

Realizing human rights: access to justice of trafficked persons

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My research is based on a premise that the problem of trafficking in persons, whether at the international, national or local level, can only be addressed effectively based on comprehensive strategies by means of human rights approach. It is important to take into account the multifaceted (complex) nature of the problem, its human rights, economic, social, labor, legal, migration, organized crime and moral (ethical) aspect.

Violation of human rights is both the cause and consequence of trafficking in persons and therefore I put them on the first place in the top list of my work.

Trafficking in persons is always the same, wherever and to whomever it happens. What is characteristic of this crime is the use of force and deception to put a person into extremely exploitative conditions and/or circumstances.

At the end of my research I would like to suggest ways in which Polish governmental agencies and organizations can develop various elements of a comprehensive strategy to prevent and address the problem of trafficking in persons on the national and regional scale and I also intend to present recommendations for a more effective identification of victims of trafficking and their protection and assistance.

Goals of the research project:

- to improve the capacity of Polish NGOs in the field of protecting and promoting of human rights of victims of trafficking in persons
- to increase the role of NGOs in cooperation and networking with law enforcement, NGOs, other service providers and governmental institutions in order to secure the implementation of effective anti trafficking measures in Poland
- to advance the knowledge of legal provisions and procedures of trafficking in persons among the law enforcement representatives in Poland
- to improve existing anti trafficking measures and human rights protection of trafficked persons in Poland

Objectives of the research paper:

- to analyze American legal provisions and anti trafficking practice
- to present a picture of anti-trafficking activities of American NGOs
- to gather the best practices of chosen U.S. human rights non-governmental organizations
- to gather case studies of successful prosecution and victim/witness support
- to draft conclusions and recommendations that should be used and implemented in Poland
- to apply the best American practices and progressive solutions into Polish procedures and policies to protect the human rights of trafficked persons

Confines (limits) of my paper:

I will not explore the legal framework of trafficking in the U.S. in details, as it is surely different from those in Poland.

I will focus on the situation of trafficked persons, since the coercion, abuse of power, violation of human rights, exploitative conditions and circumstances are the same everywhere where trafficking in persons is a case.

I would like to make a selection from the wide variety of solutions, procedures, tools available in the U.S. governmental and non-governmental practice. I will pick up those suitable to introduce without any significant changes of the existing legal framework in Poland.

Practical tips, step by step instructions and tools for different service providers and law enforcement would eventually improve the quality of services and assistance provided to trafficked persons. This will help to bring them back to the path of social and labor inclusion.

The scope of problem:

It is practically impossible to indicate even an approximate number of trafficked persons worldwide. Just to give a very first impression of how complicated and is the idea of the scale of the problem I have enclosed some estimations and statistics. They illustrate how different, and in some ways confused and even contradictory they can be even within the same type of organization/institution or a network.

International Organization:

The ILO estimated in 2004 that 2.45 million people in forced labor had been trafficked across international boundaries. Of these about 43 per cent had been destined for sexual exploitation, and a third for economic exploitation. Of those trafficked for prostitution, 98 per cent were women and girls.¹

Media:

ABC news:² “In an effort to crack down on smugglers, the Justice Department has set up 42 task forces nationwide to work with state and local officials. From 2001 to 2006 the department prosecuted 360 people for human trafficking and modern day slavery -- a 300 percent increase over the previous six years. To date the government has helped more than 1,000 victims from 72 countries escape the multibillion dollar smuggling industry that fuels modern day slavery. The numbers are staggering. Government estimates say 800,000 people are bought, sold and smuggled worldwide annually. As many as 18,000 of them make their way to the United States from all corners of the world from at least 72 countries, including Cameroon, Egypt, Indonesia and Korea. Dozens of smuggling rings identified by the government traffic people in the United States, part of what is now a multibillion dollar black market industry.”

Washington Post³: “The administration has identified 1,362 victims of human trafficking brought into the United States since 2000, nowhere near the 50,000 a year the government had estimated. In addition, 148 federal cases have been brought nationwide, some by the Justice task forces, which are composed of prosecutors, agents from the [FBI](#) and [Immigration and Customs Enforcement](#), and local law enforcement officials in areas thought to be hubs of trafficking. In the Washington region, there have been about 15 federal cases this decade. Although there have been several estimates over the years, the number that helped fuel the congressional response -- 50,000 victims a year -- was an unscientific estimate by a [CIA](#) analyst who relied mainly on clippings from foreign newspapers, according to government

¹ ILO, *A global alliance against forced labour*, Global Report under the follow-up to the ILO Declaration, Report I (B), International Labour Conference, 93rd Session, Geneva 2004, para.60

² “**The Global Trafficking Trade in the U.S.**” www.abcnews.com

³ Markon, Jerry, *Human Trafficking Evokes Outrage, Little Evidence*. Washington Post, September 23rd, 2007.

sources who requested anonymity because they were not authorized to discuss the agency's methods. Former attorney general [Alberto R. Gonzales](#) told Congress last year that a much lower estimate in 2004 -- 14,500 to 17,500 a year -- might also have been overstated.” The CIA estimate soon appeared in a report by a State Department analyst that was the U.S. government's first comprehensive assessment of trafficking. State Department officials raised the alarm about victims trafficked into the United States when they appeared before Congress in 1999 and 2000, citing the CIA estimate. A Justice Department official testified that the number might have been 100,000 each year. A CIA analyst ran the research through a computer simulation program, said government officials who spoke on condition of anonymity because they were discussing the CIA's methods. It spat out estimates of destination countries for trafficking victims worldwide. The new number of victims trafficked into the United States: 14,500 to 17,500 each year.”

NGOs estimation:

Global Rights⁴: “The United States government estimates that at least 20,000 people are trafficked into the United States each year for forced labor in domestic work, prostitution, agriculture and factories.”

Tapestri⁵: “Human trafficking is a global phenomenon, happening everywhere around the world including in our own communities. Worldwide, an estimated 1 to 2 million people are trafficked every year. According to State Department estimates, approximately 14,500 to 17,500 women, children and men are brought to the U.S. each year. Millions of individuals, the majority of which are women and children, are tricked, coerced, sold or forced into situations of slavery-like exploitation from which they are unable to escape.”

CAST:⁶ “Approximately, 600,000 to 800,000 victims annually are trafficked across international borders worldwide, and between 15,000 to 18,000 of those victims are trafficked into the U.S. 27 million people are enslaved globally, 9 billion industry annual profits for the traffickers. Ranks 3rd next to arms and drug smuggling in organized crime activities.”

The scope of work:

The paper starts with a short overview of the current situation in Poland in order to indicate the gaps that will be addressed in my research .

When I started to look for good or best American practices and also lessons learned, it became evident, that because of the large amount of resources, I should focus only on those solutions that could be directly transferred to Polish anti trafficking practices and that I need to leave aside many interesting ideas for a further study work and eventual implementation.

Analysis of existing anti trafficking NGOs in the U.S.

Methodology

Research was conducted on the national, organization and project levels using both secondary and primary sources.

⁴ www.globalrights.org

⁵ www.tapestri.org

⁶ www.castla.org

Secondary data were collected from reports and information provided by the NGOs on their websites and via literature review. The purpose of the literature review was to have an understanding of the background of the national and project level contexts.

Primary sources entailed consultations with stakeholders at network, organization and project levels. This involved interviews – both direct ones and phone/Skype interviews with NGOs activist.

I've made a review of accessible literature, a selection of resources on non governmental organizations and I've chosen among them those working both on advocacy and direct services level and those who were the most influential in a process of development and drafting anti trafficking legislation and policies in the U.S..

Furthermore, I was reviewing a general framework of anti trafficking measures in the U.S. , within which NGOs are working. A special focus was put on governmental/non governmental cooperation. I've observed how the NGO/GO cooperation is working and to what extent NGO and GO activities and efforts can complement each other.

For the purpose of my research I've selected a sample of 6 NGOs who form the "Freedom Network USA". Selection criteria were determined by an outline/structure of my research. I was looking for NGOs most relevant in anti trafficking work in the U.S., who - similarly to our organization - not only work directly with trafficked persons, but are able to transfer their first hand, grass roots experience into effective advocacy and lobbying tools.

The next step of my work was an analysis and selection of information and resources about the work of sampled NGOs. In addition to studying written and electronic resources I decided to supplement the gathered materials with a survey. I have conducted a survey among 5 selected NGOs. I have developed a short questionnaire, as a support tool for two direct (face to face) interviews with NGOs leaders and service providers (Global Rights, Break the Chain campaign, Boat People SOS). Another three telephone interviews with NGOs representatives in Georgia,(Tapestri), California,(CAST), Illinois (IOFA) were conducted. The main purpose of the questionnaire was to explore more on direct, first hand experience and opinions of leading NGOs activists and their anti trafficking practices.

In this paper, examples of 6 NGOs are described in the following order: their mission, goals and objectives, activities, and best practices.

The picture is supported by case studies of trafficked persons who where assisted by particular organizations.

Best practices in my research are understood in a line of "UNECA' s definition": (UN Economic Commission on Africa) : "Best practices are model practices whose related activities contribute directly and substantially to the sustainable achievement of a given goal under specified environmental and socio-economic conditions. They are also referred to as success stories. Based on this definition, best practices are expected to be goal-oriented and replicable, to use appropriate resources in a cost-effective manner, and to address not only the bio-physical but also the socio-economic issues in all their development stages so as to ensure long term sustainability."

The best practices and already developed successful solutions proved to be one of the most effective tools for improving existing policies. **Therefore in my research I will gather and analyze the practices of American NGOs in the assistance and facilitation of the access to justice of trafficked persons.**

From the large amount of best practices I have collected those that could be transferred to other environments, conditions or countries. I have chosen mainly practical tools that help in the process of identification of trafficking persons, legal assistance and facilitating an access to justice and consequently enhance a chance for redress and compensation for victims of a crime of trafficking.

An overview of the current situation in Poland:

Poland has developed its triple function and it is at the same time a country of origin, transit and destination for trafficked persons. As a country of destination, the majority of trafficked persons to Poland come from Ukraine, Belarus, Bulgaria, Moldavia, Romania and other countries of the former Soviet Union. During this year, NGOs have noticed a growing number of trafficked persons from some African countries (Nigeria, Cameroon). As a country of origin, victims recruited from Poland are being trafficked mostly to countries of the “old” European Union (Germany, the Netherlands, Belgium, Italy, Spain, Scandinavian countries). The criminal groups devoted to these activities use different passages along the German-Polish border. It is very difficult to trace the transit of trafficking throughout Poland as there is practically no evidence of it.

Most of the trafficking cases from and to Poland are trafficking into prostitution and the sex sector. During the last two years we have noticed a growing number of trafficking cases into forced labor, slavery-like practices, begging, petty crimes.

Regarding prostitution, it is possible to classify Poland’s policy on prostitution under the abolitionist model, because outdoor and indoor prostitution are neither prohibited nor regulated by the State. Being a prostitute is not punishable by Polish law, but it is illegal for a third party to make profits from prostitution. (pimping, soliciting, procurement)

The legal framework concerning trafficking in persons is divided into two main provisions, European provisions and National provisions. At European level, the definition of the Palermo Protocol of Trafficking in Persons is still not reflected in Poland’s Penal Code, but since Poland signed and ratified the Protocol, the definition is widely used. Currently there is a legislative work in progress? with an aim to introduce the Palermo Protocol definition of trafficking into the Polish Penal Code.

Article 204.4 of the new Code which is a modification of article 9.1 from the 1969 code, establishes that: *“Whoever lures or abducts other persons abroad for prostitution, is subject to imprisonment for up to 10 years.*

Article 253 of the Penal Code, states in §1: *Whoever is trafficking in persons even with their consent, shall be subject to the penalty of the deprivation of liberty for a minimum term of 3 years.*“

In this case neither the purpose of trafficking in persons nor the fact that the victim’s consent has been given, matter. This article foresees a punishment from 3 years to 15 years of imprisonment.

Currently Poland has developed a National Action Plan to Prevent and Combat Trafficking in Persons for the period 2006-2008. This Plan is a continuation of the activities undertaken within the framework of the National Program of Fighting and Prevention of Trafficking in People approved by the Council of Ministers on September 16, 2003. The program is implemented by the Group for Combating and Prevention of Trafficking in Persons established by Prime Minister’s Order No.23, dated march 5, 2004.

This group is currently working on a first national report about trafficking that provides information for the period 2005-2006. This report will also attempt to ?? different statistic data provided by different institutions.

Regarding prevention of trafficking in persons, prevention strategies are relatively well developed in Poland. La Strada as an NGO is carrying out prevention campaigns to general public and to “at risk” groups and provides training for practitioners.

Regarding protection and victim assistance, Poland has a relatively well developed system. There is a reflection period of 2 months provided to trafficked victims. During this period, a trafficked person has access to legal, social, medical and psychological support and a shelter as short term programs. After the reflection period, if the victim decides to cooperate with a law enforcement agency, he/she should be granted with a temporary stay permit. This permit could be prolonged. In practice only in rare cases trafficked person would be granted with the permanent resident status. It is difficult to assess how it will work in practice since there was no such a case in Poland, so far. Long term assistance programs are also provided for migrant victims who would live in the country.

It is important to underline at this point that migrant trafficked persons are receiving assistance from La Strada and other NGOs service providers despite of their status or cooperation with law enforcement.

The situation of migrant trafficked persons is regulated by Alien Law from 2005, article 33.

Alien law regulates the status of migrant trafficked persons in Poland

Art. 33

1. The residence visa may be issued to an alien, despite of the circumstances that justify the refusal of the visa, if:

- 1) provisions of the Polish law require that he / she should appear in person before an agency of the Polish public authority;
- 2) his / her entry into the territory of the Republic of Poland is indispensable because of the necessity to undergo medical treatment to rescue directly his / her life, which he / she cannot undergo in another country;
- 3) an exceptional personal situation that requires the presence of an alien on the territory of the Republic of Poland has occurred;
- 4) it is required by the interest of the Republic of Poland;
- 5) there is a well-founded reason to suspect that an alien is a victim of trafficking in human beings within the meaning of Council Framework Decision of 19 July 2002 on combating trafficking in human beings (O.J. EC L 203 of 1.08.2002), and it has been confirmed by an authority competent with respect to conduct procedure on combating trafficking in human beings.

2. The visa referred to in sec. 1 p. 1 -3 shall be issued for the period of residence necessary to realize the purpose of its issue. In any case such a visa may not be issued for the period exceeding 3 months.

3. The visa referred to in sec. 1 p. 1 shall be granted for a period of residence necessary to take the decision by an alien about whether to cooperate with an authority competent with respect to conduct procedure on combating trafficking in human beings, not exceeding 2 months.

Regarding return and repatriation, there is cooperation with the IOM assisted voluntary Return & Reintegration Program for Victims of Trafficking in Poland.

Areas for improvement in assistance and support programs for trafficked persons:

- more efficient identification of trafficked persons is needed
- more training for the law enforcement representatives and state social service providers
- practitioners in Poland are not well equipped with tools which help identify and provide services to trafficked persons

- a more efficient referral mechanism of trafficked persons in Poland is needed
- an improvement of networking and cooperation among the GO/NGO sector in Poland is desirable
- existing laws are not effectively implemented to the practice
- there is a number of obstacles (legal, procedural, psychological, information) preventing trafficked persons to exercise their rights

Therefore I hope that a handful of practical tools brought out of this research and brought to Polish grounds will enable practitioners to implement anti trafficking measures in the assistance to trafficked persons in a better way.

Rather than making radical changes inside Polish anti trafficking activities there is a big need to improve existing ones.

Legal framework U.S.A.

a. Trafficking Victims Protection Act of 2000 (TVPA)

b. Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA)⁷

“In late December, it as reported that the US Senate overwhelmingly passed the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005 (HR 972), legislation that strengthens the nation's current trafficking law and authorizes new funds for investigation and prosecution of domestic trafficking within the United States. The TVPRA reinforces that the United States will continue to lead the global battle against modern-day human slavery. According to estimates by the Congressional Budget Office (CBO), the bill will provide \$361 million over the next two years to combat trafficking. The bill reauthorizes and expands appropriations for anti-trafficking programs in the United States and abroad and offers solutions to specific scenarios where additional initiatives are needed to combat trafficking problems, such as in peacekeeping missions. For the first time, programs geared toward reducing the demand for commercial sex in the United States and preventing human trafficking of U.S. citizens within our own borders are authorized, and new funding will be provided to the Federal Bureau of Investigation to combat both domestic and international trafficking. The TVPRA, in its entirety, enables prosecution in the United States of trafficking offences committed by federal employees and contractors and amends the United States Code to strengthen the use of money laundering, racketeering and civil and criminal forfeiture statutes against traffickers. In addition, the Department of Justice is directed to conduct a biennial analysis of trafficking and commercial sex acts statistics inside the United States. The bill also addressed the American and foreign victims of human trafficking and includes provisions to help reintegrate them to a normal life. It authorizes a grants program for non-governmental organization victim service providers, establishes programs for residential rehabilitation facilities and promotes access to information about federally funded services for victims”?

U.S Trafficking Victims Protection Reauthorization Act of 2003

The Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA) was introduced in June 2004. This Bill would reauthorize appropriations for FY 2004 and FY 2005 for the Trafficking Victims Protection Act of 2000 (TVPA), as well as aim to remedy obstacles

⁷ an Internet link to the new legislation can be found at: www.usdoj.gov/crt/crim/tpwetf.htm.

service providers and others reported face while trying to help trafficking victims access their rights under the TVPA. For example, where currently only federal law enforcement officials are authorized to issue certain necessary endorsements for trafficking victims to receive much-needed benefits under the law, one new provision of the TVPRA would allow state and local law enforcement officials to issue these endorsements as well. Another provision would protect young victims of trafficking by allowing those under the age of 18 to be eligible for a special T visa to ensure their protection in the United States without mandating that they cooperate in the investigation of their traffickers.⁸

TVPA Goals⁹

- Prevent human trafficking overseas
- Protect victims and help them rebuild their lives in the US with Federal and State support.
- Prosecute traffickers of persons under stiff Federal penalties.

Prevention, Protection and Prosecution

The law is comprehensive in addressing the various ways of combating trafficking, including prevention, protection and prosecution. The **prevention** measures include the authorization of educational and public awareness programs.

Protection and assistance for victims of trafficking under the law include making housing, educational, health care, job training and other Federally-funded social service programs available to assist victims in rebuilding their lives. The law also established the **T visa**, which allows victims of trafficking to become temporary residents of the US. The TVPA authorizes up to 5,000 victims of trafficking each year to receive permanent resident status after three years from issuance of their temporary residency visas. The T visa signifies a shift in the immigration law policy, which previously resulted in many victims being deported as illegal aliens. The law also makes victims of trafficking eligible for the Witness Protection Program.

The law makes victims of trafficking eligible for **benefits and services** under Federal or state programs once they become **certified** by the US Department of Health and Human Services (DHHS). Adult trafficking victims must be certified as a pre-condition for their eligibility for benefits and services. Once certified, they will be eligible to apply for benefits and services under the Federal or state funded programs, to the same extent as refugees including refugee cash, medical assistance and social services. Victims under the age of 18 do not need to be certified. DHHS issues these victims letters of eligibility so that providers know they are eligible for services and benefits.

Victims of human trafficking who are non-US citizens are eligible to receive benefits and services through the TVPA to the same extent as refugees. Victims who are US citizens do not need to be certified by DHHS to receive benefits; as US citizens, they are already eligible for many benefits.

⁸ www.legislationonline.com

⁹ <http://www.freedomnetworkusa.org>

The TVPA also created new law enforcement tools to strengthen the prosecution and punishment of traffickers, making human trafficking a Federal crime with severe penalties.

For example, if a trafficking crime results in death or if the crime includes kidnapping, an attempted kidnapping, aggravated sexual abuse, attempted aggravated sexual abuse, or an attempt to kill, the trafficker could be sentenced to life in prison. Traffickers who exploit children (under the age of 14) using force, fraud or coercion, for the purpose of sex trafficking (a commercial sex act) can be imprisoned for life. If the victim was a child between the age of 14 and 18 and the sex trafficking did not involve force, fraud, or coercion, the trafficker could receive up to 20 years in prison.

Moreover, the law addresses the subtle means of coercion used by traffickers to bind their victims into servitude, including: psychological coercion, trickery, and the seizure of documents, activities which were difficult to prosecute under preexisting involuntary servitude statutes and case law.

Trafficking Victims Protection Reauthorization Act of 2003

In 2003, the Bush Administration authorized more than \$200 million to combat human trafficking through the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA). TVPRA renews the US government's commitment to identify and assist victims exploited through labor and sex trafficking in the United States.

The TVPRA provides resources and initiatives to assist the 18,000-20,000 victims of human trafficking who are trafficked into the United States every year. It augments the legal tools which can be used against traffickers for actual and punitive damages, and by including sex trafficking and forced labor as offenses under the Racketeering Influenced and Corrupt Organization statute.

It also encourages the nation's 21,000 state and local law enforcement agencies to participate in the detection and investigation of human trafficking cases. The US Department of Health and Human Services has a significant role in implementing the law's victim-centered, compassionate approach to finding and aiding the victims of modern-day slave trade.

As defined by the Trafficking Victims Protection Act of 2000, the term 'commercial sex act' means any sex act, on account of which anything of value is given to or received by any person.¹⁰

Multi-Prong Approach¹¹

The TVPA and the TVPRA respond to the international problem through a multi-pronged approach:

the apprehension and prosecutions of traffickers;

increased sentencing for traffickers;

protection and assistance for recognized victims of trafficking the same as those available

¹⁰ Information Source: Department of Health and Human Services, Office of Refugee Resettlement, Rescue and Restore Trafficking Victims Protections Act 2000 Fact Sheet

¹¹ Identification and Legal Advocacy for Trafficking Victims. 2nd Edition - March 2005. Prepared by NYC Anti-Trafficking Network Legal Subcommittee ...

to refugees through the Office of Refugee Resettlement (ORR); Department of Health and Human Services; allowing victims assisting law enforcement to remain in the country during the course of criminal investigation (“continued presence”); and providing victims with an opportunity to regularize their status in the U.S. to T nonimmigrant status, and later adjust their status to permanent residency (green card). While the most immediate form of relief for a trafficking victim is the issuance of “continued presence,” the process for continued presence must be initiated by a federal law enforcement agency (LEA). T non-immigrant status, on the other hand, may be self-petitioned by the victim by filing Form I-914, Application for T non-immigrant status directly with the USCIS Vermont Service Center.

Comments of some NGOs representatives on anti-trafficking legislation In the U.S.:

Ann Jordan:¹² „*The new U.S. trafficking law -- the Victims of Trafficking and Violence Protection Act 2000 -- is a positive step in the right direction. It offers substantial protections for trafficked persons. It recognizes all forms of trafficking into forced labor, slavery, and involuntary servitude, and it authorizes a temporary visa and permanent residence for trafficked persons who are willing to comply with "reasonable" requests for cooperation and who would "suffer extreme hardship involving unusual and severe harm upon removal." Work authorizations are available; funding is provided to service providers; foreign aid is authorized for prevention and assistance programs abroad; and federal personnel will be trained to identify and protect trafficked persons. The law is very comprehensive although some gaps remain in its coverage.*”

American anti-trafficking policies

Access to services under the TVPA¹³

As a part of the TVPA, adult and child victims of trafficking are eligible for a number of different services and benefits regardless of their immigration status. They can also apply to remain in the United States under the T-visa program. Eligibility for services and access to the trafficking related visas are two separate processes that may or may not interlock. Victims are not required to have a T-visa in order to gain access to a substantial amount of assistance. This is especially true for child victims of trafficking. Eligibility determination and certification for the services lies with ORR within the Department of Health and Human Services (DHHS). ORR, after consultation with the US Attorney General in the Department of Justice (DOJ), may certify an adult victim of trafficking. HHS certification must confirm that an adult victim is: (1) willing to assist in the investigation or prosecution of traffickers, and (2) has either made a bona fide application for a T-visa with the Bureau of Citizenship and Immigration Services (BCIS) in the DHS or is a person whose continued presence in the United States is assured by the Attorney General in order to assist

¹² an attorney who has specialized in protecting the rights of trafficked persons for more than a decade, program director of the Global Rights anti-trafficking initiative, a founding coordinator of the Freedom Network (USA), the only nationwide anti-trafficking network

¹³ Micah N. Bump, Julianne Duncan (2003) Conference on Identifying and Serving Child Victims of Trafficking International Migration 41 (5), 207

with prosecution in trafficking cases. Children under the age of 18 are exempt from the certification process but still need the “determination of eligibility” from ORR in order to gain access to services. In the case of a child victim, ORR will issue letters of eligibility determination, similar to the adult certification letters, stating that a child is a victim of a severe form of trafficking.

Certain publicly funded services related to the protection of life and safety of trafficking victims do not require certification of determination of eligibility. These services include access to appropriate forms of shelter, medical and legal assistance, witness protection, translation services, and repatriation. Certified victims are eligible for work permits, vocational training, job placement, and social services through referral to appropriate NGOs. Thus, the TVPA entitles adult victims (certified by ORR) and child victims (determined eligible by ORR) to benefits and services to the same extent as refugees, but does not consider them refugees. These benefits include access to URM programs, the Children’s Health Insurance Program (CHIPs), and the Temporary Assistance to Needy Families (TANF) program. Victims between ages 16 and 24 who have received work permits may be eligible for Job Corps, a program run by the US Department of Labor. In addition, when a trafficker is prosecuted the court “shall order restitution, and the order of restitution shall direct the trafficker to pay the victim the full amount of the victims’ losses”.

Access to the T-visa under the TVPA

Section 107(e) of the TVPA established the T non-immigrant visa for victims of trafficking. Under the TVPA, up to 5,000 T-visas are available annually to certified victims of trafficking who qualify to stay in the United States. The T-visas offer non-immigrant status for three years, after which the individual may apply for permanent residence. Congress created this classification with the intention of providing a safe haven for certain eligible victims of severe forms of trafficking who are assisting law enforcement authorities in investigating and prosecuting the perpetrators of these crimes.

The TVPA completely separates eligibility for services from access to the T-visa. However, the two processes are often confused to be the same because the requirements for each are very similar. In order to receive the DHS qualification for T-1 non-immigrant status, a person must demonstrate: (1) that he or she is a victim of a severe form of trafficking in persons; (2) that he or she is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of such trafficking in persons; (3) that, if 15 years of age or older, he or she has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking in persons; and (4) that he or she would suffer extreme hardship involving unusual and severe harm if removed from the United States.

The role and work of American NGOs within the existing framework and policies The scope of work of American NGOs – the “Freedom network USA”

Although there is a big number of non-governmental organizations, service providers and charity organizations active in the anti-trafficking field in the U.S., for the purpose of gathering best practices, I’ve chosen the “Freedom Network USA” as they best fit the selection criteria of my study. I was looking for human-rights-oriented NGOs, which are not only direct service providers, but also are active in the advocacy and lobbying work. As I have learned during the interview, a number of Freedom Network (USA) members were

involved in drafting the “Victims of Trafficking and Violence Protection Act (VTVPA) of 2000 and continue to recommend improvements to the Act. ¹⁴ **Freedom Network (USA)** is helping to build regional networks of activists and lawyers based in Central America, the Caribbean, Mexico, and West Africa.

The Freedom Network was established in 2001 as a coalition of 25 NGOs that provides services to trafficked persons and advocates for their rights. Since the enactment of VTVPA Freedom network USA members have worked closely with trafficked persons to ensure that they receive necessary services guaranteed under the VTVPA and have also been engaged in monitoring the implementation of the law.

Members of the Freedom Network (USA) have provided services to trafficked persons in some of the major trafficking cases in the United States and have actively promoted a human rights response to trafficking worldwide.

The mission¹⁵ of the Freedom Network (USA) is to:

Ensure that trafficked persons are treated as victims and not criminals, are able to have full access to justice, including the right to full compensation and restitution from the traffickers, and are provided with access to linguistically-appropriate and culturally-sensitive, victim-centered social, mental health, medical, legal, educational, vocational and other services.

Increase public awareness of the crime of trafficking through education, research, training and community outreach and organizing for the purpose of preventing trafficking and supporting the rights of trafficked persons.

Engage in advocacy at the local, national and international levels on behalf of trafficked persons and for full prosecution of all traffickers, including corporations and their subcontractors.

Develop local and national networks in the United States and to link with international networks in order to carry out these above activities.

NGOs – their mission, goals & objectives, activities, services, case studies

For the purpose of a more detailed analysis I have make a selection of 6 from the 25 coalition’s members. The organizations I have chosen are working with different categories of trafficked persons – the majority of them with victims of domestic work, labor exploitation, servitude, slavery like practices, agriculture workers. This kind of experience is still lacking in our work in Poland, as we have mostly experience in work with victims trafficked to prostitution and the sex sector. There is still little experience in assistance to victims of other forms of trafficking - forced labor, slavery-like practices, domestic work, servitude, agriculture or contraction workers.

I was looking for a scope of work of these organizations, their mission, goals and objectives, target groups, activities and services, cases of trafficking and their good practices. A research of available resources was supplemented with an interviews conducted with NGO leaders directly or via telephone. This first hand information from NGOs activists was a valuable contribution to the information already gathered from literature and the internet survey.

Organizations:

1. **Boat People SOS**
6066 Leesburg Pike, Suite 100
Falls Church VA 22041-2220
Tel: 703-538-2190

¹⁴ www.freedomnetworkusa.org

¹⁵ www.freedomnetwork.org

Fax: 703-538-2191

www.bpsos.org

2. Break the Chain Campaign ,

Institute for Policy Studies

733 15th St, NW Ste 1020

Washington, DC 20005

Tel: 202-234-9382

Fax: 202-387-7915

www.breakthechaincampaign.org

3. Initiative Against Trafficking in Persons ,

Global Rights: Partners for Justice

1200 – 18th Street, NW

Washington , DC 20036

Tel: 202-822-4600

Fax: 202-822-4606

www.globalrights.org

4. Safe Horizon, Anti-Trafficking Program

2 Lafayette St , 23rd floor

New York , NY 10007

Tel: 212-577-7700

www.safehorizon.org

5. CIW Anti-Slavery Campaign

Coalition of Immokalee Workers, FL

P.O. Box 603

Immokalee , FL 34143

Tel: 239-657-8311

www.ciw-online.org

6. Coalition to Abolish Slavery & Trafficking (CAST)

5042 Wilshire Blvd., #586

Los Angeles, CA 90036

Fax: 213-365-5257

Tel: 213-365-1906

www.castla.org

1. Boat People SOS¹⁶

Its mission is to assist Vietnamese refugees and immigrants in their search for a life in liberty and dignity by empowering, equipping and organizing Vietnamese American communities in their progress toward self-sufficiency. Formed in 1980, late after 1997 shifted their focus to domestic programs for Vietnamese refugees and immigrants in communities all across the US.

Boat People SOS implements two programs directly connected with the problem of trafficking in persons: first -- services to survivors and second -- assistance to victims of exploitation and trafficking (VETA)

The Department of Survivor Services stands ready to address the critical needs of immigrant

¹⁶ www.bpsos.org

survivors of domestic violence and human trafficking.

Survivor Services' clients may require assistance with immigration relief, mental health counseling, medical bills, food stamps, temporary or long-term shelter, divorce or child custody. The Survivor Services team is ready to meet their needs. The department attorneys meet with clients confidentially to review their legal rights and discuss options for immigration relief. Department case managers provide holistic social support and can make referrals to external social services.

The Department of Survivor Services also conducts outreach and education to local communities, service providers and law enforcement agencies to raise awareness of the occurrence of domestic violence and trafficking in persons. These efforts result in an increase in identification of victims as more individuals know where to seek help and service providers, and agencies and community members understand how to offer assistance.

The Victims of Exploitation and Trafficking Assistance (VETA) program provides direct services, including legal representation and case management to immigrant victims of human trafficking. The VETA team also conducts outreach to the community, service providers and law enforcement to increase awareness of human trafficking and identification of victims.

VETA's Goals:

- To provide protection, relief and assistance to victims of human trafficking;
- To advocate on behalf of victims and to fight human trafficking at its roots; and
- To collaborate with other organizations, agencies and communities that share a common vision to seek a permanent solution to exploitation and human trafficking.

VETA helps trafficking victims to:

- apply for immigration relief
- access social services including housing, food assistance, medical care, mental health care, education and employment assistance

Case study

BPSOS first became involved in the issue of human trafficking through the Daewoosa Case. *“In 2001, over 200 Vietnamese and Chinese workers were tricked into paying thousands of dollars each in order to travel to work in a sewing factory on the island of American Samoa. Each worker was promised \$408 per month for wages, plus free food and housing. However, once there, the workers were beaten, confined to the factory, barely fed and forced to live in filthy conditions while the employer kept their travel documents.*

After the U.S. government prosecuted Daewoosa, BPSOS along with other service providers came to the aid of the victims. Daewoosa survivors are now legally in the U.S. and are being

assisted by through BPSOS's VETA program to receive the benefits of immigration relief, health care, education and employment assistance."

2. Break the Chain Campaign¹⁷

The Break the Chain Campaign works with domestic workers who are being held against their will, literally enslaved in the homes they clean. BTCC provides direct legal and support services to abused workers in the DC area, assists on cases nationally, and advocates for policy reform for this and other forms of human trafficking and exploitation.

In 2003, the Campaign for Migrant Domestic Workers Rights changed its name to Break The Chain Campaign to capture its expanding mandate which includes trafficked and enslaved persons in all labor industries and the sex industry.

Break the chain campaign seeks to minimize the effects of human trafficking, modern-day slavery and worker exploitation through comprehensive direct service, research, outreach, advocacy, training and technical assistance. The Campaign is committed to assisting migrant trafficked enslaved and exploited workers through the provision of:

1. Case management services offering access to legal, social, mental health, and medical referrals and assistance and
2. A multicultural center dedicated to providing a safe, supportive, and educational environment for trafficked, enslaved and exploited workers

Goals and objectives:

- a) To provide comprehensive case management services for people trafficked into forced labor and exploitation in the Washington, DC area.
- (b) To advocate at the local, regional, national and international level on behalf of trafficked and exploited persons, with particular expertise in handling cases involving individuals from the domestic worker community.
- (c) To conduct educational outreach, comprehensive training workshops and provide technical assistance to other interested organizations, law enforcement, private attorneys, social service and public health organizations, the media and the public at large on the issue of trafficking, slavery and worker exploitation

Case studies:

"Diana", a Ghanian elementary teacher, was brought as a domestic worker to the US on a G-5 visa by a field engineer for the World Bank. Despite her employment contract stating a 40-hour workweek, she was forced to work an average of 15 hours a day. For the first two months, she did not receive a day off. She was given \$400 for 4 ½ months of her labor. To

¹⁷ www.breakthechaincampaign.org

keep her from leaving the house, her employer told her she would be raped or kidnapped if she went outside. Diana escaped her situation when her employer attempted to send her back to Ghana -- she jumped out of the car en route to the airport in Washington, DC and fled to New Jersey. Through Immigration and Naturalization Services, she heard about the Campaign, which secured a lawyer and has brought a suit against her former employer.

• An elderly woman from West Africa was brought on a B-1 visa to the US to care for a family with 5 children. She slept with the four youngest children and was on call all day and night, especially for the newborn twins. She was not paid for her work. On several occasions, she was verbally and physically assaulted by both of her employers. Because she was unable to speak English, her employer was able to convince the police she was crazy and have her committed to a mental institution, where she was tied up and medicated. Local police contacted the Campaign after she escaped and the Campaign worked with the Department of Justice in an attempt to bring criminal charges against her employer. When the woman chose to return home rather than endure the lengthy criminal process, the Campaign helped obtain a plane ticket with the assistance of the International Organization of Migration and the Lutheran Immigration Refugee Service. A concerned member of the public also donated to the case so that the woman would not return empty-handed.

• One of the Campaign's earliest cases was that of Hilda Rosa Dos Santos of Brazil who had originally come to the United States in 1979 to work for the Bonetti family on a G-5 visa. For nearly 20 years, she lived in slave-like conditions, suffering beatings from the woman of the house and receiving no pay or medical treatment even when she suffered from a large stomach tumor. She slept in a windowless basement room and was subjected to constant fear and numerous physical and verbal assaults. A neighbor contacted officials about her medical condition and the Campaign was contacted for legal help. The case was so egregious that it was eventually taken over by the Justice Department, which filed criminal charges against the employers, Rene and Margarida Bonetti, also of Brazil. In 1999, they were indicted on charges of harboring an illegal alien. Margarida fled to Brazil where she remains a fugitive. In 2000, Rene was sentenced to 6 ½ years in prison for violating immigration law and ordered to pay \$210,000.

3.Global Rights¹⁸

- is a human rights advocacy group that partners with local activists to challenge local activists to create just societies through proven strategies for effecting change. In all of its programs, Global Rights emphasizes promoting women's human rights and combating discrimination and injustice and amplifying new voices within the global discourse. With offices in countries around the world, it helps on the basis? of race, ethnicity or sexual orientation.

Mission statement:

- We seek justice for victims of human rights abuses.
- We work to promote racial and gender equality and help people and communities feel empowered to change their societies.

¹⁸ www.globalrights.org

- We work through field offices in Asia, Africa, Latin America, Europe and in the United States, partnering with local human rights advocates to strengthen their effectiveness in combating abuses in their countries.
- We focus on developing the skills of local activists that are essential to addressing human rights concerns and promoting justice such as: documenting and exposing abuses, conducting community education and mobilization, advocating legal and policy reform in countries and internationally, and using the courts to increase access to justice for disadvantaged populations.
- We help local activists to engage with the international community, including the United Nations, to further their human rights objective

Human Trafficking. Since 1998, Global Rights has partnered with organizations and governments to ensure that all responses to the trafficking of people into forced labor, slavery and servitude are based upon internationally-recognized human rights standards. Global Rights is also a founder and coordinator of the Freedom Network (USA) and is helping to build regional networks of activists and lawyers based in Central America, the Caribbean and Mexico, and West Africa.

Good practice – development of a tool:

The State Model Law on Protection for Victims of Human Trafficking – is a tool for state legislators and advocates who are interested in developing state anti-trafficking laws that ensure the protection of the rights of trafficked persons. The drafters and supporters of the State Model Law are lawyers and service providers who provide direct services to, and advocate on behalf of, trafficked persons. We have relied extensively on the collective experience of the 24 members of the Freedom Network (USA), who have provided legal and social services for hundreds of trafficked persons and who have conducted trainings for over a thousand community-based organizations - often in collaboration with federal and local law enforcement officials. Additionally, a number of Freedom Network (USA) members were involved in drafting the Victims of Trafficking and Violence Protection Act (VTVPA) of 2000 and continue to recommend improvements to the Act.

3.Safe Horizon¹⁹

Safe Horizon's mission is to provide support, prevent violence, and promote justice for victims of crime and abuse, their families and communities. For over a quarter of a century Safe Horizon has been at the forefront of helping victims of crime and abuse through their crises. It is woven into the fabric of New York City, and it is active in the courts, in communities and it also offers assistance through hotlines. They are recognized leaders responding to the changing needs of their clients, and they are sought out as experts on issues of violence and victimization for programs across the country and around the world.

Anti-Trafficking Program

A good practice : questions that help identify trafficked persons

If you are a service provider, the Safe Horizon Anti-Trafficking Program recommends that you incorporate the following questions into your client assessment. Answers to these questions can reveal whether or not your client may be a victim of trafficking. These questions alone will by no means serve as a comprehensive assessment of a trafficking case. Please contact Safe Horizon's Anti-Trafficking Program for assistance.

¹⁹ www.safehorizon.org

Did the person come to the United States for a specific job or other purpose?
Upon arrival, was the person forced to do different work than what he/she was promised?
Does the person have access to his/her personal documents, identification papers, etc.?
Does the person owe money to the employer?
Can the person leave his/her present situation?
Has the person been threatened with harm or deportation if he/she tries to leave?
Have family members been threatened?
Is the person's freedom restricted in any other way?

To Get Help

If you or someone you know is a victim of human trafficking, please call the Safe Horizon Anti-Trafficking Program at **212.577.7700** (Monday - Friday, 9-5). After hours, call the toll-free, 24-hour **Safe Horizon Hotline** at **800.621.HOPE(4673)**. The hotline is equipped to respond to inquiries in many languages and has TTY capability.

To Report Human Trafficking

To report a case of human trafficking, call the Trafficking in Persons and Worker Exploitation Task Force Complaint Line (U.S. Department of Justice and U.S. Department of Labor) at **888.428.7581** (voice and TTY).

For More Information

To get more information, call the Trafficking Information and Referral Hotline (U.S. Department of Health and Human Services) at **888.373.7888**.

To contact Safe Horizon's Anti-Trafficking Program, please call the [hotline](#) or their main number, 212-577-7700

Case study:

“Angela is a 20-year-old woman from a small village in Latin America. One of ten brothers and sisters, at a young age Angela left school and abandoned her dream of becoming a writer so that she could contribute to the family’s income. Through a friend, she learned of an opportunity to pursue her studies while working in the home of a family who was moving to America. The family promised her that they would support her education. After months of convincing her parents that this would help their economic situation, Angela moved with the family to the United States.

The promises that were made to Angela were illusory. For three years, she slept on a mattress in the family’s kitchen. She was not allowed out of the house. She worked twelve hours straight, seven days a week. She cooked, cleaned, cared for two infants and an elderly parent, and was responsible for all of the household maintenance, including preparing large meals for many guests. Threats, verbal abuse, and intimidation were constant. She was paid roughly 30 cents an hour.

A friend of the family eventually alerted authorities, and INS began an investigation. INS immediately called Safe Horizon. Safe Horizon found Angela a room in one of our domestic violence shelters, and we are managing her case, coordinating with law enforcement and INS. We have provided Angela with basic necessities like clothing, food, and safe place to stay and are supporting her with counseling, medical treatment, and legal assistance for her

immigration status. Angela's resilience is incredible, though she is struggling with the psychological impact of living in fear for so long. Her caseworker said that she recently asked for a Spanish-English dictionary so she can start to learn English. Perhaps Angela's dreams of writing will finally come true."

4.CIW Anti-Slavery Campaign²⁰

The CIW - Coalition of Immokalee Workers - is a community-based worker organization. Its members are largely Latino, Haitian, and Mayan Indian immigrants working in low-wage jobs throughout the state of Florida.

The CIW's Anti-Slavery Campaign is a worker-based approach to eliminating modern-day slavery in the agricultural industry. The CIW helps fight this crime by uncovering, investigating, and assisting in the federal prosecution of slavery rings preying on hundreds of farm workers. In such situations, captive workers are held against their will by their employers through threats and, all too often, the actual use of violence -- including beatings, shootings, and pistol-whippings. Below are just three examples of multi-worker, multi-state slavery rings which the CIW has helped eliminate in the past few years:

Case studies:

In 2002, three Florida-based agricultural employers convicted in federal court on slavery, extortion, and weapons charges were sentenced to a total of nearly 35 years in prison and the forfeiture of \$3 million in assets. The men, who employed over 700 farm workers, threatened workers with death if they were to try to leave, and pistol-whipped and assaulted -- at gunpoint -- passenger van service drivers who gave rides to farm workers leaving the area. The case was brought to trial by federal authorities from the Department of Justice (Civil Rights Division) after two years of investigation by the CIW.

Comments on the case provided by CIW: "While we are pleased with the lengthy sentences and believe that they will send a strong message to the crew leader community, we also agree with Judge Moore in one important sense: until the agricultural industry as a whole is held accountable for these gross violations of their workers' human rights, slavery in Florida's fields will not end.

The backward, oppressive state of agricultural labor relations in Florida today is the fertile ground in which modern-day slavery is allowed to take root and flourish. If we are to be serious about eliminating peonage, then it is time, finally, that Florida's major corporate growers recognize their workers as partners in the industry and sit at the table with workers' representatives to negotiate more modern, more humane working conditions. But we will take the judge's concerns one step further. Until the corporations that profit from cheap Florida produce -- corporations like Taco Bell -- are obliged to acknowledge their role in keeping wages and working conditions in Florida fields as miserable as they are, farm labor conditions will not improve".

6.Coalition to Abolish Slavery and Trafficking (CAST)²¹

²⁰ www.ciw-online.org

²¹ www.castla.org

Mission Statement:

To assist persons trafficked for the purpose of forced labor and slavery-like practices and to work toward ending all instances of such human rights violations.

The Coalition to Abolish Slavery & Trafficking (CAST), established in 1998, has been a pioneer in the anti-trafficking movement in the United States and works exclusively with trafficked persons. CAST is a multi-ethnic human rights organization whose mission is to assist persons trafficked for the purpose of forced labor and slavery-like practices and to work toward ending all instances of such human rights violations. CAST has provided training and technical assistance to thousands of NGO and government personnel and represented the United States at international events on human trafficking. CAST is a grantee of the Department of Justice and the Department of Health and Human Services and, as one of the leading anti-trafficking organizations in the U.S. , has extensive expertise to deliver quality training to participants. CAST's programs include Social Services, Legal Services, and Training & Advocacy and have assisted over 200 victims of trafficking in some of the most well known cases in the U.S. CAST has also opened the first shelter for trafficked women in the U.S. , a model for the development of services to victims of trafficking.

CAST provides direct services to survivors of trafficking through crisis intervention, case management and social services coordination. Social services staff help clients access food, shelter, health and mental health services, education, legal services, English as a Second Language, job training, referral, and education on human rights and workers' rights. CAST's social services goal is to help clients become self-sufficient. In 2004, CAST opened a shelter for trafficking survivors-the first of its kind in the U.S. CAST has served nearly 200 trafficked persons through case management, information provision and assistance.

The CAST Wellness Program for Survivors of Trafficking provides comprehensive mental and physical health services tailored to the specific needs of trafficking survivors. In addition to in-house programs offered both to CAST's office and shelter program, CAST partners with Venice Family Clinic, Program for Torture Victims, A Window Between Worlds, Queenscare, Chinatown Service Center, UCLA World Arts and Cultures Department, and several other agencies to ensure that clients have access to a broad, diverse, and culturally-linguistically appropriate range of services. These vary from one-on-one counseling to herbal medicine to yoga, art and dance.

Good practice: SHELTER

CAST's shelter project aims to provide physically and psychologically safe housing for trafficking survivors. Through a host of supportive programs and services, the project is designed to assist clients in their efforts to establish independence and self-sufficiency and to build community and expand their own supportive networks. The only shelter in the United States designed specifically to meet the needs of trafficking survivors, the CAST shelter provides services that other shelter programs are not always able to provide. Residents have access to a multi-cultural, multi-lingual staff with extensive expertise in working with survivors of trafficking and other forms of trauma and acts as a community drop in center for all CAST clients, providing legal clinics, life skills workshops, and therapeutic activities.

As I am a practitioner, I was looking in my research for very practical TOOLS rather than strategic or systemic solutions. Because what is missing in Poland are tools that will put laws into practice. another criterion – solutions, tools that will not require an enormous amount of resources (financial, human) and will be relatively easy to introduce. Thirdly I looked for solutions that will supplement the existing tools with some innovative elements facilitating a work with trafficked persons. Here I found several of them which – after minor changes – could be incorporated into anti-trafficking practices in Poland.

Talking about best practices it is important also to look further than the NGOs perspective because of the complex nature of services provided and the referral system. One of the good practices described here is a scope of services provided for trafficked persons by the governmental institutions. These services (available for trafficked persons) were mentioned by NGOs service providers as good practices during the telephone interviews.

1.Assistance Available to Victims of Human Trafficking²²

Housing or shelter assistance, food assistance, income assistance, employment assistance, English language training, health care assistance, mental health services, assistance to victims of tortures.

Immigration Status

The TVPA signified a shift in the immigration law policy, which previously treated victims of human trafficking as illegal aliens subject to deportation. It established the T visa to give victims of human trafficking temporary status in the United States. The Act recognizes that returning victims to their country of origin is often not in the best interests of victims and that victims need the opportunity to rebuild their lives without facing the threat of deportation. After three years, a T visa recipient can apply for permanent residence status. In certain situations, it enables victims of human trafficking to get T visas for family members.

Program	Description
Temporary Assistance for Needy Families (TANF)	A cash benefit and work opportunities program for needy families with children under age 18.
Food Stamp Program	Used like cash to pay for food at most grocery stores.
Supplemental Security Income (SSI)	A monthly benefit for people who are blind, have severe disabilities, or are at least 65 years old and have limited income and resources.
Torture Treatment Program	HHS-funded social, legal, health and psychological services for victims of torture.
State Children’s Health	The public health insurance program for low-income, uninsured children 18 years of age or younger who do not

²² For more information www.acf.hhs.gov/trafficking

Insurance Program (SCHIP)	qualify for Medicaid.
Unaccompanied Refugees Minor Program	Assists unaccompanied minor refugees and trafficking victims in developing skills to enter adulthood and achieve economic and social self-sufficiency. Provides family reunification assistance where appropriate.
Medicaid	The public health insurance program for people with low income and limited resources.
Health Screening	Provided by the State Department of Public Health for diagnosis, treatment and prevention of any illness (includes screening for TB, parasites, and hepatitis and vaccinations for children).
Refugee Cash and Medical Assistance (RCA & RMA)	HHS program available to victims who are ineligible for other cash or medical assistance programs such as TANF, SSI and Medicaid. Victims may receive this assistance for the 8 months following issuance of the letter of certification/eligibility.
One-Stop Career Center System	Free job search and employment centers that provide information and assistance for people who are looking for a job, or who need education and training in order to get a job.
Job Corps	DOL residential and job education program for youth aged 16-24.
Matching Grant	HHS-funded self-sufficiency program administered by private agencies. Provides job counseling and placement, case management, cash and living assistance.
Housing	Eligibility for public housing authority assistance.
State-specific Programs	Individual states offer additional programs. Contact the HHS Refugee Coordinator for a specific state for more information: http://www.acf.dhhs.gov/programs/orr/partners/coordinal.htm

2.Look Beneath The Surface”²³

The campaign to rescue and restore victims of human trafficking – implemented by U.S. Department of Health and Human Services.

Two elements of this campaign should be taken into account as good practices:

a. development of a **coalition of partners** – GO/NGO cooperation

²³ http://www.acf.dhhs.gov/trafficking/campaign_kits/index.html#law

A critical element of the Rescue & Restore campaign is the development of national and local coalitions which will help to implement the campaign on the ground in communities across the country.

Coalition partners include:

- Local government
- Civic groups
- Churches
- Ethnic/Immigrant groups
- Women's organizations
- Labor organizations
- Immigration organizations
- Community health providers
- Faith-based organizations and other non-profits
- Social service organizations

Coalition partners will disseminate campaign information and resources to intermediaries who may come in contact with victims of trafficking to inform them of the services available to victims in their communities. Rescue & Restore coalition partners also have access to effective communications and outreach strategies for identifying and interacting with victims of human trafficking.

Tasks for coalition partners:

- Include information about trafficking, its victims and perpetrators in organization newsletters, on websites and through other communication vehicles
- Provide orientation and training sessions, or join with other organizations, including nonprofits, in hosting information forums on the trafficking problem and the fresh national resolve to counter it
- Request and disseminate, both internally and in appropriate public places, posters, brochures and other materials now being produced and distributed by the U.S. Department of Health and Human Services
- Take part in a new national network that has been established by Capital City Partners to keep local organizations and their members abreast of developments in the awareness campaign as well as ways to address the trafficking challenge

Encourage other organizations, and health and law enforcement officials with whom you come in contact, to access the growing body of information and resources available to rescue and restore the victims

b. Campaign Tool Kits:

for Health Care Providers
for Social Service Organizations
for Law Enforcement Officers

Including the tips for identification of trafficked persons, screening questions for identification, tools for understanding the (psychological) conditions and communications of trafficked persons, and a very practical set of pocket cards and rolodex cards for each group of service providers and law enforcement representatives.

What is important from the perspective of introduction into the Polish environment is – that the information on identification, screening/assessment, communication with trafficked persons is SIMILAR for each group of professionals, unlike in Poland – where each institution is developing different kinds of materials with different data. Unification of the content on the situation of trafficking and trafficked persons contributes significantly to improving the level of services offered to trafficked persons by professionals.

So, in the case of Poland – all existing tools – brochures, kits – should be compared and harmonized and be ready in a unified form with the same fact sheets, presentations, questionnaires, info sheets for all professionals. It will be sufficient to produce a set of pocket cards and rolodex cards also in the Polish language and to distribute them to professionals of first contact.

From the wide variety of good practices I have chosen three toolkits for the training of professionals, especially those who provide legal assistance and services. Toolkits presented below are valid training tools and a source of information that is needed to be disseminated amongst law enforcement and service providers in Poland.

3. Human Trafficking Service Provider Manual for Certified Domestic Violence Centers²⁴, developed by Florida Coalition Against Domestic Violence (September 2004)

This manual is designed to assist advocates working with trafficking victims. Information on service provision, benefits, legal issues, criminal prosecution of traffickers, working with the media, funding, and anti-trafficking resources is included.

This toolkit is designed for Florida certified domestic violence and sexual assault centers that hope to enhance and provide services to victims of domestic violence and sexual violence who are also victims of severe forms of human trafficking. It makes connections and parallels between services for domestic violence and sexual violence victims and trafficking victims. It discusses human trafficking in the context of the US, including the TVPA law. Includes some special considerations for service providers and advocates, offers some guidance for service providers to better assess the needs of trafficking victims. It offers help in serving unaccompanied children who are victims of trafficking. It highlights some legal issues; including immigration and benefits available. It provides concerns and considerations for prosecutors who want to pursue cases against traffickers. The manual ends with some useful contact information and potential funding resources.

This kind of manual should be easily developed in Poland, where instead of American legal provisions the Polish ones will be used, of course. What is particularly valuable for the introduction and replication – is the idea of dissemination of the manuals among social workers involved in domestic violence programs. In Poland there are also centers working with the victims of domestic violence and often – domestic violence is one of the push factors

²⁴ <http://new.vawnet.org>

and conducive to trafficking. Centers for domestic violence and their staff are therefore a very important target group that should be provided with this kind of manual and trained.

4. Identification and Legal Advocacy For Trafficking Victims²⁵

A manual prepared by NYC Anti-trafficking Subcommittee was published in March 2005. This practical tool is devoted to improve diverse legal and social services . The manual provides guidance to lawyers who provide legal assistance to trafficked persons and also for practitioners who are familiar with basic legal terms and concepts. The manual, however, is not an exhaustive source of the law, nor does it provide instruction in every aspect of representing of trafficking victims. This manual is focused on the T visa and offers practical guidance on how to evaluate the client's eligibility for a T visa, evaluates the statute and regulations and offers step by step instruction on preparing a T application.

Even tough in Poland there is no T visa, there is a system of providing an immigration relief to trafficked persons by issuing a temporary stay permit that could be changed into a permanent stay permit. What should be used and transferred from this manual are tips on identification of trafficked persons and step-by-step determination whether your client is a victim of trafficking.

Analogically – a manual on practical legal steps for an application for a temporary stay permit, for a prolonged stay permit, and later on for a permanent stay permit needs to be developed. So what use might there be of the manual in Polish conditions if it is so strictly connected to the specific American legal regulations? In Poland there also exists a legal frame, an Alien Law and its article 33 that provides a possibility of immigration relief of foreign nationals trafficked into Poland. It grants the victims permission to remain within Poland and to obtain a residency permit – temporary or permanent (a more detailed description on legal framework in Poland).

What should be transferred into Polish practice is a structure of the manual to be filled with a Polish content.

A manual for Polish lawyers and legal services providers would provide them with the following information:

1. the trafficking victims protection legislation
2. Alien law and its practical implementation for trafficking cases
3. Initial Consideration in case evaluation
4. immigration Status
5. eligibility for temporary residence status (temporary visa)
6. Determining whether your client is a victim of trafficking
7. Definition

²⁵ NYC Anti Trafficking Network Subcommittee. 2005.

8. Criteria for identification
9. Case studies of Victims
10. Continuing authorization/prolonging of temporary status
10. Adjustment of status to permanent residency
11. Preparing Visa Application Package
12. Very detailed information on the basics and forms of application package
13. Detailed information of the supporting documentation

5. Vital Voices Trafficking Alert²⁶ – An electronic newsletter that compiles anti-trafficking information and news from around the world. It is published bimonthly and keeps women's rights advocates and policy makers worldwide informed of current developments in the advancement of women's rights. The *Trafficking Alert* is distributed to more than six thousands of representatives of nongovernmental organizations, governments and international institutions to promote effective partnerships between governments and NGOs across the nation and around the world. The *Trafficking Alert* enables grassroots organizations to broadcast information and gain support for their important human rights work, as well as allowing news, resources and practices to be shared between organizations and governments throughout the international community. [Sign up](#) to receive the *Trafficking Alert* newsletter electronically.

It would be very useful to create a similar electronic newsletter for Poland that would focus more on national and regional (CEE and EU) information and news. This would promote and facilitate networking among different stakeholders of the Polish and CEE anti trafficking field. It would contribute to raising awareness on the issue of trafficking and to develop a better cooperation and quality of services provided to trafficked persons.

Conclusions

The first impression rather than conclusion after the initial reviewing of American anti-trafficking work was that there is a plentitude of practical tools developed and available . They may in a different way improve the quality of services provided for trafficked persons by the law enforcement, legal and social service providers. So it is not necessary to reinvent the wheel again.

Another conclusion is that the small practical steps should be implemented while preparing more systemic solutions and work on the advocacy and lobbying level.

In the meantime several tools should be introduced to improve the quality of existing work and service provided to trafficked persons.

Recommendations:

²⁶ www.vitalvoices.org

subscribe to the Trafficking Alert send an e-mail to: lauraardito@vitalvoices.org

Based on my small research done here at Duke University, I would like to recommend to the coordinator of the working group the implementing of a National Action Program to Prevent and Combat Trafficking in Persons in Poland following initiatives and activities ???to be included into the next action plan for 2008-2010:

**Recommendation
to the coordinator of the National Action Program to Prevent and Combat trafficking in
Persons in Poland:**

1. in order to improve cooperation, networking among NGOs ,state institutions and law enforcement, and in order to secure the implementation of effective anti-trafficking measures in Poland I would like to recommend to:
 - a. **introduce best practices of “Look Beneath the Surface Campaign”, by creating a coalition of partners**
 - b. **utilize the idea of toolkits for different professional groups (law enforcement, healthcare service providers, social and legal service providers) with the same substance (content) on trafficking victims**
2. in order to advance the knowledge of legal and social services among professionals, to improve, broaden and enhance the quality and quantity of existing services to other certified centers, I would like to recommend to:
 - a. **introduce and adopt a best practice of “ Human Trafficking Service Provider Manual for Certified Domestic Violence Centers”**
 - b. **include a developed manual into training curricula of social service providers**
3. in order to achieve a more efficient identification of trafficked persons and increase the implementation of Polish anti-trafficking law in practice, I would like to recommend to:
 - a. **develop a manual based on good practice of a manual: “Identification and Legal Advocacy For Trafficking Victims” as a practical tool it is devoted to improve diverse legal and social services**
 - b. **to introduce it into a training curricula of the law enforcement, NGOs service providers, other (legal, social, medical) service providers**
4. in order to improve the capacity of Polish NGOs in the field of protection and promotion of human rights of victims of trafficking in persons; to promote and facilitate networking among different stakeholders of the Polish and CEE anti-trafficking field and to raise awareness on the issue of trafficking, I would like to recommend to:
 - a. **utilize a best practice of “Vital Voices Trafficking Alert” and create an electronic newsletter that compiles anti-trafficking information from the country, region (CEE) and worldwide.**
 - b. **the idea the newsletter is also to enable grassroots organizations to broadcast information and gain support for their important human rights work, as well as to allow news, resources and practices to be shared between organizations and governments throughout the international community**

Literature:

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3. Women Law & Development International pp.180-187.
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