
ASSISTING TRAFFICKED WOMEN

**Best practice principles
of gender-specific legal
assistance and integration
supports to third country
national female victims
of trafficking for sexual
exploitation**

ASSIST:

**Gender Specific Legal Assistance
and Integration Support for Third
Country National Female Victims of
Trafficking for Sexual Exploitation.**

(Assist Project EC AMIF: 821581)



A transnational project funded by the European Union Asylum, Migration and Integration Fund and implemented by a partnership consortium comprising Immigrant Council of Ireland, Dublin, Ireland; SURT, Barcelona/Catalonia, Spain; BeFree Rome, Italy; JustRight, Glasgow, Scotland/UK; SOLWODI, Deutschland e.V. Germany; and the European Network of Migrant Women, Brussels, Belgium.



This project is funded by the
European Union's Asylum,
Migration and Integration Fund

JUSTRIGHT SCOTLAND
SCOTLAND/UK
November 2020

ASSISTING TRAFFICKED WOMEN

Best practice principles
of gender-specific legal
assistance and integration
supports to third country
national female victims
of trafficking for sexual
exploitation

Published by:

JustRight Scotland

3/1, Forsyth House,

111 Union Street, Glasgow, G1 3TA

+44 141 406 5350

<https://www.justrightscotland.org.uk/>

Funding: This report was funded by the European Union’s Asylum Migration and Integration Fund. The content of this report represents the views of the author only and is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

Written by: Kirsty Thomson and Dr Nusha Yonkova

This report is produced for the EU funded initiative “Assist: Gender-specific Assistance and Integration Supports for Third Country National Female Victims of Trafficking for Sexual Exploitation” (AMIF-2017-AG-INTE-821581), led by the Immigrant Council of Ireland and implemented in partnership with Be Free (Italy), Just Right Scotland (UK), SOLWODI (Germany), SURT (Spain) and the European Network of Migrant Women (Belgium).

Edited by: Bronagh Andrew, Jennifer Ang and Anushya Kulupana

Design by: The Port Creative

Copyright © 2020, JustRight Scotland. No part of this book may be reproduced or transmitted in any means, electronic or mechanical, including photocopying, recording, or by any information storage or retrieval systems without permission from publisher except for duly referenced brief quotations used in critical reviews. The information in this publication is provided in good faith and every effort is made to ensure that it is accurate and up to date. JustRight Scotland disclaims any responsibility for errors and omissions in the text. Any person relying upon this publication or using it in connection with any legal matter shall be deemed to have accepted these terms of use and shall not hold JustRight Scotland liable for the use or misuse of this publication or any of the information contained therein.

About the Authors

Kirsty Thomson is one of the Founder Directors of JustRight Scotland which is Scotland's law centre for justice and human rights. JRS responds to gaps in social justice, rights and equality within Scotland through cross sector collaborations. Kirsty has a Master's in International Human Rights Law and 13 years' experience in practice as a human rights lawyer within Scotland representing individuals affected by human trafficking which she now does through our Anti Trafficking and Exploitation Centre. Kirsty has been involved as an expert in two national inquiries on human trafficking. She is a member of various parliamentary and government working groups and has written and trained extensively in this area. She is a member of the UK Anti Trafficking Monitoring Group which is the UK NGO shadow monitoring mechanism for human trafficking as well as being a member of a current expert international advisory group with the OSCE on human trafficking/NRM. In addition, she is a Co-ordinator in Scotland for the Immigration Law Practitioners Association, an expert panel member for Strategic Legal Fund for Vulnerable Young Migrants, a member of the Advice Sector Panel of the Administrative Justice Council and a Council member of the Law Society of Scotland.

Dr. Nusha Yonkova is the Gender & Anti-trafficking expert at the Immigrant Council of Ireland, overseeing policy, research, advocacy and campaigns relating to gender-related migration issues for the organisation. Originally from Bulgaria, Dr. Yonkova is a qualified engineer and holds a Master of Arts Degree in Intercultural Studies from Dublin City University. She became a Doctor of Philosophy at University College Dublin in 2019 with her work 'A Study of Gender Specific Approaches to Assistance of Trafficked, Sexually Exploited Women'. Nusha was the first migrant woman elected onto the board of the National Women's Council of Ireland in 2008. She was also elected as chair of the European Network of Migrant Women, a pan-European network. She is presently serving on the boards of Ruhama and Women's Aid.

FOREWORD

The ASSIST project has marked another milestone in our work on developing and improving responses to human trafficking in Scotland and beyond.

I am privileged to have worked with the Immigrant Council of Ireland on an earlier EU funded project around early legal assistance in the area of human trafficking. As a result of our learning from this earlier project, we worked to develop pathways to legal support in Scotland working with key Scottish partners to do so. I was therefore delighted to partner with them again on this timely project which has again furthered our learning and shaped our practices and approach in Scotland.

The ASSIST Project has allowed JustRight Scotland to focus on the long term integration needs of trafficked women recovering from sexual exploitation as well as empowering women with lived experience to play a leadership and mentoring role in the response to human trafficking at an operational as well as strategic and policy level.

Through the ASSIST Project, JustRight Scotland has been able to provide free weekly legal surgeries for female survivors of trafficking for sexual exploitation at the offices of the Trafficking Awareness Raising Alliance (TARA) as well as providing free, holistic, gender-specific, specialist and trauma informed legal representation on legal issues related to a woman's integration needs in areas such as citizenship, identification issues, family reunion and compensation.

The ASSIST project has also allowed us to bring together a group of inspiring women with lived experience to develop a peer support network for female survivors of sexual exploitation as well as to make important contributions to policy consultations in Scotland including the review of Scotland's Human Trafficking Strategy.

This work has been about commitment and partnership working. This is no less important in these difficult times where just this week Police Scotland have noted that human trafficking for sexual exploitation has continued during the pandemic with further increases predicted. Now, more than ever, it is important that we all work together – civil society, law enforcement, government and importantly individuals with lived experience.

This project would not have been possible without the funding programmes of the European Union, particularly the Asylum, Migration and Integration Fund. EU anti-trafficking funding streams provide a vital and much needed lifeline to civil society organisations like JustRight Scotland, allowing us to continue our dedicated assistance to victims of trafficking in human beings, while also giving the opportunity for us to explore and exchange best practices among the partnering Member States. We are delighted to have partnered on the ASSIST Project with some of the leading feminist service providers in the European Union – Immigrant Council in Ireland, BeFree in Italy, SOLWODI in Germany, SURT in Spain and the European Network of Migrant Women in Belgium and across the European Union.

I thank the Scottish Government for supporting this project and in particular our work with women with lived experience. I am delighted that the two key themes of this project; longer term outcomes and engagement with those with lived experience have been noted in the government's recent progress report and review of the government's strategy in this area.

I thank our partners at TARA who worked with us on the Early Legal Assistance project as well as the ASSIST project and whose input and partnership working has been invaluable.

I thank the team who worked on this; Anushya Kulupana who developed the peer support project as well as providing legal assistance and the team at Mandala Consultants who have facilitated and supported the women we have been working with.

Finally, I thank the women who have survived human trafficking and who have had the strength and dedication to assist others who have just left a situation of exploitation or indeed are still in one. Their dedication, courage and commitment has been extraordinary and working with such inspiring women has been a highlight of my career. For our part, I have made a commitment to securing funding to continue the important peer support work from the ASSIST Project as well as to ensure that the experience and voices of survivors shape our future responses to human trafficking in Scotland.

Kirsty Thomson
Director, JustRight Scotland

Note on the language of the ASSIST Project

Central to the ASSIST project is the term ***gender-specific***, which was a subject of discussion among the partners and as such merits a short explanation. The theory of gender levels conceptualises the asymmetrical ordering of masculinity and femininity in our societies and includes gender order, gender regime and gender relationships (Connell, 2005; Coy, 2012). The gender order refers to the underlying regime of gender inequality that characterises the EU, resulting in societies in which women's position is still disadvantaged. The gender regime is understood as the institution of prostitution which hosts the bulk of the crime of trafficking of women for sexual exploitation, while the gender relationship is the one seen between men who purchase sex on the one hand and women – including trafficked migrant women – on the other. It is in this sense that the term ***gender-specific*** is used in this project, which is dedicated to the assistance and integration of third country national women disproportionately and severely affected by the most costly and widely spread form of exploitation in the EU.

CONTENTS

01	INTRODUCTION	8
02	SHORT OVERVIEW OF ASSIST PROJECT	10
03	EU POLICY CONTEXT	14
04	NATIONAL LEGAL AND POLICY CONTEXT IN SCOTLAND	16
05	BEST PRACTICE DISCUSSION	24
	5.1. Preliminary thematic brainstorming session on best practice.....	24
	5.2. Discussion on best practice identified in the participating EU Member States.....	29
06	BEST PRACTICE PRINCIPLES	34
	Access to and duration of assistance	34
	Specialised legal assistance.....	35
	Attention to motherhood and children	35
	Safe and appropriate accommodation.....	36
	Psychological assistance	37
	Medical assistance	37
	Training and education.....	38
	Borrowing good practice from other areas of response to violence against women.....	39
	Feminist independent services.....	39
	Voices of victims-survivors.....	40
	Peer-to-peer support.....	41
07	ANNEXES	42
	ANNEX 1 – Pan-European Service delivery framework.....	42
	ANNEX 2 – Framework for Peer-to-peer support programme.....	48
	ANNEX 3 – Suggested template for reporting on national best practice.....	52
08	BIBLIOGRAPHY	54



ASSIST:

**Gender Specific Legal Assistance
and Integration Support for Third
Country National Female Victims of
Trafficking for Sexual Exploitation.**

(Assist Project EC AMIF: 821581)



INTRODUCTION

1

The purpose of this paper is to present the ASSIST project's best practice approaches regarding gender-specific legal assistance and integration support to female third country national victims of trafficking for sexual exploitation in five EU (European Union) Member States: Ireland, Germany, Italy, Scotland/UK and Catalonia/Spain. Particularly, the paper aims at showcasing the most innovative, relevant and applicable best practice, emanating from the ASSIST project's near two years' dedicated work on gender-specific assistance on the one hand, and from the significant involvement of victims of trafficking as experts and support providers on the other. The paper contains a short overview of the project and its work programme, a policy context at EU and respective national level, followed by the main points of a specific partner discussion dedicated to best practice as well as identified best practice principles.

JustRight Scotland has partnered on the ASSIST project for Scotland/UK. JustRight Scotland is a non-governmental organisation and law centre in Scotland. It hosts the Scottish Anti-Trafficking and Exploitation Centre whose team has worked on the ASSIST project. This centre is the only specialist legal project providing legal advice and assistance to victims of human trafficking throughout Scotland. It has significant experience of providing legal assistance to migrant women trafficked to the UK for sexual or other forms of exploitation and who have experienced sexual violence in the process of trafficking.

ASSIST



SHORT OVERVIEW OF ASSIST PROJECT

2

The ASSIST project is funded by the Asylum, Migration and Integration Fund and responds to priority 5 of the AMIF-2017-AG-INTE, concerning the integration of victims of trafficking in human beings. The project contributes towards the integration of third country national female victims of trafficking for sexual exploitation. There is a recognised link between the assistance needs of victims and factors including their gender, the form of exploitation they have suffered, and their residence status (Directive 2011/36/EU). This is particularly relevant to female victims of trafficking for sexual exploitation, who often have very complex needs (European Commission, Study on the Gender Dimension of Trafficking in Human Beings, 2016; EIGE, Gender-specific Measures in Anti-trafficking Actions, 2018). The gendered nature of human trafficking, which represents a form of gender-based violence, stands at the core of the concept and the work programme of this project. In responding to the priorities of the AMIF (5), the project takes into account the implications of the migration developments since 2015, affecting the most vulnerable victims of human trafficking, in particular migrant women and children.

The ASSIST project develops and delivers gender-specific legal assistance and practical support to *female third country national victims of trafficking for sexual exploitation (trafficked migrant women)*¹ in EU Member States in order to contribute towards their integration. The scope includes female victims of other forms of human trafficking that have experienced sexual violence. The project partners comprise of support organisations and independent law centres which have delivered structured gender-specific legal assistance, information and overall support to more than 50 trafficked migrant women to date in areas central to their integration in their respective EU Member States. In particular, this work focuses on addressing special legal needs, on the availability and accessibility of material assistance and safe and appropriate housing, through designated shelters or mainstream services, specialised psychological support, access to training and employment, and overall integration support providing longer term solutions to empower such victims.

ASSIST is based on a victim-centred and gender-specific approach, whereas ethical considerations receive the extreme level of attention they deserve due to the nature of the project. Victims of trafficking play a central role in both the conceptualisation and the implementation of the project. On a practical level, victims participate as experts and service providers in the project. Direct victims' opinions were gathered for the purposes of gaining an authentic understanding of the gender-specific needs of trafficked migrant women. Victims were also involved in the design and the production of the information materials of the project (i.e. ASSIST project national leaflets). Victims also played an important role in the services delivered through an innovative pilot programme established in Ireland, Italy, UK/Scotland, Germany and Spain/Catalonia, in which survivors are recruited and trained as mentors for peer-to-peer support work.

1. In some instances in this document, female third country national victims of trafficking for sexual exploitation will be referred to as 'trafficked migrant women' for ease of reference.

ASSIST partners

The ASSIST partners include active members of the EU Civil Society Platform on Trafficking and all have extensive experience in assisting female trafficked victims from a gender perspective. **The Immigrant Council of Ireland**² is a leading anti-trafficking civil society organisation and an independent law centre in Ireland with expertise in providing legal support to third country national female victims of trafficking for sexual exploitation. **SOLWODI**³ is a nationwide organisation in Germany with 19 counselling centres and 7 shelters for migrant women and girls in distress, including victims of human trafficking and forced prostitution. It has extensive experience working with female third country national victims of trafficking for sexual exploitation, offering legal assistance, counselling and information, and integration support. **SURT**⁴ is a Spanish organisation which was established in 1993 specialising in personal and economic empowerment of female victims of trafficking in Spain. Through a collaborative model with another organisation, SICAR, the support offered by SURT extends to legal assistance in accessing rights. **BeFree**⁵ is a social cooperative based in Rome with extensive experience in providing gender-specific assistance and integration support to third country national female victims of trafficking for sexual exploitation. **JustRight Scotland**⁶ is a law centre in Scotland with expertise in providing legal support and assistance to third country national female victims of trafficking. **The European Network of Migrant Women (ENoMW)**⁷ is a migrant women led European platform that directly represents the voices of migrant and refugee women and has extensive experience campaigning at European level. Through their membership, experience, and feminist expertise, they can assist in promoting victim-focussed women-centred assistance measures and ensure the EU's wide reach of the project findings and deliverables.

ASSIST actions

In order to contribute towards the general objective of providing gender-specific legal assistance and support to trafficked migrant women and to assist in their integration, the work programme includes the development of a victim-centred and gender-specific service delivery agreement, direct assistance to more than 50 victims, establishment of a survivor/ mentor peer-to-peer support programme, and development of victim-informed information materials as well as best practices and principles, which are the focus of this paper.

Victim-Centred and Gender-Specific Service Delivery Agreement (for more information see ANNEX 1)

The project developed and agreed a service delivery agreement for providing gender-specific legal assistance and support to trafficked migrant women, in the areas of legal and material assistance, access to safe and appropriate housing, and integration support regarding access to education, training, and work opportunities.

2. <https://www.immigrantcouncil.ie/>

3. <https://www.solwodi.de/>

4. <https://www.surt.org/en/>

5. <https://www.befreecooperativa.org/>

6. <https://www.justrightscotland.org.uk/>

7. <https://www.migrantwomennetwork.org/>

Direct gender-specific assistance

Direct gender-specific assistance benefited more than 50 trafficked migrant women, within the framework charted by the service delivery agreement. Indicators for measuring the outcome of this specific objective relate to the overall advancement of the victim's situation and their integration including: applications made; rights gained; awareness of rights; capacity of the victim to assert her own choice and decisions; increased knowledge of integration opportunities; uptake on education courses; uptake on training courses; and uptake of employment. This work is recorded and presented through case studies.

Survivor Mentors (For more information see Appendix 2)

The project includes a pilot program for training survivors who have recovered and integrated, and have a trusting relationship with the participating organisation, to get involved in providing assistance to recently identified victims. This action recognises the potential importance of the inclusion of survivors in the provision of gender-specific services to female victims of trafficking (European Commission, Study on the Gender Dimension of Trafficking in Human Beings, 2016), and its potential impact on the integration of victims. The impact of this measure is measured qualitatively, through feedback interviews.

Information Materials

Information materials have been created outlining the rights and supports available to trafficked migrant women that can contribute towards their integration and durable solutions. Their design and language included important input from survivors – already integrated former victims of trafficking. The leaflets are available in a number of languages that are prominent among victims of trafficking in the participating Member States.

Best Practice discussions and identification of principles

In order to create learning which can ensure the sustainability of the project and contribute towards a wider impact beyond Member States participating in the project, best practice guidelines and principles on gender-specific legal assistance and integration support have been created. This paper is part of this action. In addition to being made available online, this learning is launched at national seminars and a final virtual conference in Brussels. Indicators used to measure the impact of this specific objective include the number of stakeholders reached through the above events, the number of reports distributed, and overall dissemination reach of the materials shared through the online and social media platforms of the participating organisations. The best practice principles were developed with the involvement of victims of trafficking throughout the project.

Impact of the ASSIST project in the EU

The ASSIST project was designed to increase access to gender-specific support and legal assistance, positively contributing towards the integration of third-country national victims of trafficking across EU Member States. The project is implemented in five countries: Germany, Italy, Ireland, Spain, and the UK. In order to ensure effective dissemination of the project findings at both EU level and across a wider number of EU Member States, the ENoMW umbrella organisation

was responsible for organising a final conference in Brussels and EU-wide dissemination of the action's learnings through its members, which are located throughout EU Member States.

The partner organisations, providing direct assistance to third country national victims, come from Member States which represent a cross section of Member States where third country nationals are a notable proportion of identified victims of trafficking for sexual exploitation. This includes southern Member States, directly impacted by the migration crisis (Italy and Spain), Member States where there was a large increase in third country nationals at the time of the crisis (Germany), and Member States where third country nationals have consistently represented a sizeable proportion of identified victims (Ireland and the UK). As such, it is possible to apply the learning from the project to a wider number of EU Member States which match the above profile, beyond those participating in the Member States.

The project has a direct impact in the participating Member States as it contributes towards the overall integration of third country national female victims of trafficking for sexual exploitation. This arises from those victims receiving direct assistance through the project and the wider number of victims who will benefit from the gender-specific legal assistance and integration support practices established by the project partners and learning created through the project. This experience and learning is intended to shape the assistance provided to all victims by the participating organisations and thus contribute towards the wider integration of victims, including those not receiving direct assistance through the action.

Through dissemination of the project outcomes, deliverables, and findings at EU level, the action assists a wider number of EU Member States, including civil society organisations providing assistance to victims of trafficking in those Member States, by highlighting best practice in the provision of assistance and support to third country national female victims of trafficking for sexual exploitation. Consequently, the project contributes towards the integration of third country national victims of trafficking in a wider number of Member States.

EU POLICY CONTEXT

3

Integration of vulnerable third country nationals, including victims of trafficking, is an issue of importance for EU Member States (Centre for the Study of Democracy, ASSESS Project, 2015). This can be linked to their position and participation in EU Member States, particularly in the medium to long term. Yet, in practice, the integration of trafficking victims has generally been overlooked (European Commission, Comprehensive Policy Review of Anti-Trafficking Projects, 2016). There is recognition that the availability and accessibility of gender-specific assistance and support play a key role in their integration. Consequently, the EU legal framework contains a number of assistance measures which Member States should provide to victims (Directive 2004/81/EC and Directive 2011/36/EU). The proposed action aims to contribute towards the realisation of these measures in order to contribute towards the integration of victims of trafficking.

In particular, the action seeks to contribute towards the integration of third country national female victims of trafficking for sexual exploitation. There is a recognised link between the assistance needs of victims and factors including their sex, the gendered power relationship, the form of exploitation they have suffered, and their residence status (Directive 2011/36/EU; European Commission, Gender Dimension Study, 2016). This is particularly relevant for female third country national victims of trafficking for sexual exploitation, who often have more complex needs (European Commission, Gender Dimension Study, 2016). The action thus seeks to contribute towards the integration of such victims, through the provision of gender-specific legal assistance, counselling and information, and practical integration support. In doing so, it will build on existing EU law and policy in the area, as well as other actions previously funded by the European Commission.

The EU anti-trafficking legal framework (Directive 2011/36/EU and Directive 2004/81/EC) requires that Member States provide victims with material assistance, safe and appropriate housing, and access to courses

“aimed at their recovery of a normal social life, including, where appropriate, courses designed to improve their professional skills”

(2004/81/EC, Art12(1))

The latter obligation is linked to the availability of education and training for third country national victims of trafficking. At the same time, third country national victims who are lawfully resident in a Member States are entitled to access mainstream services, including social security and housing benefits (European Commission, EU Rights of Victims of Trafficking, 2013). Such measures are particularly important for victims of trafficking involving sexual violence who,

owing to a combination of trauma and, in many cases, a lack of education or training, require additional support to assist in their integration. In order to ensure the effectiveness of the above measures, it is recognised that such assistance should be gender-specific (Directive 2011/36/EU, Recital 3; European Commission, Gender Dimension Study, 2016; European Commission, Reporting on the follow-up to the EU Strategy, 2017).

There is, however, a need to ensure that such assistance is effective and can be accessed in practice – this has been identified as problematic in the Commission’s Transposition Report and Progress Report. In particular, providing access to assistance, support and protection to victims remains a challenge for most Member States (European Commission, Progress Report, 2016; European Commission, Transposition Report, 2016). Inadequate access to information about victims’ rights remains a block to victims accessing rights (European Commission, Reporting on the follow-up to the EU Strategy, 2017). At the same time, gender-specific assistance and support is generally lacking (European Commission, Progress Report, 2016).

Recognising these difficulties, the action seeks to contribute towards the realisation of EU law and policy in the area, by developing and offering gender-specific legal assistance, counselling and information, and integration support to female third country national victims of trafficking and, in so doing, contribute towards their integration in Member States. In order to achieve this, the action will build on the guidelines developed in previous EU-funded actions, relating to the provision of early legal advice to victims (ELI, 2015) and the assistance of vulnerable trafficking victims within the asylum system (TRACKS, 2017). Moreover, through the use of an innovative approach, based on the training and participation of survivor mentors, the project will build on the recognised potential of peer support to contribute towards the assistance and integration of female victims of trafficking (European Commission, Gender Dimension Study, 2016).

NATIONAL LEGAL AND POLICY CONTEXT IN SCOTLAND

The United Kingdom is a source, transit, and destination country for men, women, and children subjected to trafficking. It is particularly viewed as a high-risk destination country.

According to statistics from the formal identification system in the UK, the National Referral Mechanism (NRM), 6993 individuals were referred into this mechanism in 2019 (a 52% increase on the previous year). These individuals came from 123 countries with the top three being the UK, Albania, and Vietnam.⁸ The most common exploitation type referred into the NRM in the UK for adults in 2019 was labour exploitation. In 2020, these trends have continued. However, for both adult and child victims in the UK, most referrals for sexual exploitation are female (in the statistics reported for July-September 2020, it was 77% and 84% respectively).⁹ It is however accepted that these figures reflect an under-reporting of the issue in the UK. The UK government estimates there are up to 13,000 trafficking individuals affected by human trafficking in the UK.¹⁰

In Scotland, there was an exponential rise in potential victims of human trafficking in 2019 with 103 female victims of sexual exploitation being referred and two-thirds of female victims having suffered some form of sexual exploitation. In 2020, the numbers overall have reduced but the proportion of those trafficked for sexual exploitation has increased slightly. However, it is notable that Police Scotland and key NGOs have consistently stated that the numbers of women trafficked for sexual exploitation are under-reported given the highly lucrative nature of this type of exploitation and there is agreement that these numbers are expected to increase as a result of the current pandemic.

In terms of the legislative and policy background, human trafficking is stated to be a reserved matter meaning that it falls within the legislative competence of the UK Parliament in Westminster. However, apart from the NRM, the Independent Anti-Slavery Commissioner, the state compensation scheme for victims of crime and some provisions in relation to maritime enforcement and transparency in supply chains, all other matters related to human trafficking are the responsibility of the Scottish Parliament. This is because Scotland has its own legal system, criminal justice system, education system as well as system for social work support.

Therefore, most matters relevant to the prevention, prosecution and protection of human trafficking are in fact devolved and there are differences between the approach taken in Scotland to the rest of the UK which can create opportunities to develop and deliver best practice.

In relation to Scotland, the Human Trafficking and Exploitation (Scotland) Act 2015 ("the Act") was passed unanimously by the Scottish Parliament on 1 October 2015. This legislation gives a broader definition of human trafficking compared to its UK counterparts and one that is more aligned to the definitions contained within legal instruments in Europe as it does not require movement.

8. Home Office, Modern Slavery, National Referral Mechanism Statistics UK, End of Year Summary, 2019 at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876646/national-referral-mechanism-statistics-uk-end-of-year-summary-2019.pdf

9. Home Office, Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, Quarter 3 2020 – July to September at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876646/national-referral-mechanism-statistics-uk-end-of-year-summary-2019.pdf

10. US State Department Trafficking in Persons Report 2020 <https://www.state.gov/reports/2020-trafficking-in-persons-report/united-kingdom/>

The Act also contains an improved range of protections for individuals. There is a statutory duty to provide material support and assistance. There are also provisions to ensure a guardian for children as well as containing the principle of non-prosecution for offences linked to human trafficking.

The Act requires the Scottish Government to prepare and publish a Trafficking and Exploitation Strategy which it did in 2017 and this is monitored through various government implementation groups. This strategy has been reviewed in 2020 and women with lived experience contributed to this review.

In terms of legal assistance, Scotland has its own legal assistance programme managed by the Scottish Legal Aid Board. Legal assistance is available for third country national women affected by human trafficking under this scheme. Furthermore, a woman has the right to select her own independent lawyer who can then apply for funding from the legal aid board to provide advice and representation.

In 2017, the Scottish Legal Aid Board undertook a review of legal aid services being provided to victims of human trafficking and funded legal assistance is available for women affected by trafficking.¹¹ It noted that

“Solicitors may be required to assist victims of trafficking in engaging with the National Referral Mechanism (including appealing negative decisions where required). Additionally, victims of trafficking may have a range of other legal issues: in particular, the need to regularise their immigration/asylum status, to secure housing, or begin a family reunion process. Legal services may be able to assist in such cases”.

In terms of providing a gender sensitive approach to women affected by human trafficking, the above noted legal aid review stated that a gender based perspective for victims of human trafficking is available through a project funded by the legal aid board, the Scottish Women’s Rights Centre. This project falls within the remit of the services provided by JustRight Scotland and incidences of human trafficking from this centre are referred to the Scottish Anti-Trafficking and Exploitation Centre of this organisation.

The review by the Scottish Legal Aid Board went on to reference an EU funded project that the staff of JustRight Scotland participated in with the Immigrant Council of Ireland around Early Legal Intervention for victims of human trafficking. In Scotland, through this previous project, we had identified gaps around the capacity for women to access a specialist human trafficking lawyer who operates in a trauma informed and gender sensitive manner. A further problem identified in this previous research was that legal assistance was normally provided in a reactive manner when a legal issue arose such as immigration rather than being pro-actively offered for all legal issues relevant to a person’s trafficking status be that at the early stages of identification or at later stages. However, the Scottish Legal Aid Board, whilst acknowledging that this area required to be monitored, felt that there was sufficient access to legal services.

By way of response to this research and identified gaps, the Scottish government’s human trafficking team committed to part fund JRS to provide a free, confidential and holistic legal surgery for women affected by sexual exploitation. The EU ASSIST project has funded the other part meaning that this legal surgery has been provided weekly.

11. Monitoring of availability and accessibility of legal services Fifth Report of the Scottish Legal Aid Board, 2017
<https://www.slab.org.uk/app/uploads/2019/03/SLAB-Monitoring-Report-2017.pdf>

Identification of Human Trafficking in Scotland

The UK government uses the definition contained within Article 4(a) of the Council of Europe Convention on Action against Trafficking in Human Beings in terms of identification through the NRM. However, as noted above, there has been subsequent legislation within the UK criminalising human trafficking which has led to definitions of human trafficking being contained within national legislation. With the exception of Scotland, the legislation enacted has been criticised at an international and European level for the focus on movement and therefore not having a definition that is compliant with the European legal framework.¹²

Since 2009, there has been a formal system of identification in the UK referred to as an NRM. The identification mechanism is reserved to the UK government. Its operation for England and Wales has recently been placed into statutory guidance.¹³ The current operation of the NRM has been subject to criticism.¹⁴ The UK government commissioned a review of the NRM in 2014 which also highlighted that various improvements required to be made to this mechanism in order for it to be fit for purpose.¹⁵

As a result, the process of identification is changing within the UK and a new single management model has been in force since April 2019. However, civil society have still criticised the new process as it remains bureaucratic and complex with no appeal route for individuals. These operate as particular barriers for women from third countries affected by sexual exploitation both in terms of understanding the system and being able to obtain a meaningful benefit from it.

National Referral Mechanism (NRM)

As noted above, the National Referral Mechanism (NRM) is the UK's framework for identifying individuals who are victims of human trafficking and slavery, servitude and forced or compulsory labour and ensuring they receive the appropriate support.

Informed consent is required for an adult victim to enter the NRM process. This is particularly difficult to achieve from women who have just exited situations of sexual exploitation. This is particularly important as a referral into the NRM means consent for a wide range of information to be shared and investigated. A lack of understanding of this at the start of the process can lead to women disengaging and losing trust with government and the organisations and individuals who support her later on in her recovery. JustRight Scotland and TARA use the above noted legal surgery as one way of ensuring consent can be said to be properly informed.

Whilst children are referred into the NRM, child trafficking is child abuse and should be treated within a child protection context. Support for child victims will be provided by social work regardless of the NRM decision.

Initial referral

To be referred to the NRM, a potential victim of human trafficking must be referred to a body called the Single Competent Authority (SCA). From April 2019, the SCA makes decisions on all NRM cases, regardless of nationality or immigration status of the individual.

The referral is made by an authorised agency called a First Responder. A First Responder is a member of staff within certain designated agencies. A range of agencies are designated as

12. US State Department Trafficking in Persons Report 2020: <https://www.state.gov/reports/2020-trafficking-in-persons-report/united-kingdom/>
Concluding Observations of CEDAW, UK (2019) CEDAW/C/GBR/CO/8: <https://www.ohchr.org/en/countries/Pages/HumanRightsintheWorld.aspx>
Group of Experts on Action against Trafficking in Human Beings Second Monitoring Report on the UK, GRETA (2016) 21: <https://rm.coe.int/16806abdc>

13. Home Office, Modern Slavery Act 2015 – Statutory Guidance for England and Wales, Version 1.03: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/939411/Modern_Slavery_Statutory_Guidance__EW__Non-Statutory_Guidance__SNI__v1.03_.pdf

14. Group of Experts on Action against Trafficking in Human Beings Second Monitoring Report on the UK, GRETA (2016) 21 at paragraph 161: <https://rm.coe.int/16806abdc>

15. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/467434/Review_of_the_National_Referral_Mechanism_for_victims_of_human_trafficking.pdf

First Responders. In Scotland, First Responders include: Police Scotland, National Crime Agency, TARA, Migrant Help, Local Authorities, Home Office (Immigration Enforcement, Border Force and Visa and Immigration). TARA is the specialist first responder for women affected by sexual exploitation in Scotland.

NRM decision-making

The NRM Process begins with a quick Reasonable Grounds decision (target of five working days), for which the threshold is

“I suspect but cannot prove’ the person is a victim of human trafficking, or the person is a victim of slavery, servitude, and forced or compulsory labour.”

The SCA will consider whether a reasonable person having regard to the information available, would think there are Reasonable Grounds to believe the individual has been a victim of human trafficking.

The Conclusive Grounds decision takes longer and there is no target for this decision. The threshold is that on the balance of probabilities,

“it is more likely than not that the individual is a victim of human trafficking”.

There have historically been significant delays in making these decisions. However, decisions have recently been quicker.

Between Reasonable Grounds and Conclusive Grounds (or 90 days from Reasonable Grounds whichever is shorter), a statutory period of support applies, set out in the 2015 Trafficking Act and subsequent regulations. This 90-day period for recovery and reflection contrasts with the 45 day period provided in the rest of the UK. Furthermore, in practice, potential victims are supported before the Reasonable Grounds decision and some level of support will often continue after the statutory period, on the basis of an individual needs assessment.

After a Conclusive Grounds decision

If an individual is from outside the United Kingdom they may be granted discretionary leave to remain in the UK for a renewable period of up to 30 months to allow them to co-operate fully in any police investigation and subsequent prosecution or for reasons dependent on their personal circumstances or to pursue compensation. The period of discretionary leave can be extended if required. This is not however a long-term durable solution.

What if the referred person is not found to be a victim and is from outside the UK?

If it is decided by the SCA that the person was not trafficked, and there are no other circumstances that would give them a right to live in the UK, they will be offered support to voluntarily return to their country of origin.

Conditionality of assistance in Scotland

In general, support for third country national women affected by sexual exploitation is facilitated by TARA funded by the Scottish government. However, there are often barriers in providing this for third country nationals due to immigration laws prohibiting migrants in general from accessing public funds.

In England and Wales, access to services is conditional on a referral to the NRM as set out above. In Scotland, civil society has worked hard to ensure that services are not expressly linked to the NRM and to make the argument that individuals have a right to access services and assistance where they meet the definition of trafficking as set out in the European legal framework.

The legislation in Scotland notes that Scottish Ministers must ensure the provision of support and assistance to an adult where there are reasonable grounds to believe so. This support ends after 90 days or where there is a conclusive determination of trafficking (whichever is earlier). The legislation also allows for support to be provided for a longer period if appropriate to do so. The legislation states that this support and assistance includes accommodation, day to day living expenses, medical advice and treatment (including psychological assistance), language translation and interpretation, counselling, legal advice, repatriation and other information. This statutory entitlement to support is not found within the legislation in England and Wales.

The Scottish Government fulfils this statutory responsibility by funding 2 NGOs in Scotland to provide these services including accommodation. TARA provides services for women affected by sexual exploitation in recognition of the specific services required for women impacted by this type of exploitation. Migrant Help support all other individuals in Scotland. Both organisations work from Glasgow.

The regulations which support the legislation makes clear that this assistance can only be provided where the adult consents and is not made conditional on an adult assisting with a criminal investigation or prosecution. It however notes that the determinations of “reasonable grounds” and “conclusive determinations” are determined by a competent authority as defined by the UK Government. Therefore, it is linked to the NRM process. However, in practice, provision is more flexible within Scotland and TARA have provided support to women on an outreach needs-led basis for periods of over 12 months where they have assessed that this is required.¹⁶

We have worked with COSLA (the Convention of Scottish Local Authorities) and the No Recourse to Public Funds (NRPF) Network to produce guidance for local authorities in Scotland around entitlement of migrants to support and assistance. This has a section on human trafficking and makes it clear that local authorities still have residual responsibilities to support and assist individuals of human trafficking regardless of an NRM referral.¹⁷

For the non-prosecution principle, the relevant guidance makes it clear that regard will be had to the NRM decision, but it is not determinative.

However, there can be a need to be linked in to the NRM in order to access the state compensation scheme for victims of crime. This can only be accessed for third country nationals with no residency status in the UK where there has been a formal identification of human trafficking through the NRM process.

Therefore, in practice, it is undoubtedly the case that services, and rights are easier to access where an individual is linked in to the NRM as this is where a formal determination for an adult arises. Barriers around immigration and restrictions on support persist. The recent local authority guidance is one step to trying to bring down some of these barriers, but more is needed.

16. Group of Experts on Action against Trafficking in Human Beings Second Monitoring Report on the UK, GRETA (2016) 21 at paragraph 181 <https://rm.coe.int/16806abcde>

17. <http://www.migrationscotland.org.uk/migrants-rights-entitlements/introduction/1-1-how-use-guidance>

Accommodation

Access to accommodation is covered by the statutory support provisions noted in the Human Trafficking Act 2015 and corresponding regulations as well as the guidance on local authority responsibilities referenced above. Accommodation for migrant women affected by trafficking often happens in 3 stages: initial emergency accommodation, asylum accommodation; and accommodation provided by a local authority when an individual obtains a residence permit.

Initial Accommodation

By virtue of the Human Trafficking Act 2015, TARA is able to accommodate women affected by sexual exploitation. They do so in specifically designed and funded safe flats. The locations of these houses are not known to other services including local police (the National Human Trafficking Unit at Police Scotland have the address for security reasons. The address is STORM marked so that there can be an urgent response if needed but the address is not shared out with this arrangement). There are limited spaces available in these flats and demand can outstrip capacity.

Women will therefore tend to only stay for short periods of time within TARA accommodation but this depends on each case and there have been cases where women have stayed for a period of many months before moving on to asylum accommodation.

Asylum Accommodation

In practice, most third country nationals will make a decision to claim asylum and will be moved into asylum accommodation within Glasgow following a needs and risk assessment by TARA.

This accommodation is separate to the national welfare system and is provided under a different asylum support scheme. This scheme attracts a lot of criticism within the UK. It is provided in flats and sometimes women will need to share flats with other women. TARA do however have a specific link to the providers of this service and are often able to negotiate improved accommodation for women supported by them.

Longer Term Accommodation

When women obtain a residence permit to stay in the UK, they often move from the asylum support system to accommodation provided by local authorities. Women have told us that this presents as one of the biggest challenges to integration as the system is complicated with women not knowing where to turn for support and assistance.

Material Assistance

Access to material assistance is also covered by the statutory support provisions noted in the Human Trafficking and Exploitation (Scotland) Act 2015 and corresponding regulations as well as the guidance on local authority responsibilities referenced above.

It is for TARA and Migrant Help to ensure that women access all the support required including access to legal advice and assistance. The Scottish Government has also increased funding to a specialist psychologist service called the Anchor Service to allow priority access for trafficked individuals and TARA ensure that women have access to this service if required.

There is provision in Scotland for monetary support where there is a positive reasonable ground decisions and this is summarised below: -

- ▶ Women in accommodation provided by TARA are provided with £68 per week for however long they are resident with TARA.
- ▶ For those who are not resident with TARA or no longer accommodated by TARA, a woman will receive this support for 90 days.
- ▶ If a woman moves to asylum accommodation within the 90-day period then their asylum support monies are topped up by £29.75 weekly until the end of the 90 day period.
- ▶ There is some flexibility to provide a weekly support payment outside of the NRM or post the 90-day period where there is evidence of an unmet financial need at the discretion of TARA.

Women in the asylum support system are only entitled to £39.63 per week for each person in their household. This represents about half of income support levels for a single adult in the UK. However, women who are in the NRM process in Scotland get a top up as noted above. After 90 days, they will receive the asylum support amount.

Once identified as a victim of human trafficking and if given a residence permit as a result, then a woman is able to access the national system of welfare support and benefits. Again, complexities can arise with access to this system and this was continuously reported to us as a significant barrier throughout the EU ASSIST Project.

In its second monitoring report, GRETA noted that.

“All service providers met by GRETA across the UK underlined that victims exiting NRM accommodation face difficulties in transitioning to independent and benefiting from other types of services to enable them to access housing, health care, employment or training. This makes victims very vulnerable and at risk of being re-trafficked. There is no hard data of what happens to victims after they exit the government-funded scheme, but there is evidential information in a report by the Human Rights Foundation highlighting concerns about victims’ safety and barriers to integration”¹⁸

The US State Department report for 2020 in relation to the UK recommended the expansion of long-term care and reintegration support in its report.¹⁹

Access to Employment

It is normally the case that third country national women will be unable to access employment until a residence permit is secured.

There are very limited exceptions that apply around permission to work, for instance if this was allowed on an ongoing valid visa or if a woman has an occupation that is listed on a national Shortage Occupation list. However, due to the background circumstances surrounding migrant women from outside the EU who have been involved in trafficking for sexual exploitation, these

18. Group of Experts on Action against Trafficking in Human Beings Second Monitoring Report on the UK, GRETA (2016) 21 at paragraph 184 <https://rm.coe.int/16806abcdd>

19. <https://www.state.gov/reports/2020-trafficking-in-persons-report/united-kingdom/>

exceptions rarely apply. Where they do apply, the right to work can be problematic as any earnings will mean that there is no right to asylum accommodation and the earnings would require to be sufficient to meet rental and other material assistance costs. Normally, they are not.

This means that women are forced onto asylum support while they wait for a decision on their claim. This is at odds with Government policy aimed at moving people away from welfare dependency and into work. Asylum support levels force people to live below the poverty line for months, or even years at a time, as they wait for a decision on their claim and any appeals. This negatively impacts on their health, wellbeing and ability to integrate and has a particular impact on women affected by sexual exploitation.

When a residence permit is secured, this will have the right to work but for reasons outlined above, women have noted to us through the ASSIST project that access to employment is a key barrier to integration. It will often depend on the prior provision of suitable and supported education and learning (see below). Through this project, women have told us that there are no legal barriers per se although discrimination may play a role. However, women clearly told us that they need access to peer support and encouragement, confidence and empowerment building as well as supported pathways to employment.

Access to Education and Training

Women have told us that access to education is the key tool to be able to move on, recover and fully integrate.

Whilst women are waiting for a residence permit, they have access to part time college courses only as well as funded ESOL provision. A woman who has access to international protection has access to funded participation on full time college and university courses in Scotland. A woman who has a residence permit as a result of her trafficking status will not as the current regulations do not allow this. We believe that this has arisen from an oversight by the government rather than an intentional decision.

Similarly, in relation to employment, women tell us that they need access to peer support and encouragement, confidence and empowerment building in order to obtain the full benefits from engagement with employment opportunities. During interviews with women for this project, we have been advised that deep rooted cultural, religion and patriarchal structures that exist within community spheres for our clients are serious obstacles for women engaging with education and then employment. Access to childcare was another notable obstacle for engagement with education and employment.

This means that women can be left within poorer paid sectors of the economy or unable to work ensuring vulnerability factors continue.

BEST PRACTICE DISCUSSION

5.1. Preliminary thematic brainstorming session on best practice

The partners held a brainstorm session on 24 April 2020 which explored the best practices that could be identified alongside agreed themes that were suggested in advance. The session was roughly divided into two main themes, dedicated to gender-specific legal assistance and gender-specific integration support respectively. The partners contributed in line with their existing expertise, while the European Network of Migrant Women debated all topics. The subtopics for discussion identified in the agenda included:

Gender-specific legal assistance. (Immigrant Council of Ireland and JustRight Scotland)

- ▶ Environment
- ▶ 'Speed' of assistance
- ▶ Maintenance of case files
- ▶ Assisting exceptionally vulnerable traumatised women, getting instructions from them, consent to services
- ▶ Issues linked to children
- ▶ Pregnancy
- ▶ Family issues
- ▶ Intersection with the asylum application
- ▶ Other issues

Gender-specific integration support. (BeFree, SOLWODI, SURT)

- ▶ Safe and appropriate accommodation (BeFree)
 - ◇ Shelter versus private living
 - ◇ Security issues
 - ◇ Handling of rent and utilities

- ▶ Psychological services (SOLWODI)
 - ◇ Restoring the decision-making ability
 - ◇ Building trust
 - ◇ Overcoming trauma
 - ◇ Other
- ▶ (Re)integration and empowerment through employment (SURT)
 - ◇ Issues
 - ◇ Good practices
- ▶ (Re)integration and empowerment through training
- ▶ (Re)integration and empowerment through participation in community
- ▶ Other potential centres of best practice generation

Main points of the brainstorm discussion

Timing

The extensive and long-lasting needs of trafficked migrant women recovering from sexual exploitation were raised. The integration of women to complete social and economic independence sometimes takes years. Partners contended that it is not uncommon for assistance to continue for three, four and even five years in some instances. The duration of assistance has to satisfy the individual needs of the victims, which are gender-specific. The recent report on the social and economic cost (European Commission, Study on the economic, social and human costs of trafficking in human beings within the EU, 2020) highlighted the fact that the recovery from trafficking for sexual exploitation is most significant, therefore strategic planning of resources and prevention of wasted efforts are crucial.

Geographical location issues

Experiences show that premature repatriation to a country of origin could lead to re-trafficking. Similarly, a transfer based on the Dublin IV Regulation (2016/0133 (COD)) from one Member State to another could hinder and destroy the integration progress gained, often with significant investments on the part of the service provider and the victim herself. The geographical spread of services on the territory of an individual Member State as well as the selection of a suitable area where specialised services are available are central to successful integration efforts of trafficked migrant women. Random dispersal around the country, simply based on available housing considerations, could significantly delay integration and prove ultimately costly.

Type of service provider

The discussion went in line with the findings of the Study on the Gender Dimension of Trafficking in Human beings (EC, 2016), showing that independent feminist women-centred support organisations are the most efficient type of service providers for achieving integration of victims. The secure funding by the state of such organisations was discussed, especially services gravitating around shelter provision which is supported by the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence (2012). A strictly feminist perspective aware of gender inequalities, understanding of sexual trauma and a non-judgemental approach were identified as highly important features of efficient services to trafficked migrant women recovering from sexual trauma. The protocols of avoiding the unnecessary repetition of traumatic account are at the core of the work of such providers as well as the understanding that the contact with the supported victim could last for a number of years, including after the victim has seemingly progressed and moved on from intense assistance. The absolute importance of informed consent on the part of the victim and capacity of the victim to grasp the choices in the process of assistance she has was discussed.

Network of services

The synchronicity and interdependency of different feminist services with complementary expertise involved in victim assistance was discussed. Often, the success of a certain type of assistance positively impacts on the delivery of services of another type, and vice versa, a poor service outcome in one area of assistance could have negative consequences for assistance in another area. Therefore professional networks and synergies between feminist organisations are essential for the integration process, which is multifaceted.

Involvement of survivors in the service

The benefit for the integration process of victims when survivors of human trafficking are involved in assistance was flagged. This impacts on improved understanding of the needs of victims, of lowering language barriers and utilising cultural competencies, which in some cases is vital. In light of this, a multi-ethnic team was highlighted as a desired and more efficient approach to integration assistance. The involvement of survivors was also highlighted as a way to embrace as opposed to repress the cultural background of the victims on the one hand and the response to the needs arising from the *juju*²⁰ (and similar) practices on the other.

Accessibility of the service

The conditionality of assistance has been an ongoing problem in every Member State discussed. Therefore, a service provider that is funded to offer assistance with the lowest possible threshold of eligibility possible is of vital importance. The Finnish experience was flagged by the network partner in this regard with the state stepping up in funding the shelter-centred services. Permits that are issued only for the duration of criminal proceedings, the pre-requirement to make a complaint to the police, the exclusion of victims from assistance due to an ongoing asylum application were all identified as barriers to integration and as posing a risk of re-trafficking.

Early and comprehensive legal assistance

The partners agreed that trafficked migrant women face a wide range of legal issues. In order to be gender-specific, partners stated that legal assistance has to be integration-oriented and

20. The concept of the *Juju* oath within human trafficking, especially as practised in the state of Edo, exists as part of a local judicial system. This judicial system continues to be used for criminal and civil matters in addition to an official judicial system (courts, police, etc.). In cases of human trafficking, women who agree to repay are required to make this promise in the form of an oath before a specific deity (Blöcher et al. 2020).

to take into account the integration needs of victims at all stages of a women's journey to recovery. In order to be efficient, such assistance has to be highly specialised and cognisant of the feminist perspective due to the gender inequalities, which will be addressed through the process. Along with ensuring/unblocking access to various services as well as entitlements for victims, the gender-specific legal assistance has to adopt a comprehensive approach that encompasses issues ranging from early identification, criminal and immigration matters and compensation. Compensation was flagged as an important element of the empowerment needs of victims, as well as a psychologically relevant element of integration. In that regard, the gender-specificity of legal aid takes into account the difficulties in recovering the assets of the criminal perpetrators/traffickers, and overall specificity of the criminals perpetrating trafficking for the purposes of sexual exploitation. The implications of the nexus between human trafficking and international protection was discussed. It was pointed out that gender-based persecution has not been firmly and consistently recognised as a ground for international protection. The capacity to consent and to give instructions to legal representatives on the part of some very vulnerable victims, including those with mental illnesses, was raised by the practicing solicitors in the partnership. This was identified as a suitable future focus of work, due to the lack of sufficient guidance on this by the professional legal bodies in the participating Member States. Support provision organisations who are not licensed law centres raised the need for close cooperation and trust in working with an identified number of lawyers who specialise in working with victims of gender-based violence.

Employment and training

In relation to employment and training, the partners agreed that the assistance of trafficked migrant women must be focused on long-term integration plans and be geared towards economic independence as much as possible. It was acknowledged that there will be trafficked women who will not achieve this goal easily and that this is a particular gender-specific issue with victims of trafficking for sexual exploitation or other victims of human trafficking having experienced sexual violence. Illiteracy was mentioned as leading to special integration challenges for victims. It was agreed that the empowerment of victims is a valid goal of the training and employment assistance. Given the challenging starting point for many trafficked migrant women who often have limited or no education at all, it was pointed out by partners that a broad understanding of 'work and skills' has to be adopted (outside of traditional jobs) in different domains, such as for example social participation, networking, care and self-care, autonomy, and cultural competence. This helps to identify and promote resources and skills the woman has already acquired in different spheres of life, and in this way to foster a positive image among women of themselves. The individual needs and aspirations should be guiding points in developing any integration plan of action with regards to education and professional training. In other words, the principle of tailored assistance has to remain paramount. The recognition of qualifications from countries of origin was flagged, and the trust issues that create major obstacles to integration in the workplace were stressed by some partners. The importance of the creation of alliances with trusted employers and educational institutions that are committed in investing in upskilling and creating opportunities for trafficked women was also discussed. Mothers find it particularly difficult to follow up on their integration or take up employment. Providing childcare has proven to be crucial.

Psychological assistance and empowerment

A range of issues was discussed regarding psychological assistance and empowerment. Alongside the prevalent issues of trauma and post-traumatic stress disorder, and other well-known consequences from trafficking for sexual exploitation, other more specific needs were discussed. For instance, the need to introduce women to the possibility of new trusting relationships was raised as a way to avoid re-exploitation through unsafe relationships. Similarly, the goal of achieving a sense of stability through counselling was mentioned. Grounding exercises were highlighted as a promising gender-specific practice, which offsets outbursts of panic, disorientation or drifting off. The individual and tailored approach to psychological support was also mentioned. The education of victims about their bodies and sexuality as a healing process was discussed, as well as education on the reproductive possibilities and control they have as essential elements of empowerment. Nurturing a newly found trust in the societal system and an understanding of the law as a tool to break existing barriers for women were flagged as important elements of the empowerment work.

Medical assistance

Some culture-specific issues in the context of medical assistance were considered. The project consortium has observed that human trafficking victims in particular from Western African countries like Nigeria are also often victims of Female Genital Mutilation and need medical support. There is often little knowledge of Female Genital Mutilation on the part of gynaecologists who treat these women, although extensive gynaecological reports, attestations and statements are decisive for the asylum procedure and determining a possible stay. Basic sexual education is helpful to many women. The parallels and overlaps between medical needs in prostitution and trafficking for sexual exploitation, and their implications in providing assistance, were discussed.

Accommodation

The issue of gender-specific accommodation was mentioned multiple times in the discussion and it has been already captured to a certain extent in the previous headings. Nonetheless, it is important to capture the partners' firm understanding of the importance of privacy and the specialised nature of women's shelters. The need for extended recovery periods in sheltered accommodation should not be sternly regulated but rather adapted by the individual needs of the trafficked migrant woman. The move out of the shelter to individual living in many cases requires ongoing outreach support due to the lack of budgeting and householding skills.

Mothers

The frequent presence of children accompanying trafficked migrant women and the separation from or reunification with children was discussed as a particular gender-specific need migrant women experience, which requires the service provider to develop expertise in providing for mothers with children.

Note on language

The partners discussed the language used in this project. The choice between victims of trafficking and survivor as well as the meaning of 'gender-specific' in the context of assistance to women with the decision to centre the explanation of gender inequalities.

5.2. Discussion on best practice identified in the participating EU Member States

Following the thematic brainstorm session presented earlier, the partners expected to have the opportunity to meet in person for a discussion and agreement of best practice principles. Due to the COVID-19 pandemic restrictions, partners had to convene this discussion online, which happened on 6 October 2020.

The discussion was divided into two parts. During the first part partners identified best practice approaches from their own countries, according to a preliminary template for reporting (see Annex 3 for more information). There was a guest presentation from an Irish statutory service provider, who presented her views on the existing best practices in gender-specific assistance in Ireland from the state's perspective. In the second part of the meeting, the partners had a joint discussion on agreeing the main principles of gender-specific assistance.

Main points from the discussion

Presentation from Ireland

Overall the importance of gender-specific assistance in Ireland has not received the necessary attention to date. Various international monitoring reports have flagged the lack of gender-specific shelters for victims of trafficking as the single most important barrier to assistance for victims of trafficking, especially women recovering from trafficking for sexual exploitation. The use of mixed-sex hostels for international protection applicants as a 'safe place' for housing victims of trafficking has been criticised by independent practitioners in Ireland and the country was downgraded to the Tier 2 Watch List by the US Trafficking in Persons Report (2020). Presently, there are some steps being undertaken to create a small shelter for trafficked women on a pilot basis which would be a welcome development. That said, there are some aspects that can be identified as a best practice approach in gender-specific assistance.

The first example of best practice identified is the central role the Health Service Executive Anti-Human Trafficking Team plays in developing individual care plans for victims. This team of social workers and nurses has its origins in a unit developed to provide anonymous medical support to women in prostitution, which is still operational alongside the Anti-Human Trafficking Team. There is significant gender-based violence expertise among the staff of this designated team and it is led by an experienced manager with a nursing background who had worked with vulnerable women.

There is also expertise among law enforcement interviewing vulnerable women; regrettably this is not yet across the board. The Immigrant Council²¹ has a highly experienced law centre that specialises in providing legal advice and representation to vulnerable trafficked women which applies best practice. There are also dedicated NGOs (sexual Violence Centre in Cork, Doras in Limerick, Dublin Rape Crisis Centre, AkidWa)²² that provide vital services to trafficked women, and some specialise in practical tailored support. Notably, one such feminist service provider called Ruhama²³ is funded by the state. This support, includes among other things the provision of training and educational classes, supplying emergency kits and accompaniment.

21. www.immigrantcouncil.ie

22. <https://www.sexualviolence.ie/> <https://doras.org/> <https://www.drcc.ie/> www.akidwa.ie

23. www.ruhama.ie



Presentation from Scotland

Scotland enjoys some good practice traditions in response to women recovering from gender-based violence which have benefited the development of assistance to trafficked women. This has happened primarily through the operations of the TARA project, which operates shelters and provides practical support, and JustRight Scotland, a specialised legal centre for pro bono legal assistance from a feminist perspective and a partner on the ASSIST project. The gender-specific assistance is enhanced due to the regional autonomy of decisions regarding services in Scotland, while the identification of victims which happens centrally in the UK is a barrier to best practice. As a result of these arrangements, Scotland offers some advantages in assistance to trafficked migrant women compared to other parts of the UK. The system of assistance is less bureaucratic and the recovery and reflection period is longer (90 days compared to 45 days elsewhere in the UK). The provision of psychological assistance, in particular early state-funded access to trauma-overcoming assistance, happens as a priority, which in turn supports the engagement of women with other supports, including legal assistance. The state funds legal aid to minors and adults including aging-out minors, which benefits the integration needs of trafficked girls who have become adults. While the legal support and especially the 'early' legal assistance represents best practice, it is not geographically well covered, which has a negative impact. Access to compensation avenues was noted as a positive impact on the integration of trafficked women as well as a positive tool in preventing re-trafficking and re-victimisation of women, including in cases when they repatriate. However, these avenues are not always accessible to trafficked migrant women outside of those women supported by JustRight Scotland due to a lack of specialist lawyers as well as the lack of state assistance.



Presentation from Germany

As a large federated country, there are varying systems of assistance in Germany which are not always sensitive to gender and culture. Nonetheless, the ASSIST partner was able to identify promising practices through its umbrella operations. For a start, the recovery and reflection period of six months is relatively long, which supports the recovery needs of trafficked migrant women. However, this is only implemented in certain federal states (e.g. Berlin), while in other federal states the reflection period is three months. There is a guardian system that operates up to the age of 21 and benefits young trafficked migrant women. Some NGO service providers are funded by the state but not all and re-victimisation levels among trafficked migrant women are high in asylum reception centres in which they are housed. Similarly to Ireland, the gender-based violence measures in asylum centres are theoretical only and personnel are not trained to deal with victims of violence. The practice of using female counsellors is benefiting female victims, as they are more likely to open up to them, and therefore the availability of such counsellors represents good practice. The same applies to the special representatives for victims of human trafficking at the Federal Office for Migration and Refugees (BAMF) and interpreters. It should not be necessary for NGOs to specifically apply for female counsellors, female special representatives and female interpreters but rather this should be a basic requirement. Psychosocial support is provided by the specialised counselling centres for victims of human trafficking, regardless of the residence permit. However, receiving a residence permit without seeking asylum is conditional to testifying in court, which gives

access to the social welfare system and small language courses. After the reflection period ends, potential special residence permission for the woman is conditional on her filing a report and testifying: If she is unable to give enough detailed information, or her testimony is unnecessary, or there won't even be a trial, then the woman will not get the special residence permission. Findings from the AMIF INTAP²⁴ project focusing on Nigerian and Vietnamese victims (in which SOLWODI is involved as project partner) show some good practices for trafficked migrant women such as tailored education classes of smaller sizes, trainers with trauma-teaching techniques, practical education on e.g. sanitary female products, childcare and child rearing, and attention to the needs of illiterate women. Childcare provision allows women to participate in such courses. Trainings on gender awareness for practitioners who work with victims of trafficking is also useful. Pregnancy support and motherhood are important features of gender-specific supports, as well as education on sexuality and control over reproductive choices. The negative implications of the Dublin Regulations on trafficked migrant women was flagged again.



Presentation from Catalonia

The partners from SURT presented an approach of municipal cooperation on human trafficking as a best practice, which since 2015 takes into account the specific needs of female victims of trafficking for sexual exploitation. It has some operational needs developed with other gender-based violence services (which is a best practice recognised in the EIGE report of 2018 on Gender-specific measures in anti-trafficking actions). This unit is part of the Directorate on Feminism and LGBTI affairs, as trafficking is considered a gender-based violence in Catalonia. The unit, which grew from just one coordinator and a social worker, now has a multidisciplinary team where professionals from other fields collaborate in the provision of specific support to trafficked women such as legal advice, psychological advice and others. The unit now also involves a psychological expert, a legal expert and a social educator. The support to victims is unconditional and does not require formal identification, and also supports women who have not exited prostitution which in some cases is important. The unit also provides training and referrals to complementary services, while the victim identification support they offer to other gender-based violence services and migrant and children-oriented organisations represents a good practice that benefits trafficked migrant women. The unit also offers cultural mediation and language supports, while SURT and SICAR collaborate in assisting trafficked women to acquire a series of skills and abilities that would enable them to recover, get to know their surroundings better, work towards a profession, and approach the job market. The challenge comes from the fact that the unit is small and under-resourced for the area in Catalonia it is expected to service.



Presentation from Italy

Best practice emerging in BeFree's own work experience was shared by the partners. The importance of establishing trust, so that the full circumstances are revealed in time, makes a difference and enhances the chances for international protection. An example was given of how trafficked women without proper assistance just give to the authorities the same repetitive scenario in which they have been coached and they are denied international protection as a result, unlike the clients supported by BeFree. It is a best practice also that women can get permission to remain for up to five years and to explore possibilities of study, work or family reunification, which is important for trafficked migrant women. The need to

24. Intersectional approach to the process of integration in Europe for survivors of human trafficking (INTAP): <https://intap-europe.eu/>

remain a non-judgemental service provider is essential to the process of gaining the trust of trafficked women, giving assurances that the support service understands the centrality and the gravity of the migration situation. The assistance is never imposed but rather agreed with the victim, thus incorporates and responds to the woman's own aspirations. Long-term planning is essential for a successful integration process for trafficked migrant women. Personalisation of the support programme with each woman is a best practice. The partner specialises in gender-based violence in general, noting human trafficking is a form of it. A feminist perspective in service provision to trafficked women is at the core, along with an understanding of patriarchy, gender inequalities and the pursuit of a transformative approach. The partner reported on the very difficult migration debate taking place in the country at present. The final point of best practice revolved around cultural sensitivity and motherhood among trafficked migrant women, which is a common phenomenon. The partner reported how a lack of cultural competence among the social workers has led to the traumatising of a young mother victim of trafficking merely for lifting her baby by the arm, which is a common way to handle a baby in her culture. The social worker was ready to separate her from her baby for perceived mishandling, which was a culturally ignorant and inappropriate intervention. Finally, multiple language competence is an important asset and best practice for service providers responding to trafficked migrant women.

Access to and duration of assistance

Attention to motherhood and children

Specialised legal assistance

Psychological assistance

Safe and appropriate accommodation

Training and education

Medical assistance

Feminist independent services

Borrowing good practice from other areas
of response to violence against women

Peer-to-peer support

Voices of victims-survivors



BEST PRACTICE PRINCIPLES

Based on the partner discussions outlined earlier and on the targeted work throughout this project, which was informed by opinions of victims of trafficking, the project partners identified some key areas pertaining to best practice. Both discussions were moderated by the project coordinator, whose doctoral work centred on interviews with female victims of human trafficking throughout the EU on the matter of efficient assistance to trafficked women, contributing to and enriching the depth of the findings. The most important points of the partnership discussions were distilled into a set of Best Practice Principles for the gender-specific legal assistance and integration support to trafficked migrant women:

Access to and duration of assistance

While essential to the recovery of trafficked, sexually exploited women, assistance in practice is not unconditional and various direct and more implicit restrictions affect its provision. These limitations may be linked to issues such as migration, international protection, social entitlements, age assessment and others. The EU Member States have a certain freedom of interpretation that results in more or less stringent regimes of access to assistance, which are vital in cases of individuals recovering from severe sexual exploitation. Any lapses in this regard may lead to re-trafficking and re-exploitation. The project identified that some measures could be taken to eliminate these risks. It is important for example that women are identified early and in a formal manner that leads to access to services. It is, however, important that services are provided also during the process of identification and before the formal identification is completed, including for victims who are not collaborating with the police as the authorised authority deciding on these matters in many Member States. It is similarly important that women are treated as victims of crime before any restrictive migration framework is applied to their case. It is critically important that women's rights to claim international protection are not conditioned in any way. The material assistance restrictions must not be allowed to drop below a level that may mean a relapse into an exploitative situation. The assessment of the age of young survivors of trafficking has to be conducted with utmost care to eliminate any risk of further abuse and sexualisation of young victims, for example by accommodation within mixed-gender adult populations in establishments such as homeless shelters or asylum centres. The duration of the assistance is of particular importance for trafficked migrant women, which should involve planning for mid and long term provision and which could involve different service providers. For instance, the early intervention specialist responding to trafficked victims could be replaced over time by long-term gender-specific services within the existing structures of the gender-based violence sector. The access to such mid- and long-term supports could be problematic due to women's stigma, lack of confidence, reluctance to repeat (explain again) their traumatic past, which necessitates the availability of a linking person or a mentor for such trafficked migrant women.

Specialised legal assistance

The importance of gender-specific legal assistance for trafficked migrant women cannot be underestimated due to its centrality in the successful integration process. Such women need early legal intervention due to the complex legal situation that, in addition to the main crime committed against them, may involve a range of additional issues pertaining to immigration, personal identification, age assessment, family-related issues, prosecutorial problems and others. Very importantly, trafficked women cannot benefit by sole provision of legal information but rather need holistic legal representation in light of the myriad problems they face and the complex assistance regimes they negotiate. The access to social benefits for migrant victims is not always ensured by default, and legal representation is needed to unblock important aspects of material supports, such as social entitlements, eligibility to housing, work and others. The significance of a successful compensation claim for trafficked migrant women has to remain a cornerstone of such a holistic legal assistance. The complex nexus between international protection and human trafficking which prominently arises in many cases of trafficked migrant women is most appropriately addressed through such gender-specific legal assistance. Such an approach also represents a safeguard for the Member States' correct interpretation of the international protection rights of victims of trafficking.

Attention to motherhood and children

The fact that many victims of trafficking have children or are pregnant at the time they escape the trafficking ordeal represents a predominantly gender-specific situation. This has to be incorporated into the assistance considerations due to its key importance for the recovery process and the significant scale in which it occurs. Motherhood changes the experiences of victims and adds layers of additional experiences. In some ways, this may mean empowerment but there are also additional pressures and anxieties. Having had a child while involved in prostitution or having been forced to abandon a child in the course of the trafficking experience could be a cause of depression and stigma for the mothers. Some victims have fears with regard to children left in the country of origin, as traffickers often use that as an intimidation tool against the victim. This naturally stands in the way of the victim's willingness to cooperate with investigating authorities but also acts as a barrier to the mother's recovery and wellbeing. At the same time, reunification with the child does not always put an end to the anxieties and problems for the mother. In some cases assistance with mothering skills and psychological counselling, both for the mother and the child, may be necessary to assist the family transition. The material assistance, in cases where children are present, has to take into account the increased risks of relapsing into exploitation if assistance is not sufficient. The mothers may also have to be psychologically assisted in overcoming feelings of increased shame and stigmatisation in relation to their involvement in prostitution, which, in the mother's own perception, could harm or alienate the child. Furthermore, many trafficked migrant women need support in finding childcare opportunities so that they can attend to their personal integration needs. In addition to material support, mothers require kindergarten places and child welfare benefits, etc. In the absence of this child-oriented assistance, some trafficked migrant women have resorted

to abortions, which later requires further counselling and exacerbates the overall distress of already traumatised women. Not having had a chance to mature in caring families safe from abuse may lead to anxieties in some victims who are expecting a child or expecting to be reunited with a child they have not seen for a long time. This necessitates assistance in coming to terms with and addressing such feelings. The complications linked to motherhood may be varied and a definite formula for response may not be possible. However, these experiences have to be taken into account with the due attention they require, in light of their significance for the overall process of recovery.

Safe and appropriate accommodation

Accommodation assistance is essential firstly, to ensure that victims can escape from the situation of exploitation and secondly, for the commencement of recovery and reflection in a safe environment conducive to healing. The nature of the housing arrangements and who provides housing services is of particular importance to victims of trafficking who have survived significant trauma and sexual assault. This represents an area of assistance that requires gender-specificity. Alongside some distinct features in human trafficking, migrant women's needs have evident parallels with victims of intimate partner violence and victims of rape. For this reason, the developed best practice approach by feminist service providers has to be emulated and resourced for victims of trafficking for sexual exploitation, in addition to special security considerations that are vital to protect victims of human trafficking. Of particular importance in the provision of accommodation is the level of safety and privacy necessary for individual recovery. The service is best provided by staff trained in responding to victims of gender based violence – human trafficking for sexual exploitation or victims of sexual abuse, rape or domestic violence as traffickers sometimes pose as intimate partners, which adds layers of dependency and betrayal to the actual physical and sexual violation. In terms of training, it is also very important human trafficking is formally included in training programmes as a form of gender-based violence. What also matters significantly in relation to accommodation is whether or not it is of mixed gender, whether or not the place is known to the wider public and in danger of attracting unhelpful attention which together may generate risks for the victims. Trafficked migrant women should be housed in accommodation specially designed for vulnerable women. Avoiding room-sharing arrangements and background noises are often essential in the first months of reflection and recovery, given the prevalence of post-traumatic stress disorder among such women. Introducing and allowing activities, such as training or art and crafts for example, are often essential for distracting women from persistent traumatic thoughts. In this regard, accommodation that allows own food preparation is vital. Due to the shortage of housing resources in some Member States, often victims who cooperate in criminal investigations are preferentially treated in comparison to victims who do not participate in investigations. This practice could be detrimental to trafficked migrant women and it directly contravenes the provisions of the EU anti-trafficking framework requiring that the assistance to victims is not conditional on their participation in criminal proceedings. Therefore, access to specialised women-oriented safe accommodation should not be conditional in order to truly benefit trafficked migrant women. It has been proven that resourcing a network of women's

shelters with geographical spread to respond to cases of emergency needs of trafficked migrant women is critically important to the safety of these women. Designating resources and sufficient funding from the Member States is a vital precondition for the provision of appropriate gender-specific accommodation of trafficked migrant women, which is a finding reinforced in the recent Study on the economic, social and human costs of trafficking in human beings within the EU (2020).

Psychological assistance

Access to early and ongoing psychological assistance is a cornerstone of every victim's recovery process but is of special relevance to trafficked women who have been sexually exploited. For such cases, specialists recommend a trauma-informed approach to psychological assistance that takes into account the nature and the extent of the trauma in designing and leading the psychological counselling process. The need for not just physical but also mental recovery is dictated by the complex exposure to abuse, betrayal, domination and control, that victims of trafficking experience. This is made necessary even more so by the severe sexual violations experienced over a period of time, often accompanied by elements of intimate partner violence. Multiple rapes is a particular feature of trafficking for the purposes of sexual exploitation, although sex abuse may also occur in other gendered forms of trafficking, such as domestic servitude or forced marriage, which similarly require assistance from a psychologist or psychotherapist. The profile of victims of such trafficking crimes requires a gender-specific psychological approach. If the mental health issue remains unaddressed, this may lead to serious consequences for trafficked women, manifesting as a post-traumatic stress disorder, inability to concentrate, memory problems, depression and others. Therefore the more visible needs of victims of human trafficking should not be allowed to obscure the profound psychological needs of trafficked, sexually exploited women. Lack of gender-specific psychological services poses serious barriers to integration and ability to engage meaningfully with other support services increasing a women's vulnerability and, in some cases, risk of re-trafficking. Therefore this is a central type of gender-specific assistance to trafficked migrant women, impacting the effectiveness of other services delivered to them.

Medical assistance

Victims of trafficking develop serious conditions and experience acute medical needs. Access to medical care should be gender-specific, unconditional and on an informed voluntary basis. The severity of the medical consequences of human trafficking is of particular importance in cases of victims subjected to sexual exploitation or sexual violence, which has been the subject of studies with significant sampling. Many women experience forced abortions or miscarriages during trafficking in prostitution and continue to be sexually exploited shortly after such intense health crises. Overall, the experiences of trafficked migrant women have parallels with women in prostitution experiencing sexual violence and survivors of rape because they are a direct result of the way their bodies have been sexually abused over a period of time. In light of similar medical needs, there is merit in resourcing the existing medical services

to respond to women recovering from trafficking for sexual exploitation. This is an area that requires a markedly gender-specific approach, centred on the recovery from a physical trauma and conditions associated with sexual exploitation, including treatment of sexually transmitted diseases, consequences of repeat abortions, pelvic infections, infertility, throat infections and other specific conditions. The gynaecological examination and treatment must be a priority in the early assistance offered to trafficked migrant women and must be carried out in a trauma and culturally sensitive manner. Acquiring competence on Female Genital Mutilation-related health problems and accompanying cultural issues has to be a priority for medical personnel responding to trafficked migrant women. This is important not only for the health of trafficked migrant women but also for substantiating international protection claims vital for their establishment and integration in the Member State. Reconstructive plastic surgery is a related service that has to be considered in the medical assistance offered to trafficked migrant women. Supplying trafficked migrant women with basic knowledge about their own body, sexual organs, menstrual hygiene, contraceptive methods and sexually transmitted diseases is sometimes necessary and has to be ensured. Sex education as a whole represents a medical need that counsellors may address in their gender-specific support service. The communication between hospital staff and trafficked women who do not speak the language represents another important feature of this assistance. Due to the personal nature and stigma attached to such women-specific medical issues, sensitive gender-specific interpretation is required.

Training and education

Access to education and training has to be a focus of long-term integration plans and to be geared towards both developing agency over ambitions as well as economic independence as much as possible. It is acknowledged that this is a hard (in rare cases impossible) goal to achieve and that this is a particular gender-specific issue arising especially for victims of trafficking for sexual exploitation. The empowerment of victims is a valid goal of training and employment assistance. Existing resources and life skills that trafficked women possess have to be emphasised and further developed in order to foster self-confidence as a first step to engagement with training. The individual needs and aspirations have to be guiding points in developing any integration plans with regards to education and professional training plans for trafficked migrant women. The importance of creation of alliances with trusted employers and educational institutions that are committed in investing in upskilling and creating opportunities to trafficked women was also discussed. Tailored education classes of smaller sizes, practical education focusing on basic practical things such as sanitary female products, childcare and child rearing, and attention to the needs of illiterate women are considered best practice in the education of trafficked migrant women. Childcare provision allows women to participate in such courses and is essential best practice in this field of assistance.

Borrowing good practice from other areas of response to violence against women

Surviving human trafficking involving sexual exploitation and sexual violence, as mentioned above, invites many parallels with other forms of gender-based violence and violence against women involving sexual abuse and personal betrayal. Bearing in mind that human trafficking is a relatively 'recent' crime concept and the response to it is still under review, there is justified reasoning for resourcing the existing relevant support infrastructure for violence against women to cater for victims of human trafficking in the absence of or in addition to existing specialist assistance for female victims of human trafficking for sexual exploitation. Shelters, counselling centres, professional codes of practice and best practice approaches in achieving recovery from assault and abuse can be additionally funded and adapted for trafficked women, who essentially present similar challenges with regard to injuries and trauma sustained from the gendered crimes against them. On the other hand, there is a limited rationale for creating a new single infrastructure responding simultaneously to victims of forced labour and victims of sex trafficking, due to the different recovery needs experienced by these cohorts of victims. The overall inclusion of trafficking in human beings under the wider umbrella of gender-based violence at national level, in terms of awareness and training of staff on trafficking related matters would largely improve the Member States' delivery of gender-specific assistance to trafficked migrant women.

Feminist independent services

The existing practice of responding to victims of gendered crimes such as rape and domestic violence indicate that independent, specialist, feminist organisations with all-female and woman-centred staff are best equipped to design and implement recovery interventions. Similarly, in the context of the gendered crime of trafficking of women for sexual exploitation, organisations with similar features would be best positioned to assist victims. The expertise of established service providers specialising in gendered crimes against women may be invaluable for trafficked women. The harms women suffer are at least highly comparable to the harm in sexual assault, rape, and in some cases, abuse by an intimate partner where the trafficker/pimp has posed as such. In the longer term, recovery and reintegration needs of women affected by prostitution are not dissimilar to those of victims trafficked into prostitution, therefore the organisations specialising in exit strategies from prostitution are well equipped to assist trafficked women (special attention to the increased risks posed by the involvement of traffickers and violent pimps has to remain a paramount consideration for all services). Guided by opinions of trafficking survivors, such organisations can provide the appropriate environment for trafficked women's recovery. It is essential that such organisations are funded and supported by the state. The state's tendency to interpret 'equal access to services' as gender-neutral services is especially problematic for victims whose integration is dependent on gender-specific assistance. This problem would be best overcome by engaging, training and resourcing specialist women-oriented service providers for responding to trafficked women affected by sexual exploitation and sexual violence.

Overall, the feminist independent services that are most suitable for the delivery of gender-specific assistance to trafficked migrant women are guided by the following principles, which underpin their work:

- ▶ **Gender-specificity:** understanding of human trafficking as a gender-specific crime, affecting primarily though not only women; recognising trafficking for sexual exploitation as a particularly gendered form, leading to severe gender-specific harm caused by the way the body of the women is abused in the process of exploitation, and requiring significant length/resources for assistance and reintegration; recognising that other forms of trafficking may also involve sexual violence that gives rise to similar gender-specific needs for assistance.
- ▶ **Victim-centred approach and special needs attention:** positioning of the women at the centre of the assistance strategy and assistance measures, which are informed by her individual circumstances and needs and by her personal opinions and views. While recognising that sexual violence is a particularly grave offence (Rec.12, Directive 2011/36/EU), special attention to be attributed to victims with special needs, such as pregnant women, women who have been exploited as minors, women with severe medical and/or psychological conditions or disability.
- ▶ **Child-friendly approach:** accommodating the best interests of the children accompanying trafficked women and having regard to the fact that the trafficked women are often mothers. Therefore, the assistance has to take into account this possibility.
- ▶ **Informed consent:** the assistance is offered in an informed manner and accepted voluntarily by the woman availing of this service. The informed consent has to be registered through the standard authorisation form or through a specially developed consent form, which captures the informed consent of the service user. This principle also requires an informed consent vis-à-vis participation in the project as a service recipient or advisor.
- ▶ **Trauma informed approach:** the service providers will remain cognisant of the serious trauma victims of sexual exploitation and sexual violence have endured and of the fact that the overcoming of the trauma is an essential aspect on the road to integration.
- ▶ **Empowerment:** all support is geared towards the empowerment of the client, and it includes but it is not limited to use of sensitive language (survivor or victim depending of the preference of the client) and promoting the decision-making ability of the service user.
- ▶ **Confidentiality:** ensuring that the anonymity of the survivors of trafficking involved in the process either as advisors or recipients of services.

Voices of victims-survivors

Trafficked women should have a say in the process of assistance, which should be provided on an informed and voluntary basis. Participating in the recovery process and having their voices heard represent important steps in the integration of trafficked women, reaffirming their escape from traffickers' influence and regaining a feeling of control over their own situation.

Women who have survived particularly vicious abuse and exploitation are strong individuals who should be given every opportunity to contribute their experiences to the services that are established to support their recovery. Therefore, the provision of assistance should take account of the woman's experience and be a part of the process of restoration of agency and should be designed to include a strong element of empowerment. Of importance in this regard is the language used among practitioners which should avoid the term victim and emphasise survivor instead, thereby accentuating the overcoming of the ordeal. Therefore, in documents pertaining to assistance, especially those that may come to the attention of women, the term 'survivor' is likely to be more respectful and appropriate. This consideration in no way diminishes the need for formal recognition of a victim status on the part of the state, indicating the state's allegiance with the crime victim against the perpetrator, a process which contributes to the empowerment of trafficked women. Services should also take into account the valuable strategies victims have deployed during their life journey, and avoid any patronising attitudes that disempower women instead of promoting their autonomy. Authentic opinion from women who have survived human trafficking could significantly improve the impact of any campaign points or information materials, in terms of a language that is understandable and images that are appropriate, inspiring and not stigmatising (offensive).

Peer-to-peer support

There is certain invaluable expertise that can be acquired only through experience. Involving survivors in the delivery of services to trafficked women provides positive role models and helps victims of trafficking resist stigmatisation. Very importantly it supports changes in the perception of the victims of themselves and how they believe they are seen by others. At the same time, supports delivered directly by survivors can strengthen the resistance of victims and prevent re-trafficking or the return to prostitution. Specific services for trafficked women are necessary in addition to the conventional and more established services after sexual violence, due to the fact that they more often than not involve survivors, among other advantages. Such services may offer women person-centred information, befriending, peer support, recreation, practical assistance including finance, action planning, education and training. In cases of young victims of trafficking recovering from sexual exploitation, the peer-to-peer support and the positive role model involvement is of central importance and so is the removal of barriers to attachment, safe decision-making and the planning of future lives. Cultural mediation provided by the involvement of survivors could be used as a means of securing the informed consent to any necessary treatments, especially where the ability 'to choose' and 'to refuse' has been severely compromised. Due to the existing high level of mistrust amongst victims of trafficking, the involvement of victim survivors in the provision of services represents a favoured element in assistance. Overall, the involvement of survivors is recommended as a means of enhancing the effectiveness of integration services and as such it is of central importance to effective gender-specific assistance promoting the integration of trafficked migrant women.

ANNEX 1 – Pan-European Service delivery framework

SERVICE DELIVERY AGREEMENT FRAMEWORK

adopted by

the transnational partners of EU AMIF Assist project:

Immigrant Council of Ireland, BeFree Italy, JustRight Glasgow UK/Scotland, SOLWODI Germany, SURT Spain/Catalonia

Rationale for a Service Delivery Agreement

The AMIF funded project ASSIST has undertaken to focus on third country national female victims of trafficking for sexual exploitation, while prioritising victims with special needs (as defined in the Anti-Trafficking Directive). In order to ensure that the assistance provided to victims falls within the remit of the relevant AMIF parameters, the partnership committed to adopting a common framework approach to delivery of services subject to this project. The work will be delivered according to the principles of gender sensitivity, as outlined in Work Package 0.

Adoption process agreed

1 – Draft template (January-February 2019).

To ensure consistency in the delivery of services to victims, the Immigrant Council will develop a draft template service delivery agreement and present it to the attention of the partners.

2 – Discussion of the draft template and adoption of same (on 11-12 March 2019).

A roundtable discussion on the draft template for service delivery agreement will take place during the kick-off partner meeting. All partner organisations will be given an opportunity to discuss and input into the finalisation process. Following the meeting, there will be a process of updating and finalising the template service delivery agreement.

3 – Adaptation of the agreed template to the national context (April 2019).

Once endorsed in principle at the kick-off meeting of the project (11-12 March), this agreement will then be adapted according to the services available in the different national contexts.

In order to contribute towards the adaptation of the service delivery agreement to the national context, each partner will undertake a small mapping exercise to determine the full extent of assistance and support available.

To further inform the adaptation of the service delivery agreement to the national context, each of the participating organisations will interview at least one female third country national victim of trafficking for sexual exploitation who has experienced receipt of support available, thus ensuring their unique voice shape the assistance and support being provided.

4 – Production of National Service Delivery Agreements (by 7th of April 2019).

On the basis of the service delivery agreement template, the mapping exercise, and interviews with victims, each of the partners will be responsible for producing a national service delivery guidelines. The service to victims of trafficking in the participating Member States, funded through this project, will be provided in accordance with the respective national service delivery guidelines.

Service Delivery Agreement – Template

This document was discussed on the basis of a preliminary draft circulated prior to and discussed at the Roundtable on 12 March 2019 in Dublin. It was then amended accordingly taking on board the feedback and suggestions from all project partners. The document represents one of the projects deliverables – Pan-European Service Delivery Agreement Template.

[Name of organisation] COMMITS THAT DURING THE COURSE OF THE 'ASSIST PROJECT' IT WILL PROVIDE SERVICES TO PERSONS WHO MEET THE FOLLOWING DESCRIPTION:

- 1 – Profile of the victims of trafficking, supported through the project:
Female victims who are third country nationals.**
- 2 – Form of human trafficking: Trafficking for sexual exploitation, or a combination of forms of exploitation that involve sexual exploitation and/or abuse.**
- 3 – Timeframe of the service, funded through this project: April 2019 to December 2020.**
- 4 – Recommended minimal number of women supported through the project:
50 in total, and 10 in each country – Ireland, Germany, Italy, UK, Spain.**

THE SERVICES THAT WILL BE PROVIDED WILL FALL WITHIN THE FOLLOWING CATEGORIES:

5 – Nature and scope of assistance:

Provision of gender-specific legal services aiding the integration of third country national victims of trafficking that include holistic legal representation and integration supports linked to the experiences of human trafficking, sexual exploitation and other forms of violence against women:

- (1) Identification and recognition as a victims of trafficking
- (2) Obtaining and/or renewal of the necessary immigration permits
- (3) International protection-related matters
- (5) Any other immigration-related matters
- (4) Criminal matters

with an added focus that includes but that is not limited to:

- (6) Family-related matters
- (7) Securing access to appropriate housing
- (8) Access to material assistance
- (9) Access to education, training and employment opportunities
- (10) Compensation
- (11) Medical assistance
- (12) Psychological support
- (13) Other integration initiatives

[NOTE: The highlighted areas represent priority areas in the funding agreement]

THE PRINCIPLES THAT WILL UNDERPIN THE PROVISION OF THESE SERVICES ARE:

6 – Principles underpinning the service available through the project:

Gender-specificity: understanding of human trafficking as a gender-specific crime, affecting primarily though not only women. Recognising trafficking for sexual exploitation as a particularly gendered form, leading to severe gender-specific harm caused by the way the body of the women is abused in the process of exploitation, and requiring significant length/resources for assistance and reintegration.

Victim-centred approach and special needs attention: positioning of the women at the centre of the assistance strategy and assistance measures, which are informed by her individual circumstances and needs and by her personal opinions and views. While recognising that sexual violence is a particularly grave offence (Rec.12, Directive 2011/36/EU), special attention to be attributed to victims with special needs, such as pregnant women, women who have been exploited as minors, women with severe medical and/or psychological conditions or disability.

Child-friendly approach: accommodating the best interest of the children accompanying trafficked women and having regard to the fact that the trafficked women are often mothers. Therefore, the assistance has to take into account this possibility.

Informed consent: the assistance is offered in an informed manner and accepted voluntarily by the woman availing of this service. The informed consent has to be registered through the standard authorisation form or through a specially-developed consent form, which captures the informed consent of the service user. This principle also requires an informed consent vis-à-vis participation in the project as a service recipient or advisor.

Trauma informed approach: the service providers will remain cognisant of the serious trauma victims of sexual exploitation have endured and of the fact that the overcoming of the trauma is an essential aspect on the road to integration.

Empowerment: all support are geared towards the empowerment of the client, and it includes but it is not limited to use of sensitive language (survivor or victim depending of the preference of the client) and promoting the decision making ability of the service user.

Anonymity: ensuring that the anonymity of the survivors of trafficking involved in the process either as advisors or recipients of services.

The principles the partners of this project adopt are complemented by the World Health Organisation guidelines for interviewing victims of trafficking (WHO, 2003) and in particular to the principle of **'doing no harm'** through provision of services and involvement of survivors in this project.

National mapping exercise – Template

A NATIONAL MAPPING EXERCISE WILL BY CARRIED OUT BY ALL PARTNERS FOR THE PURPOSE OF TAILORING THE SERVICE DELIVERY AGREEMENT TO EACH NATIONAL PARTNER.

1. Description of the nationally available assistance in the 5 Member States.

THE SERVICES PROVIDED BY [Insert organisation] IN [Insert MS and city/region if relevant] FOCUS ON [INSERT ANY AREA OF FOCUS ARISING FROM NATIONAL MAPPING EXERCISE] DUE TO [INSERT JUSTIFICATION ARISING FROM NATIONAL MAPPING EXERCISE].

The headings outlined below are set out as indicators to guide the national mapping exercise that each organisation will conduct.

[NOTE: share the national information under each heading in the shortest possible way, no longer than half a page per subheading is recommended. Try to identify issues that are specific for trafficked sexually-exploited women. These will help to shape the interview with the survivor(s) that will be used to finalise the national template]

- (1) Identification and recognition as a victims of trafficking
- (2) Obtaining and/or renewal of the necessary immigration permits
- (3) International protection-related matters
- (5) Any other immigration-related matters
- (4) Criminal matters

With an added focus that includes but that is not limited to:

- (6) Family-related matters
 - (7) Securing access to appropriate housing
-

- (8) Access to material assistance
- (9) Access to education, training and employment opportunities
- (10) Compensation
- (11) Medical assistance
- (12) Psychological support
- (13) Other integration initiatives.

2. Legal/policy context in the MS, including relevant comments.

[NOTE: Give a short outline the relevant legal and policy documents that are relevant to the identified areas of legal aid. Share any specific observations for women in focus]

[Include comment – critically assess it from the perspective of trafficked sexually exploited women]

a. Identification.

[NOTE: Explain the definition and the evidentiary standards used by the respective ‘competent’ authority in your country. Is there in place a mechanism for early identification, in line with the Anti-trafficking Directive (2011/36/EU). Are there any specific issues around third country national trafficked sexually abused women]

b. National Referral Mechanism (NRM).

[NOTE: Give a short explanation of the working of the NRM for assistance of victims in your MS, how it affects women differently, if this is the case]

c. Conditionality of assistance.

[NOTE: Share any relevant information on possible barriers to assistance linked to nationality or immigration status; also any information on the early access and duration of assistance to third country national victims, especially the women in focus, in recognition of the fact that they’ve suffered long-term harm]

d. Accommodation.

[NOTE: explain how accommodation for victims is organised, especially for women in focus, who is the service provider - is it a feminist organisation, is it independent from the state, are the integrated supports attached to the safe house – legal/medical/social and other assistance agreed to/attached to the housing; comment on access to appropriate housing for trafficked sexually abused women; accommodation of mothers and children; duration of assistance; move towards independent living]

e. Material assistance.

[NOTE: explain if material assistance is available and if so what form it takes]

f. Access to training.

[NOTE: explain if training is available and if so what form it takes]

g. Access to employment.

[NOTE: explain if employment is available and if so what form it takes]

Schedule for interview with a former victim of trafficking – Template

FOLLOWING THE NATIONAL MAPPING EXERCISE, THE RESULTING DOCUMENT WILL BE REVIEWED ON THE BASIS OF CONSULTATION WITH A SURVIVOR. THIS CONSULTATION WILL CONSIST OF AN INTERVIEW WITH A SURVIVOR, ACCORDING TO AGREED INDICATIVE SCHEDULE AND A POSSIBLE REVIEW OF THE FINAL NATIONALLY ADOPTED SERVICE DELIVERY AGREEMENT GUIDELINES BY EACH PARTNER.

At the Roundtable on 12 March 2019 in Dublin, it was agreed that the interviewed/consulted survivors will be a female third country national victims of trafficking for sexual exploitation who are integrated and who have experienced receipt of support services in the respective Member States.

Purpose of interview:

- ▶ To ensure the voice of female third country national victims of trafficking who have experienced support is heard.
- ▶ To ensure that barriers to integration are identified.
- ▶ To ensure that good practices are identified.
- ▶ The questionnaire to be used for interviewing victims is a project deliverable.
- ▶ The anonymised notes of the interviews are a project deliverable.

Approach:

Identify and recruit a survivor in order to validate the relevant areas of gender-specific assistance that are of relevance to the integration of third country national trafficked sexually-exploited women.

Method:

Take notes (bullet points) during the interview and then anonymise them. The interview will be carried out by an experienced staff member funded through this project and the conversation must be focused on the issue of assistance. No information about the trafficking ordeal will be sought but any information volunteered by the survivor will be accommodated and treated with sensitivity and respect. The recommended duration of the interview is one hour.

Informed consent:

All project partners will use a uniformed consent form proposed by the leading partner and translated into the respective national language, which the survivor can understand.

Profile: the victims was a female third country national at the time of assistance.

Definition of survivor:

For the purposes of this deliverable, the partners have agreed to define a Survivor of trafficking, to be a former victim of crime who had escaped the trafficking situation at least 2 years before the interview and who has secure residence rights.

It was agreed that the partners will carry out an assessment in recruitment of such a survivor and will include a short paragraph justifying their selection and recruitment of the particular person.

Suggested draft interview schedule that will guide the interviews with the survivors

▶ **Agreed Headings**

Services provided/ received

Alternatives available

Required output

▶ **Suggestions for questions**

What services did you receive?

How did you find out about these services?

What did you find easy about accessing these services?

What other services did you need?

Do you feel integrated?

Do you think any of the services provided to you assisted with you integrating?

▶ **Barriers to integration**

Barriers to integration

Suggestions for improvement

Recommendations by the survivor

ANNEX 2 - Framework for Peer-to-peer support programme

FRAMEWORK

For Peer-to-Peer / Mentoring provided by survivors of human trafficking

The ASSIST project is committed to supporting the integration of third country national victims of trafficking. The project focuses on developing best practice approaches to gender-specific services provision that is geared towards the integration of trafficked women recovering from sexual exploitation and abuses. For the purposes of achieving maximum effect, the project will explore the involvement of survivors in the delivery of integration supports to trafficked women.

This documents outlines some theoretical justification and practical guidance on delivering a mentoring pilot project in each of the participating EU Member States that cover four distinct topics: theoretical justification, selection, recruitment and mentoring approach.

Theoretical justification

The theoretical base for this pilot project is developed on the basis of the studies and progress reports produced/guided by the European Commission and in particular the "Study on the Gender

dimension of trafficking in Human beings” (Walby, S. et al, 2016), the “Study on comprehensive policy review of anti-trafficking projects funded by the European Commission”, the report “Gender-specific measures in anti-trafficking actions” (EIGE, 2018) alongside its evidencing study “Protecting victims: an analysis of the anti-trafficking directive from the perspective of a victim of gender-based violence” (Yonkova, N. et al., 2017).

According to Walby et al. (2016), involving survivors in the delivery of services to trafficked women provides positive role models and helps victims of trafficking resist stigmatisation. Very importantly it support changes in the perception of the victims of themselves and how they believe they are seen by others. At the same time, supports delivered directly by survivors can strengthen the resistance of victims (Bjerkan and Dyrliid 2006) and prevent re-trafficking or the return to prostitution. Furthermore, some experts recommend the establishments of organisations. So for example, Wilson et al. 2015 maintains that such supports can effectively facilitate interventions which are timely and non-judgemental, and promote trust-building with victims. O’Brien et al. (2013) also propose that involvement of survivors themselves in services will be beneficial.

Kelly and Dubois (2008) consider that specific services for trafficked women are necessary in addition to the conventional and more established women’s support services after sexual violence, due to the fact that they more often than not involve survivors, among other advantages. Walby et al. (2016) presents an example with the Diogel project in Wales, which delivers for trafficked women person-centred information, befriending, peer support, recreation, practical assistance including finance, action planning, education and training.

Services mirroring the coercive and exploitative tactics of criminals, in highly gendered crimes, are deemed to fail affected women. Caneppele and Mancuso (2013) refer the term ‘rescuing industry’ to particularly describe religious-based support services, favouring victims who are passive and adhere to the ethos of the service provider. This type of patriarchal rescuing disempowers trafficked women, in terms of access to rights and successful integration:

Without the inclusion of peer support by survivors themselves in services, there are barriers to human rights and justice in policy as well as successful reintegration in practice. (Walby et al., 2016)

Many authors discuss the invaluable expertise that can be acquired only through experience, and respectively the silencing of essential voices by not utilising the unique expertise survivors have. In cases of young victims of trafficking recovering from sexual exploitation, the peer-to-peer support and the positive role model involvement is of central importance. Hickle and Roe-Sepowitz (2014) attribute the essential involvement of survivors in these cases to the need to remove barriers to safe decision-making and attachment. The authors recommend this peer-based intervention as suitable for young people recovering from other types of sexual abuse. In analysis the importance of the Poppy project in the UK, Walby et al. (2016) flags the role of peer support to the planning of future lives of trafficked women:

It crucially provides role models, non-judgemental understanding and first language support for women by women who have experienced similar barriers in exiting trafficking and prostitution and in gaining access to justice.

Cultural mediation provided by the involvement of survivors could be used as a means of securing the informed consent to any necessary treatments. For example, Yonkova et al. (2016) maintains that involvement of survivors strengthens the basis and validity of obtaining informed consent from trafficked women, to services and other interventions:

The provision for informed and consent-based assistance aid the recovery process of victims of gender based violence, whose ability to choose has been severely undermined as part of their victimisation. This right is important and could be more efficiently implemented by the involvement of survivors.

Due to the existing high level of mistrust amongst victims of trafficking, the involvement of victim survivors in the provision of services represents a favoured element of delivering gender-specific services to trafficking victims.

In conclusion, the involvement of survivors has been mooted as a means of enhancing the effectiveness of integration services and as such it is of central importance to the current project.

Selection of mentors

The partners agreed on the following selection criteria for the potential mentors/survivors involved in the pilots:

1. To be a woman
 2. Former victim of trafficking involving sexual exploitation
 3. Third Country National
 - a. Alternatively and only as an exception, the tutor could be an EU female victim of trafficking for sexual exploitation
 4. To no longer be involved in procedures for identification
 5. To no longer be actively involved in any investigation linked to trafficking
 6. To no longer feel exposed to any risks, linked to the trafficking crime or otherwise
 7. To have a secure immigration status for herself and for any dependent family members
 8. To be integrated into the host society in the respective EU Member State
 - a. Can be in receipt of state assistance or can be living independently, without State support.
 - b. To include women working or studying/training and/or parenting minor children
 9. To be emotionally and psychologically well
 10. To be willing and available to offer tutoring to victims of trafficking
 11. To be empathetic
 12. To be a good communicator and to have the ability to listen
 13. Preferably, former service user of the partner organisation will be approached
 14. Preferably, the potential tutor would no longer be actively dependent on services from the partner organisation, with a view to ensuring unquestionable commitment
-

Recruitment of mentors

The following position was agreed by the Assist partners with respect to the recruitment procedure for mentor survivors:

1. Potential suitable mentors will be approached through network service providers and the role of the mentor will be on an agreed document between mentor and the partner organisations.
2. The Protocol needs to outline a clear framework including:
 - a. informed consent (including consent form)
 - b. training scope and duration (specifying time commitment)
 - c. delivery of supervised sessions (no of sessions, time commitment)
 - d. communication rules between the tutor and the survivor
 - e. privacy and confidentiality
3. If childcare is needed for the period of training and subsequent tutoring sessions, it will be covered.

Mentoring approach

The ASSIST partners adopted the following approach to involving survivors /mentors in the delivery of peer-to-peer support to trafficked women assisted through the project.

1. The structure of the peer-to-peer support training programme will be based on training materials developed by the ASSIST project partners within the respective national context of the EU Member State.
2. Training materials' suggested scope:
 - a. An overview of human trafficking as a crime and as a form of violence against women
 - b. Trafficked victims' rights, focusing on trafficked women's special rights
 - c. Medium/long term issues arising for trafficked women post identification avenues for integration for victims of trafficking in human beings
 - d. Cultural awareness
3. Training to be delivered to mentors by the partner organisation
4. Consent forms for victims agreeing to the peer-to peer sessions
5. The mentoring sessions to be held on face-to-face basis
6. Mentors have to participate in two mentoring sessions with a victim at the minimum (recommended work with at least two victims)

Following the mentorship programme an evaluation to be made by both mentors and victims participating in the peer-to-peer support pilot.

ANNEX 3 - Suggested template for reporting on national best practice

TEMPLATE GUIDANCE FOR REPORTING ON BEST PRACTICE

**In delivery of gender-specific legal assistance and integration support to victims.
ASSIST project, discussion 6 October 20, 2pm-4.30pm**

Please prepare to address **only the points below that are pertinent to your work with trafficked women who have experienced sexual exploitation.**

You do not need to address all of the details set out below. They are guidance notes for your contribution only. Use the headings as the main categories to address and the sub-categories as suggested issues to speak to.

There may be categories that are not detailed or sub-categories that are not relevant.

Your contribution time will be a maximum of **20 minutes per partner** and the time limit will be strictly adhered to so please ensure you have an idea of the time of your contribution!

In providing your updates have regard to the guiding questions of:

- ▶ Is the system in your country a best practise?
- ▶ If so, how?
- ▶ If not, why not?
- ▶ How are the gender specific needs of sexually exploited women met by this system?

When analysing services in your country have regard to the provisions of Art 9(3)(b) of the Victims Rights Directive and think about whether this standard is met?

‘targeted and integrated support for victims with specific needs, such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships, including trauma support and counselling’

(Art 9(3)(b), Victims Rights Directive)

1. Reporting and victim identification procedures
 - a. The procedure and competent authority
 - b. Standard of evidence required for victim identification
 2. Assistance and support
 - a. Availability of assistance
 - b. Needs and risk assessment – is there a case conference for tailored support?
 - c. Equal treatment in accessing/availing of assistance (impact of nationality, ethnicity, immigrations status, gender, form of exploitation)
-

- d. Are there conditions for accessing assistance?
- e. Is there a relationship between an investigation and assistance provided?
- f. Timing, duration, continuity and discontinuation of support
- g. Responding to women with special needs (e.g. pregnant women, women with disabilities, recovering from particularly grave offences)
- h. Medical support (physical and mental health)
- i. Gender of service providers
- j. Material assistance to include access to social welfare and accommodation
- k. Are any services imposed?

3. Legal assistance

- a. Scope of assistance available under NRM
- b. Other legal services available
- c. Early legal intervention
- d. Interaction between legal team and other support providers
- e. Legal issues arising (family reunification, accessing identity documents, the right to seek asylum)

4. Access to compensation

5. Integration

- a. Employment
- b. Training, upskilling, education
- c. Language issues

6. Any other issues

BIBLIOGRAPHY

8

- European Commission (2013). *The EU Rights of Victims of Trafficking in Human Beings*, Publication Office of the European Union: Luxembourg.
- European Commission (2016). REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL: *Report on the progress made in the fight against trafficking in human beings (2016) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims*. Brussels, 19.5.2016 COM (2016) 267.
- European Commission (2016) *Report from the Commission to the European Parliament and the Council assessing the extent to which Member States have taken the necessary measures in order to comply with Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims in accordance with Article 23(1)*.
- European Commission (2016). *Study on the Gender Dimension of Trafficking in Human Beings*, European Commission: Luxembourg.
- European Commission (2016). *Study on comprehensive policy review of anti-trafficking projects funded by the European Commission*, European Commission: Luxembourg.
- European Commission (2017). COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL: *Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions*. Brussels, 4.12.2017 COM (2017)
- European Commission (2018). REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL: *Second report on the progress made in the fight against trafficking in human beings (2018) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims*. Brussels, 3.12.2018 COM (2018) 777 final
- European Commission (2020). *Study on the economic, social and human costs of trafficking in human beings within the European Union*. Luxembourg: Publications Office of the European Union
- European Institute for Gender Equality (2018), *Gender-Specific Measures in Anti-trafficking Actions*, EIGE: Vilnius.
- Bjerkan, L, and Linda M.D. (2006), *The Silence Experience: Reintegration of Victims of Trafficking for Sexual Exploitation*. Oslo, Norway: Fafo Institute.
-

- Blöcher, J. et al. (2020). Blöcher, J., Eyselein, L., Shrum, J. & Wells, A. *Intersectional Approach to the Process of Integration in Europe for Nigerian Survivors of Human Trafficking – Strengthening Opportunities and Overcoming Hindrances*. Available from: <https://intap-europe.eu/materialien>. [Retrieved 05 November 2020].
- Connell, R. W. (2005) *'The Social Organisation of Masculinities', Masculinities (2nd edition)*. Oakland, CA: University California Press
- Coy, M. (2012) *Prostitution, Harm and Gender Inequality: theory, research and policy*. London: Ashgate.
- Caneppele and Mancuso (2013). Caneppele, Stefano and Marina Mancuso, 'Are protection policies for human trafficking victims effective? An analysis of the Italian case', *European Journal on Criminal Policy and Research*, 2013, 19(3): 259-73.
- Immigrant Council of Ireland (2015). *Upholding Rights: Early Legal Intervention for Victims of Trafficking. EC ISEC project: Upholding Rights: Early Legal Intervention*, prepared by O'Connor, M. Dublin: ICI.
- Immigrant Council of Ireland (2017). *Identification and Response to the Needs of Trafficked Asylum Seekers: Summary Report National Focus Ireland. EC ISEC project TRACKS – Identification of Trafficked Asylum Seekers' Special Needs*, prepared by Keegan, E. Yonkova, N. and Valderrama, A. Dublin: ICI.
- Immigrant Council of Ireland (2020). *Violence against Migrant Women: Joint NGO Submission to the Citizens' Assembly – Immigrant Council of Ireland, AkidWa, Nasc, Ruhama, Sexual Violence Centre Cork, Reform-Stamp-3*, prepared by Dr. Nusha Yonkova, Dublin:ICI.
- Immigrant Council of Ireland (2020). *Housing Trafficked Women: Submission to the Advisory Group on the Provision of Support including Protection to Persons in the International Protection Process*, prepared by Dr. Nusha Yonkova, Dublin: ICI.
- Kelly and Dubois (2008). Kelly, L. and Dubois, L., *Combating Violence against Women: Minimum Standards for Support Services*. Strasbourg: Council of Europe, Directorate General of Human Rights and Legal Affairs, 2008. Available at: [http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAWCONF\(2007\)Study%20rev.en.pdf](http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAWCONF(2007)Study%20rev.en.pdf)
- O'Brien et al. (2013). O'Brien, E., Hayes, S. and Carpenter, B., *The Politics of Sex Trafficking: A Moral Geography*. Palgrave Macmillan, Basingstoke.
- United States of America, Department of State (2020). *Trafficking in Persons Report: 20th edition*. Available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>
- Yonkova et al. (2017). Yonkova, N.; Gillan, S.; Keegan, E.; Charlton, D.; O'Connor, M. and Zonbina, A. *Protecting Victims: An Analysis of the Anti-trafficking Directive from the Perspective of a Victim of Gender-based Violence*. Available: <https://eige.europa.eu/publications/gender-specific-measures-anti-trafficking-actions-report>
-



ASSISTING TRAFFICKED WOMEN

Best practice principles of gender-specific legal assistance and integration supports to third country national female victims of trafficking for sexual exploitation

ASSIST:

Gender Specific Legal Assistance and Integration Support for Third Country National Female Victims of Trafficking for Sexual Exploitation.
(Assist Project EC AMIF: 821581)



This project is funded by the European Union's Asylum, Migration and Integration Fund

Published by:

JUSTRIGHT SCOTLAND

3/1, Forsyth House,
111 Union Street, Glasgow, G1 3TA

+44 141 406 5350

<https://www.justrightscotland.org.uk/>

November 2020