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**Safe Return and Reintegration of
Trafficked Persons:
Quality Standards for Risk Assessment
and Monitoring**

The LEFÖ - Intervention Centre for Trafficked Women (LEFÖ-IBF) has worked as a recognized victim protection facility throughout Austria, based in Vienna since 1998. LEFÖ-IBF works with human rights-based and feminist empowerment approaches to advise, accompany and support women and girls.

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2nd revised and extended edition

Introduction

Trafficking in human beings or trafficking in women is a severe violation of human rights, which is expressed through multi-dimensional and complex forms of abuse. Complex, because violence against women in this context cannot be seen only from one perspective. Trafficking in women emerges at the intersection of different forms of discrimination: women are trafficked because they have structurally less access to rights and equality. Women are trafficked because they live in poverty and are promised a better life and they feel responsible for providing a better life for their children. Moreover, women are trafficked because they belong to a minority which is also structurally marginalized or because they flee from (sexualized) violence and become very vulnerable.

Over 20 years as Intervention Centre for Trafficked Women, LEFÖ-IBF specializes in

women and girls. Therefore, gender-sensitive factors relating to trafficking are also included below. Gender plays a special role in the context of human trafficking, which is also important regarding the necessary support measures. Taking socially constructed gender roles into account, trafficked women and girls face different challenges than men and boys. Their role within the family, community and society (in the country of destination and origin), their individual needs and public expectations imposed on them, as well as the specific risk potential, are factors that have to be taken into consideration when providing counselling and care facilities.

The return and reintegration of trafficked women is fraught with many dangers. A safe return of victims requires extensive preparation. Trafficked women and girls usually left their homes with the economic goal of giving themselves and their families a better future. To return as a victim of trafficking in women, which is anyways a violation of human rights that is difficult to communicate, can become a challenge for the victims. Above all, the circumstance of arriving empty-handed in the country of origin is a stressful factor. Upon returning, trafficked victims are confronted with stigmatization within their family, com-

munity and society - apart from the burden of traumatic experiences. However, experience shows that the intensity and problems of stigmatization decline when returnees are able to achieve economic independence.¹ Economic reintegration also facilitates psychosocial inclusion and integration into social networks. Building such an independence, though, requires many preparatory steps, where NGOs, public authorities and trusted advisors provide essential support. In addition, psychosocial involvement and social integration can precede the creation of an optimal economic situation. The development of this multi-dimensional reintegration process (on psychosocial, social and economic levels) takes place from person to person and from country of origin to country of origin in different ways and at different speed levels.

This Handbook on the Safe and Voluntary Return of Trafficked Persons aims to prevent a re-trafficking in women or other human rights violations upon returning in the country of origin. Central element of the return counselling is to conduct a risk analysis before returning to ensure the highest level of safety. Monitoring is used to offer support measures in an

optimal speed and suitable order for every woman and to ensure that the activities are successfully implemented. Moreover, monitoring processes can provide a long-term view of the effectiveness of support and reintegration activities. The focus of this handbook is the perspective of victim support organizations. However, this perspective contains deep insights and should be used beyond the activities of such organizations.

¹cf. GAATW 2015

Disclaimer Case Studies:

This handbook has deliberately selected different cases to highlight various aspects of safe and voluntary return. All biographies of these women have in common that they were victims of fraud, violence, exploitation and trafficking in women. All names have been changed.

Identification

Prerequisite for a voluntary and safe return and reintegration is the identification of victims of human trafficking so that people are not endangered by deportation processes. From the point of official identification, the person concerned is entitled to stay in the destination country. This is to be seen as a major prerequisite for the voluntary and safe return. On this basis the return counselling and applicable measures for reintegration can be set up.

In order to identify victims of human trafficking, a clear definition of the term human trafficking or trafficking in women is necessary. In 2005, a common definition based on the UN Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000) was established within the Council of Europe Convention on Action against Trafficking in

Human Beings.

The EU Directive from 2011 was built on this established definition of trafficking and expanded:

Article 2: Offences concerning trafficking in human beings

“Member States shall take the necessary measures to ensure that the following intentional acts are punishable:

The recruitment, transportation, transfer, harboring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

A position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”²

Since 1996 the organization LEFÖ has been working with a definition of trafficking in women which is similar to the definition that established itself on an international basis within the framework of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000):

Trafficking in women is, when a woman engages in migration due to deception and false promises and then finds herself in a coercive situation in the target country, when a woman finds herself in a situation where she has no rights and is forced to provide certain services, when she is deprived of her dignity, personal or sexual integrity by a husband or employer.³

² Official Journal of the European Union 2011

³ cf. Boidi et al. 1996

⁴ cf. OSCE/ODIHR 2014; ICMPD 2009

⁵ cf. LEFÖ-IBF Indicators; ILO 2009; ICMPD 2009

In the Austrian national penal law trafficking in women is covered by §104a Human Trafficking or §217 Cross-border trafficking for purposes of prostitution. These definitions, which are anchored in the Austrian legal system, are the basis for identifying victims of trafficking in women. Despite their existence, failures in identification have been recorded on an international level, being one of the most common reasons for repeated trafficking in women or other violations of human rights.⁴ Therefore, the identification of a trafficked person is the basic requirement for an efficient risk assessment.

The following indicators⁵ focus on central aspects of women trafficking and exploitation (as in the definition of human trafficking) and serve as a basis for the identification of victims of trafficking:

- Poor physical condition – signs of violence
- Passport/ID-document was taken (“stored”)

- Intimidated behavior, fear (of revenge), depression – apathetic behavior
- Signs or evidences that the person is being controlled
- Isolation – person has hardly friends in the country, no geographical orientation, no knowledge of the national language
- Person was kept locked up or otherwise prevented from free movement by intimidation, all movements were strictly controlled, etc. (e.g. threatening that she would be reported to authorities in the country of destination, or that her family would be informed about her work and other uncomfortable details; she is being forced to commit criminal acts)
- No money
- No employment contract, service card or similiar
- Threat of violence or actual violence, also against families
-
- If some of these indicators apply, there is a valid suspicion of trafficking in women. Therefore experts
- must be consulted as trafficking in women or human trafficking is a complex crime and not easy to be identified as such.

Case Study 1

Ella, a 15-year-old girl from Eritrea, was offered a job as a housemaid for Mrs. H. in Vienna through a family acquaintance. Due to the fact that Ella is illiterate and has no knowledge of her rights and immigration conditions, Mrs. H. took over the organization of the trip. Employment contract and remuneration was not discussed before departure.

Upon arrival in Vienna, her passport was taken immediately. In addition, Ella had to work not only in the household of Mrs. H., but also in that of her daughter, and this seven days a week under constant control. She was not allowed to leave the house alone and suffered

Exploitation:

- Excessive amount of working hours, no days off, no vacation
- No salary/payment below the minimum wage
- No possibility to quit the job, dependency
- Extremely bad working conditions (e.g. in the household: it is not allowed to use the washing machine, in case of sex work: use of condoms is not allowed, etc.)

a lot from the isolation. Furthermore, Mrs. H. threatened Ella that she knew many important people in Eritrea and could harm Ella's family. Only two to three times a year Ella was allowed to contact her family by phone exclusively under the supervision of Mrs. H. Also, Ella suffered physically from the lack of rest, as she had only irregular and short breaks. When Ella's health worsened that badly, after five years of exploitation that she could not work anymore, she was hospitalized. There she turned to the hospital personnel and could be transferred to LEFÖ-IBF.

As soon as any suspicion based on the indicators mentioned above arises, the 30-day reflection period in Austria, in which no deportation back to the country of origin may take place, applies (Departmental Note of the year 2014).⁶

In this 30-day reflection period the following in-depth indicators for identification are to be elaborated:

- Deception in the process of recruitment: a woman did not know that she was supposed to do this kind of job or believed that she would earn more. She knew

nothing about all other migration-related living conditions in the destination country. The woman had to work more hours than originally agreed for less remuneration. She had to share her room with other people and received less payment than agreed. She was incorrectly informed about her status and legal situation as a migrant in the country of destination. Possibly, she was promised an education in the country of destination.

- Compulsion in the process of recruitment: violence or threat of violence already during recruitment. A woman might be threatened, e.g. with passing on information to her family or harming her family.
- Recruitment by taking advantage of the special vulnerability of a person: the person has no supportive family background. She may need to care for several children or other relatives. She does not have any, or only basic education and no sufficient income. She has no access to information about the country of destination and is not able to organize her migration herself. She received false information about her rights in the country of destination in order to evoke anxieties and

⁶ cf. GRETA 2015

mistrust towards the authorities there. The person may be mentally and emotionally unstable. There could be pressure on the person by exploiting their religious or cultural beliefs.

After identification, different, further steps have to be taken. One of them is to clarify whether it is safe for the trafficked woman to go back to her country of origin. To ensure a safe return an effective risk assessment must be carried out prior to the actual return by an expert-NGO, such as LEFÖ, in cooperative support by governmental institutions.

Right to Safe Return

The right of return of trafficked persons is manifested in international agreements.⁷ This right is also described in Article 16 “Repatriation and return of victims” of the Council of Europe Convention on Action against Trafficking in Human Beings:

“(1) The Party of which a victim is a national or in which that person had the right of permanent residence at the time of entry into the territory of the receiving Party shall, with due regard for his or her rights, safety and dignity, facilitate and accept, his or her return without undue or unreasonable delay.

(2) When a Party returns a victim to another State, such return shall be with due regard for the rights, safety and dignity of that person

and for the status of any legal proceedings related to the fact that the person is a victim, and shall preferably be voluntary.”⁸

Derivatively, the return can be executed safely and voluntarily only based on a competent decision. The term “safe return” does not only mean the safe journey to the country of origin, but also presupposes security measures during the entire return process.⁹ Support from NGOs in decision-making and the return process is therefore essential.

⁷ cf. UN Protocol to Prevent, Suppress and Punish Trafficking in Persons 2000

⁸ The Council of Europe Convention on Action against Trafficking in Human Beings 2005

⁹ cf. OSCE/ODIHR 2014

Return Counselling and Measures of Reintegration

Main principle: quality, transparency and sensitivity of information.

Counselling concerning the return and reintegration of trafficked persons

Support possibilities prior to the return:

Counselling:
Prospects (residence) in the country of destination
vs.
Prospects in the country of origin

Studies show that women who do not voluntarily¹⁰ return are at great risk of being re-trafficked or becoming victims of other violations of their human rights.¹¹ According to the findings of experts from Germany, specialized in the area of Human Trafficking, concerning the issue of returning of trafficked persons, a return that meets the anticipated security requirements requires a preparation period of at least two to three months.¹²

The following standards of return counselling for a sustainable reintegration have to be considered:

If the victim shows the desire to return:

- Evaluation of the desire to return: clarifying subjective, physiological, psychological, economical or labor market needs, as well as push- and pull-factors have to be gathered.
- Information about the support concerning the return and reintegration: go into details on different levels of reintegration.

¹⁰A voluntary decision concerning the return of trafficked persons to their country of origin is defined as follows: The alternative option of receiving a legal residence permit in the country of destination has to be provided. There should be no external coercion influencing the decision of a trafficked person to return to his/her country of origin.

¹¹cf. OSCE/ODHIR 2009; ICMPD 2008; La Strada Moldova 2007; UNHCR 2009

¹²cf. OSCE/ODIHR 2010

Family reintegration, reintegration into the community (support groups), economic reintegration (qualifications for the labor market, possibilities for further education in the country of destination or origin), cultural reintegration (language, tradition) and religious reintegration. Physical and mental wellbeing is pivotal for a successful reintegration as well.

- Preparation: evaluation of the specific case, the person and the situation in the country of origin. Development of an individual plan for the return and reintegration (support and protection) and of security scenarios.¹³

Offers within the country of destination prior to the return:

- Shelter
- Financial and material support (e.g. transportation, food, commodities needed for a return)
- Medical support
- Legal and administrative support (e.g. with travel documents). Legal counselling is aimed at empowering individuals to obtain necessary information and to

assert their own rights, e.g. access to compensation.

- Special programs for the preparation of economic reintegration: job-related offers for further education, small loans for self-employment, special job training, co-operation with employers so that clients can demonstrate work experience by obtaining valid references
- Supported travel process (accompanied return and assistance in transit)
- Establishing contacts to the country of origin (depending on the individual wish to get in touch with family, friends or local NGOs).

Case Study 2

Maria, who was referred by the police to LEFÖ-IBF, expressed in the first counselling session the desire for an immediate return to Serbia. The psychosocial advisor took her wish into account, explained the process and the possibilities of support in case of a return, which requires a lead time of at least one week. Maria agreed and was housed in the

¹³In order to ensure safety for returning victims of human trafficking, options of possible migration back to the countries of destination should be provided and financially supported by the countries of destination if a trafficked person feels unsafe in his/her country of origin.

LEFÖ-IBF shelter during this time. There, she finally could get some rest. With the noticeable stabilization, Maria asked for more time to think about her return. During this period she attended intensive crisis interventions and consultations twice a week. After three weeks, the return request was certain. Due to the reflection period, the possibility of safe living conditions, intensive care and counseling, Maria was able to make a clear decision to return to Serbia.

Risk Assessment

In general, when assessing the risks of voluntary and safe return and reintegration of trafficked persons, the risks must be considered on two levels. On the one hand, there are current risks that acutely affect a person. They are directly connected to the person's return and reintegration (e.g. risks in connection with the offender, which could threaten a person's health or life). On the other hand, risks concerning trafficking in women must be analyzed at a societal level. This has to do with risks that lead to the marginalization and stigmatization of a trafficked person. These risks might not appear to be acute in the current situation, but must be considered on a long-term basis, as they can serve as causes for repeated trafficking in women or other violations of human rights.

In order to ensure a safe and voluntary return of trafficked persons, increased cooperation between many different actors such as NGOs and public authorities is essential. Human trafficking as an international crime and a violation of human rights implies the accountability of States to protect and support survivors of human trafficking and to be actively involved in this process.

The following actors should be involved in the risk analysis process:

- Victims themselves (carried out by the NGO)
- Governmental authorities in the country of origin (contacts by Austrian authorities)
- Local NGOs (contact by NGO)
- International organizations (contacts via NGO)

The following three steps are pivotal for risk assessment prior to the voluntary and safe return of a trafficked person:

STEP 1

History of the trafficked person

Aim: to compile all possible essential individual facts and experiences from the person's own perspective, which can then be supplemented by additional general research about the country of origin in step 2.

Concerning the target group of trafficked women, it is important to keep their special individual vulnerability in mind. Experiences show that the dangers mostly come from perpetrators and criminal organizations, whereby the political and economic situation of a woman in her country of origin contributes to her individual vulnerability. Therefore, the first step of an effective risk assessment is based on the person's individual history.

Analysis of a trafficked person's history

The basic requirement is a relationship of trust between the trafficked person and the NGO-employee. This relationship is not something that just exists, it requires a certain amount of time to develop.¹⁴

¹⁴ cf. GAATW 2015

The aim is to compile the entire story to the greatest extent and to identify possible risks. It is also relevant for an effective risk assessment to include the history of the person. The person's fears should be closely related to objectified risks.

Possible risks should be considered on the following levels:

Risks in the context of a woman's history

- Evaluation of the family: how does the person's close environment look like? What is the economic situation of the family? Whom can the person trust? Is the family in danger? Does the family have any debts? Does the person owe something to the family? How is the family handling the trafficking experience?
- Circumstances in the country of origin: does the person belong to any political or other kind of minority? Is she at risk of facing persecution, punishment or discrimination and is, therefore, exposed to a higher risk of being re-trafficked or becoming a victim of other violations of human rights?

Risks caused by the trafficking process

- Criminal organization of the perpetrators: who

is involved? What contacts exist in the country of origin? How likely is it that offenders will take revenge in case of return? How does the criminal organization of the perpetrators look like, how strong is the perpetrators' influence?

- Local investigation and analysis of the family and friends: where can the family and friends be found? Are they possibly in danger themselves? Is it safe for a woman to stay with her family upon a return, or is it possible that she could be taken up by the perpetrators there? Has the family already moved? Is the family itself involved in trafficking?

Risk of stigmatization

- Analysis of the socio-political situation in the country of origin: to what extent is reintegration (in the community, in the labor market) possible? How high is the risk for the person to be excluded, due to the previous migration or work (sex work/prostitution)? Stigmatization can be caused simply by the return associated with trafficking in women, since labour exploitation is generally assumed in the form of prostitution.
- Analysis of the living conditions of the woman in the country of origin: what are her chances to connect with people in her country of origin based on her history?

STEP 2

Additional source research

In addition to the first information obtained in the interview with the trafficked person, further reliable sources about the country of origin must be sought (professionalized internet research, reportings on country information as well as local experts). For this research activity all reliable sources of information provided by NGOs or contacts and cooperation with governmental authorities should be used.

- General research on the legal situation: are people being punished for irregular migration? What are the legal grounds concerning sex work in the country of origin?
- Search for possible contact persons: which state authorities can be contacted? What kind of knowledge can be obtained through governmental authorities without putting the woman in danger?
- Information from specialized local NGOs: how do experts from countries of origin evaluate the security situation and possible reintegration? How do they evaluate the possibilities of stigmatization of a

returning trafficked person? What kinds of support for physical and mental recovery are offered? What other support services are offered to trafficked persons in their countries of origin?

- Obtain additional information from international organizations.

The aim of the first two steps is to extract all possible risks in the case of return before proceeding to step 3.

STEP 3

Development of Security Scenarios

This step requires effective cooperation between the NGO carrying out the risk assessment and the government authorities as well as their contacts and their knowledge about security questions in their respective country of origin. The trafficked woman herself must be actively involved in the development of security scenarios. Support from government authorities must be offered especially in the areas of safe transport and transfer, data protection and shaping security scenarios concerning their perpetrators.

Generally, every return of a trafficked person is linked to a risk of re-trafficking. Therefore every time a person expresses the wish to return a safety plan has to be drafted, always taking the individual history of a trafficked woman into account.

- Where are safe resources for the trafficked person in the country of origin? (Are there other NGOs or family members who were not involved in the act of trafficking? Is a return to another part of the country, which is not related to the trafficking process, recommended?)
- Safe transport and transfer: plan for escort (how secure is it to pass the borders, if there is no passport? Is there a need to organize security measures in the transit area? Is a safe escort all the way from the airport of the country of origin necessary and appreciated?)
- Data protection against stigmatization: which data should not be made public due to the risk of stigmatization or punishment based on the political situation? In general, only essential data should be passed on to others and only with the approval of the trafficked person.
- Possibilities of reintegration within communities and in the labor market: what kind of communities are already availab-

le? If reintegration in the existing communities is not recommendable, what other possibilities for social integration in other communities can be established? What possibilities exist for reintegration in the labor market? What educational qualifications, obtained in the country of destination or in the country of origin, make sustainable reintegration possible?

- Can an efficient physical and mental recovery be ensured? What is offered in the country of origin? Which steps for physical and mental recovery should be taken in the country of destination before a return?
- If perpetrators are assumed to be in the country of origin, how can they be avoided? How can security be ensured?

If a safe return to the country of origin cannot be guaranteed based on the analysis of the first steps, but the trafficked person still wishes to leave the country of destination due to her trauma, is a resettlement to a third country an option for the person? Which countries does the person consider as an option? Afterwards, repeat the analyse of all aspects listed above!

Cases in which a return is not possible (recommendable)

- The trafficked person does not want to go back (return decision was made due to the lack of future prospects in the country of destination)
- There is an even higher risk due to a testimony given in a criminal case: perpetrators are awaiting the return of the trafficked person to take revenge
- The perpetrators' criminal organization might heavily influence the police or other government authorities in the country of origin
- Trafficked persons are seriously traumatized
- There is no possibility for reintegration in any community

In all these cases the probability of being re-trafficked or becoming a victim of other violations of their human rights can be considered extremely high.

Monitoring Standards

Why Monitoring?

International documents¹⁵ draw attention to governmental responsibility for the return and reintegration of trafficked women. “Receiving states must facilitate return by, for example, [...] undertaking risk and social-inclusion assessments prior to a trafficked victim’s return [...]”¹⁶. The same document emphasizes the need for cooperation between states, thereby collaboration with victim protection organizations, authorities, unions and employer associations to ensure the security of the victim during return and reintegration. As the return and reintegration represent an exceptionally sensitive phase, there must be a special

focus on the monitoring of return measures. It is often being emphasized that – with the consent of the trafficked person – monitoring measures must be set up in both countries of origin and destination. These are carried out in cooperation with victim protection organizations and should last for at least one year per person upon return.¹⁷

A complete return counselling and risk assessment for voluntarily returning trafficked persons, as described in the first part of the handbook, are the basic prerequisites for the success of this undertaking. The counselling and monitoring process provided by the responsible institutions does not end on arrival in the country of origin. The extent to which the process should be continued, depends on the many individual factors of the returning person and the situation in the country of origin. However, if the counselling and assistance is terminated upon a trafficked woman’s arrival in her country of origin, this may have consequences. Due to the vulnerability of the trafficked woman, failure can possibly cause re-trafficking of the returning person or

¹⁵ cf. OSCE/ODIHR 2014; UNODC 2008

¹⁶ OSCE/ODIHR 2014

¹⁷ cf. OSCE/ODIHR 2014

other human rights violations against her. To obviate these risks, qualitative monitoring of the return and reintegration process is inevitable. As always, the goal is still prevention of further trafficking in women through the path of empowerment of the victims.

Due to the individuality of each case, there is no generally valid schematic structure for monitoring – nevertheless, a qualitative situation analysis in the form of monitoring standards is an important and necessary guideline for employees in counselling institutions and authorities, who have contact with trafficked women.

Definition of Monitoring

The UNODC (2008) toolkit describes monitoring in the context of work with victims of human trafficking as *“continuing function that uses systematic collection of data on specific indicators to provide [...] indications of the extent of achievement of objectives and pro-*

*gress in the use of allocated funds”*¹⁸.

In the scientific context, Surtees (2008) defined the monitoring of return and reintegration of victims of human trafficking as *“continuous oversight of the implementation of project activities, assessing progress”*¹⁹ and as identification of difficulties and recommendations. Furthermore, according to Surtees, *“monitoring is aimed at improving the efficiency and effectiveness of a project and ensures that activities are transformed into results/output (...)”*²⁰.

From the perspective of a counselling and support institution, monitoring the return and reintegration of trafficked women implies systematic observation and evaluation of the individual reintegration plans that have been developed in advance together with the victim.²¹ Monitoring thereby includes the evaluation of the outcome of reintegration activities in order to realize the goal of sustainable reintegration in the best possible way. The focus is on performance measurement

¹⁸ UNODC 2008

¹⁹ Surtees 2008

²⁰ Surtees 2008

²¹ cf. Surtees 2009

of the individual reintegration by fulfilling the relevant monitoring standards.

Return and reintegration can be considered a successful process if social inclusion in the country of origin has taken place. The social inclusion comprises economic and psychosocial integration as well as an inclusion into the respective social networks.²²

Sustainable Return and reintegration

Successful return and reintegration is influenced by the following factors:

Individual factors

Individual factors such as age, gender, religion, social and economic status significantly influence the experience of trafficked women, both before and after their return. Derived from their role in society, women often have other motivations, and due to socially constructed gender roles they are confronted with different challenges and expectations in their country of origin than men. An example of this is the exceedingly high risk of social marginalization and discrimination upon return and reintegration, to which victims of trafficking

²²cf. Van Houte/de Koning 2008

in women in particular are exposed in the context of sex work. This is an observation often made by victim support organizations and has been confirmed by the GAATW (Global Alliance Against Traffic in Women) paper „Towards Greater Accountability: Participatory Monitoring of Anti-Trafficking Initiatives“ (2015).²³ Additionally, the paper shows that improving the economic situation of the victims can significantly reduce discrimination problems. Furthermore, the age of the victim influences the perception of returning. In the study of young migrants, Gmelch (1980) found that younger migrants, due to their – in comparison to their age – long stay in the destination country, have to tackle bigger challenges when they return. According to van Houte/de Koning (2008), this observation can also be applied to the return situation of victims of trafficking in women.²⁴

Migration cycle

The Van Houte/de Koning (2008) migration cycle comprises the prerequisites prior migration (motivation and preconditions for

migration), during migration (experiences in destination country and reasons for return) to the point of remigration conditions (border and immigration policies) and the situation after returning (situation in the host country). The motives for migrating before trafficking, influence both the person herself and potentially the entire (re-)migration process. If the desire for economic independence preceded migration to the destination country and was subsequently violently broken by the trafficking experience, it can have lasting consequences. Self-perception, self-worth and self-confidence suffer due to human rights violations experienced and can harm self-determination and development potentials in a long term. For instance, the experience with trafficking can have consequences on the perception of men – in case men were the perpetrators – and severely complicate the inclusion in social networks in the country of origin. In all cases, it seems crucial that the returning person has sufficient time and resources in the destination country to recover, to develop new capacities and to plan her return and reintegration. This shows the importance of support measures on the part

²³ cf. GAATW 2015

²⁴ cf. Van Houte/de Koning 2008

of the state, the authorities and victim protection organizations, which can ensure such a foundation.

Support Measures

The most important precondition for optimal support measures is understanding that counselling and assistance should not end upon arrival in the country of origin. At this point, if possible, begins a different kind of support activity, which, at best, is prepared collectively. Thereby, victim support organizations in the destination country and country of origin together with authorities and other institutions can contribute to the reintegration of victims of trafficking in women. Until now, the practice has rather been influenced by international decision-makers' assumption that return implies "coming home", and the assistance measures from counselling and support institutions end with the arrival in the country of origin. This limited perspective on the special conditions for returning women results from a lack of knowledge regarding exactly these conditions and continuously restricts victim protection agencies' scope of action. To avoid this and as well the risk of re-victimization as discussed beforehand,

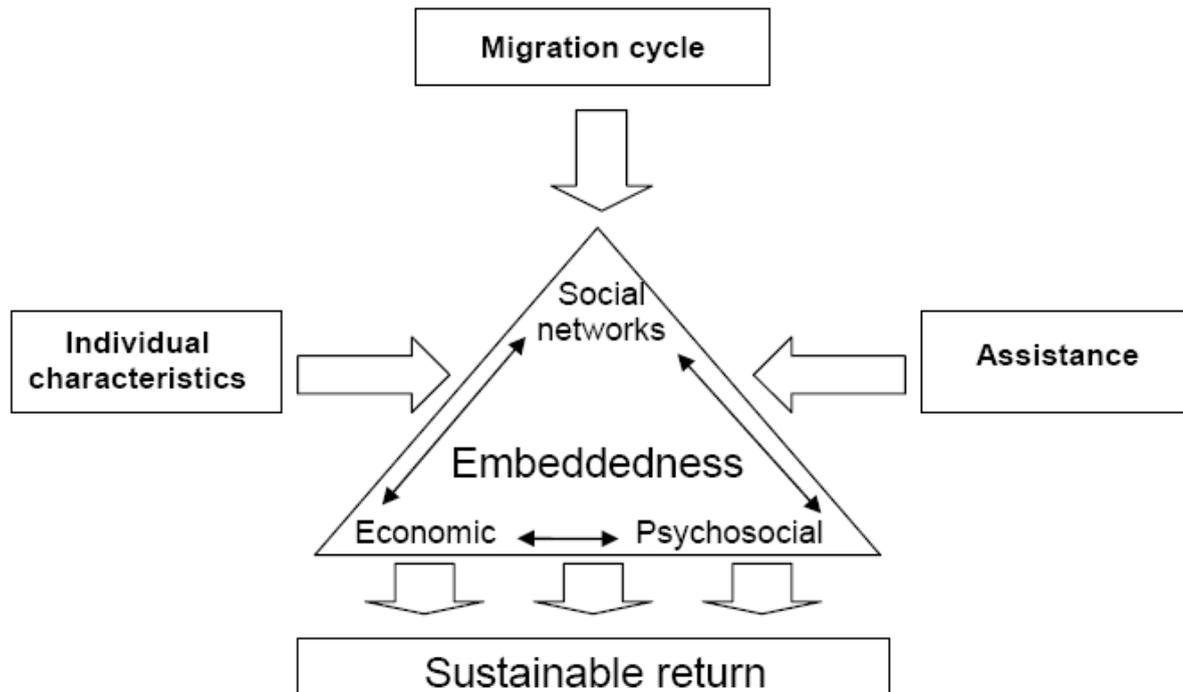
counselling and assistance must be sustained. Among other obstacles, there is a minimal time period for return preparation, which, for example, can be set by immigration policies (like a case of negative residence verdict for trafficked persons who do not report to the police).

Supporting measures engage different actors, in the destination country as well as in the country of origin. Including victim protection organizations, state institutions, authorities or other institutions. Assistance can be provided before, during and/or after the return, and can contain financial support (travel costs, pocket money etc.), material support (medical care, qualifying measures, working materials, accommodation etc.) as well as non-material support (accompanying to authorities and train stations or airports, risk assessment, psychosocial counselling, crisis intervention, knowledge transfer). In order to support the processes of social inclusion in the best possible way, the measures are customized in accordance to the individual case of the victim and her special needs, as well as to the conditions in both the destination country and the country of origin.

Case Study 3

Before Ruby's return, LEFÖ-IBF contacted their partner NGOs in the country of origin (the Philippines) and introduced her to them. As a result, Ruby could call her Philippine NGO-adviser before she left. This is a guarantee for Ruby that the support options are real and that they exist in her country of origin. Thanks to international cooperation, Ruby can be picked up from the airport in Manila and escorted to her hometown. Now, Ruby attends a job coaching twice a week, which has been arranged by the NGO on the Philippines.

Graphic illustration of a sustainable return²⁵



²⁵cf. Van Houte/de Koning 2008

Social Inclusion/Embeddedness

Oriented on social embeddedness, sustainable return and reintegration should be understood as a process, which enables a person's sustainable participation – on the social and economic level – in a particular society. Thereby, participation points towards the psychosocial dimension. It means that the victims have found their own position within this society and have developed a feeling of community. To be able to act self-determined within a society, this psychosocial basis is of major importance. Albeit, the psychosocial level cannot be measured with conventional socio-economic indicators. Rather, they refer to in what sense and to what extent trafficked returners can organize their life in a self-determined way. Thus, the implementation of monitoring cannot be handled as a quantitative fact-check, as the mentioned international documents suggest, but should rather be understood as a continuous, extensive, dialogue-intensive and qualitative process of counselling and accompaniment.

Implementation of Monitoring

victims themselves provide the central starting and decision point for the direction of the monitoring and all its measures. The core principal of voluntariness of the measures must thereby be applied without restrictions.

Involved Actors

- **NGOs in destination countries and countries of origin:** counsellors (and in the optimal case, additional external supervisors).
- **Authorities and other institutions in the destination countries and countries of origin:** NGOs counseling, meaning accompaniment of the victims to the necessary authorities or, if necessary, to medical care institutions. Reports from authorities or other institutions on the progress of reintegration measures, health status etc. should be included in the monitoring.
- **Victims/Trafficked Persons:** are advised, cared for and accompanied, if necessary, by the counsellors. The

After the return

- **Establishing contact** to the victim by the counsellors
- **Questions** about the condition and current situation (see thematic focal points of communication in point “Success Indicators”)
- **Counselling and assistance** by trusted persons, NGOs and authorities in the country of origin: renewed contact, exchange of new insights. NGOs in the country of origin can visit the social surroundings to assess the situation.

Preconditions are:

- Common agreement in advance
- Common preparation
- Voluntariness
- Resource dependence: extra time for the preparation and implementation

Success Indicators

The following indicators should be central during the monitoring activities.²⁶ Depending on the focal points of each case (individual and dependent on the country of origin), different indicators or aspects of selected indicators are relevant. The indicators thereby function as a guideline for deciding on measures, communication with the victims and as point of reference for the success measurement.

_ Motivation and Participation in the Reintegration Process

- How did the person conduct her reintegration plan?
- Did she actively participate in it?
- How does she assess the reintegration plan?
- Did the person accept other offers or

programs?

- Did she visit other education or life skill trainings?
- Did the person achieve more self-confidence through these additional trainings?

_ Secure and Appropriate Accommodation

- How does the living situation of the person look like?
- Can the place of residence and the surroundings of a trafficked person be considered safe regarding the offenders?

_ Social and Judicial/Penal Status

- Does the person have a legitimate residence permit?
- Has the person retrieved her documents? (Passport, ID etc.)
- Does the person have to fear legal persecution?
- In case of children: was a legal guardian provided?

²⁶cf. Surtees 2008

_ **Possibilities on the Labor Market**

- What does the labor market situation look like?
- Has the person already found a job?
- Does she earn a sufficient amount of money not to find herself in the situation of need?

_ **Advanced Training, Practice**

- Does the person have the possibility to improve her situation with advanced training?
- If she is attending advanced training: is this advanced training to be regarded as a qualification gain for her situation on the labor market?
- Are there other positive aspects that could be achieved with the advanced training? (e.g. improved self-confidence, stronger social network, empowerment as important component of the prevention of repeated trafficking)

_ **Security**

- Does the person have justifiable fear of reprisal or revenge by the perpetrators?
- Which possibilities of renewed contact to

the perpetrators exist?

- Where could she encounter the offenders again?
- Which strategies exist to prevent this situation?

_ **Supporting Social Environment (no discrimination, marginalization)**

- How does the woman's situation in her closer social environment look like?
- Are there stigmatizations or discriminations taking place due to her trafficking history?
- In the case of trafficking in women in the context of sex work. How is the topic being handled?
- Does the community know about the experiences of the trafficked person?
- If yes: how is this handled?
- Do any types of exclusion occur that the person did NOT experience before her trafficking history?
- How does the empowerment of the person look like: how is she handling her trafficking history?

_ Positive Relationships

- Does the person feel secure with her closer acquaintances?
- How does her relationships to family, friends and other close persons look like?
- Has, according to the person, anything changed in the relationships?
- If so: How? Positively or negatively?
- How was the person embraced after her return?
- How was the family situation influenced?
- Which influence did the professional counselling have on the family situation?
- Was the person able to establish new social relationships outside the reintegration plan? (Work, neighborhood, qualification measures etc.)

_ Economic Situation

- How does the financial situation of the person look like?
- Does she have enough money to provide herself with necessary commodities?
- How does she handle money?
- Has the person found a job?
- Was she able to integrate herself into the labor market?
- How does the work look like?

- Does she receive a sufficient amount of money in terms of the country of origin standards?
- Has the person become independent from the reintegration plan?

_ Physical Well-Being

- Has the person recovered physically?
- Does she have access to medical care?
- How does the treatment look like?
- Does she have the impression that a healing process has taken place?
- If necessary, did she have access to special medical care?
- Was she able to improve her physical condition?

_ Mental Well-Being

- How is the person's trauma developing?
- Does she have access to psychological assistance?
- Does she have access to psychotherapy?
- Is the person now in a mental state, which enables her to pursue work?
- Does she have satisfying social relationships?
- Can the person independently handle her

daily problems?

- Is she able to integrate herself into a social community?

_ Access to Counselling and Support Institutions

- Is it possible for the person to continue to access professional support?
- Are there institutions in the surroundings offering psychosocial support?

_ Legal concerns and court procedure

- Was the person granted compensation?
- Did she enforce her rights?
- Was this compensation (partially) paid? (If so: How does the person handle the money?)
- Will a potentially not completed legal procedure in the country of origin be resumed? If so: How is she handling it? Does the person have an access to support (accompanying to procedures, psychosocial counselling) in the country of origin?
- Is the procedure in the country of destination still ongoing? If so: How is she handling it? Does she want to return to the country of destination for participation

in the proceedings?

_ Assistance or Counselling of Secondary Victims

- Did the family and social environment also receive counselling?
- How did this counselling affect the social environment?
- What has changed?

Duration of the Monitoring

International documents and academic publications state that the duration of the monitoring span lasts from a minimum of one year after the arrival in the country of origin to a maximum of three years. The timespan varies, depending on the person, personal history and the situation in the country of origin. The following can be considered as a general guideline (upon arrival in the country of origin).²⁷

The 3 phases of reintegration

0 - 3 month	4 - 12 month	13 - 36 month
Crisis intervention, stabilization, recovery from the experiences	Transition phase	reintegration, social inclusion

²⁷ cf. Surtees 2008

The necessary timespan for the monitoring and its separate phases is not only individually influenced and dependent on the conditions in the country of origin, but is also to a large extent dependent on the length, intensity and/or success of the support in the destination country. Moreover, the success of this support in the destination country is influenced by factors at both the macro- and micro-levels. Residence policies and access to social services in the destination country or the political and societal situation in the country of origin are examples of macro-level factors. The micro-level is characterized by a concrete type of support from the respective institutions, the personal possibilities of the trafficked person, the reasons for returning, the motivation during the return preparations, the conditions within the family and personal community in the country of origin etc. Further, the anticipation of particular basic conditions in the country of origin already influences the experiences before and during the return preparations in the destination country. The better the crisis intervention, stabilization and recovery from the experiences in the destination country can be processed, the shorter the phases of monitoring described above become. Even with an ideal course of counselling, assistance and accompa-

nying in the destination country, crisis-like situations will still be triggered. However, the more effective the support in the destination country has become, these issues may be solved easier.

Case Study 4

Adriana returned to Moldova with the support of the LEFÖ-IBF. Through existing cooperation structures Adriana was able to continue to receive psychosocial counselling in the country of origin. Her training course in fashion and clothing technology was funded by the FROM project. Today, Adriana lives with her three children in Chisinau and works in a tailor shop. LEFÖ-IBF continues to support her as a psychosocial and legal support party in the legal process for the right to compensation.

Special Attentiveness

The return and reintegration of trafficked persons, who are at risk due to additional vulnerability, must be given more intensive counselling and assistance and accompanied via monitoring. The risk potential related to these persons derives, same with all others, from the individual situation and the individual needs, but must be treated with greater caution. The special risk groups are trafficked women with...

- disabilities
- drug problems
- mental illness
- serious physical conditions
- security problems
- lack of family support
- social marginalization