

Secondary victimization of trafficking victims and law enforcement interventions

Theoretical framework

Leyla Khadraoui

Conny Rijken



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1. Introduction

According to Campbell and Raja (1999) secondary victimization is the re-traumatization of a victim as an indirect result of assault which occurs through the responses of individuals and institutions, such as police, judicial institutions and social service providers. Secondary victimization can occur due to victim blaming, inappropriate behavior or language by the previously mentioned individuals or institutions (Campbell & Raja, 1999). Unfortunately, secondary victimization is a known feature in cases of human trafficking. Already in 2007, it was reported that measures to combat trafficking had adverse effects in some cases, which was coined collateral damage (Dottridge, 2007). These collateral adverse effects can be divided into three categories: anti-trafficking measures are used to eradicate prostitution or restrict migration, policies to protect victims are restricting a victim's human rights, and law enforcement interventions having negative effect on victims (Dottridge, 2007). The effect of interventions by law enforcement and the judiciary on the victim's well-being and as such causing secondary victimization will be the focus of this paper.

Despite the efforts of states to criminalize and combat human trafficking, the number of successful convictions in trafficking cases remains low. In principle, human trafficking can be prosecuted without a victim report or a victim witness. However, in practice it is problematic to prosecute without a victim testimony. This places the victim in a dual role, namely, on the one hand as witness and informant for law enforcement and on the other hand as beneficiary of protection measures in place for trafficking victims (Goodey, 2004). Similarly, law enforcement finds itself in a dual role, as investigators and the one who provides or facilitates victim protection.

In the past few years, awareness has grown with regard to the role of the victim and several instruments such as the Directive 2011/36/EU describe a more victim-oriented approach.

However, in practice it is currently observed that counter measures seem to be directed mostly towards investigating the case and gathering evidence. Current countermeasures are often not appropriately tailored to the victims who are nationals of the country of exploitation, EU residents, and victims who are from outside of the EU. In this article, the impact and problems of countermeasures against trafficking in human beings are reviewed from a victim's perspective.

This article is structured around three main themes related to secondary victimization caused by law enforcement anti-trafficking interventions. These three themes include identification, treatment during the criminal procedure, and (un-)conditional protection. However, before these three themes are unveiled a further exploration on trafficking victims is provided.

Human trafficking is internationally defined in the trafficking protocol. Considering the complexity of this definition, it is widely debated and highly controversial exactly what practices are qualified as human trafficking (Article 3 trafficking protocol, Gallagher 2010). The Directive 2011/36/EU contains the following definition: "The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."

Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs.

National interpretations and applications of the definition show great variance (Allain 2014). Consequently, it is difficult to determine who is a victim of human trafficking. Despite these challenges, the number of victims identified in Western- and Southern Europe by the United Nations Office on Drugs and Crime (UNODC) in 2016 alone is 5.522. Based on the victims of whom age and sex was reported, a clear majority of victims (71%) is female (UNODC, 2018). Although a trend is observed in the increase of male victims of trafficking. Since the UNODC began collecting data on victims of human trafficking, females have made up a clear majority of victims. Based on data gathered in 54 countries in 2016 it is seen that 83% of females who have been trafficked were trafficking for the purpose of sexual exploitation (UNODC, 2018). Although according to the aforementioned definition human trafficking includes a variety of forms of exploitation, sexual exploitation of females is the most frequently reported form of human trafficking in Europe (Europol, 2016). As the vast majority of victims are female, trafficking in human beings for sexual exploitation is considered a gender-specific phenomenon (Europol, 2016).

A situational report by Europol (2016) revealed that approximately 70% of victims and suspects of trafficking in human beings in the European Union is an EU national. According to the report, the Member States in Western Europe that are most targeted as destinations for victims of sexual exploitation are Austria, Belgium, France, Germany, Greece, Italy, the Netherlands, Spain and the United Kingdom. Those Member States that are situated at the borders of the EU, which are mainly Italy, Portugal, Spain, and the United Kingdom – often serve as entry points for non-EU victims, who are then distributed to different locations in Europe (Europol, 2016). All developing countries are important sources of trafficked women with the flow driven

predominantly by socio-economic factors. These developing countries can include, among others, Brazil, Nigeria, China, and Russia (Kok, 2016).

Victims of human trafficking are considered to be specifically targeted by traffickers based on pre-existing vulnerabilities (Zimmerman et al., 2003). During the period of exploitation, victims are often repeatedly exposed to physical, sexual, and psychological violence. As a consequence of the combination of pre-existing vulnerabilities and the gross violations of human integrity, victims of trafficking often display an array of physical and mental health problems and psychopathologies (Zimmerman et al., 2003). In particular, 30-40% of victims are observed to have depressive symptoms and symptoms of post-traumatic stress (Klerx- van Mierlo et al., 2014). Not all victims will experience long-term severe mental health problems. Nonetheless, these problems manifest themselves differently among different victims. However, after escaping a situation of exploitation the majority of the victims are noticed to experience at least some psychological problems.

2. Victim identification

The manner in which victim identification is implemented varies between member states due to the different national policy approaches regarding prostitution. In Member States that have prohibited the presence of brothels or prostitution, victims may be discovered during prostitution raids. These prostitution or anti-trafficking raids are often executed by (armed) law enforcement personnel, which can lead to intense fear among victims as they are often uninformed regarding their legal rights (Ditmore & Thukral, 2012).

Among member states where prostitution is legalized and regulated such as The Netherlands and Germany, systematic controls take place. During the controls the emphasis is

placed on the degree to which a woman is working voluntarily and whether she is able to keep her own income, which is difficult to determine. Different regulations between Member States lead to different policies and methods of victim detection and identification. These different methods vary in effectiveness and the degree to which they affect victims' well-being.

Typically, three types of problematic circumstances can be distinguished with regard to victim identification (Oude Breuil, Siegel, Van Reenen, Beijer, & Roos, 2011; Goderie, 2014; Helfferich, Kavemann, & Rabe, 2011). The first circumstance addresses the inability to identify victims of human trafficking due to the failure of professionals to recognize the signals. These victims may or may not self-identify as victims of human trafficking and experience several thresholds to cooperation with law enforcement. The second circumstance entails victims who are identified by the authorities, but fail to self-identify as victims of human trafficking. The third circumstance considers victims who self-identify as victims of human trafficking and who disclose the sexual exploitation experienced out of their own initiative or after being identified by authorities.

For victims to be successfully identified by professionals it is essential that signals of human trafficking and sexual exploitation are encountered and behaviour of victims is understood, including denial of dependency, involuntariness. Due to several factors, which will be discussed more thoroughly in a later section, victims often do not independently reach out to law enforcement (Goderie, 2014). The prevalence of victim bias in the victim identification phase is therefore highly important to consider.

Failure to identify victims of sexual exploitation can be attributed to a variety of factors including victim bias. Policy and law enforcement perspectives on victims of human trafficking

often include a stereotypical image of victims being helpless, innocent and naïve (Oude Breuil et al., 2011). If a discrepancy exists between one's image of a victim and the actual behaviour displayed by the victim themselves, this may hamper victim identification. The identification is hindered because some officials rather expect the victims of human trafficking to be young girls that come across as fearful and tend to isolate themselves (Goderie, 2014). Even the ability to talk to the police about prostitution controls in a language that both the victim and the police understand is considered a signal that human trafficking is unlikely to be taking place (Goderie, 2014). Therefore, if victims do not meet this standard of the young, frightened girl, the presumption can be made that they are working autonomously and are consequently not identified during prostitution raids or controls.

The willingness to reach out to authorities and subsequently file a report is notoriously low among victims of human trafficking. The lack of motivation to cooperate with law enforcement can be attributed to the four determinants distinguished by Helfferich et al. (2011). These four determinants include offender strategies, association with the police, victim determinants and lacking knowledge of their rights and the legal system.

Offender strategies are an important determinant in explaining the low willingness to report. Firstly, the use of threat of force, violence, isolation, control, and punishment contributes to the fear of retaliation that victims often experience. Furthermore, traffickers often tend to form intimate relationships with their victims and promise them a better future. Such a relationship further increases the threshold for filing a report. Lastly, traffickers often intentionally form negative images of the police and society, which leads to victims having negative perceptions of police (Rijken et al., 2013).

Associations with the police and police action is the second determinant distinguished by Helfferich et al. (2011). A key factor within this determinant is the degree to which victims believe that police officers are able to guarantee certain appropriate (legal) services such as protection from offenders. Victims often display a lack of trust in the system due to negative experiences in their surroundings and media exposure. (Frenette et al., 2018; Helfferich et al., 2011; ROOD, 2009; Goderie, 2014). The same sentiment appears to be present among law enforcement officials, who perceive the current measures to be insufficient to effectively combat human trafficking practices (Goderie, 2014).

Another victim determinant distinguished largely entails the needs and future (migration) goals of victims of trafficking. Many victims prioritize their need for safety, rest and rehabilitation after escaping a situation of exploitation (Frenette et al., 2018).

The last determinant that was distinguished was a lack of knowledge regarding the legal system, victim rights, and general information to make an informed decision to file a report. Women who are arrested and interrogated by the police often experience fear of deportation or imprisonment (Helfferich et al., 2011).

The second problematic circumstance entails problems with self-identification that are commonly experienced by victims. Brunovskis and Surtees (2008) found that the extent to which victimization by human trafficking was justified was dependent on the degree to which victims entered prostitution autonomously. Although this attitude has been clearly distinguished among law enforcement officials, it seems that victims often display a similar outlook. Victims often share the perception that victims are innocent, passive and ignorant (Oude Breuil et al., 2011). Many victims consider their initial autonomous decision to migrate or to enter into prostitution which led

to exploitation as a mistake they made rather than something that was done to them. Therefore, victims often tend to blame themselves.

Furthermore, due to the emotional and psychological control that offenders exercised over victims, victims have a tendency to take responsibility for their victimization (Frenette et al., 2018). They blame themselves for not fighting back enough during the trafficking situation. Consequently, they do not believe that they should contact the police for a mistake of their own.

Lastly, victims may continue to believe the promises that were made by traffickers. For example, a victim that still believes that one day they will share a better life with the trafficker may therefore not self-identify as a victim of human trafficking. In a study conducted by Goderie and Boutellier (2009), law enforcement personnel was questioned regarding their attitudes towards victims of trafficking. Due to several conflicting themes that are inconsistent with their own views, law enforcement may have difficulties in adequately understanding victims. As some victims have had romantic relationships with their trafficker, they may display ambivalent attitudes. For bystanders, it can be difficult to comprehend that some victims defend the trafficker that harmed them.

The third problematic situation considers victims who have self-identified as such and disclose the sexual exploitation experienced to authorities. Victims rarely step forward to law enforcement on their own initiative. However, victims are occasionally discovered during prostitution controls or raids (ROOD, 2009; Goderie, 2014; Helfferich et al., 2010). When disclosing their human trafficking narrative to the authorities, victims often experience bias and an attitude of culpability towards them (Frenette et al., 2018). In quite a considerable amount of cases, victims were to some extent informed about the work they would be performing in the

destination country or would have known that the offered work entailed sexual services (Brunovskis & Surtees, 2008; Oude Breuil et al., 2011). Moreover, some victims were already working in the prostitution sector in their country of origin. Situations like these heavily contradict the stereotypical image that law enforcement has about the naïve victim who was forced into prostitution under false premises. Furthermore, officials often seem to display an attitude of disbelief that victims, especially those who do not fit the stereotypical image, have suffered and tolerated these violent situations for such a long time (Frenette et al., 2018).

After being identified as victims of trafficking, victims have the possibility to apply for welfare, assistance, and (temporary) residency. As a result, misuse of these policies occurs and law enforcement have to remain critical in each case. But suspicion of abuse must not take precedence over professional attitude.

Foreign victims of human trafficking are influenced by push factors such as economic instability, political upheaval and family situations (Srikantiah, 2007). The push-factors that are experienced by foreign victims of trafficking are often similar to those experienced by other migrants from their countries of origin (Srikantiah, 2007). Therefore, these victims are often rather seen as illegal migrants than victims of trafficking (Rijken, 2003; Srikantiah, 2007) as is also seen in the case of *Chowdury v. Greece* (ECtHR, March 2017). In states where prostitution is prohibited and prostitutes are criminalised (e.g. in most of the states in the US) they are rather perceived as criminals despite the force exerted that coerced them into performing the criminal act. However, even in countries where prostitution is legalized victims report that law enforcement professionals treat them as suspects rather than victims (Helfferich et al., 2011).

3. Victim participation in criminal proceedings

After identification, victims transition into the phase of participation in the criminal proceedings. The tension between a victim-centred approach to trafficking and the interest of law enforcement to convict perpetrators is problematic. This becomes more problematic as law enforcement is situated in a dual role: victim protection on the one hand and investigating and prosecuting on the other. Although these two ideally run in parallel, this is often not the case (also Shapland et.al 1985, Wemmers, 1996). Such a conflicting relationship is present in trafficking cases, as often protection is linked to victim cooperation in criminal proceedings.

Regarding the necessity of accusations by victims, the Directive 2011/36/EU states the following: To ensure the success of investigations and prosecutions of human trafficking offences, their initiation should not depend, in principle, on reporting or accusation by the victim. However, in practice it is observed that accusations and declarations by victims play an essential role. The extent to which the absence of a victim report is a limitation to start an investigation seems to vary when looking at policy and practice.

In The Netherlands, Belgium and Spain absence of an incriminating statement or a report from the victim is not a burden to start a criminal investigation. A victim statement is unnecessary if there are sufficient elements to build a case upon, such as location, (partial) identity of the offender or previous findings. However, in The Netherlands, in about 50% of the cases in which investigations were started at least one victim filed an official accusative report or made incriminating statements (Goderie, 2014; Goderie & Kool, 2016; BNRM, 2014). Both public prosecutors and judges seem to view an accusative report as a necessity to prosecute, even when there is sufficient supporting evidence (Goderie, 2014; Goderie & Boutellier, 2009).

Law enforcement personnel seems to be aware of the burden placed on victims when they

cooperate with criminal proceedings (Goderie & Boutellier, 2009). Law enforcement are aware that traumatized victims often experience several problems that may lead to inconsistencies or gaps in their testimonies. Although the provision of evidence is not formally a responsibility of the victim, in practice the gathering of evidence is often largely dependent on the victim's testimony (Klerx- van Mierlo et al., 2014). Therefore, victims play a fundamental role in criminal investigations. Consequently, law enforcement professionals, who aim to solve a criminal case, often repeatedly ask victims detailed questions which are difficult to answer for traumatised victims (Goderie & Kool, 2016).

Article 12(4) of the Directive 2011/36, states that victims of trafficking should receive specific treatment aimed at preventing secondary victimization by avoiding unnecessary repetition of interviews, visual contact with defendant, giving evidence in open court and unnecessary questioning concerning the victim's private life. Due to the current dependency on the victim testimony, victims are frequently expected to engage in interactions with various law enforcement professionals. Although in approximately half of the cases the victims' aforementioned negative image of law enforcement improved after the first interaction, some victims do not experience this positive shift in attitude (Goderie & Boutellier, 2009). Victims of human trafficking commonly experience troublesome interactions with law enforcement (Goderie & Boutellier, 2009). For instance, victims report not being understood, having to speak with male police officers and repeated interruption while telling their story. Additionally, due to the questions asked victims feel as though they are ridiculed and not taken seriously. The examples provided by victims provide support for the notion that there is a disparity between the criminal justice perspective and the perspective of the victim (see also **Chapter XX** on victims in the Netherlands).

It appears that a negative outlook on interactions between the victim and professionals in the criminal justice proceedings also occurs among professionals in the field of law enforcement and criminal justice (Goderie & Boutellier, 2009; Klerx- van Mierlo et al., 2014). A study was conducted in which law enforcement were interviewed regarding their perspective on the effect of criminal proceedings on a victim's wellbeing. Especially the negative consequences of interaction between victims and defence lawyers are emphasized by law enforcement professionals (Klerx- van Mierlo et al., 2014). Victims often deny being a victim of human trafficking or decline assistance or possibilities to escape. These themes are often emphasized by the defence lawyer and used as a strategy to prove voluntariness of the victim. Reports are still omnipresent of victims of human trafficking having to repeat their story, being confronted with intimidating questions and questioning, are discredited by defence lawyers and anonymity is not guaranteed (Klerx- van Mierlo et al., 2014, see also **Chapter XX** on the file study conducted in the Netherlands).

Research in the United States suggests that the extent to which secondary victimization is experienced is related to the outcome of the criminal proceedings. A study by Patterson (2011) regarding victims of rape, show a difference in experiences of secondary victimisation between victims whose case was prosecuted and those whose case was not. Patterson discovered in earlier research that in cases of rape, intimate partners who are accused are more likely to be prosecuted than acquaintances (Patterson, 2005). Patterson, interviewing 20 rape victims, found that victims whose cases were prosecuted were viewed as credible by law enforcement and reported less experiences of secondary victimisation. None of the cases involving minority victims were prosecuted. The decision to prosecute or not is very much based on victim's perceived credibility. Victims who reported directly are believed more easily and these cases are more likely to be prosecuted. Victims whose cases were prosecuted did not experience victim blaming and the

feeling of not being believed. Victims of non-prosecuted cases experienced insensitive behaviour, victim blaming and a lack of compassion. These experiences are likely to lead to non-reporting attitude in future cases.

Special victim-centred measures exist in order to prevent secondary victimization. As is confirmed in the fieldwork in this study, in practice these are not sufficiently and consistently implemented. However, the presence of a victim-lawyer aids in enforcing victims' rights and preventing secondary victimization (Leermakers, Simons, & Noteboom, 2018).

4. Assistance and support

Crime Victim Surveys display that victims are reluctant to report to law enforcement. Victims are reluctant to report as they expect little from reporting, fear reprisals and fear that authorities are unable to protect them (Shapland et.al., 1985). This scepticism remains to be omnipresent among victims of human trafficking. Furthermore, several scholars (Goodey, 2004) have argued that trafficking victims have specific needs. The need for assistance for victims of human trafficking not only addresses the trafficking itself, but also accommodate to their pre-trafficking and post-trafficking vulnerabilities and experiences (Brunovskis & Surtees, 2012). If the psychological needs of victims remain unaddressed, they are unlikely to express a coherent story regarding what happened to them. The psychological needs among victims are often due to the lengthy duration of exploitation and the harm to their physical and psychological integrity, (Rijken et al., 2013). Therefore, it is in the best interest of the victim and the criminal investigation to provide victims of trafficking with adequate assistance and support.

Brunovskis and Surtees (2012) have defined several categories of needs addressed through

assistance among victims of trafficking. These needs include physical and mental well-being, social well-being, economic and housing assistance, legal assistance and safety and security. The aforementioned needs are mentioned within the EU/2011/36 Directive. Article 11(5) of the Directive specifies that assistance and support shall include (...) measures such as the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information (...) services. Furthermore, article 12(2) specifies the right to legal counselling and representation. Additionally, article 12(3) mentions the right to appropriate protection on the basis of an individual risk assessment.

Although the natural response to victim support and protection may be positive, some scholars and practitioners are more critical. Firstly, it is mentioned in Directive 2011/36/EU (14) that the aim of protection measures such as the principle of non-punishment and non-persecution, is to encourage victims to act as witnesses in criminal proceedings. Goodey (2004) argues that the implementation of witness protection programs, as they are used with co-perpetrators of crimes, is not compatible with the knowledge and needs of victims of human trafficking. Therefore, this is not favourable to the criminal case nor for the victim. Victims are not necessarily able to provide relevant information on the networks, traffickers and organization behind the trafficking. Furthermore, a full protection package, including change of identity, moving to another country is not preferable for many victims as they are also in need of a social network and stable environment to overcome the trafficking. Removal from the context and changing the identity of a victim does not address these needs. When victims testify they are seriously endangered in both their country of origin and the country in which the trafficking took place. Therefore, it is important to seek

opportunities for law enforcement to become less dependent on victim statements and testimonies in cases of human trafficking e.g. confiscation of assets, fraud investigations (Goodey, 2004). There are several problematic elements to the assistance and support provided to victims of human trafficking. Additionally, the following section will highlight the conditionality of assistance and support which can invigorate these problems.

Besides the extent to which existing assistance and support measures are sufficient for victims of trafficking, another problem arises in this field. Namely, the extent to which unconditional support is available for all victims of human trafficking, regardless of their willingness to cooperate in the criminal proceedings. This is important as in Article 11(3) of the Directive it is stated that Member States should take the necessary measures to ensure that assistance and support for a victim is not conditional on a victim's willingness to cooperate in criminal investigation, prosecution or trial, without prejudice to directive 2004/81/EU.

In most Nordic countries, Italy, Belgium and The Netherlands potential victims of human trafficking will be granted a reflection period that varies from 30 days to six months. During the reflection period cooperation with the police is not mandatory (Brunovskis & Surtees, 2012). The reflection period entails the period that victims are entitled to if there are reasonable grounds to believe the person is a victim of human trafficking. During the reflection period, victims have time to decide whether they file a report or cooperate with law enforcement or not. Consequently, this decision also incorporates participation in the criminal process. Brunovskis (2012) stated that due to initial trauma and high levels of stress, it would always be in the interest of the victim to have a longer reflection period. However, if the duration of the reflection period is increased, it should additionally include adequate assistance. Furthermore, it is important to manage expectations of victims and keep them updated regarding the likelihood of being granted permanent residency.

Trials may last for several years and the stress, uncertainty and risk of secondary victimization during trials may be considerable for victims. On the other hand, in case of lack of sufficient information to start a criminal procedure, a case can be discontinued with a similar effect for the victim's residence permit. Therefore, a careful consideration should be made whether cooperating with criminal investigations, filing a report or delivering a testimony is in the best interest of the victim's safety and well-being.

However, the process of granting reflection periods is complicated due to the requirements upon which this period can be granted. For example, in The Netherlands, the only requirement is that there is a slightest indication of human trafficking. Many differences exist among authorities and individuals in how they interpret the 'slightest indication' and the decision to grant a reflection period and therefore access to support and services. In practice, due to the involvement of law enforcement this is often interpreted by determining whether there are leads for a criminal investigation (Roeleven, 2013; Rijken, 2012; BNRM, 2017). Consequently, the slightest indication is perceived as something that requires investigative evidence. As such, migration law, victim protection and criminal law are intertwined.

Furthermore, between countries the purpose and application of a temporary residency period differs in terms of what victims need to deliver. Among the countries that were included in the study of Brunovskis (2012) only Finland, Iceland and Italy explicitly include the option of providing victims with residence permits based solely on personal vulnerability, regardless of cooperation in criminal justice procedures. In other countries, assistance terminates after the reflection period once a victim has decided they will not cooperate. With this, assistance becomes dependant on cooperation with authorities. This contingency is problematic as cooperation with authorities may be harmful for a victim, yet the victim may still be in need of assistance.

Combined solutions or multi-path designs to assistance and residence may be helpful in balancing the victims' needs for protection and the State's needs for prosecution of traffickers (Brunovskis, 2012). In this solution, two parallel options for residence and assistance would be available to victims; one that presupposes cooperation with authorities, and one that can be used for victims in a particularly vulnerable situation.

In the cases in which victims do cooperate with authorities after the reflection period, assistance is considered to be contingent on cooperation. In practice, assistance is only available to victims for the duration of the investigation, which is problematic, especially for non-EU/EER nationals. In a study by Boermans (2009) that was conducted in 'alien detention centres' in The Netherlands it was discovered that a considerable amount of human trafficking victims have been placed in alien detention centers. In this study, three victims were encountered who previously had received a temporary residence permit, which was retracted after conviction of the traffickers or after discontinuation of the criminal case.

5. Conclusion

Unique difficulties can be found in the process of identification, participation in criminal proceedings, and delivery of assistance to victims of human trafficking. Victim bias appears to be a factor which is contributing to secondary victimization in both the phase of identification and during participation in criminal proceedings. As a consequence of victim bias, victims are less likely to be identified and understood with sufficient empathy if they do not meet the stereotypical image of the innocent victim. Secondary victimisation is not only recognized by victims and victim advocates but also by professionals in the field of law enforcement and criminal justice. Victim

participation in criminal proceedings is often essential for counteracting human trafficking, but can be very demanding for vulnerable victims. Currently it appears to be a challenge to find an adequate balance between providing protection and support to vulnerable victims and the burden of cooperation that is often placed on this group. In particular, the right to unconditional protection during the reflection period does not seem to be enforced adequately, as it appears that in the majority of the member states the existence of leads for a criminal prosecution provided by the victim are decisive for granting residency and therefore for access to assistance and support.

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