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BEST PRACTICES FOR PROGRAMMING TO PROTECT AND ASSIST VICTIMS OF TRAFFICKING IN EUROPE AND EURASIA

Executive Summary

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EXECUTIVE SUMMARY

The report that follows is an assessment of trafficking protection programs – programs designed to provide protection and assistance to victims of trafficking. It is intended to help USAID and other interested parties determine the strengths and weaknesses of program approaches to date, ascertain which projects are replicable and where anti-TIP efforts can be integrated into other relevant USAID programming. A companion report has been written to assess trafficking prevention programs.

The report stems from a review of current literature produced by various USAID anti-TIP activities, and publicly accessible and relevant assessments and evaluations from anti-TIP programs funded by other donors (for a complete list, see Annex A, References). Additionally, the author draws on some of her own experiences in implementing anti-trafficking programs in countries of the region. One of the main limitations which was revealed by the use of this methodology was the dearth of impact data available in the existing literature and project documents. Project documents were found to contain mostly process or output indicators (numbers of people trained or assisted, for example). While the general objectives and goals of the projects were provided in the project documents, measurements of the impact of the projects were generally not provided or were not clear or specific enough to demonstrate program impact.

While there was a dearth of concrete indicators available which measured the impact of protection programs in the region, there was enough information to come to the conclusion that without the efforts of the USAID-funded anti-trafficking programs in the region, it is likely that victims of trafficking would rarely be identified, their human rights would continue to be violated, and few would be willing to testify without support and protection. Similarly, our understanding of trafficking in the region would be severely limited. We have learned much over the years from the victims who have been assisted through donor-funded programs. Without this information we would still be laboring under misconceptions about trafficking, its victims and the perpetrators.

This report provides an analytical review of interventions aimed at identifying and assisting victims, for donors who are developing and funding such protection programs. Protection projects include a wide range of interventions, from building the capacity of government and civil society stakeholders to the development and provision of services to victims, establishing appropriate legislation, regulations and policies. The following report highlights what we have learned from past and ongoing anti-trafficking interventions and research. Detailed information on how to develop programs based on these lessons learned is provided in the Tool Kit for Designing Trafficking Protection Programs (Annex B). A summary of the analysis of protection programs and the key recommendations is provided below and divided into the following categories:

- A. Identification
- B. Direct Assistance
- C. Legal Proceedings as They Relate to Victims
- D. Monitoring and Evaluation of Assistance Programs
- E. Quantifying Trafficking

F. Trafficking Program Management and Design

The full analysis and complete recommendations follows in the main body of the report.

A. Identification

In the E&E region, many people believe that human trafficking is a violation of women for the purpose of prostitution. There is a lack of understanding of the other forms of trafficking and the wide range of people who can become victims. As a result, victims who do not conform to the ‘expected’ victim are often not identified as victims of trafficking. We tend to find what we look for, and anti-trafficking stakeholders in this region have been well trained to be on the lookout for the trafficking of young women for prostitution. As a result, these are the victims they have found. In areas where efforts have been made to demonstrate the trafficking of other groups, such as men for labor, more such victims have begun to be identified. Efforts need to be made to continue to improve and expand identification efforts, raising awareness amongst anti-trafficking actors that victims of trafficking can include men, women and children, of all ages, nationalities and ethnicities, trafficked for a wide range of exploitative purposes.

Improved identification and referral for assistance amongst key stakeholders such as law enforcement, border officials, consular officers and others should be addressed not only by providing training, but also through the development and implementation of clear operational procedures. These procedures help ensure that the theory learned in training is implemented appropriately and effectively, and is sustained long after the training is completed. Training should be incorporated into existing pre- and in-service training mechanisms in the country in order to ensure sustainability.

Hotlines combined with targeted awareness-raising campaigns are excellent ways of increasing reporting of cases. Such efforts in the region have resulted in increases in cases of self reporting, referrals from family or friends, and even reporting by clients. Development of hotlines and awareness-raising campaigns to increase the use of hotlines for reporting cases of trafficking and identification of victims should be encouraged. Care should be taken to fund awareness-raising campaigns with which victims and their families will identify, avoiding violent or provocative imagery and the use of off-putting terms such as victim, trafficking, and prostitution.

B. Assistance

As noted above, victims who do not conform to the expected demographic are often not identified as trafficked. Additionally, once identified these victims of trafficking may be offered very limited assistance, as assistance frameworks are generally designed for women trafficked into prostitution. Assistance programs need to be expanded to include all potential victim populations – men, women and children, trafficked for prostitution, labor, begging, etc.

Most of the countries in the region have national referral mechanisms in place – whether formal or informal. There are concerns, however that the implementation of these mechanisms is not always made in the best interest of the victims, but that political issues can take precedence. Victims may not be identified and assisted if States wish to reduce the numbers of victims

identified. Similarly, victims' participation in such programs may not be voluntary if States wish to keep foreign victims in custody or wish to increase numbers assisted in order to increase funding for particular programs. Therefore, efforts should be made to ensure that referral mechanisms prioritize victims and are based on voluntary and informed participation. This can be ensured by designing referral mechanisms so that no one stakeholder has control and putting functioning monitoring mechanisms in place.

In order to increase identification and ensure informed participation in programs, informational materials for victims of trafficking are needed. In countries of origin, materials should be developed for distribution to potential victims of trafficking prior to their departure from the country, informing them of assistance available in key destination countries and providing contact details abroad and at home. Research has shown that some victims have avenues for escape. However, they may be reluctant to use them if they do not know where to turn to for help once freed. Therefore, providing information to potential victims, especially migrants, about where to turn for help is critical.

Many victims of trafficking return home who have not been identified as trafficked. They may return on their own or be deported for immigration violations (Dettmeijer-Vermeulen, Boot-Matthijssen, van Dijk, de Jonge van Ellemeet, Koster, & Smit, 2008, pp. 55-57; Kiryan & van der Linden, 2005, p. 37; IOM, 2007a, p. 2; IOM, 2006c, p. 3; Stephens & van der Linden, 2005, p. 30; Surtees, 2005, p. 17). To increase identification and assistance for this population, materials should also be developed which inform potential victims of trafficking on their return home of their rights and of the assistance available to them, by all assistance providers in the country. This should be made available to all returning migrants – but especially those deported, returning without documents, or returning under other unusual circumstances.

Many reports point to the large numbers of victims of trafficking who were freed from their trafficking situation by authorities in the destination country only to be deported as an irregular migrant, never being identified as trafficked. Many victims do not wish to be identified as trafficked and may be fearful of admitting what happened to them. However, providing information in writing which informs potential victims of trafficking upon identification of their rights and of the assistance options available to them could help increase their self-identification. Countries of destination should develop such materials which should be made available in the main languages spoken by VOTs and migrants in the country.

Violations of victims' rights do not end with their trafficking. Many continue to have their rights violated by those tasked with assisting them. Donors should encourage the development of monitoring mechanisms to ensure that victims' rights are not violated in the provision of services and that victims' rights take precedence over those of the State or law enforcement.

Currently most of the assistance programs were developed with donor funding and continue to operate with foreign assistance. However, there are numerous examples of cost sharing throughout the region which could be replicated elsewhere. In the development and funding of new programs, donors should encourage cost-sharing mechanisms with the state or local government. Other cost sharing mechanisms can also be developed, but care should be taken to

ensure that such mechanisms (as well as cost-cutting measures) do not negatively impact on services or cause violations of the rights of victims.

Low income has been stated repeatedly as a push factor which increases vulnerability to the false promises of traffickers. Studies of migrants throughout this region show that most decide to migrate in order to earn a better income (Kiryan & van der Linden, 2005; Stephens & van der Linden, 2005; Ghinararu & van der Linden, 2004; Michailov, *et al.*, 2005; Winrock, 2004c). After their escape from trafficking, they are usually still in need of earning a living – either for themselves or to support their families. Assistance programs which do not address this need for income generation are not likely to succeed. Income generation activities for victims of trafficking should be encouraged, including employment programs, cooperative businesses and even entrepreneurship programs, when appropriate. Linkages to existing state and private mechanisms in the country should be developed so as to encourage sustainability: for example, through state employment offices or private micro-credit schemes.

As noted in the identification section above, monitoring is essential to ensure that the referral mechanisms are implemented as intended, that minimum standards of care are being utilized, and that the victim's rights are being respected. Complaint mechanisms, which are clear and easy to understand and use, should be incorporated into every program. Donors should support programs which develop sustainable monitoring mechanisms in the country.

C. Legal Proceedings Related to Victims

There are few incentives for victims to testify against their traffickers, and many disincentives including lengthy investigation and court procedures, threats from traffickers, and exposure to the public. In order to encourage victims to testify, these disincentives need to be reduced and the incentives increased. Therefore, there needs to be increased use of alternative methods of testifying, where they exist in law, to protect victims and lessen the burden on them of cooperating with justice. In places where such alternatives do not yet exist, donors could fund programs to reform the legislation to allow them, as well as to then encourage their use.

Other reforms which reduce the burden of testifying should also be developed. For example, legislation to protect victims' identity by making it illegal for media or others to release identifying information about victims to the public would go a long way in preventing victims' identities from being publicly exposed. Training and development of codes of ethics for journalists can also be encouraged. In countries where it is not yet the case, encourage reform of legislation to provide amnesty for crimes committed while trafficked.

In order to increase the incentives for victims to testify, mechanisms should be developed for victims to claim compensation from traffickers or to receive compensation from the State. Many States of the region have such mechanisms in place, but their use has been limited. Donors should support programs designed to encourage the implementation and use of these mechanisms to pay compensation in order to set a precedent for the future.

D. Monitoring and Evaluation of Assistance Programs

As noted in the introduction to the report, monitoring plans for most of the donor-funded programs have been limited to output oriented results and limited efforts have been made to measure the impact of protection programs. Donors should ensure that monitoring mechanisms are in place to measure program impact as well as to ensure that no harm is caused by donor-funded programs which are being improperly implemented (refer to Annex B: Tool Kit for Designing Trafficking Protection Programs for assistance in developing appropriate impact indicators).

E. Quantifying Trafficking

The ultimate objective of anti-trafficking efforts is to reduce the amount of trafficking and the number of people trafficked. Therefore analyzing the impact of such efforts necessarily requires that one is able to estimate the number of victims of trafficking. Research can also be used to contradict popular myths – myths that could lead to more people being trafficked because they believe these falsehoods and are unaware of the true dynamics of trafficking (Watson, 2005d, p.8). Research can also be used to influence government action especially if government has been unwilling to recognize the problem of trafficking and the research makes a compelling case that it is a significant problem.

Quantifying the number of victims of trafficking is fraught with difficulties. Even quantifying the number of victims who have been identified is difficult. A lack of data sharing between countries of origin and destination results in severe under-reporting of the number of identified trafficked persons from countries of origin. At the same time, measuring changes in the number of identified trafficked persons does not tell us anything about changes in the actual number of people trafficked or the impact of our programs because changes in the numbers of people identified can result from many things, including increases or reductions in efforts to identify victims.

Trying to measure the overall prevalence of trafficking provides a way of measuring changes in trafficking over time and tells us much more about the overall impact of anti-trafficking efforts in a country. While difficult, some interesting methodologies have recently been employed to this end. Further studies of prevalence should be supported.

F. Trafficking Program Management and Design

The design and management of anti-trafficking programs has an effect on their impact. Long-term projects (three to five years), rather than short-term projects, allow implementers to have a longer horizon and implement more sustainable programming. Similarly, spreading money and resources amongst too many stakeholders through multiple sub-grants causes a management burden and can result in reduced impact.

Some anti-trafficking efforts have combined the provision of services for vulnerable groups with those for former victims of trafficking when feasible. This has the possibility of reducing the stigma associated with trafficking by allowing trafficked persons to blend with other populations.

This can be done by combining prevention and protection programs or by integrating trafficked persons as beneficiaries into non-trafficking programs – for example, by assisting trafficked persons to apply for micro-credit programs designed for the general population. It is important, however, that impact data be disaggregated to better assess the impact of the projects on victim protection and to help ascertain if programs need to be adapted in some way to be effective for trafficked persons.





