clear legal concept and definition of "(re)integration". Besides, the research showed that a high level of abstract provisions concerning the rights of trafficked persons is typical for national legislative and regulatory framework in participating countries. This contributes to administrative barriers in the implementation and protection of trafficked persons rights for rehabilitation and (re)integration. In addition, the existing problems in (re)integration process are linked with time-consuming and high- cost (re)integration services, high level of unemployment in participating countries and other factors undermine the success of (re)integration.

At the same time, the NGOs rendering assistance to victims of trafficking in human beings have gained a huge experience in rehabilitation and (re)integration of trafficked persons. The research allowed the gathering of existing good practices and gaps in participating countries and facilitated the elaboration of common guidance on the rehabilitation and (re)integration procedures.

The present version of the Guidelines was validated by participating countries in the framework of the above mentioned project and are designed to be used by NGOs specialised in rendering assistance to persons who have suffered from trafficking in human beings. These Guidelines could also be used by social workers, police and other specialists of government institutions who by the nature of their activity maintain contacts with the presumed trafficked persons, perform identification of trafficked persons and have an obligation to assure their access to the assistance and protection guaranteed by international, regional and national law.

The Guidelines have been drafted in line with the provisions of the following documents:

- *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo, 2000);*
- *Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw, 16 May 2005);*
- *United Nations Economic and Social Council, Recommended Principles and Guidelines on Human Rights and Human Trafficking (2002);*
- *National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook, OSCE/ODIHR, Warsaw, 2004;*
- *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons: South –Eastern Europe, ICMPD, Vienna, 2009;*

- *The EU rights of victims of trafficking in human beings, European Union, 2013;*
- *Guiding Principles on Human Rights in the Return of Trafficked Persons, OSCE/ODIHR, Warsaw, 2014;*
- *other international, regional and national standards and policy developments.*

The Guidelines account not only for the theoretical aspects of trafficking in human beings but also for the good practices gained in this field by the NGOs from the participating countries.

The Guidelines include recommendations on the main aspects of the system-based development of rehabilitation and (re)integration of trafficked persons in participating countries and namely concerning:

- a) conceptualisation of the notions of “rehabilitation” and “reintegration” (goal, tasks, procedures, etc.);
- b) legislative and regulatory framework, institutional basis and other pre-conditions necessary for rehabilitation and (re)integration of trafficked persons;
- c) guiding approaches and principles of rendering rehabilitation and (re)integration assistance;
- d) individual plan of (re)integration;
- e) role of case manager;
- f) monitoring and evaluation;
- g) factors underlining success of (re)integration;
- h) other related issues.

The Guidelines can serve as a basis for elaboration of national standards on rehabilitation and (re)integration of trafficked persons.

## **1. CONCEPTS AND DEFINITIONS OF REHABILITATION AND (RE)INTEGRATION**

### **1.1 Terminology Issues**

According to the Council of Europe Convention on Action against Trafficking in Human Beings each country – party of this Convention “...should make its best effort to favour the reintegration of victims into the society of the State of return, including reintegration into the education system and the labour market, in particular through the acquisition and improvement of their professional skills”.<sup>2</sup> However, this Convention does not clarify the meaning of the notion “reintegration”. Despite the fact that this notion is often used on an international level, an internationally recognized definition of this notion was not created till now.

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<sup>2</sup> Council of Europe Convention on Action against Trafficking in Human Beings, 16 May 2005, CETS No. 197, Art.16 (5).

The notion “reintegration” is often used in the references when talking about assistance to the victims of trafficking in human beings interchangeably with terms such as “integration”, “social inclusion” and “social rehabilitation”. Lack of internationally recognized definition of “(re) integration” in relation to the trafficked persons creates difficulties in their use amongst the specialists engaged in this domain. (Re)integration may mean different things to different people in different situations. Reintegration is interpreted as:

long-term aim and final result of rendering assistance to trafficked persons;

complex process within the system of rendering assistance to trafficked persons that includes a package of certain services;

final stage in rendering assistance to victims of trafficking in human beings.

According the Concise Oxford Dictionary of Current English “integrate” (adj. latin Integrare, integrat – “make whole”) means to bring or come into equal participation in the membership of society, “reintegrate” – integrate back into society.<sup>3</sup>

The European Council on Refugees and Exiles (ECRE) uses the notion of “**reintegration**” in regard to the refugees returning back to the country of their origin. In ECRE’s definition reintegration is “...the process of **inclusion** and rebuilding relationships within a community in the country of origin **at four levels: physical, socio-economical, socio-political and cultural**”.<sup>4</sup>

The expression “social inclusion” is linked to the Charter of the Fundamental Rights of the European Union (art. 34) that guarantees the right to social and housing assistance in order to combat social exclusion and poverty, as well as to ensure a decent existence for all. Social inclusion “... refers to the process that ensures that those at risk of poverty and social exclusion have the opportunities and resources necessary to participate in **economic, social and cultural life**, securing a standard of living that is considered acceptable in the society in which they live. It also ensures that they have greater participation in decision-making that affects their lives and access to their fundamental rights. Through such a process vulnerable groups are granted access to education, training, employment, accommodation, collective services and health assistance. A social inclusion programme can take place either in the country of origin or in that of destination”.<sup>5</sup>

<sup>3</sup> The Concise Oxford Dictionary of Current English, Oxford, 1995, p.707 and 1158.

<sup>4</sup> 13 International Journal of Refugee Law (2001), as cited in: Alliance news. GAATW Newsletter, Issue 19-20, July/December 2003.

<sup>5</sup> Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons: South-Eastern Europe. International Center for Migration Policy Development (ICMPD), Vienna, 2009, p.22.

### EXPERIENCE OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

*The Standard Operating Procedures (SOPs) for Treatment of Victims of Trafficking in Human Beings, approved by the Government of the Former Yugoslav Republic of Macedonia provide with the following definition of reintegration: " Reintegration: this implies the process of re-socialization of the victim for the sake of his/her re-inclusion in the family or community, or inclusion in a new community. Reintegration also implies the long-term socio-economic solutions for the victim".<sup>1</sup>*

In recent years, publications on the issue of (re)integration of trafficked persons elaborated by NEXUS Institute, Washington, based on the direct work and experiences of (re)integration of 9 NGOs working within the framework of the Trafficking Victim (Re)integration Programme, implemented in Albania, Bosnia-Herzegovina, Bulgaria, Kosovo, Macedonia, Romania and Serbia between 2007 – 2011 and providing assistance to more than two thousand trafficked persons throughout the Western Balkan region, use the following definition:

**"(Re)integration<sup>6</sup> 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, supporting victims to develop skills toward independence and self-sufficiency and to be actively involved in their recovery and (re)integration".<sup>7</sup>**

With some reservations, this definition of "(re)integration" can be recommended for elaboration of national standards on (re)integration of trafficked persons. As previously mentioned, (re)integration is not only the process, it is also the expected and actual result of rendering assistance to trafficked persons, as well as one of the stages (final) of rendering the assistance to victims. Besides that, when we talk about (re)integration in a new country, it is not only a process of socio-economic inclusion, but also of socio-political and cultural inclusion.

<sup>6</sup> Some trafficked persons were not integrated into socio-economic life before their involvement into trafficking situation (they had no educational, professional nor employment background). When these persons return back to their country of origin, the issue of his/her primary integration rather than repeated integration appears. Therefore, it is advisable to use the transcription "(re)integration" when the author wants to cover the problems of integration and reintegration of the trafficked persons.

<sup>7</sup> Rebecca Surtees, Ethical principles in re/integration of trafficked persons. Experiences from the Balkan, NEXUS Institute, Washington, 2013, p.100.

In relation to the term “**rehabilitation**”, it is necessary to mention that is interpreted as the process (complex of measures) of rendering assistance to trafficked persons, one of the stages (not final) of the assistance, as well as an expected and actual result of this process. The majority of dictionaries define “**rehabilitation**” as *recovery of physical and psychological health of a person*.

For example, the Social Work Dictionary defines the term “**rehabilitation**” as follows: “**Rehabilitation** - restoring to a healthy condition or useful capacity to the extent possible”.<sup>8</sup>

Besides, it should be noticed that the term “rehabilitation” is closely linked to the notion “ability” which is being interpreted as “aptitude to deal in a certain type of activity”.<sup>9</sup>

In practice, **rehabilitation** of the trafficked persons is also understood as a set of measures taken at the incipient stage of rendering assistance to the victims targeted towards rehabilitation of physical and mental health. This stage serves as precondition for a successful (re)integration - the subsequent stage of rendering the assistance. As a matter of fact, rehabilitation and (re)integration are consecutive stages within the system of rendering assistance to the trafficked persons. The Recent Report of the United Nations High Commissioner for Human Rights entitled “Summary of the consultations held on the draft basic principles on the right to effective remedy for victims of trafficking in persons”, published in May 2014, specified the following: “*Rehabilitation was also recognized as a key factor in empowering victims so that they are able to reintegrate into communities ...*”.<sup>10</sup>

Moreover, tightly linked with the notion of rehabilitation and (re)integration is the notion of **crisis intervention**. Once recovered from the exploitation, the victims of trafficking in human beings may sometimes find themselves in a crisis. They might experience grave physical and psychological traumas; they have no roof over their head, food, clothing, money, etc., which altogether may cause serious **threat to the life** of the sufferer. In this case, the crisis intervention is the first step to rendering assistance to the victims, as it includes emergency measures in overcoming crisis, i.e. threat to the life.

Taking into account all the above, the conclusion to be drawn is that the notion of (re)integration is closely linked with the certain sequence of actions providing assistance to the trafficked persons. Without prior defining these stages and the scopes of each stage, it will be impossible to give a proper definition to the notion of (re)integration.

At present, certain difficulties exist in using a consensual terminology of assistance to the

8 Robert L. Barker, The Social Work Dictionary, 3<sup>rd</sup> Edition, USA, 1995, p. 319.

9 The Concise Oxford Dictionary of Current English, Oxford, 1995, p 609.

10 Report of the United Nations High Commissioner for Human Rights “Summary of the consultations held on the draft basic principles on the right to effective remedy for victims of trafficking in persons”, A/HRC/26/18, 2 May 2014, item 27.

trafficked persons. These difficulties are due to the multidimensional character of the notions of rehabilitation and (re)integration, in the sense that they are at the same time the expected and actual results of rendering assistance and they can be interpreted as processes/packages of the measures and stages of the whole process of rendering assistance to trafficked persons. It is important to introduce in national legislation a clear terminology and the legal concepts of rehabilitation and (re)integration of trafficked persons.

## 1.2. Rehabilitation and (Re)integration as Stages of Rendering Assistance to Trafficked Persons

All types of assistance are provided to trafficked person depending on her/his individual needs. But as a general rule, the first concern is to provide a system of **crisis intervention** to eliminate threats to her/his life then follows the assistance in **rehabilitation**, i.e. recovery from physical and psychological health and last comes **(re)integration** assistance for socio-economic, socio-political and cultural inclusion, i.e. restoring all aspects of normal vital activity of a victim. Therefore, the whole process of rendering assistance to the trafficked persons could be conventionally broken down into three stages:

- 1) **Crisis intervention** implies granting a package of emergency measures targeted towards covering the immediate needs of trafficked persons and/or eliminating threats to life;
- 2) **Rehabilitation** implies granting a package of measures on rehabilitation of physical and psychological health of the survivor. It applies whenever is deemed necessary to eliminate threats to health - the consequences of physical and psychological traumas and stabilize the condition of a survivor. It serves as the foundation for subsequent (re)integration;
- 3) **(Re)integration** implies a package of measures targeted towards restoring victim's rights, social status and health, helping him in regaining vital activity/capacity for vital activity that was infringed or restricted due to various reasons. It includes measures on restoring/building friendly relations with the family, vocational training and employment, regaining the feeling of being full-fledged members of the society, the feeling of self-respect and other feelings related to a system of practical values and influencing personal relations. (Re)integration is the concluding stage of an integrated system of rendering assistance to the identified trafficked persons and the results thereof.

The measures of assistance granted to the trafficked persons at different stages pursue different scopes; they require involvement of different stakeholders and resources, as well as the use of different approaches to the assessment of the success of the attempted measures. Therefore, it is feasible to break down the whole process of rendering assistance to the trafficked persons onto the three stages, as stated above. A similar approach is already formed by many NGOs who provide assistance to trafficked persons and display their activity in different countries.

## EXPERIENCE OF ALBANIA

*Three Albanian NGOs (“Vatra”, “Different and Equal” and “Tjeter Vizion”) run shelters for victims of trafficking in human beings and provide long term (re)integration support to each beneficiary on a three-step process: 1) initial crisis intervention, 2) stabilization and transition and 3) social inclusion (re)integration.*

At the same time, it is worth noticing that this breaking down of assistance into stages is rather conventional. Traumas of exploitation never go traceless and could manifest themselves at any stage of the survivor’s lifetime. Therefore, at certain cases the crisis intervention could apply at the stage of (re)integration as well. On the other side, the involvement with situations concerning human trafficking can be nowadays rather short and it might not take long for the survivor to recover. In this case, the survivor may not need any rehabilitation assistance and it will be possible to go straight to the stage of (re)integration/integration.

It is worth noticing that until today no unified approaches were worked out in regard to the stages of rendering assistance and to the package of services rendered. Some specialists distinguish the following stages of rendering assistance: crisis intervention, medium- and long-term assistance or (re)integration. But breaking down the assistance into medium- and long-term assistance will possibly trigger additional difficulties when determining the duration of the assistance rendered. Besides, in case of such classification it is hard to define the scopes and objectives pursued at each stage, as well as to assess success indicators.

It is highly probable that the majority of specialists in the field of assistance of trafficked persons considers that there is a pressing need to agree on a unified terminology along with a common concept of the stages of rendering assistance to the survivors as well as the scopes and objectives pursued at each stage.

Breaking down the whole process of rendering assistance to the trafficked persons into certain stages and defining objectives pursued at each stage has very important practical value and allows for the following:

- improving the planning of rendering assistance;
- gaining specialisation in providing services of victim assistance;
- establishing a system of success indicators for each stage;
- setting up monitoring of the assistance rendered;
- enhancing the efficiency of the assistance rendered to trafficked persons.

## 2. CREATION OF PRE-CONDITIONS FOR REHABILITATION AND (RE)INTEGRATION OF TRAFFICKED PERSONS

States have the duty to make sure that certain preconditions exist for the successful rehabilitation and (re)integration and which create a necessary legal and regulatory framework, as well as an institutional framework; provide the competent authorities with trained staff and budget.

Pursuant to the international standards, trafficked persons are entitled to **free assistance and support** as soon as the competent authorities have reasonable grounds to believe that they might have been trafficked.<sup>11</sup> The need for rendering free assistance to the trafficked persons depends on the period of exploitation which as a rule, causes grave negative consequences for the physical and psychological health of the trafficked persons. In the majority of cases, such people are unable to go back to normal lifestyle independently; to do so, they need time and the support of the society. It is worth noticing that each of the beneficiaries shall be **granted access** to the assistance services, taking into account that according the Council of Europe Convention on Action against Trafficking in Human Beings (para 6 of art. 13) assistance to victims should not depend on her/his willingness to act as a witness.

At present, every trafficked person is entitled to the following types of assistance:<sup>12</sup>

- temporary appropriate and secure accommodation (shelter or any other appropriate interim accommodation in a safe place);
- material assistance (food, clothing, personal hygiene items, money, etc.);
- medical treatment (access to emergency medical treatment, rehabilitation of general state of health);
- translation and interpretation services, if needed;
- psychological assistance;
- legal counselling and information, in particular as regards their legal rights and the services available to them;
- access to education for children and adults, when appropriate;
- access to vocational training;
- access to labour market/assistance in employment.

<sup>11</sup> The EU rights of victims of trafficking in human beings, European Union, 2013, p.4.

<sup>12</sup> Council of Europe Convention on Action against Trafficking in Human Beings, Art.12.

### **EXPERIENCE OF GREECE**

*Article 12 of Law 3064/2002 provides that victims of trafficking are entitled to protection, which mainly concerns the protection of the life, physical integrity and personal and sexual freedom of the victim. Furthermore, for as long as deemed necessary, the victims are entitled to assistance that includes appropriate and safe accommodation and material assistance, as well as necessary legal assistance and interpretation services. Specific protection is afforded to minors, who are additionally placed in educational and vocational programmes.*

*These protective provisions are further amended by the Presidential Decree 233/2003 that provides a list of social and psychological support and assistance services.*

Child victims are entitled to assistance and support in view of their special needs, associated with child's age, maturity, views, etc. A guardian or representative shall be appointed to a child-victim separated from both parents, in order to ensure the child's best interest and represent its legal interests.<sup>13</sup>

Particular attention shall be paid to victims with special needs (in particular with needs in relation to pregnancy, health, disability, physical or mental illness or victims who have suffered serious physical, sexual or psychological violence).

If a victim decides to testify against the traffickers and participate in the judicial proceedings, he/she shall be guaranteed access to the special protection measures provided by law for **victims – witnesses** of crimes. The victim-witness is also entitled to social assistance/support before, during and after the trial, as well as support for compensation claims.<sup>14</sup>

Victims who are third-country nationals must be informed on their right to a **reflection period** and provided with information on the possibilities of obtaining international protection.<sup>15</sup> The granting of a period of time, according to national legislation, to allow the presumed trafficked person to recover, escape the influence of traffickers/exploiters and take an informed decision about her/his future is in full compliance with the respect of the human rights regulations.<sup>16</sup>

<sup>13</sup> The EU rights of victims of trafficking in human beings, European Union, 2013, p.5.

<sup>14</sup> Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons: South-Eastern Europe, International Center for Migration Policy Development (ICMPD), Vienna, 2009, p.96-105.

<sup>15</sup> The EU rights of victims of trafficking in human beings, European Union, 2013, p. 4-5.

<sup>16</sup> European Commission, Report of the Experts Group on Trafficking in Human Beings, Brussels, 2004, pp. 105-106, 173.

**EXPERIENCE OF GREECE**

*Identified **presumed victims** of human trafficking are offered a **3-month reflection period and are entitled to assistance services**. The reflection period for **minors** is extended to **5 months**. During the reflection period the presumed victim cannot be deported.*

*According to the law, during the reflection period presumed victims of trafficking receive a package of services, necessary for assistance and protection, including **health care, psychological support, shelter, food, interpretation services, necessary legal aid and protection and security** by the competent authorities.*

The reflection period should be granted regardless of the person's willingness to cooperate with the authorities and testify as a witness<sup>17</sup> and should be followed by the granting of a (temporary) residence permit. Cooperation with the competent authorities is at any stage in the process voluntary and never obligatory in order to acquire the status and rights of a trafficked person. Furthermore, no expulsion order should be enforced against the presumed trafficked person during this period.

Once the reflection period is over for the third-country national, the victim has the right to be considered for a residence permit based on whether the victim's stay in this country is necessary for the investigation or the judicial process. The residence permit must be valid for at least 6 months and can be renewed under certain conditions.<sup>18</sup>

**EXPERIENCE OF ALBANIA**

*Albanian law guarantees for foreign trafficking victims the same assistance as for domestic victims regardless of whether the victim cooperates with law enforcement.<sup>2</sup> Additionally, Albanian law grants foreign victims a "recovery and reflection" period, during which the victim can request additional assistance or delay the return to his/her home country. During this time, foreign trafficking victims are entitled to temporary residence in Albania for up to two consecutive years. If the foreign victim has been in Albania legally for five consecutive years they may apply for permanent residence permit.*

<sup>17</sup> Council of Europe Convention on Action against Trafficking in Human Beings (2005), Art. 13 and 14.

<sup>18</sup> The EU rights of victims of trafficking in human beings, European Union, 2013, p.10.

It should also be noted that EU legislation provides to trafficked persons minimum standards of assistance and it is recommended to EU Member States to extend the list of services for trafficked persons/go beyond the minimum standards. For example, some trafficked persons, especially boarding school leavers, need access to life skills training. Some trafficked persons, who need vocational training, also need professional carrier counselling to be informed about realistic opportunities for employment and decide what kind of vocational training to take. The access to micro business development programs can also be recommended for some trafficked persons.

Thus, the composition of the rehabilitation and (re)integration services for trafficked persons shall be guaranteed by national legislation and regulatory framework.

#### **EXPERIENCE OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

*The Law on Social Protection<sup>3</sup> has established the general provisions concerning social assistance guaranteed by state for vulnerable persons. Art. 145 of this law regulates the functioning of the Centre for Victims of Trafficking in Human Beings and stipulates that this Centre shall provide accommodation for a period up to 6 months, nutrition, personal hygiene products, legal counselling and other services for trafficked persons.*

In this regard, it is important to note that the rights of trafficked persons are described very abstractedly in the international and regional legal instruments. When transferred to the national level, they should acquire concreteness and connection with the budget process/mobilization of the necessary resources. The rights should be formulated in such a way that they could be respected and included in the legal procedure. If the national law doesn't contain the exact wording on the volume of the rights (services description, duration of rendering assistance, etc.), then it has to contain a corresponding instruction for the Government or the relevant ministry, to develop the necessary normative act/standard operating procedures.<sup>19</sup>

<sup>19</sup> Tatiana Fomina, The Impact of the Republic of Moldova Anti-trafficking Policy on the Trafficked Persons Rights, International Center "La Strada", Chisnau, 2013, p.31.

### EXPERIENCE OF ALBANIA

*In July 2011 the Government of Albania approved the Standard Operating Procedures for Identification and Referral of Victims / Potential Victims of Trafficking (Decision No.582 dtd 27.07.2011). The SOPs were drafted based on the country experience in NRM implementation and in the spirit of main international instruments in this field. The document contains the general principles of work, basic definitions, description of general legal framework, algorithm of work and success indicators. The SOPs clearly determined the responsibility of national authorities and document flow between them, but it is unclear what kind of services shall be offered to trafficked persons, their duration, subsequence, etc.*

National legislative and regulatory framework shall also list the public authorities invested with competences in rehabilitation and (re)integration of trafficked persons and determine the **responsibilities** of each authority. Moreover, the law shall oblige these authorities to carry out activities in this field in close **cooperation** with civil society organisations and intergovernmental organisations, first of all - the International Organization for Migration, that are entitled to provide trafficked persons with the necessary assistance. The civil society organisations supplement the state assistance - fill in niches/gaps in the service that are not offered by the state and they also monitor the accomplishment of the duties of the governmental institutions and the protection of trafficked persons' rights and legitimate interests.

Usually, different organisations are involved in rendering rehabilitation and (re)integration services. For this reason, the OSCE recommended to establish in each participating state an effective **National Referral Mechanism (NRM)** - a special co-operative framework through which state actors fulfill their obligations to protect and promote the human rights of trafficked persons and coordinate their efforts in a strategic partnership with the civil society.<sup>20</sup>

### EXPERIENCE OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

*A NRM was established in the Former Yugoslav Republic of Macedonia in 2005 and is leaded by the Ministry of Labour and Social Policy (MLSP). The MLSP has signed a Memorandum of Understanding with civil society organisations – service providers that clearly defined the responsibilities of each organisation – party to the Memorandum. In practice, services offered by state and NGOs to trafficked persons complement each other. For example, the MLSP offers accommodation facilities – premises to the Centre for Victims of Human Trafficking (shelter), the Ministry of Internal Affairs ensures the security of this Centre's beneficiaries – supports the function of electronic security system, while the psychological and social assistance are offered by NGOs. Thus, the practical collaboration between state and non-state actors may help to ensure that the special rights of trafficked persons are respected.*

<sup>20</sup> OSCE/ODIHR, National Referral Mechanisms-Joining efforts to protect the rights of trafficked persons: A Practical Handbook, Warsaw, 2004, p. 15.

To develop **coordination** of the joint activity in this domain the law shall recognize the necessity of establishing a coordination body/unit. Coordination provides for the development of common goals and performance standards and the establishment of an adequate system of communication between governmental and non-governmental organisations active in this field. The development of coordination not only helps to achieve synergies, but it is also important for the protection of the special rights of trafficked persons.

#### **EXPERIENCE OF GREECE**

*The **National Centre for Social Solidarity (EKKA)** operates under the Ministry of Labour, Social Security and Welfare (Law 4052/2012). It is the state structure responsible for the coordination of the network that provides social protection services, care and solidarity to individuals, families and groups, experiencing crisis situations or are in need of emergency social aid. The EKKA network includes:*

- a) the Hotline for Emergency Social Aid "197" of 24 hour operation and free of charge;*
- b) Local Social Support Centres (SSC), that provide emergency counselling and short-term psychological support;*
- c) Shelters for Emergency Guarded Hospitality working in close cooperation with the SSC, as well as with other state and non-state partners (NGOs, local authorities, etc.) in order to come up with an appropriate solution to the problems of the beneficiaries served, including trafficked persons.*

### **3. MAIN ASPECTS OF REHABILITATION AND (RE)INTEGRATION**

#### **3.1. Guiding Approaches and Principles of Rendering Rehabilitation and (Re)integration Assistance to Trafficked Persons**

Trafficked persons shall be treated in compliance with some general guiding **approaches and principles**. All these approaches and principles are based on the international and regional standards and practical experiences of many countries. Main guiding approaches are explained in details in the "Regional Guidelines on the Identification of Trafficked Persons. A Manual for South-Eastern and Eastern Europe".<sup>21</sup> The mentioned approaches shall be used not only for the identification of trafficked persons, but also for any anti-trafficking measures,<sup>22</sup> including

<sup>21</sup> T. Fomina, M.Vogiatzi, Regional Guidelines on the Identification of Trafficked Persons. A Manual for South-Eastern and Eastern Europe, ARIADNE Network, 2012, p.13-16. Available at: <http://www.ariadnet.net/publication.php?Id=75&>

<sup>22</sup> Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response, International Center for Migration Policy Development (ICMPD), Vienna, 2006, p. 21-26.

rehabilitation and (re)integration assistance to victims of human trafficking. These approaches include the following:

- **Human rights and victim-centred approach** – means that all anti-trafficking measures, including rehabilitation and (re)integration of trafficked persons, should be based on international human right standards and directed to the promotion and protection of human rights.<sup>23</sup> According to the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking, safeguarding the human rights of trafficked persons should be at the centre of all efforts to combat trafficking and to protect, assist and provide redress to victims;<sup>24</sup>

- **Government ownership and sustainability** – means that the state government shall undertake basic commitment for proper organization, coordination, financing and ensuring regulatory provisions for rendering rehabilitation and (re)integration assistance, as well as for other required anti-trafficking measures;

- **Civil society participation** – means that the representatives of non-governmental organisations shall actively participate in the national anti-trafficking response;

- **Multidisciplinary and cross-sectoral approach** - means that the knowledge and expertise of different disciplines as well as their respective methods are combined in such a way as to ensure comprehensive support and assistance to the trafficked persons; is implemented through the creation of multidisciplinary teams that allow to avoid the possible conflict between human rights approach and law enforcement approach, as well as to organize the referral of victims for necessary protection and assistance;

- **Sensitive approach/special measures for child victims of trafficking** – means that any measures dealing with trafficked children should be based on the principles set out in the UN Convention on the Rights of the Child;

- **Cooperation with other states** – means that it is necessary to ensure a high level of cooperation between countries of origin and destination, in order to be able to efficiently solve the range of trafficked persons' problems.

It is worth noticing that **the human-right and victim-centred approach** is a very complicated concept that requires detailed explanations. It means that trafficked persons **should not be treated as criminals**<sup>25</sup> and not be imposed penalties or punishment for their involvement in unlawful activities, to the extent that they have been completed to do so.<sup>26</sup>

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<sup>23</sup> *Ibidem*, p.23.

<sup>24</sup> United Nations Economic and Social Council, Recommended Principles and Guidelines on Human Rights and Human Trafficking. Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council ( Guideline 1), E/2002/68/Add.1 ( 2002).

<sup>25</sup> Toolkit to Combat Trafficking in Persons, United Nations Office on Drugs and Crimes (UNODC), first edition, Vienna/New York, 2006, Tool 6.1, p.103.

<sup>26</sup> Council of Europe Convention on Action against Trafficking in Human Beings, art.26.

A victim-centred human rights approach also calls for **informing victims about their human rights**.<sup>27</sup> Some trafficked persons may not even realize that their human rights have been violated. This may be the case if violation is a norm in their families or their country of origin. Besides, each victim should be provided with full information about her/his **special rights** on assistance and protection guaranteed by international and national law.

Assistance should be **accessible to all categories of trafficked persons**. Victims must not be subjected to discriminatory treatment. Assistance must be ensured **without discrimination** on any grounds, such as: sex, race, language, religion, political or other opinion, social or national origin, citizenship, association with an ethnic minority, etc. It is also extremely important to ensure that trafficked persons' access to assistance **is not conditioned on their consent to cooperate with law enforcement bodies**. One should bear in mind that appeal to the law enforcement bodies is the right rather than obligation of a trafficked person.

### EXPERIENCE OF ALBANIA

*Standard Operating Procedures for the Identification and Referral of Victims of Trafficking and Potential Victims of Trafficking, approved by the Government of Albania in 2011, were elaborated in collaboration with the civil society and targeted to improve identification of trafficking victims and their referral to care. Although the new SOPs separated trafficking victims' status from their willingness to press charges against their traffickers, NGOs noted cases in which police and social workers granted victim status only after the victims had agreed to formally participate in proceedings against their traffickers.*

Besides, it is recommended to use **the ethical principles** to assure the highest human rights standards and the highest quality of assistance for trafficked persons. A set of the **ethical principles (12 principles) in the (re)integration of trafficked persons** was recently elaborated by the NEXUS Institute based on the direct experiences of NGOs, over many years of addressing the issue of (re)integration of trafficked persons in the Balkans,<sup>28</sup> in particular:

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

(Re)integration programmes and policies should "do no harm" to trafficked persons. The minimum requirement is that an intervention must not put the trafficked person in a worse situation, in the short term or longer term, than she/he would have been if she/he had not been involved in the programme or interventions. For example, offering inappropriate or ineffective (re)integration

27 Trafficking in Human Beings: Identification of Potential and Presumed Victims. A Community Policing Approach, OSCE, Vienna, 2011, p.26.

28 See: Rebecca Surtees, Ethical principles in re/integration of trafficked persons. Experiences from the Balkan, NEXUS Institute, Washington, 2013.

services, employing professionals without the adequate skills and sensitivity to work and other gaps could cause harm to trafficked persons.

**Principle #2. Informed consent**

Trafficked persons have the right to full and accurate information about rehabilitation and (re) integration assistance and their consent in accepting this support should be fully informed. 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 either 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. There are different strategies for informing beneficiaries about (re)integration opportunities and obtain the informed consent of beneficiary.<sup>29</sup>

**Principle #3. Confidentiality**

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

**Principle #4. Anonymity**

(Re)integration professionals must ensure that all information shared is sufficiently anonymous to prevent trafficked persons from being 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 a trafficked victims' privacy, confidentiality, safety and security.**

**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. Service providers should be careful about inadvertently revealing information about the beneficiary to those within her/his family and/or home community. This

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<sup>29</sup> *Ibidem*, p.42.

could include information as basic as the fact that the beneficiary has received certain services or contacted after leaving the programme that might identify him/her as trafficked and/or be stigmatising. Sometimes, privacy (and confidentiality) may be breached when information about the trafficking case is shared with other organisations/institutions.

**Principle #6. Non-discrimination**

Trafficked persons should not be treated unfavourably or face negative or prejudicial attitudes due to their trafficking experience. Many trafficked persons face discrimination as a consequence of their trafficking experience; many, as it was already mentioned, have also faced discrimination because of other characteristics and experiences (e.g. sex, ethnicity, bad family reputation, nationality), which may have contributed to their trafficking vulnerability.

**Principle #7. Safety and security**

Trafficked persons' safety and security is paramount and must be assessed (and responded to) throughout the (re)integration process. This refers to the physical and psychological well-being of trafficked persons in the (re)integration process. Staff must make independent assessment of what constitutes risks to safety and security in each case. Beneficiaries should actively participate in any decision. *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.

**Principle #8. Sensitivity**

Trafficked persons must be treated with sensitivity and respect throughout the (re)integration process to avoid secondary victimization. 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, socioeconomic barriers, educational differences, cultural and linguistic issues – as well as the unique sensitivities when working with trafficked persons. During (re)integration process, 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.

***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. 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 through victim participation in decision-making about assistance and individual (re)integration plan.

***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 plays a fundamental role in ensuring that her/his individual (re)integration plan is 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. Beneficiary's participation is needed in the design and implementation of (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.

***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. (Re)integration professionals maintain records of their professional interventions and opinions, in relation to the trafficked persons they assist. They 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). (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.

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.

***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. **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 the age of 18 years is a child. States have the duty to ensure protection of every child against any form of neglect, abuse, violence and exploitation. 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. 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.

**The best interest of the child** must always be a primary consideration and the child's views must be taken into account in all matters affecting him/her.<sup>30</sup>

#### **EXPERIENCE OF GREECE**

*Presidential Decree 233/2003 has introduced the assistance mechanism for victims of trafficking in human beings (adults and minors) and children of women - victims of trafficking. The children of women victims of trafficking are afforded protection which, among others, includes their education and participation in educational and vocational programmes, as appropriate (Article 49 of Law 3386/2005).*

### **3.2. Individual Plan of (Re)integration. Needs Assessment**

It is worth noticing that when we speak about the **Individual Plan of (Re)integration of Trafficked Person**, (re)integration actually implies **the long term ultimate aim** of rendering assistance to the beneficiary. Assistance shall be rendered in such a way that the beneficiary will not fall into dependence on the service providers; instead he/she should be able to regain economic independence and become full-fledged member of the society. Talking about the Individual Plan of (Re)integration from the standpoint of succession of rendering services it would be more appropriate to call it the *Individual Assistance Plan*<sup>31</sup> for Trafficked Person, since this plan, apart from measures of (re)integration, may also contain provisions for crisis intervention as well as provisions for rehabilitation of the trafficked person. However, in practice, more often is used the term "Individual Plan of (Re)integration of Trafficked Person" (further - Plan).

<sup>30</sup> Trafficking in Human Beings: Identification of Potential and Presumed Victims. A Community Policing Approach, OSCE, Vienna, 2011, p.30.

<sup>31</sup> Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons, *supra* note 14, p.68

The Plan shall be individual, i.e. it should be made out for a specific person with due account of his needs and desires. Nonetheless, since the problems experienced by the trafficked persons have similar traces it looks rather feasible to develop a standard pattern of Plan based on the experience gained by different service providers in concrete country.

The Plan shall be targeted towards the (re)integration of the trafficked persons and therefore needs to be made out in the target country in the society of which the victim of trafficking intends to re-integrate, taking into consideration the existing conditions in this country. It is recommended that the Plan shall be elaborated by a multidisciplinary team composed by the specialists representing different organisations rendering assistance to the trafficked persons. Moreover, the Plan shall be made out **with immediate participation of the beneficiary**. When making out the Plan for the minor victim of human trafficking, child's parents or his/her legal representatives (incl. appointed guardians) shall be engaged into this process.

### **EXPERIENCE OF ALBANIA**

*According to the Standards for Residential Centres, approved by the Decision of Council of Ministers No. 195 dated 11.04.2007, staff of the Psycho-Social Centre "Vatra" uses the individual assistance plan/(re)integration plan to work with trafficked persons. Each individual assistance plan is elaborated based on the beneficiary's needs assessment.*

*"Vatra" s staff uses standardized forms for beneficiaries' needs assessment and for the compilation of the individual assistance plan. These forms are filled out by all members of the multidisciplinary team of the Centre and with participation of beneficiaries.*

The elaboration of the Plan shall start with due **assessment of the needs** of the specific beneficiary. The recent publication of the OSCE/ODIHR asserts that "While no international norm explicitly obliging states to carry out needs assessment exists per se, this should be viewed as an integral element of the obligation to provide assistance and protection to trafficked persons".<sup>32</sup> Besides, it is necessary to take into account underlying motivation and desires of the beneficiary as well as **possible risks** - all factors of influence that could impede implementation of the Plan. The scheduled services, as well as their duration and succession shall be selected according to the condition and specific needs of every beneficiary.

<sup>32</sup> Guiding Principles on Human Rights in the Return of Trafficked Persons, OSCE/ODIHR, Warsaw, 2014, p.43.

### **EXPERIENCE OF FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

*According to the Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings, approved by the Government of the Former Yugoslav Republic of Macedonia, the (re)integration plan for victims of trafficking in human beings is drafted taking into account individual needs and capabilities of each victim. For elaboration of the (re)integration plan should be used the following types of programs:*

- *Program for reintegration of victims of trafficking in human beings (**adults**);*
- *Program for reintegration of **children** - victims of trafficking in human beings;*
- *Program for reintegration of **people with disabilities** (both adults and children) - victims of trafficking in human beings.<sup>4</sup>*

Thereat, it is advisable to first identify all the needs experienced by the beneficiary and then determine the required resources and service providers at whose expense these needs will be covered. It is important that the specialist conducting the assessment of the needs experienced by the beneficiary also accounts for the needs of his/her dependent persons. For example, if the trafficked person is a single mother it is necessary to identify the needs of her child and make provisions for covering them.

If necessary, the Plan worked out could be subsequently amended. Despite of the fact that the Plan could be changed and amended in the process of rendering assistance, it is extremely important to have this Plan drafted in writing so as to allow for monitoring and evaluation of its implementation.

Complexity of developing and implementing the Plan lies with the fact that each of the identified founded need experienced by the beneficiary could not always be covered at the expense of the resources available with the community. Moreover, the resources of countries of origin are very scarce. At times, the beneficiary needs long-term and costly assistance while there are no sufficient resources for it. Uncovered needs could pose significant risk in pursuing the scope of (re)integration. Therefore, the service provider shall do its best in locating the required resources both nationally and internationally (jointed efforts of country of origin and destination) so as to cover the needs experienced by the beneficiary.

In order to ensure a comprehensive (re)integration of the beneficiary, it is recommended that the Plan contains components with arrangements targeted towards the achievement of the main objectives of (re)integration:

- 1) integration/recovery of the system of one's vital values and perceptions of the world;
- 2) family (re)integration;
- 3) (re)integration into the life of the community;
- 4) economic (re)integration;

- 5) cultural and socio-politic (re)integration;
- 6) legal status;
- 7) religious (re)integration (bears non-mandatory nature and is left to the discretion of the beneficiary).

#### **EXPERIENCE OF FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

*According to the Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings, approved by the Government of the Former Yugoslav Republic of Macedonia, the (re) integration process for victims who are foreign nationals shall start in the country of destination and then continue in the country of origin. Information provided by the country of destination to the country of origin should contain:*

- *Data about the victim;*
- *Date of birth and place of residence in the country of origin;*
- *Health and psychological status of the victim;*
- *Safety and risk assessment;*
- *Short overview of the needs for assistance;*
- *Recommendations/guidelines for the development of a reintegration plan in the country of origin;*
- *Projected date and time of departure, if any.*
- *Type and means of transport for the victim.<sup>5</sup>*

*Usually NGOs prepare a report on trafficked person's state and pass this report to NGO – partner in the country of origin or to the IOM Mission in this country.*

What is more, the structure of each component of the Plan shall reflect the succession of the actions outlined for the achievement of the respective scope of (re)integration:

- assessment of the problems/needs experienced by the beneficiary;
- assessment of the needs experienced by the beneficiary's dependent persons;
- determining respective objectives to be pursued by the specialist(s);
- drafting of a list containing the required types of assistance or services;
- assessment of possible extra risks;
- selected methods of clearing the risks;
- comments on the receipt of assistance/services;
- comments on the changes in the condition of the beneficiary and on the achievement of success indicators;
- other.

Analysing and assessing the beneficiary's situation as well as marking the dynamics of the changes are important tasks to be observed by the staff rendering assistance to the trafficked persons. Therefore, the structure of the Plan shall envisage the possibility of subsequent inclusion of

information such as dates and number of conducted arrangements, comments of the specialists, point of view expressed by the beneficiary, description of emerging problems related to the process of (re)integration as well as other relevant information. For example, the trafficked person shall be admitted to vocational training only after he/she gets positive references of the specialists passed the period of rehabilitation. In cases where the victim reveals symptoms of grave problems with health (such as depression, insomnia, hostility, apathy, etc.), this could constitute an impediment for successful vocational training.

#### **EXPERIENCE OF BOSNIA AND HERZEGOVINA**

*Association ZENA BIH (B&H Woman) has elaborated a special form of individual plan when working with victims, including victims of trafficking in human beings. One of the 8 chapters of this plan is dedicated to the cultural (re)integration of the victim and touches on such aspects as the wishes and interests of the victim, kinds of pastime, socializing, etc.*

### **3.3. Risk Assessment**

There are many references in the literature on human trafficking concerning the need of assessing potential risks (impediments, negative factors of influence or problems) for a successful (re) integration. When a specialist is making out an Individual Plan of (Re)integration it is necessary to identify all the problems experienced by the beneficiary, i.e. impediments on the way of her/his full (re)integration, and take into consideration measures of overcoming such problems. Each problem that remains unidentified by the specialist or that could not be resolved under given conditions is automatically converted into a negative factor of influence or risk for (re)integration. Moreover, attention should be given to a following groups of negative factors that influence the process of (re)integration of trafficked persons or problems that due to all sorts of reasons seem to be rather difficult to overcome:

- a) problems with housing (difficult to solve due to high cost of housing);
- b) alcohol or drugs addiction;
- c) chronic diseases and HIV.

As extraneous factor of influence beyond the control of the beneficiary or of the organisation rendering services should be noticed a high rate of unemployment in the country.

### EXPERIENCE OF BOSNIA AND HERZEGOVINA

*The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is obliged by law to create a programme aimed to provide residential conditions for victims of trafficking human beings – country nationals.*

Very often the main impediment for a successful economic (re)integration as well as employment of the victims of human trafficking **lies in the existence in the family of a dependent small child or other member of the family with physical mutilation** who needs permanent care. Therefore, the Individual Plan of (Re)integration shall take into account not only the need of the beneficiary, but also the need of the dependent or other persons that will help the survivor to regain a feeling of protection and find a balance between work and home life.

In any case, a specialist working with the trafficked persons should be aware of the list of possible problems experienced by the beneficiaries or factors that might influence the (re)integration. Moreover, the specialist should be able to identify all the problems of a specific beneficiary and make out a plan for overcoming such. Thereat, especially complicated problems – risks shall be highlighted by a special line in the Plan and kept under special control.

### EXPERIENCE OF ALBANIA

*The professionals of the Psycho-Social Centre "Vatra" conduct an assessment of risks for beneficiaries' (re)integration. This assessment includes risks for physical and mental security, for family security and relationships with the family and community of origin or new community; risks associated with lack of long-term accommodation, lack of progress in the legal proceeding; risks for vocational training and education, as well as stable employment.*

*After completion of each phase of the assistance program, "Vatra" staff assesses the progress in implementation of assessment plan and make the necessary changes according to the situation to eliminate all possible risks and provide suitable alternatives for the future.*

Table 1 gives an approximate (although not exhaustive) list of risks for successful (re)integration of the trafficked persons:<sup>33</sup>

#### **Table 1. Basic risks for successful (re)integration of the trafficked persons**

<sup>33</sup> Risks for life, physical and mental health of the trafficked persons also are described in T. Fomina, M.Vogiatzi, *supra* note 1, at p.36-37.

Possible risks		Possible methods of clearing risks
1.	Suicidal attempts	<ul style="list-style-type: none"> <li>• Psychological counselling of the family with the scope of preventing physical/psychological violence;</li> <li>• Long-lasting psychotherapy sessions;</li> <li>• Preventing alcohol consumption/assisting to medical care;</li> <li>• Preventing potential contact between the victim of human trafficking-witness and offenders</li> </ul>
2.	Chronic illness of the trafficked person, impeding him from normal labour activity and/or health insufficiencies with near environment	<ul style="list-style-type: none"> <li>• Assistance in conducting timely diagnostics and providing access to free medical services/ rendering timely assistance</li> </ul>
3.	Alcohol addiction, drugs addiction	<ul style="list-style-type: none"> <li>• Access to medical care;</li> <li>• Legal protection of right of the victims of human trafficking;</li> <li>• Preventing marginalization</li> </ul>
4.	Lack of permanent residence and/or living in conditions unfit for residence; Sharing residence with persons drinking alcohol/ using drugs	<ul style="list-style-type: none"> <li>• Rendering assistance in long-term accommodation in shelters;</li> <li>• Rendering assistance in job placement, probably in another inhabited localities where there is a chance to get salary sufficient for covering cost of renting housing and other required expenses</li> </ul>
5.	Violence in the family	<ul style="list-style-type: none"> <li>• Bringing out of violent environment;</li> <li>• Psychological counselling of family members with the scope of preventing repeated violence;</li> <li>• Rendering legal assistance in the process of divorce and division of property</li> </ul>
6.	Physical mutilation of the trafficked persons	<ul style="list-style-type: none"> <li>• Providing access to social assistance rendered by the state;</li> <li>• Social monitoring;</li> <li>• Psychological and legal assistance</li> </ul>
7.	Physical mutilation of a child or other close person in need for permanent care	<ul style="list-style-type: none"> <li>• Providing access to long-term social assistance services rendered by the state as well as to the such services as rendered by other organisations;</li> <li>• Social monitoring</li> </ul>
8.	Lagging behind in mental development or suffering from mental disease	<ul style="list-style-type: none"> <li>• Long-term social monitoring</li> <li>• Providing access to long-term social assistance services</li> </ul>

9.	Unrealistic expectations in regard to the nature and size of assistance rendered by the staff of the respective organisations in victim's home country	<ul style="list-style-type: none"> <li>• Informing the beneficiary prior to his return to home country on the available services to assist in (re) integration with active participation of the staff of specialized organisations in home and host countries, handing over hard copies of information materials;</li> <li>• Taking stock of resources available in the home country and reality of economic and social life</li> </ul>
10.	Unemployment	<ul style="list-style-type: none"> <li>• Counselling in the field of carrier guidance;</li> <li>• Rendering support in obtaining vocational education;</li> <li>• Training in and developing entrepreneurial skills;</li> <li>• Supporting development of small business;</li> <li>• Psycho-social counselling with the scope of removing feeling of dependence, exposure/instability, empowerment</li> </ul>

The aforementioned list of risks for (re)integration of the trafficked persons is not an exhaustive one. Careful analysis of individual risks is needed so as to identify the full spectrum of possible risks of the specific beneficiary.

### 3.4. Case manager

Usually, the development and the implementation of the Plan fall under the responsibility of a specially assigned **case manager** – representative of organisation rendering major volume of services to the specific beneficiary.

#### **EXPERIENCE OF ALBANIA**

*Standard Operating Procedures for Identification and Referral of Victims / Potential Victims of Trafficking approved by the Government of Albania contains the following definition of “case manager”:*

*“Case manager: in this document shall be the social worker assigned for the purpose of assisting and mediating for assistance for the victim of trafficking or potential victim. The case manager operates within an advisory group with other professionals, when the need arise to take decision on the assistance plan for each person. The case manager ... may be the social worker of the Regional Social Services Office or the social worker of the receiving or rehabilitating centre for victims of trafficking”.*

As a rule, the responsibilities of case manager are confined to the following:

- establishing contacts with a range of required specialists (representatives of local administration, social service, medical personnel, teachers, employment agency, territorial department for documentation of the population, specialized NGOs, etc.);
- lining up arrangements on rendering assistance and protection to the beneficiary at the expense of provider’s own reserves as well as at the expense of referring the beneficiaries to the specialists of other organisations;
- observing confidentiality of information about private life of the trafficked person;
- monitoring the quality of services rendered with due account for the opinion shared by the beneficiary;
- analysis and assessment of the condition/situation of beneficiary, his readiness for the next stage of assistance rendering, i.e. assessment of the efficiency of measures on recovery of physical and mental health of the survivor;
- adjusting the Plan (if necessary);
- informing the beneficiary on the subsequent opportunities and principles of rendering assistance, including such as handing over hard copies of information materials;
- if necessary, conduct personal referral of the beneficiary to the new case manager complete with transfer of the Plan and personal recommendations.

Case manager shall be able to establish reliable contact with the beneficiary and involve him/her in the process of implementation of the Plan, helping to determine his/her own capacity in solving

problems. Thereat, it is important that the beneficiary gets a clear idea about the size and duration of the guaranteed assistance. Besides, as it has already been noticed, the Plan could be changed/adjusted on founded grounds. Still, the beneficiary is entitled to be informed on any changes in his individual Plan and to take active part in its implementation.

#### **EXPERIENCE OF BOSNIA AND HERZEGOVINA**

*Professional team of the Association ZENA BIH (B&H Woman) draft the individual plan of (re) integration together with victim - beneficiary. Assessment of abilities and capabilities of beneficiary is done together – by professional team and beneficiary. Thereby, an insight is gained into current position of the beneficiary and the common points for future cooperation in implementation of the plan are identified.*

Relations between the case manager and the trafficked person shall not lead to the development of a syndrome of helplessness with the latter and shall be primarily targeted onto development of his/her own abilities to solve the personal problems, which finally allows for achieving the main objective – full-fledged (re)integration of the trafficked person.

### **3.5. Monitoring and Evaluation of (Re)integration Process**

Usually, monitoring and evaluation of the activity, displayed by the case manager while implementing the Plan, is done only by the chief/administration of organisation rendering assistance and are focused more on the list of rendered services than the main objectives of (re)integration process. But such situation is not quite correct. Trafficked persons are referred to as one of the most socially vulnerable categories of population eligible for assistance and protection provided by the state. The assistance rendered to the trafficked persons shall not exist and be developed in isolation from the general state system of social assistance for the socially vulnerable categories of population. Methodology of case management, monitoring and evaluation of (re)integration process of the trafficked persons also should be a part of more general methodology of the activity in the framework of general system of social assistance. NGOs rendering assistance to trafficked persons shall collaborate with public authorities and state service providers in the framework of multidisciplinary teams.

### EXPERIENCE OF ALBANIA

*Psycho-Social Centre "Vatra" (NGO) cooperates with the State Social Service and Child Protection Unit at local level, in the place where the trafficked person are going to live, to enable the progress of the (re)integration process and to coordinate joint activities/services when it is necessary. This cooperation is also valuable in case when the beneficiary returns earlier in the community of origin and staff of "Vatra" Centre provides her services in the community. In this case the monitoring is conducted by "Vatra" Centre's staff with a greater inclusion of these local services.*

Lately, the NGO's specialists seem to raise more often issues such as: *"What are the indicators of a successful rehabilitation and (re)integration?"*, *"How could one determine the efficiency of assistance rendered to the trafficked person?"*, etc. In order to answer these questions it will be necessary to first apply a systemic approach to rehabilitation and (re)integration of the trafficked persons in each country - to develop commonly agreed terminology in this domain, determine clearly the standard package of services available for trafficked persons, standard operating procedures, as well as standard requirements to making out Individual Plan of (Re)integration of Trafficked Person. Standard approaches and principles of rendering services to the trafficked persons shall be applied by all service providers acting in this domain.

In addition, it is very important to make sure that when developing each Plan, a specialist engaged in the process does not restrict him to rendering standard services alone but from the onset takes into consideration individual abilities of a person and sets clear target – (re)integration of the beneficiary. Moreover, it is important to establish who and in what manner will carry out monitoring and evaluation of the implementation of the Plan. **Monitoring shall be focused on the process of rendering assistance** (i.e. on the activities undertaken). **Evaluation shall be concentrated on the overall results of the assistance** and the success indicators.

Determining the methodology of monitoring and evaluating the process of (re)integration and unified qualitative and/or quantitative indicators of the success of (re)integration is a very important and pressing challenge for each country. This methodology shall allow for multilateral evaluation of the success of arrangements conducted with the scope of (re)integration. At the same time, the methodology of monitoring and evaluating the (re)integration process shall not be very complicated otherwise it will turn into an impediment in its practical application.

#### Success Indicators for Evaluation of (Re)integration

Introduction of unified success indicators for evaluating (re)integration arrangements shall allow for the following:

- set up monitoring over the process of rendering assistance and protection at all stages of (re) integration;

- identify the most efficient methods of working with the survivor and improve (re)integration activity, including at the expense of avoiding repeated mistakes;
- enhance the efficiency of using available material, labour and financial resources.

At the same time, it should be mentioned that it is still hard to give clear recommendations on the quantity and composition of success indicators in the process of (re)integration, because each country has specific conditions and shall elaborate its own specific indicators. The only thing possible so far is to outline the general approach to solving this problem.

First of all, the methodology of monitoring and evaluating (re)integration process needs to be worked out for a number of categories of beneficiaries taking due account of the fact that certain categories of the beneficiaries are getting paid special types of benefits or larger size of such benefits (trafficked persons – disabled, victims-witnesses, children-victims victims of human trafficking etc.). Besides, the methodology shall be worked out **for each of the three stages of rendering assistance**: crisis intervention, rehabilitation and (re)integration assistance. The indicators shall be used for the success assessment at each stage and be set depending on the objectives pursued in the course of each stage. Once the established indicators of the success of this stage are reached, the beneficiary is entitled to proceed to the next stage.

**Success indicators for the first two stages** will mostly refer to **physical and mental health recovery**– “beneficiaries who are in good physical conditions”, “beneficiaries who are psychologically healthy following assistance – for example, no longer show visible signs of trauma”.<sup>34</sup> **Success indicators for the third stage** of rendering assistance for (re)integration shall take into account all **six basic objectives pursued** by the assistance in (re)integration process:

- **recovery of the system of vital values and perceptions of the world;**
- **family (re)integration;**
- **(re)integration into the life of the community;**
- **economic (re)integration;**
- **resolving legal status issues/implementation of legal rights;**
- **cultural and socio-politic (re)integration.**

For example, one of the general indicators of a successful economic (re)integration could serve towards the **independence** of the beneficiaries or “...*basic needs (of beneficiaries) are met entirely by themselves ... rather than the (re)integration organization or other support services*”.<sup>35</sup> The success indicators of (re)integration in the family reveal the capacity of **taking care of the close ones**.

<sup>34</sup> Rebecca Surtees, Re/integration of trafficked persons: developing monitoring and evaluation mechanisms, Issue paper #3, Trafficking Victims Re/integration Programme in Southeast Europe, NEXUS Institute, Washington, 2009, p.82.

<sup>35</sup> *Id*, at p.81.

Developing success indicators for evaluation of (re)integration process shall be based on broad participation of different providers of services to the trafficked persons in each country, incl. NGOs.

## 4. FACTORS DETERMINING SUCCESS OF (RE)INTEGRATION. RISK ASSESSMENT

(Re)integration of the trafficked persons is a very complex and lengthy process with a number of factors influencing its success. The specialists of the organisations rendering assistance to the trafficked persons are aware of the cases when the victim of human trafficking is suddenly quitting with the programme and gets repeatedly engaged in human trafficking. In order to exclude such cases and providing for the successful (re)integration of the victim it is important to identify from the start all possible factors that could influence negatively achievement of the objectives pursued by the (re)integration assistance and work out preventive measures.

Depending on the source of influence, **the factors affecting the process of (re)integration** of the trafficked persons could be combined into **4 main groups**:

- **Quality and duration of assistance services** as well as the efforts contributed by the staff of the specialized organisations rendering assistance;
- **Individual capacities and motivation of the survivor**;
- **Assistance rendered by survivor's close environment**;
- **Preparedness of the receiving environment (local community and society).**

Besides, **compensation** payments may also serve a positive factor affecting the process of (re)integration, since they allow trafficked persons to cover their needs and build a new life.<sup>36</sup>

### 4.1. Quality and Duration of Assistance

A large number of the trafficked persons is being identified in the destination countries. Usually, assistance rendered to the identified victims of human trafficking on behalf of different organisations in the destination countries is basically concentrated on rendering emergency medical assistance and taking care of the procedure of repatriation. Lacking knowledge of language or feeling mistrust, trafficked persons often have no chance to communicate with a psychologist until the moment of repatriation. Their return home is sometimes accompanied by a crisis outbreak of their psycho-emotional sphere. To ensure recovery of the victims one needs to take prompt measures of crisis intervention followed by rehabilitation and (re)integration. Some

<sup>36</sup> National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook, OSCE/ODHIR, *supra* note 20, p.80.

of the victims of human trafficking find their way of returning back home independently and they also need assistance in rehabilitation and (re)integration and sometimes in crisis intervention.

Thus, the major part of services implying assistance to the trafficked person are rendered by the specialized organisations in their home countries. The authorized staff of these organisations shall have the capacity to assess the general well-being of the victim, identify his problems and needs and decide on a list of measures required to cover such needs arising from the resources available with their own and other organisations rendering services to the survivors. This information is incorporated into the Individual Plan of (Re)integration of the victim. The Plan shall provide for the successive stages of rendering assistance. Transition to the next stage shall only be done if the previous one, implemented according to the Plan, was successful. This applies especially to the stage of rehabilitation –psychical and mental health recovery of the victims of human trafficking.

Every person has its own personality and therefore it each victim has a different recovery time. A lot depends on the graveness of the trauma as well as on the quality of the recovery services. It could take one person two months to restore physical and mental health while with another person it could take half a year or more. Some will never be able to recover.

In 2003-2004, the London School of Hygiene and Tropical Medicine conducted a research in 14 countries. Researchers were able to elaborate the consequences of the experience of exploitation for the mental and physical health of women victims of human trafficking and to outline the development of health recovery in the course of special programs of rendering assistance to the trafficked persons. It is thereat stated:

*“What differentiates trafficking and its consequences from the effects of singular traumatic events is that trafficking involves prolonged and repeated trauma, or “chronic trauma”. Health outcomes largely depend on the degree and duration of the coercion, and the individual’s capacity to cope (which is often strongly influenced by the quality of support available)”<sup>37</sup>*

Assessment of health condition with the trafficked persons within the frameworks of the aforementioned research was done by interviewing 207 survivors. More than 25 indicators were identified – symptoms testifying existence of problems with physical health and 17 symptoms indicating problems with mental health. These indicators are summarized in Table 2:

**Table 2. Symptoms indicating existence of problems with physical and mental health identified with the trafficked persons**

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<sup>37</sup> Zimmerman, C., Yun, K., Shvab, I., *et al.*, The Health risks and consequences of trafficking in women and adolescents. London: London School of Hygiene & Tropical Medicine, 2003, p.24.

<b>Problems</b>	<b>Symptoms</b>
<b>Physical health problems</b>	<p><b>Symptoms of different illnesses:</b></p> <ol style="list-style-type: none"> <li>1) <i>Easily tired</i></li> <li>2) <i>Weight loss</i></li> <li>3) <i>Loss of appetite</i></li> <li>4) <i>Headaches</i></li> <li>5) <i>Dizzy spells</i></li> <li>6) <i>Difficulty remembering</i></li> <li>7) <i>Fainting fits/loss of consciousness</i></li> <li>8) <i>Stomach or abdominal pain</i></li> <li>9) <i>Upset stomach, vomiting, diarrhea, etc.</i></li> <li>10) <i>Heart pain</i></li> <li>11) <i>Breathing difficulty</i></li> <li>12) <i>Back pain</i></li> <li>13) <i>Fractures/sprains</i></li> <li>14) <i>Joint or muscular pain</i></li> <li>15) <i>Tooth pain</i></li> <li>16) <i>Facial injuries</i></li> <li>17) <i>Vision problems/ eye pain</i></li> <li>18) <i>Ear Pain</i></li> <li>19) <i>Cold, flu and sinus infections</i></li> <li>20) <i>Symptoms of cutaneous diseases (rash, itching, etc.)</i></li> <li>21) <i>Urination pain</i></li> <li>22) <i>Pelvic pain</i></li> <li>23) <i>Vaginal discharge/pain</i></li> <li>24) <i>Vaginal bleeding</i></li> <li>25) <i>Gynaecological infections</i></li> <li>26) <i>Other problems</i></li> </ol>
<b>Mental health problems</b>	<p><b>Symptoms of depression:</b></p> <ol style="list-style-type: none"> <li>1) <i>No interest in things</i></li> <li>2) <i>Hopelessness about the future</i></li> <li>3) <i>Worthlessness feelings</i></li> <li>4) <i>Loneliness</i></li> <li>5) <i>Depression/deep sadness</i></li> <li>6) <i>Suicidal thoughts</i></li> </ol> <p><b>Anxiety symptoms:</b></p> <ol style="list-style-type: none"> <li>1) <i>Fearfulness</i></li> <li>2) <i>Tense or keyed up</i></li> <li>3) <i>Terror/panic spells</i></li> <li>4) <i>Restlessness</i></li> <li>5) <i>Scared suddenly without reason</i></li> <li>6) <i>Nervousness or shakiness inside</i></li> </ol> <p><b>Hostility symptoms:</b></p> <ol style="list-style-type: none"> <li>1) <i>Urges to beat, injure or hurt someone</i></li> <li>2) <i>Urges to break or smash things</i></li> <li>3) <i>Frequent arguments</i></li> <li>4) <i>Annoyed/irritated easily</i></li> <li>5) <i>Uncontrolled temper outbursts</i></li> </ol>

Interviews with the survivors in the course of the aforementioned research were conducted three times at different stages of rendering rehabilitation assistance, which allowed the researchers to

identify the dynamics of physical and mental recovery in victims of trafficked persons, since they were first included in the assistance programme granted to the victims of human trafficking. The interviews were conducted as follows:

- 1<sup>st</sup> interview – within 0 to 14 days from the date of first inclusion into the assistance programme;
- 2<sup>nd</sup> interview – within 28 to 56 days from the date of first inclusion into the programme;
- 3<sup>rd</sup> interview – upon expiry of 90 days and more from the date of first inclusion into the programme.

In the course of each interview record was taken of the existence with the respondents symptoms of physical and mental health problems. The outcome of the interview is summarized in Table 3:

**Table 3. Dynamics of rehabilitation of women – victims of human trafficking experiencing physical and mental health problems**

Periodicity of conducting interviews since the date of inclusion into the programme	Existence of symptoms of physical and mental health problems			
	Physical health		Mental health	
	12-26 symptoms of problems	0-11 symptoms of problems	10-17 symptoms of problems	0-9 symptoms of problems
0-14 days:	57%	43%	71%	29%
28-56 days:	7%	93%	52%	48%
90 days and more	6%	94%	19%	81%

Thus, the results of the research showed that many symptoms linked to the physical and mental health of the survivors tend to persist for long time. With the absolute majority of the respondents 0 to 11 different physical and mental symptoms were registered even 90 days after inclusion into assistance programme.

In the report of the London School of Hygiene and Tropical Medicine it is mentioned: *“Not only are physical health symptoms life impinging, but they also have the potential to negatively impact women’s participation in administrative, legal or other procedures that require intellectual functioning”*.<sup>38</sup>

Meanwhile, the programmes of rehabilitation assistance developed for the victims of human trafficking are sometimes short-term - 30 days. As it follows from herewith stated results, in the majority of cases it is impossible to achieve rehabilitation within one month. If the programme for

<sup>38</sup> *Id.*, p.14.

the survivor includes vocational training or some other programme of (re)integration, then the risk that the survivor will not be able to master it with success is very high. It is necessary to develop such rehabilitation programmes with a duration of 3 months and more, preferably at the place of residence as well as such scheduled for long-term (1 - 3 years) – (re)integration assistance.

The quality of programmes designed to assist to (re)integration is decisive for the entire process. The intensity and duration of a programme shall be selected individually depending on the survivor's problems and needs. Needless to say that the shape of the assistance programmes is influenced not only by the specialized organisation – service providers to the trafficked persons (its manoeuvre being capped by the available resources), but also by the cooperation of different services providers and by the entire nationwide system of social assistance, which implies a certain attitude of the government. Still, a specialised organisation make a lot more efficient use of the available resources.

### **EXPERIENCE OF ALBANIA**

*There are four shelters for trafficked persons t services providers and by in Albania. Three of them are operated by NGOs, and one is a state-run shelter. The four shelters have formed the Albanian National Coalition of Anti-Trafficking Shelters and use the referral of victims to cover their needs. Thus, a victim who needs services that are not available at one shelter may receive such services in the other shelters of the Coalition. A full package of services provided to trafficked persons by the Albanian National Coalition of Anti-Trafficking Shelters includes: accommodation, medical care, psychological assistance, legal assistance, education, family mediation, life skills development, vocational training, support in job placement, etc.*

As proven by the practice, chances for the success of (re)integration are growing substantially in case when a specialist of an organisation rendering assistance to the trafficked persons manages to establish good confidential relations with the beneficiary. One of the risks in the process of (re) integration programme implementation is the **mistrust on behalf of the beneficiaries** towards the specialists of the specialized organisations rendering (re)integration assistance. Establishing good personal relations with the beneficiary alone allows to identify all of his problems and needs, work our Individual Plan of (Re)integration as well as to prevent possible risks of failing successful (re)integration. When identifying the problems, it is necessary to pay immediate attention to the problems the beneficiary experienced in the past – before being involved in human trafficking situation:

*“Needless to say, when the factors that led to trafficking in the first place have not been resolved there is a considerable risk of repeated trafficking or of the person returning to the environment*

*of exploitation...".*<sup>39</sup>

Most often, trafficked persons are experiencing problems in their relations with their parents or other members of the family. These problems serve as a powerful factor of social exclusion, which makes them take the risk and seek for happiness away from their own home.

## 4.2. Individual Abilities and Motivation of Beneficiary

### Empowerment of the trafficked person

The success of the (re)integration does not depend only on the quality and duration of the services rendered. In reality, half of the battle in the process of (re)integration lies with the motivation of the trafficked persons. A series of possible risks/impediments for the successful (re)integration is bound to personal qualities of the beneficiaries themselves while the work on removing such risks is one of the key objectives pursued by the service provider. This is achieved by establishing confidential relations with the beneficiary as well as by way of **empowerment of the beneficiaries** in the process of (re)integration. As it has been already noticed, first of all, the measures targeted onto empowerment envisage inclusion of the survivor into elaboration of his/her Individual Plan of (Re)integration.

Amongst different types of arrangements that could facilitate empowerment of the beneficiaries, one could mention the organisation of working meetings and focus groups conducted at different stages of the (re)integration process. The scopes underlying such working meetings and focus groups are linked to enhancing self-concept and vital activity, development of potential, etc. As a rule, these meetings comprise such topics as prevention of violence in relation to women, raising awareness about human and civil rights, health life and other related topics. The specialists of the nongovernmental organisation SOLWODI from Germany (Mainz) have stated that:

*"The aim of these [focus] groups is also to include the active participation of women that were victims of trafficking in developing activities and services and to empower them by working on training, changing of attitudes, values and making decisions. You work under this concept to break established preconceptions as to what it means to be a victim, how this is perceived, the treatment given and the produced effect".*<sup>40</sup>

### Adequate Choice of Profession

It goes without saying that economic (re)integration - employment of the trafficked person is the main objective pursued by the process of (re)integration. Establishing some kind of economic stability, therefore, plays an important role for a beneficiary and her/his family dependants in the process of reintegration.

<sup>39</sup> Good practices on (re)integration of victims of trafficking in human beings in six European countries, BLinN-Novib/Humanitas, 2003, p.55.

<sup>40</sup> *Id.*, p.16.

It should be noticed that the beneficiaries of (re)integration programmes for trafficked persons are usually asking for a chance to master new trade; very often they would seek for a fancy one hoping that the new occupation in the labour market or industry will change their life for the better. However, the specialist of the organisation rendering assistance in the process of (re)integration of the trafficked persons shall assess the chances of subsequent employment of the beneficiary. Career guidance shall be based not only on the desires and abilities of the beneficiary, but also on the demand for selected trade in the labour market. This is especially important in conditions of country where the unemployment rate is very high. Lack of access to labour market is a serious impediment to the successful long-term integration. Unemployment forces trafficked persons to search for new opportunities of employment abroad and this heightens the risk of repeatedly getting caught in the toils of human traffickers; on the other side, long lasting unemployment facilitates development of dependence on the social welfare.

#### **EXPERIENCE OF ALBANIA**

*Professionals of the Albanian Rehabilitation Centre for Trauma and Torture (ARCT) consider that a comprehensive plan shall be designed for re-integration of each beneficiary, taking into account the individuality and the state of the victim. During developing the (re)integration plan victims are helped to set realistic goals that not only suit the needs, abilities and personal qualifications, but also opportunities of country and residence place, where is planned (re)integration.*

### **4.3. Assistance Rendered by Close Environment**

As it has been already noticed, family (re)integration is one of the six objectives pursued by (re) integration process. At the same time, the success of economic (re)integration of the trafficked persons depends at large on the **relations with the close ones**. It is a proven fact that the trafficked persons accepted and supported by the family have more chances for successful (re)integration into the labour market. And quite the contrary, psychological rejection of the trafficked persons by their families or physical violence in the family could inflict repeated trauma to the victim, return into crisis condition and even disrupt the all programme of (re)integration. With the scope of preventing problems emerging in relations with the family of the survivor, personnel of the specialized organisations – service providers shall timely conduct an analysis of relations of the survivor with his family. If the beneficiary, in order to attend the programme of (re)integration, has to return to an unfavourable family environment from which she/he tried to escape before and if her/his psycho-emotional condition is unstable, then chances are that the beneficiary would make repeated attempt to change place of residence even by way of returning back to conditions of

exploitation. Only at the victim's solicitation the assistance should aim at re-establishing contact with her/his family.

When establishing contact with the family, it is important to take into account the fact that the trafficked person could have been detached from the family for too long. During this time relations in the family could have changed dramatically. It is necessary to analyze possible response of the members of victim's family on the details of the events that happened to the survivor and outline measures of working with the family members.

Work with the family could be confined to rendering social assistance and counselling adult members of the family on the problems of beneficiary's (re)integration in the family. It could also be confined to rendering assistance in re-establishing relations with children. This is especially important if a small child of a trafficked person was found for long in care of other members of the family, relative or acquaintance. As a rule, this results in empowering the relationship between mother and child. Practice has shown that during the first months after the return, the victim need to build in new skills in order to take care of himself and then of his close ones. The social worker from the organisation rendering assistance shall pay special attention to resuming mother-to-child relations with the scope of preventing the risk of neglecting by these women their maternal obligations. In each case the social worker shall apply different techniques.

#### **EXPERIENCE OF GREECE**

*According to Art. 11(1) of Law 3727/2008 effective social programmes shall be established for victims. Multidisciplinary structures shall be set up to provide the necessary support for victims, **their close relatives and for any person who is responsible for their care.***

If a family is prepared to accept the trafficked person but does not know how to help her/him then the social assistance shall be rendered to both the victim and the family. Members of victim's family shall be prepared from the psychological standpoint to accept the victim; they have to learn through discussions and psycho-pedagogic counselling to understand, share and give them fair hearing rather than to condemn them. But, as already mentioned, this work could only be done **if the family members are willing to accept the assistance and if so desired by the victim.**

### EXPERIENCE OF ALBANIA

*To ensure sustainability of the (re)integration support delivered to the beneficiaries, the Albanian National Coalition of Anti-Trafficking Shelters also provides the support to the beneficiaries' families and the community of his return. This support includes counselling, psychological and legal support.*

If the family does not accept and condemns the survivor, then the social worker should help the person find a new place to live and work. The social worker should also help victim's physical and mental health recovery and extend emotional support. Often, recovery of survivor's personal life and emotional state could lead to her/his reunion with the family.

When dealing with the integration of children-victims of human trafficking into their biological families one should bear in mind that children need to be reintegrated into their families if the family situation allows for this. If the family environment is unfavourable for raising a child e.g. is unstable or violent, cannot support the child economically, possibilities can be sought in the extended family e.g. grandparents, aunts and uncles. If there are no such possibilities it is recommended to that the child should better be integrated into a new foster family.

## 4.4. Public Sentiment

Serious risks in the successful (re)integration of the trafficked persons **is marginalization** (social exclusion) of the victims of sexual exploitation. The sociological notion of *marginalisation* comes from Late Latin "*marginalis*", i.e. found on the edge of and means intermediacy of position between certain social groups. This notion appeared in the 20<sup>th</sup> of the last century to describe the phenomenon of non-adaptation of the immigrants to the new social conditions. In regard to the victims of human trafficking for sexual exploitation, marginalisation implies that they start keeping aloof from people in response to negative attitude taken by the society.

The effect of marginalisation could be further amplified by low self-assessment of the beneficiaries which is commonly observed with the victims of sexual exploitation:

*"Individuals may experience rejection when their ideas, presence, or requests are not accepted by a relevant other. Social workers find that some of their clients with low self-esteem or poor self-confidence believe they are experiencing rejection or not being given what they want".<sup>41</sup>*

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<sup>41</sup> L.Barker, *supra* note 8, p. 320.

**Stigmatisation** of the victims of human trafficking for sexual exploitation is also a pressing problem, which requires a more serious approach on behalf of all organisations rendering assistance to the trafficked persons. It is necessary to distinguish between marginalisation and **stigmatisation** of the trafficked persons. The notion of stigmatisation comes from the Greek word “stigma” – a mark or sign of shame, disgrace or disapproval and means socio-psychological discrimination of certain category of people by certain distinguishing feature. If, to a certain extent, marginalisation depends on the response of the survivor, then stigmatisation of the trafficked persons is fully dependent on the public sentiment:

*“Public opinion can be a strong force and condemn a victim of trafficking, especially when there are noticeable changes in her behaviour. **Stigmatization** is one of the greatest problems for victims of trafficking. Victims of trafficking are regarded as immoral when it is known that they were involved in prostitution and rarely seen as victims. The reaction of the community and family will therefore have serious repercussion on the reintegration process. If a woman is stigmatized she may feel isolated and rejected, leading her to leave her community and putting her at greater risk of being trafficked once again”.*<sup>42</sup>

One of the possible factors affecting the success of (re)integration could also be **the difference in the models of socialisation**. This factor could trigger internal conflicts with the trafficked persons taking part in the long-lasting programmes of rehabilitation available in the destination countries and then continued in their home country upon their return.

*“A strong internal conflict that arises after having learned new models often stand in contrast with those of the country of origin. The survivor may have appreciated certain elements of social models in the country of destination and find it difficult to reconcile them with her life at home. The helper may not understand that some of the survivor’s issues stem from feeling alienated from her own culture”.*<sup>43</sup>

Due to differences in the economic development and culture of the society existing between countries of origin and destination the trafficked persons could cherish unrealistic expectations in regard to the nature and size of assistance granted by the organisations – service providers in their home country or overestimate the goodwill of the community. To avoid such situations use could be made of the tripartite contact between service provider in country of destination (preparing the beneficiary to repatriation), service provider in country of origin and the trafficked person established prior to beneficiary’s return to his native country.

<sup>42</sup> Good practices on (re)integration of victims of trafficking in human beings in six European countries, *supra* note 39, p.59.

<sup>43</sup> Stefano Volpicelli, *Understanding and counteracting Trafficking in Persons*, Rome, 2004, p.43.

## 4.5. Compensations

Compensation can have a positive effect on the (re)integration of trafficked persons. Victims are entitled to obtain compensation under international and European law. Decision on the compensation by the perpetrator is made in the course of criminal proceedings. The following three areas of claims should be considered:<sup>44</sup>

- Compensation for personal suffering due physical and psychological distress (nonmaterial damages);
- Damages due to material losses suffered and
- Compensation for withheld earnings.

National legislation can also establish the order of compensating victims by the state. Some countries established special victim funds, to which trafficked persons may make a claim/application for compensation. Apart from victim funds, the state also can provide welfare support for victims of trafficking in human beings. Victims should be informed on how the application form should be completed and what supported documents may be required.<sup>45</sup>

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<sup>44</sup> OSCE/ODHIR, *supra* note 20, 2004, p. 84.

<sup>45</sup> The EU rights of victims of trafficking in human beings, European Union, 2013, p.8.

## CONCLUDING REMARKS

Rehabilitation and (re)integration of trafficked persons are complex and important elements of the national anti-trafficking response. In order to build an efficient rehabilitation and (re)integration system of the trafficked persons at national level it will be necessary to perform the following:

- *develop a commonly agreed terminology to be used by professionals while describing all stages of rendering assistance for trafficked persons (crisis intervention, rehabilitation and (re)integration);*
- *undertake to develop commonly agreed objectives and criteria for assessing the quality of each stage of rendering assistance;*
- *elaborate necessary regulatory and institutional framework guaranteeing trafficked persons access to long-term assistance and observance of all guiding approaches and principles of rendering the assistance, elaborated based on international and regional standards;*
- *conduct trainings for all service providers on permanent basis;*
- *develop cooperation of different organisations rendering rehabilitation and (re)integration services for trafficked persons, as well as coordination of the joint activity;*
- *actively involve trafficked persons in the design, implementation and evaluation of (re)integration plans; reintegration plans should be targeted at beneficiaries empowerment, develop victims' capacity to overcome complex vital problems;*
- *develop case management, monitoring and evaluation of rendering assistance to trafficked persons;*
- *carry out follow up research in the field of (re)integration of trafficked persons with the scope of working out proposals on improving the existing procedure of rendering services to these persons;*
- *strengthen cooperation between service providers in origin and destination countries including for such purpose as joint assessment of possible risks;*
- *develop a tolerant inclusive society as a key prerequisite to the successful (re)integration of trafficked persons.*

(Footnotes)

- 1 Government of the Former Yugoslav Republic of Macedonia and the National Commission for Combating Trafficking in Human Beings and Illegal Migration "Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings", 2010, p. 7. The electronic version of this document in English can be downloaded from the Internet [www.nacionalnakomisija.gov.mk/content/pdf/operativni\\_eng.pdf](http://www.nacionalnakomisija.gov.mk/content/pdf/operativni_eng.pdf).
- 2 Law "On Aliens" no. 108 dtd. 28.03.2013, Art. 54.
- 3 Official Gazette of the Former Yugoslav Republic of Macedonia No. 29 dtd. 24 June 2009.
- 4 Government of the Former Yugoslav Republic of Macedonia and the National Commission for Combating Trafficking in Human Beings and Illegal Migration "Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings", 2010, p. 48.
- 5 Government of the Former Yugoslav Republic of Macedonia and the National Commission for Combating Trafficking in Human Beings and Illegal Migration "Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings", 2010, p.48-49.





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network  
*Against Trafficking in Human Beings  
in South-Eastern and Eastern Europe*

This publication has been produced within the framework of the 5th ARIADNE Network Project  
"Developing Effective (Re)integration Models for Trafficked Persons in the Western Balkans",  
funded by the Norwegian Ministry of Foreign Affairs.



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