

Supporting victims of trafficking: towards reconciling the security of victims and states

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Victims of transnational trafficking² often remain outside the broader victim support system and are treated differently in comparison to other victims. They are treated as illegal migrants rather than as victims of crime. Victim services that do not specialize in trafficking in victims are reluctant to offer their assistance to such victims because of their status as well as because they do not feel comfortable in supporting them due to other reasons. As a consequence, the approach to victim support is a more difficult one and less assistance possibilities are available to foreigners as victims of trafficking. They seem to be stigmatized and excluded not only by ordinary people and institutions, but also by those who are supposed to give them assistance and support, including victims' services.

This paper addresses the challenges related to supporting the victims of cross-border crime, using examples of victims who have suffered from trafficking in human beings. The main aim of the paper is to explore victim support services which are available in destination/transit countries, with special emphasis on how the needs of foreign citizens as victims of transnational trafficking are met and whether this is comparable with services which are available to other (indigenous) victims of crime. Moreover, the paper aims to explore the possible consequences of victim support for both the security of victims and national security.

Victim support for trafficked persons seems to be a great challenge for countries which have well established victim support structures as well as those which do not have such structures but have recently started to develop specialized services for the victims of trafficking. For the former countries, the challenge is in matching existing services with the needs of foreign victims of trafficking, while for the latter this is connected with setting certain standards and developing comprehensive and well organized victim support structures which are suitable for the needs of all victims.

The questions which I try to answer in this paper include following: Whether and to what extent the victims of trafficking are different in comparison to other victims of crime. Do they really need special treatment, i.e. to be excluded from support services which are available to other victims of crime? Is victim support really meeting the needs of trafficked victims or just someone else, or is it victim or offender-centred? Is there a proactive or reactive approach to victims? Do victim support and protection mechanisms serve victims' security, a broader (national and regional) security, or both? The latter question is especially important in the Balkans, where, apart from endangering individuals, trafficking is seen as a serious threat to stability, democracy and the rule of law at both the national and regional level. This is particularly connected with the expansion in organised crime, an increase in corruption within the public services, and economic destabilisation due to money laundering and the illegal labour market.³

The analysis is based on findings from research carried out in Serbia by the Victimology Society of Serbia and by the FAFO Institute for Applied International Sciences in Norway, as well as on follow-up surveys in both

² In this paper the notion of a trafficking victim is used in such a way that it encompasses victims of both sexes as well as children, regardless of the form of exploitation from which they suffer. Consequently, gender-specific victim support is meant to take care of the different (gender-related) needs of male and female victims. The concept of victim support is used in a broader sense, including not only the protection of victims and professional assistance, but also information and emotional support which are intended to help victims to make their own decisions and to strengthen or regain a sense of agency (empowerment). Also, the concept of victim support as used in this paper includes supporting a vulnerable population/potential victims which may also prevent victimisation by trafficking (for example, illegal migrants and prostitutes). Thus, victim support is defined as serving the needs of victims because these needs exist and victims ask or agree to be assisted, regardless of what caused them to be victims (trafficking or other crime/victimisation), what happened to the offender(s) and whether the victim is identified as such by others. These definitions are very much in line with the Council of Europe Recommendation (2006)8 on Assistance to Crime Victims (www.coe.int-trafficking, accessed on 20 January 2010)

³ Mijalkovic, S. (2005) *Trgovina ljudima (Trafficking in persons)*, Belgrade:Beosing, p.250- 255

Serbia and Norway. In addition, findings from the Victimology Society of Serbia's most recent surveys on supporting both male and female victims of trafficking, and other available findings, are used as well.

Victims of trafficking and other victims of crime

The victimisation from which trafficking victims suffer is often long-term and multiple, including the consequences of a number of specific crimes. Consequently, although the duration of the trafficking and a combination of various crimes often result in a unique and extremely traumatic experience for victims, they can also be very similar with the experiences of victims of other crimes. Since trafficking can take various forms, its consequences for victims can also be quite different and may range from a long-term and very serious traumatic impact to a short-term and less traumatic effect.⁴ Exploring and understanding the complexity of these consequences of trafficking for victims, as well as both the similarities and differences between victims of trafficking and other victims of crime is essential for assessing victims' needs and for the creation of successful victim support and rehabilitation programmes.

So far, most of the information which is available relates to female victims of trafficking for sexual exploitation, but data on trafficking for labour exploitation and male trafficking are increasingly available as well. The findings of surveys conducted in Serbia⁵, as well as elsewhere,⁶ suggest that female victims of trafficking experience various forms of interconnected victimization, including physical, psychological and sexual violence, fraud, kidnapping and robbery, and being kept in isolation and subjugated in different ways. They are also forced into prostitution, into other work in the sex industry, and into doing domestic and/or other work, as well as being subjected to alcohol and drugs. Victims who are originally involved in domestic prostitution without being trafficked may also suffer from violence and subjugation from their pimps and they often have no other choice than to ask for protection from even more abusive men who later become their traffickers.⁷ Although the victimisation of male victims has been less explored, available data suggest that they are also subject to severe control and are abused and exploited in various ways.⁸

Trafficking victims also experience the situation where asking for help may jeopardize them even more. This is very much connected to their status as illegal migrants, prostitutes and their other involvement in illegal work. Thus, it is not unusual for them to be arrested and to experience severe victimization as a result thereof. Moreover, survey findings suggest that asking for help may put them at a greater risk, including the threat

4 Zimmerman, C. (2003) The health risks and consequences of trafficking in women and adolescents: findings from a European study, London: London School of Hygiene and Tropical Medicine, retrieved from www.lshtm.ac.uk on 7 July 2008; Nikolic-Ristanovic, V. (2005) 'What victims went through and how they survived?' in Bjerkan, L. (ed) The life on one's own: the rehabilitation of victims of trafficking for sexual exploitation, Oslo: Fafo, p.71- 118; Zimmerman, C., Hossain, M., Yun, K., Roche, B., Morison, L. and Watts, C. (2006) Stolen smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe, London: London School of Hygiene and Tropical Medicine, retrieved from www.lshtm.ac.uk on 7 July 2008, p.2.

5 Nikolic-Ristanovic, *ibidem*, p. 89

6 Farley, M., Cotton, A., Lynne, J., Zumbach, S., Spiwak, F., Reyes, M., Alvarez, D. and Sezgin, U. (2003) 'Prostitution and Trafficking in Nine Countries: An Update on Violence and Post-traumatic Stress Disorder', in M. Farley (ed) Prostitution, Trafficking and Traumatic Stress, Binghamton: The Haworth Maltreatment & Trauma Press, p. 33-75; Zimmerman, 2003; Zimmerman, Hossain, Yun, Roche, Morison and Watts, 2006.

7 Nikolic-Ristanovic, 2005, *op. cit.* p.91.

8 Dowling, S., Moreton, K., Wright, L (2007) Trafficking for the purposes of labour exploitation: a literature review. London: Home Office, p.13; IOM (2007) Trafficking of Men - A Trend Less Considered, global eye on human trafficking, A Bulletin of News, Information and Analysis on Trafficking in Persons, No 1.; Nikolic-Ristanovic, 2009, *op. cit.*

of lethal violence by the trafficker.⁹ In this regard, trafficking bears a resemblance to other forms of long-term gender-based violence. Several survey findings suggest that control over the victims of trafficking is implemented in various ways and has similarities with domestic violence.¹⁰

The victims of trafficking are among the most vulnerable of witnesses. This is especially so in relation to a victim reporting the crime and his/her decision to testify against traffickers. In addition, the vulnerability of victims of sex trafficking is connected to stereotypes and prejudices related to gender-based violence in general, and to sexual violence and prostitution in particular. In spite of new legal possibilities for witness protection, the victims of sex trafficking, similar to victims of other forms of gender-based violence, are often left without proper protection and are even victimized by those from whom this protection is supposed to come (i.e. the police). Moreover, in spite of new legislation that allows for the use of various investigation techniques, a victim's statement is still too often considered to be the main evidence in trafficking cases, which, together with an inconsistent use of witness protection schemes, makes the position of victims especially difficult,¹¹ and consequently lessens her/his willingness to cooperate with the criminal justice system. As a result, both victims' and national/regional security efforts produce only limited results.

The effects of various crimes, of which trafficking is but one, contribute towards making trafficking victims similar to other victims of gender-based violence, as well as victims of long-term abuse, fraud, robbery and marginalised groups in more general terms (e.g. migrants, women sex workers, those whose labour is exploited or who are forced to work, street children etc.).¹²

The needs of trafficking victims — similarities with and differences to other victims of crime

As is mentioned above, the consequences of trafficking are very similar to the consequences of some other crimes, including gender-based and prolonged violence. Similarities with regard to the consequences lead to similarities in the way victims cope and concerning their needs. Research on the needs of trafficking victims carried out in USA and based on interviews with service providers and victims has demonstrated that trafficking victims' problems have similarities with those of other victims, and are very similar to the problems of victims of domestic violence, immigrants/refugees and sexually exploited persons.¹³ Research carried out in Serbia, also based on interviews with service providers and victims,¹⁴ has demonstrated that, similar to victims of domestic violence and other victims of long-term abuse and stress, sex trafficking victims often cope in such a way that they mostly look for the most appropriate response at a given moment. Bearing in mind their helpless situation and the risks of greater violence if they resist, it is not unusual that they mostly accept the abuse as the most appropriate way of coping.

As a consequence, the victims of trafficking have many needs that are similar to the needs of other victims. They need information, emotional support, outreach, referrals, legal, medical, financial etc. assistance, a

9 Nikolic-Ristanovic, V. (2002) *Social Change, Gender and Violence: Post-Communist and War-Affected Societies*, Kluwer Academic Publishers, Dordrecht, Boston, London: Kluwer; Nikolic-Ristanovic, 2005, op. cit.

10 Nikolic-Ristanovic, 2005, op. cit.; Zimmerman, Hossain, Yun, Roche, Morison and Watts, 2006, op.cit., p. 2.

11 Nikolić-Ristanović, V. ed. (2009) *Male Trafficking in Serbia*, Belgrade: Victimology Society of Serbia and Prometej.

12 Similarly see also Zimmerman, 2003, op. cit., p. 3, and Clawson, Small, Go and Myles, 2003, op. cit., p. 19.

13 Clawson, Small, Go and Myles, ibidem, p. 19.

14 Nikolic-Ristanovic, 2005.

feeling of security, a safe place to stay, compensation and witness support. They need social support which can offer them security and protection from revictimisation, but which can also help them to regain their self-esteem and control, as well as rebuilding their self-esteem through restoring trustful relationships with others.¹⁵

However, trafficking victims also have specific needs connected to their (illegal) migrant status, as well as to the complexity of the consequences of lasting and multiple victimisation. American research has demonstrated¹⁶ that trafficking victims are more isolated, know much less about the criminal justice system in the country of destination, do not have citizenship of the destination country and this makes it more difficult for their needs to be served, it means that their mental health needs are more extreme, they have higher safety concerns, have higher levels of fear, etc. Thus, their specific needs especially include: information in their own language, including information about assistance, in particular when they are moved from one secure place to another or when they are imprisoned, culturally-sensitive support and assistance so as to leave an abusive situation, based on understanding the continuity of both victimization and trafficking victims' ability to cope (including the acceptance of abuse as a coping strategy); being able to feel in control in making their decision to return home and to testify against traffickers, witness support schemes adjusted to their emphasised security concerns, and residence permits in the destination country.¹⁷ The importance of meeting these specific needs is not only limited to victims' security, however; it also has a strong influence on the success of overall efforts towards achieving the security of sovereign states.

Services for victims: a proactive or reactive approach?

The consequences of, but also the barriers to services for trafficking victims are similar to those experienced by other victims and marginalised groups.¹⁸ However, surveys conducted in the Balkans, Norway and other countries in Europe, as well as in the USA, have also shown that victims of trafficking in destination countries are in a worse position compared to other victims when it comes to their awareness of and access to services, as well as when trust in those offering support and assistance is in question.

This is connected to the control, victimisation, stigmatization and the fear from which they suffer, but also to their frequent mobility, their illegal status, the fact that they are foreigners who encounter language and cultural barriers, are not aware of the available services and otherwise do not feel at home in the destination country¹⁹. Moreover, the survey carried out in Albania, Serbia and Moldova suggests that 'a substantial number of women and girls were at least initially afraid of those who wanted to help them and thought they were being transported to a new venue of exploitation'.²⁰ Consequently, success in offering assistance depends on

15 Hedin, U. and Manssen, S. (2003) 'The Importance of Supportive Relationships Among Women leaving Prostitution' in M. Farley (ed) Prostitution, Trafficking and Traumatic Stress, Binghamton: The Haworth Maltreatment & Trauma Press, p.234.

16 Clawson, Small, Go and Myles, ibidem, p.18.

17 Nikolić-Ristanović, V. (2009a) Support, assistance and protection of victims of male trafficking: research findings. In Nikolić-Ristanović, V. ur. Male Trafficking in Serbia,, Belgrade:Victimology Society of Serbia and Prometej, p.199-220; Nikolić-Ristanović, V. and Čopić, S. (2010) Pomoć i podrška ženama žrtvama trgovine ljudima u Srbiji (Assistance and support for victims of human trafficking in Serbia) Belgrade: Viktimološko društvo Srbije and Prometej.

18 Zimmerman, op. cit., p. 3.

19 Zimmerman, op. cit., p. 5; Clawson, Small, Go and Myles, op. cit., p. 24; Nikolic-Ristanovic, 2009a, op. cit.; Nikolic-Ristanovic, Copic, 2010, op. cit.

20 Brunovskis, A. and Surtees, R. (2007) Leaving the past behind? When victims of trafficking decline assistance, Oslo:Faf0, p. 147.

the ability to provide information about what is being offered, who the different actors are and what victims' rights are.

Surveys have shown that both female and male victims usually do not know where to turn for assistance,²¹ as well as the fact that trust in support institutions is essential so as to encourage them to report and to ask for help.²² It is therefore not unusual that these victims only rarely access the services provided and do not identify themselves as victims. This means that only a very small number of victims are identified and offered any support at all. They are only rarely offered information and other forms of support before they escape from their traffickers. At that stage, contact with support services is most likely to be established through "outreach programmes" or mobility services directed at women in the sex industry or those working in other sectors which are known to employ trafficked women, children or men. Moreover, a proactive approach by victims' services towards trafficking victims while they are still being trafficked may be essential for them to have access to services, as well as for their empowerment and to allow them to successfully break away from trafficking.

The crucial difference between supporting victims of trafficking in comparison to other victims of crime lies in the fact that, unlike victims of crime who are automatically entitled to assistance as legal residents, victims of trafficking in destination countries can only enjoy such support subject to the condition that their status as a victim of trafficking is officially recognised. This is why the identification of victims of trafficking by a specially designated agency is given more importance than victims identifying themselves as victims. Unlike victims of other crimes, it is not victims being able to identify themselves as victims which is crucial for them to be recognised as victims and offered assistance. Consequently, it occurs that victims who want or even ask for help are rejected because they are not recognised as victims of trafficking, or the official procedure is not efficient and takes too long. Being verified as a victim is seen by service providers and victims as an external barrier to providing services to trafficking victims.²³ Moreover, the access of foreign victims to services is dependent on their status being verified in spite of the fact that they may suffer from other forms of exploitation, which are often difficult to differentiate from trafficking, and this means that victims without the 'victim' label are vulnerable to prosecution.²⁴

Once recognised as a victim of trafficking, a victim is entitled to assistance but also needs to be prepared to cooperate with the prosecution services²⁵ and to return, sooner or later, to his/her country of origin. But, as survey findings have shown, many victims are not willing to return.²⁶

Victims of trafficking may feel that requesting support and assistance in the country of destination will lead to them having to return to their own country, where they cannot see any prospects, and without informing

21 Surtees, R. (2007) *Listening to victims: experiences of identification, return and assistance in South-Eastern Europe*, Vienna: International Centre for Migration Policy Development; Nikolic-Ristanovic, 2009a, op. cit.

22 Brunovskis, A., Tyldum, G. (2004) *Crossing Borders. An Empirical Study of Transnational Prostitution and Trafficking in Human Beings*, Fafo-report 426. Oslo: Fafo.

23 Clawson, Small, Go and Myles, 2003, op. cit, p.26.

24 Skilbrei, M. and Tveit, M. (2007) *Facing Return: Perception of Repatriation among Nigerian Women in Prostitution in Norway*, Oslo:FAFO; Segrave, M., Milivojevic, S. and Pickering, Sh. (2009) *Sex trafficking:International context and response*, Devon:Willan Publishing; Nikolic-Ristanovic, 2009a, op. cit.

25 Zimmerman, 2003, op. cit.

26 Skilbrei and Tveit, 2007, op. cit.; Segrave, Milivojevic and Pickering, 2009, op. cit.

and empowering them, i.e. without helping them to make informed decisions and to regain control over their lives. Another situation which service providers may face is that not all victims need or want assistance. Victims of trafficking often do not feel that they are victims at all; they believe that they can cope on their own or want to use alternative sources of support such as family members and friends.²⁷ This raises one of the most controversial questions in relation to victims' and broader security issues: whether to impose victim status and assistance on victims who do not feel that they need any help, or whether to respect their situation and to encourage and support them to make their own informed decisions. In relation thereto, the following question that I want to explore is whether support systems for trafficking victims that nowadays exist in Europe are really meant to ensure both human and national security or whether they are only another weapon in combating illegal migration and organised crime, i.e. primarily to serve national and regional security aims.

Supporting victims of trafficking in Europe: how the needs of victims are met and what are the consequences for their own and national/regional security?

Similar to other parts of the world²⁸, the main challenge in supporting victims of trafficking in Europe seems to include the choice between a victim-centred and an offender-centred approach, including especially the choice between giving priority to victims being able to identify themselves as such and their identification as victims by others. Consequently, it includes a choice between: respecting victims' needs and wishes, while supporting them in reaching safety by making their own informed decisions, and an imposed victim status and assistance regardless of the victim's needs and wishes which serves national and regional security needs rather than those of the victims.

The UN Convention against Transnational Organised Crime, together with its Trafficking Protocol (2000), called for an integrated and multi-agency approach that incorporates the prevention of victimisation, victim protection and assistance, and the prosecution of offenders.²⁹ Since the mid 1990s many efforts have been made on the international and European level, as well as in individual states, to develop a comprehensive response to human trafficking. European documents tended to focus for a very long time on the prosecution of offenders, while the focus of more recent European documents has shifted towards the needs and rights of victims (e.g. the "Brussels Declaration" and the Council of Europe Convention on Action against Trafficking in Human Beings) alongside the need for effective prevention and prosecution.³⁰ In line with this is the appointment of the Organisation for Security and Co-operation in Europe (OSCE) Special representative on Combating Trafficking in Human Beings, who, from the beginning, has paid particular attention not only to national/regional security but also to victims and the development of anti-trafficking mechanisms as important tools for their assistance.³¹

This shift towards a more victim-centred approach led to the availability of a range of measures for victims

27 Brunovskis and Surtees, 2007, op. cit.

28 For the situation in USA, see Clawson, Small, Go and Myles, 2003, op. cit. See also Segrave, Milivojevic and Pickering, 2009, op.cit, for Australia, Serbia and South East Asian.

29 Goddey, J. (2004) 'Sex trafficking in women from Central and East European countries: promoting a 'victim-centred' and 'woman-centred' approach to criminal justice intervention', *Feminist Review*, 76, p. 26-45

30 *ibidem*

31 Trafficking in Human Beings - Fifth Report of the Dutch National Rapporteur, 2007, The Hague: Bureau NRM; Kroger, T, Malkoc, J. and Uhle, B. (2004) National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons – A Practical Handbook, Warsaw:OSCE/ODIHR

of sex trafficking. They include safe accommodation, welfare payments, education, employment and health care, as well as psychological counselling, information, witness support and protection schemes, restitution and compensation from the state, short and long-term residence permits, and in some countries even the possibility of a permanent residence permit (e.g. the Netherlands and Belgium). Moreover, national referral mechanisms³² as wider social frameworks for victim support and assistance have been designed and have started to be implemented.³³ A national referral mechanism (NRM) is defined as ‘the process of identifying presumed trafficked persons by different stakeholders and co- operation among stakeholders to ensure the victims’ referral to specialized services’.³⁴

However, in reality these measures have many limitations and shortcomings. They are mostly applied (although even then not consistently) to female victims of sex trafficking, and are not adjusted to the specific needs of children, male victims and victims of labour exploitation.³⁵ The assistance often depends on the victim’s cooperation in prosecuting the offender(s), and seems to serve the interests of crime control and national security rather than the needs of the victims.³⁶ Moreover, a reflection period and a temporary resident permit, together with other assistance measures, are not only mainly available subject to cooperation with the state authorities, but they also mean a transition period before returning the victims to their country of origin. This may be especially dramatic once they give evidence against traffickers.

Thus, in spite of the shift towards a victim-centred approach, the offender-centred approach still seems to prevail in practice. This may suggest that the international and the EU political and practical response as well as responses by governments and non-governmental organisations to trafficking have been and continue to be located within a framework which focuses on national and regional security, i.e. controlling illegal migration, organised crime and insecurity, and thus ‘as separate to and therefore different from general concern about victims’ and violence against women.³⁷ Or, as a recent statement by the OSCE Special representative on Combating Trafficking in Human Beings seems to suggest, victim support is seen as a one of the means for combating trafficking ‘as a serious transnational threat for security and a highly profitable criminal business.’³⁸

The position of victims of trafficking is consequently very much connected to the fact that they are still being

32 Kroger, Malkoc and Uhl, *ibidem*.

33 NRM was recommended in the 2003 OSCE Action plan to combat trafficking in human beings, endorsed at the Maastricht Ministerial Council meeting (decision no. 2/03), to be established by OSCE participating states in order to build partnerships between civil society and law enforcement, to create guidelines for proper identification of trafficked persons and to establish cross-sector and multidisciplinary teams to develop and monitor policies. NRM is intended as a tool for both transition countries and long-established democracies (Kroger, Malkoc and Uhl, 2004, p.10).

34 Kroger, Malkoc and Uhl, *ibidem*.

35 Jovanovic, S., Savic, M. (2008) Nacionalni mehanizam upucivanja zrtava trgovine ljudima u Srbiji (National referral mechanism for victims of trafficking in Serbia), Belgrade: NVO Atina; Nikolic-Ristanovic, 2009a, *op. cit*; Nikolic-Ristanovic, Copic, 2010, *op. cit*.

36 Segrave, Milivojevic and Pickering, 2009, *op. cit.*.

37 Goodey, *op. cit.* p. 35

38 More committed implementation of victim protection mechanisms will strengthen the fight against the trafficking in human beings - OSCE Special Representative for Combating Human Trafficking calls for enhanced victim protection mechanisms at US Helsinki Commission, http://www.osce.org/cthb/item_1_45291.html, retrieved on 29 July, 2010.

treated as illegal migrants and criminals rather than as victims of crime.³⁹ Also, victims of trafficking can use specific mechanisms which are exclusively tailored to their situation, but victim support services are rarely or are not at all intended for all crime victims. Support for victims of sex trafficking has largely developed separately from women's/feminist groups' responses to violence against women. Survey findings suggest that the exclusion of trafficking victims from services for other victims contribute to their stigmatization and, consequently, to them being refused assistance.⁴⁰ As a consequence, there is a huge discrepancy between the development of general victims' services and the development of services for victims of trafficking, and there is also a lack of assistance aimed at the social inclusion of victims of trafficking in the countries of destination. Moreover, a national referral mechanism is a very promising framework for coordination and the inclusion of all relevant and well informed stakeholders/partners in the victim identification process seems to be more advanced on paper than in reality.⁴¹ This has negative consequences for various issues connected to supporting victims of trafficking, including especially the following: the low number of services, a low awareness of the available services among trafficking victims and their limited access thereto, low standards among the services offered to trafficking victims, a lack of outreach services to victims of trafficking, and overall the small number of victims of trafficking being served by victim services.⁴²

All the above-mentioned affect the security and general well-being of victims, but also, overall, national and regional security as they are closely connected to and dependent on the level of victim identification and protection.

Examples of Serbia and Norway

In order to come to a proposal on a possible way of reconciling more effectively the needs and security concerns of victims with national and regional security, I have explored the support which is available to victims of trafficking in Serbia and Norway. I chose these two countries as representatives of two different victim support contexts, and also as examples of the most advanced (at least at a theoretical level) support mechanisms which have been developed in Europe.

Serbia is the country which used to be emphasised by international organisations as the country with a good practice regarding the coordination of support and a referral mechanism for trafficking victims.⁴³ Norway has recently developed its own model, which to some degree has made use of the experiences with national referral mechanisms in OSCE participating countries in general, and in Serbia in particular. It is also important to mention, however, that support for trafficking victims was developed in Serbia in the context of a very poorly developed social welfare system and general victim services, while the situation in Norway is quite the opposite. As is well known, Norway has a very well developed and funded social welfare system in general, and victim support by both state institutions and NGOs in particular.

Both Norway and Serbia have nationally coordinated multi-agency frameworks for dealing with trafficking

39 Goodey, op. cit.; Segrave, Milivojevic and Pickering, 2009, op. cit.; Nikolic-Ristanovic, 2009a, op. cit.

40 Bjerkan, L. and Dyrild, L. (2005) A Sheltered Life in L. Bjerkan (ed) The life on one's own: the rehabilitation of victims of trafficking for sexual exploitation, Oslo:Fafo, p. 121-153; Brunovskis and Surtees, 2007, op. cit.

41 Jovanovic, Savic, 2008, op. cit.; Nikolic-Ristanovic, 2009a; Nikolic-Ristanovic, Copic, 2010).

42 Ibidem.

43 Kroger, Malkoc and Uhl, 2004, op.cit.

and a national (governmental) referral mechanism that includes cooperation between the authorities and non-governmental organisations. In both countries most victims served are women victims of sex trafficking, although there are also children and occasionally men. In Serbia, in spite of increasing numbers of identified male victims,⁴⁴ no services have been specifically developed for them. According to information received from professionals within the Victimology Society of Serbia's survey on male victims, instead of being assisted they are mostly arrested, imprisoned and subsequently deported.

The national referral mechanisms differ in the two countries. In Serbia, the Agency for the coordination of protection for trafficking victims is a 24 hours a day/7 days a week state service. Its main aim is to verify victims, i.e. to determine who is to be recognized as a victim and to refer her/him to safe housing and/or other support and assistance services. The Agency is charged with being the first point of contact for victims after they have been picked up by the police or other actors. It is intended to take care of identification, needs assessment, and referrals, and provides assistance and monitors the protection of the trafficked person's human rights.

Protection, assistance, and support are offered to all trafficked persons, both foreign and national, regardless of their actual recognition as 'victims of crime' by law enforcement agencies, or the willingness of the trafficked person to be repatriated or to cooperate with the authorities in criminal investigations. Moreover, free medical aid is available to foreign victims of trafficking covered by public health insurance. The only two conditions for receiving assistance relate to the trafficked person's consent to be assisted and supported and to positive identification by the Agency.

However, the Serbian solution seemed to have many shortcomings in its practical implementation. Victim certification is centralised and is in the hands of only one actor — the Agency, which is supposed to cover the entire country. This precludes a good use of overall victim support resources, and directs victims to the Agency whose own material and personal resources are more than modest, so that in practice the Agency is not able to accomplish its mission effectively.⁴⁵ The functioning of the Agency practically depends on information received from other actors who, as the Agency itself recognises, are often not even informed about its existence and role. In practice the Agency hardly plays the role of a coordinating body and mostly offers the same direct assistance services as specialised NGOs. Even when the Agency does refer victims to other services, the referrals are mostly limited to several organisations and institutions in Belgrade, with general victims' services and women's organisations always being excluded.⁴⁶ All this contributes towards the non-transparency, non-flexibility and inefficiency of the entire victim support system, with many victims remaining on the outside.

On the other side of the spectrum, the Norwegian model tends to rely on a large network of trained and sensitive professionals. In Norway, there is the Rosa project — a 24 hours a day/7 days a week emergency and information hotline which gives information about help and protection to female victims of trafficking. Rosa offers help and information to the government, NGOs, lawyers, as well as victims, their families and all others. Victims can receive safe housing, legal assistance, medical care, vocational training, stipends, Norwegian

44 According to the information obtained from the Serbian Ministry of Internal Affairs, the number of identified male victims in 2007 was seven times higher than in 2006.

45 Jovanovic, Savic, 2008, op. cit.; Nikolic-Ristanovic, 2009a, op. cit.; Nikolic-Ristanovic, Copic, 2010, op. cit.

46 Nikolic-Ristanovic, ibidem; Nikolic-Ristanovic, Copic, ibidem.

language classes and other assistance.⁴⁷ Rosa can facilitate contact with crises centres across the country that are ready to receive new people in need of help.⁴⁸ Besides the Rosa project, there is a body which is called the Coordinating Unit for Assistance and Protection, whose main duties include assisting the welfare services by providing methods for the identification of victims and for planning assistance and protection. It also contributes to the development of information and human resources in the field of human trafficking.⁴⁹

Thus, the role of the Coordinating Unit seems to be very similar to that of the Agency. However, the difference lies in the fact that Norway seems to be a very good example of how all social resources may be mobilised, including both the use of the existing capacities of NGOs and social services, and the development of specific measures for victims of trafficking. This especially means providing skills for victim identification and assistance to a wide range of actors, instead of placing them in the hands of only one or a few actors, as is the case in Serbia. The increasing numbers of victims receiving support may be used as an indicator of the first effects of this new approach.

In Norway, a recovery and reflection period of 6 months is available to women and children who claim to be victims, subject to the condition that the victim must have the intention to break away from the trafficking situation. During that time, victims are provided with practical assistance, counselling and a safe place to stay. It includes a residence and a work permit, with the possibility of a one-year work permit for those who break away from traffickers and cooperate with the authorities. This is a good solution in terms of taking care of the needs and the agency of victims, since victims being able to identify themselves as such is given priority, without being conditional upon cooperation with the authorities. Although this is not a benefit that victims can enjoy unconditionally, since they must have the intention to break away from the trafficking situation, it is very important that it is accepted 'that it is the woman's explanation that is the deciding argument, unless there is physical evidence that contradicts her story. No claim will be made against the woman to prove the reliability of her story, evidence or documentation'.⁵⁰

However, on the other hand the government tends to encourage victims to participate in trafficking investigations and prosecutions. All victims who have assisted in the conviction of their traffickers receive \$20,000 or more as restitution for their trafficking experiences.⁵¹ Bearing in mind the fear and threats that victims often face, this solution may be a good way to reconcile victims' needs and security with national and/or regional security interests.

Conclusion: towards a new approach

On the basis of the analysis of victims' needs and current solutions, the overall implications of trafficking for security, and bearing in mind the examples of good practice from Norway and Serbia, it is possible to recommend a model for supporting victims of trafficking based on a comprehensive multidisciplinary approach to all victims of trafficking, which is gender, age, culture and race- specific. This model is intended

47 Trafficking in persons report 2010 – Norway, <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>, accessed on August 4, 2010.

48 http://www.rosa-help.no/pdf/rosa_english.pdf

49 Norwegian Government's Plan of Action to Combat Human Trafficking for 2006-2009, <http://www.jd.dep.no>, accessed at 20 January 2009

50 http://www.rosa-help.no/pdf/rosa_english.pdf

51 Trafficking in persons report 2010 – Norway, <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>, accessed on August 4, 2010.

to take care of the needs and security of victims, while at the same time meeting the needs of national and regional security.

The recommended model should include cooperation and an exchange of information between all stakeholders, including both general and specialised services for victims of trafficking, women, children and ethnic minorities. The cooperation, including referrals, should be established between NGOs dealing exclusively with victims of trafficking, social services and NGOs dealing with other victims, including women in prostitution. National and local referral mechanisms should address the needs of and should serve all victims, including victims of trafficking. This may be the way to overcome the hierarchy of victimhood and the exclusion of trafficking victims from the general support framework. Moreover, cooperation and referrals are necessary between victims' services and other stakeholders in the countries of destination and those in the countries of origin.⁵² Full information on existing services needs to be available in different languages without specifying trafficking.⁵³

In connection thereto is also the establishment of a national helpline/a referral point for all who are interested, which should make access to information and services easier and more efficient. At the same time, cooperation and referral mechanisms should be established at the local level. The existence of both national and local referral points should encourage victims to ask for help. This also includes appropriate training for governmental and non-governmental actors, and the development of guidelines for the identification and treatment of victims.⁵⁴

The crucial part of the model should be a proactive approach by support services towards potential/possible victims through the establishment of outreach work and drop-in centres throughout the country, offering health care, accurate information on rights, options, consequences, counselling and support in appropriate languages, as well as, if victims are interested, help in breaking away from trafficking.

Victims should be able to make informed decisions as to what they consider to be in their best interest.⁵⁵ This also means that services need to take into account victims' opinions as to their possible return to their country of origin and the authorities should only be contacted if the victims want this.⁵⁶ In addition, needs-based and flexible resident and work permits, as well as an asylum policy for victims of trafficking, should be available much more widely than is presently the case. Since victims of trafficking include women, men and children, accommodation should be designed for these different target groups. In this respect it is also worth considering whether to establish a flexible system of different types of accommodation instead of one general shelter.⁵⁷

Victims should be trusted and treated accordingly both when they claim to be victims and when they refuse to be treated as such. The use of good practices in dealing with other victims, particularly victims of domestic and

52 ICMPD (2006) Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Responses, Vienna: ICMPD.

53 World Health Organisation (WHO) (2003) Guidelines of WHO for talking with women- victims of human trafficking, London: WHO.

54 L. Bjerkan (ed) The life on one's own: the rehabilitation of victims of trafficking for sexual exploitation, Oslo:Fafo.

55 Kroger, Malkoc and Uhl, 2004, op. cit.

56 WHO, 2003, op. cit.

57 Kroger, Malkoc and Uhl, 2004, op. cit.


sexual violence, migrants and refugees⁵⁸ may be helpful in assisting victims of trafficking. Where appropriate, aid organisations working with other victims should expand their services to offer care for women⁵⁹ and other victims of trafficking. These services also need to include effective witness support and protection, although victim testimony should only be used when this is really necessary.

All this is of great importance for the protection of victims and for the prevention of revictimisation per se, as well as a precondition for effectively combating organised crime, i.e. for national and regional security.



58 Zimmerman, 2003, op. cit.

59 Zimmerman, Hossain, Yun, Roche, Morison and Watts, 2006, op. cit.



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