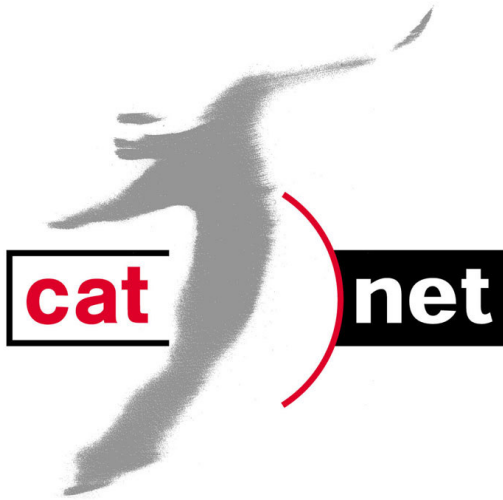


Action and Networking against Trafficking in Women



Christian Action and Networking Against Trafficking in Women

Update: action-oriented guide

for awareness-raising and social assistance

compiled by the project
"Christian Action and Networking against
Trafficking in Women (CAT)"



with the support of the AGIS programme of the European
Commission and the WCC Diakonia and Solidarity Team



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1. Foreword

*by Doris Peschke (General Secretary Churches Commission for Migrants in Europe)
and Marius Wanders (General Secretary Caritas Europa)*

Trafficking in human beings continues to be one of the most serious crimes of our times violating human rights and disregarding human dignity. Despite growing attention to the issue of trafficking and increasing effort in prevention activities, trafficking remains a global problem with devastating effects for those trafficked, their friends and families, but also society at large. The trade in human beings for different forms of exploitation - as domestic servants, beggars, or - most visibly - forced prostitution - constitutes a new form of slavery.

Churches and church-related organisations, along with other actors in civil society, have for years denounced trafficking as an unacceptable human rights violation. Based on the biblical conviction that 'if one part of the body suffers all the other parts of the body suffer with it - all of you then are Christ's body and each one is a part of it' (1 Cor 12 26-27), they have taken up the commitment of Christians against all forms of slavery.

The Churches' Commission for Migrants in Europe (CCME) and Caritas Europa, together with their members have undertaken networking activities which resulted in the project "Christian Action and Networking against Trafficking" (CAT¹). Over the last years the network has grown from an exclusively Christian network to a network, which includes other relevant actors, such as law enforcement agencies and secular specialised NGOs. The enlargement of the network arose from the need to take a cooperative approach towards combating trafficking. While the roles of the different actors combating trafficking have to remain clearly distinguishable, responses to the different challenges posed by trafficking must involve a wide range of actors. Cooperation therefore is one of the most urgent priorities and the CAT network has shown that cooperation does work - an achievement reflected in this brochure.

The work of networks like CAT and other actors has resulted in growing public awareness and concern about trafficking. These have led different actors to acknowledge the need to develop a range of assistance services available to trafficked persons. In this debate the CAT network has strongly underlined the need to combine good intentions with measures to secure and further develop standards of assistance. This brochure is a vivid expression of the network's commitment to developing and applying these standards.

This brochure, like the contribution of the CAT network in general, is only one small step - and it is up to you to use it as you see fit. We invite all the readers of this brochure to participate in the work and become part of a united and sustained Christian response to trafficking in persons. The response might be to

¹ CAT should not be confused and is not identical with the US-based CATW network (Coalition Against Trafficking in Women).

raise awareness and to advocate for the human rights of trafficked persons – others might become a part of the costly work of accompaniment and develop services for trafficked persons, feel free to adapt the information in these pages to your local context and needs.

2. Background of this Brochure

The CAT project (“Christian Action and Networking Against Trafficking in Women”) was started in December 2002 as a project of churches and church-related organisations from ten European countries, including countries of origin, transit and destination.

During the first year of the project, which was financed by the EU STOP programme, the organisations involved visited one another in order to learn about the trafficking situation in different countries and become acquainted with the specific areas of work of the different organisations. In two workshops, the participating organisations dealt in more depth with selected themes. The structured discussions and analyses during these activities resulted in the identification of best practices observed by project members, and in autumn 2003, these were compiled and elaborated were compiled in the brochure “Action and Networking against Trafficking in Women: an action-oriented guide for awareness-raising and social assistance”², so that they could be used by organisations or individuals confronted with the issue of trafficking. Feedback on the brochure, which has been translated into several languages), has been very positive. Experienced experts as well as non-specialised practitioners have expressed appreciation and praise for the brochure’s practical recommendations. This brochure is designed as an update of the existing brochure. It reflects the dynamic of the project, which has in its second phase since December 2003 integrated a number of governmental institutions (mainly from law enforcement) and secular organisations. In the 16 months of its work, the project has aimed at further developing best practices in cooperation against trafficking as well as setting common standards for work against trafficking.

The focus of the CAT project on the issue of cooperation between different actors and in particular churches, law enforcement and NGOs is reflected in Chapter 3, which makes practical suggestions to facilitate cooperation of different actors against trafficking.

Chapter 4 highlights standards for assisting trafficked persons and suggests practical measures to implement these standards. Chapter 5 outlines how different actors can ensure maximum security for trafficked persons while Chapter 6 describes some of the challenges related to the return of the trafficked person. Chapter 7 updates the list of suggested readings, presented in the first brochure. Chapter 8 provides the names and contact details of the participating organisations and acknowledges the role of funding partners of the project.

² Christian Action and Networking Against Trafficking in Women: action and Networking against Trafficking in Women, an action-oriented guide for awareness-raising and social assistance. Brussels 2003.

This brochure should preferably be read in connection with the previous one; the first brochure outlines guiding principles, whereas this brochure tries to respond to the need of translating some of the guiding principles into tangible measures. This brochure also bears in mind that organisations assisting trafficked persons often have to work in environments and under legal and financial circumstances that are far from ideal and that inhibit the full application of the principles in question. Due to these circumstances, organisations striving to implement the standards are nevertheless sometimes forced to do “damage control”. The participating organisations are however convinced that this damage control cannot be used as an excuse for not addressing the legislative and social challenges underlying trafficking (cf. the recommendations of the EU Experts Group on Trafficking in Human Beings³ or the ten recommendations of the CAT project⁴).

Readers will find that this brochure tries to be as practical as possible. However it needs to be acknowledged that formulating guidelines that are both relevant and appropriate to more than 15 countries requires a certain level of abstraction. The brochure has therefore refrained from prescribing precise responses or “one size fits all” guidance on a number of issues and rather presents issues and criteria for consideration within each local context.

The general approach of this brochure is to encourage further development of existing best practices along with critical reflection upon practices which might have unintended side effects.

This brochure is intended as a reference for persons who have a basic understanding of trafficking or who already have started to work in the field, such as professionals or volunteers, who might work with trafficked persons (e.g. medical professionals, social workers, church staff, public officials) and who want to know how they can contribute to the assistance and protection of trafficked persons, organise their work and raise awareness. The brochure also is addressed to groups wanting to become active in initiatives against trafficking and groups who want to review what they have done so far. While this brochure does not present introductory issue-sensitizing information such as individual cases or personal testimonies of trafficked persons, readers are advised to refer to the numerous good publications of this character have been published in recent years⁵.

Readers will notice that this booklet is a result of a collective process: different styles and, in some cases, different terminologies can be found. This reflects that this booklet is the result of the work of an international group with members of very different backgrounds. While we have tried to unify the general framework of the different contributions, we believe that the diversity and fullness of knowledge represented in the project is one of the strengths of the work undertaken.

³ European Commission Directorate-General Justice, Security and Freedom: Report of the Experts Group on Trafficking in Human Beings. Brussels 2004.

⁴ Christian Action and Networking Against Trafficking in Women (footnote 1), pp. 43-46.

⁵ See the list in: Christian Action and Networking Against Trafficking in Women (footnote 1), pp. 36-37.

While we have tried to limit the variability in terminology in this brochure, it is worth noting that the difficulty of this task illustrates some of the difficulties of the work and the debates associated with our choice of language and approach. For example, there are good reasons to be very cautious with the use of the word “victim”, as a number of undesired connotations and stereotypes are usually associated with it. However alternatives - such as “survivor” - have other connotations in different contexts, while the most neutral option, “trafficked person”, fails to capture the human rights violation of trafficking. A similar problem arises in describing the process after a trafficked person exits the situation of exploitation: “rehabilitation” in some contexts implies a previous wrongdoing/crime on the part of the trafficked person; “recovery” or “rebuilding of life” may be too optimistic for what realistically can be expected to happen, while the term “reintegration” presupposes that a person has left a situation of being integrated, to which s/he needs to return.

You will find that some issues or suggestions are repeated at different points, e.g. the importance of confidentiality and the centrality of the trafficked person as the person taking decisions about his/her future life. We however felt the need for some of the most central principles to be reiterated on various occasions, particularly if they are often neglected in practice.

Even though this brochure contains very concrete hints for practical action, it can never replace the guidance gained through real-life contact with organisations/persons working in the field. Readers are encouraged to use the address list in the brochure of 2003⁶ to contact representatives of existing initiatives – who will be happy to provide support!

We wish you a good and informative reading and success in your work against trafficking!

For the CAT project
Torsten Moritz, project coordinator

Any kind of feedback is also welcome; please address comments to
CAT c/o CCME
174, rue Joseph II
B 1000 Bruxelles
e-mail: info@ccme.be

⁶ *ibid.* pp. 37-42.

3. Helpful Hints for Cooperation with a focus on NGO - Church - Police cooperation⁷

In the fight against trafficking in human beings, cooperation between multiple actors, particularly NGOs, churches and public authorities (in particular the police) is of great importance. Cross-sectoral cooperation can improve the protection of and assistance to trafficked persons as well as improve law enforcement efforts. This has been underlined at various political levels, e.g. by the “Brussels Declaration on Prevention and Combating trafficking in Human Beings” (see points 13-15 below). The CAT I project has explained in more detail why we need cooperation between institutions, civil societies and NGOs (page 24 CAT brochure⁸).

An increasing number of NGOs and public institutions are seeking ways to improve their work by developing or enhancing cooperation. On the EU level, the European Commission's Forum on Crime Prevention in June 2003 devoted a one-day workshop to the question of cooperation between public authorities and NGOs⁹.

However, developing cooperation in daily practice often turns out to be very difficult. Despite good intentions, often cooperation does not work, and formal structures of cooperation (e.g. memoranda of understanding on cooperation; legal mechanisms such as decrees to mandate NGO involvement; circulars obliging police to cooperate with civil society organizations) are not implemented in practice. In some cases actors might not be able to develop trust, communication and cooperation due to real or perceived lack of transparency and accountability of all parties. Very often these problems arise due to difficulties encountered during the first steps of designing the cooperation.

We have therefore summarised some hints for the most essential steps to take when initiating cooperation. While these hints may seem self-evident, practice has shown that they are often not respected and their impact is underestimated, leading to disappointment and frustration over the failure of cooperative efforts.

3.1. Aims

The main motivations for cooperation between public authorities and NGOs are *a) possible common aims and b) complementary capacities.*

Common aims could be:

- high quality assistance and maximum security for trafficked persons;
- enhanced competence in respective areas of responsibility;

⁷ These hints are based on/taken from experiences shared throughout the “Christian Action and Networking Against Trafficking” (CAT) project and particularly the CAT workshop “Different Actors, Joint Approaches: Churches and Police Together Against Trafficking in Human Beings”, held at Neuss and Essen, 29 April - 2 May 2004. This workshop was co-hosted by the Police Training Institute of North Rhine-Westphalia and the two Assistance Centres “Nachtfalter” (Caritas Essen) and “Dortmunder Mitternachtsmission”, which are linked to the Roman Catholic and Protestant Churches respectively. It specifically dealt with the cooperation between NGOs, churches and law enforcement. These recommendations may also be helpful for other types of cross-sectoral cooperation.

⁸ Christian Action and Networking Against Trafficking in Women: action and Networking against Trafficking in Women, an action-oriented guide for awareness-raising and social assistance, Brussels 2003.

⁹ http://europa.eu.int/comm/justice_home/news/intro/wai/news_300603_1_en.htm

- maximized use of all resources;
- exchange of information and good practices;
- mutual supervision; and
- increased transparency.

(For more details on aims see CAT brochure¹⁰.)

3.2. Practical Steps Toward Achieving Effective Cooperation

It is useful to take a step-by-step approach to establishing cooperation. We have outlined a typical way of initiating cooperation - first bilateral, later multilateral, with a “round table” as a possible outcome of the first steps in cooperation. As mentioned, some of these hints may seem self-evident. However it has too often been observed that parties forget that cooperation is achieved in small steps and that it includes not only the will to cooperate, but the setting of a framework in which cooperation will take place, the clarification of limits of parties to the cooperation, and the will to compromise. Often the different parties forget about some of the most essential aspects of a possible cooperation and are then disappointed about the failed cooperation attempts.

Prior to the first meeting:

1. Search for the responsible persons or units/departments/organizations with which you would like to cooperate. Write an official letter to the head of the department or chairperson of the department/organization, briefly explaining the reason you would like to meet, and follow up by phone if necessary.
2. Directly contact the persons identified by e-mail or phone. - depending on local conditions)
3. Arrange a face-to-face meeting. Be flexible by suggesting to meet at the offices/premises of the department/organization with whom you request the meeting, your institution, or a neutral place, according to the wish of the other party.

During the meeting:

4. Present your organization’s interests, work and competence. Explain how you imagine your organization could assist the other party.
5. Inquire about the other party’s work: what do they exactly do? Where, how and when? (Do their answers correspond to your initial expectations?)
6. Point out common aims you have identified, possible areas of cooperation. Also point out possible limitations (e.g. limitations on the kind of information that can be shared).
7. Invite the other party to a follow-up meeting in view of the possible common interests you have discussed.

¹⁰ cf footnote 2, p. 24ff.

After the first meeting:

8. Consider whether it would be valuable to involve additional partners. In this case, it might be helpful to have a third party, e.g. a public person or authority or a public official with authority to act as a neutral convener inviting all potential partners.

Round Table:

9. Organise an initial "round table". Suggest an agenda for the round table and clarify roles: who will facilitate the meeting (e.g. the neutral convener)? What are the aims of the event and what subjects will be discussed?
10. Identify whether a regular meeting would be useful. If yes, identify what would be the main subjects and aims to be discussed and establish regular intervals for meetings. If not, identify how and under what circumstances *ad hoc* meetings would be arranged.
11. Make sure that all parties have a common understanding of the issues discussed. If there is not yet a common understanding by the end of the meeting/round table, take note of the differences. Follow up by circulating meeting minutes to all participants; request that participants review them and submit corrections – either in writing or by phone, or at the start of the next meeting.
12. Make sure there is adequate space and time to share all information necessary or helpful to the cooperation (e.g. new developments, good practices, problems).
13. Specify resources of each party (e.g. material resources, competencies, contacts, networks) which can be shared in order to solve a particular problem.
14. Outline who does what and identify specific roles and responsibilities of each party. If possible, outline mechanisms or procedures to deal with disputes and conflicts of interest (e.g. an independent mediation).
15. Try to initiate a legal and operational framework for cooperation (e.g. regarding matters of roles and responsibilities, coordination and funding) on bi-lateral and/or multi-lateral approaches on concrete cases.
16. Identify who takes responsibility for organisation of regular information exchange and meetings.
17. Continue to regularly update information and follow up on issues during regular meetings. Agree on a regular evaluation mechanism.

Evaluation of the Cooperation:

18. Evaluate the cooperation: there should be an evaluation exercise that is internal to your own organisation, as well as one conducted in the larger group of participating partners. What aspects of the cooperation are working, which are not?
19. Optimise procedures and arrangements in view of your evaluation.
20. Share examples of successful cooperation with the broader public and other partners.

And: If you fail, try again after some time and remember: never give up! Strive for continuous improvement, learn something new from every instance of cooperation and modify your cooperative work to reflect lessons learned. Establishing a good working cooperation will take time and energy, and at points be frustrating. However it is worthwhile to remember that what are viewed today as successful models of cooperation all started small and often with difficulties.

3.3. Case Study

Establishment of a "Round Table": Essen, Germany

In 1994, during a raid of a brothel, the police of Essen discovered a foreign female minor, the girl "X". They contacted the assistance centre "Nachtfalter" in order to arrange for her lodging and general assistance. Nachtfalter was founded in 1989 as joint initiative of Caritas Essen and the public health office of the City of Essen and was doing outreach work with commercial sex workers (with one focus on AIDS/HIV prevention). There had already been previous contact between Nachtfalter and the police. However, the phenomenon of trafficking was at this time fairly new for both the police and Nachtfalter. Through their efforts to arrange assistance, Nachtfalter staff realised that as a foreigner, X was not entitled to receive social benefits from the state. The staff also recognised that the girl had been trafficked. She needed special protection both because the criminal trafficking network was still active and because she was a minor.

It proved necessary to find accommodations for X outside the city of Essen, which made arrangements even more complicated. It turned out that in this particular case it was difficult to identify responsible persons and resources in the administration of the City of Essen - the social services department as well as the youth department and the "aliens" office. Neither legal provisions nor organisational structure contained provisions for personnel or resources in such a case as this.

At this time there was also generally very little information that human trafficking existed. Nachtfalter used its established relationships with the public health office of the City of Essen (which was co-financing Nachtfalter's activities in the health sector) in order to establish contact with other departments of the City administration. As a result of the continued efforts of Nachtfalter, the director of the public health office convened an initial meeting with all the relevant actors in the City by writing an official letter briefly explaining the problems and inviting the directors of the social department, the "aliens" office, the employment office, the youth department, Caritas Essen and the police president (the City Chief of Police). Through personal phone calls, he also made sure all departments would be represented at the meeting. The meeting was convened at the premises of the public health office. The initial aim of this meeting was for the directors of the respective departments to appoint responsible persons to attend to this particular case, as well as for the future.

Nachtfalter and the police expressed their common and diverse interests at the meeting. Nachtfalter used the opportunity to explain the problems in assisting trafficked persons, outlining the concrete problems in the case at hand (e.g. financing, problems in finding contact persons, lack of legislation). The police

presented their insights into this new form of organised crime and explained that they could not provide the social assistance needed by trafficked persons. The police also pointed out that they expected the number of cases of trafficking to grow as well as a potential increase of violence connected with it. The police underlined the high risk to the lives of women affected by this crime, also pointing out the potential usefulness of X and other trafficked persons as witnesses in court. The director of the public health department pointed out that the case of X and similar cases were not an issue that could be handled by one organisation alone, but that the phenomenon of trafficking in human beings is a challenge for all.

As follow up, the directors of the various departments appointed contact persons or themselves assumed responsibility as contact persons for Nachtfalter. The appointed persons then directly contacted Nachtfalter. Meetings were arranged in which Nachtfalter discussed the specific tasks related to each one of the partners. While in some cases the problems persisted, in others the discussions led to common solutions. For example, the public health office, the "aliens" office and the police have regular meetings, and in addition to these official meetings there have been many informal contacts.

In the context of this established cooperation, NGOs as well as public administration departments of the City of Essen inform each other of new developments, legal situations, financial regulations, and local best practices in other cities. In the meetings, the NGOs regularly give feedback on how cases have been managed, expressing the aspects of the cooperation that are working well and are appreciated, while also pointing out drawbacks and making suggestions for further joint action

The trust, mutual reliability and deeper understanding developed among parties to this cooperation over the years have allowed for flexible and non-bureaucratic handling of cases. This turned out to be particularly helpful in the year 1997 when a high number of trafficked persons were discovered during police raids in brothels. The police informed Nachtfalter whenever trafficked persons were discovered. The established contacts in the city administration enabled Nachtfalter to cover the different needs of the trafficked persons (shelter, financial support, residence permits) in a fast and efficient way. The police could during the investigations and following court proceedings rely on the trafficked persons as witnesses against their former traffickers. Continuing cooperation is made possible through regular meetings: NGOs, police and other public partners, as routine, present new colleagues or new responsible persons to the other partners. Despite good examples of cooperation in cases where parties share common interests – identification, protection and assistance to trafficked persons – there are also cases where the interests are too divergent and there is no cooperation between different parties due to their different goals and tasks.

The concrete cooperation is supported by a legal and organisational framework which enables and encourages cooperation:

On a legislative level: As a result of continued lobbying, as well as experiences with developing cooperation in Essen and similar processes in other cities, the Ministry of Interior of North Rhine-Westphalia issued a number of decrees mandating the participation of NGOs in assistance to trafficked persons. These decrees establish regulations for specialised police departments to cooperate with NGOs for the common interests identified. The decrees also outline which NGOs are recognised as specialised counselling organisations for trafficked persons. Because of these decrees, the NGOs are immediately informed about possible victims identified by the police.

In training: The Bureau of Criminal Investigations of the “Land” (region), in cooperation with the regional police training institute (Polizeiinstitut der Polizei NRW, today Institut für Aus- und Fortbildung der Polizei NRW) has developed training modules and materials to sensitize front line police to the issue of trafficking. A leaflet spelling out indicators that a person might have been trafficked has been distributed to front line police, and a more comprehensive booklet is available at every police station. Specialised NGOs are invited to trainings of the police training institute to give presentations on trafficking and on their work. The Polytechnical Institute for Social Assistance offers joint training units in which NGOs and police present issues of trafficking in human beings together.

Through networking: In North Rhine-Westphalia, specialised NGOs have established a Round Table through which they coordinate their efforts.

Financial support: The work of the recognised specialised counselling organisations is financially supported by the Ministry of Health, Women and Family Affairs.

Publicity: The existing cooperation is publicised through media, presentations at EU events (e.g. the EU Forum on Crime Prevention) and NGO networks. NGOs are invited to give presentations at police training and other events organized by police to which the trafficking issue has relevance, e.g. in the context of twinning programmes.

4. Standards of Assistance for Trafficked Persons

Over the last years, trafficking has increasingly been recognised as a problem to which governmental and non-governmental actors must respond in concert. An increasing number of organisations are establishing services - both new, independent programmes as well as specific projects within existing ones - to provide assistance to trafficked persons. While this is a welcome development, it has become obvious that good intentions alone do not necessarily translate into good work: effective and secure victim assistance requires a high level of specialized expertise and rigorous observance of established standards. Absent these characteristics, the most well-intentioned assistance can actually be harmful to the persons the programme seeks to help. Moreover, assistance programmes must bear in mind that a commitment to quality victim assistance requires not

only a long term view of assistance for individual cases, but a solid plan for organisational sustainability.

The aspects of further developing the quality of assistance, as well as implementing standards and attaining sustainability are therefore very important to the delivery of optimal assistance. On a more general and theoretical level, recommendations on standards for assistance have been recognised and guiding principles developed. At the UN level, the UNHCHR and UNICEF have developed guidelines¹¹ on standards of assistance, and at the EU level, the Brussels Declaration on Preventing and Combating Trafficking in Human Beings¹² and report of the EU Experts' Group on Trafficking in Human Beings¹³ have outlined a framework for standards on assistance. The OSCE has also outlined some considerations on assistance¹⁴. However, the definitions of standards and guiding principles outlined by these organisations often fall short of providing precise and tangible ideas how they can be translated into action.

The following chapter specifies more precise and operational approaches to assistance reflecting the established standards and guiding principles. Such standards should be reflected not only in the commitment and regulations of the organisations directly concerned: any commitment to standards of assistance must be reflected in the political and financial commitments of international organisations, funding partners and national authorities which call for and have expressed commitment to professional assistance work. This will require reprioritization and stronger commitments by these actors as well as by civil society.

In the work of the CAT network¹⁵ a number of issues have already been highlighted. This chapter elaborates on areas for further attention and emphasis as identified by CAT participants through evaluation of their practical experiences with an eye to the application of the established standards and guidelines:

- 4.1 Non-judgmental approach
- 4.2 Staff: preparation, orientation and ongoing support
- 4.3 Organisational standards
- 4.4 Multidisciplinary approach
- 4.5 Funding/Finances

Considerations relating to security and return are developed in Chapter 6.

4.1. Non-judgmental approach

The approach to assistance for trafficked persons should be based first and foremost on respect for dignity and human rights. While the will to provide assistance can be, and often is, motivated and nurtured by the beliefs or

¹¹ United Nations High Commissioner on Human Rights: Recommended Principles and Guidelines on Human Rights and Human Trafficking Report to the UN Economic and Social Council July 2002. ([http://www.unhchr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/caf3deb2b05d4f35c1256bf30051a003/\\$FILE/N0240168.pdf](http://www.unhchr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/caf3deb2b05d4f35c1256bf30051a003/$FILE/N0240168.pdf)).

¹² The Brussels Declaration contains a Chapter on assistance:

http://europa.eu.int/comm/justice_home/news/forum_crimen/2002/workshop/brussels_decl_en.htm#b3

¹³ http://europa.eu.int/comm/justice_home/doc_centre/crime/trafficking/doc/report_expert_group_1204_en.pdf

¹⁴ OSCE-ODIHR 2004: National Referral Mechanisms. A practical handbook. Warsaw 2004.

¹⁵ CAT: Christian Action and Networking Against Trafficking in Women.

convictions of the assistance provider, such as a humanist belief, Christian belief or feminist convictions, it is crucial that assistance providers maintain open and non-judgmental attitudes towards the persons needing assistance and honour the rights of these persons to their own beliefs and convictions.

What do these principles mean in practice? First of all, assistance should be offered to any person irrespective of nationality, origin, political conviction, religious or other beliefs of the person in need.

Secondly, organisations providing assistance must have a clear understanding of the distinction between prostitution/sex workers as such and persons who are trafficked into forced prostitution and other forms of sex work. People who decide for any reasons to work as sex workers should not be victimized. While sex workers, especially migrant sex workers, can and often do become victims of trafficking, persons who themselves decide to pursue sex work are not automatically crime victims or exposed to human rights violations. It should be clear that trafficked persons – including those who were sex workers prior to being trafficked – are victims of a crime and a human rights violation. While the evaluation of where self-determination ends and where force starts can be complex in some cases involving sex work, nevertheless it is essential that any assistance organisation take the decision of a person who might decide to enter or remain in sex work seriously and neither pass judgment nor impose services for trafficked persons upon such a person.

This should not stop any assistance organisation from developing programmes for working with sex workers: assistance to sex workers is important to prevent their being trafficked, as it can substantially reduce their vulnerability.

A non-judgmental approach should first and foremost be reflected through the person working for an assistance organisation. It would be naïve or even harmful to presume that new staff or volunteers in an assistance organisation will have no bias, prejudice or judgment at all towards trafficked persons. However these factors are not necessarily obstacles to assistance that cannot be surmounted what is important is whether or not the staff of the assistance organisation can acknowledge and deal with possible biases and prejudices effectively. While training and supervision by senior staff and direct interaction with trafficked persons will often help to manage and transform various biases, it is also necessary to acknowledge that some persons might not be able to overcome them and will therefore not be suitable staff for the organisation. Procedures for staff and volunteer selection should reflect the organisation's commitment to ensuring non-bias in staff and volunteer conduct (e.g. establishment of a prolonged trial period for new staff without previous experience in the field, as well as encouragement of continuous evaluation of individual biases and prejudices that may affect staff/volunteer ability to interact with clients with respect for all aspects of his/her person, personality and individual dignity. The organisation should work to incorporate regular guided opportunities for all staff and volunteers to examine their personal attitudes in this regard and to transform those that hinder and harm him/her to interact effectively and appropriately with clients (e.g. via a workshop on diversity or intercultural communication). The

organisation should also encourage continuous self-examination by the staff member or volunteer as s/he proceeds to develop personal and professional relationships associated with his/her assistance work.

A commitment to a non-judgmental approach also requires that any service provider not use the situation of vulnerability of the trafficked person for purposes beyond the provision of assistance. Practice has shown that on occasion there is a tendency to confuse the goals of assistance work with those of missionary activities. Unfortunately some religious organisations have on occasions not respected distinctions between assistance (e.g. shelter, counselling or medical care) and mission work. While it is true that religious belief can be an important and empowering element for those facing and recovering from exploitation, helping them to exit from the situation, introducing religious belief as a component or requirement of assistance is highly problematic.

It is essential that any organisation that engages in “mission/evangelization¹⁶” of people from other religions or beliefs carefully consider if it is truly equipped to get engage in assistance work. At a minimum, the organisation should not hide any missionary scope of the work behind the provision of humanitarian assistance. When an organisation is active in both provision of assistance and in missionary activities, it should make clear to what degree these activities are independent of each other. The provision of assistance should not be conditional on the participation of the client in other activities the organisation may offer.

4.2. Staff: preparation, orientation and ongoing support

Providing assistance to trafficked persons is challenging, difficult and demanding work for professional staff and volunteers alike. Any person working in this field of social intervention must first and foremost be aware that trafficking is often a very well organized criminal enterprise. Motivated by financial profits and power, and with unconscionable abuse of the dignity and human rights of human beings, traffickers can act quite brutally. This means that assisting trafficked persons can be dangerous. Anyone working in this area must be aware of the associated risks and apply utmost care to minimize these risks –for the sake and safety of both him/herself, colleagues, the trafficked person and his/her family. Every person and staff member working in the field must be adequately prepared, educated and trained, both in theoretical foundations of the work as well as in practice. Providers of social intervention and assistance require thorough preparation, including a clear understanding of the legal and social situation of the trafficked persons, which should be regularly monitored and updated in view of changes to the legal and social environment. Theoretical knowledge must be complemented by direct experience of practical work, including the rules and the situation in the milieu, e.g. through internships with more experienced colleagues. It is therefore useful to ensure continuity of staff and volunteers and sharing of knowledge within assistance organisations, so that practical experiences can be transferred. In addition to the above-mentioned professional qualifications and preparation,

¹⁶ This notion of mission/evangelisation includes religious mission as well as mission associated with non-religious ideologies (e.g. political).

staff and volunteers should bring to the work the courage to “fight” for the rights of the clients on different levels, flexibility and the will to self-reflection.

Any organisation active in assistance should ensure that the well-being of staff and volunteers is not endangered by their work. In addition to provisions relating to physical security, this includes staff care measures to avoid burn-out and attend to staff members’ emotional, psychological and mental health. Counselling staff in particular may be more susceptible to burn-out, especially those with heavy caseloads. It is wise to have mechanisms in place to deal with this proactively, such as one for securing timely support from an established network of professional contacts. Professional supervision and counselling of those working in assistance are necessary to ensure the well-being of those working in assistance as well as to maintain the quality of assistance provided to clients. Preferably, supervision and counselling would be carried out by outside professionals who do not directly belong to the assistance organisation. If this is not possible, the absolute minimum provision for staff care would be an open and trustful workplace atmosphere and clear support mechanisms within the staff. A good practice is to have a regular team meeting (preferably on a weekly basis) where colleagues may give and receive feedback and support each other emotionally. Assistance organisations should consider if it is necessary to organise mandatory time off or participation of staff/volunteers in some kind of therapy, either on a case-by-case basis or for all staff - or at least those staff more directly involved with counselling.

4.3. Organisational Standards

Clarity on scope of work and mission: Before entering into assistance activities, each organisation should reflect on and have a clear sense of its organisational values and clearly define its mission, vision and scope of work. This should not be a abstract reflection, but rather a pragmatic exercise aimed at answering the following questions in concrete terms: why are we doing this work; what are the goals of the assistance (e.g. to reduce risk of exploitation or abuse, to assist persons to exit from a violent situation and provide them protection, to assist persons in the process of healing and rebuilding their lives); which area of work will be covered for which potential beneficiaries (e.g. trafficked persons, persons working in the sex industry, women experiencing violence); what will be the mechanism for reaching potential beneficiaries (e.g. drop-in centres, outreach work); what are the organisation’s areas of competence (e.g. legal counselling, HIV/AIDS prevention, health care). While an organisation might not necessarily want to limit itself to only one area of work it is essential to have a clear understanding how the different areas are distinguished from each other and how they relate to one another.

As mission and vision statements are nothing decided for eternity, there must be ongoing reflection and communication about mission, vision, values and strategic plan – as well as the organisation’s internal regulations and procedures. Organisations should allow space and time to discuss these issues regularly.

Internal rules

The organisation should establish clear and understandable internal rules, which must be strictly followed by all staff and volunteers. In addition to any internal rules of the organisation, the organisation should incorporate, at a minimum, the regulations of relevant national legislation for social work (e.g. regulations on protection of personal data), and strive to include standards of assistance and protection as established by relevant international bodies. Other areas to be covered might include data protection, confidentiality and security. Staff recruitment and orientation policies and procedures must be informed by the highly demanding nature of work and openly communicate these demands to new and potential staff. Before starting work, all new staff and volunteers should receive an orientation (“induction”) during which they receive information about organisation’s internal regulations and the standards and procedures to which they will be held accountable, as well as information about the consequences for failure to adhere to them.

While expectations of staff attitudes and conduct as well as specific work conditions should be emphasized during new staff orientation, they should also be communicated during the pre-employment stage (e.g. at staff interview).

4.4. Multidisciplinary approach

Assistance work needs to be tailor-made and start with an individual in-depth needs assessment of the trafficked person. The assistance offered must be oriented to the individual needs and wishes of the client. The assistance program should be designed in a way that will enable the trafficked person to take a well informed, pressure-free, autonomous decision about what should happen to them and what they want to do with their lives in the future.

In order for an assistance organisation to adequately identify the assistance needed and provide an adequate response, the design and implementation of an assistance project/programme should involve a multidisciplinary team. This team should include:

- Social worker
- Psychologist
- Psychiatrist
- Legal counsellor
- Health care specialist
- Child protection specialist

It is not necessary (and often not possible) to offer the whole range of assistance services in one organisation. In such cases it is good to cooperate with other providers, e.g. with regard to

- Access to accommodation (e.g. temporary shelter, apartments, independent living)
- Specialised health care
- Vocational training
- Completion of basic studies/basic education, where needed
- Long-term social assistance after crisis intervention and counselling (e.g. cooperation with a special care programme for single mothers)
- Employment assistance and placement

In the case of bigger organisations (e.g. welfare providers with a broad mandate), partnerships and contracts with specialised units can be built within the same organisation. However with smaller organisations that must rely on inter-organisational cooperation, it is best to make contacts with specialized service providers before the immediate need arises. Building up and developing a network of such providers outside the organisation requires preparation, long-term commitments, and active maintenance of relationships. Cooperation among different organisations may take different forms and approaches; for example it may be regulated by a memorandum of understanding or other clear regulations.

4.5. Funding and fundraising

Before undertaking the work of assistance to trafficked persons, the financial sustainability of the organisation must be sound. The organisation should have secure funding for 1-2 years minimum. This rule is based on the needs of the programme, i.e. the organisation should ensure provisions for carrying out assistance to trafficked persons who have begun a programme, even if additional funding is not forthcoming (the exact time-span depends on the average length of stay in a specific programme). Even for organisations with an initially secure funding basis, a realistic “plan B” for phasing out activities is necessary, to be implemented a minimum of 9-12 months in advance of the (possible) end of the funding.

While a lot of financial support to assistance work will be earmarked for specific project and case-related costs, it is important during the budget design stage to assure a certain amount of undesignated funds that can be used more flexibly. These funds are needed to cover costs that may incur during assistance which cannot be foreseen at the time the project budget is designed, e.g. the need for a specific type of counselling. Alternative options could include negotiating with funding partners to ensure that a certain percentage of the project budget is designated to be used at the discretion of the organisation.

In creating the fundraising plan for an assistance organisation or support project, the organisation should consider whether the mission, vision, values and strategic plan of the donor correspond to those of the organisation. In order to assess this aspect it is important to research the donor and to check the obligations connected to specific funding opportunities. It is an increasing tendency of some governmental funding partners to require fairly far-reaching statements on the mission and activities of organisations before considering funding (one prominent example is the requirement that organisations implementing programmes subscribe to an explicit anti-prostitution position). A promising funding opportunity might compromise the work of the organisation as a whole, if the organisation’s mission and total of its activities run counter to the mission and priorities of the funder.

Another important step in fundraising is to check co-funding requirements. It is often expected that an applicant organisation contribute a minimum amount as co-funding – which can be anything between 10 % and up to 50% of the total eligible costs of the project. Complying with such a requirement might cause serious problems for the organisation, especially if payment is to be made in cash.

All these aspects underline the necessity to involve a good and experienced fundraiser or financial planner prior to starting an organisation or a project.

5. Security for Trafficked Persons

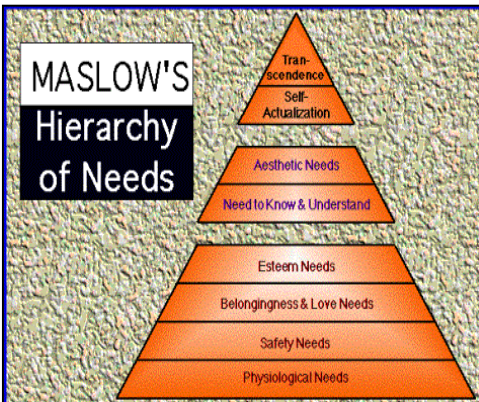
Trafficked persons are victims of a serious crime and a human rights violation. As crime victims (and possible information sources for law enforcement or potential witnesses in a trial), they might be in continued danger from traffickers even after they are removed from the immediate situation of harm and exploitation. Not only is their security important to their protection from further harm, it is paramount to the process of recovery.

5.1. The Importance of Security

In order to fully understand the role of security in healing and recovery, it is useful to reflect upon the importance of security as a basic human need underlying all other needs.

The “hierarchy of needs” model of psychologist Abraham Maslow describes how human beings are motivated by unsatisfied needs such as physiological, safety, love, esteem and higher needs. Basic needs underpin higher needs and must be satisfied before the individual can reach a level of self-actualization and growth.

When a child is born, s/he is assisted in satisfying his/her basic needs by others (the mother, family, other people in his/her social environment). If this happens in a positive and healthy way, the child learns trust and feels safe in the world. A child’s higher needs (e.g. to seek knowledge and self-fulfilment, to maximize his/her potential) will only emerge when his/her basic needs (physiological, safety, love and belongingness, and esteem) are saturated. An adult person needs beside those basic needs also those higher ones.



(Abraham Harold Maslow (1908-1970) USA, from: Abraham Maslow, Motivation and Personality, 1970)

Using this model, we can see that it will be difficult for a person who has been trafficked to be in a position to pursue and fulfil higher needs because they have suffered an acute deprivation of many of their most fundamental needs. Trafficked persons have often lost any feeling of safety, trust toward other people, and self-confidence due to their experiences during the time of trafficking. This is particularly evident when the individual’s social environment prior to being trafficked was itself not supportive of these needs, which is often the case.

In order to achieve recovery and to regain an ability to interact socially, it is essential that trafficked persons rebuild a sense of trust, safety, belongingness, self-confidence and self-respect. The task and goal of assistance/support

organisations is to accompany the client on this path of recovery. Only on the basis of such a process can a trafficked person start to consider other aspects which are important to combating trafficking, e.g. legal considerations of justice that would be brought out through cooperation in criminal proceedings such as of judgment and punishment of traffickers as well as compensation and restitution for victims.

Re-establishing security in and about the trafficked person requires attention to both the internal (subjective) feeling of the individual as well as external conditions. The internal feeling of security can be re-established with the help of crisis intervention, psychological counselling, therapy and the development of coping strategies to deal with fear. Re-establishing a feeling of security is an ongoing and often a long term process, since trauma can be extremely serious. Threats against the trafficked person were one of the central elements used by the traffickers during the situation of exploitation.

Regarding the external or objective conditions of security, a number of precautions need to be taken, as the trafficked person - as well as the assistance/support organisation - might be in danger. Most of the precautions are fairly easy to take and only need a bit of careful thinking, common sense and caution while some might require more long-term strategies. In this chapter we have focussed on easy and general precautions and outlined how to address more complex situations. More than in any other area, a good and continued cooperation between support organisations and law enforcement (police) is essential in order to ensure security for the trafficked person and those supporting him/her. The cooperation should be characterised by a respect for the complementary roles and competencies and be guided by the concern for the best interests of the trafficked person.

5.2. Risk assessment

In order to have a realistic impression about the possible dangers to which a trafficked person might be exposed, it is important to conduct a thorough risk assessment. Police and the assistance/support organisation should either separately or in cooperation and based on their own information as well as the knowledge of the trafficked person assess:

- What is known about the location and the geographic reach of the trafficking organisation: is it a network? Is it active in the area where the trafficked person is currently located?
- Whether the trafficked person has knowledge which could, if disclosed, be dangerous to the trafficking network.
- What is known about the modus operandi of the trafficking network (how big is it? Is it a wider network? Is it connected with other networks? Is it known for retaliating against trafficked persons? Does it have personal and/or technical means to gather information, e.g. on the whereabouts of the trafficked person?).
- What is known about the perpetrators and which other persons might be connected to the trafficking network.
- How is the socio-ethnic background and what are the specialities which have to be considered

- What is known about relatives and friends living in the country of destination and the country of origin and their relations to the victim (could they be in danger or themselves constitute a danger for the trafficked person)

All these considerations should assist the police, specialised organisations and the trafficked person to form a clearer picture of the nature and likelihood of possible risks to the trafficked person's security, as well as how such risks can be reduced. Regular updates and timely sharing of new information by all actors involved will allow to all parties to re-evaluate risk and adjust security measures if necessary.

5.3. Relocation/Shelter

Relocation of the trafficked person away from the sphere of influence of the trafficking network is certainly the most important and immediate need. Whether the trafficked person exits from the place of exploitation on his/her own or through an external intervention, it is important that s/he is immediately relocated to a place where s/he cannot be found by the traffickers. Assistance/support organisations (in cooperation with relevant authorities) therefore need to organise safe accommodation.

Accommodation can take different forms. One form of accommodation often used is a specialised shelter for trafficked persons. Shelters can be designed as a group shelter (for several trafficked persons) or as individual, even temporary shelters (e.g. flats, rented rooms); they can be specialised for trafficked persons or designed to accommodate persons needing shelter for various reasons (e.g. trafficked persons and victims of domestic violence may be housed in the same location). Alternatively, accommodation can be organised on a case by case basis: in flats, in hotels, with religious orders, if needed in hospitals. The different forms of relocation and accommodation have different advantages and disadvantages. The exact decision on the preferable form of relocation depends on the local circumstances, the circumstances and wishes of the trafficked person, and the resources available.

While it is relatively easy to assure the permanent presence of specialised staff (e.g. psychologist or security guards) in a specialised group shelter, despite best efforts the location of such shelters can usually not be kept secret over a long period of time. This increases potential risks to effective protection and often makes it necessary to arrange very strict security measures, which might seriously limit the freedom of the trafficked person and actually undermine their personal feeling of security. At a minimum the persons who are hosted in a shelter, as well as shelter staff, should be obliged to keep the location of the shelter a secret and also not to disclose any information on shelter staff or residents to third parties. Experience shows that these obligations often turn out to be very difficult to keep. Other forms of accommodation are often safer, as they are more difficult for the traffickers to locate; these accommodations can be handled fairly flexibly and are more easily changed. However it requires some effort and a good network to have a variety of relocation options available. If a decentralised location is discovered by the traffickers, the need for security measures is very acute. Before it becomes involved in arranging relocation/accommodations of trafficked persons, it is advisable that an organisation clarify with responsible police

institutions if and how the police can help to protect the trafficked person in his/her accommodation when the need arises. A common understanding of procedures (preferably written) in cases of imminent danger/threat and clear assignments of contact persons (both in the police and the assistance organisation) are necessary for a swift handling of situations of danger.

The exact form of relocation also depends on the personality of the trafficked person and the circumstances of the case. While the company of other trafficked persons might be helpful for a person who feels more comfortable with others around, it is possible that individuals in a group of trafficked persons had or still have contact with the traffickers. This obviously constitutes a danger for the other trafficked persons and the shelter. If a group of trafficked persons from the same “case” are hosted in the same place, it will be necessary to monitor the internal dynamics of the group very carefully.

5.4. Data Protection

One critical prerequisite for the security of a trafficked person who has exited the trafficking situation is that his/her location can neither directly nor indirectly be traced. It is in this context absolutely vital to see that a trafficked person is relocated (see section 5.3).

One implication of this is that support organisations should very carefully check how they store data on the trafficked person in their databases. For example, some support organisations record the location of the trafficked persons only on non-computerised files, and have organised a system with strictly restricted access to these files for their staff. Other organisations work with encoded/encrypted databases. The exchange of personal data with public authorities should be carefully monitored, and guided by the principle of the “need to know”.

Another critical data protection issue that can arise regards the issue of financial support to trafficked persons. While for accounting reasons it might be necessary for the organisation allocating the financial support (e.g. government, local authority or donor) to have proof that the trafficked person exists, it is possible to organise the disbursement of the money in a way which does not disclose the location of the trafficked person (as would occur when using a bank account which requires disclosure of address). One option is for the assistance organisation to receive the money *for* the trafficked person and pass it on to him/her (receipt can be acknowledged by signature), or write a cheque to the person that s/he may cash directly. Similar problems might arise around the issue of health insurance for the trafficked person. On this issue, solutions could again involve the services of a support organisation as an intermediary.

Another very important concern in data protection regards the use of electronic communication facilities. The various communication possibilities of mobile phones and e-mail services in particular offer criminals numerous approaches to identify the whereabouts of a victim. There is an urgent need to inform victims in depth regarding how to use phones and electronic communication in a manner that assures their security.

While there usually is a certain awareness of data protection issues in public administrations, the question of how personal data trafficked persons might *themselves* provide/disclose to third parties may affect their personal security deserves closer attention. Private enterprises - including common businesses such as pizza delivery services, videotheques, libraries or even supermarkets with a membership card systems - often store considerable amounts of data, such as private addresses, with little consideration and limited measures for data protection. It usually is not difficult to avoid leaving personal data with such businesses, yet this requires an awareness of the problems connected with sharing personal data and a conscious approach to submitting data.

5.5. Security in Public

While it should be possible to arrange for secure lodging for a trafficked person and to keep the location secret, the individual will on different occasions need or want to appear in “public”- for shopping, talking a walk or any other activity connected with everyday life. Depending on the size of the city/village in which the trafficked person is located, how far this location is from is from the traffickers and the risks involved in the particular case, the likelihood of coming into contact with the trafficker(s) might be fairly small and there might not be a need for any special precaution. Common sense measures and simple precautions should nevertheless be discussed between the trafficked person, the support organisation and possibly the police, and observed at all times (e.g. if a person escaped from sexual exploitation, staying clear of a red-light district in a town would seem sensible). It would usually also make sense on his/her first visits outside the place of accommodation to which s/he was relocated, for the trafficked person to be accompanied by a person from the assistance organisation. This will help him/her to gain confidence in the new environment. Assistance organisations and police should in any case agree with the trafficked person on a plan for how to quickly get help when a security threat arises. Depending on the exact circumstances, there might not be a permanent need to accompany the trafficked person.

In more tightly-knit communities (e.g. in the countryside) or if the person must remain in a community where traffickers are potentially still at large it might be necessary to organise more comprehensive protection for the trafficked person. There will also be moments of particular (potential) danger and likely confrontation with the traffickers, e.g. when a trafficked person agrees to be a witness in court. Under such circumstances it is essential to assure an accompaniment by either an assistance organisation or police (in some cases both). A framework of cooperation (e.g. contract, memorandum of understanding) between support organisations and police for the protection of trafficked persons, with clearly identified contact persons on both sides and a precise definition of responsibilities, will also help to enable a quick and efficient cooperation on concrete cases (see also Chapter 3).

5.6. Media and Security

Journalists and other media representatives have a potentially very positive role to play with respect to support and assistance organizations, and most support organisations do indeed in one way or another interact with the media. Media involvement is important so that support organisations are known, and so that trafficked persons can contact them or be referred to them. Media coverage of the work of assistance organisations also is important for prevention activities and other work aimed at raising public awareness of trafficking.

However it is critical that the security of trafficked persons and the organisations/persons supporting them is taken into account in all media contacts. This means that very clear rules (i.e. usually: restrictions) need to be agreed with journalists who want to report about the issue of trafficking, the work of support organisations, and individuals who have been trafficked.

The exact rules will depend on the local context and individual circumstances, and require careful consideration before any media contact is made. Sensitive issues usually include: identifying clients, staff and volunteers of support organizations by name (even identification by first name only can create risk), images or other identifying details; taking photos/filming of trafficked persons; reports on the location of shelters or the provision of details which would enable other persons to identify the trafficked person or the location where they are hosted; and special considerations involving children. Consideration should also be given to the advisability of disclosing the location of the support organisation: in some cases this might be beneficial while in other cases it might cause problems. An additional question is whether the names, images or other identifying details of staff and volunteers of support organisations should be shared with a wider public or not.

Irrespective of what rules an organisation establishes it is certainly useful to discuss with journalists why these rules are necessary for the security of the trafficked person and the support organisation and its staff/volunteers. There will often be a conflict of interest between a journalist, who will usually want to obtain and report about as many details as possible, and the interests of the trafficked person, whose security depends on the confidentiality of important details such as his/her whereabouts. While careful explanation can help to bridge some of this conflict of interest, experience suggests that support organisations will be well advised to apply caution when dealing with journalists with whom they have not worked previously and with whom they have not (yet) established a trustful relation. It is important to remember that the organization does not usually have editorial control over what information shared by the organization will be used by the journalist, nor over the context or manner of its presentation. The organization may find it useful to seek a written agreement from the journalist that the support organisation and the trafficked person must authorise the final report/article before it can be published.

5.7. Security during return

Chapter 6 describes the more long-term challenges and problems connected with the return of trafficked person (usually to the country they originate from). It underlines the importance of the involvement of the trafficked person in the deciding whether s/he wants to return as well as the need for a risk assessment before return.

However support organisations are often confronted with situations where the return of a trafficked person is enforced without a prior thorough risk assessment and they therefore need to try to limit the risk as far as possible under the circumstances. Even if a fairly risk-free return seems likely, a number of security aspects should be considered whenever return is organised. Once again, the objective aspects and subjective feelings of security go hand in hand.

It is recommendable that a trafficked person, if s/he so wishes, be accompanied by a support organisation staff member (sometimes even police) during return. Wherever possible, the trafficked person should be met by a representative of a support organisation operating in the country to which s/he is returned. International contacts and networks of support organisations will help to arrange this. Depending on both the situation in the country of return and the risk, it might be advisable in some cases that the police in the country of return meet the trafficked person. However it should be considered that in a number of countries the police will be obliged by law to interrogate any trafficked person who returns, so such arrangements require careful consideration.

5.8. Security for support organisations

Activities against trafficking may constitute a risk for support organisations. The more the activities manage to disturb the work of traffickers, the more likely it is that security risks arise will arise for the support organisation and its staff/volunteers. Even though traffickers' threats are often not carried out and experiences of direct and brutal repercussions are certainly by far the exception, the security of those supporting trafficked persons is a serious matter that should not be neglected. The simplest but probably most effective measure is a strict separation of work and personal premises and realms. The support organisation should not be co-located with private premises or accommodations. Private phones and phone numbers should not be used to conduct the work of the support organisations, nor should the organization's equipment and phone numbers be used for personal business and communications. Likewise, cars belonging to staff/volunteers should not be used for the direct work of the support organisation with trafficked persons. In addition to these general precautions, it is highly advisable to discuss with the police if and how they would be able to assist the support organisation if the need arises and whom the support organisation staff need to contact in emergencies and dangerous or suspicious situations. For example, it could be agreed that support organisation staff can be accompanied by police if a situation of danger arises. If an organisation, its staff/volunteers or clients receive threats, it is important to discuss with police how risk can be minimised further (e.g. changing routes of staff to/from work).

6. Return and Related Issues

In the work of almost all anti-trafficking initiatives across Europe, the question of return (“home”) of trafficked persons is one of the most central, but also very troubling issues. Christian organisations such as CCME and Caritas have repeatedly underlined that return should only be one of a variety of alternatives available to survivors of trafficking. In their contribution to the STOP/IOM conference in Brussels in September 2002, CCME and Caritas Europa stated: “We believe the best solution for trafficked persons would include giving them the power of decision-making whether or not to return and when”¹⁷. The EU Experts Group in its recent report recommended that states should be obliged to carry out an individual risk assessment before deporting or returning a trafficked person¹⁸. Examples in a few European countries (and most notably in Italy) which have given the power of decision-making to the trafficked persons have shown that the provision of alternatives has a very positive impact for the trafficked person and can significantly improve his/her chances of recovery. In addition, long-term perspectives on the well-being of the trafficked person in the country of destination (i.e. the country to which they were trafficked) have contributed to the willingness to assist in criminal proceedings.

Despite these good experiences and the continued advocacy efforts of many organisations and individuals, legislation in most countries still does not give this decision-making power to trafficked persons, but on the contrary - almost without exception - mandates the return of a trafficked person, usually to his/her country of origin (sometimes to the place s/he left, sometimes to another place in the same country).

While this is as such a highly unsatisfactory situation, even under the given circumstances a minimum number of preconditions should be met before return is planned or even enforced. In any case, no matter whether a return is voluntary or not, protection in the home country must be guaranteed. In 2002, CCME and Caritas Europa had already underlined, “We are convinced that this requires an increased international cooperation between authorities as well as NGOs.”¹⁹

A few considerations might be helpful for governmental and non-governmental organisations working with persons who wish to or have to return. The considerations described here reflect the experiences of project partners and many other practitioners in implementing previous recommendations. Most of the considerations are relevant for countries of origin and countries of destination; some are actually most effective if carried out in cooperation between country of origin and country of destination. They are intended to translate the recommendations into more practical and tangible terms for (potential) actors working with trafficked persons. It should in any case be noted that there is no standard solution for all individual cases. The following points therefore outline

¹⁷ Contribution of Caritas Europa and the Churches’ Commission for Migrants in Europe (CCME) to the IOM/EU Stop Conference “Preventing and Combating Trafficking in Human Beings”. 18-20 September 2002. Brussels 2002. p.1.

¹⁸ European Commission DG Justice, Liberty and Security: Report of the EU Experts Group on Trafficking in Human Beings, Brussels 2004, p 106.

¹⁹ See footnote 1, p. 2

the aspects which need to be considered rather than presenting clear “dos” and don'ts”. It is essential that the trafficked person be kept informed about the immediate and future steps taken by public institutions and NGOs with regard to their return, as well as about alternatives. It should also be clear that the trafficked person should decide if s/he wants to take part in these or alternative future steps.

1. In the country of destination it is of crucial importance that a trafficked person is correctly **identified** - as a victim of a crime and of human rights violations. When identification is not carried out with full regard for the trafficked person's rights and his/her situation of vulnerability, s/he may be treated like an undocumented migrant - without consideration for the important circumstances at hand. In such cases, the trafficked person may be denied the opportunity to exercise the rights and options conditional upon her status as a victim, e.g. to take part in a repatriation or volunteer return programme. In addition s/he might be deported without assessment or consideration of the risks s/he faces upon return, e.g. risks associated with his/her safety and long term well-being in the place of return and the risk of being re-trafficked. Moreover, without proper identification, the trafficked person will not have access to the specialised services available to trafficked persons (e.g. legal counselling, shelter or psychological assistance). Authorities responsible for the treatment of undocumented migrants, such as police and officials of the immigration/aliens office, must therefore be trained in identification and should cooperate with specialised NGOs. NGOs often have better knowledge and expertise about the situation of the trafficked person as well as, in some cases, better access to them (such as via hotlines and outreach work). A list of indicators that a person might have been trafficked can be developed from existing practitioners' recommendations (e.g. leaflet “Polizei NRW: Achtung Menschenhandel”) but should be regularly reviewed in a cooperation with different actors (law enforcement, border police, NGOs).

2. The trafficked person must be offered **comprehensive crisis assistance** (e.g. legal, psychological and medical assistance), preferably immediately after having exited from the trafficking situation. The assistance should wherever possible be given in the trafficked person's language. It has proven helpful to engage staff (or volunteers) who can play a role of cultural mediators, i.e. who are sufficiently familiar with the cultural context of the trafficked person and the country of origin. Often persons who have already at an earlier point migrated from the trafficked person's country of origin to the country of destination can play that role (care should be taken in selecting and training such persons, see chapter 4). Access to comprehensive and competent legal assistance is necessary so that the trafficked person can determine his/her options concerning both residence status and possible charges against traffickers. Assistance should be offered to any presumed trafficked person and not be conditional on the trafficked person pressing legal charges.

3. If return to the home country is the desired or only available option, the prospect of the trafficked person's **safe return** must be thoroughly evaluated. It is imperative that if there is no safe environment, the trafficked person not be

forced to return and be advised against a possible decision to return. Safe environment means, at minimum, that physical security, emotional security and economic security are guaranteed. An independent individual assessment of possible risk after having returned should be carried out. Depending on the situation in countries of origin, public authorities as well as independent specialised NGOs could help with a precise risk assessment. In some cases a trafficked person might be able to return to his/her country of origin but would as a result of potential risk need to return to a different region within the country.

4. Before return the trafficked person must receive **information** about services, activities and financial support for trafficked persons provided by the different actors (government, international organisations, NGOs/charities) in the country of origin and about the conditions under which this support is provided. Public authorities and NGOs in countries of destination and origin should collaborate in the provision of services. However, it should be the trafficked person's option whether or not to participate in the programmes available. If the trafficked person decides to participate in an assistance programme after return, it can be helpful if an NGO in the country of destination compiles a preliminary report on the trafficked person so that an assistance organisation in the country of origin can start to develop options for the assistance programme offered to the trafficked person prior to his/her return (e.g. medical help, psychological assistance). Again, the trafficked person should be informed about the kind of information that may be shared, with whom, by what means and for what purpose, and given a genuine opportunity to grant (or deny) informed consent to sharing of information under circumstances agreed.

5. A desirable approach of assistance organisations (governmental or non-governmental) towards trafficked persons could be summarised as **"Each trafficked person is an individual with an individual life project"**. It is important to remember that each person to whom assistance is offered is an individual with his/her own story, desires, hopes, fears, potentials and limitations. These aspects should be taken into consideration in determining the approach taken in assistance. The recovery process of a trafficked person is very complex, as it must address all the needs of the trafficked person. Assistance to trafficked persons must therefore be provided by a multidisciplinary team with different specialists and in cooperation with other institutions. The assistance programme should be carefully and continuously monitored to ensure that it corresponds to the needs of the client (research on the current situation in several countries suggests a discrepancy between needs and services provided, with more support than needed provided in some and less support than needed provided in other areas²⁰).

As the needs of each person are unique, assistance programmes should be tailor-made to the individual. The trafficked person is the one making decisions, and these should be accepted and respected. As the recovery process should ensure

²⁰ ICCO: "If our skirt is torn". Safe Return and Social Inclusion of Victims of Traffic in Human Beings. An inventory of neglected aspects in ten European and Asian countries. Utrecht 2004. p. 22.

positive results over the long term, assistance should be provided as long as the trafficked person requires it.

6. Effective **case management** over the long term takes a holistic approach to the needs of trafficked persons. The holistic approach means that case management includes assistance in the areas of physical security, economic security and emotional security (more on security in chapter 5). One practice that many experienced NGOs recommend is for the client to communicate about his/her assistance needs primarily to a single case manager, who acts as the initial contact person for all questions. This usually helps the client to build up trust and confidence in a single individual in his/her attempt to rebuild his/her life, rather than being referred from one person to the other with no consistent relationship building. The case manager makes initial contacts and maintains the links with all actors involved (police, local authorities, other NGOs, specialists).

7. For well-being and psychological recovery it is important to create an environment in which the trafficked person can have a feeling of **physical security**. This means that the place of lodging/shelter should enhance a feeling of being at home and regaining control of his/her life. This means, for example, that sheltering trafficked persons in places protected by barbed wire is not a good idea. It is also not good for the trafficked person to be put in a closed shelter, i.e. a shelter from where they cannot move freely. Often, trafficked persons have experienced being locked in or having their movement severely limited by various means, therefore it is essential that the recovering trafficked person is free to move (even though rules, e.g. regarding the secret address of the shelter, should be established and enforced). Freedom of movement (within legal parameters) is not only the right of the trafficked person but also necessary for the recovery process.

Accommodations for trafficked persons should be made based on individual assessments. One consideration is whether a trafficked person is better housed on his/her own e.g. in an apartment (where s/he is assisted by visiting social workers), versus in a group setting with the permanent presence of a social worker or other support professional, such as a shelter/home together with others who have been trafficked or with others in difficulty but who have not necessarily been trafficked. While the latter type of housing – i.e. in a non-specialised shelter – can help to avoid stigmatisation of the trafficked person, it might also lead to conflicts with persons who have not been trafficked and might be surprised or shocked by some “strange” behaviour of the trafficked person resulting from the trauma inflicted upon him/her. These assessments should happen on an individual basis and take into account the preferences expressed by the trafficked person (if this does not compromise the well-being of others; see security chapter). The chosen option for shelter should also be reviewed on an ongoing basis throughout the recovery process (e.g. a person who initially was sheltered in a group setting might want to move to independent accommodations after having gained more self-confidence).

8. The aspect of opening up options for **financial security and economic independence for the trafficked person** is essential to his/her long term well-

being, as the lack of economic opportunities and the hope for a better economic situation was in most cases a key element in the person's initial vulnerability to being trafficked. Again, individual assessment of the situation is necessary. However the aim of enabling the trafficked person to "manage" his/her budget on his/her own is important. This ability to manage one's own budget - to learn "to make ends meet" - is a big step towards the trafficked person's living independently. Some suggested ways to advance this learning are, in the initial phase of support, to start by offering pocket money or a reintegration budget to the trafficked person and - depending on his/her needs - advise how to manage this money. As further steps, school (re)integration, vocational trainings, and help in finding and/or maintaining a job might be needed. Once again it is important that the trafficked person has the **right to choose his/her future career**. This emphasis not only reflects a human rights centred approach, but a minimum precondition for actively supporting the programme. The client must be given alternatives and the opportunity to choose between these alternatives according to his/her wishes.

In some cases, the trafficked person might not be able to work an ordinary full-time schedule immediately, as s/he is still suffering from the trafficking experience. Yet, the fact of having work and doing something productive does often support the process of recovery. In such cases, the support programme could seek to establish the possibility to work in a **protected workplace** as an option. In most cases a protected workplace will need to be arranged with prior consultation/arrangements with the future employer. In a protected workplace, the employer signs a confidential contract with the organisation providing assistance in order to protect the trafficked person, to give him/her opportunity to work and to have his/her confidentiality respected. In a protected workplace, a psychologist from the supporting organisation offers support to the trafficked person in the workplace. If the trafficked person agrees, relevant information about his/her trafficking history could be shared with the employer in order to explain the necessities for this protected workplace. The psychologist could also be available for consultation with the employer when needed. S/he may help to explain to the employer why the trafficked person might show unusual behaviour at the workplace. It is important, in discussing with the client his/her educational and professional opportunities, to be both encouraging and realistic. It is good to encourage the trafficked person to develop his/her own potential. At the same time, the support professional should be clear that the realistic options available will often fall short of the personal and professional hopes, dreams and aspirations which s/he might have.

9. **Emotional security** shall enable the trafficked person to live with his/her painful experiences and to overcome trauma. This area includes several aspects such as a feeling of security and safety (see chapter 5) but also the creation of a social network of contacts and friends. If appropriate, it can be very helpful to involve the **family** of the trafficked person in the process of re-establishing social networks. However it is essential both to ask the trafficked person if s/he wishes to re-establish contact as well as to make an objective professional assessment. In

some cases, family members have been involved as perpetrators in the trafficking, or the situation at home is characterised by violence and abuse, so contact with the family will cause additional problems. If the trafficked person wants to re-establish contact, this will often require careful preparation from the side of the assistance organization – experience shows that families often do not easily welcome the trafficked person back. Feelings of guilt and shame, but also of prejudice and disappointment, may influence the attitude of both the family and the trafficked person. The assistance organization should discuss with the trafficked person if s/he wishes that the organization make initial contact with his/her family, and also if s/he wishes the organization's staff to explain to the family some of the things which have happened to him/her. Some kind of mediation might be needed so that the trafficked person and his/her family can start to live together again. In some cases, and if the trafficked person agrees, a person of mutual trust (e.g. a local priest, a psychologist, a family friend) could become involved in these efforts. While the organization and the client should be prepared that this may take a very long time and careful steps, they should also be aware that in some cases it will not be possible to achieve a situation where the trafficked person and family will be able to be reunited. Depending on the individual story of the trafficked person, the best option may be for him/her to continue his/her life far away from the family in order to reduce risks of further abuses and to have healthy opportunities for social inclusion.

In any case it is necessary for the trafficked person to re-establish a social network. A stable social network can be instrumental to the trafficked person for re-establishing trust in life as such. This is particularly true if the family cannot be involved and the person will have to continue his/her life in a new setting and often very new surroundings. In some cases persons of confidence, old friends and trusted contacts the trafficked persons knew before being trafficked will be of help. However careful consideration must be taken as to whether the old environment might have a potentially negative impact on the well-being of the trafficked person. If necessary, and if the trafficked person agrees, it might be useful for some close relatives or members of the **social network** of the trafficked person to be informed about the possible psychological consequences the trafficked person is likely to encounter, e.g. post trauma symptoms. In this way they can understand the situation and give support to him/her.

10. Long-term psychological assistance is vital for successful reintegration. **Therapists and psychologists** working with a trafficked person must be prepared to assist him/her for a long time, as some of the symptoms of the trauma can take years to be overcome. Good experiences and positive results have been achieved through individual and group counselling, as well as with specialized therapies and activities such as painting, art therapy, dance therapy, drama/theatre therapy, peer support groups, recreational activities, music and music therapy, etc. The support professionals should see what suits the client's needs best.

Regarding the long term of the assistance the team must exercise patience and flexibility.

It stands reiterating that the financial resources allocated for assistance to returning trafficked persons must be calculated in a way, which ensures continuity of the assistance according to the individual needs.

The **professional team** caring for the trafficked person should receive supervision by an outside therapist who can provide support in technical areas but also attend to staff care needs. The emotional health and stress management capacities of therapists and psychologists may be heavily taxed in dealing with trafficking and other such cases over time, and they may need support in managing these areas. The professional team should be given opportunities to take part in trainings and similar activities to exchange professional experiences and build professional support systems (see chapter 4).

Understanding trauma: It is extremely important to take in consideration that trafficked persons might develop post-traumatic stress symptoms. Trauma is a psychological reaction of people who find themselves suddenly in danger. Some common traumas are the experiences of physical attack, serious accidents, combat situations, sexual assault, and experiencing a fire or a disaster like a hurricane or a tornado. After traumatic experiences, people may have problems that they didn't have before the event (cited from "Fact Sheet of the National Centre for Posttraumatic Stress Disorder"²¹). While post-traumatic stress symptoms are quite known from related areas (such as work with persons with experiences of domestic violence/abuse or rape, crime or war survivors, or persons who suffered from torture), the development of more specialised knowledge on the exact nature of trauma caused by the experience of trafficking is still fairly recent. Development of strategies to deal with trauma caused by trafficking is even more recent and has advanced furthest in the United States. Assistance organizations should nevertheless be aware of the consequences of post trauma symptoms in general, which the trafficked person might experience and show. These could include:

- In a period of negation the trafficked person may show signs of "dissociation" or memory impairment. The trafficked person might totally negate or have "forgotten" all the experiences or treat them as if they were the experiences of a different person.
- In other moments s/he might re-experience moments of his/her trafficking period/re-live the abuse.
- The trafficked person may show low self esteem, a low trust in herself as well as in others.
- Trafficked persons also often develop depression or anxiety.
- Trafficked persons may show traumatic attachments, i.e. sympathise with or idealise the traffickers.
- Other symptoms might include "hypersexual" behaviour, feelings of guilt/blaming oneself, feelings of rage or fatigue, or recurring nightmares.

While counselling should be carried out by specialists, it is important that non-specialised actors are also aware of what trauma might entail. As Teresa Descil, director of Victim Services Center in Miami outlines, "Law enforcement officials

²¹ For more information on trauma symptoms and causes, cf.: http://www.ncptsd.org/facts/general/fs_effects.html, <http://www.floridafreedom.org/Pages/Trauma.htm>, http://www.ptsdalliance.org/about_what.html

and prosecutors need to understand that a person's memory directly after the traumatic incident may not be completely accurate. Time, clinical treatment, and retelling the story will bring up new details and, in some cases, a somewhat different story than what was originally reported may emerge." Unless the notion of trauma becomes widely understood among all actors dealing with trafficking, the potential for full recovery will remain largely unfulfilled.

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- World Health Organisation: WHO Ethical and Safety recommendations for 5 Interviewing Trafficked Women, Geneva 2003

8. Participating organisations/Acknowledgements

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²² These organisations could only participate thanks to the grant provided by the World Council of Churches.
* The organisations marked with "s" work regionally.

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The list includes all organisations, which on a continuous basis participated in the project. Additional governmental and non-governmental organizations have participated in single activities of the project.

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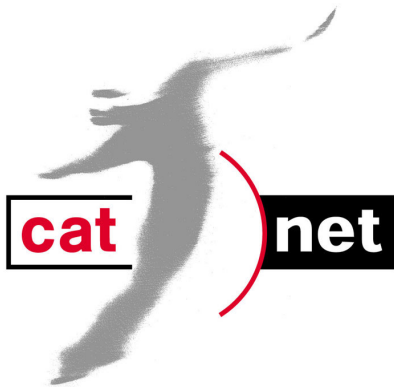
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Christian Action and Networking
Against Trafficking in Women