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NATIONAL REFERRAL MECHANISM SYSTEMS IN EUROPE

EXPLORING CHRISTIAN ANTI-TRAFFICKING
ORGANISATIONS EXPERIENCES

European Freedom Network e.V.



INTRODUCTION

The provision of support for survivors of all forms of trafficking and exploitation is vital in the fight against human trafficking. While there have been advancements made to better identify, support and advocate for survivors of human trafficking at the state, country and European level; there is significant work to be done.¹ In comparison to the global estimates of the nearly 50 million people currently exploited in modern slavery globally, the number of identifications, survivors assisted and traffickers prosecuted is small.² One of the tools designed to help address these challenges is the model of a national referral mechanism (NRM). The OSCE defines a NRM as:

A ... co-operative, national framework through which governments fulfill their obligations to protect and promote the human rights of victims of trafficking, coordinating their efforts in a strategic partnership with civil society organisations, the private sector and other actors working in this field. NRMs should be established in all countries of trafficking origin, transit and destination to ensure a comprehensive and inclusive system of support that is targeted at, and accessible for all victims of trafficking. NRMs ensure that all presumed or identified victims of trafficking within the jurisdiction of a state are entitled to human

rights and fundamental freedoms regardless of their background, nationality, activities they may have been involved in, or their willingness to co-operate with law-enforcement authorities. This includes those who are trafficked domestically (within the borders of one country) as well as transnationally (across international borders) and online (cyber-trafficking)...³

Key actors that should be engaged in the NRM are typically but not limited to national government institutions, local and regional governments and support services, advocates, civil society organisations, health care systems and legal aid services providers.⁴ The OSCE released the first national referral handbook to provide guidance for states to create and sustain NRMs in 2004. In 2022, a new version of the handbook was released as the progress to adopt NRMs and see them working functionally was slow, with some OSCE states having more success and functionality with the implementation of an NRM.

1 UNODC (2022) Exploitation and Abuse: The Scale and Scope of Human Trafficking in South Eastern Europe, Vienna.

2 International Labour Organisation, Walk Free and International Organisation for Migration (2022) Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, Geneva.

OSCE Office for Democratic Institutions and Human Rights (ODIHR) (2022) National Referral Mechanisms Handbook: Joining Efforts to Protect the Rights of Trafficked Persons, 2nd edition, Warsaw.

3 OSCE 2022, pp. 38.

4 OSCE 2022, pp.47.

RESEARCH AIMS AND QUESTIONS

This report aims to highlight the experiences of Christian anti-trafficking organisations across Europe that are EFN members as they have intersected with national referral mechanisms. Many EFN member organisations work closely with survivors of trafficking and people involved with sexual exploitation in prostitution. EFN members have regularly shared their experiences of supporting survivors and the challenges they intersected. These conversations were the origin of this report. The report aims to capture the voices of EFN members when interacting with the NRMs in their countries and to explore and identify the role of NGOs in supporting and engaging with the implementation of NRMs.

The research questions used to guide this research focused on:

1. What are the experiences of EFN members interacting with national referral mechanisms/national action plans?
2. What experiences have EFN members had with NRMs when supporting survivors of trafficking seeking services?
3. What are the leading practices that EFN members see NRM stakeholders implementing?
4. What are the gaps, challenges and opportunities for strengthening the NRM?

These research questions sought to highlight the unique role small, Christian anti-trafficking organisations have in the sector. The voices of faith-based organisations are key to understanding how support for survivors is being implemented as many aftercare and

outreach organisations incorporate a faith component in their support for survivors.⁵ Moreover, this is seen globally where Christian organisations are one of the major groups providing funding and services to survivors.⁶ Additionally, EFN highly values this learning and knowledge building to support its advocacy work across Europe as EFN is comprised of 268 organisations and over 400 partners representing 44 countries, all working to combat human trafficking through aftercare, outreach, prevention, awareness raising and advocacy.

⁵ Lonergan, G., Lewis, H., Tomalin, E., and Waite, L. (2021) Distinctive or Professionalised? Understanding the Postsecular in Faith-Based Responses to Trafficking, Forced Labour and Slavery in the UK, DOI: 10.1177/0038038520967887.

⁶ Zimmerman, Y.C. (2011) Human trafficking and Christianity, DOI:10.1111/j.1749-8171.2011.00309.x

METHODOLOGY

The survey data collected for this research was collected through the 2022 EFN Bridge Conference. Two sessions focused on this topic were scheduled for the 76 participants to attend.

The first session was a presentation on what NRMs are, a brief overview of the new NRM handbook published by the OSCE and a short video interview with by Tatiana Kotlyarenko, an Advisor on Anti-Trafficking from the OSCE. The second session that directly followed was designated for collecting the data for this report. The conference participants that attended the session were divided into country groups to complete one survey per country group. The survey was accessible through Survey Monkey and participants had an hour to discuss the questions and provide responses. Consent was taken both on the survey and in hard copy consent forms provided to all participants present.

15 country groups returned surveys representing Bulgaria, Czechia, France, Germany, Greece, Georgia, Hungary, Italy, Luxembourg, Moldova, Romania, Spain, Switzerland, Tunisia and the United Kingdom. Of the participants present, nine organisations focused on outreach, four organisations identified as religious/Church organisations, three organisations worked in aftercare and three organisations worked in prevention. Organisations also indicated being involved in development, rescue, repatriation and reintegration, running a drop-in centre, research, job training, and interpreting for solicitors, social workers, key workers and outreach workers.

Limitations/Assumptions

Data collection for this project was limited to the attendees of the Bridge 2022 conference as the organisers hoped to gain momentum and traction from the presentations and the group context. Previous member surveys have had low response rates and the organisers hoped to have increased participation. The survey was sent out to the EFN membership following the conference but no additional surveys were returned. An interview was conducted with an EFN member that was unable to attend the conference and who did not fill out a survey as their advocacy work is aligned with the aims of the survey.

This research project also highlights the assumptions and understandings of the EFN Operations team who led this project and the lived experiences of EFN members. It was assumed that many EFN organisations providing aftercare support for survivors were aware of the NRM system in their country and were working closely with government actors and mechanisms to support survivors. However, there were no participants of the survey that work as a direct NRM referral partner for the NRM. More research is needed within the EFN membership base to see if there are organisations operating in this function that were not participants of the research. The process and findings of this research were illuminating and further reflection and evaluation is needed by the Operations Team to continue to understand the membership experiences.

DISCUSSION

Understanding the role of a national referral mechanism

The role and function of a national referral mechanism, in its simplest form, can be a straightforward concept. The idea of having a centralised and organised pathway for support and services for survivors of trafficking is welcomed by many types of entities and actors attempting to support survivors. However, the understanding of current systems and processes that are either the legally recognised NRM or the informal systems and structures that operate in their place are complex and political. When surveyed what type of system does the country of the organisation's operation have the majority (11 participants) indicated a national system. Yet, when asked if the NRM system that they consider to be in place in their country is to the standard of the OSCE, 7 of respondents indicated that they did not know and 8 reported yes.

Each country is allowed to develop a NRM system as it sees fit. Some countries have more centralised systems while others have more fragmented systems with more power being located at the local level(s). An example of this was shared by the group of participants from Portugal:

The NRM is run and coordinated nationally, but there are Emergency Intervention Multidisciplinary Teams that are set up regionally, so support to survivors ... is deployed more rapidly. These teams include several technical skills: social assistant, legal support, police forces, psychological support, etc. Downstream from these teams, survivors have safe houses run by some NGOs - for women (2), men (2) and for children (1).

Participants from Germany responded that they do not have any form of formalised referral process. The group then described that while no formal system is in place, “[t]here are cooperation agreements between some NGOs and the police in some cities and in some cities there is voluntary cooperation between some NGOs/organisations and the city /government organisation, stakeholders, police etc.”

Survey participants appeared to show a basic level of understanding of the country's system but more education and learning on the role of international organisations like the OSCE in supporting the ongoing development of NRMs in Europe is key. Countries that are attempting to and who already have established NRMs need accountability to ensure that meaningful services and support are provided to survivors. Having an understanding of how the OSCE supports the development and implementation of NRMs across Europe could be useful to grass-roots anti-trafficking organisations as they are interacting with NRMs or formalised referral pathways.

The knowledge of how a system is intended to work is powerful when advocating for improvements, transparency and the formation of state recognised systems. Organisations also need to expand their knowledge of what trafficking survivors are entitled to be aware of when NRM organisations or connected actors are not providing services to the fullest.

DISCUSSION

Collaboration

Connections and trusted collaboration are vital in anti-trafficking work. The support of survivors is complex and requires multiple organisations support and the support of government entities and agencies. Throughout the interviews and survey responses there were mixed experiences of feeling excluded from NRM systems by either the government or other organisations with differing political perspectives or due to competitive funding structures. Ten survey respondents indicated that they collaborated with entities that are a part of the NRM in their country. 78% of respondents indicated that they collaborated with civil society organisations (i.e. NGOs, faith based organisations, community based organisations, and unions), 56% stated they collaborated with entities providing legal advice and 44% collaborated with law enforcement officers. The strength of NGO collaborations has also been key in shaping the NRM system in their development. As frontline service providers, outreach workers and advocates the knowledge of what survivors need and the standard of what an organisation should be aiming for is critical to designing and implementing a responsive system.

An organisation in Romania shared the story of how their organisation has worked with other NGOs to lobby the government for a new version of the NRM with improved structures and mechanisms to meet the needs of both responding NGOs and survivors. However, the organisation feels the pressure of providing training for service providers and other anti-trafficking organisations as the government will not provide this even though the NRM laws will be changed.

Without this training and advocacy a new system could remain as ineffective as the previous iteration.

While the majority of respondents indicated that they have some form of collaboration with the informal or formal national NRM in their country, these collaborations are marked with challenges and limitations. Both survey respondents and interview participants highlighted that while there can be positive experiences with their respective NRM systems, yet all countries represented need further improvements. The common sentiment among participants was a sense of confusion and a lack of trust of small faith based organisations. The following sections will explore how this, combined with strongly differing political standpoints has presented immense challenges in some nations and in others provide some slight in roads. Finally, governments use of large organisations to be their primary referral point is seen as creating monopolies of care where only one or a select few organisations can provide NRM services for survivors. Survey and interview participants felt that this was exclusionary and limited the nation's response as they see that many survivors are unsuccessful in finding support through NRM organisations.

DISCUSSION

Trauma informed care

Collaboration and advocacy were also considered essential for supporting and raising the standards of care and their associated procedures by survey and interview respondents. This was particularly noted in responses focused on exploring how trauma informed care is utilised by NRMs or similar informal systems. Regardless of whether a country had a formal NRM system or not survivors of trafficking and sexual exploitation are commonly not afforded their full rights and not provided with adequate and safe care. For this reason, many survivors do not seek the support of an NRM as their provisions of assistance often rest in their willingness to testify and or cooperate with police in an investigation of their trafficker. Survey respondents from Germany, Bulgaria and Czechia described situations where the police, though potentially having received some training in human trafficking, were known to intimidate victims and consider them to be criminals due to being forced to commit crimes.

Trauma informed care is also a key issue for organisations providing services to survivors. An interview participant from Romania explained that in most social services there was a lack of trained staff and experts, notably in rural regions. Human trafficking informed experts and meaningfully trained civil servants appear to be in demand in all countries participating in this research. While there are pockets of cities and regions that have more informed government and civil society actors, greater education,

awareness and funding is needed to support these roles.

An interview participant from Austria summarised the frustration as follows:

“When we read the NRM handbook and see all of the ideas and leading practices for special rapporteurs or survivor advisory councils it feels impossible compared to what is happening on the ground. [For example] Austria only has one specialised judge for human trafficking cases.”

Similarly, respondents from Germany expressed similar challenges. The German respondents described that while the city of Berlin may be more equipped than other regions, survivors still have to appear in court with their trafficker and not provide proper support to navigate the complex process of having a case in the court system.

Politics and exclusionary measures

Across the countries reviewed for this research the challenges and limitations brought on by political infighting and exclusionary parallel service provision systems were of note. Following on from their examples of the lack of trauma informed practices in Germany, participants described how the intense political infighting between service providers and their professional networks impeded their work. For Christian organisations favouring the Nordic Model⁷ and considering prostitution to be sexual exploitation there is little room for collaboration with secular, pro sex work organisations.

⁷ The Nordic Model refers to the partial or full criminalisation of the purchase of sexual services. See Skilbrei, M.L and Holmström (2011) Is there a Nordic Prostitution Regime?, *Crime and Justice* 40(1), pp. 479-517.

DISCUSSION

To join professional networks or to run a support programme, a network leader who participated in an interview stated that there are not established legal criteria and that political alliances are the key factor in being allowed to operate or receive government funding.

Respondents echoed the challenges of finding a way into government funding streams as there are limited budgets that are usually distributed to one or a few key partners. The Austrian interviewee noted that while this was probably easier for the government it created power systems and structures where organisations receiving support did not encourage the government to cooperate with other organisations to keep their funding stream secure. Organisations operating in Portugal, the Republic of Georgia and Luxembourg indicated that similar struggles and overall highly doubted the capacity of the government, regardless of the type of NRM system (formal or informal) in place as being meaningful to helping survivors. In the end, restricted finances, unending bureaucratic procedures and political manoeuvring has created parallel systems in many countries where anti-trafficking organisations (many of them Christian) are continuing to work with survivors and building their own professional networks to find support for their needs. Select organisations, like that of the Romanian interviewee, have found success in lobbying, connecting and facilitating work between smaller NGOs and governments for the implementation of a new NRM. However, some organisations still choose to remain outside of the government sphere as not wanting to officially register as a social service provider.

A network leader from Greece shared that while there has been a lack of connection between smaller, Christian anti-trafficking organisations in the past, a recent meeting with their network and representatives from NRM increased their confidence in potential collaboration and overall mutual understanding.

The network leader described the meeting as providing a space for all parties to describe their work and ask questions on challenges they encounter when attempting to support survivors. He stated that the lengthy conversation was “super encouraging” and the NRM representatives indicated that the anti-trafficking organisations present were considered to be highly integral in the success of the NRM in Greece. In comparison to Germany where being a Christian organisation or operating from a standpoint of Christian values appeared not to be an asset that encouraged collaboration, the network leader observed that in Greece there is a deeply embedded identity with being Greek Orthodox. This was notable as one of the NRM representatives openly identified in the conversation as being Greek Orthodox. He relayed that this may have helped her understand the faith based component of the network’s work and she did not appear to have issues with their Christian approach.

CONCLUSIONS

The design and implementation of national referral mechanisms across Europe is ongoing with great improvements needed with all actors involved in supporting survivors of human trafficking.

This snapshot look into the experiences of Christian grassroots NGOs highlights the need for greater collaboration that is not hindered by restricted funding streams and political endeavours. Furthermore, the need for deeply rooted trauma informed care is needed in all areas of implementation. Finally, the work of international organisations and European wide government structures can play a key role in addressing the striking differences in NRMs across Europe through targeted advocacy and lobbying. While Christian anti-trafficking organisations often find difficulty in collaborating with government structures they play a vital role in continuing to provide services and support for survivors. Their experiences and voices need to continue to be heard at all levels of government and civil society.

Key Recommendations

- Faith-based and grassroots organisations need to continue advocacy and collaboration with national government organisations for the formation and implementation of NRM systems.
- Faith-based organisations and mid to small sized organisations should continue to advocate for their involvement and inclusion in formal (or informal) national referral mechanisms.
- Anti-trafficking organisations should continue to advocate for states to provide a 45 day reflection period and a wide array of services to support survivors.
- Lobby governments, specifically the police and judicial systems to allow survivors to have access to services even if a survivor chooses not to prosecute their trafficker.
- Support and contribute to the continued development and implementation of meaningful support programmes that are not limited to housing, psychological support, legal assistance and financial support.
- Creating and providing information for survivors about how the NRM work and the rights they have in the system, particularly when prosecuting their trafficker(s), in their own language.
- Continue and increase the training of judiciary, police, social and health services in trauma informed care and awareness of human trafficking.