Questionnaire for PHIT Country Reports

Introduction PHIT project: Psychological health impact of THB for sexual exploitation on female victims. Consequences for stakeholders

Trafficking in Human Beings (THB) for sexual exploitation has often serious psychological consequences for its victims. Trafficking inflicts different kinds of harm including harm to one’s health and psychological wellbeing. The concrete means of coercion used by traffickers, the duration of trafficking and the resilience mechanisms of the victim determine the Psychological Health Impact of THB (PHIT), that is different in each case. The project specifically focusses on the Psychological Health Impact of THB for sexual exploitation of women. The overall aim of the project is to elucidate and increase knowledge on PHIT and to measure the impact of stakeholders’ interactions on the psychological well-being of THB victims. Based on these outcomes, the ultimate aim is to improve and optimize the assistance of THB victims by taking into account PHIT.

Country reports

The first step in the PHIT-project is to provide the state of the art; what do we know from literature on psychological health impact of THB, what measures are taken to diminish these effects, to what extent are they effective?

Country reports aim at providing an overview of the situation in the countries participating in PHIT (Belgium, Finland, the Netherlands and Spain). These reports are internal work documents that will be made available to all partners, as the starting point for various activities of the project. However, they may be published in the project’s website if we agree that it is worth it for dissemination purposes.

We would kindly ask you to answer the following questions before 1st of July 2017. You can include your answers in this word-document and send it electronically to the project manager or upload it to the Dropbox of the project.

If possible please provide us with documents or links to those documents (e.g. policies, law, regulations, instructions for police and prosecutors) that support your answers. If others are better positioned to answer (part of) this questionnaire, please do not hesitate to forward it to them.
Legal framework on Trafficking in Human Beings

All countries involved in the project are Member States of the European Union and have ratified the Palermo Protocol and the Warsaw Convention. As a consequence, THB should be prevented, traffickers should be pursued and victims should be protected in all those countries, even though national legislation has some scope on how and to what extent to do it.

1. Since when and how is THB for sexual exploitation defined as a crime in your country?

2. Is prostitution a criminal act in your country? Who is criminalized (e.g. sex workers, clients, facilitators, pimps)?

3. Is there a formal judicial or administrative procedure that grants a person the status of “victim of trafficking”? If yes, who is responsible for the formal identification of THB victims in your country? Which role do NGOs or health care practitioners play in the formal identification process? How is the existence of ‘reasonable grounds of being a THB victim’ (art. 11.2 Directive 2011/36) determined?

4. How is the unconditional access of THB victims to support and assistance (art. 11) shaped?

5. Which institutions provide assistance and support to THB victims? How are these institutions specialized to treat THB victims?

6. What kind of medical and psychological treatment and assistance programs focusing on THB victims are provided in your country? By whom? What are the conditions for THB victims to participate in such treatment/programs?

7. Please provide information about treatments of victims with special needs (art. 11.7).

8. How long is the recovery and reflection period in your country? Is it possible to grant it to EU victims? And to those who have become a victim of trafficking outside your country? And outside the EU?

9. Is the possibility of being granted a residence permit linked to the existence/continuation of criminal procedures? If yes, how?

10. How can illegally staying third-country THB victims obtain a residence permit in your country?

11. Do THB victims have access to legal counselling and legal representation? How has art. 12.2 of the Directive 2011/36 been transposed in your country? How does it work in practice?

12. How has art. 12.3 of Directive 2011/36 on individual risk assessments been transposed in your country? Is an individual risk assessment carried out in order to protect THB victims? How does it work in practice?

13. How has art. 12.4 of Directive 2011/36 on protection in criminal proceedings been implemented in your country? How is re-victimization prevented? How does it work in practice?
14. What other services, not mentioned above, are THB victims entitled to during the reflection period and when granted residency?

15. How many cases with female victims of THB for sexual exploitation have ended up with judicial convictions since 2012 (included)?

16. How many female THB victims for sexual exploitation have been formally identified in your country since 2012 (included)?

17. How many recovery and reflection periods have been granted to these kind of victims during this period?

18. How many residence permits for personal situation have been granted? Did the psychological impact of THB have any incidence on the decision to grant this kind of authorizations?
Impact of THB countermeasures on victims’ psychological well-being

19. Can you give examples of situations in which law enforcement activities to combat THB negatively impacted on the psychological well-being of THB-victims? (e.g. police raid, being treated as perpetrator, priority to illegal status instead of victim status, not informing about release of suspect/perpetrator)

20. What has been undertaken to prevent or diminish these effects?

21. How do authorities (law enforcement, judges) deal with victims who change or withdraw their statement during the proceedings? (e.g. they are not believed, evidence is not taken into account, case is dismissed, repeated interviewing?)

22. Is there an official guideline that is being used when interviewing victims of THB? If yes, can you provide us with the guidelines?

23. To what extent is the absence a victims’ statement a limitation to start an investigation?

24. To what extent is it possible to exchange information about the psychological well-being of victims between healthcare practitioners and law enforcers?
The psychological impact of THB for sexual exploitation on female victims

This last section aims at obtaining information on what is known about PHIT in each country and on whether some practices have been implemented to manage and reduce it.

25. Are there any reports or studies in your country that address PHIT? Can you please share them with us?

26. Are there specialized professionals, researchers or police units who are acknowledged in your country in relation to PHIT? Can you provide us with their details?

27. Which are, in your opinion, the main shortcomings to better address PHIT in your country?

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