

Anette Brunovskis and Rebecca Surtees

# **Out of sight?**

## **Approaches and challenges in the identification of trafficked persons**

The Fafo/NEXUS Institute project:  
Improving services to trafficked persons





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ISBN 978-82-7422-895-5 (paper edition)

ISBN 978-82-7422-896-2 (web edition)

ISSN 0801-6143

Printed in Norway by: Allkopi AS

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## Acronyms and abbreviations

AT	Anti-trafficking
BiH	Bosnia-Herzegovina
CAFV	Counselling against Family Violence
CoE	Council of Europe
D&E	Different and Equal
EU	European Union
FSU	Former Soviet Union
GO	Governmental organisation
IO	International organisation
IOM	International Organization for Migration
NGO	Non-governmental organisation
PTSD	Post-traumatic stress disorder
SEE	South Eastern Europe
UAE	United Arab Emirates
UNDP	United Nations Development Programme
UN	United Nations
VoT	Victim of trafficking

## Summary

Identification is a key starting point for protection measures. It is central to ending trafficking situations and facilitating access to assistance. Failure to identify victims of trafficking may lead to deportation from destination countries, where they lack legal migrant status; prosecution for crimes or misdemeanours associated with trafficking; or not being granted relevant rights as trafficked persons under international conventions. This report discusses and analyses challenges in victim identification, based on interviews with 43 victims of trafficking and 99 key informants in the anti-trafficking field in Albania, Moldova and Serbia, between 2006 and 2008.

One common assumption is that victims are identified in their situation of exploitation (which may be at home or abroad), assisted to exit exploitation and then referred for appropriate services. In reality, identification takes place in many different settings, under different conditions and at different stages of a victim's trafficking process. Our respondents were identified in the country of exploitation, while in transit and after returning home. It is noteworthy that many of them fit within the stereotypical image of what a trafficking victim "should" look like: the majority were young women and girls trafficked for sexual exploitation. Five victims, who were trafficked internally within one of the countries studied, had never been identified as trafficked prior to our interactions with them.

While the majority of respondents were identified as victims and subsequently offered assistance, in many cases the identification process was only partially successful. While some anti-trafficking actors responded in an appropriate, timely and sensitive fashion, others did not. For some victims, this substantially prolonged their trafficking experience. In addition, certain categories of victims appeared to be less likely to be identified.

The majority of respondents self-identified - that is, they recognised their situation as exploitative and sought help. The second most common identification method was through police and law enforcement, followed by social assistance agencies and, finally, clients in the sex industry. This underlines the necessity of sensitising a broad array of actors and agencies to trafficking as a means of increased identification opportunities.

Among those victims who were identified as trafficked, some had been exploited for lengthy periods of time and during that time came in contact with actors who should have possessed the skills to identify them as trafficked. However, a number of factors appear to have impeded identification efforts. One issue was the structure of the anti-trafficking response. In many countries, mechanisms for screening and identification in arenas where victims might readily be identified – amongst irregular migrants, asylum seekers and deportees, to name a few – are inadequate. The context in which identification took place was not always conducive to information-sharing or trust, such as while monitoring sites of exploitation in the sex industry. Similarly, police raids often

created a stressful and chaotic situation in which victims did not feel secure enough to share information or did not perceive such sharing as in their interest. For some victims, the disorientation or confusion that accompanied their situation made it crucial to exercise extreme sensitivity and to adjust information and communication accordingly. Language and cultural barriers presented further hindrances to identification.

One serious impediment to identification was preconceived notions of how a victim behaves and who was most likely to be a victim. Victims who were perceived to be voluntarily involved in the sex industry were less likely to be recognised as potential victims. Current responses similarly appear to be insufficiently capable of identifying atypical victims, such as victims of internal trafficking or male victims outside of the sex industry. Limits on identification may also have political dimensions. Where high numbers of trafficked persons are taken to indicate a lack of government commitment to anti-trafficking efforts, governments may indirectly seek to limit the number of victims reported as trafficked to, from or through their country.

While identification of trafficked persons is vital, it is by no means a panacea. Many trafficking victims were identified and yet, for various reasons, did not enter into an assistance and protection programme. In some cases, victims declined to be identified, rejecting any designation as a victim of trafficking or the systems and procedures that went along with that designation. Some victims rejected identification because they planned to return abroad again – some for labour, others to work independently in prostitution. This last factor is unsurprising, given that the desire to work and earn money abroad, combined with the lack of opportunity at home, was generally what placed victims in a position of vulnerability to being trafficked in the first place. Other victims returned abroad to continue relationships, which had commenced during or after being trafficked.

Identification was not always seen as a positive by those who had found ways to manage and cope with their trafficking experience. Persons in less exploitative conditions, those who had been able to save or remit some amount of money, those whose material circumstances while trafficked were better than at home, those who had already made plans for escape but planned to remain abroad and those who had forged relationships with a client and intended to marry and remain abroad, all displayed greater resistance to being identified as victims.

Others did not feel comfortable with the identity of “trafficking victim” or did not feel that it applied to their situation. Some victims struggled particularly with the “victim” identity. For trafficked men, the terminology of “trafficking victim” and the social construction that this entailed was extremely problematic and one that many rejected. Another cause for rejecting identification was the maltreatment or insensitivity of identifying actors.

Some victims rejected identification and assistance because assistance did not offer prospects that were compatible with their lives or because receiving assistance posed a risk in making it known to family or community that they had been trafficked. This highlights the necessity for constantly revising and re-assessing whether current assistance options are appropriately broad, inclusive, and sensitive to victim concerns.

Recommendations for improving victim identification include:

### **Evaluate identification procedures to ensure relevance to current context**

All actors and agencies involved in identification should regularly evaluate their identification procedures and indicators to determine whether they are consistent with the current trafficking context. This should include addressing different forms of trafficking, types of victims, sites of exploitation, changes in traffickers' behaviours, etc. This also requires regularly addressing the professional capacity and referral procedures within these structures.

### **Develop realistic and appropriate indicators for identification**

The development and use of indicators should be driven by an analysis of real cases and, as importantly, by a wide variety of cases. This should expand the lens to include less recognised profiles of victims – not only women and girls but people of both sexes and of all ages, nationalities and circumstances.

### **Regularly assess cases of successful and unsuccessful identification, in diverse settings and over time**

The reasons why identification was or was not successful changed according to individual cases, in different contexts and at different times. It is crucial that cases of both successful and unsuccessful identification be analysed, including what determining factors contributed to the outcome and what could be done in future cases to improve identification procedures.

### **Training and sensitisation of identifying actors**

Potential identifying actors need the skills and sensitivity to recognise a wide range of victims, in an array of vastly different circumstances. Potential identifying actors from the entire spectrum of relevant governmental, non-governmental and, arguably, also private sectors need to be trained in appropriate identification skills, to decrease the likelihood of missed or unsuccessful identification.

### **Identification demands cooperation and coordination**

A wide range of individuals and institutions may be integral to the identification of a single trafficked person; each is vital to the process. Mobilising these institutions and creating the connections between them that allow such identifications is essential. Building trust between different institutions and actors is a foundational part of this process. A common understanding of what trafficking is and who may be a victim will be crucial to ensuring a process that is as smooth and predictable as possible for the victim.

### **Consider the impact of external factors on identification**

Identification is informed by a range of external factors, including government and civil society's commitment to addressing the issue of trafficking as well as political pressures and agendas, which may alter or undermine policy decisions.

**Research and analysis must include unidentified victims**

Identified victims are only a small part of the trafficking picture. In many cases, victims who go unidentified will have different experiences and needs than those who were identified. Anti-trafficking professionals (policy makers, practitioners and researchers) should look beyond those victims who are identified or assisted, to consider the characteristics, experiences and needs of victims who are never identified or who may reject formal trafficking identification.

## **Preface and acknowledgements**

Identification of trafficking victims is a fundamental element in the protection of victims as well as prosecution of traffickers. The ability of relevant actors and agencies to recognise and properly respond to victims precedes the possibility of providing assistance or opening investigations. While significant progress has been made in identification over recent years, there is still much room for improvement in our understanding of factors that lead to identification and, particularly, missed identification.

We are grateful that the Norwegian Ministry of Foreign Affairs identified this as an important issue in the anti-trafficking field and funded this research project. This paper is one in a series of four research papers which address a range of issues and challenges in the assistance framework in the Balkan and Former Soviet Union (FSU) region (see Brunovskis and Surtees 2012b, 2012c and 2012d).

This paper is based on fieldwork research conducted in Albania, Serbia and Moldova between 2006 and 2008. During this fieldwork we found that the current challenges facing the assistance framework resonated with many service providers as well as trafficked persons and we are grateful to all for their generous participation. Anti-trafficking practitioners generously shared information about their programmes and case work, including candidly discussing the challenges and obstacles they face. These included, in Albania - International Organization for Migration (IOM) Tirana, Different and Equal (D&E), Tjeter Vision; in Moldova – International Centre for Women’s Rights Protection and Promotion “La Strada”, IOM Chisinau, Interaction, Contact, United Nations Development Project (UNDP), Island of Hope; and in Serbia - Atina, Counseling against Family Violence (CAFV), Anti-trafficking Centre (ATC), IOM Belgrade and the Agency for the Coordination of Assistance to Victims of Trafficking. These organisations also facilitated access to a wide range of trafficked persons. We are grateful to the trafficked women, girls, and persons in street prostitution who were willing to share their experiences in an effort to improve conditions and opportunities for other trafficked persons. Their interviews form the foundation of this paper and the research series more generally. Without their courageous and generous participation, this research would not be possible. We hope to have fairly represented their views and experiences.

We have also benefited from the assistance of colleagues. Laura Mitchell (Fafo) was central in data collection, conducting fieldwork in Serbia and Albania in 2006. Lawrence Dabney (NEXUS Institute) reviewed and edited the report. In Serbia, the Anti Trafficking Centre’s team of outreach workers – Jelena Milic, Borislav Djurkovic, Stefan Dimitrijevic and Suzana Vukoje – worked as field assistants, interviewing 20 women, girls and transgender persons in street prostitution in Belgrade, information we would not have been able to obtain without their competent assistance. We also wish to extend

our gratitude to Slavica Stojkovic, Valbona Lenja and Stella Rotaru from the IOM missions in Serbia, Albania and Moldova, who went out of their way in helping us organise fieldwork. Further, we have had indispensable support from our team of highly competent translators – Milena Markovic, Ksenija Lazovic, Daniela Hasa, Aljona Thaci, Julian Hasa and Alina Legcobit.

Finally, we would like to thank May-Len Skilbrei of Fafo Institute for Applied International Studies (Norway) and Stephen Warnath of NEXUS Institute (Washington) for their on-going support for the project and their careful review of, and inputs into, this study and the research series more broadly.

Anette Brunovskis and Rebecca Surtees,  
Fafo (Oslo) and NEXUS (Washington), February 2012

# 1. Introduction

Identification of trafficking victims continues to be one of the greatest challenges in anti-trafficking work. There are many different ways that victims exit trafficking, are identified and come into contact with the anti-trafficking framework and their various assistance options. Nevertheless, many victims go unidentified and are consequently subject to continued exploitation or unable to access the rights afforded them under international conventions.

Identification is an international legal obligation for many countries. While the Palermo Protocol contains no references to identification, Article 10 of the Council of Europe's (CoE) *Convention on Action Against Trafficking in Human Beings* obliges signatory states to identify victims:

Each Party shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified in a procedure duly taking into account the special situation of women and child victims and, in appropriate cases, issued with residence permits under the conditions provided for in Article 14 of the present Convention.<sup>1</sup>

States are also obligated to have legislation or other measures in place to identify victims and, if there are reasonable grounds to believe that a person has been trafficked, he or she must not be removed from the country until the identification process has been completed. In addition, the United Nation's *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, in guideline 2, state that failure to identify a trafficked person is likely to result in a further denial of their rights. This makes it incumbent on states to ensure that such identification can and does take place (UNOHCHR 2002: 6-7, see also UNICEF 2006: 14-15).

The manner in which victims are identified has a direct impact on their awareness of assistance options and often, by implication, their willingness or opportunity to access this assistance. Moreover, because investigations and prosecutions depend so heavily on victim cooperation, successful and effective identification is vital to the successful enforcement of anti-trafficking laws (Gallagher & Holmes 2008: 329; USGAO 2007: 2). Who goes unidentified, and why, is a vital question for both policy and programmatic responses and has implications for all sectors of the anti-trafficking response.

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<sup>1</sup> *Council of Europe Convention on Action Against Trafficking in Human Beings*, article 10.

In previous research in South Eastern Europe (SEE) and the FSU, we found that identification was neither simple nor direct (Brunovskis & Surtees 2007). Our interviews contain substantial information about successful strategies for identification as well as about missed opportunities where victims might have been identified but were not. Some victims were overlooked by identifying actors on multiple occasions. We encountered situations where failures or hindrances led to delayed identification and, in some cases, an extension of the trafficking experience. We also met victims who were never identified as trafficked prior to our interview with them. In still other instances victims were identified but, for various reasons, were not removed from their trafficking situation or otherwise assisted. We also found instances of victims declining to be identified.

Our main goal in this paper is to disentangle how the identification of trafficked persons takes place in SEE as well as situations in which it does not occur and the reasons for this. This paper will discuss missed opportunities for identification of trafficking victims, including the very real and personal implications for these trafficked individuals. By contrasting these experiences, we aim to highlight some of the gaps in the current identification and referral frameworks as well as to illuminate good practice in identification. This, in turn, allows us also to note potential entry points for future identification and intervention efforts. Lessons learned have relevance not only for the SEE region but for any country of origin, transit, or destination where the identification of victims continues to represent a cornerstone of the anti-trafficking response.

In this report, chapter 2 provides an overview of terms, definitions and methodology. We then move on to describe how identification took place (including who was and was not identified) and which anti-trafficking actors victims were identified by, in chapter 3. In chapter 4 we describe factors that led to victims not being identified, pointing to factors in the anti-trafficking response as well as common reactions of victims. We then discuss the implications of identification, and more precisely, under which circumstances identification failed to be a solution for victims, in chapter 5. Chapter 6 concludes the paper with concrete and specific recommendations for future programme and policy design, which should serve as a basis for further discussion on how to best support the reintegration of trafficked persons.

## 2. Terms, definitions and methods

### Terms and definitions

Data for this report were collected in the context of a previous study of why some trafficking victims decline assistance, and supplemented by later fieldwork for a project on the family environment of returned trafficking victims. The terms and definitions used in this report are based on those from the original projects. Please see Brunovskis & Surtees 2007: 24-26.

#### Human Trafficking

The definition of human trafficking articulated in the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons*<sup>2</sup> is the seminal definition from which most national definitions are based globally. As the most widely applied definition, it is the basis of the legal definition of trafficking in human beings in the countries where fieldwork was conducted. In the Protocol, trafficking is defined in article 3a as:

[...] recruitment, transportation, transfer, harbouring or receipt of 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.

Further, the Protocol specifies in article 3c that if any of the means listed in article 3a have been used, the consent of the person is not relevant. If the victim is a child (i.e. under 18 years of age), the use of the listed means need not be shown to prove trafficking.

In the three countries of this study, national laws are in conformity with the Protocol definition. However, in practice, the implementation of the definition does not always reflect a clearly understood line between trafficked and non-trafficked persons.

The Protocol has been the subject of much debate because of the inherent ambiguities in central terms. The ambiguity of key terms was deliberate, in large part in

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<sup>2</sup> Also known as the Palermo Protocol, this Protocol is one of the three Protocols which supplements the UN Convention on Transnational Organised Crime, adopted by the UN General Assembly on November 15, 2000.

recognition of the need for the definition to be able to accommodate a wide range of potential future unanticipated scenarios of human trafficking. In addition, terms such as “position of vulnerability” and “exploitation” were left noticeably unspecified in large part to accommodate countries with different positions on prostitution - for instance, countries where sex buyers are criminalised, countries where prostitutes risk prosecution and countries where prostitution is legal and considered a form of labour. The explanatory notes go some way in specifying vulnerability as “not having a real and acceptable alternative but to submit to the abuse involved,” (Jordan 2002: 7). However, this is not necessarily helpful in demarcating the boundaries of trafficking in practice, as the definition of “real and acceptable alternative” is similarly open to interpretation.

For the purpose of this analysis, we have included women and girls who defined themselves as victims of trafficking as well as some women and girls who did not define themselves as trafficked but where information about their experience strongly indicated trafficking, as defined in the Protocol. For instance, one respondent was a minor when she entered prostitution, having fled abusive conditions at home. She gave more than half of her earnings to a man who also owned the flat she was living in. While she framed this as a survival strategy that enabled her to live independently of her parents, this situation constitutes abuse of a position of vulnerability and can reasonably be seen as a case of human trafficking under the Protocol definition, notwithstanding the fact that she was a minor, meaning that her exploitation in itself qualifies as trafficking.

### **Victim of trafficking**

A significant body of literature criticises the use of the term “victim” for people who have been subjected to violence or abuse, referring in particular to women who have been abused by husbands or partners. This literature argues that the term ascribes a passive role to someone who has, in fact, overcome a very difficult or even traumatic experience and, thereby, undermines agency and may confer, some argue, a degree of blame upon the individual. While we appreciate and acknowledge this argument, we feel that the alternative term “trafficking survivor” is insufficient. In many cases it has the potential to mask the realities that the individual has confronted and often continues to face. It generally equates survivorship with removal from trafficking, which is often only the start of a long, complicated and non-linear path to recovery. Further, within both the human rights and criminal law frameworks, the term “victim” is important as it designates the subject of a violation and the necessity for responsibility and redress.

As such, in this study, “victim” denotes someone who has been the victim of a crime and does not refer to the person’s agency or any other characteristics. We also use the term “trafficked person” interchangeably with “trafficking victim”, in the context of our own on-going discussions about appropriate terminology and framing of the issue. That being said, this framing is for the purpose of this report and, in practice, each trafficked individual has the right to characterise herself/himself in the manner of her/his choosing.

## **Identification**

For this study, we define “successful identification” as a situation in which anti-trafficking professionals were able to identify individuals as trafficked (or potentially trafficked) in an appropriate, sensitive, and timely fashion, and to provide suitable options for referral and assistance at home or abroad, depending on the situation.

By contrast, missed identification refers to instances in which victims came into contact with individuals or institutions (e.g. law enforcement, service providers, etc.) who should possess the capacity to identify trafficking cases but were not recognised as trafficking victims. Some victims sought assistance on multiple occasions before they were identified.

While we were generally able to map out clear categories of successful and missed identifications, the determination was frequently more complex. In many instances we were able to identify within one case aspects of both successful and missed identification. Some victims were deported from abroad (a missed identification) but recognised as trafficked upon return home (a successful identification). Some victims were arrested for prostitution and only later recognised as trafficked, after they came into contact with social assistance agencies.

Moreover, the categories of successful and missed identification were insufficient to capture the experience of those victims for whom no attempted identification of trafficking had taken place, prior to our interactions with them.

## **Assistance**

Literature on “anti-trafficking assistance” is generally understood to be formal anti-trafficking assistance, provided by national and international NGOs, IOs, and state bodies. However, it is also important to consider non-trafficking specific assistance, which many trafficked persons also access as part of their recovery and reintegration process. We have also found it useful to separate formal assistance (i.e. provided by organisations and institutions, including community and religious groups) and informal assistance (i.e. provided by family and friends and within the community). Assistance may be structured – i.e. an organised assistance framework - or it may be more informal, *ad hoc* responses to situations of crisis or vulnerability.

All assistance (formal and informal; trafficking specific and more generalised; structured and *ad hoc*) has an important role to play in the recovery and reintegration of trafficked persons. Which assistance is most effective and appropriate depends on a range of individual and socio-economic factors as well as the stage of victims’ post-trafficking experience. Moreover, the different types of assistance are often complimentary and mutually reinforcing; access to different (and complimentary) types of assistance can be important in supporting recovery.

## **Reintegration**

Assistance provided to trafficked persons often has “reintegration” as its long-term aim. However, reintegration may mean different things to different people/agencies in

different settings and the term is often used interchangeably with terms like “assistance” and “rehabilitation”.

In the context of this study, reintegration refers to the process of recovery and socio-economic inclusion following a trafficking experience. It includes settlement in a safe and secure environment, access to a reasonable standard of living, mental and physical wellbeing, opportunities for personal, social and economic development, and access to social and emotional support. In many cases, reintegration involves return to the victim’s family and/or community of origin. However, it may also involve integration into a new community and even into a new country, depending on the needs and interests of the trafficked person. A central aspect of successful reintegration is empowerment, supporting victims to develop skills toward independence and self sufficiency and to be actively involved in their recovery and reintegration (Surtees 2008a: 11). In layman’s terms, reintegration refers to a broad range of measures over an extended period of time that aim to support and assist those who have experienced problems as a result of being trafficked.

### **Service providers**

Organisations and individuals that provide one or more of the range of services and assistance offered to trafficking victims. These may include social workers, psychologists, shelter staff, medical personnel or legal professionals from NGOs, IOs and GOs. Service providers may be specialised in anti-trafficking assistance or may have a more general assistance background. “Service provider” also generally refers to an individual with a professional background and relevant qualifications in assistance (e.g. social work, psychology, medicine, legal aid, etc.). In some situations it may also include persons who provide informal or *ad hoc* assistance to trafficked persons.

## **Method**

This research is based on a qualitative design and analysis of interview data from trafficking victims and anti-trafficking service providers in Albania, Serbia and Moldova between 2006 and 2008. We sought to illuminate challenges in identification of trafficking victims as experienced by our respondents.

These data were collected in the context of two Fafo/NEXUS Institute research collaborations—namely, for the project *Leaving the past behind? When trafficking victims decline assistance*, conducted in Albania, Serbia and Moldova in 2006 and 2007, funded by the Royal Norwegian Ministry of Foreign Affairs;<sup>3</sup> and for the project *The family environment of returned trafficking victims in Moldova*, undertaken in 2008 and 2009 in

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<sup>3</sup> The output from this project was the research report *Leaving the past behind? When victims of trafficking decline assistance* (Brunovskis and Surtees 2007) and the article “Agency or illness? The conceptualisation of trafficking victims choices and behaviours in the assistance system” (Brunovskis & Surtees 2008). Please see literature list for full references.

Moldova, under the umbrella of the Project on Informal Child Migration in Europe (N-ICME), funded by the Norwegian Research Council.<sup>4</sup>

### **Respondent sampling**

Studies of human trafficking involve several methodological and ethical challenges that impose limitations on how the subject can be approached. Research with trafficked persons requires careful attention to security concerns as well as the sensitive nature of the topic, and there are certain limitations as to what is possible (Brunovskis and Surtees 2010). For example, it is imperative in research of this kind to avoid subjecting participants to the risk of exposure in local communities. As a consequence, we exclusively selected and approached respondents through a process of referral from service providers. This ensured that potential respondents were contacted and informed about the project by someone known to them. It also had the added advantage that, should any assistance needs surface during the interview; we had referral and assistance options available for the respondent. Similarly, when collecting information from women and transgender persons in street prostitution, we hired local research assistants working as outreach workers with this group through an assistance organisation.

This approach is, however, not without its consequences, as using “gatekeepers” introduces a bias in the types of experiences that are captured (Brunovskis & Surtees 2010, Miller and Bell, 2002, Surtees & Craggs 2011). In this case, it introduces a specific bias in terms of the victims whose experiences and needs are included in the study - that is, largely those of individuals who have been assisted. And, as we have argued elsewhere (Brunovskis & Surtees 2007), characteristics of assisted victims may be systematically different than those who are unassisted in that their needs may be more pronounced or their home and community situation may be more difficult and less supportive. It is, therefore, important to be measured in the conclusions drawn about the assistance needs of all trafficking victims. Nonetheless, while not representative of all assistance needs, this study can provide some useful insights into the assistance needs of many trafficked persons as well as the strengths and weaknesses of current assistance approaches.

We interviewed 43 victims of trafficking, some on multiple occasions. Of 43, 22 were minors at the time of trafficking and 20 were adults. In one case it was not possible to conclusively determine whether she had been a minor when first exploited; she was an adult at the time of the interview. Respondents originated from countries in the former Soviet Union (FSU) region (e.g. Ukraine, Moldova) and SE Europe (e.g. Albania, Serbia). They were trafficked to and exploited in a wide range of countries in the Balkans, the European Union (EU), the FSU region and the Middle East—namely, Serbia, Turkey, Italy, Croatia, Greece, Kosovo, Moldova, Russia, Albania, Belarus,

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<sup>4</sup> The output from this project was two articles; “Untold stories. Biases and selection effects in research with victims of trafficking for sexual exploitation” (Brunovskis & Surtees 2010) and “Coming home: Family reintegration of trafficked women and girls” (Brunovskis & Surtees 2012). Please see literature list for full references.

Bosnia-Herzegovina (BiH), Bulgaria, France, Montenegro, Portugal, Slovenia, Spain, United Arab Emirates (UAE) and Poland. The majority were trafficked for sexual exploitation but were recruited with promises of different kinds of work - most commonly service sector jobs (in restaurants and hotels), as domestic workers, and some also in the sex sector. Their conditions while trafficked ranged from brutal to less extreme forms of exploitation and abuse. They exited trafficking through being arrested (sometimes with false papers), being let go by the traffickers (having paid off “debts” or because they became a problem), being helped by a client, through the intervention of an NGO or by literally escaping. Four victims were identified before being exploited but there were strong indications that the intention was to exploit them sexually. In addition, one woman was exploited for labour, as a domestic worker. In one other case the form of trafficking was not conclusively determined.

In addition, we interviewed 99 key informants. All had knowledge of and experience working on the identification of trafficking victims, and spoke from a variety of perspectives. As such they were uniquely positioned to shed light on the various issues surrounding identification procedures, successes and failures. Key informant respondents included social workers, reintegration assistance providers, psychologists, medical professionals, lawyers, and police.

### **Interview data and analysis**

Data were collected during seven rounds of fieldwork between 2006 and 2008. Interviews typically lasted 60 to 90 minutes but, in some cases, we spent several hours with the respondent. Interviews with trafficking victims included several lines of inquiry, regarding identification and contact with authorities, NGOs, and social services. These inquiries included how the victim came into contact with service providers, whether they had any contact with service providers or authorities while trafficked and their general experiences with identification (including missed identification). It was important to maintain flexibility and sensitivity in terms of the wording and inclusion or exclusion of specific questions to allow for the differing emotional impact of discussing sometimes very fraught experiences. These topics were also mirrored in interviews with key informants, and focused both on service providers’ specific experiences in their case work as well as general experiences with identification of trafficking victims in different settings and contexts.

Highly qualified translators interpreted between local languages and English, spoken by the researchers. Interviews were either recorded with the respondents’ permission and later transcribed verbatim, or were transcribed based on notes. Working with these transcriptions, we then identified how trafficking victims described identification experiences (including when no identification took place), as well as factors which influenced whether someone was or was not identified. In key informant interviews we also documented patterns of identification and missed identification, including factors contributing to these outcomes, resulting in the analysis presented in the remainder of this report.

### 3. How identification takes place—experiences from SEE and the former Soviet Union

This section explores who is or is not identified as trafficked as well as which actors are involved in the identification of trafficked persons, drawing on the specific experiences of our respondents. We will also discuss where and at what stages trafficked persons were identified (e.g. in transit, after trafficking or in the country of exploitation), in what contexts this takes place as well as some of the complexities and challenges in victim identification.

The experiences and issues presented here are not specific to Albania, Moldova and Serbia. Victims interviewed were trafficked to or exploited in Albania, Belarus, BiH, Bulgaria, Croatia, France, Greece, Italy, Kosovo, Moldova, Montenegro, Poland, Portugal, Russia, Serbia, Slovenia, Spain, Turkey and UAE. As such, these findings reflect broader patterns and issues, which manifest themselves throughout Europe, the FSU region and the Middle East.

#### Where are victims identified and when?

A common assumption is that victims are identified in the situation of exploitation (whether at home or abroad), assisted to exit that exploitation and then referred for appropriate services. In reality, identification takes place in many different settings, under remarkably different conditions and at different stages of a victims' trafficking experience.

Table 1: Identification at destination, origin or transit

Identification location	Number of cases
In a transit situation	5
In the origin country upon return	8
In country where exploitation took place (external THB)	16
In country where exploitation took place (internal THB)	7
	Total: 36
Unknown	2
N/A; victim never identified	5
<b>Total number of respondents</b>	<b>43</b>

Of 43 women and girls, 23 were identified at what we categorise as the “destination”, i.e. in the country of exploitation. Sixteen were identified in a foreign destination country; seven were internally trafficked and, thus, were identified in their country of origin, which was also the country of exploitation. At best, only half of our respondents were identified in the context of their exploitation, a strong indicator of overly-delayed identification in many cases. Moreover, even when identified in the context of exploitation, close examination reveals flaws in many identification processes. For example, in at least five of the 16 cases in which victims were identified abroad, identification did not lead immediately to assistance. Additional interventions by anti-trafficking professionals were necessary upon the victims’ return home for them to receive full and proper assistance.

Five victims were identified in transit, some *en route* to their final site of exploitation and others on their way home, having exited their trafficking situation. In at least eight cases, victims were only identified in their country of origin. Some of these were identified upon returning home, following screening by police or social services; some only after they themselves sought assistance from authorities. Five respondents were never identified as trafficked. All respondents worked in the sex industry in their country of origin.

## **Who is identified (and who isn’t)? Successful and missed identification**

A critical focus of this study was the extent to which the trafficked women and girls we interviewed had been successfully identified. Our starting point for considering patterns of identification was to map out what constitutes “successful” and “unsuccessful” identification experiences. Awareness of the nature and prevalence of successful or unsuccessful identification can illuminate how to better afford victims the opportunity to exit trafficking and seek assistance. In many cases, this means helping victims realise their legal rights. It is to this issue that we turn now.

### **Successful identification**

Respondents were primarily young women and girls trafficked for sexual exploitation, who originated from countries in the Balkans and the former Soviet Union. In many ways they fit with the stereotypical image of a trafficking victim that has emerged after several years of anti-trafficking efforts in the Balkans. It is perhaps not surprising that a number of these women and girls reported what we consider “successful identification”.

For example, “Lilea” was trafficked abroad for prostitution. While exploited, another trafficking victim gave her the telephone number of the trafficking assistance helpline in her home country. She phoned the helpline where staff reported her situation to the police in the destination country. The police came to where she was being held and rescued her. She was taken to the police station and then referred her to an assistance

organisation, which provided emergency services and assisted in her return home as well as providing a referral to an assistance organisation in her home country.

In addition, counter-trafficking actors in SEE have identified “potential victims – persons who are perceived to be at risk of trafficking or who were intercepted in the trafficking process prior to exploitation. In some respects, this might be read as a case of successful identification, as it represents a more proactive effort to address trafficking.<sup>5</sup> “Ana” was a minor when she left her home in the Balkans to migrate to Western Europe and live with a friend of her mother’s. Her mother had died some years before and her father was an abusive alcoholic. She enlisted the help of a man who agreed to take her to the destination country for 3000 Euros. This man, it was later learned, was involved in trafficking women abroad. *En route* to her destination she was stopped by the police, interviewed and determined to be a potential trafficking victim. Her trafficker was arrested and deported and she was referred for assistance in the transit country. In Ana’s case, this pre-emptive identification was key to her safety. That being said, this type of proactive investigation relies heavily on what we might call “easily identifiable” victims, persons who fit the stereotypical image of a trafficking victim in the region. By contrast, males, including male minors who exhibit many of the same vulnerabilities as girls or young women identified as potential victims, are less likely to be identified as potential victims (and, arguably, as actual victims), (Surtees 2008b: 22-23 & 2007: 79-83).

In other cases, the identification process might be more accurately be categorised as only partially successful. While some anti-trafficking actors responded in an appropriate, timely and sensitive fashion, others did not. For example, consider the case of “Tatiana,” who was trafficked abroad and where she was sexually exploited. In the destination country she sought the assistance of the police because she was being threatened by her exploiter. In spite of asking for help and explaining her situation, she was deported rather than being screened as a trafficking victim:

I appealed to the police in [the destination country] but instead they put a stamp in my passport and deported me. The case was closed. I consulted a lawyer here but they said nothing could be done.

Nevertheless, when she crossed the border into an intermediary country *en route* to her home country, she was immediately recognised as a potential trafficking victim. Tatiana was offered assistance in returning home as well as assisted in her home country, as she explained:

At customs, when the police asked me why I had no money, I explained my situation and he took me aside and explained about the [assistance] organisation.

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<sup>5</sup> Importantly, potential victims should be identified on an individual and not group basis: there are several examples where women’s right to migrate have been restricted with reference to risk of trafficking, seeing all women or women in a certain age groups or from certain socio-economic backgrounds as “potential victims”.

Similarly, “Jelena” was stopped at an international border crossing, along with the woman managing her transportation abroad. The police became suspicious when Jelena provided them with only a driver’s license as identification. The two women were both questioned by the police and the transporter confessed to her involvement in the process – that she was to deliver Jelena across the border and that Jelena was going to work in prostitution, not as a waitress in Western Europe. “Jelena” was briefly detained by the police in the transit country, fined for illegal entry, then dropped at the border with her home country. No resources or referral were offered, even though the police were aware that she was at risk of trafficking (“The police told me I was a trafficking victim and that I should be happy because they were going to help me”). However, at the border of her home country her situation was reassessed and taken seriously by the authorities. She was taken to a local police station where they took her statement, determined her case to be trafficking and offered her assistance.

The behaviour of anti-trafficking actors may also render a case only partially successful. When interactions with trafficked persons are insensitive or delayed, the success and efficacy of identification is undermined, even where it still eventually leads to identification. This feature was often central in how victims assessed their experience, and often had implications for their actions and decisions afterward. For example, consider the response of “Alina”, a young woman trafficked to SEE for prostitution, when asked about the treatment she received when she was stopped by the police:

As if I wasn’t even human... They asked us for our documents and we showed them our passports and then the police told the taxi driver to follow his car to the station and then we were put in a cell at the police station and then the police inspector came and asked us questions. They started to intimidate us and said they know everything and then we told them the story. There was [another] girl who told them a lot of lies and so the other girl argued with her and then the police told me and her to stay in the corner... It was horrible.

It merits mention that after this woman was finally recognised as a trafficking victim, she initially opted for arrest and deportation over assistance. Her treatment by authorities (coupled with the lack of clarity about assistance options) appears to have been a key factor in this decision.

That many respondents fit with the stereotypical image of a trafficking victim (young women, trafficked for sexual exploitation, from the Balkans or the former Soviet Union) likely contributed to their “successful identification.” Many countries, including Albania, Moldova and Serbia, have made great strides both in recognising and responding to the issue of human trafficking. This progress includes proactive identification measures, enhanced AT capacity and establishing specialised anti-trafficking units, all of which should, in principle, augment identification. Indeed, some countries in SEE and the FSU have surpassed more developed countries in their efforts to identify and provide assistance to trafficked persons, whether originating from or exploited within their

borders. Nonetheless, many victims were missed in the identification process, an issue to which we turn now.

### **Missed identification**

In spite of positive developments and identification “successes”, many trafficked persons were not identified. Some had their trafficking exploitation extended for months or even years due to a failure to identify. Their seemingly “identifiable” characteristics notwithstanding (as female victims of sex trafficking), 29 of the 43 women and girls we interviewed experienced some aspect of what we term “missed identification”. In an additional three instances, we did not possess enough information about their contact with possible identifying actors to determine whether identification was missed.

Missed identification means different things in different cases. Some victims were missed while trafficked abroad, some while in transit and some in their home countries or upon return home. Some victims were not identified in spite of being in relatively visible sites of exploitation – e.g. bars, street prostitution, clubs, or massage parlours – while others were missed in less recognisable settings – e.g. before exploitation, in transit, in private houses and the like. Some victims were missed by individuals and institutions which should have had the capacity to identify, trafficked persons, such as law enforcement (including anti-trafficking units) or social workers. Others were missed by individuals who likely did not have the requisite knowledge to make an identification, such as public transportation personnel, private citizens and so forth.

Some of the more disturbing examples of missed identification involved minors in prostitution. One girl, sold into prostitution by her mother at age eleven, described being picked up by the police, briefly detained and then simply returned to the street to “work”. It is alarming that a minor in prostitution (particularly a very young minor) can go undetected by police, social workers and a range of other people who have regular contact with the street prostitution arena. We documented a number of such cases, including five women in street prostitution at the time of the interview who were never identified as trafficked, all of whom were minors when first trafficked into prostitution.

Moreover, 11 of the 29 women and girls who we determined had experienced “missed identification” had been “missed” on multiple occasions. “Mariana” was a minor when she migrated abroad for work. She was offered work in the European Union (EU) but was instead taken to the FSU region and sexually exploited. She was arrested by police in the destination country and sentenced to several months of prison for migration violations, rather than being identified as a trafficking victim. She was kept in an adult prison in spite of being a minor and was not referred to a social worker in spite of being an unaccompanied minor abroad. While in prison she fell seriously ill and required emergency surgery. Hospital staff, however, also failed to recognise her situation as trafficking; she was handcuffed to her hospital bed for the duration of her hospital stay. Upon release from prison she went to her country’s embassy for assistance with identification and travel documents. Not only did embassy staff not recognise her as a potential victim (or even as a vulnerable unaccompanied minor abroad), but they

informed her that they would not help unless she had money to pay for the documents, nor would they provide her with assistance in getting home. With money sent from her family, she managed to get documents and a train ticket home. She crossed multiple international borders alone, without comment from potential interlocutors, including border guards or transportation personnel, finally arriving at her family's home. At no stage in this several month process was Mariana recognised as a potential victim by those actors best positioned to do so.

Depending on the circumstances of identification and the skills of the identifying actor, victims may not be identified immediately, exposing them to interrogation as illegal migrants, prostitutes or criminals. Some respondents, in what might have been an identifying interview, were barraged with questions and criminally interrogated. This misidentification, often accompanied by maltreatment, caused anger and anxiety in many victims. One woman, when comparing her experience of being identified abroad and at home, explained that she had been better treated abroad:

Better the [foreign police]. They wrote down our names and let us be calm. Here they deluged me; “how did you leave”, “with whom did you leave”, “what were you going to do there” and I don't know what else... They threatened me that they were going to put me in prison if I did not tell them and didn't accept that I left with that person they were telling me (Surtees 2007: 68-9).

The implications of missed identification are enormous. For some of the respondent victims it meant not leaving their trafficking situation; for others it meant extreme vulnerability and even re-trafficking. One victim explained how she was assisted by a former client to escape trafficking, only to end up exploited by her “rescuer”:

He took me to his flat... It was very convenient for him as I did all the housework — ironing, cleaning, washing... I couldn't leave the flat... Then I got pregnant. I was four months pregnant when my “husband” got into prison and I was freed (Surtees 2007: 83).

In another case, a man trafficked for labour was “assisted” by another man to escape, but then exploited by him as a labourer on his farm, miles from any other persons or avenues for exit. The man was kept there and forced to work for many months, unable to leave, and receiving no payment for his labour (Surtees 2007: 83).

Failure to identify victims, particularly when they have independently sought out assistance, is likely to severely compromise their willingness to seek out assistance in the future or trust future offers to help.

One serious concern is whether the identification of internal trafficking is prioritised in the same way as international trafficking. Amongst our respondents, five had never been identified as trafficked prior to our contact with them. All were in street prostitution in their own country when interviewed, suggesting that some contexts are

more prone to non-identification.<sup>6</sup> This is further corroborated by our interviews with various anti-trafficking professionals. One of these key informants, when asked about the identification of internally trafficked victims, explained:

This area needs a lot of work—on things like the distinction between prostitution and internal trafficking. It's always difficult to distinguish between the two and it's even more confusing today. So, some say that the internally trafficked could leave but don't and, therefore, many people consider them as prostitutes basically. It's difficult to identify the internally trafficked given the popular opinions towards prostitution. Even with victims of trafficking who don't self-identify. There is fear and some trafficking victims even deny that they are trafficking victims.

One of our aims in interviewing persons currently in prostitution was to establish whether we would locate trafficking victims, either formerly or never assisted. Seven of 20 respondents had been trafficked and some were still in a trafficking situation. Five, as mentioned above, had never been identified as victims, in spite of falling clearly within the international trafficking definition in the Palermo Protocol. The cases below illustrate this point:

*A, 30 years old:* My father died a year ago and I wasn't sorry because he made my life miserable. He abused me at home and made me go out into the street and prostitute myself. I was 15 when he first brought me here for prostitution.

*B, 22 years:* My mother killed herself when I was 15. I spent my childhood moving between her and my grandmother. Everything depended on my mother's moods. I was better off not being with her because then she couldn't molest me. She made me prostitute and steal. When I was twelve she would bring home older men and made me undress. They looked at me, touched and pinched me. I was afraid of them. Later, at one stage, a man offered me and my friend a job abroad but we said "no". He tried to convince us several times but, in the end, he came with some other men and they pushed me into a car. They took me to his house and locked me in a room, guarded by his mother and sister. After two weeks there were two other girls brought in and they took us to [a neighbouring country] where there were more girls. I was raped and forced to provide sexual services. In the end I managed to contact my father and he contacted the police.

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<sup>6</sup> These findings come from Serbia where it was possible to do sampling within the prostitution arena. We were unable to access prostitution arenas in a similar way in Moldova and Albania but there is reason to believe that the situation is similar as there is much exploitation and consequently trafficking to be found in local prostitution markets in both countries. In Moldova during the summer of 2006, police uncovered and dismantled a trafficking network of girls in prostitution in Chisinau, most Moldovan nationals. Descriptions of prostitution in Albania, although extremely stigmatised and underground, also signal the same pattern of exploitation and vulnerability (Brunovskis & Surtees 2007).

*C, 16 years old:* When I was eleven, my uncle sold me to a man I didn't know. My uncle came to my school and took me out of class, put me in a car and drove me to that man. He left me there after taking the money. I was told that I was going to stay there a month or two but in the end I was there about a year. The man brought customers for me and drugged me with alcohol, cocaine, ecstasy tablets so that I could work. For the first five or six months I was kept in the house; later he would drive me up to the freeway. In the end, a customer helped me escape.

These stories illustrate the wide presence of internally trafficked victims within the domestic prostitution market and the urgency of identifying them as such. Victims reported many incidences of violent attacks while trafficked internally in prostitution, including assaults and gang rape, highlighting their precarious situation and vulnerability.

It is worth noting that one of the most important obstacles to identification of internally trafficked victims appears to lie in their experiences with the police. Almost all respondents reported very negative and even violent encounters in their day-to-day dealings with the police:

[The police] ask for sex not to take me into the police station, some have told me to give them money, humiliated me for being Roma and beat me up. I have no trust in the police at all. If a client was violent to me, I'd ask my friends for help, not the police.

This is supported by other research that has identified police violence as the main concern of persons in prostitution in Belgrade and Pancevo in Serbia (Rhodes 2008:2). Ideally, the police should be able to identify trafficking victims through their regular contact with the prostitution arena. However, prostitution is a misdemeanour in Serbia, and contact between women in prostitution and the police responsible for this area was often hostile and uncondusive to identification.

Some victims had good experiences with the police when they reported procurers and traffickers. In most cases, this was with specialised anti-trafficking police. One respondent had not dared to contact the police while she was trafficked, as she was told that the local police had been bribed. However, after reaching out to relatives who contacted the police externally, she was helped out of the situation. Her experiences were therefore mixed:

My attitude to the police is on opposite ends of the pole, since I have these different experiences. At the barroom [where I was trafficked] I met only corrupted police men. I also was in prison once and had very bad experiences there, but I guess it was my fault for getting there. On the other hand, I think there are "good" police men, such as the ones who saved me.

The impression this leaves is that there are very different approaches to persons in prostitution across different departments of the police. Attitudes may also vary depending on what role the victim has – e.g. as a criminal offender, a potential trafficking victim or as a witness against pimps and traffickers.

## Who identifies trafficking victims (and who doesn't)?

In our sample of 43 victims trafficked for sexual exploitation, we found five main categories of identification – 16 situations when victims were self identified, 14 instances of identification by the police and law enforcement, four situations in which identification was facilitated by clients or other persons in the sex sector, four cases of identification by social service agencies and five victims who, prior to our interview, had never been identified as trafficking victims.

Table 2: Who identifies trafficking victims?

<b>Who identified trafficking victims</b>	<b>Number of cases</b>
Self-identified	16
Police and law enforcement	14
Social assistance agencies	4
Clients and persons in sex industry	4
Never identified	5
<b>Total number of respondents</b>	<b>43</b>

While seemingly distinct, there is nonetheless some overlap between the categories; it is not always easy to definitively determine one person or agency as central to identification. Often, police and social assistance agencies come into contact with victims at similar times. Often, a clearer determination of victim status can be made through working together. Moreover, while 16 victims were self-identified, a number of these sought out the intervention of police or assistance agencies. While these organisations were, thus, not the primary identifier, they were nevertheless crucial in the identification process.

### Self identification

The majority of respondents were what we categorise as “self-identified”: someone whose entry into the identification and assistance process results from them recognising their own situation of vulnerability or trafficking and seeking out some sort of intervention. Understanding what makes victims self-identify and removing obstacles to self-identification may be a fruitful way of increasing identification generally. While victims identified by others may not see themselves as victims or may withhold information for a variety of reasons, victims who know that they have been exploited, and that they can access assistance, have a clearer pathway out of trafficking.

While 16 trafficked persons self-identified, their circumstances differed substantially. In many cases this was linked to which individual or institution they chose to self-identify. When victims did self-identify, two main patterns emerged. One group of victims (7 of 16) sought out assistance through social assistance agencies as their initial point of contact, while the other group contacted law enforcement first (9 of 16). That

being said, in many of the 16 cases assistance organisations and law enforcement worked closely together. This was the case for “Manuela” who called the helpline in her home country, the staff of which contacted the police to rescue her. The police in turn referred her to an assistance organisation in the destination country. These synergies between police and social assistance were common in many cases.

In terms of the seven respondents who contacted assistance agencies first, some learned about trafficking or assistance services through media outreach efforts by assistance organisations. Four respondents contacted assistance organisations after seeing or hearing radio or television spots about trafficking and assistance opportunities. In the case of “Juliana”, this media spot involved an interview with a psychologist from one of the assistance agencies, who spoke of the issue in a way that gained the woman’s confidence.

In the other cases of self-identification to assistance agencies, a key factor was that the information was received through word of mouth, because victims had been told about the organisations by trusted individuals. We have found this process of one victim referring another to be crucial in victims’ decisions to accept assistance; personal trust and relationships can do much to overcome the fear that is, not surprisingly, endemic among trafficking victims. Importantly, victims who reached out to (or were identified by) social assistance agencies were able to do so because they were aware of these intervention and assistance opportunities. Many other victims were identified in other ways or not identified at all and so did not know of these assistance services and, thus, were unable to readily access them.

While information from the media or trusted persons was important in alerting trafficked persons to the availability of assistance, it did not automatically translate into accessing services. Often it was only when their situation became critical that trafficked persons followed up with assistance agencies. “Juliana”, mentioned above, was receptive to assistance because of the media message and the positive impression of the psychologist. But she nonetheless only accessed assistance when her economic situation became critical, and she was unable to provide food and clothing for her child. In essence, she exhausted all other options before seeking out assistance. Similarly, “Marija” was told about an assistance provider by an acquaintance but only contacted the organisation when her cupboards were literally bare and she no longer had food for her children. Even then she approached the agency cautiously, first calling and then arriving early to survey the organisation’s office before entering the building and keeping her appointment with the social worker.

Victims who self-identified to law enforcement typically did so shortly after exiting trafficking, often because this was the most obvious (and sometimes the only) recourse available to them. Eight of the nine victims in our sample contacted the police after escaping because they needed some form of urgent help, often protection from their trafficker. In these cases the specific role and mandate of the police was critical to their being contacted. The ninth interviewee contacted the police for help in retrieving a passport which her trafficker had kept. However, in her case, this occurred sometime after escaping her trafficking situation. She had remained abroad working in a non-trafficking situation but eventually decided to return to her home country.

Time was an important variable in this process of self-identification. In our sample, victims who self-identified often did so some time after they had been trafficked. For some victims this was a function of not recognising (or revealing) that they had been exploited. In a few circumstances victims initially rejected assistance only to later seek out support. Even when victims knew that they had been trafficked or recognised that they had been abused and exploited, many did not immediately seek out identification. It was not uncommon for a victim to return home independently (or through some sort of deportation mechanism), and only then self-identify and seek out assistance, sometimes years later.

### **Identification by police and law enforcement**

For 14 respondents, police and other law enforcement authorities (e.g. border control, customs, vice police, etc.) were central to identification. The exact details of this identification process, however, differed from case to case.

For example, two victims were identified by the police in both the destination country and their country of origin, whereas another victim was deported and only identified as trafficked by law enforcement upon her return home. Three victims were identified by law enforcement while in transit, prior to being sexually exploited, and referred through appropriate channels to obtain assistance in their home countries. Another, identified while transiting home after being deported from abroad, declined identification and assistance. One woman, a foreign national in the country where she was exploited, was identified when the car she was traveling in was stopped during a routine traffic check. In at least three instances, victims were identified by the police while being sexually exploited, including at a bar. In three other cases we do not have comprehensive details on the individuals' interactions with law enforcement.

In eleven of the 16 instances where victims self-identified, law enforcement played an important part in the identification and referral process. In nine cases this was because the victim went directly to the police for assistance in self-identifying or was taken there by someone who was helping them. In the other instances, police were contacted by social assistance agencies or family members.

While law enforcement did play a significant role in the identification of the trafficked women and girls we interviewed, authorities also missed a large number of identification opportunities. Of the 27 trafficking victims whom authorities failed to identify at one point or another, 22 involved situations in which someone within law enforcement (e.g. border guards, customs, vice police, etc.) failed to identify them. In an additional four instances, the individuals were minors in street prostitution. The regular police presence in this arena makes it very probable that someone within law enforcement encountered these victims at some stage. This is consistent with findings from previous studies in which some women tried to tell their stories to police after being arrested but were not believed. Others did not want to tell the police, often out of fear, and preferred arrest or deportation (Brunovskis & Surtees 2007, Surtees 2007: 77-83).

### **Social assistance agencies**

Only four respondents were directly identified by social assistance agencies, all of which were from the non-governmental sector. Each case illustrates different entry points for identification.

One victim was identified by outreach workers providing health services and other assistance to women in the prostitution arena. In this case, the woman initially declined identification and assistance, although she changed her mind over time. In another case, the victim was identified as part of an international organisation's procedure for screening for VoTs (victims of trafficking) amongst irregular migrants detained by law enforcement. One victim, deported from the country of exploitation, was identified when a local NGO came to her house to offer her assistance, having been told about her (and the possibility of her trafficking) by local police. The fourth case was arguably more coincidental than systematic; the woman described her experience to an old school friend she ran into at the village market, who happened to work for an NGO providing anti-trafficking assistance. However, it is also possible that in small communities it is precisely this type of informal communication that can greatly bolster the identification and referral process.

As discussed above, seven self-identified victims sought out assistance from social assistance organisations. Four trafficking victims responded to radio or television advertisements discussing trafficking and assistance, while two others were already aware of assistance avenues: one sought out assistance once she had escaped trafficking, and another called the helpline in her home country while trafficked abroad. In one other instance, it was the victim's family member who was familiar with the possibility of intervention through social assistance agencies and who contacted the agencies when their family member needed assistance.

While social assistance agencies were important in the identification process of a noteworthy number of victims, the category of social assistance agency encompasses many different types of organisations (e.g. NGOs, GOs, and IOs), with a wide range of mandates (including trafficking assistance, general social services and specialised services like medical care or psychological counselling). These organisations often have very different methods of functioning, ranging from proactive approaches like outreach efforts to more receptive approaches where victims seek out services. Most respondents were identified by assistance NGOs or IOs; government agencies were typically accessed when specific forms of assistance were needed (e.g. documents, medical care or vocational training).

### **Clients and persons in the sex industry**

Four victims were helped to escape trafficking by someone involved in the sex industry. In three cases, this was a client. In the fourth instance this was a man who worked at the same bar where the woman was being sexually exploited. Most typically, victims were helped to leave the trafficking situation and/or to call a family member to get help.

While clients sometimes recognised women as exploited and helped them escape, their exit from trafficking was not always accompanied by a referral for identification

and assistance. Some victims returned home, which was not always the healthiest or safest environment for them. One girl was tracked down by her trafficker after her return; the trafficker seriously assaulted her as well as her mother and grandmother.

In one instance the client helped the victim to escape because he loved her and wanted to be with her. This is not the first time we have come across this behaviour and while, in some cases, these may be genuine relationships, in other cases it can mean that the victim simply moves from one situation of exploitation to another.

## **4. When victims are not identified. What leads to “non-identification”?**

As important as noting how often missed identification takes place is a consideration of how and why this may occur. The nature of missed identification is a valuable measure of the identification process generally and anti-trafficking efforts more generally. As discussed initially in this paper, identification is crucial for victims to be able to access their rights. It is also worth noting that behind many episodes of missed identification lie *misidentifications*, whether as a smuggled person, irregular migrant worker or person in prostitution. These misidentifications can have subsequent consequences of deportation, arrest, prosecution, re-trafficking and other injuries to the individual. This, in turn, may contribute to diminishing trust levels, which may translate into victims declining identification and assistance at later stages. It may also lower the chances of self-identification as a victim later on. Patterns of missed or misidentification provide valuable information for improving the current system, highlighting shortcomings and which areas are most ripe for improvement.

In this section we will discuss which factors contribute to victims not being identified or not being identified successfully. Factors include the structure of the anti-trafficking response, the context in which identification takes place, the condition and state of mind of victims, preconceived notions about how a victim “should” look and behave, and the general political climate for identification, as some states may see it as against their interests to have high numbers of trafficking victims on record.

### **The structure of the anti-trafficking response**

The structural design of a country’s anti-trafficking apparatus is often a significant contributor to missed identification. In many countries there seem to be inadequate mechanisms for screening and identification in areas where victims might readily be identified - for example, amongst irregular migrants, asylum seekers and deportees. A study of identification and assistance in SEE (Surtees 2007: 78-9; 83-86) noted a number of instances in which staff in the asylum, immigration and migration structures did not have the skills or commitment necessary to identify trafficking victims. One minor from SEE who was trafficked into prostitution was later detained by authorities in the EU country where she was exploited, assessed as an irregular migrant, and deported. It was only when she arrived home – after some hours of being interviewed by law enforcement – that she was recognised as trafficked and referred for assistance.

Similarly, one adult male trafficked to the EU explained what occurred when he escaped his traffickers and approached the police for help:

I showed them the passport and when they saw that I didn't have a visa they put me in their police van. They stayed for another half an hour, waiting for something, and they took me to the police station... No, they didn't ask anything [about what happened]. They didn't ask who is with me or who brought me or how I got there. The translator told me only that if I want to stay here, to ask for asylum, they could give me a place where to stay. But I told them that I wanted to go home... [The next day] we were taken to the airport by police. There were seven or eight other people (Surtees 2007: 78).<sup>7</sup>

Some situations and settings seem to be particularly prone to cases of missed identification. In countries where law enforcement did not systematically screen for trafficking amongst deportees or prostitutes, we noted a high rate of missed identification. Consider the case of "Belinda," who was detained by the police in the country where she was exploited for prostitution. She was imprisoned for more than one month before she was finally screened and referred for assistance:

It was a long wait for me before to go to this organisation in [the destination country]. So I was in prison there. I can't say it was a long time for me because some girls can stay there for several years. The conditions were not good.

She also explained how, in her case, she had to proactively seek the intervention of the police, convincing them to take her situation seriously and to consider her a trafficking victim:

Yes, it is really very stressful. It is difficult because they don't believe and many girls that got there make up their stories. So maybe they try to check to see if the stories are really true but I just prayed to them to believe me. I even told them that I have some relatives in the police here and I prayed them to let me call home to call my mom. And so I even told them that I have an uncle here at the police and they believed me.

At first he didn't believe me because among us there was a girl who has already been to [that country] and already to police and she was also a victim. So firstly he didn't believe because he asked that girl why she got to [that country] for the second time.

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<sup>7</sup> The same study found that, in some situations, victims were identified as trafficked but nevertheless detained and arrested and often also deported. One woman described being detained for a number of days in pre-detention rooms in spite of having been recognised as a victim of trafficking. The authorities did not refer her for assistance but instead detained and subsequently deported her. Similarly, a group of women trafficked for sexual exploitation were held in a prison while giving testimony and statements and only upon completion of these legal proceedings were transferred to the shelter for trafficked women: (Surtees 2007: 84).

He beat all of us. I am not going to speak about that. But I managed to convince him.

Moreover, her experience illustrates that many victims may be missed entirely in such contexts. This is largely a function of how victims are viewed within the trafficking discourse (as worthy or unworthy of identification and assistance), an issue that is explored in more detail below. This perspective then informs how screening and identification procedures are designed.

As we have argued elsewhere (Brunovskis & Surtees 2008: 57), most institutional representatives recognise that the central issue in determining whether someone is a victim of trafficking for sexual exploitation is not whether or not she has consented to prostitution, but the presence of exploitation. However, another picture often emerges when exploring other topics. Focus shifts to whether the victim was “really” forced or whether she might have known that she would engage in prostitution. Consider this statement from a key informant, who explicitly stated that his understanding of trafficking conformed with the exploitation basis described above:

The majority of those that claim they are victims of trafficking went of their own free will and the reason they denounce the traffickers is that [the trafficker] broke their agreement. (...) We can't say that they are victims in the pure definition of the word. (...) They have not been grabbed and forced (Brunovskis & Surtees 2008: 57).

This quote illustrates how trafficking victims are classified as more or less justified, or even “pure” as stated above, depending on the degree to which they entered prostitution knowingly. This type of statement was not uncommon among respondents, both law enforcement and service providers.

In some countries, screening for foreign trafficking victims has been inadequate, whether in the asylum process, amongst irregular migrants or elsewhere.<sup>8</sup> In other countries, the focus of identification has been on foreign nationals (albeit generally in the prostitution sector only), to the detriment of local nationals. Anti-trafficking police units are often located within departments aimed at dealing with foreigners, with few links to other sectors where trafficking might be identified, such as domestic prostitution, job placement agencies, certain labour sectors and so forth. As mentioned in chapter 3, internal trafficking may not be prioritised for identification. Women and girls in this category were not systematically screened for trafficking nor offered the services and assistance available to victims who had been trafficked across borders. This was particularly evident in our interviews with 20 street prostitutes in Belgrade, where seven domestic prostitutes had clearly been trafficked and yet five of them had never been identified as such.

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<sup>8</sup> Cwikel et al. (2004) conducted research with women awaiting judicial hearings for deportation in Israeli detention centres, identifying trafficking victims within this population. Similarly in research amongst Cambodian deportees from Thailand the pilot study in 2008 found that 23% of those who were screened showed strong evidence of human trafficking (Olivie 2008: 8); the 2009-2010 study yielded a similar result of 23%, or 92 of 400 (UNIAP 2010). The study has since been replicated amongst Cambodian deportees from Thailand and Vietnamese deportees from China (UNIAP 2011, 2012).

This seems to largely be a function of the different law enforcement entities which are utilised in interactions with prostitutes as compared to those for trafficking victims, with different training regarding trafficking and different law enforcement objectives. In Serbia, for example, the anti-trafficking unit sits within the department of aliens, reflecting a clear orientation toward foreign trafficking victims. By contrast, responsibility for the prostitution arena lies with the public order police and, at the time of our fieldwork, there did not appear to be significant communication between the two departments. Treatment of victims by the public order police was rarely seen as positive. Most did not trust the police and would not approach them for assistance.

There are a range of different ways that criminal justice systems and government structures can be arranged to respond effectively to trafficking (see Gallagher and Holmes 2008). The critical component is that each country's response reflects the true and often evolving nature of trafficking in that country. Identification criteria within the anti-trafficking sector do not always keep pace with changes in traffickers' behaviours and methods. In SEE, identification is still largely oriented to women over men, sex trafficking over other forms of exploitation and transnational over internal trafficking.

## **The identification context is not conducive to information sharing or trust**

The situations in which many trafficking victims are identified are not necessarily conducive to identification and referral. Identification and the associated information referral and assistance options may take place in any number of complex situations.

Many victims were identified in the context of monitoring sex industry locations, such as clubs, bars, and restaurants. The screening of potential victims may take place in the site of exploitation itself, sometimes in the presence of the exploiter or other persons who are collaborating with the exploiter. In such conditions, victims found it difficult to speak, and were often too frightened to say anything in the presence of their exploiter (see for example, AI 2004: 24; Surtees 2007: 89-90).

Other victims were identified in the context of police operations, such as bar or brothel raids. These events in and of themselves can be stressful and confusing for victims and are rarely conducive to feelings of trust, comfort and safety, as one woman explained:

We felt fear when we saw guns, when they approached us. [There were policemen], a lot. There were federal police, then those from [the capital] and [another section of the police], plus inspectors, plus state prosecutor. We were in our rooms, with clients. They came, knocked on the doors. We didn't want to open. But, suddenly, they broke the door, they caught us in act. They took pictures (Surtees 2007: 90).

Some victims were initially arrested and only later screened for trafficking; some were in the process of deportation proceedings when screened. None of these contexts is

conducive to openness and comfort. In some of these settings, victims may also be detained and housed alongside their exploiters or persons who have assisted their exploiters, which can only serve to further undermine identification.

Some identification is done literally “on the run,” such as at an airport upon arrival or while providing transportation home. As one social worker explained of meeting returning victims upon arrival:

If they refuse to go to the shelter just to talk, [we] talk in the car on the way home, when giving them a lift to railway or bus and we provide money for the return home. We give our card with our name and things and tell them generally about the assistance programme and we try to find out, maybe the person planned something already like study or a profession.

The unconducive settings in which identification takes place can, in some circumstances, lead victims to avoid or reject identification. This issue of rejecting identification is also discussed in the next section.

## **Confusion and disorientation at identification**

Victims’ physical and mental state post-trafficking can further complicate identification. Many victims, having just emerged from trafficking, were frightened, traumatised and disoriented, which hinders victims from openly share their experiences. Victims were not always able to comprehend what was happening in the identification process and what they were rejecting or accepting as a result of it. This initial phase post trafficking can be very disorienting; victims described confusion when initially identified and while trying to make decisions about the next steps (Brunovskis & Surtees 2007; Surtees 2007: 61-62). Service providers often reported difficulties effectively communicating with victims at this stage:

We meet them after four to five days so they are not aware of who we are but maybe after some time, maybe they can understand. So we can’t be sure if they understand [at identification]. And they don’t have a clear picture of what they want to do.

They are scared, tired, exhausted, and hungry and don’t know what they want. They have no idea what they can get and we inform them but they don’t perceive it. It is a period where she still needs to rest, to recover from the trauma.

We also found that being able to understand the identification process may be tied to the specific capacities of individual victims. Victims’ comprehension capacity (linked to educational background, analytical and decision-making skills and/or level of literacy), language and cultural obstacles, and their lack of knowledge or experience with

assistance, all contributed to their understanding of what was being offered (Brunovskis & Surtees 2007: 79-86; Surtees 2007: 62).

That law enforcement is commonly involved in identification can further complicate matters. Victims may have had negative experiences with law enforcement at some stage during trafficking or they may originate from countries where there is a low level of trust in law enforcement and authorities generally. Social assistance agencies may not fare much better in terms of reaching victims, sometimes because of their psychological state, but also because many victims have had so little experience with assistance that they are not always clear about what exactly assistance would mean.

## **Language and cultural barriers**

As we have discussed in past studies, language and culture can constitute significant barriers to identification (Brunovskis & Surtees 2007: 85-86; Surtees 2007: 86-89). Consider, for example, victims' observations that language gaps were a contributor to their stress during identification:

I thought I would be re-sold again. I didn't understand anything in their language... I didn't feel safe... I needed a translator (Surtees 2007: 86).

I didn't feel scared when I heard [my language] spoken. But when I heard [the language in the destination country], I was always shaking... That is why I am glad that the police found people [speaking my language] (Surtees 2007: 87).

While a translator or cultural mediator can help to bridge some issues of comprehension, victims also sometimes felt stress and shame in relating their experiences in front of someone from their community, as one victim explained:

They wanted to communicate with me but I didn't want to. I was still feeling afraid. What I had been through. I didn't want to share it with anyone. It was my life, and all the more because of the translator, who was [from my country]. I thought my life is not her business (Surtees 2007: 97).

In other situations, victims felt poorly treated or judged by the translator. Equally concerning is that poor quality translation or cultural mediation can lead to miscommunication or failed identification.

Cultural gaps can also create barriers to communication, comprehension, trust, and safety. On the one hand, this can mean that victims are not identified; on the other hand, it may mean that victims do not accept identification.

## “Unworthy” victims

Some trafficked persons were not identified because they were not seen as “real victims.” This may be due to their behaviours and attitudes following exit from trafficking, such as hostility to being identified, which can lead anti-trafficking actors to question their victimhood. This may also be a function of appearance, behaviour and presentation, as one woman explained of her identification:

[The policeman] talked to other girls in our group and he talked to them about me. So he then found out that I didn’t smoke, drink, use bad words and he saw that my attitude to everyone was a different one. So girls there maybe they didn’t quite realise that they were in the police. They were dressed in quite an appealing way. But I, on the contrary, tried to hide myself. Maybe they don’t realise that they are supposed to be dressed in a more modest way when they were at the police. Maybe they thought that they were still at their work. Just for me I didn’t have much clothing there but I tried to cover my body as much as possible.

This feature is of particular relevance given that certain undesirable (“deviant”)<sup>9</sup> behaviours (like smoking, drinking, substance abuse, dressing provocatively, aggressiveness, cursing, etc.) may largely be a function of trafficking and its associated trauma. This also ignores the fact that victimhood does not hinge on being a good person, but rather on exploitation (Brunovskis & Surtees 2008; Surtees 2007).

Law enforcement sometimes questioned individuals’ victimhood when they had been abroad previously or had been re-trafficked. “Ana” explained how at first the police did not believe her to be trafficked because she was identified together with women who had been abroad before and thus, according to the police, were prostitutes and not victims:

He talked to other girls in our group and he talked to them about me. She then found out that I didn’t smoke, drink, use bad words and he saw that my attitude to everyone was a different one. So girls there, maybe they didn’t quite realise that they were in police. They were dressed in quite an appealing way. But I on the contrary tried to hide myself. Maybe they don’t realise that they are supposed to be dressed in a more modest way when they were at the police. Maybe they thought that they were still at their work. Just for me I didn’t have much clothing there but I tried to cover my body as much as possible.

So they didn’t believe them because two of the girls had already been there... So the two of us, there were three of us who have been to [that country] for the first time so two of us were crying and asking to take to the shelter, to be believed.

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<sup>9</sup> Deviant in this context refers to someone who is not perceived to satisfactorily conform with social norms and behaviours.

As we have noted elsewhere (Brunovskis & Surtees 2007: 46), it is worrying that female migrants who have been abroad before, and possibly engaged in prostitution through trafficking or independently, were not considered eligible for assistance. This indicates a sifting process, whereby only the most “worthy” or “innocent” cases are identified and referred on for assistance.

It is not only service providers or police who see the situation in this light; fellow victims also expressed negative judgements about women migrating again. A young woman who was trafficked and later assisted with education and vocational training explained how, after returning to her home country, she met a young woman who had been trafficked with her and was now trying to get documents to go abroad. We asked if she thought the woman was planning to migrate for labour or whether she was going back to a trafficker or for prostitution:

A: When I saw her [where I was trafficked], it was a surprise for me to see a familiar face but I was not surprised that *she* got there. I have known her since we were small, [...] and she had a bad reputation. That’s why I wasn’t surprised to see her there. [...] When we were in prison we talked and she said she wanted to continue her studies. And I said very well, let’s do that together [when we get back]

*Q: And when you met this girl, you said you ran in to her the other day; did you talk at all about this education programme?*

A: As for me, I don’t like to let people down, so I didn’t tell her. When I saw her, she was trying to get some documents for going to [the EU] and if I told her she could have said yes [to assistance], but she wouldn’t have come here and I didn’t want to let this organisation down. I don’t like doing that.

Her inference was that the other young woman was going abroad for prostitution, which appears to be based on her alleged bad reputation and family background. What is not clear is whether she was actively sifting or whether her decision not to tell the other woman about assistance was based on signals she had been given from the organisation about what kind of persons they assisted (Brunovskis & Surtees 2007: 46-47, see also Brunovskis & Surtees 2008).

## **Unwillingness to talk about their experiences**

In certain situations, victims’ own unwillingness to discuss what has happened to them can lead to missed identification. Identifying actors face certain inherent difficulties in navigating such situations, while trying to encourage the openness required for identification. That being said, some victims seemed unaware that relating their

trafficking experience entitled them to stay, at least temporarily, in the country of destination. As a result, many did not tell the authorities their full story. One young woman identified in the EU applied for asylum, but did not mention trafficking; she explained her situation as follows:

No, I didn't want to talk with anyone about my problems. I was asking only to make my papers and it didn't pass in my mind to tell anyone about my trafficking experience and no one asked me (Surtees 2007: 78).

This also illustrates how a lack of screening procedures amongst some groups, such as asylum cases or irregular migrants, can lead to missed identification.

## **Less considered forms of exploitation; less identifiable victims**

Some victims go unidentified because identifying actors lack the skills and awareness to recognise them as trafficked. As discussed above, a number of street prostitutes who were internally trafficked were never identified as trafficked by the law enforcement authorities working in this arena. This coincided with the overall framing of trafficking as an issue of foreign women being trafficked into the country, rendering nationals in street prostitution less noticed or identifiable.

Identification problems are likely to be particularly pronounced in settings where there is a high rotation of staff. One anti-trafficking professional outlined this challenge to identification as follows:

A: Since the [national] government has changed [since last election], we've faced disorder. So, at the border points, police have been rotated. I'm completely certain these police are unable to identify victims of trafficking. They are unqualified and are with non-police qualifications and are not able to identify them.

*Q: But with internally trafficked victims, wouldn't it be the internal police who should be investigating or identifying internal victims?*

A: All police structures have been replaced—not only the border police... This hardship and lack of ability or efficiency takes place from the higher levels of the police all the way down. If the [government] hadn't replaced the police, it would have been better, since they were trained and had learned about the situation.

Not only are some victims less identifiable; some forms of trafficking are less recognised. One study in SEE documented numerous instances where victims were not identified, in spite of directly approaching individuals who should have been able to identify them and refer them for some form of assistance. This included an elderly blind woman, who was trafficked to and exploited in the former Soviet Union for begging for

sixteen years but was never identified, despite having come into contact with (and being detained by) police at various stages of her exploitation; a number of men trafficked for labour who directly contacted and requested assistance from authorities including police, border guards and medical professionals; and an older woman exploited for begging abroad who sought the assistance of border guards and customs officials after escaping her trafficker, but who was instead detained and interrogated (Surtees 2007: 79-82). In a similar vein, Brennan (2008) argues that the focus of anti-trafficking efforts in the United States on domestic youth prostitution undermines the broader effort to fight the trafficking of foreign nationals in industries other than sex work. The low numbers of individuals found thus far in forced (nonsexual) labour nationwide have been, in part, a consequence of not looking.

## **The politics of identification**

Limited identification may also have political dimensions. When high numbers of trafficked persons are taken to mean a lack of government effort in counter-trafficking, governments may seek to reduce the number of victims reported as trafficked to, from, or through their country. Anti-trafficking professionals we interviewed noted this as an inhibiting factor in their work. Social workers from one origin country in SEE explained how there had been a push from within the government to limit identification because of the reputation they had acquired as a high source country for trafficked persons:

You should understand that a person who has been forcibly deported tends to speak badly of the police. This doesn't mean the EU police exercise violence but they show indifference—without trying to identify victims. If a victim is identified in a destination country, it's easier for them, and there are different supports available. Not only EU police but also the [national] border police don't identify victims. The counter-trafficking fight constitutes a condition for [our country's] accession to the EU. Since victims aren't identified by EU police, then, [national] police don't identify them either—so, they hide them as illegal migrants to reduce the number due to the EU accession question.

In previous years, police were more interested in identifying victims—but in the last year, there is less interest and a preference of classifying them as illegal migrants. They prefer to hide it with EU accession—so that [our country] can still enter the EU. Our report on the first three months of 2006 shows a 50% reduction [in cases].

Within SEE, trafficking statistics are also an issue in EU accession standards, which countries may seek to fulfil by creating an illusion of addressing the problem and lowering their trafficking numbers.

This is not an issue restricted to origin countries. Destination countries, including EU member states, have failed to identify trafficked persons, deporting them instead, which at least one anti-trafficking professional felt might be politically motivated:

Why don't destination countries want to highlight this problem? There are many conventions and Protocols to assist and they are obliged to assist but they deport them since it's easier. Let's talk about trafficking victims deported from [EU countries]—they're deported unaccompanied.

Law enforcement officials also expressed some frustration with how identification could be impeded by differing national prioritisations of trafficking, including the EU and the international community. In relating a case in which the police had sought the cooperation of a neighbouring (now EU) country, one police officer expressed frustration with the lack of response and, as he perceived it, commitment:

The traffickers were transiting through [that country] where the [national] police have poor cooperation with that police force. Every time a country enters the EU, they forgot about trafficking. We were informing our colleagues [from that country] but they weren't interested.

## 5. When identification isn't enough

While identification of trafficked persons is vital, it is by no means a panacea. Many trafficking victims have been identified and yet, for various reasons, have not come into the assistance and protection framework. There are many reasons for this, not least being that the options and opportunities afforded by being identified as trafficked do not fulfil their needs and aspirations. This section explores situations when identification of trafficked persons is not enough to bring about an appropriate intervention or assistance and, in even more extreme cases, does not lead to an end to trafficking. In many cases, there is more than one factor at play; trafficking victims may reject identification for multiple reasons or for different reasons at different stages. Addressing these various factors and contributors is of vital importance in an effective identification process and, by extension, anti-trafficking response.

### Identification doesn't lead to assistance or even an end to trafficking

The anti-trafficking response assumes a linear process, with a series of requisite steps. That is, once a victim is identified, they will be referred for assistance and then receive the services and support they require for recovery and reintegration. In reality, the path is not so linear. Victims may be identified by anti-trafficking actors but this identification does not always allow them to leave their situation of exploitation and/or lead to assistance and protection measures.

The case of “Juliana” is illustrative of both situations. “Juliana” was trafficked into street prostitution in the EU where she came into contact with outreach workers who recognised her as trafficked and offered her escape and assistance. She was afraid to leave because the trafficker had previously threatened her and her sister. She decided to go back to the country where she was exploited and try to pay off the debts that he told her she owed him, an amount of 10,000 Euros. A complicating factor was that “Juliana” was in love with her trafficker. The combination of emotional attachment and fear led her to return to the country of exploitation after turning down what was, by most standards, an attractive offer of assistance in a third country.<sup>10</sup>

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<sup>10</sup> One of the authors recently met again with “Juliana”, now many years after her trafficking exploitation and also four years since our first interview with her. She not only accepted assistance upon her return home but has since completed the programmes. This illustrates how decisions about identification (and often also assistance) can be influenced by time and circumstance, making it important that later entry

We have come across other instances when identification did not function as a segue to exit and assistance. It is one thing to be able to identify trafficking victims; it is another to translate that identification into appropriate response and intervention. Whether identification leads to exit or assistance is often determined by the victims' individual situation.

For example, when we found previously unidentified cases of trafficking through interviews in the street prostitution sector, we discussed various options and opportunities for these individuals with the outreach organisation that conducted the interviews and which had long standing relationships with the individuals. Outreach workers discussed these options with respondents, offering both trafficking-specific assistance and more general social assistance options. None accepted the assistance offered, apart from those services already being provided by the outreach organisation. After some months we followed up again with the outreach organisation, asking them again to communicate the various assistance options to these unidentified victims. Once again, none accepted this assistance.

This appears largely to be a function of their profound lack of trust in authorities and the assistance system. Another feature was that some individuals had previous, negative experiences of assistance. One victim, who had been taken at one stage to a shelter for minors, described unpleasant staff and having her belongings stolen by other residents. She also had a longstanding mistrust of the police from her experiences in street prostitution. Another prostituted youth explained that she would only accept help from the outreach workers who assist prostitutes in the capital. For her, there was only one outreach worker who she really trusted:

“I have very good relations with [the outreach worker], I like her and I like to talk to her. Now when the other women come to give condoms I do not talk to them, I always talk only to [that outreach worker]” (Brunovskis & Surtees 2007: 116).

It isn't always enough to simply identify victims. In some cases, there is a significant disconnect between identification and assistance. If and how identification leads to an exit from trafficking and the provision of assistance is neither obvious nor direct.

## **Why some victims reject identification**

In some cases, victims declined to be identified, rejecting the designation of “trafficking victim” or the procedures that went along with it. Seven of the 43 women and girls we interviewed had, at one stage, rejected identification as trafficked persons. In addition, a number of other victims described how they contemplated rejecting identification at

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points for identification be made available as well as information about identification and assistance options that would encourage self-identification.

one stage in the process.<sup>11</sup> Better understanding and addressing reasons that victims reject identification could hold the potential for increasing identification and self-identification of some victims. These reasons are explored below.

Identification was generally not seen as a positive for those who had found ways to manage and cope with trafficking – for example, persons in less exploitative conditions, those who had been able to save or remit some money, those whose material conditions while trafficked were better than at home, persons who had already made plans for escape but planned to remain abroad and those who had forged relationships with a client and intended to marry and remain abroad (Surtees 2007: 95-96).

One woman explained how she was planning to return home and that identification wreaked havoc on her plans. While initially trafficked, she had eventually negotiated her departure with her trafficker and was soon to leave for home with a set amount of money. Identification meant that she would not be paid by her trafficker and her return home was significantly delayed because of a long shelter stay. When interviewed, she was still in a shelter awaiting return, several months after her intended departure:

Why did everything end up like this? They disturbed me. I planned to go home in August. I didn't want to stay longer. But everything happened so suddenly... Yes, it spoiled my plans. I planned to stay little bit longer... But the police found me first (Surtees 2007: 96).

Similarly, in other instances, identification did not, on balance, offer a better alternative to the victim's exploitation. That is, perceptions of exploitation are subjective and contingent upon what one can compare one's situation to. People may accept exploitation if they are sufficiently compensated and the alternative seems worse. This is one of the reasons that the inclusion of "abuse of a position of vulnerability [...] for the purpose of exploitation" in the international definition of trafficking is so crucial. For instance, a very poor woman returning from forced prostitution talked longingly about how when she was abroad there was always food, "even chicken". Research with individuals in forced labour found that victims resisted identification for fear of being deported and losing the possibility of earning money (Brennan 2010: 142). While many trafficking victims received no money, others did receive some payment, though usually very small.

Some victims rejected identification because, in spite of their previous trafficking exploitation, they planned to return abroad again. This is largely unsurprising, given that the desire to work and earn money abroad, combined with the lack of opportunity at home, was generally what led to their vulnerability to trafficking in the first place. Other victims returned abroad to continue a relationship which they had started while abroad, during or following trafficking. Service providers explained different patterns they saw in their work:

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<sup>11</sup> For more details about why some trafficking victims reject identification and assistance, please see Brunovskis & Surtees 2007.

The main reason [they refuse] is because they want to return again abroad. The cases that the [foreign] police brought here, they requested to go back again. They were returned [home] by force. They didn't return of their own will. So if they were returned by force then it is known that they are more willing to go abroad again—because of unemployment problems, economic difficulties. They also have difficulty to understand the services you are offering.

Another reason for rejecting identification was that it involved, at some level, acknowledging the gravity of what had happened. This in itself may be a difficult hurdle to overcome, given that a natural defence mechanism for traumatic experiences is repression and denial. One woman recruited by someone close to her family was subjected to extreme violence and degradation while trafficked. When interviewed she was still suffering from resultant physical injuries and was not able to work. Her recruiter still lived nearby, a considerable source of stress to her. But she did not intend to report this person to the police because, as she put it: “I just want to be a mother”. This may be read as a desire to leave her traumatic past behind, excluding it from her identity and choosing the more positive identity of a mother. Key informants confirmed that many victims who were heavily traumatised after brutal trafficking experiences declined identification and assistance in an attempt to “just leave everything behind them.” That being said, in some cases this decision evolved over time, and some trafficking victims accepted assistance at a later stage, when they were unable to cope on their own.<sup>12</sup>

Others avoided (or tried to avoid) identification, wanting only to go home and try to recover. As one victim explained of her return:

...I simply did not want to be tormented with questions... I didn't want to talk to anyone. I was in a state of depression. I didn't have anyone to talk to... But I didn't want to talk about what had happened to me [abroad] (Surtees 2007: 65).

Another key issue is that identification meant being designated a trafficking victim. But the identity of trafficked person is multifaceted and holds seemingly contradictory elements. On the one hand, they may be stigmatised as prostitutes or failed migrants; on the other hand, they may be seen as a victim. It is not an easy role for individuals to assume (Brunovskis & Surtees 2007: 135-141).

While some difficulties related to the term “trafficking” itself, others were uncomfortable with being a victim. “Sandra” displayed discomfort not only when describing her traumatic experiences abroad, but also when she described receiving assistance. Sandra was in her 50s, had an alcoholic, unemployed husband and was effectively taking care of her children and her ageing mother-in-law on her own. She took great pride in having been able to fund her sons' studies. When she talked about

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<sup>12</sup> This makes clear the need for the distribution of written material at identification about assistance options as well as contact details for organizations for follow-up as needed. This information needs to be age appropriate, comprehensible, calibrated to education and literacy levels of the target group, in relevant languages, etc (Brunovskis & Surtees 2007: 75-78, Surtees 2007: 72-77).

accepting assistance, she underlined that she only accepted it when she realised that her daughter could also receive some medical assistance and that she would be able to first harvest her vegetables to secure her family's winter food supply. For Sandra, whose main purpose was to care for others, it was difficult to need assistance. Assuming a victim identity may be experienced as relinquishing agency or surrendering a positive self-image as provider or caretaker<sup>13</sup> (Brunovskis & Surtees 2007: 143; see also Surtees 2007: 95-97).

For some victims, identification was confusing and unclear. Many had only just been released from trafficking, were still traumatised and/or physically unwell, were communicating in a foreign language across a cultural divide, and were interacting with authorities they did not know or trust. Victims generally reported not fully understanding what was being offered to them, particularly when initially identified (Brunovskis & Surtees 2007: 75-86; Surtees 2007: 72). When victims do not understand the identification process, they may be more likely to refuse to be identified as a trafficked person.

Trust was a key basis for why many victims accepted or declined to be identified and assisted. When trust was lacking, victims were more likely to reject identification; when trust could be fostered they were more open to identification and, by extension, assistance (Brunovskis & Surtees 2007: 113-122). Many victims were suspicious of what they were told and promised at identification. For some, this was because they had never been exposed to assistance opportunities, others because of past negative experiences with assistance. One victim explained that when she was identified as trafficked (rather than as an irregular migrant sex worker), she was offered the assistance which would go along with this status - i.e. shelter, assisted return and reintegration support at home. Nevertheless, she chose to go to prison for one month and to be deported as an irregular migrant. With prison she knew what to expect but identification and assistance (including shelter in a foreign country) was an unknown entity, a "leap of faith" (Brunovskis & Surtees 2007: 113).

Victims also did not trust that the identification offer was real and would lead to assistance, not least because this was frequently what they had been told by their traffickers. Many traffickers warned victims that they would be arrested, imprisoned and deported should they come into the hands of the police, a persuasive argument for individuals who needed to earn money. In addition, some victims feared that identification was a ruse and that they would be re-trafficked. Indeed there were aspects of the identification and referral process which mimicked how many victims had been recruited by their traffickers - i.e. promises of a better life, moving to another location and offers to provide any help they needed (Brunovskis & Surtees 2007: 92; Surtees 2007: 60-61).

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<sup>13</sup> Some victims particularly struggle with the victim identity. Trafficked men often find the terminology of "trafficking victim" and the social construction that it entails to be extremely problematic. Many ultimately reject it, as illustrated by one former male victim: "I think that any man will not like this word attributed to him. It sounds more like a comic insult. People around him can mock him, especially if these men are young, without any life experience and who don't realize the possibility of men's exploitation (Surtees 2007: 97, see also Surtees 2008b).»

Maltreatment and insensitivity by identifying actors constituted another reason to reject identification. Many victims we have interviewed in past research have stressed the importance of the sensitivity of anti-trafficking professionals, often juxtaposing this with the insensitivity they had experienced elsewhere. One victim described her interactions with identifying actors as such:

It was obvious that they didn't care how I was feeling. No one can really understand what happened with us and how we feel. Only a person like us knows what it means to suffer, what we have suffered (Surtees 2007: 93).

Declining identification may be temporary for some victims. Victims made different decisions about identification (and assistance) at different stages of their post-trafficking life and in response to different factors – i.e. their specific situation at a given time and the obligations that identification involved (Brunovskis & Surtees 2007: 27-32). To reject identification initially may not be definitive and it is important to develop ways to ethically and confidentially follow-up with trafficked persons, to provide identification and assistance options at a later stage (Surtees 2007: 99).

## **Assistance isn't a solution, so why identify?**

There are different reasons why victims declined to be identified, largely connected to shortcomings in the assistance offered to them. As such, rejecting identification is closely related to declining assistance; an issue we have discussed in more detail elsewhere (see Brunovskis and Surtees 2007, 2012d). Essentially in studying why some trafficking victims declined assistance, we found that one main reason was because of problems in the assistance model. The assistance on offer was often not in keeping with the victim's individual needs (e.g. the need to earn money for the family or to pay off migration debt, the desire to return home rather than stay at a shelter, the assistance needs of family members, etc.) or the conditions of assistance were not satisfactory to the victims (e.g. closed shelters, restricted freedom, limited contact with persons outside the programme, rigid rules and restrictions, etc.). In addition, a handful of victims did not have assistance needs or were able to meet their needs through other support mechanisms, whether family or community support or non-trafficking services. Given that the main rationale for accepting identification is that it will lead to some form of support, it is logical that victims decline to be identified when the available support was inappropriate or unnecessary for them.

Many victims also feared their traffickers and worried that contact with authorities through identification would be seen as collaborating and lead to reprisals. As one victim explained: "They're scared to accept, maybe because of bad stories they've heard. They are afraid of the bosses, that they will find them and kill them". Service providers echoed this concern:

If the trafficker knows she is assisted, he might fear that she might pursue legal proceedings. Sometimes, victims of trafficking even say, “I did it myself” because they’re afraid of the traffickers.

## **Identification is publically identifying**

In many settings, being identified and assisted as trafficked may “out” trafficked persons to their family, friends and the wider community. This can result in rejection, discrimination and stigmatisation.<sup>14</sup> One service provider explained the situation as follows:

This is about not wanting to be identified. If she accepts to be assisted then others will know and they thinking that they will be prejudices against her... This is not a shelter for trafficking but because of violence and because of the mentality of [our country] not to be so direct on the topic. We are not living in [the capital] where people don’t know each other. This is a small town and people all know each other and so we chose to avoid having them face prejudice.

One victim explained her rejection of identification and assistance:

I got married recently and my husband doesn’t know about the things that happened and I won’t tell him about that. So to receive assistance, my family will know.

This particular woman further explained that she had been reticent to meet with us and had done so against the advice of her mother, who was the only person in her family who knew about her trafficking experience:

Even now when waiting here...for you to meet me, I was thinking it is a small city and if someone comes from an organisation so if they see me and then they know them and they are acquaintances of mine. It can be unpleasant.

As such, identification may come at too high of a cost for some victims, offering more problems than solutions.

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<sup>14</sup> While the most obvious source of stigma for trafficking victims is social norms attached to prostitution, another, perhaps less striking but still important, source is failed migration. Further, causes of stigma are not distinct but rather are mutually reinforcing. When women returned with little or no money this was difficult to hide and, at the same time, the failed migration may be associated with having been trafficked and working in prostitution. The balance for returning female migrants is a fine one, as returning with what people may perceive to be too much money may cause the same result—having earned a lot of money can mark someone as a (successful) prostitute (Brunovskis & Surtees 2007: 128).

While there are certainly some contexts and settings which allow for more confidential identification (e.g. through police or social workers abroad), many victims returned home or came into contact with anti-trafficking professionals in more visible and potentially identifying ways. One service provider explained how often first contact with victims was at the airport upon arrival, in the presence of family and friends:

Sometimes there are relatives in the airport and they are afraid to tell the whole story and then they refuse to come with us. Usually they say that they have been in jail or else how to explain that she did not send money or call?

Victims can also be “outed” to family, friends and community in other ways—through outreach in communities, police inquiries, or association with specific anti-trafficking organisations.

Concern about being outed is linked to public stigma—of the individual but also because the stigma can spread to the family as a whole. One returned victim explained how her family rejected her because they were fearful that her cousins would not be able to get married due to the shame she had brought on the family. Stigma can also attach to communities. Some organisations noted cases when community members refused to admit that returned, trafficking-identified women were victims of trafficking because of the shame it would bring to the community. One organisational staff member working in these communities explained:

We have known cases where they didn’t accept the women were trafficked, where the community refuses to hear bad words about their community. But the community refused to admit just because they want to have a healthy reputation among other villages, because it is quite a shame for them.

Stigma attached to trafficking, and particularly to any association with prostitution, is significant for individuals, families and communities and can have severe consequences, seriously impeding their reintegration and recovery. In another paper in this series, we discuss the impact of trafficking-related stigma, both when victims are exposed as trafficked and when they try to keep it a secret. In both cases, stigma has a substantial influence on victims’ quality of life and their social relations (see Brunovskis and Surtees 2012a and 2012b)

## **The influence of family and community**

Discussions of victims’ behaviour too often take place in a vacuum, without due attention to the role family and community plays in this process. Our respondents made clear that decisions about identification and assistance and an array of other life choices were influenced by others in the victims’ social environment, particularly family members. While this discussion focuses on the reasons why individual victims’ may

reject identification, the role of family and the wider community in such decisionmaking cannot be ignored.<sup>15</sup>

How the family and broader social environment influences decisions around identification can vary substantially. In some cases, it was through the intervention of the family that trafficking victims were first identified. A particularly compelling case was that of “Katarina”, a minor sexually exploited in the FSU. It was her mother who fuelled the actions that led to her identification and it was because of her mother’s trust in the individuals and institutions involved that “Katarina” agreed to be identified and assisted.

In other cases, family members pressured victims not to be identified, often because they didn’t understand or trust the assistance framework. One woman’s family did not see the value of assistance, never having benefited from such interventions in the past. Another victim eventually accepted, but was initially discouraged by her mother from doing so because she was suspicious and afraid that her daughter would be ill treated (Brunovskis & Surtees 2007: 83). Pressure to reject identification may also stem from a fear of a family member being visible as a victim or prostitute, as discussed above.

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<sup>15</sup> For further discussion of the role and influence of family in victims’ post-trafficking lives, please see Brunovskis & Surtees 2012a and 2012b.

## 6. Conclusion

Identification is a key starting point for protection measures. It is central in ending trafficking and facilitating access to assistance and protection. Commonly, it is the first step in ending a trafficking experience. Failure to identify victims of trafficking may lead to their deportation from destination countries where they lack legal migrant status, prosecution for crimes or misdemeanours associated with trafficking and not being granted their rights as trafficked persons under international conventions.

It is critical that anti-trafficking actors have the capacity, skills, resources and commitment to focus on this essential task. Our respondents' encounters with professionals indicate a widespread lack of identification skills and knowledge, leading not only to missed identifications but also, in some cases, to victimisation and abuse at the hands of traffickers or even the authorities. The complex nature of human trafficking means that, even in cases where authorities are adequately trained and skilled, identification may still be difficult. Not all trafficked persons find it in their interest to be identified and they may go to great lengths to avoid or reject identification.

One of the main challenges in undertaking effective identification is that we typically find only what we are looking for. The tendency to look for trafficked persons who fit a particular, widely understood image of "trafficking victim," leads to less emphasis on seeking out atypical trafficking victims. In this vein, we found an alarming trend of internal sex trafficking victims being seriously under-identified, despite frequent contact with the police. In fact, not only were many respondents in this category not identified, they were also subjected to repeated abuse and harassment on the part of those authorities that should have helped them.

Non-identification is not only about internal trafficking into the sex industry. Rather, internal sex trafficking cases is just one example of what we might call "less identifiable" or "less considered" victims and forms of trafficking. Other examples include men and boys, elderly persons and older women who may be trafficked for different forms of labour, including begging, agricultural work, or crime (Surtees 2007: 77-83). This raises important questions about the prevalence of non-identification for less prioritised forms of trafficking and for less common categories of victims. If "identifiable victims" so frequently go unidentified, then how often do atypical victims slip through the net?

An inherent challenge in identifying trafficking victims is the lack of a clear and consistent definition as to *who* is a victim. This may also, in part, explain the tendency to identify primarily those who fit the most common understanding of a "trafficking victim." Determining whether a person is in fact a victim can be an extremely complex and time-consuming process (Gallagher 2010: 277). Identifying trafficking victims presupposes a high level of knowledge about the nature of trafficking. Current and previous efforts to develop effective field decision-making models, such as through indicator lists, have largely been based on assumptions about victims and trafficking

rather than fact. As such, these may have contributed to cementing existing ideas and stereotypes.

The ability of identification to have a real effect rests on there being something beneficial for the victim at the other end. Not all victims require or even want assistance, but it is crucial that those who need and want help are able to access it. Some of the reasons that victims may decline identification lie in the assistance set-up itself, where it fails to meet the needs of potential beneficiaries. Self-identification relies on the belief that seeking help will actually matter and will bring about positive change (Brunovskis 2012). Continued efforts to tailor assistance options to the needs of victims are central to increasing the number of victims who self-identify. At the same time, identification demands an active approach, and actors who are likely to come into contact with victims must be equipped with the skills and competence necessary to perform this vital task.

## **7. Policy and programming recommendations**

Reasons why identification is successful or missed differed from case to case and situation to situation. It is crucial to pay close attention to why and when the identification process was successful and, equally, when and why it did not function optimally. In this paper, we have identified a number of features which caused or contributed to problems in the identification of trafficked persons. Addressing such issues can have a significant and immediate impact on identification success. The recommendations outlined below summarise these issues, highlighting what actions should be prioritised in improving victim identification.

### **Evaluate identification procedures to ensure relevance in the current context**

In some situations, unsuccessful identification may be a function of *who* is identifying victims; in other cases, it may be a function of the types of victims that are recognised and assumed to be present. All actors and agencies involved in identification should regularly evaluate their identification procedures to determine whether they are consistent with the current trafficking context, including forms of trafficking, types of victims, sites of exploitation, changes in traffickers' behaviours and the like. Anti-trafficking structures should consider what individuals and institutions may come into contact with victims – for example, in the asylum process, deportation proceedings, prostitution arena, labour sectors, at borders, etc. This requires regularly addressing the professional capacity and referral procedures within these structures.

### **Develop realistic and appropriate indicators for identification**

The development and use of indicators should be driven by an analysis of a wide variety of real cases. The lens should be expanded to include less-known profiles of victims - not only women and girls but people of both sexes and all ages, nationalities and circumstances. Failure to expand and elaborate on indicators can reinforce assumptions about who is trafficked, which potentially limits access to identification and assistance for large numbers of atypical trafficked persons. Each indicator must be tested against real cases and situations. The use of indicators should always be a dynamic process, with indicators being constantly reconsidered, evaluated and updated.

### **Regularly assess cases of successful and unsuccessful identification, in different settings and over time**

The reasons why identification is (or is not) successful are particular to individual cases, in unique contexts and at particular times. It is vital that cases of both successful and unsuccessful identification be analysed, including what factors contributed to each outcome and what could be done in the future cases to improve identification. For

example, an analysis of cases of missed identification can signal potential entry points for change and which institutions can most readily utilise those. Considering why some victims reject identification can go a long way in understanding what aspects of interventions need to be improved on. Actors involved in identification should integrate an on-going assessment of successes and misses into their identification work and seek to learn from the results of their day-to-day work.

### **Training and sensitisation of identifying actors**

Identifying actors need the skills and sensitivity to identify a wide range of victims. They should come from a wide range of sectors and be trained in identification, to decrease the likelihood of missed and unsuccessful identification. This requires considering all prostitution arenas (e.g. indoor and outdoor, those populated by both foreigners and nationals) as well as a wide range of labour sectors (e.g. construction, factory work, agriculture, domestic work, fishing, food processing, etc.) Sensitivity is a critical concern, given that many victims describe the initial interactions after trafficking as confusing, stressful, and difficult. The likelihood that identification will lead to some form of assistance is enhanced where victims feel safe, comfortable, fully informed of their options and are able to trust the identifying actors. Training should be aimed at individuals likely to come into contact with trafficking victims and should be consistent across different actors.

### **Identification is a process that needs cooperation and coordination**

In many cases, identification is not a question of one single identifying actor or institution. Rather, identification is often a process that involves a number of parties. Self-identified victims may reach out to any number of institutions, including law enforcement, social assistance agencies, medical practitioners and so forth. Even when law enforcement is the first point of contact, it is by cooperating with social assistance agencies that the most effective and sensitive identification and referral procedures generally take place. Creating strong, open connections between these actors is essential. Building trust between different institutions and actors will be a crucial part of this process. A common understanding of what trafficking is, and who is a victim, will greatly ease the process for trafficked persons.

### **Consider the impact of external factors on identification**

Identification is informed by a range of external factors. These include government and civil society's commitment to address trafficking as well as political pressures and agendas which underpin policy decisions. When looking at how identification takes place in a particular setting or country, it is important that the results (e.g. high numbers, low numbers, attention to certain forms of trafficking, more foreign victims than domestic) are analysed with this in mind.

### **Research and analysis should include unidentified victims**

Identified victims are only part of the trafficking picture. In many cases, victims who go unidentified will have different experiences and needs that those who were identified.

Anti-trafficking professionals (policy makers, practitioners, and researchers) should be sure to also consider the characteristics, experiences and needs of those victims who are never identified or who reject formal trafficking identification. Attention to these types of cases is vital to increasing opportunities for the identification of a wider range of trafficked persons.

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# Out of sight?



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Fafo-report 2012:28  
ISBN 978-82-7422-895-5 (paper edition)  
ISBN 978-82-7422-896-2 (web edition)  
ISSN 0801-614