

**Restoration of Sexually Exploited Human Trafficking
Victims: Stakeholders' Contribution through the Means of
Compensation, Rehabilitation and Guarantees of Non-
Repetition in the Netherlands**

Master thesis: Victimology and Criminal Justice

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Abstract

This study explores how different stakeholders in the Netherlands contribute to the restoration of human trafficking victims of sexual exploitation's well-being through the means of compensation, rehabilitation and guarantees of non-repetition. In doing so, the services provided by these stakeholders as well as the challenges they may face in trying to achieve victim restoration are discussed. Furthermore, various factors are highlighted that may facilitate the process of restoration of immaterial and material damages, such as how the professionals collaborate together with other workers combating human trafficking for sexual exploitation and assisting its victims. Additionally, the study explores how accessible information on remedies is for sex trafficked victims along with the importance of adequate training of professionals. Ultimately, it finds that the stakeholders contribute to the restoration of a sex trafficked victim's immaterial and material injuries in various ways through the means of compensation, rehabilitation and guarantees of non-repetition. However, the process of restoration is complex and there is room for improvement in the methods currently used. It is necessary for the stakeholders to develop an understanding of the full spectrum of victimisation that these victims often experience and to apply individual needs assessments in order to ensure that the assistance and support provided matches the specific needs of each victim.

Acronyms

EU	European Union
MS	Member States
NGO	Non-governmental organisation
UNODC	United Nations Office on Drugs and Crime
UN	United Nations
HT for SE	Human trafficking for sexual exploitation
ILO	International Labour Organisation
PTSD	Post-Traumatic Stress Disorder
ICAT	Inter-Agency Coordination Group against Trafficking in Persons
COA	Central Agency for the Reception of Asylum Seekers
CoMensha	Coordination Centre for Human Trafficking
IND	Immigration and Naturalisation Service
CSG	Centrum Seksueel Geweld
VOCF	Violent Offences Compensation Fund
GRETA	Group of Experts on Action against Trafficking in Human Beings

Chapter 1: Introduction

Human trafficking is a global phenomenon that exists in almost every country, both domestically and across borders (UNODC, 2012). Victims of this kind of crime are often exposed to extreme violence, coercion, abuse and exploitation to the extent that it is considered as a contemporary form of modern-day slavery (Allain, 2013). Human trafficking can take place for several reasons, including for sexual exploitation, labour exploitation, forced organ removal, to exploit minors and for the intentional profit from exploitation of other persons, to name a few (UNODC, 2012). No matter the form of exploitation, however, the principal goal of human trafficking remains the same, namely, financial profit (Cusveller & Kleemans, 2018). According to the Dutch National Rapporteur (2018), human trafficking for sexual exploitation (HT for SE) is the most common form of human trafficking in the Netherlands. It is also the main focus of this study.

Due to the gross violations of human rights accompanied by exploitative acts, it is critical that all trafficked victims have the right to access adequate remedies in order to, as far as possible, redress any human rights harm caused (ICAT, 2016). A victim-centred approach and good victim support are important measures that can help prevent victims from falling back as prey, to protect victims from their predators and to help restore their well-being (ICAT, 2016).

As stated in the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (hereinafter: Basic Principles), a victim of human trafficking has the right to a remedy and reparations due to the gross violations of international human rights (UN General Assembly, 2006). In accordance with Principles 19, 20, 21, 22 and 23 of the Basic Principles, full restoration of a crime should include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, whenever deemed appropriate (UN General Assembly, 2006).

The purpose of this narrative study is to explore what measures and actions that stakeholders working to support sexually exploited human trafficking victims in the Netherlands are currently taking to provide compensation, rehabilitation and guarantees of non-repetition for victims of HT for SE. While the concept of remedy is extensive (Gallagher, 2018), this study does not explore the two remaining restoration methods – restitution and satisfaction – as this would have required a larger research effort and more time. It is hoped that this study will shed light on gaps in the literature within the field of HT for SE in need of more research.

In order to meet the ambitions of this research project, professionals working to combat HT for SE and assist the victims were interviewed. In total, four interviews were conducted. One of the interviews was with professionals working with unaccompanied minors entering the Netherlands. Another interview was with a compensation fund working with victims of violent crimes. Furthermore, one representative from the Dutch National Rapporteur was interviewed. Lastly, a psychologist specialising in psychotrauma treatment and psychosocial support for many vulnerable individuals was also interviewed. As one may notice, the stakeholders play different roles. The aim of the interviews was to gain information on the different actors involved in assisting victims through compensation, rehabilitation and guarantees of non-repetition in the Netherlands. Moreover, the relevant services provided by these stakeholders to promote the restoration of victims' material and immaterial well-being were explored.

Furthermore, this study will draw special attention to possible challenges faced by stakeholders trying to achieve their goals as well as how the professionals collaborate with one another in order to make the process more efficient. The paper is structured in reference to relevant international and national legal frameworks that shape the Dutch law on HT for SE and touches upon how these regulations are used in practice.

My research question for this project is: how do stakeholders working with human trafficking victims of sexual exploitation in the Netherlands try to contribute to the restoration

of victims' immaterial and material damages through compensation, rehabilitation and guarantees of non-repetition?

The following are the three main sub-questions that will be examined throughout this paper: 1) How does the Netherlands provide for compensation, rehabilitation and guarantees of non-repetition?; 2) What are the challenges stakeholders may come across in trying to promote restoration through the provision of compensation, rehabilitation and guarantees of non-repetition?; and 3) What factors facilitate the stakeholders' contribution to the access to compensation, rehabilitation and guarantees of non-repetition?

The first chapter gives an in-depth discussion of the concepts surrounding HT for SE and its victims as well as compensation, rehabilitation and guarantees of non-repetition. This will be done in view of international legal frameworks that state the rights of sex trafficked victims to remedies. The subsequent chapter looks at how these concepts of HT for SE are played out within the Dutch practice in relation to the domestic legal framework. The results from the interviews are then presented and the findings are discussed in the penultimate chapter, which also provides a set of recommendations for future research. The main conclusions are then presented in the final chapter.

Chapter 2: Theoretical Framework

This chapter starts with an overview of the complexity found within HT for SE, namely the profiles of the victims, their common life-long spectrum of victimisation and the problem of non-identification of sex trafficked victims. This chapter then presents the international legal frameworks that provide for a trafficked victim for sexual exploitation's rights to compensation, rehabilitation and guarantees of non-repetition upon identification.

2.1. The importance of restoration for sex trafficked victims

Although this study will only briefly touch upon it, it is important for stakeholders to understand the characteristics and shared vulnerabilities of victims of trafficking for sexual exploitation. If this is understood, it becomes easier for them to successfully adapt compensation, rehabilitation and guarantees of non-repetition services to each victim's

individual needs as well as to assist and protect them and to prevent revictimisation (Bjerkan, 2005).

HT for SE is often an underlying consequence of other phenomena, such as illegal migration, human smuggling and prostitution (Europol, 2016). This implies that a trafficked victim of sexual exploitation has frequently experienced continual human rights violations from before and during the HT for SE and, if not given the appropriate assistance and support, also post-sex trafficking (Bjerkan, 2005). HT for SE can therefore be seen as a product of previous human rights abuse, and maybe even a cause for future victimisation (ibid).

Sexually exploited trafficked victims often undergo an extensive list of injuries that can involve either immaterial or material damages. Cusveller and Kleemans (2018) described immaterial damages as physical, psychological or subjective damages. Meanwhile, COMP.ACT (2012) explain material damages as direct consequences of monetary value caused by the human trafficking experience, such as, expenses paid by the victim to the trafficker or costs incurred for medical care or housing. Additionally, material damages may also consist of lost or unpaid wages that the trafficker may have taken or withheld from the victim (ibid).

Victims of HT for SE are predominantly women and girls (UNODC, 2018). Traffickers of victims of sexual exploitation generally prey on individuals belonging to the most vulnerable portions of society, with characteristics such as, for example, a low economic background, prior sexual abuse, low education, refugee status, physical and mental disabilities and socially isolated (Europol, 2016). Targeting these vulnerabilities facilitates the process of recruitment, control and exploitation (ibid). Maslow's hierarchy of needs (Maslow, 1943) is a useful theory in understanding why people may get drawn to and coerced by traffickers as well as why they may find it difficult to break free from the exploitation. According to this theory, unless basic human physical (i.e. shelter and food) and psychological (i.e. love and belongingness) needs are met, individuals will search for other

ways in which the needs can be satisfied (Meshelemiah & Lynch, 2019). Consequently, if sex traffickers know how to manipulatively convince the vulnerable people that they are able to provide for their needs, it both attracts the target individuals to enter the exploitation and can be used as a weapon to make it difficult for the victims to leave (Hopper, 2016). This is why, in order to counter the crime and restore sex trafficked victims' well-being, it is necessary to identify and assess each victim's individual vulnerability (or vulnerabilities) and equip him or her with remedies that can help recover from past susceptibilities and prevent the victim from falling back into the exploitation (Hodge, 2014).

HT for SE can either take place on a domestic or an international level (UNODC, 2018). At the domestic level, the individual is trafficked within his or her country of origin or residence (Van Grinsven, 2014). Sex trafficking on a domestic level is most commonly seen in the form of victims being trafficked by a pimp, or also referred to as a "loverboy" (ILO, 2015). Loverboys financially benefit and control their victims and mostly predator young women that undergo a crime of relational nature, whereby the sex trafficking is based on a romantic relationship between the victim and the trafficker (ILO, 2015). Extensive psychological manipulation, intimidation, beating, rape and gang rape are often inflicted on the trafficked person as the loverboy uses coercive control and violence (Hodge, 2014). By feeding the victims with things that help satisfy their lacking basic needs, even if just temporarily, it creates a powerful psychological manipulation that may result in victims developing a strong attachment for the trafficker (Rijken, 2017). This attachment is known as the Stockholm syndrome, which commonly prevents the victim from retaliating by reporting the victimisation or even from self-identifying as a victim (ibid).

On the international level, nationalities of sexually exploited victims in Europe are from both EU countries (especially Romania, Bulgaria and Poland) and non-EU countries (notably Nigeria, Uganda and Vietnam) (Europol, 2016). Armed conflict is a common reason for why sex trafficked victims find themselves in a destination country (UNODC, 2018). In these cases, criminal groups make use of the desperate individuals that are lacking in basic

needs and traffic them to the destination country for the purpose of, for example, sexual exploitation (ibid). These victims are often undocumented and regularly provided with fraudulent documents that help conceal their identities, either as asylum seekers or with fake visas (Europol, 2016). In some cases, however, migrants such as refugees or internally displaced civilians, end up in sex trafficking only upon arrival in a destination country (UNODC, 2018). These individuals are commonly in vulnerable positions due to lack of access to income opportunities, forced displacement or discrimination (ibid).

The definition of HT for SE and of who may be considered a victim varies. This makes the estimation of the numbers of victims unclear and complicated (Allain, 2013). The primary step in the process of recovering and restoring a victim's well-being is the identification of his or her victimhood (Okech et al., 2011). Once this is done, the implementation of adequate policy provisions related to access to remedies leads the way for psychological, physical and legal protection as well as assistance and support services (ibid).

According to the Basic Principles, sex trafficked individuals experience a violent criminal act and serious violations of their human rights (UN General Assembly, 2006). Consequently, to prioritise the victims' needs, a number of international initiatives have been developed with the aim of combating the crime as well as to protect and assist the victims in legal proceedings, and to help with their recovery and social and economic integration (Bjerkan, 2005). The international frameworks are used as a base of legal provisions on a national level where countries are encouraged to improve and develop frameworks within their domestic policy provisions (ibid). The following key frameworks consist of relevant international legislations that lead the way for victims to access compensation, rehabilitation and guarantees of non-repetition for the purpose of restoration. As mentioned in Chapter 1, all Member States (MS) of the United Nations must abide by the *Basic Principles*. Moreover, all nations that are a Party to the United Nations Palermo Convention have to implement the *2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons* (hereinafter: 2000 Protocol). All European Union (EU) MS must also abide by the *Directive 2011/36/EU on*

Preventing and Combating Trafficking in Human Beings (hereinafter: the EU Trafficking Directive). Lastly, all Parties to the Council of Europe have implemented the *Council of Europe Convention Against Trafficking in Human Beings* (hereinafter: the Convention).

The relevant articles and principles of these frameworks will be referred to in the following section in order to demonstrate sex trafficked victims' rights to compensation, rehabilitation and guarantees of non-repetition on an international level.

2.2. Compensation in law and theory

Financial compensation can be considered as a monetary substitute for the unpaid or lost wages that the victim worked for during the exploitation but never saw anything of (Cusveller & Kleemans, 2018). The right to compensation symbolizes an acknowledgement of victimhood and serves to satisfy the need for justice (European Commission, 2018), to support and promote an individual's empowerment, recovery-path and to prevent revictimisation (La Strada International, 2013).

Principle 20 of the Basic Principles mentions that financial compensation is to be granted for any economically assessable injuries caused by gross and serious violations of international human rights law. Moreover, this compensation is to be provided in proportion to the severity of the violation and the conditions per case. The principle states that the following injuries shall be compensated for: lost opportunities, including employment, education and social benefits; immaterial damages; material damages and loss of earnings, including loss or earning potential; moral damage; costs required for legal or expert assistance, medicine and medical services; and psychological and social services.

The EU Trafficking Directive (Article 17), the Convention (Article 15(3)) and the 2000 Protocol (Article 6(6)) all state that MS and Parties are to ensure that there is a domestic legal system that offers trafficked individuals the opportunity to obtain compensation for any immaterial and material damages suffered. For example, according to Article 12(2) of the EU Trafficking Directive, MS shall provide access to legal counselling and representation

throughout the compensation procedure. If the victim has insufficient financial resources, this legal aid is to be offered free of charge.

Cusveller and Kleemans (2018) highlighted several obstacles that can prevent victims from attaining their right to compensation. It may be that there is an issue with identifying the victim, a lack of convictions and prosecutions, or prejudices against the victim. Another difficulty may be to correctly assess how much the victim should be compensated in view of the damages inflicted on him or her. Additionally, they found that it is common that insufficient information and lack of free legal aid prevent compensation from being granted or lead to an unproportionate distribution in relation to the severity of the damages incurred.

These barriers can lead victims to feel unwilling, or lack the energy, to go through the application process for obtaining monetary compensation and, in turn, miss out on opportunities to restore a part of their well-being. Barkworth and Murphy (2016) also highlighted that compensation is often being accessed through the victim participating in criminal proceedings, which can be a difficult involvement for victims and may lead to secondary victimisation or revictimisation. Victims that do not gain financial compensation are at high risk of falling back into the exploitation as they rely on it as a source of income and may not know how else to start afresh (Kim & Hreshchyshyn, 2004). This highlights the potential economic empowerment that financial compensation can promote.

Victims may also choose not to apply for compensation due to fear or distrust of law enforcement. If statements are not taken seriously it puts them at further risk of revictimisation and secondary victimization (Roby et al., 2008). Wemmers (2013) similarly noted that it is not uncommon for the treatment by the authorities to be perceived as unfair and disrespectful, which can provoke negative emotions, such as shame, anxiety and post-traumatic stress disorder (PTSD). As a result, victims may choose not to risk such disappointment when they are already struggling to deal with a lot of other negative thoughts and feelings. Furthermore, when victims do successfully claim compensation, it is rare for them to actually gain it fully (Fairwork, 2013). In the study by Cusveller and Kleemans (2018),

victims received on average only half the amount they had claimed based on their injuries. They found that this could be because of, for example, incomplete testimonies, inconsistent rulings by judges and lack of investigation. As a consequence, claimed compensation awards are not always proportional to the damages suffered.

In relation to immaterial damages more specifically, these injuries are regularly difficult to identify (Cusveller and Kleemens, 2018). This, in turn, means that compensation awards for these damages can be complicated to establish and consequently harder to claim. Such damages may not be easily demonstrable and it is difficult to translate psychological disorders such as depression into a monetary value. In these instances, psychological rehabilitation may be a more suitable method of restoration. Additionally, the same study found that compensation by the state does not always help the restoration between the victim and the offender as effectively as when the perpetrator directly provides the award. Consequently, even when compensation is distributed, the effectiveness of restoration may depend on who is paying for it.

2.3. Rehabilitation & guarantees of non-repetition in law and theory

Rehabilitation is important in order to enable a victim to live with his or her past. It can also enable reintegration where the victim is able to fit into society and live a normal life (Olatoregun, 2017). If a sex trafficked victim is successfully rehabilitated and integrated within society, revictimisation becomes less likely (Meshkovska, 2018). Guarantees of non-repetition can come in the shape of institutional reform, amendments within the justice system and the provision of safe shelter (Destrooper, 2018). Effective victim identification together with accessible information on different victim support facilities available to trafficked individuals are important factors that can help avoid revictimisation (Rijken, 2017). Rehabilitative care, positive reintegration and education can equip victims with tools that help prevent them from feeling the urge to return to the exploitation or from falling prey to traffickers again. Thus, rehabilitation and guarantees of non-repetition are interlinked

concepts and therefore discussed in the same section in this study. Indeed, if rehabilitation services are good it generally greatly helps to guarantee non-repetition of the victimisation.

Bjerkan (2005) interprets rehabilitation of a trafficked victim for sexual exploitation as the assisted path to recovery and training offered to him or her. Article 6(3) of the 2000 Protocol states that every Party shall consider the implementation of measures that can contribute to the psychological, physical and social recovery of trafficked victims. The article mentions that such measures should include: cooperation between relevant organisations working with human trafficking victims; appropriate housing; counselling and information regarding legal rights in a comprehensible language for the victim; psychological, medical and material assistance; educational, training and employment opportunities.

Sex trafficked victims have commonly undergone abuse, such as beatings and rape, that helps preserve the traffickers' control over their victims (Zimmerman et al., 2003). Multiple sex acts with a high number of customers may have been forced upon a victim on a daily basis while working long hours in dangerous environments and under poor conditions (Zimmerman et al., 2011). Thus, medical treatment is often a pressing need upon identification. Traffickers commonly neglect routine health care as it increases the risk of detection and as they prefer to optimize working hours for a higher financial profit (Hodge, 2014).

On top of the initial vulnerability that often makes the victim more prone to becoming exploited is the profound psychological damage imposed by the trafficker (Zimmerman et al., 2011). Many victims are diagnosed with PTSD, hostility, self-harm, depression, anxiety and suicidal ideation along with feelings of shame, fear, distrust, submissiveness to authority, memory loss and loss of autonomy (Hodge, 2014). Psychological care is, therefore, critical in many cases. Good psychological support puts the individual at a lower risk of revictimisation by falling back into the exploitation and can equip the victims with a sense of meaningfulness and skills on how to carry out daily life routines (Hossain et al., 2010). Shelters are, therefore, extremely useful as they can provide protection along with different physical and

psychological services from personnel that have undergone specialized training on how to meet the needs of sex trafficked victims (Bjerkan, 2005).

Upon identification, victims are often placed in a shelter where rehabilitation is initiated in the form of psychological or physical treatment, first-aid medical care, and assistance and social support to begin the long road towards recovery (Bjerkan, 2005). Governmental institutions and law enforcement agencies are often distrusted by trafficked persons, making non-governmental organisations (NGOs) a more suitable provider of the shelters and associated support (ibid). NGOs may, however, be receiving their funding from the government or international organisations which makes the support dependant on their help as well (ibid).

Article 11(2) of the EU Trafficking Directive entails that, upon a reasonable-grounds indication of human trafficking, a proactive criminal investigation must be executed. Whenever there is reasonable ground, Article 13(1) of the Convention states that each Party shall offer a recovery and reflection period of a minimum of 30 days. This is a time for the victim to decide whether to report the crime to the police, cooperate in criminal proceedings or participate in the criminal investigation (European Commission, 2019). It is also often the first opportunity for trafficked individuals to access support and protection such as shelter, daily counselling and free legal assistance, medical examinations and treatment (National Rapporteur, 2019).

Reintegration measures can be initiated once a trafficked individual has been identified. Bjerkan (2005) described reintegration as a process of recovery and socio-economic inclusion with the intention of re-socialising and reforming the victim into becoming more independent. The victims are then offered a suitable place to live, vocational training courses and help with searching and obtaining new employment as well as psychological assistance (Surtees, 2010). This is in line with Article 18(1) of the EU Trafficking Directive, which states that appropriate measures such as education and training shall be taken in order to help decrease the demand that fosters human trafficking exploitation.

Various professionals in services related to child protection, domestic violence, criminal justice, shelters and asylum seekers are likely to come into contact with presumed sex trafficked victims in their daily work. In order for the identification of sex trafficked victims to be as efficient as possible, it is important that these stakeholders receive adequate training to recognize possible signs of HT for SE and to know what procedure to follow in order to help them (Macy & Graham, 2012). Article 18(3) of the EU Trafficking Directive requires that regular training shall be provided to professionals working within the anti-trafficking support system with the goal of increasing prevention, identification and support for the victims. Furthermore, under Article 5(2) of the Convention, each Party shall establish and keep strengthening effective programmes and policies that combat human trafficking and promote prevention through means of: research, information, awareness and education campaigns, economic and social initiatives and training programmes.

A problem that commonly prevents victims from receiving help is that they do not always seek out the rehabilitative assistance that is available to them. One reason is that they want to avoid re-living the horrible experiences and rather focus on forgetting them (Bosworth et al., 2011). It is, therefore, critical that professionals who come into contact with trafficked persons have received enough training on how to proceed when suspicions of the crime are detected (GRETA, 2018).

Another important point is the necessity of collaboration between professionals with different expertise. Article 10(4) of the EU Trafficking Directive states that MS shall adopt the necessary measures that guarantee collaboration between the relevant authorities and support organisations in order to promote victim identification and the access to victim support and assistance. Bollen et al. (2018) recommended that these stakeholders should share their knowledge and skills with one another in order to create a more holistic support system that would facilitate correct treatment towards the victims, prevention of the crime, victim detection and access to remedies.

Chapter 3: The Dutch case of restoration in practice

This chapter will discuss how the Netherlands has translated international legal frameworks into its national legal framework in relevance to compensation, rehabilitation and guarantees of non-repetition and how it plays-out in practice. Additionally, potential barriers will be presented that may prohibit Dutch professionals working from providing compensation, rehabilitation and guarantees of non-repetition to victims of HT for SE.

3.1. HT for SE in the Netherlands

The Netherlands is primarily a destination country for victims of HT for SE but is increasingly also becoming a country of origin along with one of transit (European Commission, 2019). The Coordination Centre for Human Trafficking (CoMensha) is the principal point at which registration of potential victims is made and where initial assistance is provided (European Commission, 2018). This NGO is funded by the government and collaborates closely with the police amongst other national authorities that are obliged to notify CoMensha upon any suspicion of sex trafficked victims (ibid). Victims may also self-report directly to CoMensha (ibid).

Difficulties with determining whether a victim is actually being exploited as well as whether a victim self-identifies as a victim demonstrate some major issues (Government of the Netherlands, 2019). In order to combat the crime and to best assist HT for SE victims, the Netherlands has adopted an approach of close collaboration between various stakeholders working within this field (GREVIO, 2018). This collaboration is referred to as the Dutch Human Trafficking Task Force, which consists of players such as the Public Prosecution Service, the police, municipalities, health care institutions, Employment Work and Inspectorate for Social Affairs (National Rapporteur, 2019). The Task Force enhances the Netherlands' approach to combating HT for SE by closely monitoring developments and drawing up plans together that can then be executed by the different officials.

Statistics on the phenomenon are generally difficult to find which makes it a challenge to know exactly how many victims of sex trafficking there are in the Netherlands¹. A study by the National Rapporteur (2018) found that out of a total of 958 human trafficking victims reported in 2017, 263 were registered as victims of sexual exploitation. The Rapporteur compared this number to its 2015 report, in which 365 sex trafficked victims were reported. In view of HT for SE being the most common human trafficking form in the Netherlands (National Rapporteur, 2018), the decrease in reported victims from 2015 to 2017 may reflect a drop in *identified* victims rather than a general improvement of the situation (European Commission, 2018). There are various possible explanations to the observed decrease, which will however not be discussed in further detail in this paper.² The scope of the crime of sex trafficking in the Netherlands is in any event significant. Moreover, although there are many barriers that prevent identified victims from attaining their rightful remedies, it is even more problematic if many victims remain undetected. This would mean that a lot of sex trafficked person do not get the chance to apply for the aid available to them nor to break out of the victimisation.

Following the obligations of the international legal frameworks mentioned in Chapter 2, the Netherlands translated the frameworks into domestic policy provisions. The Dutch Criminal Code is the major piece of legislation for HT for SE. Article 273f(1)(1)-(9) criminalises and prohibits all types of human trafficking³ (Wetboek van Strafrecht, 1881 as

¹ At the time of preparing this study, there were no updated statistics available on the number of sex trafficking victims in the Netherlands. The most recent statistics, presented by CoMensha (2019), reported 742 detected victims of all kinds of human trafficking in the Netherlands in 2018. However, the report did not indicate the share that were related to sexual exploitation.

² A discussion around these potential reasons is that in 2012 there was a far-reaching police reorganization that resulted in a significant turnover in the staff leading to less specialisation in human trafficking (Nationaal Rapporteur, 2019). Another reason could be due to non-investigation services reporting much less since the implementation of a data protection legislation that means that authorities are no longer allowed to report without a victim's or victim's parents' consent (ibid). Lastly, new priorities determined by political decisions has led to law enforcement paying more focus to the increased amount of asylum seekers and migrants in the Netherlands along with terrorist threats (European Commission, 2019). In summary, law enforcement seems to be lacking resources to deal with the complex crime of human trafficking.

³ Forms of human trafficking prohibited by the Dutch Criminal Code: trafficking in organs, trafficking to exploit minors, trafficking for purposes of sexual exploitation, trafficking for the performance of work or services, and trafficking for intentional profit from exploitation of other persons.

last amended effective in 2016). The Criminal Code defines exploitation to imply, at a minimum, “*exploitation of another person in prostitution, other forms of sexual exploitation, forced or compulsory labour or services, forced begging, slavery or practices similar to it, servitude, and forced criminality*” (Criminal Code art. 273f(2)). Additionally, in 2013, a new provision was adopted in which “vulnerable position” was defined as a situation in which an individual has no acceptable or real alternative but to give in to the abuse (Criminal Code art. 273f(6)). This provision is very important as generally all trafficked victims fit within the description of being in a vulnerable position.

The articles of the legal frameworks that relate to a sex trafficked victim’s access to compensation, rehabilitation and guarantees of non-repetition in the Netherlands will be referred to in the following sections to demonstrate their rights.

3.2. Compensation in the Dutch practice

Heemskerk and Willemsen (2013) outlined that, in the Netherlands, compensation can be accessed through three different pathways. The first pathway is through criminal proceedings in which the perpetrator is prosecuted. The trafficked victim is welcome to join these proceedings where he or she can submit a claim for the injuries caused. Secondly, compensation can be claimed from the trafficker in civil proceedings. Such procedures are, however, considered lengthy, uncertain and expensive and therefore rarely launched by trafficked individuals. Thirdly, a victim may apply for compensation provided by the Violent Offences Compensation Fund (VOCF) (see Chapter 4).

Particularly positive attention has been paid to the VOCF. This fund focuses on victims who do not receive compensation in any other way and if a trafficked individual has already received partial compensation, then this amount may be deducted from the amount provided by the VOCF (Schadefonds Gewelds Misdrijven, n.d.). This, in turn, increases the chances of the victim getting the full amount of compensation that he or she is entitled to. GRETA (2018) stated that about 90% of sex trafficked victims who had applied for

compensation from the fund had been awarded compensation. Today, a victim may be granted between €1,000 to €35,000, based on the severity of the injuries. Earlier, the amount to be funded depended on the real costs incurred by the victim, which turned out to be difficult to measure correctly.

Based on Article 44(4) of the Legal Assistance Act (Wrb), a victim of serious violent and sexual crimes in the Netherlands, where the individual has suffered serious mental and bodily harm, has the right to request funded legal aid. Usually, it is expected for trafficked victims of sexual exploitation to fall within this category (Heemskerk & Willemsen, 2013). More specifically, if eligible for payment from the VOCF, on the basis of Article 3 of the Criminal Injuries Compensation Act (*Wet Schadefonds Geweldsmisdrijven*), a victim is also eligible for legal aid free of charge, regardless of his or her financial position.

3.3. Rehabilitation & guarantees of non-repetition in the Dutch practice

Various rehabilitative services have been set up in the Netherlands specifically to meet the needs of sex trafficked victims. The Centrum Seksueel Geweld (CSG)⁴, for example, offers aid to any person who has been victimised by sexual violence. Demonstrating positive collaboration between professionals, this centre can arrange help from various experts, such as the police, nurses, doctors or psychologists. The CSG also works in parallel with the emergency cares of Dutch hospitals, which can refer emergency patients with a clear indication of sexual violence to the centre to get a more specialised, victim-centred treatment.

Different kinds of shelters and youth care programmes have also been set up in the Netherlands to best meet individual needs (Ministerie Van Justitie En Veiligheid, 2018). For example, victims of loverboys can report to specific shelters and community care projects that offer programmes that teach vulnerable girls how to become more assertive and resist pimps in the future. If the victims are at risk of being forced out of the care by their traffickers,

⁴ For more information: <https://www.centrumseksueelgeweld.nl/>

they can be placed in a secure shelter to help prevent them from falling back into the exploitation (ibid). Similarly, abiding by Article 16 of the EU Trafficking Directive, which states that assistance, support and protection shall be available to trafficked unaccompanied minors, specialised shelters have been set up for this group of people in the Netherlands (i.e. Nidos – as seen in Chapter 4). These shelters intend at preventing the minors from disappearing or falling back into exploitation and appoint each child a guardian when the parental figures of the minor are unable to act in their best interest.

In order for a migrant sex trafficked victim to access and eventually successfully integrate in the Netherlands, lawful residency is needed (Da Lomba, 2010). The Social Support Act (Wmo) of the Dutch Criminal Code ensures that the victims residing lawfully in the Netherlands, even those with a temporary residence permit, can access the same shelters as Dutch victims. The identification of victimhood is, thus, particularly important for non-Dutch victims who lack a legal residence permit since, without which they lack the right to such remedies (National Rapporteur, 2019).

The Chapter B9 of the Aliens Act Implementation Guidelines (B9 regulation) of the Dutch Criminal Code states that undocumented human trafficking victims are entitled to a temporary residence permit under the Residence Scheme for Victims of Human Trafficking (also referred to as the B8.3 residence permit) if they agree to cooperate with the criminal investigations. The B8.3 permit is valid for the duration of the criminal proceedings and investigation. Once the investigation and proceedings are completed, the victim may apply for an extended residence permit which may be accepted depending on certain criteria.

Under the B9 regulation, the choice of whether to grant a reflection and recovery period of maximum three months is to be given to a human trafficking victim of sexual exploitation. The reflection period can be offered by the Royal Netherlands Marechaussee, the police, the Inspectorate and the Inspectorate for Social Affairs and Employment (National Rapporteur, 2019). During the reflection period, non-Dutch victims are assured that they will not be deported. Additionally, the Regulation on Provisions for Certain Categories of Aliens

(Rvb) of the Dutch Criminal Code ensures that, during the reflection period, victims are entitled to a monthly allowance and medical insurance. The financial allowance is calculated based on the amounts referred to in the Dutch Work and Social Assistance Act.

The Ministry of Security and Justice (n.d.) gave an example of reintegration schemes set up as exit programmes implemented in 2008 by the Dutch Ministry of Justice to help ex-prostitutes, who may be presumed victims of HT for SE, break free from the exploitation. These programmes focus on tackling various issues that these individuals face, such as debt, psychosocial problems, language barriers, addictions, exploitation and duress and lack of an appropriate home. Additionally, in 2010, a pilot was conducted with special shelters creating accommodation for 10 trafficked men and 40 women and their children. It was set up by the State Secretary for Health, Welfare and Sports and the State Secretary of Justice, and run by aid workers with professional knowledge within this field. Since the implementation of the pilot, the Ministry of Security and Justice reported that shelter capacity has substantially improved but remains insufficient to tackle the scale of the phenomenon.

In relation to the previously-mentioned Article 5(2) of the Convention, the National Rapporteur (2019) stressed an important role that Dutch municipalities play in preventing and combating HT for SE. It said that, if trained sufficiently in recognizing HT for SE signs, they can spread the awareness to other associates and together they can effectively identify and protect a larger range of victims. Policy-making of security policies is also a responsibility they hold where they employ a set of powers in the establishment of certain criminal laws and facilities, such as shelters for victims. If each municipality was to use its powers correctly then this could lead to a valuable shield for victims and help prevent their revictimisation.

Efforts of training staff members to recognise signs of HT for SE amongst unaccompanied minors and asylum seekers have been made at organisations such as Nidos (see Chapter 4) and the Central Agency for the Reception of Asylum Seekers (COA). This has helped increase victim identification (GRETA, 2018). On the other hand, a new data protection legislation stresses that the consent of the victim or of the victim's parents must be

secured before the crime is reported (ibid). This has resulted in fewer registered victims of HT for SE. The requirement has made the process more complicated resulting in NGOs and health care staff, who may fear taking actions that could violate the legislation, preferring to hold back. As previously stated, the fight against HT for SE requires collaboration between stakeholders at all levels where sharing information is critical. The GRETA (2018) report, therefore, suggests that all professionals who may come across trafficked victims should receive training on how to ensure that presumed victims are reported without breaching the privacy legislation.

Chapter 4: Methodology

4.1. Approach

A qualitative approach was chosen to gain a deeper understanding of the individual representations and perspectives of how stakeholders in the Netherlands contribute to the fight against HT for SE. Four semi-structured interviews were conducted with altogether six professionals working to assist sex trafficked victims to seek compensation, rehabilitation and guarantees of non-repetition.

The interviews took no longer than an hour. Three were conducted by phone whereas one was done face-to-face. Semi-structured interviews were deemed appropriate as they are useful in promoting openness from the interviewee (Sarantakos, 2005). Additionally, they can facilitate the interaction between the participant and the interviewer, and allow for a deeper conversation on important aspects of the topic as well as provide a more profound description of subjective experiences (Gorman & Clayton, 2005).

Taking into account the research question, sub-questions and the theoretical framework, the interviews focused on how the stakeholders view HT for SE, the role they play within their organisation with regards to compensation, rehabilitation and guarantees of non-repetition, the most commonly observed material and immaterial damages suffered by the victims along with challenges that the different stakeholders may encounter. Questions

were also asked aimed at exploring factors that could facilitate victims' access to compensation, rehabilitation and guarantees of non-repetition, such as, collaboration between anti-trafficking professionals, sufficient professional training and available information on remedies for both stakeholders and victims.

Once conducted, the interviews were transcribed into written format to be analysed. The transcripts were then uploaded and stored safely onto Surfdrive. The participants had been informed that, upon request, they could be sent copies of their transcripts and the results section in case they wished to amend or add any details before the final draft of the study is submitted. Additionally, each participant was asked to indicate how they wished their identity to be referred to. They were given the choices of full anonymity, a mentioning of only the name of the organisation they worked for, a mentioning of the name of the organisation and their professional role, their name and the organisation, or a mentioning of their name, the organisation and their professional role.

4.2. Interview participants

Governmental and non-governmental bodies that all have the common goal of combating HT for SE and working within victim support was the target population for this study. Purposive sampling was used to sample the participants as I was interested in the provision of information from a particular group of people (Maxwell, 1997). The participants were contacted by email in which I expressed my interest in interviewing them. The variety of different professional expertise provided by each participant maximized the representativeness of the data as they all either come into contact with human trafficking victims of sexual exploitation in the Netherlands or conduct research on the phenomenon. This allowed valuable responses and opinions to be obtained through the interviews, covering multiple aspects of HT for SE.

The following organisations agreed to participate: the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, Nidos (two stakeholders

participated together), the Nationaal Psychotrauma Centrum (ARQ), and the VOCF (two stakeholders participated together). Many other professionals were also emailed and invited to participate but it was not uncommon for them to have a strict participation policy in research and, in turn, be very selective or not engage in external research at all.

The *Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children*⁵ (hereinafter: National Rapporteur) was established in 2000 as an independent actor with the task to analyse statistics from various stakeholders and report on the progress and nature of the fight against human trafficking in the Netherlands. The reports consist of policy recommendations regarding regulations and legislations, along with material on prevention methods, prosecution of perpetrators, criminal investigations and victim support with the aim of improving the overall combat against human trafficking.

*Nidos*⁶ is the Netherland's guardianship institution for unaccompanied and separated children. If a child is without a guardian, Nidos is appointed as one by the court or the child is put in a protected shelter, depending on the circumstances. The staff members of the Nidos foundation have received training on how to recognise signs of human trafficking. It works in collaboration with the Dutch police and Immigration and Naturalisation Service⁷ (IND) which also focus on the identification of victims.

The *Nationaal Psychotrauma Centrum*⁸ (ARQ) is a group of experts specialising in psychotraumatology and the treatment of individuals, organisations and society affected by shocking events. Through scientific research, education and training, the ARQ professionals work with the aim of restoring psychological, medical and social self-reliance of troubled

⁵ For more information: <https://www.dutchrapporteur.nl/>

⁶ For more information: <https://www.nidos.nl/>

⁷ Immigration and Naturalisation Service (IND) is responsible for the arrangements of residence for victims of human trafficking under the Human Trafficking Residence Scheme. For more information: <https://ind.nl/en/about-ind/background-themes/Pages/Human-trafficking.aspx>

⁸ For more information: <https://www.arq.org/>

individuals. The organisation also works with other national and international establishments that have a similar focus.

The *Violent Offences Compensation Fund*⁹ (VOCF) provides financial compensation for direct consequences of psychological and physical injuries. The fund does this with the goal of acknowledging the wrong done to an individual and in attempting to contribute to the restoration of their confidence. It is financed by general tax revenues and recognised as a division of the Ministry of Justice. If compensation cannot be paid by either the perpetrator or the criminal justice system, the fund can cover the damages. It can provide compensation of €1,000 to €35,000 on condition that the crime took place on Dutch territory.

As one may notice, the stakeholders play different roles. Although they may not have a direct effect on all three restorative methods examined, the collaboration amongst the stakeholders allows the interviewed people to still reflect on how the anti-trafficking system in the Netherlands functions in relation to all three methods.

4.3. Data Analysis

Thematic analysis was used as the analytic method for this qualitative study due to its independence and flexibility within numerous theoretical frameworks and methods (Boyatzis, 1998). Using this interpretivist approach allowed me to identify and analyze patterns within the responses given by the interviewed participants (Clarke & Braun, 2013). In accordance with Braun and Clarke (2006), due to there being no existing theory or coding frame in mind prior to the interviews, an inductive approach is suitable to be applied throughout the data-driven analysis. Additionally, this analytical technique effectively allowed me to remain close to the data through the use of codes in relation to the interviewees' individual understanding and meanings (Hesse-Biber, 2014). Furthermore, in order to identify the themes within the data, a semantic level was applied which allowed the search for surface meanings that constructed interpretative patterns (Braun & Clarke, 2006).

⁹ For more information: <https://www.schadefonds.nl/english-information/>

4.4. Limitations

A few limitations were observed throughout the qualitative study. Only a small number of interviews (four) could be conducted. This small sampling size is not a generalizable representation of all stakeholders working within human trafficking victim support of sexual exploitation. Furthermore, the opinions given by each participant representing their organization cannot be used as a general indication of the organization's opinion. In order for the data to have a higher external validity, more representatives of each organization would have had to participate along with a higher number of different stakeholders working with victims of HT for SE in the Netherlands.

Moreover, it is possible that the interviewees' responses were biased and, in turn, gave answers that may seem more socially acceptable, either consciously or subconsciously (Galdas, 2017). As stated by Flick (2018), individuals often portray themselves differently during an interview than in real-life social settings which is another factor that may affect the external validity of the study. It may also be that I, as the interviewer, subconsciously influenced the participants to respond in a certain way, resulting in interviewer bias (Thirsk & Clark, 2017).

Additionally, the topic of restoring the immaterial and material well-being of victims is complex. Thus, it may be overly optimistic to think that a one-hour interview would capture the full opinions and experiences of the participants. Furthermore, due to unforeseen circumstances of a global pandemic, three out of four interviews had to be conducted by phone, and only one in the form of a face-to-face meeting. This could be considered as a disadvantage due to it being less personal and may have prevented discussions that could have led to more in-depth answers (Sweet, 2002).

Chapter 5: Results

Through this qualitative research I was able to compare the perspectives of four different groups of professionals working to support the victims of HT for SE through the

means of compensation, rehabilitation and guarantees of non-repetition. With the use of the data collected, seven themes were identified, namely: (i) Compensation's contribution to the restoration of a victim's well-being; (ii) Rehabilitation for the purpose of learning how to cope with the past rather than to recover from the past; (iii) Guarantees of non-repetition are unknown; (iv) Challenges faced by the different stakeholders; (v) The intention to collaborate is there but there is room for improvement; (vi) Sex trafficked victims' access to information on remedies; and (vii) The importance of adequate training for professionals. This chapter discusses these themes in more depth through the use of relevant information and quotes obtained from the interviewees.

Theme i : Compensation's contribution to the restoration of a victim's well-being

Participant 1 from the VOFC described the fund's role as an organisation in relation to the restoration of immaterial and material damages through the method of compensation:

"We give financial compensation to victims of violent crimes with serious psychological or physical injuries. Through compensation, we like to restore their confidence and acknowledge what happened to them. It is a helping hand, but we cannot restore all the damage that has been done. But we try to help these people to continue to live their lives." [Participant

1_VOFC]

The participant stated that through financial compensation, VOFC attempts at boosting the trafficked individuals' confidence as well as demonstrating that they recognize a victim's suffering. With a strong desire and drive to help the victims, the participant understood that more help and support would be necessary in order to restore the complete damages inflicted on sex trafficked victims. The fund does not focus on material damages but a trafficked victim can receive compensation corresponding to such injuries through criminal proceedings.

In relation to compensation for material damages from the criminal justice system, Participant 2 from the National Rapporteur stressed that it is difficult to calculate the exact

amount that the trafficked individuals are entitled to, especially due to there often being insufficient proof of the lost or unpaid wages.

“The judge has to estimate or guess, on the basis of all the information available in the file, how many hours the victim has worked and what the income was. A lot of prostitutes get the money in cash so there is no registration. Financial compensation is, therefore, quite difficult as we do not really know how much they have made. But there is a rule of thumb that the judge can use when it is not possible to precise how much the victim has worked, maybe something like 500 euros per day. I think that is quite low because when you hear the stories from the girls, they usually say that they have earned way more money. I guess that it’s a sort of cultural thing, as if we cannot believe that they have actually made that much money.

So, there is room for improvement.” [Participant 2_National Rapporteur]

This is problematic as it often results in sex trafficked persons not receiving the full amount of money that they have earned while being exploited. The risk of such disappointment can also result in victims not wanting to go through criminal or compensation procedures as they fear being victimised a second time or even revictimised in the process.

I was interested in whether trafficked victims who are granted compensation receive some sort of advice, education or training on how to spend this money. Given that many victims are not used to possessing a lot of money, due to experiencing long periods of exploitation and/or being from a low economic background, I assumed this could be useful. Participant 1 replied that, to his knowledge, the victims are not guided on how to handle this money. He gave two examples of trafficked victims being compensated where the financial grant unfortunately had led to revictimisation:

“They do not get any training and it is always a bit worrisome that we give that amount of money. It has happened that the police called us after we gave compensation to report that the victim is back with the trafficker and the trafficker has all of the money now. Another person overdosed as she spent all the compensation money on drugs.” [Participant 1_VOCHF]

This outcome appears to go against the objectives of providing compensation. At least in some cases, the intention of compensation is to empower the victims and to prevent revictimization. The examples given by the participants were less encouraging, suggesting that it may rather have caused more damage to the trafficked victim's well-being.

From a psychological perspective, Participant 3 from the ARQ, was asked about how she interpreted the benefits of compensation on the well-being of the trafficked victims. In her experience, it was often difficult to understand how money can measure up to the damages that have been caused to the victims, and she feared that it may de-personalize a trafficked individuals' victimisation. Especially if the victims come from a low-income economic background, then a large sum of money could be overwhelming. She feared that this could put the victims at risk of not knowing how to handle it or spending it on something that, instead of helping them, would cause them harm, like stated by the participant from VOCF.

“Between colleagues we hear, for example, that this lady got this much money. It is kind of weird that they get so much money when they come from such a poor life. Is the money meant to compensation what they suffered? It has an effect that may de-personalize their experiences. It's a kind of, you call it compensation, but what can they actually do with that money? Do they buy a home?” [Participant 3_ARQ]

The VOCF participant did, however, contest this point and stressed that one big benefit and importance of compensation is its symbolic value and recognition of victimhood that the individuals gain from it.

“What we hear a lot is that we recognised that they are victims. It happens a lot that the criminal case ends with the CEPOL¹⁰ and the perpetrators are unidentified or they go free

¹⁰ In each EU MS exists a network of training institutes consisting of senior police officers that has been established in order to help the training for law enforcement officers. Additionally, the European Union Agency for Law Enforcement Training (CEPOL) has the purpose of developing and supporting a European approach that aims at preventing and combating crimes as well as to maintain security and public order from a cross-border perspective. The CEPOL also promotes national and international cooperation between training institutes outside of the EU (Blok, 2004).

due to lack of evidence. This is when we play a big role seeing as we work with a lower standard of proof needed unlike the criminal standards of 'beyond reasonable doubt'. For us it is about plausibility. Even when there is no perpetrator found then someone can still be a victim of human trafficking and we can recognize this, in comparison to the many other organisations that need concrete proof and evidence." [Participant 1_VOCF]

This quote suggests that the compensation provided by the VOFC serves a purpose that many other organisations along with the criminal justice system cannot deliver. As the VOFC requires less evidence, no verdict nor the identification of a perpetrator, the fund can contribute with both a financial tribute along with psychological recognition of their victimisation that is not possible to receive otherwise. This makes the VOFC's role quite unique and, thus, important.

Theme ii: Rehabilitation for the purpose of learning how to cope with the past rather than to recover from the past

Participant 3 from the ARQ described the provision of psychological support at their organisation:

"We go to their shelter one morning per week and give group sessions that are more education than therapy. We give education about stress and how to cope with stress. They also profit from the education of how to cope with emotions and what happens to emotions when you have been through traumatic events and forced to do things you don't like and don't want to do." [Participant 3_ARQ]

In addition to giving these victims psychological counselling, the ARQ also educates the trafficked individuals on how to cope with the possible stressors that they may be suffering from. This may help them to become more prepared on how to handle stress in the future and, consequently, increase their independence to begin a new life along with facilitating more social inclusion.

“We see some ladies that do not want treatment even though they know they would get some profit from it but they decide not to. They prefer to not go back and re-experience their history but to instead look forward and to try and get a job, learn Dutch and start a new life.”

[Participant 3_ARQ]

The participant from VOFC also mentioned that many of the victims are not going to therapy when they contact the fund. As we will also see in a later theme, Participant 1 described that, once sex trafficked victims are out of the exploitation, they are often involved in numerous social and governmental procedures simultaneously, such as housing or with the IND. This may be a reason for a victim to decide not to participate in an additional engagement. It may become too overwhelming, even if it means that they would miss out on potentially valuable support. Participant 3 from the ARQ gave a similar reasoning for why trafficked victims that she had encountered often chose not to partake in psychological support that the ARQ offers. Moreover, some individuals may not be ready to face their past experiences presently but may come to terms with it in the future. In this case, it is important that support organizations welcome the victim back once he or she is ready.

“It depends on the person. There are some that have to stop the treatment because it is better for them to wait until their situation is more balanced. Some can do it, and for others it is very difficult to come here and then go back to the camp and not sleep. Then there is always the interview with the IND that hangs above them as a weight as they see it as a big danger to go there. They have many daily stressors. Some need extra talks to motivate them, others need more time. A lot of ladies come back after one or two years and ask for help when they are ready. It is also about resilience. It is their choice When they want to do

it.” [Participant 3_ARQ]

This indicates the importance of applying an individual assessment for each trafficked victim in order to determine what approach might benefit that particular person the most. It may be that individual counselling works better for one victim whereas group counselling is more appropriate for another.

“What I have observed is that some profit greatly from being in a group and to talk together. This raises awareness where they realise that they’re not the only ones. This is important as victims of sexual violence often close themselves up and feel ashamed. But it’s not that we talk about that but just being together in a group and knowing that the others have also been through traumatic events helps a lot.” [Participant 3_ARQ]

All of the participants emphasized the extreme psychological trauma that the sex trafficked victims generally go through, which includes trauma, not just from the human trafficking exploitation, but also from previous forms of victimisation.

“Most of the time the problems have started so early in their lives, including traumas like rape, it is a kind of repetition.” [Participant 2_ARQ]

This makes it relevant to consider whether the full holistic spectrum of victimisation that each trafficked victim has gone through is adequately examined in the rehabilitation process. Furthermore, it is difficult to know whether full restoration is possible in view of the often-wide spectrum of victimisation most of these individuals go through. It may be that victims are offered treatment for the human trafficking damages encountered but not for injuries from other past traumas. This, in turn, may result in vulnerabilities remaining within the trafficked persons, increasing the risks of victimisation re-occurring in the future.

Both the ARQ and the VOCF said that full restoration of a trafficked person’s well-being is difficult. They believed that it may be unrealistic to aim towards full recovery of immaterial and material damages of sex trafficked victims and that it may be better to focus on developing the appropriate coping mechanisms that can help the victims to survive and move on with their lives.

“Their victimisation is a spectrum and this is just one section. They became a victim before this victimisation. So, maybe they can heal from that but I am not sure that they totally recover. I think that they rather learn how to live with it.” [Participant 3_ARQ]

“Quite simply, no. That is what I think. They have been through so much. I think it is possible to maintain some sort of level on which they can live or rather, surviving. PTSD does not end. It always stays with you.” [Participant 1_VOCF]

Interestingly, Participant 2 from the National Rapporteur along with Participant 4 from Nidos were more optimistic about the prospects of full restoration of a sex trafficked victim. They both believed that individual human trafficking experiences differ on many levels and the chance of full recovery, therefore, depends on these various factors.

“It depends on their backgrounds and whether there are other traumas that they have experienced and how many traumas. Especially children have had a good background with their family and a safe base, then of course it is easier to deal with their trauma, in comparison to youngsters did not have that. We see that it is possible to recover, yes.”

[Participant 4_Nidos]

Participant 4 specified that, in the eyes of Nidos, the interpretation of the restoration of a sex trafficked victim’s well-being appears this way:

“What we often see is that people come to us very traumatised and they’re insecure. But when they leave, we see people who are more self-aware, resilient, they go to school, have friends and know how to process their traumas.” [Participant 4_Nidos]

Thus, the professional from Nidos believed self-awareness, resilience and indications of social integration are factors that point towards the restoration of a sex trafficked individual’s immaterial and material damages. Participant 2 did, however, reiterate that such progress is dependent on different factors.

“It depends on so many things. It depends on their background. It depends on how long they were exploited for, perhaps they had a child with the trafficker and so they are constantly reminded of the experience. I think that it is possible but that there are many factors that influence it. The women that go through this are very vulnerable but also very strong because they’ve lived through it and have the right capability to get well if they have come

this far. We really need to help them through it though. I do think that it may also have to do with our society and how we regard women. If we are slut-shaming someone who makes out with three guys, how will we ever be accepting of a girl who is forced to work as a prostitute?

That is definitely something that needs to change.” [Participant 2_National Rapporteur]

Participant 2 recognised that, notwithstanding the horrific experiences that the sex trafficked individuals have been through, and the individual needs that they have depending on their backgrounds and victimisation experiences in order to recover, the victims often have developed considerable strengths from having escaped and survived the victimisation. Participant 2 also made a point about societal views and norms being responsible for certain vulnerabilities that can make, especially women, more susceptible to sex trafficking and act as a barrier to full recovery. If change within society as a whole could help combat the problem of HT for SE then this is an important point to get across. It means that the general population, not just professionals, can contribute to the support of the victims and the prevention of the victimisation.

Theme iii : Guarantees of non-repetition are unknown

During the interviews, each participant was asked whether they were aware of how likely a victim was to fall back into the exploitation. None of them knew and said they were unaware of any research being done on the effectiveness of guarantees of non-repetition methods.

“I do not know how many but there definitely are some. They are very secretive and we might suspect that they are involved in it again because of new shoes or something else you see.

But they do not talk about it very easily.” [Participant 3_ARQ]

“I am not sure whether it is being measured. I would imagine that it is but I do not know. The problem is that these investigations are very long. Also, if a victim is victimised in one area of the Netherlands and then in a different one, this may not be detected because a different department is dealing with it. I can imagine that it happens a lot though, due to financial or

emotional reasons, or a drug-related problem, but I do not see it.” [Participant 2_National Rapporteur]

“Hard to say. It happens, it’s a bit like domestic violence. People who become a victim of domestic violence tend to flee the one situation and enter the exact same situation but with another guy. I think it does happen within human trafficking too.” [Participant 1_VOCF]

This points to a significant issue. While there is substantial research on the immaterial and material damages of sexually exploited victims, there is insufficient knowledge on how these social, health and economic factors are linked to the long-term restoration of the victims. Likewise, there is a lack of understanding of the extent to which it is guaranteed that trafficked victims will not fall prey to traffickers again. Without statistical data on how well the guarantees of non-repetition methods are functioning, they are basically being used blindly, without any evidence of their success.

Participant 2 also believed that it would be beneficial to update the knowledge on the more digitalized world within human trafficking as this is something that is becoming more popular as a method of recruitment, black mailing and for carrying out the exploitative acts.

“A lot of the coercion takes place online and we do not have the means to gather that information. If we could improve the investigations with more options to access online conversations and the dark web, then we would improve our knowledge and our investigations. Consequently, the convictions be easier and there would be more help for the victims. This would also work as a preventative barrier as traffickers who might think about forcing a girl into prostitution may think twice about it if he is more likely to get caught. So, in every aspect that would be a good thing.” [Participant 2_National Rapporteur]

It is, therefore, necessary to keep up with the new and more modern means of gathering information regarding HT for SE in order to best prevent all means of coercion and recruitment. It would also help avoiding combating just one angle of the issue while ignoring another, developing side of the crime that may be increasing the risks of revictimisation.

Theme iv: Challenges faced by the different stakeholders

Each participant mentioned a couple of challenges that they face in trying to restore immaterial and material damages of the sex trafficked victims. One participant from the VO CF mentioned the problem of too few sexually exploited human trafficking victims applying for compensation at the fund.

“It is quite remarkable. The numbers of trafficked victims who have filed a police report or have been registered at CoMensha is way higher than the applications we receive. Every year on average 450-500 presumed victims register and we generally get just 60-80 applications per year.” [Participant 1_VO CF]

When asked why they believed such a low number of applications were filed, the response was similar to what Participant 3 from the ARQ had said. Namely, sex trafficked victims go through a lot of different procedures simultaneously once they have been identified. This can become overwhelming and, thus, victims have to prioritise certain procedures and support services over others.

“Many victims do not want to file the application as they are simultaneously going through a lot of other procedures, like with the IND and housing. Therefore, they do not want to file yet another application at another organisation because it becomes too much for them. So that could be one explanation.” [Participant 1_VO CF]

On top of the many ongoing procedures, it is also important to remember the psychological trauma and fear that the sex trafficked victims carry and battle with daily. As a result, neither compensation nor rehabilitation services, as mentioned by the ARQ, may be the priority.

Another challenge that was mentioned by several of the participants is the problem of victims lacking recognition of their own victimhood. This, in turn, often results in them remaining within the human trafficking exploitation, being revictimised and/or not seeking out the help that could be available to them.

“Some victims do not recognize themselves as victims in the first place. Chinese people, for example, say ‘oh I did not work that hard’ because we use our standards but for them it is not so bad and, therefore, do not consider themselves as victims. So, there is a discrepancy with that. Eastern European workers are also quite hard workers so they do not whine as much. So, there is a big challenge to fill but you also do not want to victimise people who do not see themselves as victims as this could make it worse.” [Participant 1_VOCF]

The main explanation that the interviewees speculate for why self-identification is such an issue is cultural differences between those of native victims within the victimisation country and those of the non-national victims. The latter often come from a culture where they may not find their human trafficking working and living conditions so horrible in comparison to the prevailing standards of living in their country of origin. If these persons do not recognize that they actually are victims, then it is difficult for the various professionals to help and protect them.

“A lot of women from Latin America come over here to work and, in our view, they are being exploited because, under our rules, they are working in horrible conditions but they do not see themselves as victims because they chose to come here. The circumstances under which they work over here are also so much better than they would be in South America so they just do not recognise their victimhood.” [Participant 2_National Rapporteur]

This highlights the complexities of the phenomenon. Just because people in the Netherlands might see them as victims does not mean that they are suffering more than they would have if they had not moved to the Netherlands. Consequently, this poses the question of how to best help such trafficked victims if saving these individuals from the human trafficking exploitation might risk them being victimised in other ways that, due to cultural differences and unawareness, are hard for the national professionals to understand.

“We have to keep in mind that this a difficult group to help. They are so traumatised and since they became used to a certain kind of life it makes it quite easy to revictimise them.”

[Participant 1_VOCF]

Even though the Dutch anti-trafficking professionals make a lot of support and assistance available, these services will not come to use if the victims do not realise that they are eligible for them or that their human rights are being, or have been, violated. Simultaneously, it is complicated to address this issue, as trying to convince a sex trafficked victim that he or she is being mistreated could risk revictimising the victim, albeit unintentionally, if he or she does not interpret the situation in that way.

Theme v: The intention to collaborate is there but there is room for improvement

All of the participants spoke fairly positively about the collaboration that exists between different professionals working within the anti-trafficking system in the Netherlands.

“I feel that there is a very pleasant collaboration with all these organisations but of course we all have our own instructions. What we do is that we work based on the interest of the minor and we care for the minor. The police for example they check if there are any possible investigations possibilities and sometimes then it is difficult to find each other in that. But since a few years now we have this multi-disciplinary team which really helps because when we talk with one another we can co-ordinate with one another.” [Participant 4_Nidos]

They did, however, state that there is room for improvement in certain areas where professionals still work too independently. Participant 2 from the National Rapporteur, for example, mentioned that the intention to collaborate is there but tasks are often passed on to those with more specialisation instead of professionals working together to solve the issues. The interviewee also mentioned that professionals are not always taking individual responsibility for their actions.

“I think that there are a lot of initiatives where people are trying to collaborate but within those same organisations, the same problems rise in that they point at each other and say that

someone else should take care of it instead. That lack of collaboration translates into all kinds of areas where everyone has so much on their hands that they are likely to say “this is something that is more up your street” or “we specialise in something else so you should take this on” [Participant 2_National Rapporteur]

Both the participants from the National Rapporteur and the ARQ stated that the police is lacking in resources and therefore has less time to focus on human trafficking cases and to collaborate with other professionals.

The ARQ also believed that further collaboration between professionals could prevent repetition of victims having to be interrogated and tell their story to so many different officials and at various occasions.

“They come to us feeling safe and tell us everything but when they go to the police, they do not feel safe and do not tell everything because they have to be prudent. They are scared of the consequences of what they say and take precautions. They are in a shelter and have just come out of the crisis and have many talks with lawyers, police, their mentor and us. I think that it could be a good idea to do this together like that they only need to tell their story once. However, in all the four cases you need to tell your story as a trafficked victim. This can also be an advantage though as the victim will tell their story differently to the police than to us or the lawyers. But the victim still needs to repeat it four times.” [Participant 3_ARQ]

If the sex trafficked victims have not yet fully recuperated from past traumas, which is often the case, then this may put them at risk of revictimisation by having to repeat their stories. Participant 3, therefore, suggested that these interviews and/or interrogations could be conducted with a network of different stakeholders in the same room instead of the victim having to repeat the same story several times. As trafficked victims seem to be especially intimidated by professionals, such as the police, victims may feel safer and more confident if there are more and different professionals in the room instead of just one. This does not

suggest, however, that repeated interrogations cannot be beneficial as victims may reveal more information and evidence depending on what stakeholder they are speaking to.

One of the areas in need of improvement identified by Participant 1 from the VOCF was that, even though the VOCF stakeholders seek to effectively spread information to other support organisations in a consistent manner, the employees at those organisations may not always update one another on the information. This can result in that when there is a shift in staff, then the new members do not obtain the knowledge that the previous professionals had been receiving.

“I think the problem is that there is a lot of change in staff that work at the organisations, law firms and police. These people do not get the information from their previous workers. So even if we try to reach out to them all on a continuous basis then we cannot prevent people from leaving their jobs with all of their knowledge. So that is a problem.” [Participant 1_VOCF]

Thus, in some organisations, internal collaboration could perhaps be improved to ensure that information is shared more efficiently and misunderstandings are avoided.

Theme vi: Sex trafficked victims' access to information on remedies

The participants were asked whether they believed that there is sufficient information available to the sex trafficked victims concerning the different remedies that they are eligible for.

“I don't know. The idea of the CSG is that if they know that you have been raped you can immediately go there. There, victims have the pathways to support immediately. But not all victims know that they can go there. We have victims that become pregnant from rape and then report themselves here again and ask for help. So, they do not always know that they can go somewhere else earlier. Most of the time they also come to us later because then the complaints are higher and injuries are more severe.” [Participant 3_ARQ]

Participant 3 was unsure of whether information for victims of sexual violence reaches as many victims as it should. The participant had experienced women at the ARQ being unaware of the services such as the CSG, for example, where the victim would be able to get immediate support for her injuries. An issue arises if sexually exploited trafficking victims are seeking help and support but miss out on opportunities that they are eligible due to a lack of access to information.

“I think that there is a lot of information and there are a lot of organisations that are actively trying to reach out. It is also a question of age, some victims are very young and may come from a family where they are unaware of the fact that they’re being exploited. It may even be the reason for why they are being exploited because the perpetrator says that ‘if you do not do this for me then I will tell your family’. So maybe the information is available but they cannot get to the information due to the circumstances that they’re in. I think that once the police identifies you as a victim, then a lot of help is available as they will point you in the right direction. It is a lot more difficult if you need to find it yourself.” [Participant 2_National Rapporteur]

From the experience of Participant 2, however, there is a vast amount of information on support services that different professionals and organisations are trying to make available to sex trafficked victims. Unfortunately, this is not always enough as there may be other factors that act as a barrier between the victim and the information, such as age or cultural factors. This is a similar statement as mentioned in theme iv, where cultural differences may be a reason for the lack of victim self-identification and, thus, a reason for the sex trafficked victims not realising their eligibility for support and assistance. In turn, the issue may not be that information on remedies is lacking, but rather that there are certain factors in individual cases that prevent the victims from becoming aware of it.

Participant 2 also claimed that information on remedies is easier to access through victim identification by the police as the trafficked victims are then guided through the processes concerning victim support and assistance as supposed to if they remained

undetected by professionals. According to Participant 2, victim identification, especially by the police, therefore, is a critical factor in information on remedies reaching the sex trafficked victims.

On a similar note, Participant 4 described how minors at Nidos who are presumed or identified victims of human trafficking receive information regarding their situation and the procedures that may follow after they have been identified as such a victim.

“If the police picks up such signals of human trafficking then they inform Nidos. If Nidos picks up signals, we can make the decision of whether a minor should go to a protected shelter.

So, when signals of human trafficking are detected then the minors are immediately transferred to a protected shelter. Once there, they receive information from their guardian and their supervising mentors. They are told about the risks and what we are worried about and we also inform and explain to them everything about human trafficking.” [Participant

4_Nidos]

Victim identification can be done either by the police, who then contacts Nidos about the detection, or by professionals at Nidos noticing signs of human trafficking. Apart from the positive professional collaboration, this also demonstrates how trafficked victims who are minors can receive information on the crime, remedies and access to a protected shelter. Once again, however, this points towards information being accessed through victim identification by professionals and may not have been made available if the victim had sought out to look for it himself or herself.

Theme vii: The importance of adequate training for professionals

When asked whether there seems to be sufficient training provided to different professionals that may come into contact with victims of HT for SE, Participant 2 mentioned that it could be useful for judges within the criminal justice system to receive more training within the field and knowledge on different sex trafficking injuries.

“The judges do not know the severity of mental coercion and what it does to a young person’s brain. The severity can especially depend on the cultural background where it may be unacceptable to send a nude, for example. So, I think there is room for improvement there as I think training would help judges recognise and understand immaterial damages that may affect the verdict of the perpetrator.” [Participant 2_National Rapporteur]

Psychological injuries may be especially difficult to observe from an outside perspective in comparison to physical injuries (i.e. bruises or broken limbs). Due to the high level of psychological damage and mental coercion that sex trafficked victims are exposed to, it is important for judges to be able to recognise such injuries and understand the victimisation that these victims often undergo. Consequently, this can result in more rightful convictions and justice for the victims. If more traffickers were to get convicted and correctly sentenced, this could also promote guarantees of non-repetition as there would be fewer perpetrators on the loose.

“I went to a congress with doctors where we educated them on HT for SE. It was in collaboration with CoMensha and different doctors. The difficulty with them though is that they have a professional obligation not to share information about potential victims. We are looking into whether we can make it easier for the doctors to detect signs of human trafficking but at the same time we do not want to hinder victims from reaching out for help from doctors if they know they might get reported. So doctors have a very tight space. I think that recognising the problem is the first step and they are trying to educate themselves more on human trafficking which is positive.” [Participant 2_National Rapporteur]

In this quote, Participant 2 explains that different HT for SE experts are making efforts to spread the knowledge amongst other professionals with a view to strengthen the fight against the crime as well as to increase victim identification. Once again, this demonstrates optimistic collaboration between different stakeholders but it also suggests that not all professionals can take the same approach in helping sex trafficked victims. Doctors, for example, play a complicated role when they come into contact with the victims due to

their confidentiality obligation. Unless the trafficked individual gives the consent to spread information that they have shared, it cannot be passed on. If the duty of confidentiality is breached, then it may negatively result in sex trafficked victims not seeking out medical aid in the first place due to the fear of their victimisation being reported. Consequently, although training and education may be useful for medical professionals, as it creates deeper awareness of the phenomenon, they still need to adopt an approach that maximises the benefits and needs of trafficked persons without breaching confidentiality trusts.

In regard to any suggested educational improvements that could be made available to professionals, Participant 1 from the VOCF pointed out that it would be useful to have more concrete in-depth research data on the psychological injuries caused specifically by HT for SE. Consequently, this would help professionals without any expertise or specific training within this area to better understand especially the immaterial damages of the victims as well as how and when they were caused.

“There is a research facility, for example, where they assess the injuries shown in relation to the stated crimes. It is quite comprehensible to do when it is physical. If someone claims to have been a victim of torture then you can see the burns and you can really relate it to the crime. It would be great to have something similar for trafficking victims, especially to do with their mental injuries. But the bigger challenge with PTSD is how do you get it? It is not necessarily related to the victim of trafficking but it can be from anything. So, what do you do when that is the case?” [Participant 1_VOCF]

Participant 1 mentioned that what injuries are caused from what victimisation is still open for debate. This makes it challenging for non-experts to determine what damages are related to the sex trafficking experiences. It would, therefore, be valuable to have a set of concrete guidelines that these stakeholders can refer to, particularly when the trafficked victims have no mental health records due to not having received any psychological assistance.

Chapter 6: Discussion

6.1. A summary of the main findings

This research study was set out to explore a set of questions, as mentioned in Chapter 1. In relation to these questions, some key findings were observed. Firstly, although the VOCF does not compensate for material damages, its financial compensation can arguably still have a positive yet indirect impact on the restoration of trafficked victims of sexual exploitations' material well-being, especially if the money provided helps to promote the victim's economic independence. Brunovskis and Surtees (2012) claim that economic independence is an important step in the process of reintegration and resocialisation once free from the trafficking victimisation. This could, in turn help guarantee non-repetition of the victimisation.

Furthermore, in regard to immaterial support, the compensation can act as a useful tool for increasing a victim's psychological recovery, a sense of closure and justice by providing recognition of a trafficked individual's victimhood. De Mesmaecker (2012) argues that this recognition can in itself be a psychological relief. That someone has officially listened and acknowledged their sufferings can lead to a sense of empowerment. As a result, a sex trafficked person may have increased chances of psychological recovery, which can facilitate reintegration into society as well as reduce vulnerabilities that make revictimization less of a risk (ibid).

One problem raised concerning compensation is that the money provided by the criminal justice system is often difficult to calculate objectively and correctly due to a lack of sufficient evidence expressing the full amount that the sex trafficked victim is entitled to. This is in line with the obstacles to compensation mentioned by Cusvellar and Kleemans (2018) as well as the fear of revictimisation of victims during criminal proceedings stated by Barkworth and Murphy (2016) presented in Chapter 2. Consequently, compensation can

sometimes paradoxically have a negative impact on trafficked victims. This is something that stakeholders need to keep in mind for future improvements.

Furthermore, a potential improvement could be to provide training and education concerning possible risks that compensated victims may face once in possession of the money along with guidance on how to spend the money. Meshkovska (2018) stresses that, even if we understand that economic needs are a major vulnerability that pulls victims into exploitation, we do not yet know the full role these financial necessities play in a survivor's decision making, after exploitation. It would, therefore, be useful to do more research on the impact of financial compensation on the decision-making processes and the long-term recovery of the victims.

Views on whether full restoration is possible or not varied between the participants. Two argued that full restoration should be regarded in the form of coping mechanisms that allow victims to begin a new life. The professionals from Nidos believed that self-awareness, resilience and indications of social integration are what indicate restoration of a sex trafficked individual's immaterial and material damages. They did, however, state that such progress depends on different factors such as cultural differences. As mentioned in Chapter 2, this is in line with how Olatoregun (2017) describes a rehabilitated human trafficking victim of sexual exploitation. She claims that rehabilitation has been achieved once the victims can live with their past and have integrated within society in such a way that they can live a normal life. If this is achieved, repetition of victimisation is less likely, which, in her opinion, points towards a restored sex trafficked victim.

In relation to the emphasis of the broad spectrum of traumatic victimisation that most sex trafficked victims undergo, Cockbain et al. (2019) similarly stated the phenomenon is associated with a wide range of exploitation, consent and coercion instead of being neatly defined. It is, therefore, critical that professionals holistically assess the full spectrum of injuries that the victims have suffered, as this would prevent vulnerabilities from previous victimisation from being neglected throughout the restoration process.

Certain vulnerabilities suffered by trafficked persons that may be triggered by societal norms and views, especially in terms of how women are regarded in society, were underlined. Eerz (2010) claimed that HT for SE is often related to deep-rooted gender beliefs and stressed that in order to aid sex trafficked women, a focus on improving women's social status is necessary.

The interviews also revealed that there is a lack of knowledge concerning the effectiveness of the methods of guarantees of non-repetition implemented in the Netherlands. This is problematic. Without substantial evidence on how likely HT for SE revictimization is after a victim has had access to remedies, the restorative methods will continue to be used no matter how useful they are. Meshkovska (2018) pointed out that although Dutch anti-trafficking stakeholders have implemented substantial means to prevent survivors from repeating victimisation, there appears to be no substantial research on how effective the methods are. To date, no long-term studies measuring economic, social nor health consequences of HT for SE have been conducted (ibid.). Addressing this matter, is not easy, however. It would imply conducting longitudinal data collection, following the lives of trafficked victims who have escaped victimisation to see whether they remain out or get pulled back into exploitation. Without such research, it is difficult to determine how effective various measures are at restoring the well-being of trafficked victims or how likely it is that the victims fall back into exploitation.

It was also stressed that it is necessary to ensure that all aspects of the crime are considered, including newer and more modern methods of committing sexual exploitation. All relevant organizations should have up-to-date information in order to increase the visibility of HT for SE and chances of guarantees of non-repetition. The National Rapporteur (2019) pointed out that drastic technological developments have allowed for several new forms of exploitation to advance. For example, prostitution can today occur via online dating apps and financial payments can be done more efficiently and discretely. New technology is not only used for recruitment and blackmailing, but also to abuse, control and exploit victims. In order

to guarantee non-repetition of victimisation, it would therefore be important to stay updated and gain deeper insight into vulnerabilities that may have arisen recently and how they may be counteracted.

In terms of collaboration between stakeholders, there seems to be a tendency for professionals to pass on their tasks to someone who appears to have more expertise within the area. Professionals should instead try to come up with solutions together and contribute with their specialised knowledge rather than working independently on tasks. Furthermore, information is not always passed on internally within organisations when there is a shift of staff. Consequently, if internal collaboration and communication are adequate, then this can help to avoid repetition of transferring knowledge as well as decrease the risk of misunderstandings. Collaboration and sharing of information can also enable a more holistic image of different forms of expertise as well as cultural knowledge which can help the phenomenon to be explored and tackled from more angles (Milquet, 2019).

Another suggested improvement concerning collaboration was in relation to the amount of times a trafficked victim must repeat their story and statement to different authorities when reporting their victimisation. Meshkovska (2018) agrees with this and argues that questioning vulnerable sex trafficked victims, asking them to recall traumatising events during interviews, has shown to increase the risk of revictimisation. Thus, increased collaboration at the investigative stage would be beneficial.

Two challenges observed that both result in fewer victims reaching for support and assistance are due to victims already being engaged in too many procedures as well as the lack of self-identification. Cusvellar (2015) said that a reason for lack of victim self-identification is due to victims not knowing their legal rights and understanding the illegal victimisation that is inflicted on them. This can especially be the case for trafficking victims who come from a cultural background where living and working conditions are of similar standards as of the trafficking standards in their destination country. Another reason given by Rijken (2017) is that sex trafficked victims often blame themselves for being in the

exploitative situation. This is often the case for victims of loverboys where emotional and psychological manipulation inflicted by the trafficker may prevent the victim from reporting their victimisation and rather protect the sex trafficker (ibid).

The participants seemed to agree upon the fact that there is a lot of information made available by professionals to sex trafficked victims but that certain barriers may block it from reaching the victims. Milquet (2019) found that language may be one of these barriers in that there is insufficient provision of victims' rights available in different languages and in understandable terms for those without expertise in criminal proceedings. The right to information signifies that it should be accessible through either victim testimonies and through methods such as leaflets or even professionals in different forms and number of locations where victims may find themselves (i.e. medical centres, shelters and border controls) (ibid). In turn, victims' rights in the EU demonstrate legislative objectives and intentions even though, sometimes, the practical interpretation of the law may be different from the legislature's intentions and purpose (Esser, 2019). Furthermore, Rijken (2017) highlighted that insufficient provision or accessibility of information increase the risk of victims remaining unaware of the various services available to them. It may, therefore, be useful to examine whether current information accessibility is adequate to ensure that relevant information is reached by the maximum number of victims.

In order to promote victim identification and, thus, accessibility to remedies it is important for professionals that come into contact with the victims to receive adequate training on how to recognise signs of HT for SE and on how to best help them. It was said that it could be useful for judges to receive further training on the extent of the coercion and victimisation that sex trafficked undergo in view of the severe psychological injuries that often follow. This falls in line with recommendations from GRETA (2018) on the importance of relevant professionals receiving sufficient training on the concepts of human trafficking in order for victims to be identified and helped to the full potential.

In terms of victim identification for professionals such as medical staff, however, there is a need of an approach that maximises the benefits and needs of trafficked persons without breaching confidentiality trusts. In a report by the National Rapporteur (2019), the important role that medical professionals can play in the identification of sex trafficked victims was noticed. Medical staff treat presumed trafficking victims relatively frequently. Noting the suspicion of sex trafficking in a patient's medical file could be used as valuable evidence during trials of a sex trafficker. Thus, the National Rapporteur (2019) recommended that medical professionals be equipped with a concise step-by-step plan on how to safely proceed when they suspect a patient is a sex trafficked victim and training on how to then refer the victim to the competent agencies, such as the CSG.

Finally, a set of concrete guidelines on what psychological injuries are specifically caused by HT for SE victimisation would be extremely beneficial for professionals that do not have expertise in psychology.

6.2. Future research implications

In addition to the methodological limitations discussed for this study (see Chapter 4), some recommendations can be made concerning the need for future research that would contribute with valuable findings regarding this topic. Flynn et al. (2014) stressed the importance of incorporating victims as participants in order to make heard their direct victimological experiences with support officials. Secondary sources, such as the stakeholders in this study, are unable to give as much detailed information concerning the exploitation period as primary sources, like victims, would be able to. At the same time, the involvement of victims, who are usually in a vulnerable situation, may put them in an uncomfortable situation where traumatic memories of their past exploitation experiences could rise to the surface again, creating ethical complications (Poscoal, 2017). It may, therefore, be easier to gain consent from secondary sources rather than from victims. Furthermore, it would be important to keep in mind that victims may debatably be an unreliable source, depending on their trafficking situation, as they may have an emotional

attachment to their trafficker or may display confusion or embarrassment of their past (OIM, 2014).

As called for by Meshkovska (2018), it would be useful to know how sex trafficked victims spend the money received as compensation. This could give a more precise indication on whether the victims' recovery, independence and social integration improved in the long-term after receiving a financial compensation. Additionally, research on how likely human trafficking victims of sexual exploitation in the Netherlands are to fall back into the exploitation would be important to know how successful today's guarantees of non-repetition methods are.

Chapter 7: Conclusion

In view of the findings of this study, I would argue that stakeholders in the Netherlands contribute in various ways to the restoration of a sex trafficked victim's immaterial and material injuries through the means of compensation, rehabilitation and guarantees of non-repetition. Notwithstanding significant efforts, HT for SE remains a big phenomenon within the Netherlands where its victims too often find themselves without their rightful remedies. Thus, there is room for improvement in combating the crime and in the methods used for restoring the victims' damages.

It is necessary for the stakeholders to find approaches that can defeat the challenges of identifying and understanding the full spectrum of victimisation that these victims often experience and to apply individual needs assessments to each victim. Thus, factors such as collaboration between professionals, accessibility to information on remedies as well as adequate training for the relevant stakeholders can facilitate the access to assistance and support available to the victims.

Due to this being a relatively small study, it would be important to take into account its limitations when interpreting its main findings presented. Nevertheless, several

observations should be valuable inputs into any efforts aimed at further strengthening the approach in the Netherlands to dealing with human trafficking for sexual exploitation.

This study has shed light on both strengths and weaknesses within the restorative methods of compensation, rehabilitation and guarantees of non-repetition within the Netherlands. Additionally, it has identified gaps within the literature in relation to the longitudinal consequences of economic, social and health damages of human trafficking victims of sexual exploitation as well as the long-term results of the compensation, rehabilitation and guarantees of non-repetition restoration methods in place in the Netherlands today.

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Appendix: Thematic Analysis Code Book

Theme i : Compensation's contribution to the restoration of a victim's well-being

Code	Description	Example
Recognition of victimhood	Through financial compensation, a sex trafficked victim may get a sense of recognition of the injuries and sufferings they have experienced	<p><i>“What we do get back a lot is the fact that we recognised that they are victims. It happens a lot that the criminal case ends with the CEPOL and in a court room and the perpetrators are usually not found or they go free due to lack of evidence. This is when we play a big role seeing as we work with a lower standard of proof needed so it is not like the criminal standards of ‘beyond reasonable doubt’ but rather it is about plausibility. Even when there is no perpetrator found then it can still be that someone is a victim of human trafficking and we can</i></p>

		<p><i>recognize this, in comparison to the many other organisations that need more concrete proof and evidence.” [Participant 1_VOCF]</i></p>
<p>Fear of disappointment</p>	<p>Sex trafficked victims are often do not receive the full financial compensation that they, in theory, are owed due to the material and immaterial damages caused them. Thus, these individuals choose not to apply for compensation as they fear being disappointed after going through the procedure</p>	<p><i>“The judge has to estimate or guess, on the basis of all the information available in the file, how many hours the victim has worked and what the income was. A lot of prostitutes get the money cash so there is no registration. Financial compensation is, therefore, quite difficult as we do not really know how much they have made. But there is a rule of thumb that the judge can use when it is not possible to precise how much the victim has worked, maybe something like 500 euros per day. I think that is quite low because when you hear the stories from the girls, they usually say that they have earned way more money but that is a sort of cultural thing, as if we cannot believe that they have actually made that much money. So, there is</i></p>

		<p><i>room for improvement.”</i></p> <p>[Participant 2_National Rapporteur]</p>
<p>Guidance on money spending</p>	<p>Due to sex trafficked victims often coming from a low economic background and/or they have remained in the exploitative situation for a long time, it would be useful for them to receive some sort of guidance and education on how to invest and spend their money if they receive financial compensation. This can help the victims spending the money on something that will promote their recovery and well-being</p>	<p><i>“They do not get any training and it is always a bit worrisome that we give that amount of money. It has happened that the police called us after we gave compensation to report that the victim is back with the trafficker and the trafficker has all of the money now. It has also happened that someone overdosed as they spent all the compensation money on drugs.”</i> [Participant 1_VOCF]</p>

Theme ii : Rehabilitation for the purpose of learning how to cope with the past rather than to recover from the past

Code	Description	Example
<p>Coping mechanisms</p>	<p>By educating sex trafficked victims on how to cope with life stressors and traumas it can help them with future stressors and increase their independence to begin a new life and facilitate more social inclusion.</p>	<p><i>“We go to their shelter one morning per week and give group sessions that are more education than therapy. We give education about stress and how to cope with stress.</i></p> <p><i>They also profit from the education of how to cope with emotions and what happens to emotions when you have been</i></p>

		<p><i>through traumatic events and forced to do things you don't like and don't want to do."</i></p> <p>[Participant 3_ARQ]</p> <p><i>"We see some ladies that do not want treatment even though they know they would get some profit from it but they decide not to. They prefer to not go back and re-experience their history but to instead look forward and to try and get a job, learn Dutch and start a new life."</i> [Participant 3_ARQ]</p>
<p>Spectrum of victimisation</p>	<p>Victims experience extreme psychological trauma including trauma not just from the human trafficking exploitation but also from previous victimisation(s). This makes it important to consider the full holistic spectrum of victimisation per individual victim</p>	<p><i>"Most of the time the problems have started so early in their lives, including traumas like rape, it is a kind of repetition."</i></p> <p>[Participant 2_ARQ]</p> <p><i>"Their victimisation is a spectrum and this is just one section. They became a victim before this victimisation. So, maybe they can heal from that but I am not sure that they totally recover. I think that they rather learn how to live with it."</i></p> <p>[Participant 3_ARQ]</p>
<p>Importance of individual assessments</p>	<p>It is important to apply an individual assessment for each trafficked individual in</p>	<p><i>"It depends on the person. There are some that have to</i></p>

	<p>order to determine what approach might benefit that particular person the most</p>	<p><i>stop the treatment because it is better for them to wait until their situation is more balanced. Some can do it, and for others it is very difficult to come here and then go back to the camp and not sleep. Then there is always the interview with the IND that hangs above them as a weight as they see it as a big danger to go there. They have many daily stressors. Some need extra talks to motivate them, others need more time. A lot of ladies come back after one or two years and ask for help when they are ready. It is also about resilience. It is their choice When they want to do it.” [Participant 3_ARQ]</i></p> <p><i>“What I have observed is that some profit greatly from being in a group and to talk together. This raises awareness where they realise that they’re not the only ones. This is important as victims of sexual violence often close themselves up and feel ashamed. But it’s not that we talk about that but just being</i></p>
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		<p><i>together in a group and knowing that the others have also been through traumatic events helps a lot.” [Participant 3_ARQ]</i></p>
<p>Full restoration possible?</p>	<p>Participants differed in opinions of whether full restoration is possible. Some said it is not, some said that self-awareness, resilience and indications of social integration are factors that point towards full restoration</p>	<p><i>“Quite simply, no. That is what I think. They have been through so much. I think it is possible to maintain some sort of level on which they can live or rather, surviving. PTSD does not end. It always stays with you.”</i> [Participant 1_VOCF] <i>“It depends on their backgrounds and whether there are other traumas that they have experienced and how many traumas. Especially children have had a good background with their family and a safe base, then of course it is easier to deal with their trauma, in comparison to youngsters did not have that. We see that it is possible to recover, yes.” [Participant 4_Nidos]</i> <i>“It depends on so many things. It depends on their background. It depends on how</i></p>

		<p><i>long they were exploited for, perhaps they had a child with the trafficker and so they are constantly reminded of the experience. I think that it is possible but that there are many factors that influence it. The women that go through this are very vulnerable but also very strong because they've lived through it and have the right capability to get well if they have come this far. We really need to help them through it though. I do think that it may also have to do with our society and how we regard women. If we are slut-shaming someone who makes out with three guys, how will we ever be accepting of a girl who is forced to work as a prostitute? That is definitely something that needs to change." [Participant 2_National Rapporteur]</i></p> <p><i>"What we often see is that people come to us very traumatised and they're insecure. But when they leave, we see people who are more</i></p>
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		<p><i>self-aware, resilient, they go to school, have friends and know how to process their traumas.”</i></p> <p>[Participant 4_Nidos]</p>
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Theme iii : Guarantees of non-repetition are unknown

Code	Description	Example
Lack of research/awareness	While there is substantial research on the immaterial and material damages of sexually exploited victims, there is insufficient knowledge on how these social, health and economic factors are linked to the long-term victims' restoration	<p><i>“I do not know how many but there definitely are some. They are very secretive and we might suspect that they are involved in it again because of new shoes or something else you see. But they do not talk about it very easily.”</i></p> <p>[Participant 3_ARQ]</p> <p><i>“I am not sure whether it is being measured. I would imagine that it is but I do not know. The problem is that these investigations are very long. Also, if a victim is victimised in one area of the Netherlands and then in a different one, this may not be detected because a different department is dealing with it. I can imagine that it happens a lot though, due to financial or emotional reasons, or a drug-</i></p>

		<p><i>related problem, but I do not see it.” [Participant 2_National Rapporteur]</i></p> <p><i>“Hard to say. It happens, it’s a bit like domestic violence. People who become a victim of domestic violence tend to flee the one situation and enter the exact same situation but with another guy. I think it does happen within human trafficking too.” [Participant 1_VOCF]</i></p>
<p>Online coercion</p>	<p>Digitalized means are becoming more popular as a method of recruitment, black mailing and for carrying out the exploitative acts</p>	<p><i>“Also, a lot of the coercion takes place online and we do not have the means to gather that information. If we could improve the investigations with more options to access online conversations and the dark web, then we would improve our knowledge and our investigations. Consequently, the convictions be easier and there would be more help for the victims. This would also work as a preventative barrier as traffickers who might think about forcing a girl into prostitution may think twice</i></p>

		<p><i>about it if he is more likely to get caught. So, in every aspect that would be a good thing.”</i></p> <p>[Participant 2_National Rapporteur]</p>
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Theme iv : Challenges faced by the different stakeholders

Code	Description	Example
Lack of applications	Too few victims applying for their rightful remedies	<p><i>“It is quite remarkable. The numbers of trafficked victims who have filed a police report or have been registered at CoMensha is way higher than the applications we receive. Every year on average 450-500 presumed victims register and we generally get just 60-80 applications per year.”</i></p> <p>[Participant 1_VOCF]</p>
Reasons for low applications	<p>Victims are often engaged in several different procedures and, thus, need to prioritise which are the most pressing as it is too much to do all at once</p> <p>Lack of victim self-identification</p>	<p><i>“Many victims do not want to file the application as they are simultaneously going through a lot of other procedures, like with the IND and housing. Therefore, they do not want to file yet another application at another organisation because it becomes too much for them.</i></p> <p><i>So that could be one</i></p>

		<p><i>explanation.” [Participant 1_VOCF]</i></p> <p><i>“Some victims do not recognize themselves as victims in the first place. Chinese people, for example, say ‘oh I did not work that hard’ because we use our standards but for them it is not so bad and, therefore, do not consider themselves as victims. So, there is a discrepancy with that. Eastern European workers are also quite hard workers so they do not whine as much. So, there is a big challenge to fill but you also do not want to victimise people who do not see themselves as victims as this could make it worse.”</i></p> <p><i>[Participant 1_VOCF]</i></p> <p><i>“A lot of women from Latin America come over here to work and, in our view, they are being exploited because, under our rules, they are working in horrible conditions but they do not see themselves as victims because they chose to come here. The circumstances under</i></p>
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		<i>which they work over here are also so much better than they would be in South America so they just do not recognise their victimhood.” [Participant 2_National Rapporteur]</i>
Risk of revictimisation	By convincing a sex trafficked victim that they are being mistreated can risk revictimising them	<i>“We have to keep in mind that this a difficult group to help. They are so traumatised and since they became used to a certain kind of life it makes it quite easy to revictimise them.” [Participant 1_VOCF]</i>

Theme v : The intention to collaborate is there but there is room for improvement

Code	Description	Example
Room for improvement	<p>In certain areas where professionals still work too independently and there is sometimes a lack of taking individual responsibility</p> <p>The police is lacking in resources</p> <p>Victims having to repeat their stories during interviews and interrogations to different professionals</p> <p>Internal collaboration and update and sharing of information</p>	<i>“I feel that there is a very pleasant collaboration with all these organisations but of course we all have our own instructions. What we do is that we work based on the interest of the minor and we care for the minor. The police for example they check if there are any possible investigations possibilities and sometimes then it is difficult to find each other in that. But since a few years now we have this multi-</i>

		<p><i>disciplinary team which really helps because when we talk with one another we can coordinate with one another.”</i></p> <p>[Participant 4_Nidos]</p> <p><i>“I think that there are a lot of initiatives where people are trying to collaborate but within those same organisations, the same problems rise in that they point at each other and say that someone else should take care of it instead. That lack of collaboration translates into all kinds of areas where everyone has so much on their hands that they are likely to say “this is something that is more up your street” or “we specialise in something else so you should take this on” [Participant 2_National Rapporteur]</i></p> <p><i>“They come to us feeling safe and tell us everything but when they go to the police, they do not feel safe and do not tell everything because they have to be prudent. They are scared of the consequences of what they say and take precautions.</i></p>
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		<p><i>They are in a shelter and have just come out of the crisis and have many talks with lawyers, police, their mentor and us. I think that it could be a good idea to do this together like that they only need to tell their story once. However, in all the four cases you need to tell your story as a trafficked victim. This can also be an advantage though as the victim will tell their story differently to the police than to us or the lawyers. But the victim still needs to repeat it four times.”</i></p> <p><i>[Participant 3_ARQ]</i></p> <p><i>“I think the problem is that there is a lot of change in staff that work at the organisations, law firms and police. These people do not get the information from their previous workers. So even if we try to reach out to them all on a continuous basis then we cannot prevent people from leaving their jobs with all of their knowledge. So that is a problem.” [Participant 1_VOCF]</i></p>
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Theme vi: Sex trafficked victims’ access to information on remedies

Code	Description	Example
Accessibility to information	It happens that victims are seeking help and support but miss out on opportunities that they are eligible due to a lack of access to information	<p><i>“I don’t know. The idea of the CSG is that if they know that you have been raped you can immediately go there. There, victims have the pathways to support immediately. But not all victims know that they can go there. We have victims that become pregnant from rape and then report themselves here again and ask for help. So, they do not always know that they can go somewhere else earlier. Most of the time they also come to us later because then the complaints are higher and injuries are more severe.” [Participant 3_ARQ]</i></p>
Barriers to information access	<p>Information on remedies is maybe not lacking, but rather there are certain factors in individual cases that prevent the awareness from reaching the victims (i.e. cultural factors that keep victims from self-identifying)</p> <p>Victim identification done by the police facilitates the</p>	<p><i>“I think that there is a lot of information and there are a lot of organisations that are actively trying to reach out. It is also a question of age, some victims are very young and may come from a family where</i></p>

	accessibility of information to the victims	<p><i>they are unaware of the fact that they're being exploited. It may even be the reason for why they are being exploited because the perpetrator says that 'if you do not do this for me then I will tell your family'. So maybe the information is available but they cannot get to the information due to the circumstances that they're in. I think that once the police identifies you as a victim, then a lot of help is available as they will point you in the right direction. It is a lot more difficult if you need to find it yourself."</i></p> <p>[Participant 2_National Rapporteur]</p> <p><i>"If the police picks up such signals of human trafficking then they inform Nidos. If Nidos picks up signals, we can make the decision of whether a minor should go to a protected shelter. So, when signals of human trafficking are detected then the minors are immediately transferred to a protected shelter. Once there,</i></p>
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		<p><i>they receive information from their guardian and their supervising mentors. They are told about the risks and what we are worried about and we also inform and explain to them everything about human trafficking.” [Participant 4_Nidos]</i></p>

Theme vii : The importance of adequate training for professionals

Code	Description	Example
Training for professionals	Judges should receive more training and education on the concepts related to HT for SE (i.e. the psychological injuries victims often suffer from that may be difficult to identify without psychological assessments)	<p><i>“The judges do not know the severity of mental coercion and what it does to a young person’s brain. The severity can especially depend on the cultural background where it may be unacceptable to send a nude, for example. So, I think there is room for improvement there as I think training would help judges recognise and understand immaterial damages that may affect the verdict of the perpetrator.”</i></p> <p>[Participant 2_National Rapporteur]</p>

<p>Issues around training</p>	<p>Training and education may be useful for medical professionals as it creates deeper awareness of the phenomenon, however, they are still in need of an approach that maximises the benefits and needs of trafficked persons without breaching confidentiality trusts</p>	<p><i>“I went to a congress with doctors where we educated them on HT of SE. It was in collaboration with CoMensha and different doctors. The difficulty with them though is that they have a professional obligation not to share information about potential victims. We are looking into whether we can make it easier for the doctors to detect signs of human trafficking but at the same time we do not want to hinder victims from reaching out for help from doctors if they know they might get reported. So doctors have a very tight space. I think that recognising the problem is the first step and they are trying to educate themselves more on human trafficking which is positive.”</i></p> <p>[Participant 2_National Rapporteur]</p>
<p>Training related improvements</p>	<p>More concrete in-depth research data on the psychological injuries caused specifically by HT for SE would be useful as this would help professionals without any expertise within this area to better understand specifically the</p>	<p><i>“There is a research facility, for example, where they assess the injuries shown in relation to the stated crimes. It is quite comprehensible to do when it is</i></p>

	<p>immaterial damages of the victims as well as how and when they were caused</p>	<p><i>physical. If someone claims to have been a victim of torture then you can see the burns and you can really relate it to the crime. It would be great to have something similar for trafficking victims, especially to do with their mental injuries. But the bigger challenge with PTSD is how do you get it? It is not necessarily related to the victim of trafficking but it can be from anything. So, what do you do when that is the case?"</i></p> <p>[Participant 1_VOCF]</p>
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