

Dissertation submitted for the PhD degree

# **Illuminating and blinding**

**The searchlight effect of human trafficking policies on anti-trafficking practice**

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## SUMMARY

Human trafficking policies are to a large extent internationally driven and were introduced in most countries after the turn of the millennium as part of international obligations through the signing of conventions and adoption of directives. But what does the human trafficking policy framework ‘do’ when it is introduced into the everyday lives of ‘victims of trafficking’ and ‘anti-trafficking practitioners’ in social work, the justice sector and other fields? What are the results when certain types of exploitative relations are understood as human trafficking? And how do international human trafficking policies relate to local contexts and existing institutional frameworks? In this thesis, I explore – based on an analysis of qualitative data from Norway and Moldova – what happens when the human trafficking term becomes a primary lens for interpreting and responding to certain forms of exploitative relations.

My overarching research question is: **How does the human trafficking policy framework influence practice in institutional responses to women who have been exploited in prostitution?** I address this question in four articles that each reflects a step in the common chronological trajectory of trafficking victims’ contact with authorities and assistance providers: 1) being identified as a victim, 2) receiving assistance, 3) having contact with the police and deciding whether to participate in investigations and the prosecution of traffickers, and 4) return to their country of origin, which is a common outcome for many. My data consist of 107 qualitative interviews with ‘victims’ and ‘responders’, and cover experiences and practices from a typical “country of destination” – Norway (articles I-III) – as well as a “country of origin” – Moldova (article IV). My main analytic focus is on Norway, and the case of Moldova is included to encompass the transnational aspect of human trafficking responses and contextualise Norwegian approaches to victim assistance.

My analysis and data collection are based on an institutional ethnographic approach in which the goal is to investigate power empirically, and link relations and institutions through exploring how people’s actions are coordinated. It starts with an examination of everyday life and what people actually do, though the goal is not to understand everyday life in itself, but to understand how it is coordinated beyond local settings. This is an approach that I have found well-suited for empirically approaching the local, specific, and practice oriented aspects of a complex institutional landscape, while still keeping international and national policy in sight. Institutional ethnography demands a type of empirical diligence that contributes to anchoring analyses in specific contexts, thus making it possible to discuss, contribute and add nuance to important criticisms that have been raised against human trafficking policies in academic literature internationally.

This thesis consists of four articles. In article I, I examine the practice of ‘identification of human trafficking’ by social workers in Norway. Through this process boundaries are drawn between different groups of people and the definition of human trafficking is given its real-world content. Thus, my examination opens for a discussion of the relationship between discourse/ideology and practice. In article II, I ask how barriers and access to assistance are institutionally organised and take again as my starting point social workers and their daily work and practice. This article particularly explores how the human trafficking assistance response is intertwined with pre-existing institutional structures especially in welfare and migration legislation. In article III my co-author and I shift

perspective to include the different (and sometimes conflicting) vantage points of victims, social workers and police/prosecutors, and discuss the implications and dilemmas that result from making victim assistance partially conditional on cooperation with the criminal justice sector. In article IV, my co-author and I study the reuniting of victims with their families and communities in Moldova. We investigate challenges in this process, and whether and to what extent experiences are reflected in the understandings that underpin assistance at this stage.

I find that human trafficking policies affect anti-trafficking practice in ways that, in the title of this thesis, I have likened to the effect of a searchlight – a very powerful source of light that can serve both to illuminate and blind, with the ability to help us locate what we look for but also to cast what falls within its range in very stark contrasts of light and shadow, black and white, and where ambiguities and shades of grey are washed out. And that which does *not* enter into its beam is left in relative darkness.

The human trafficking framework has been illuminating for practice in the sense that it has made visible and drawn into focus types of exploitation that were previously sometimes ignored in spite of the at times devastating effects on individuals. In light of important scholarly critiques of the human trafficking framework it seems pertinent also to recognise the gravity of some of the situations it responds to, and to acknowledge the gratitude expressed by many of my informants who had received assistance as trafficking victims. However, the blindness and discounting of nuances that also ensue from human trafficking policies are highly problematic and promote practices that can be unhelpful and even harmful.

Aspects of people's lives that fall outside the ray of the human trafficking framework are underestimated when it comes to options for providing trafficking specific assistance, which I refer to as one of its "blinding" effects. I find that rights to assistance for trafficked persons in Norway are presented in official documents as a cohesive set of special rights for one particular group, but actual access in fact rests on other statuses, most notably migration status and the ability to document identity. The "trafficking victim" category thus blinds to the greater importance, in practice, of general legislation in the fields of migration, welfare and health services. Special rights for trafficked persons were introduced into – or rather placed on top of – a comprehensive universal welfare state, ill-equipped to handle special cases and exceptions that apply to a very small number of people. One very serious consequence is that certain forms of assistance can be systematically more difficult to access for some of those who are in the most precarious situations. I also show how 'blindness' to the broader context and non-trafficking related challenges for trafficked women can be an obstacle to their recovery and "reintegration" after return to their home country. What made them vulnerable to exploitation in the first place was often a marginalised social position, inequality and poverty, features that frequently marked the situation of their families as a whole. While individual assistance (such as e.g. trauma treatment) might in some cases be warranted, in other cases it would be just as effective to assist the family as a whole, or even *other* individuals in the family, when this would improve the social and/or economic situation of the family. This highlights the importance of understanding complexity in people's lives and illustrates how categorisation as a victim of human trafficking can come to displace a more nuanced and precise understanding of needs.

Further, and continuing with the searchlight metaphor, the human trafficking policy framework can serve to wash out complexity, ambiguity and shades of grey in its stark light. There is a gap between the complexities of women's experiences in prostitution and the more clear-cut categorisations that are required to receive (helpful and long-term) assistance within the anti-trafficking system in Norway. This manifests in ethical dilemmas described by social workers in the process of the 'identification' of trafficking victims. As ultimately the requirements of, and outcomes in, police investigations and trials will be extremely influential in terms of what long-term assistance victims can expect to receive, social workers have become more reluctant to actively recommend trafficking specific assistance. This reticence stems from experiences with cases resulting in what they described as "harmful" outcomes, not least when investigations were dropped or did not lead to a trial. The social workers' actual practice in identifying victims does not correspond to, or follow from, what might be seen as their ideological understanding of human trafficking, but from the wider institutional context that their work enters into and the dominance of a criminal justice approach to human trafficking. In this, the requirements of a more binary thinking in criminal justice replace their initially more complex considerations of ambiguities in people's lives. This supports the criticism of the human trafficking policy framework being dominated by a criminal justice approach. However, in Norway, the partial conditionality of assistance on cooperation with the police creates unfortunate outcomes both for victims *and* for criminal justice. On the one hand, the possibility of being granted a permanent residence permit heaps substantial pressure on victims to cooperate even in cases where it might not be in their best interest. On the other, the strong incentive for victims to testify undermines their credibility as witnesses in court, thus weakening the chances of a conviction.

Human trafficking policy is a framework that is controversial and marked by deep lines of division that are reflected both in policy discussions and in academic scholarship. In a landscape of considerable contention and sometimes even animosity in debates, the actual practice of human trafficking policies in the victim assistance field, and the ways in which it varies both across and within countries, sometimes get lost. In recent years, it has been pointed out that there is a lack of knowledge of what influences institutional practices more broadly, a sparsity of empirical studies of assistance frameworks and a gap between reliable empirical evidence and policies on human trafficking. In this thesis I contribute to an identified need for empirical knowledge about how the policy term "human trafficking" is translated into practice and seek to understand the broader context of so-called anti-trafficking institutions. I particularly highlight the importance of examining practice with a starting point in the everyday activities and 'doings' of people. This brings into view how human trafficking policies enter into specific local contexts and throws light on the institutional frameworks with which they interact and meld, and the results that are specific to that context. While there are sometimes striking similarities in organisation of responses and 'anti-trafficking language' across vastly different countries, the differences in understandings, approaches, resources and broader institutional frameworks can be palpable. Anchoring analyses in specific contexts and a wider institutional landscape informs a more realistic discussion about how human trafficking policies actually translate into practice.



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# 1 INTRODUCTION

This thesis has grown from my work on human trafficking as a primarily practice oriented sociologist and researcher for several years prior to embarking on this PhD project. Its main topic in many ways summarises what has come to be my overarching interest as a researcher in this field: What does the human trafficking term ‘do’? What happens when it is introduced into the lives and practice of people? This question is distinct from what being *trafficked* does to people, or how vulnerability to trafficking arises – for instance in what ways people may or may not be harmed, what their assistance needs may be, how their resilience can be increased, or their vulnerability reduced. It is also distinct from (though related to) the much-discussed issue of how the human trafficking term can be *understood*, what its ideological bases and foundations are, its political uses, or how it is produced, reproduced, developed and constructed in representations, narratives and discourse. My previous work prompted me to ask how people work with and relate to the human trafficking term, what it means both to be and to be labelled a trafficking victim, and how the term affects the practice of those whose professional role or assumed obligation is to respond. My interest in this thesis is to understand what subsequently unfolds, when certain types of situations are categorised as human trafficking and when institutional responses are based on this understanding – in short, what happens when the human trafficking term becomes a primary lens for interpreting and addressing certain forms of exploitative relations.

Over the past two decades, human trafficking terminology has become very influential in discussions of certain types of exploitation of people, particularly of migrants and even more specifically in responses to transnational prostitution. In the title of this thesis I have likened its effect to that of a searchlight – a very powerful source of light that can serve both to illuminate and blind, with the ability to help us locate what we look for, but also to cast what falls within its range in very stark contrasts of light and shadow, black and white, and where ambiguities and shades of grey are washed out. And of course, that which does *not* enter into its beam is left in relative darkness.

Human trafficking policy is also a framework that is controversial and marked by deep lines of division that are reflected both in policy discussions and in academic scholarship. I will return to this issue in chapters 2 and 3 but suffice for now to say that understandings range from deep, sometimes almost visceral reactions to human trafficking as one of the absolute evils of our time, to a view that ‘human trafficking’ (with quotation marks explicit or implied) is a social construction with little or no basis in reality. And there are many positions in between. With starting points in different ideological positions and theoretical framings, human trafficking and related policies have also come to be symbolic and representative of several other principal and politically impactful issues: prostitution/sex work, migration and migration regimes, security, crime control and labour rights, to mention but a few. It also enters into broader discussions about gender relations, power, law, government and global inequality. It is not uncommon for researchers who venture into this field to refer to it as a virtual “wasps’ nest” where academics, activists and others are routinely divided into camps and ascribed opinions and attitudes they may not themselves necessarily recognise.

In a landscape of considerable contention and sometimes even animosity in debates, the actual practice of human trafficking policies in the victim assistance field and the ways in which it varies both across and within countries, sometimes get lost. Analyses of ideology and discourse, important as they are, can overshadow fundamental and empirical examinations of institutional conditions and practice, and not least, the actual outcomes of policies in people's lives. This is a bit of a paradox, since a research and policy field as politicised as human trafficking would particularly benefit from the empirical anchoring of arguments and analyses. In recent years, it has been pointed out that there is a lack of knowledge of what influences institutional practices more broadly (Jahnsen & Skilbrei, 2017), as well as a sparsity of empirical studies of assistance frameworks (Gozdziak & Graveline, 2015). Others urge sociologists to narrow the gap between reliable empirical evidence and policies on human trafficking (Lerum & Brents, 2016). Thus, when I say that my purpose is to examine what the human trafficking term 'does', it is a precise reflection of my intention, but it is also a simplification. In this thesis I contribute to an identified need for empirical knowledge about how the policy term "human trafficking" is translated into practice, and further, seek to understand the broader context of so-called anti-trafficking institutions.

Anti-trafficking policies are to a large extent internationally driven and were introduced in most countries after the turn of the millennium as part of international obligations through the signing of conventions and adoption of directives. They are as such directly traceable back to commonly agreed language in the United Nations (UN) and, in the case of Norway, European political bodies. However, policies are implemented in vastly different contexts and introduced into pre-existing structures, institutions, formal and informal practices and accountability relations with which they interact and meld, and which they are shaped by and also contribute to shaping. Consequently, these policies' real-life contents, effects and implications will also vary greatly with context. My previous work has covered the Nordic countries as well as several countries in the Balkans, the former Soviet Union and countries in Western Europe (see for instance Brunovskis, 2012; Brunovskis & Surtees, 2007; Brunovskis & Tyldum, 2004). In visiting and conducting interviews in these diverse contexts I have observed that while there are sometimes striking similarities in institutional organisation and 'anti-trafficking language' across vastly different countries, the differences in understandings, approaches, resources and broader institutional frameworks are more often manifestly evident.

The term "human trafficking policy" may thus hide substantial and important differences in how these policies become active in practice in different contexts. This also complicates – or rather, should perhaps *to a larger extent* complicate – international discussions about human trafficking and human trafficking policies. The sameness in language masks profound differences in practice. With this as my starting point, I aim to add nuance to the discussions about human trafficking policies with empirical examination and analysis of anti-trafficking responses in the field of "victim assistance", based on data from Norway and Moldova.

## 1.1 RESEARCH QUESTIONS

My main interest is how the institutional framework of human trafficking responses comes to shape the everyday lives, work and practice of those it affects: both victims and responders, the latter category including several professions (social workers, law enforcement agencies, bureaucrats, etc.).

In this approach, both in terms of research questions and methodology, I draw on institutional ethnography, which I will further discuss in chapter 4. This is an approach that takes an explicit starting point in the everyday work – in a broad sense – and activities of people and where the researcher seeks to systematically map and understand what shapes and rules everyday life, with a goal to empirically understand power and ruling.

I have limited my scope to women trafficked for sexual exploitation and those who work within human trafficking responses directed at this group. Historically, this is the most prevalent group among identified victims and the group towards which most anti-trafficking efforts have been directed. In terms of policy responses, my main focus is on victim assistance, social work and its institutional frameworks.

Based on this, my overarching research question is: **How does the human trafficking policy framework influence practice in institutional responses to women who have been exploited in prostitution?** I address this question in four articles that each reflects a step in the common chronological trajectory of trafficking victims' contact with authorities and assistance providers: 1) being identified as a victim, 2) receiving assistance, 3) having contact with the police and deciding whether to participate in investigations and prosecutions of traffickers, and 4) return to their country of origin, which is a common outcome for many. My data include experience along this chain of events from Norway (articles I – III) and Moldova (article IV) and thus cover practices from a typical “country of destination” as well as a “country of origin”. My main analytic focus is on Norway, and the case of Moldova is included to cover the transnational aspect of human trafficking responses and contextualise Norwegian approaches to victim assistance.

In Article I, I examine the issue of ‘identification’ of human trafficking, referring to the process leading up to formal administrative categorisation of trafficking victims: **What are the steps and processes social workers go through in translating the abstract human trafficking term into practice?** I address this issue through an analysis of how social workers working with sex sellers detect exploitation and how their assessments and classification processes are active on different “social levels” – individual, interpersonal and institutional/administrative. I discuss who is identified as a trafficking victim and how. Through this process boundaries are drawn between different groups of people and the definition of human trafficking is given its real-world content. Thus examination opens for a discussion of the relationship between discourse/ideology and practice.

In Article II, I ask: **How are barriers and access to assistance institutionally organised?** As in article I, I take as my starting point social workers, their daily work and practice, and how these are organised. This article particularly explores how the human trafficking assistance response is intertwined with pre-existing institutional and legal structures and hones in on the dilemmas that arise when a special rights framework for trafficking victims is introduced into a comprehensive universal welfare state. The complications that ensued illuminate the contextual nature of outcomes of internationally defined ‘best practices’.

In article III, I further explore a particular feature of the special rights of trafficking victims, in that a stated policy goal is that, in addition to offering protection, assistance should also encourage victims’

cooperation with authorities in investigating and prosecuting traffickers. Assistance is therefore partially conditional on victims' cooperation with the justice system. This is anchored in international policies and a feature of trafficking victim assistance that is widely shared among states. My co-author, May-Len Skilbrei, and I ask **what are the implications and dilemmas in making assistance partially conditional on cooperation with police and prosecution?** We shift perspective to include the different (and sometimes conflicting) vantage points of victims, social workers and police/prosecutors, and relate the dilemmas that arise to broader discussions about gender, law and victimhood, how women are understood as witnesses in trials and how this comes to influence aspects of anti-trafficking work that are outside of the criminal justice sphere.

Finally, in article IV, the topic is one of the common outcomes of an assistance process for trafficking victims; return to their country of origin. **What are challenges and barriers for victims in returning and reuniting with their families?** My co-author Rebecca Surtees and I study the process of victims in Moldova reuniting with their families and communities, and whether and to what extent their experiences are reflected in the understandings that underpin assistance at this stage. This article fills a gap in the literature in expanding the focus beyond the individual victims and we seek to understand how the wider social context of victims influences their experience of return and “reintegration”, a common term in anti-trafficking policy. While women can experience trafficking-related trauma and stigmatisation as a barrier to ‘reintegrating’, of equally great importance are problems related to gendered expectations of them as migrating mothers as well as the socio-economic situation of their families as a whole, which should have consequences for how assistance frameworks are set up and operated.

## 1.2 HEALTH SERVICES AND NEEDS IN PROSTITUTION

My work with this thesis was conducted as part of the overarching project *Health Services and Needs in Prostitution*. Sex sellers constitute a stigmatised group with complex health needs and who are often in a marginalised social position, and women trafficked for prostitution constitute a sub-group within this population. A central component in the project was to examine current barriers blocking sex sellers from gaining equal access to health care, and their experiences with such services. Legislative and policy developments in Sweden and Norway (often dubbed “the Nordic model” of prostitution policy) that unilaterally criminalise those who purchase sex, but not the sellers, have received broad international attention and similar policy models have been implemented also in other countries in recent years. This policy model has reignited discussions on prostitution policy, and not least, what is helpful or harmful to those who sell sex, who are generally held to be a so-called vulnerable group. In light of the many opinions on prostitution and health, analysis of social work with sex sellers, and their experience of health care, is crucial.

*Health Services and Needs in Prostitution* is a collaboration between researchers from A-Hus University Hospital, Fafo, Malmö University and the NEXUS Institute in Washington, and is headed by Professor May-Len Skilbrei from the University of Oslo. Our focus has been on how municipal, governmental and civil society institutions meet the health and social needs of sex sellers, by answering the questions of how services for this group are organised today; how the very diverse needs in this user group can best be met and how a user perspective can best be included, as well as how services

relate to ideology. Our task was to develop a theoretical discussion of health and social services for sex sellers, as well as make concrete and applicable recommendations for how to best meet the needs of this very diverse group. We analysed the Norwegian case and drew on international partnerships in order to contextualize the Norwegian experience, an approach that I mirror in this thesis.

### 1.3 THE ARTICLES

Article I: Brunovskis, Anette. Helping or harming? Ambivalence, qualms and resistance in social workers' identification of trafficking victims. (in process)

Article II: Brunovskis, Anette (2016). Special Rights in Universal Welfare: Assistance to trafficking victims in Norway. *Journal of Comparative Social Work*, 11(1):1-33

Article III: Brunovskis, Anette and Skilbrei, May-Len. (2016) Two birds with one stone? Implications of conditional assistance in victim protection and prosecution of traffickers. *Anti-Trafficking Review*, 6: 13-30

Article IV: Brunovskis, Anette and Surtees, Rebecca. (2013). Coming Home. Challenges in family reintegration for trafficked women in Moldova. *Qualitative Social Work*, 12(4):454-472

### 1.4 A NOTE ON TERMINOLOGY

Conceptual clarity is always important and not least when terms are contested and even perceived as potentially offensive. While I present my overarching analytic framework, approach and attendant conceptual understandings in chapter 4, I would like to address some of my choices of terminology already at this early stage. The available terminologies to describe the exchange of sex for money have different origins and historical connotations and some are perceived as demeaning or political (Skilbrei, 2017). Before proceeding I therefore feel the need to clarify my use of a few particular terms that are often conceptual 'battlefields' and taken to represent particular ideological positions: "Prostitution" vs. "sex work" and "victim of trafficking" vs. "survivor" or other alternative terms.

I refer to the exchange of money for sex as "prostitution" and not "sex work". While "sex work" is a term that is preferred by many who advocate for "sex workers' rights", it also covers a broad range of acts, including striptease and webcam services (see also Brunovskis & Skilbrei, 2018), that fall outside the scope of this thesis. An additional reason that I do not use this terminology is an attempt to be inclusive of the broad range of experiences of my respondents who had been subjected to exploitation in prostitution. Some had intended to sell sex but were deceived about the conditions under which it would happen. This group of respondents might identify with the sex worker term, whereas others were violently coerced into prostitution, perceiving their situation as completely involuntary on all counts, and would not identify as sex workers. Due to this and how the term "prostitute" as a label for someone who sells sex is held by many to be demeaning, I refer to those who have engaged in the exchange of sex for money, regardless of their circumstances, as women in prostitution, sex sellers, or similar, in the rare cases where such signifiers are relevant and necessary.

In most cases, more relevant terms in this thesis are "victim", "trafficking victim" or "victim of human trafficking". This is also terminology that some seek to avoid. One criticism of the term "victim" for people who have been subjected to violence or abuse is that it ascribes a passive role to someone who

has in fact come through a trying experience, and some prefer instead the term “survivor”. The intention is to recognise the agency and strength involved in overcoming hardship and abuse, while “victim” can be seen as undermining agency (Williamson & Serna, 2018). However, in my view, substituting “survivor” for “victim” can also mask the sometimes devastating long-term effects of abuse that some of my respondents had suffered and which in some cases continued to deeply affect their lives many years later. In my experience, it is rarely a case of being either a “victim” or a “survivor” – my respondents have had successes and setbacks both related and unrelated to their trafficking experiences that are not easily captured in binary terms. Further, from a human rights perspective, the term “victim” is important as it designates the violation experienced and the necessity for responsibility and redress. In this framing, and in my use, “victim” denotes someone who has been the victim of a crime and does not refer to the person’s agency or any other characteristics (see also Brunovskis & Surtees, 2007).

## 2 BACKGROUND: DEFINING HUMAN TRAFFICKING

The human trafficking term has entered into the popular mainstream and received widespread media attention. While common understandings of human trafficking have often equated it with “modern slavery” and with a particular media preoccupation with “sex slavery”, the legal term encompasses a vast range of situations and is based on a rather complex definition as well as a specific historic development. The issue of exploitation of migrants or vulnerable populations is not new to our time, but human trafficking came to be placed high on the international agenda with the so-called United Nations Trafficking Protocol in December 2000<sup>1</sup> (hereafter: The Trafficking Protocol). The timing was connected with several developments and worries about a number of more general issues. Among them were increasing concerns about migration and migration control (Gallagher, 2001; Guillemin & Gillam, 2004), reports of sexual slavery and forced prostitution during the Balkan wars (Chuang, 1998), fears of prostitution in light of HIV/AIDS (Doezema, 2000), and an increased awareness of commercial sexual exploitation of children and a focus on sex tourism (Derks, 2000).

In this chapter, I describe international discussions around human trafficking policy and the resulting international legal framework. The international foundations and definition of the human trafficking term, as well as central discussions in the field (which I return to in chapter 3) are important to understand how the human trafficking response, including victim assistance and social work, are organised and analysed in current literature, and thus to understanding the topics I explore in this thesis. I refer to article II for more detailed information about the human trafficking context and institutional organisation of the human trafficking response in Norway, which is its main topic. For an overview of the background and context in Moldova, I refer to article IV, which includes a section on the human trafficking situation and response in that country.

The human trafficking terminology and policy framework came to be introduced at the turn of the millennium through the international obligations mentioned above. Illustratively, the Norwegian Government produced its first action plan against human trafficking in 2004 before a single case of human trafficking to Norway had formally been identified (Skilbrei, 2012). This does not mean that exploitative practices that would presently fall under the trafficking definition did not previously exist, but they were not framed as human trafficking and were more commonly understood as singular incidences of crime, rather than a cohesive, international phenomenon.

The international definition of human trafficking has become the basis for how it is defined in most national legislation and is also the starting point for most research into the field. While human trafficking is often associated with very violent and abusive practices, the definition that was agreed in the Trafficking Protocol (United Nations, 2000) is also inclusive of exploitation of vulnerability and situations that are perhaps not immediately recognisable for everyone as coercive. In Article 3 of the Protocol, “human trafficking” is defined by a list of actions and means, undertaken for the purpose of exploitation:

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<sup>1</sup> Full title: Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (hereafter: The Trafficking Protocol). The Protocol supplemented the *United Nations Convention against Transnational Organized Crime* (United Nations, 2000)

- (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of 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, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) “Child” shall mean any person under eighteen years of age.

The core elements in this definition are thus a set of **actions** (“recruitment, transportation, transfer, harbouring or receipt of persons”), by a set of **means** (“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**.

Arriving at the Trafficking Protocol definition was fraught with contention, and central terms, such as “vulnerability” and “exploitation”, remained poorly defined, according to some to accommodate very diverging views on what they should cover (Ditmore & Wijers, 2003). The discussions included states and actors with staunch and opposing positions on prostitution, with which the human trafficking term is deeply enmeshed. In a distilled version, positions differ on whether prostitution is inherently exploitative and can never really be consented to (see for instance Ekberg, 2004) or whether it constitutes a legitimate form of work – in this case generally referred to as sex work – where problems and risks faced by sex workers stem not from inherent exploitation but from their marginalised position in society and lack of legal and other protections (see for instance Doezema, 2000). Legal expert Anne Gallagher, who personally observed the drafting process of the protocol in 1999 and 2000, noted an unprecedented number of non-governmental organisations (NGOs) participating in the negotiations, roughly aligning themselves along the two positions of opposing all forms of prostitution (the so-called “abolitionists”) or seeking recognition of sex work and sex workers’ rights; a rift Gallagher describes as “savage” (Gallagher, 2001, p. 1002). Others have also noted the large extent of NGO involvement in the process, and the high level of animosity and conflict regarding the definition of human trafficking (see for instance Ditmore & Wijers, 2003).

The wording in the Norwegian Penal Code is very similar to that of the Trafficking Protocol, and human trafficking is defined in sections 257 and 258 (Straffeloven, 2005)<sup>2</sup>:

Section 257 Human trafficking:

Any person who by violence, threats, taking advantage of a vulnerable situation or other improper conduct forces, exploits or deceives another person into/for

- a) prostitution or other sexual services,
- b) labour or services, including begging,
- c) active military service in a foreign country, or
- d) consenting to the removal of one of the person's internal organs,

shall be punished for human trafficking with imprisonment for a term not exceeding six years.

The same penalty shall be applied to any person who

- a) facilitates such force, exploitation or deception as specified in the first paragraph by procuring, transporting or receiving the person,
- b) otherwise contributes to the force, exploitation or deception, or
- c) provides payment or any other advantage to obtain consent for such a course of action from a person who has authority over the aggrieved person, or who receives such payment or advantage.

Any person who commits an act as specified in the first or second paragraph against a person who is under 18 years of age shall be subject to punishment regardless of whether the act involved violence, threats, taking advantage of a vulnerable situation or other improper conduct. Any person who was ignorant of the fact that the aggrieved person was under 18 years of age shall be subject to a penalty if he/she may be held to blame in any way for such ignorance.

Section 258 Aggravated human trafficking:

Aggravated human trafficking is punishable by imprisonment for a term not exceeding 10 years. In determining whether the violation is aggravated, particular weight shall be given to whether the person subjected to the act was under 18 years of age, whether severe violence or force was used and whether the act generated significant proceeds. Any person who was ignorant of the fact that the aggrieved person was under 18 years of age shall be punished if he/she may be held to blame in any way for such ignorance.

While this definition is part of the Norwegian Penal Code, in practice it also forms the basis for whether an individual is assigned the status of a trafficking victim in other contexts, in assessments of whether trafficking is likely to have taken place (Utlendingsdirektoratet, 2017). Independently of

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<sup>2</sup> <https://lovdata.no/dokument/NLE/lov/2005-05-20-28>. Unofficial translation provided for information purposes by the Ministry of Justice and Public Security.

whether criminal proceedings are ultimately initiated, this definition influences the determination of eligibility for a temporary residence permit and attendant rights to social assistance and protection.

### 3 UNDERSTANDINGS OF HUMAN TRAFFICKING POLICY AND PRACTICE

The disagreements on how human trafficking should be understood described in chapter 2 are mirrored in much of the academic scholarship on human trafficking. Particularly in the early years following the Trafficking Protocol, there were many assumptions but a dearth of actual knowledge on which to base policy interventions (Goździak & Bump, 2008). Aradau suggests that “(m)ost of the literature on human trafficking, whether academic or practice oriented, is written with the purpose of intervention in the existing regimes to govern human trafficking”. It engages in discussion of what human trafficking ‘is’ and “attempts to “stabilize the ‘truth’ about its meaning” (Aradau, 2008, p. 20). Much of the literature on human trafficking approaches it as a phenomenon whose ‘real nature’ can be discovered and pinned down, in spite of the concept going through an explicit social construction (Aradau, 2008, p. 14), not least through legal processes at national and transnational levels (Skilbrei, 2010). This has resulted in a scholarship that is in many ways fragmented and conflicted. There are profound disagreements on how the issue of human trafficking is to be understood, and much of the scholarly literature cannot easily be separated from policy discussions.

Existing academic literature has some dominant features, among them discussions of methodological issues of how human trafficking can be measured and mapped, explorations of intended and unintended consequences of anti-trafficking policies, as well as critical analyses of human trafficking discourses, narratives and ideology (Limoncelli, 2017). In this chapter I give a description of a selection of discussions in the literature and how anti-trafficking policies in general have been analysed, which also has consequences for how assistance policies and practice are understood. The discussions I present here are important to situate this thesis in the wider research context that has informed my choice of analytic approach, which I return to in chapter 4.

#### 3.1 CENTRAL DISCUSSIONS IN HUMAN TRAFFICKING RESEARCH

Discussions in human trafficking research that are particularly relevant to explain my choice of approach to victim assistance are related to how human trafficking is understood as a phenomenon, as a policy framework and what wider contexts it has been analysed in light of. These include questions about the prevalence of human trafficking, which directly leads to discussions of whether responses are proportional and appropriate, or fuelled by a “moral panic” and doing more harm than good. Other important discussions concern gendered notions of (ideal) victimhood and agency, and whether the human trafficking policy framework primarily serves other governmental purposes than merely the protection of vulnerable groups and individuals.

A primary and very fundamental point of dispute in international debates is the question of how widespread human trafficking really is. It was (and still is) common in politics and advocacy, to refer to human trafficking as an “epidemic”, from which “no country is immune” (Botti, 2002; UNODC, n.d.). This supported a sense of urgency for action and was part of the background for countries such as Norway to develop action plans against human trafficking even before victims had been identified locally, as noted above. However, human trafficking is notoriously difficult to quantify and measure (Kangaspunta, 2003; Laczko, 2002, 2005; Laczko & Gramegna, 2003; Laczko, Von Koppenfels, &

Barthel, 2002; Tyldum & Brunovskis, 2005). Given the vagueness of the international definition of trafficking regarding what constitutes vulnerability and exploitation, there is much discretionary room for – and disagreement about – who should and should not be included in the trafficking victim category (Skilbrei & Tveit, 2008); a seminal issue for anyone purporting to measure or estimate prevalence.

Nonetheless, fairly dramatic numbers have been produced, and reproduced, on the prevalence and profits of human trafficking. Human trafficking is frequently cited as the world's second or third most profitable crime (alternating with illicit drugs and arms trade in terms of estimated magnitude) (see for instance U.S. Department of Homeland Security, n.d.; UN News Center, 2014), with little or no reference to how the profits of a hidden, illicit and poorly defined phenomenon are calculated. Claims of prevalence continue to be very influential in discussions about human trafficking and recently, the (much criticised) Global Slavery Index estimated that there were no less than 40.3 million people trapped in “modern slavery” across the globe in 2016 (Walk Free Foundation, 2018). (For a critique of the Index' approach, see for instance Guth, Anderson, Kinnard, & Tran, 2014.) The Index also estimates 9,000 “slaves” in Norway (Walk Free Foundation, 2018), vastly divergent from official numbers of victims receiving assistance – while there is considerable uncertainty in these numbers, in the past decade, somewhere between 50 and 100 persons have been identified as victims of trafficking annually (Politidirektoratet, 2017).

In deep contrast to these dramatic numbers is a critique of anti-trafficking policy as predominantly fuelled by ‘moral panic’ (see for instance Anderson & Andrijasevic, 2008; Berman, 2003; Doezema, 2000; Gould, 2010; Keo, Bouhours, Broadhurst, & Bouhours, 2014; Weitzer, 2007). A commonly used description of a moral panic is when a “...condition, episode, person or group of persons emerge to become defined as a threat to societal values and interests.” (Cohen, 2002, p. 9). Chapkis argued in 2003 that US law made “...strategic use of anxieties over sexuality, gender and migration...” through the use of misleading statistics, creating a moral panic around “sexual slavery” (Chapkis, 2003, p. 923). The development and use of poorly founded estimates have been subject for great criticism, not least because statistics are given such a prominent role in shaping and justifying policy. It is important to note a crucial nuance in the ‘moral panic’ criticism of much anti-trafficking policy and discourse. For most critics, this does not imply that exploitation as corresponding to the trafficking definition is not happening, but rather, that claims both about its forms and its prevalence are exaggerated and support other political agendas. In the words of one critic of the “human trafficking mythology”; “(w)hile no one would claim that sex trafficking is fictional, many of the claims made about it are wholly unsubstantiated.” (Weitzer, 2011, p. 1337).

In terms of understandings of assistance to victims, the leaning towards any of these positions – global epidemic or moral panic - produces very different interpretations and analyses of human trafficking responses. Based in an assumption that human trafficking is a global epidemic of exploitation by multi-criminal networks, assistance becomes not only necessary, but part of an urgent humanitarian imperative and a need to rescue its victims (see for instance Androff, 2011; Bales, 2007). If, on the other hand, human trafficking is understood primarily in terms of a moral panic, then assistance efforts are also understood very differently, and often as reflective of other agendas. For instance, in an

analysis of social outreach work in prostitution, Agustín coined the term “rescue industry” for what she described as thinly veiled self-interest on part of the actors involved in social assistance, as middle class social agents working to change the (amoral) behaviours of those less fortunate (Agustín, 2007). In this understanding, victim assistance can be framed as an expression of governmentality through the intervention in, and regulation of, the lives of female migrants defined as trafficked and vulnerable (FitzGerald, 2010).

This leads me to a second issue that underpins a set of discussions in human trafficking literature that is particularly relevant for understandings and analyses of victim assistance – the issue of consent, and the consequences of disregarding consent to “exploitation”, particularly for how women’s migrations and involvement in prostitution are understood in terms of victimhood and responded to in policy and practice. The role of consent, and at what point consent should be disregarded, continue to be murky in the human trafficking definition, but is developed through jurisprudence in countries that include this element in human trafficking legislation. Key is one of the “means” listed; the abuse of a position of vulnerability (Gallagher & McAdam, 2013). In article 3b it is stated that if any of the “means” have been used, the consent of the victim is irrelevant, which is one of the most discussed passages in the definition (Davidson, 2010; Gozdziaik & Collett, 2005; Outshoorn, 2005). This construction of victimhood thus deems it irrelevant – in some circumstances - whether a person has consented to the situation they are in or not. The dilemma that follows from this is that on the one hand it recognises the potentially coercive power at play in highly unequal relationships and the potential for limited freedom of choice when being in a vulnerable situation. On the other hand, disregarding consent can also mean to disregard the right to self-determination or the ability to make choices about what is in one’s best interest, with sometimes deeply disconcerting results which I return to below.

The consequences of disregarding consent in the human trafficking definition and responses have particularly been discussed in a gender perspective: There is a body of literature that criticises the construction of the “trafficking victim” category for adopting a distinctly gendered representation of victimhood that is mirrored in popular culture and political rhetoric (see for instance Haynes, 2014; Van Liempt, 2011). Women and children were singled out in the title of The Trafficking Protocol (“Protocol to Prevent, Suppress and Punish Trafficking in Persons, *especially Women and Children*”, emphasis added). In close parallel, the first Norwegian governmental action plan against human trafficking, issued in 2003, was titled “The Government’s Action Plan against Trafficking in Women and Children”, all but excluding men as potential trafficking victims, and explicitly framing human trafficking as an issue of sexualised violence against women and children, related to prostitution (Skilbrei, 2012). An important criticism in the literature is that the gendering of human trafficking as a crime mostly, or perhaps even exclusively, affecting women and children, removed an element of agency from women’s migrations in particular, and cast them as passive and vulnerable and in the same category as children, in contrast to male migrants in similar circumstances (Sanghera, 2005; Sullivan, 2003). On the one hand, this can result in restrictive measures directed towards women’s migrations that ultimately places them in a more vulnerable position, since their migration can become more reliant on brokers and intermediaries (Paasche & Skilbrei, 2017). On the other hand, the focus on women as potential victims can divert attention from the fact that male migrants can also be

vulnerable to exploitation and decrease the likelihood that they are understood and receive assistance as victims (Surtees, 2008).

Research has also pointed to how gendered presentations of human trafficking were reproduced and reinforced in popular culture of trafficking for prostitution and sexual exploitation. These further played into the stereotype of (gendered) ideal victims in urgent need of rescue. In several films and television series, naïve and innocent victims, always female, often children, were kidnapped, forced or lured and sold into sexual slavery, and victim stereotypes have also been rife in anti-trafficking advocacy or awareness-raising materials and discussions more broadly (O'Brien, 2013). Much has been written about the impacts and consequences of victims needing to live up to certain behaviours or present with particular victim narratives, e.g. in order to obtain legal and social assistance. Downplaying one's own decision to enter into prostitution, or managing appearance (e.g. in terms of clothing and makeup) and demeanour to present an image of 'innocence' have been shown in some contexts to increase the chances of receiving help (see for instance Goodey, 2004; Harrington, 2005; Hoyle, Bosworth, & Dempsey, 2011; Srikantiah, 2007; Surtees, 2008; Weitzer, 2011). Similarly, there has been evidence in some assistance programmes of a tendency towards 'infantilising' trafficked beneficiaries and treating them as unable to understand their own best interest, and similarly, a pathologisation that sees some service providers ascribing any and all "unwanted behaviours" – including criticism of the assistance programme – to traumatisation/post-traumatic stress disorder (PTSD) (Brunovskis and Surtees 2008, Harrington 2005). These framings have paved the way in some cases for the excessive, and in many cases likely illegal, use of restrictive measures, such as not allowing adult beneficiaries freedom of movement or unsupervised contact with people outside the programme (Dottridge, 2007; Gallagher & Pearson, 2010).

The analyses of problematic approaches to assistance discussed above also relate to a third point particularly relevant to my analysis - the overarching criticism in the research literature, of how the human trafficking framework fosters a focus on criminal justice and draws attention away from the wider context and structural causes that make exploitation possible. The international human trafficking policy framework is inextricably linked with the fight against organised crime, and the Trafficking Protocol supplements *The United Nations Convention against Transnational Organized Crime*. This frames human trafficking as primarily a problem of crime control and not principally a human rights issue (Jordan, 2002). Furthermore, it casts human trafficking as an issue of security, and several authors have analysed human trafficking in a securitisation perspective (see for instance Aradau, 2008; Friesendorf, 2007; Truong, 2009). Migration scholars have suggested that the stricter border controls and restrictive migration regimes that follow from this interpretation intensify the vulnerability of migrants and increase their dependency on brokers and intermediaries (Andrijasevic, 2004).

Somewhat paradoxically, the fight against human trafficking is often used as a political argument for stricter border controls. This was made explicit during and following the so-called 'refugee crisis' in Europe in 2015, where the conflation of human trafficking with human smuggling was widely used to justify measures to restrict migration into Europe (McQuade, 2015). Authors working within post-colonial perspectives have highlighted how the human trafficking policy framework, and the focus on trafficking as organised crime, deflects from a focus on class, race and gender inequalities that

underpin exploitation generally and obscures the historical roots of such inequalities (Kempadoo, Sanghera, & Pattanaik, 2015). These approaches highlight human trafficking as part of a continuum of exploitation and vulnerability, rather than as a discrete phenomenon that requires special measures. In this understanding, victim assistance would be better achieved through rights and legal protections for migrants who are made vulnerable to exploitation by their inequality and social oppression, rather than solely being a matter of rescuing them from criminal networks.

In sum, and as should be evident from the above, there are profound differences in positions on how human trafficking should be understood, also within the research literature – not least whether it is a helpful framework to assist and protect exploited persons or whether it essentially places disadvantaged people in even greater peril and legitimises restrictive control measures against them. Lobasz observes that the meaning of human trafficking continues to be heatedly disputed, among actors with opposing perspectives, and concludes that “human trafficking” is better understood as a contested concept rather than as an objectively given problem: “The meaning of trafficking is constructed rather than inherent, and inseparable from the political context through which it is produced.” (Lobasz, 2012, p. 1). This is reflected in the lion’s share of the international scholarship on human trafficking. Another observation is that in spite of an exponential growth in human trafficking research and literature, there is still a great need for empirically based critical analyses of different aspects of human trafficking, both as a phenomenon and as a policy field (Gozdziak & Graveline 2015).

## 4 ANALYTIC FRAMEWORK: UNDERSTANDING EXPERIENCE AND SITUATING KNOWLEDGE

In the previous two chapters, I described some of the main discussions in the human trafficking literature and how they relate to understandings of victim assistance. In this chapter I present and explain my choice of analytic framework, beginning with the analytic challenges I had identified and wanted to address in my effort to understand what the human trafficking term ‘does’ when it is introduced into the lives and practice of people.

Current human trafficking literature makes important analyses of how particularly women’s migration, and not least involvement in prostitution, are understood and addressed in policy. Many analyses focus on human trafficking discourse, narratives and social constructions of the human trafficking term and have offered important critiques. However, discourse – as identifiable in written or oral representations produced for various purposes (such as advocacy or administrative coordination) – may differ from the actual practice and experience of people involved, which can only be examined empirically: it cannot be assumed that people act on discourse alone, or that discourse directly corresponds to practice. This was one of my main concerns in deciding on how to approach the issue of practice and institutional contexts: What does victim assistance practice actually consist of and involve? How could I best understand how experiences with victim assistance practice came to be what they are? How could I relate to (institutional) discourse, or the reproduction of institutional language and “established truths” potentially supplanting or overshadowing actual experience in my interviews?

I had a connected concern in how to approach practice and experience in a research field that is so politically charged and symbolic of so many principal – if not existential – issues, even including the fundamental issue of what is free will and consent. In making choices about which literature to look to or which theories to lean on, there seems a certain inherent danger of perhaps prematurely drawing conclusions about one’s empirical findings – what they signify, or what points or ideas they are illustrative of. In debates on human trafficking and in closely related discussions of prostitution, tensions arise between ideas of “...consent and force, contract and rape, rational choice and victimization...” (Davidson, 1998, Kindle edition, Introduction). O’Connell Davidson notes that these abstract, theoretical concepts are important in shaping experience, but experience cannot in itself be observed from them. They do not determine action but are part of the circumstances within which social actors act. Hence, these tensions and ambiguities *and* the experiences to which they give rise, must be the object of enquiry (Davidson, 1998, Kindle edition, Introduction). This points to the important issue of being informed, but not blinded, by theoretical concepts. Some of the theoretical arguments in analyses of human trafficking policy are so persuasive, so compelling, that one could easily be convinced into seeking what must surely be their direct equivalent in ‘real life’ and how practice and actions might prove the theory right. For instance, were my interest to lie in finding evidence of ideas of “securitisation” or “governmentality” in assistance provision to trafficked women, I am sure I could have found it in some form. But could it be that there are other factors that are

equally or perhaps even more important in shaping practice, that we do not find if we are intent on looking for something so specific? Not to put too fine a point on it, how useful is it look for ‘proof of a theoretical argument if we want to understand experience and how that experience has come to be what it is?’

Furthermore, and as discussed in the introduction to this thesis, I was mindful of the importance of context and local circumstance. Based on my previous research experience and observations, I have found that similar or even linguistically identical anti-trafficking policies, springing from documents developed at supra- and transnational levels, can translate into very different practices and outcomes in people’s lives in different contexts. Leaning too heavily on analyses of human trafficking policies in other countries can therefore also be potentially misleading in the analysis of specific cases. In an analysis of the global development of anti-trafficking advocacy (which incidentally often overlaps with service provision to victims particularly in the non-governmental sector), Limoncelli calls for a recognition that transnational advocacy does not always develop from the top down and warns against ignoring relations of power and against assumptions that these power relations always work in a hegemonic manner. She concludes that analyses need to be explicitly historical, avoid a priori assumptions and to approach each case empirically (Limoncelli, 2017). This resonates with my experience, and led me to consider; how could I best capture the specific context of human trafficking policy and practice in Norway, while still recognising its profoundly international roots and ongoing influences?

In addressing all of these concerns, I have found guidance and inspiration in institutional ethnography, developed by Dorothy E. Smith and her colleagues (see for instance Smith, 1987; Smith, 2005, 2006b). I find this to be a perspective particularly well suited for empirically approaching the local, specific, and practice oriented, while still keeping international and national policy levels in sight.

In the remainder of this chapter I will give an overview of some of the central elements in institutional ethnography, starting with an introduction to institutional ethnography, the main understandings and uses of terms. These include institutional ethnography as a “method of discovery”, a broad understanding of both institutions and of the concept of work, as well as “ruling relations”. I also discuss elements of institutional ethnography that have been particularly useful for my data collection and analysis. These include the recognition of a standpoint or subject position as a place from which to see the social world and the role of texts in shaping everyday lives. I close this chapter with a discussion of how I have used institutional ethnography as a framework in different ways in my analysis and how it has influenced my work over time.

#### 4.1 INSTITUTIONAL ETHNOGRAPHY – “A METHOD OF DISCOVERY”

Institutional ethnography builds on the fundamental ontological principle that the social is intrinsic to people and must be explored from where people are and what they do, in their daily lives (Smith, 2005). From the point of everyday experience, the social can be examined, with the aim of discovering how people’s experiences come to be what they are. Griffith and Smith have described institutional ethnography as a “(...) method of inquiry designed to discover how our everyday lives and worlds are embedded in and organised by relations that transcend them (...)” (Griffith & Smith, 2014a, p. 10) .

In an institutional ethnographic approach, the researcher sets the goal of investigating power empirically, and linking relations and institutions through exploring how people's actions are coordinated. It starts with an examination of everyday life, though the goal is not to understand everyday life in itself, but to understand how it is coordinated beyond local settings (Griffith & Smith, 2014b). The 'institution' in institutional ethnography refers to complexes that are organised around specific functions in society, e.g. health care, education, or social work (Smith, 2005, p. 225). In my case, this means that I discuss the institution of anti-trafficking work, which comprises a number of formal institutions and organisations from different parts of society. I also take a starting point in my informants' descriptions of their activities and their understanding of these activities, with the analytic aim of understanding what regulates, or shapes, these activities – what requirements are they responding to?

Smith refers to the work of McCoy and colleagues for an example that is very illustrative of the analytic shift inherent in institutional ethnography (McCoy, 2006; Smith, 2006a). McCoy and associates conducted interviews and focus groups with 79 people who were HIV positive or had developed Aids, with an emphasis on their experiences with and reflections on the doctors they encountered. McCoy et al. show how they could easily have used this material to create typologies of the different ways that the research participants had approached or responded to medical professionals. However, in institutional ethnography the focus is not on the individuals or groupings of individuals, nor on classifying their experiences into typologies. Rather, by understanding instead the individuals' everyday activities as *work* – the work of thinking about how to relate to a doctor, the work of going to the appointments, the work of attending to what the doctor says, and so on – the institutions and formal/informal regulations that are often only implicit in individual's accounts of their experiences come into view. Why do they do what they do? The point is not to classify different strategies, but to ask how these strategies are institutionally conditioned: How do these activities – in this case arising from the experiences of the informants with the doctors – come to be the way they are? What are the power and ruling relations that organise similar experiences across different localities? With this analytic shift, the relationships and the organisation of relations that constitute experience become accessible for examination.

The basis for grasping the coordination of people's experience in institutional ethnography is a broad understanding of the term 'work' that includes everything people do that is intentional, takes time and effort and is done at a particular time and in a particular place (Griffith & Smith, 2014a). Work is a central concept in institutional ethnography, as it orients the researcher to what people are actually doing when they participate in different ways in institutional processes (Smith, 2005), regardless of whether they themselves define or recognise it as work as such, and regardless of whether it is formally recognised as work (or part of work) (M. Campbell & Gregor, 2004).

This appears to me to be a very useful way of approaching practice in anti-trafficking assistance. The many important discussions of anti-trafficking discourse and narratives at the overarching and transnational levels can easily become too intangible, fleeting and general when seeking to grasp what actual people do and why. I could have classified social workers' experience in different typologies and understandings, and perhaps tried to attach them to different explicit or implicit ideological

understandings of prostitution, migration or gender. However, I believe that this exercise would not have brought me much closer to an understanding of anti-trafficking work as an *institution* or made it possible to discuss in any depth how the variety of experiences had come to be coordinated. The issue I am interested in is not so much on what values or understandings a social worker might base their professional decisions on, but the structures that make one action (more) available and another not.

With this analytic shift, the point is to identify what Smith refers to as “ruling relations” – that is, the way that everyday experiences are coordinated, or ruled, trans-locally. This introduces an organising, though not necessarily determining, component into people’s doings or activities (Smith, 2005, p. 206).

#### 4.1.1 *A STARTING POINT IN THE EVERYDAY – A PLACE FROM WHICH TO SEE THE WORLD*

At first glance institutional ethnography can come across as appealingly straightforward – merely an expansion of what we already know and see. This seemingly simplistic premise belies a sophisticated ontological and epistemological foundation that Smith elaborates in several of her writings (see for instance Smith, 1987; Smith, 2005), and which recognises the discursive elements of social life, without giving up on describing a social reality (Hart & McKinnon, 2010, p. 1040). Smith’s focus on the expansion of everyday knowledge is indeed deliberate and with a clear intention of producing knowledge that is useful and useable for those that this knowledge is about. With roots in the women’s movement of the 1970s, Smith wanted to create a “method of discovery” that could also have a transformative potential. In making visible to people the ruling relations they were entered into, and how their experience had come to be as it was, one could also create the foundations of challenging the way the social world was organised. Smith likens the process of institutional ethnographic inquiry to that of map-making: “... though some of the work must be technical, as mapmaking is, its product should be ordinarily accessible and usable, just as a well-made map is, to those on the terrain it maps.” (Smith, 2005, p. 28).

One of the most drastic points of departure from ‘mainstream sociology’ in the time that Smith started to develop institutional ethnography, was her challenging of the privilege given to theory. Smith particularly took issue with explaining social life with a starting point in theoretical concepts and abstractions (M. Campbell, 2003), saying that traditional sociology purported to present ‘a bird’s eye view’ but without the bird – hiding the positionality and situatedness both of the researcher and the researched, and substituting abstractions for the actual (Smith, 1999; Widerberg, 2007).

The focus in institutional ethnography on the actual, or everyday activities, rejects abstract terms such as “social structure” or “social norm” as a way of understanding the social as external to people, as entities with agency external to human action (Sinding, 2010, p. 1657). Smith proposes a sociology that starts out not in theory, but in people’s experience (Smith, 2006a, p. 2), and with an understanding of people as the knowers of their own life. All too often, said Smith, sociologists would start out from theoretical abstract concepts – or sociological discourse – and apply these concepts to experience, thus objectifying those whose experience was being studied. Smith observed that inquiry from within [sociological] discourse commits the researcher to “... constructing people as the objects of her investigations or representation” (Smith, 2005, p. 28), and regarding experience as merely illustrative of theoretical arguments (Widerberg, 2008, p. 315). Smith formulates her alternative succinctly: “The

emphasis is always on research as discovery, rather than, say, the testing of hypotheses or the explication of theory as analysis of the empirical” (Smith, 2005, p. 2).

This starting point in experience rather than theory does not mean or imply that institutional ethnography is ‘theory free’ or that the researcher claims some privileged access to ‘truth’ inaccessible in other ways of doing sociology. Rather, it means that in conducting institutional ethnography, the researcher takes as their starting point the appreciation that the social world is seen from a specific point of experience. Smith borrows the feminist “standpoint” term as drawn together by Harding (Harding, 1986), and reworks it to signify a subject position from which the world can be seen. For Smith, standpoint came to replace what she had previously referred to as “perspective” – a place from which to see, recognising both that the world must be seen from a specific position, and that that specific position brings forth a particular view of the world (Smith, 2005, p. 10).

The recognition of knowledge as specifically situated offers a useful inroad to researching a field that is not only marked by controversy, but where extremely heterogeneous experiences are subsumed under the umbrella of the rather fuzzy policy term of “human trafficking”. In approaching the problems of knowledge production on human trafficking and the very conflicting perceptions that abound among different institutional actors (justice officials, NGOs, researchers etc.), Van der Pijl and colleagues refer to the tale of the blind men who try to determine what an elephant looks like by extrapolating from the part they can each feel in front of them (Van der Pijl, Breuil, & Siegel, 2011, p. 578). Existing in many versions, this gist of this parable from the Indian subcontinent is that the man who feels the trunk concludes that an elephant is like a snake, the man who feels the side says that an elephant is like a wall and the man who feels the tail says that it is like a rope. This is very effective imagery to grasp some of the challenges involved in discussions about a phenomenon that is indeed very vast, as Van der Pijl et al point out. I would also add that as a phenomenon and concept, human trafficking is in constant flux, its meaning continually adjusted through social, political and legal processes. It really cannot be pinned down. In contrast to an elephant, there *is* no concrete ‘animal’ to be observed as a whole, should our blindness miraculously pass and we are no longer reliant on extrapolating from the part immediately in front of us.

Our best bet is to be aware that we are in fact only privy to parts of the metaphorical elephant at the time. When we try to understand the trunk better, we must also recognise that it will give us little information about the tail. But that does not mean that we should not try to get a better understanding of the trunk in itself: Van der Pijl et al also make the very important point that knowledge is necessarily fragmented, and it is “...in the cracks and fissures between these fragments that new knowledge arises”. (Van der Pijl et al., 2011, p. 580).

#### *4.1.2 THE ROLE OF TEXTS IN RULING RELATIONS*

In contemporary society, coordination happens through text and accountability relations that have a material presence in text. An integral feature of texts that is of particular interest in institutional ethnography is their replicability, in that they are or can be or reproduced in different places or at different times and for different people to read. In an institutional ethnographic approach, texts are not treated as objects of research in themselves, but as integral to how they coordinate people’s doings.

(Smith & Turner, 2014). Key in this regard is how text can make action possible (or mandatory) – that is, how texts become *actionable* (Griffith & Smith, 2014a, p. 12).

Especially pertinent in my case are the texts that constitute the international and national policy field of human trafficking: international agreements, conventions, legislation, regulations and so on. This means that I have examined how these texts become active in practice, rather than, say, what understandings of victimhood or of transnational migration are represented in the texts as such. Further, it means that the texts that are included in my analysis are those that coordinate work, not only those that are explicitly defined as being part of the human trafficking policy field. As an illustration, this is particularly relevant in article II in this thesis: I trace from the point of social workers' experience how their work is coordinated by a complex set of legal texts – from specific regulations pertaining to exceptions in Norwegian legislation in order to accommodate assistance provision to persons without residence permits, to international conventions on human trafficking. What I show in this article is that pre-existing legislation in the Norwegian welfare state is far more important in shaping actual access to assistance than legislation pertaining directly to the rights of trafficking victims. And that this creates inequalities in access to assistance between people appearing to be covered by the same set of special rights. These discrepancies only become visible when taking a starting point in the actual work of social workers, and examining which texts become active in practice, as legal rights on paper appear, in isolation, comprehensive (Brunovskis, 2016). This illustrates the point in institutional ethnography of not analysing texts as objects of research in themselves, but rather inquiring how they coordinate people's doings, and with a starting point precisely *in* these doings rather than in the texts.

#### 4.1.3 INSTITUTIONAL ETHNOGRAPHY – ONTOLOGICAL FRAMING AND EMPIRICAL ANCHORING

In this section I describe the main ways in which I have used institutional ethnography as an analytic framework, as its influence differs in the four articles that comprise this thesis. The fundamental approach in institutional ethnography, as a way of thinking, of looking at and understanding the world, is present throughout all four articles, but in varying degrees. The articles are presented in reverse chronological order, meaning that article IV was written first and article I last, and I have in a way thematically worked my way backwards from an interest in how trafficked women experienced their return to a home country and the process of reuniting with their families and local communities, to experiences of cooperating with authorities and receiving assistance, to how victims are identified. In this process, institutional ethnography has become a more and more important lens for me to work with, and it is the most directly influential in my two single authored articles (articles I and II). I have primarily used institutional ethnography as guidance for my thinking and as a way of empirically anchoring my analysis in peoples' everyday work and practice.

As I also noted in the introduction to this chapter, I had a number of analytic concerns in approaching my subject matter of assistance to trafficking victims. These were mainly related to how to understand what victim assistance actually consists of in practice (in contrast to what it consists of on paper), how to deal with strong institutional and ideologically charged discourses (both among practitioners and in previous research) potentially getting in the way of understanding what is important in shaping

practice, and finally, how to capture the specific context of victim assistance in Norway while still recognising the international and transnational basis of human trafficking policy. There are in particular two related aspects of institutional ethnography that have helped me address these concerns. One is the ontological shift in taking a starting point in the everyday (as opposed to a starting point in theoretical concepts). The other is the process of discovering the organisation of everyday work and experience that follows from this foundation. While it takes its starting point in individuals' everyday experience, research within institutional ethnography is not focussed on individuals (or groups of individuals) as such. Institutional ethnography implies a focus not only on actors acting within and being constrained by institutions, but their relationships with these institutions, as well as their actual work, and how this work is regulated and trans-locally coordinated. Working within an institutional ethnographic perspective is not necessarily always radically different from other empirically grounded qualitative research approaches that investigate power relations or how people's social experiences come to be what they are. But researchers working within and developing the institutional ethnographic approach have very clearly formulated how to make the analytical shift from everyday experiences to institutional investigation. I have used this in my own approach.

Typically within institutional ethnography, the researcher a) identifies an experience, b) identifies institutional processes that shape that experience, and c) investigates those processes to analyse how they operate (DeVault & McCoy, 2006, p. 20). A crucial feature is, at an appropriate point, shifting the focus away from everyday experience and on to institutional processes that shape these experiences. At this stage the researcher may also change research approach or strategy, e.g. from interviews and observation, to text and document analysis, or change the site of investigation, e.g. from practitioners to coordinators (DeVault & McCoy, 2006, p. 21). I noted in chapter 1 that, in my opinion, a research field as politicised and sometimes controversial as human trafficking particularly benefits from the empirical anchoring of arguments and analyses, as well as from close attention to the significance of (institutional) context. The empirical diligence required in institutional ethnography, in going through the steps above and in paying close attention to what people actually do, almost by default produces such empirical anchoring.

The focus on work, practice and everyday experience in institutional ethnography requires particular attention to the difference between formal work requirements and work as it actually happens, which has provided useful guidance for my analysis (as well as for my interviews, which I will return to in chapter 5). Work knowledge is one of the major resources for the researcher in institutional ethnography to understand the social organisation of everyday practice. But its accessibility can be hampered by institutional discourse – institutional discourse can subsume or displace descriptions based in experience in an interview, and this is referred to in institutional ethnography as “institutional capture”. This refers to situations where institutional discourses determine the frame of what can be voiced and how – the speaker is ‘captured’ by institutional discourse, which “... overrides and reconstructs experiential talk and writing” (Smith, 2005, pp. 118, 155). For instance, instead of describing actual work and activities, the informant may reiterate some variation of their job description, instructions or institutional targets as required by their management. When this happens in an interview, the informant's account may, in effect, be descriptively empty, at least when the goal is to understand work knowledge. Smith notes that the chances of institutional capture thwarting

efforts to gain information about work knowledge may be even greater when both informant and researcher are familiar with institutional discourse and know how to speak it (Smith, 2005, p. 115). As someone who has conducted human trafficking research since 2002, much of it applied and directly concerning the work that my informants do, this particularly struck a chord with me. Institutional ethnography has therefore also been helpful in keeping a perspective on my own role as someone who in some ways is part of the policy field that I research. I have, for instance, evaluated the reflection period for victims of trafficking and other assistance policies, held numerous presentations and lectures and participated in the same seminars and discussion fora as my informants over the past two decades. In interviews, some informants have cited my own research back to me to illustrate a point, or they have assumed that I already know certain aspects of their work and practice and see me as an ‘insider’. I will return to this issue in chapter 5 in discussing my interviews, but in this context, the concept of institutional capture has helped me distinguish between work knowledge and organisational rationale in my data, and has been a helpful concept for staying mindful of my own particular positionality in this context.

I have discussed above how an institutional ethnographic approach involves not taking a starting point in theoretical concepts. This does not imply that my research is free of theory or uninformed by theoretical contributions or conceptualisations. I have drawn on theoretical concepts and literature that help illuminate and contextualise what I found when I explored my research questions (but did not take a starting point in these concepts when formulating my questions). I also refer to empirically based literature that does not discuss human trafficking but provides helpful framings of what I find in my analysis. This differs from article to article, as the only subject matter that really unites them is the overarching umbrella of the human trafficking term, which is one of my main points – phenomena that are strictly speaking only tenuously related are combined under one powerful policy umbrella. The theoretical concepts and conceptual framings I have incorporated are described in each article and include perspectives on social categorisations, gendered constructions of victimhood and witnesses in the criminal justice system and implications of feminist legal strategies to seek justice and recognition, perspectives on migrating mothers/transnational motherhood, and literature on stigmatisation, families and ‘reintegration’ of women who have in some way broken with gendered expectations.

## 5 METHOD AND RESEARCH ETHICS

In this chapter I describe and discuss my methodological approach, my data and data collection. There are many ethical challenges involved in human trafficking research, and I include a discussion of research ethics and particular concerns when working with potentially vulnerable and/or traumatised informants and on very sensitive topics.

### 5.1 DATA COLLECTION AND ANALYSIS

My analysis is based on 107 qualitative interviews conducted with three respondent groups in Norway and Moldova: social workers and assistance providers in anti-trafficking non-governmental organisations or state/municipal institutions, persons receiving assistance within the human trafficking framework (trafficking victims), and representatives of the justice sector (police, prosecutors and lawyers).

My Norwegian interview data consist of a total of 57 interviews. Forty-three of these interviews were collected in the project *Health Services and Needs in Prostitution*, as part of which this thesis was written. I conducted 18 of these interviews myself, while the other 25 interviews were conducted by May-Len Skilbrei (project manager and co-author of article III) and Henriette Lunde (researcher). The remaining 14 interviews in Norway were conducted as part of two research projects on human trafficking I conducted with colleagues at Fafo and which were closely related to the research questions in this thesis. One project was an evaluation of the reflection period for victims of trafficking, conducted in 2010 (Brunovskis, Tveit, & Skilbrei, 2010) and the other an evaluation of assistance and support to victims of trafficking in Oslo and Bergen, conducted in 2013 (Sønsterudbråten, 2013). The interviews I include in my analysis from these two studies were conducted by Marianne Tveit and Silje Sønsterudbråten (both researchers at Fafo). In both projects, I was directly involved in the data collection process, in terms of interview guide development and revision, respondent sampling/recruitment, and data analysis, in the former project as a project partner and in the latter as project manager.

In addition, my data include 50 qualitative interviews that I conducted in Moldova together with my research partner and co-author in article IV, Rebecca Surtees (senior researcher, NEXUS Institute) that form the basis for analysis in our joint article. These interviews were conducted with the same respondent groups as in Norway: social workers, victims of trafficking and one representative of the justice sector. We conducted all the interviews together and with the aid of an interpreter, the implications of which I will return to below.

The following table presents an overview of the interviews by respondent categories and country where the interviews were conducted.

*Table 1: Interview overview by respondent category and country:*

<b>Respondent category</b>	<b>Country</b>	<b>Number</b>
Social workers	Norway	35
	Moldova	30
Victims of trafficking	Norway	12
	Moldova	19
Justice sector	Norway	10
	Moldova	1
<b>Total</b>		<b>107</b>

The four articles in this thesis are based on different selections of these interview data. The foundation for analysis in article I, on identification of victims of trafficking, is 12 interviews with social workers who can be classified as “first responders”, or people who first come into contact with possible victims. Article II, in which I explore different work processes in the victim assistance system in Norway, is based on 24 interviews with people who in their professional capacities had experience of working with trafficking victims. In article III my co-author and I analyse very different perspectives on one issue, the balance between protection and prosecution in anti-trafficking policies. We base our analysis on interviews with 12 victims of trafficking, 32 social workers and 10 representatives of police and prosecution. Article IV, on challenges faced by victims in returning to their families and local communities, is based on interviews with 19 trafficking victims, 30 social workers and one police representative in Moldova.

### *5.1.1 RESPONDENT RECRUITMENT*

The respondents belong to two different groups that required different recruitment strategies. The first category consists of persons who work with assistance to trafficking victims or with investigation/prosecution of human trafficking and were thus interviewed in their professional capacity. The second category consists of persons who have been trafficked, and these respondents were interviewed about their personal experiences and private lives. Both groups were approached first with a request for an interview and written information about the project, which included the purpose and theme of the project, the source of funding, routines for data storage, information about consent procedures (including that consent could be withdrawn at any point), and contact information for the researchers and project manager. Below I discuss different issues pertaining to recruitment for both groups.

Professional respondents: Respondents who were included in the research in their professional capacity were approached directly for interviews by email. Both in Norway and Moldova the anti-trafficking sector is relatively small, and representatives from most organisations and institutions involved in providing social assistance were approached and agreed to be interviewed, generally at their workplace. This type of sampling approach falls within what is commonly referred to as “purposeful sampling” in qualitative studies – the purposeful selection of individuals and sites for study that can cast light on and inform the research problematic at hand (Creswell, 2012, p. 125). The main criterion for inclusion was that the potential informant had relevant experience with the issues I wanted to understand. In many ways the selection of which informants to approach was almost a given, since the number of institutions and individuals involved in assistance to trafficked persons in Norway and Moldova is very small. The limited number of potential informants also brings with it some particular challenges that I will return to below in the discussion on research ethics.

The best-laid plans of a researcher are but half the story when it comes to the final sample of informants that participate in a study – the willingness of those approached to be interviewed ultimately determines who we get to speak with. Just as I, as a researcher, have an agenda when contacting a prospective informant, so do the potential participants; they have their own reasons for accepting or declining. In the case of my data, the vast majority of the potential informants in the professional category agreed to participate when approached; the few that did not generally cited lack of time and referred us to someone else in their organisations. It is pertinent to consider their motivation for participating in general and it is important to recognise the process of interviewing as a co-construction of data and the researcher/research participant relationship (Bell, 2013).

In my experience, the majority of informants in this category will express something to the effect of wanting to participate because they think it is important to garner attention to challenges in the field and in their daily work. Being aware, as a researcher, of informants’ potentially critical agendas towards, and strategic use of, research participation is important – not least because the informant may also more or less consciously see the interview as an opportunity to, for example, influence decision makers, draw more resources to their work/organisation or get a particular understanding of a problem or phenomenon across to a wider audience. On the other hand, I also found that some of my informants were worried about being ‘exposed’, subject to criticism or represented in a way that could cause or exacerbate conflict with others involved in the same type of work. As noted in chapters 2 and 3, human trafficking is an ideologically charged field and, in my experience, some of its actors are sometimes concerned that they themselves or their organisations/institutions might become involved in disagreements with others that they ultimately need to cooperate with.

In addressing both of these concerns (informants’ potential critical agendas and worries about being exposed), I have found perspectives from institutional ethnography helpful. I will return to this below in my discussion of the interviews, but the close attention to detail and practice takes out at least some of the room for presenting or skewing issues in a certain way. The line of questioning is typically not along the lines of “what do you think?”, but rather “what did you do in that particular case?”. On the other hand, the potentially critical agenda of the informants is also part of their particular subject position and how they see the world and is, as such, an important piece of information in itself. The

most important thing is not to conflate generalised observations or abstractions that may be reflective of particular agendas with work knowledge. In terms of the anxiety of some respondents that they might become involved in conflict or be exposed in some way through the research, I have also found very useful the shift in the institutional ethnographic approach towards understanding coordination of action and how experience comes to be what it is. This is in preference to, for example, focussing on the roles of the individuals and their organisations and how they may differ ideologically or be categorised. The goal is not to use my informants' experience as an illustration of how they differ from each other, but to understand how their experiences come to be the way they are. My interests and those of my informants may also align in the explicit goal that the institutional conditions for their work also become more visible to them through my research, as discussed in chapter 4. In this regard, it may also have helped with informant recruitment that both I and my research partners have worked in human trafficking research for many years and we, and our work, were known to the majority of our potential informants, which may have lowered the threshold for participation.

Victims of trafficking: For victims of trafficking, respondent recruitment and sampling are more complicated, and have some important limitations. The first issue is how to define and delimit the informant category. This is a complex issue beyond research methodology and respondent recruitment. The definition of human trafficking is vague, for reasons that are both particular and relevant to an overarching understanding of the phenomenon, as discussed in chapters 2 and 3. I have included women who have been classified by social workers as victims of trafficking or possible victims of trafficking. Given the lack of definitive clarity in international and national definitions of human trafficking, delimitation in this case was better defined socially: If someone is defined by a social worker as a (possible) victim of trafficking, they will also relate to the person in this way. This approach is also suitable given the institutional focus in my research. The issues I have sought to illuminate pertain to the organisation of policy and practice in the anti-trafficking response, and as such, the relevant category for understanding a user perspective is that which is included by policy and practice.

We approached respondents who had been trafficked through assistance organisations, both in Norway and Moldova. We asked the assistance organisations to pass on written information (translated into relevant languages) about the project to potential respondents, and these organisations thus functioned as 'gatekeepers'. Trafficking victims who were interested in participating in interviews would then convey this to us through the organisation. This approach brings with it some dilemmas that warrant discussion regarding the role of assistance providers as 'gatekeepers' (Aaltonen & Kivijärvi, 2018; Brunovskis & Surtees, 2010), and I will return to this topic, in terms of possible implications for free and informed consent to research participation, in the discussion of research ethics below. The interview was then conducted at a site chosen by the respondent. This was sometimes in the respondent's own home, but more often at the offices of the referring organisation.

There are limitations in terms of which sampling strategies can be used for trafficking victims (Brunovskis & Surtees, 2010), both practically and ethically. Respondents who have been trafficked are, for good reasons, not directly identifiable. To the contrary, many victims of trafficking go to great lengths to keep their experience a secret, even to immediate family and friends, as discussed in article

IV (Brunovskis & Surtees, 2013). Trafficking victims belong to groups that are often called hard-to-find (R. Campbell, Adams, & Patterson, 2008), hard-to-reach (Atkinson & Flint, 2001) or hidden and elusive (Heckathorn, 2002). Somewhat self-explanatory terms, these signify populations for whom there are no sampling frames or direct access, or persons who may not wish to be identified. There are therefore limitations in just how strategic or purposive a researcher can be in the sampling of respondents in this group, simply because identification and access are complicated and restricted. The limited willingness of victims of trafficking to participate in research in general means that sampling is restricted to those we can practically get access to – in essence, “convenience sampling” – which is not ideal in terms of control over the sampling process and resultant variations in data (Creswell, 2012). This has some implications for research and the data that can be collected which necessitates some reflections on possible biases.

Importantly, recruiting only victims of trafficking who had previously been or were currently assisted by organisations, means that there are some likely biases introduced into the data. It can reasonably be assumed that victims of trafficking who seek out or accept assistance when it is offered are in different situations to those who do not. In a previous project my research partner and I examined why many victims of trafficking decline assistance (Brunovskis & Surtees, 2007). One of our findings was that victims of trafficking would often only accept trafficking specific assistance when they felt they had no other alternative, and not least if they were unable to find the support (material, social and psychological) that they needed from their family or immediate social network. This indicates that the family relationships of assisted victims may be more precarious than those of unassisted victims. Assisted victims may also be motivated to seek assistance precisely because they have access to fewer resources than others. This limitation and likely bias are particularly relevant to the analysis presented in article IV, where family relationships and support is one of the central themes in examining experiences of victims reuniting with their families after having been trafficked.

As with informants interviewed in a professional capacity, it is important to consider the motivation for participating in interviews for victims of trafficking. However, it has somewhat different implications in this informant group, and some of the most pressing concerns are that they do not feel pressured into participating or experience the interview as intrusive or harmful. I therefore discuss the issue of motivation for this group below, in the section on research ethics.

### 5.1.2 INTERVIEWS AND DATA ANALYSIS

Interviews with respondents in all categories typically lasted around one hour, though in some cases interviews took up to three hours. Most interviews were recorded with the respondent’s consent and later transcribed verbatim. In a few cases, respondents did not want the interview to be recorded, in which case we made extensive notes and transcribed them in as much detail as possible shortly after the interview.

As noted above, I conducted 68 of the interviews myself (alone or together with my research partner), and 25 interviews were conducted by research partners in the overarching project *Health Services and Needs in Prostitution*. The remaining 14 interviews that are included in this thesis were conducted as part of two other research projects I was involved in and followed a semi-structured approach designed to grasp detailed descriptions of the reflection period for victims of trafficking and of assistance to

victims in Oslo and Bergen. We based the 93 interviews included in my material on a mode of interviewing that perhaps can more precisely be termed unstructured, in line with the approach to interview data that follows from an institutional ethnographic approach. This entails that what will be examined in the interview unfolds over the course of the research, and lines of further questioning are decided as the researcher learns more about the social relations and organisation of the everyday work of the informant, rather than being based on premade interview guidelines (Smith, 2005, pp. 34-35). This was particularly an advantage in interviews about sensitive, personal issues and with the potential for emotional distress, as an unstructured approach can provide participants more control over what will – and will not – be discussed, if handled well (Corbin & Morse, 2003). Interviewing is reflexive and dynamic and adjusted to each informant and could more accurately be classed as a dialogue – a useful reminder that data is created out of an interchange between the informant and researcher and is a collaborative product (Smith, 2005, pp. 124-125). The interviews and lines of inquiry are described in each article.

I discussed in chapter 4 the challenges sometimes involved in accessing work experience and stopping interviews in effect becoming descriptively empty of experiential data. I do sometimes find that my informants working institutionally with human trafficking place a lot of weight on institutional and general terms at the expense of specific descriptions of actual work and individual experience – or what can be classed institutional capture. Work knowledge is often only offered when I ask directly and specifically about what my informants have done in specific cases, and equally often quickly shunted aside before the informant returns to general observations that are less useful for the understanding I am trying to arrive at. I have often interpreted this as a way for informants to add legitimacy to their own positions in relaying something perceived as greater than their own experience. Knowing something about the big picture, paradoxically, seems to hold more status than ‘just’ presenting one’s own everyday experience, and may give the person the role of being an expert rather than a ‘foot soldier’, even when I as a researcher see the specific work knowledge they have as unique expert knowledge *of their work*, which no one else can provide.

My approach to this is to constantly return to the core question of “what do you do?” and identify concrete experiences and follow up with the question; “what did you do at that point?”, often asking for more detail and more specifics. The particular mode of interviewing that follows from an institutional ethnographic approach can be a challenge and, in some situations, even cause discomfort or unease in informants. I ask questions with a great deal of attention to detail, concrete situations and actions, and this can, by some, be perceived as intrusive and its purpose difficult to understand – it certainly can transcend what is normally acceptable conduct in a regular conversation. My experience has been that the close attention to detail can also be perceived as controlling and spur a fear of being ‘caught out’. It is crucial to recognise when people are in a position or have had life experiences that can cast my questions and questioning in a very different light from what I intend. For instance, my interest in understanding the details in a chain of events, and which institutions or actors have been involved at different stages, can for a trafficking victim be uncomfortably reminiscent of police interrogations and checking for consistency or gaps in their accounts. Being interviewed can therefore be not only uncomfortable but potentially re-traumatising for victims of trafficking (Zimmerman & Watts, 2003), and I return to this issue at some length in the section on research ethics below, as it is

one of the most pressing ethical issues in human trafficking research and involves the danger of causing harm to informants. In terms of the interviews and lines of questioning, my research partners and I have carefully considered the necessity of including questions that may be too intrusive. Our focus has been on experiences with assistance and questions about abuse have not been asked.

In acknowledging the potential unease that may result from digging for details, as well as a recognition of the interview as a collaborative process, I have found it both necessary and useful to explain in some detail throughout the interviews with all categories of informants why I ask the questions I ask and how I plan to use the interview data, also in line with a dialogical approach to interviewing. Asking for a lot of facts and minutiae can leave some informants anxious that the same level of detail will be presented in the publications resulting from the project, which is not the case. This obviously also involves being circumspect in how data is actually presented in the last instance so that it does not identify individuals.

Interviews were conducted either in Norwegian (with professional respondents in Norway), English (victims of trafficking in Norway and most professional respondents in Moldova) or in English with Romanian or Russian interpretation, with the help of a highly-qualified interpreter who was proficient in all three languages (for victims of trafficking and some professional respondents in Moldova). There are some important issues to consider when conducting interviews with an interpreter and working with interpreted data. Given the sensitivity of the topic, the personal suitability and professionalism of the interpreter is of utmost importance. In Moldova, we were able to work with the same interpreter for the fieldworks we conducted at intervals over three years, which also gave an opportunity for the interpreter to become familiar with the topic and accrue substantial experience and expertise in interpreting what were sometimes very emotional interviews on sensitive and personal topics. While we did not ask about violence and other abuse, respondents would sometimes bring up such difficult issues on their own initiative. In my experience, victims of trafficking for sexual exploitation, even after having agreed to being interviewed, can worry about being judged and stigmatised, and nuances in language and choice of words can have great bearing on how the interview is experienced. Having an interpreter who was sensitive to these aspects of the interview process, able to respond appropriately, as well as being perceived as trustworthy by respondents, was crucial. The interpreter also signed a confidentiality agreement as part of her work with us. However good an interpreter may be, there will still be challenges in working with interpreted data, and caution is required in how such data are read and analysed. It is important not to ascribe too much meaning to the precise wording in an interview, but rather to focus on context and the larger picture (Temple & Young, 2004; Van Nes, Abma, Jonsson, & Deeg, 2010).

I used NVivo 10 software to organise the material as well as to identify and isolate specific themes and work processes. Some are sceptical of using computer software such as NVivo in institutional ethnographic analysis, warning against decontextualizing and chopping up data into meaningless fragments (M. Campbell & Gregor, 2004). I take perhaps a more pragmatic approach, in that I find that the initial organisation of the interview material that is possible with such software is a focussing exercise and a way of getting to know the data better, but it is not the be all and end all of my analysis. Software helps to ensure that I have actually understood my informants and also to keep track of

complex data by providing the opportunity to code separate topics and work processes across a fairly large interview material. For instance, in the very complicated institutional landscape examined in article II, the totality of the data emerged through 24 interviews and it was very difficult to even begin to understand all the different elements that went into creating barriers to assistance for different groups of women. Keeping all details in mind in my analysis would have been akin to try to solve a full page crossword in my head – it is simply not possible to keep track of data which in itself describes a fragmented legal/institutional complex, without the systematisation offered by some form of software. Similarly, the basis for analysis in article III is 54 interviews, in article IV 50 interviews, and the sheer volume of text requires some organisation.

## 5.2 ETHICAL ISSUES

There are several ethical challenges in human trafficking research, most of them not unique, but shared with other research with and on people in general. However, several factors can exacerbate risks of ethical transgressions and require extra care on part of the researcher. Human trafficking victims will often have been deeply affected or even traumatised by what they have experienced, something that requires extra caution on part of the interviewer (Zimmerman & Watts, 2003). Central ethical issues that warrant discussion are research with vulnerable populations and individuals, free and informed consent to participation in research, the principle of ‘doing no harm’ as well as maintaining the dignity and integrity of the respondents, and anonymity.

### 5.2.1 RESEARCH WITH VULNERABLE GROUPS AND FREE AND INFORMED CONSENT

Respondents who had been trafficked belong to what is generally called a ‘vulnerable group’. There is no commonly established definition of what a vulnerable group is, but a common denominator is to be at a disadvantage in some sense, and in such a position that it requires special consideration and care on part of the researcher. The Norwegian National Ethics Committee’s Guidelines for Research Ethics in the Social Sciences, Humanities, Law and Theology, paragraph 21, state:

Vulnerable and disadvantaged individuals and groups are not always equipped to defend their interests when dealing with researchers. Accordingly, researchers cannot take for granted that ordinary procedures for eliciting information and consent will ensure individuals’ self-determination or protect them from unreasonable strain. (Norwegian National Ethics Committee, 2016)

Vulnerability is often discussed in terms of personal capacity and includes respondents who for some reason or other may have diminished ability to consent to participating in research. In this category it is common to include children, people with certain levels of mental disability or illness, and people with other issues that may impair their capacity to give the necessary free and informed consent (Norwegian National Ethics Committee, 2016).

Vulnerability can also be situational – i.e. people are in such a position that they feel compelled to participate in research even when they do not feel it is in their best interest. This can be the case when someone is in a dependent relationship with a person in whose interest it is that they do participate and who may more or less consciously exert pressure (Sin, 2005). This is a possibility that my research partners and I were conscious of when recruiting trafficked respondents through organisations that

assist (or have assisted) the potential respondents. In such situations, there may be a danger that potential respondents feel a degree of pressure to participate, maybe out of a sense of gratitude to service providers (Brunovskis & Surtees, 2010). It is difficult to completely eliminate this risk, but it can be mitigated by being conscious of its possibility and by putting in place certain procedures. For the interviews included in my material, we discussed the parameters for respondent recruitment with the referring organisations and underlined that we did not want to pressure anyone to participate, so as not to leave room for any misunderstandings. Further, we started each interview by going through the project information together with the respondent and particularly emphasised the possibility to withdraw consent, fully or partially, at any point. It is difficult to be completely certain whether someone might still, at some level, have felt pressured to participate in the interviews. This will often be the case in research with people and underlining the opportunity to withdraw participation at any point is often the best option available. It was also somewhat reassuring (if only in the context of this particular issue) to find that while many of the respondents spoke highly and appreciatively of the assistance they received, several were also very critical of aspects of it, and did not appear to have felt the need to participate to make the service providers 'look good', or out of gratitude.

### *5.2.2 AVOIDING HARM OR SEVERE STRAIN, MAINTAINING DIGNITY AND INTEGRITY*

The principle of 'doing no harm' is a central tenet in research ethics, originating from the medical sciences, where severe physical harm can be a very real risk in treatment, experiments and drug testing. While it is often held that participants are rarely in any physical danger as a result of participating in social research, it is important to be aware that this can indeed be the case for some. Failure to observe ethical principles can, in some situations, put respondents (and researchers) at risk. Human trafficking is by definition a serious crime and can involve perpetrators who represent a real danger to victims (and those assisting them) even after they have left the exploitative situation. While such threats should not be automatically assumed to exist for all trafficking victims, the very precarious situation of some cannot be ignored. It is very important to understand the social context of any research participant, and not least whether they could be at risk if their participation is against the interests of someone who might be in a position to cause them harm. This is not unique to trafficking victims – other groups where similar issues can be present are e.g. domestic violence victims, or people involved in criminal activities.

For research with trafficking victims, the principle of 'do no harm' is also very important in terms of how respondents are recruited, and interviews conducted. This needs to be done in such a way that the process does not identify the victim as trafficked to their surroundings. In many places any association with prostitution, forced or voluntary, is highly stigmatised. In parts of Moldova this stigma was so strong as to represent a danger to personal safety – some of our informants had previously been 'outed' by media or local authorities as trafficking victims and had been ostracised as well as suffering both psychological and physical abuse in their communities. This is one of the main reasons for our choice of recruiting respondents through service providers and conducting most interviews in service providers' offices – recruitment and interviews must be conducted in such a way so that they are not identifying.

A more sophisticated understanding of the concept of harm beyond physical injury is emerging in the social sciences. In the Norwegian National Ethics Committee's ethical guidelines, harm is also discussed in terms of not exposing research participants to severe or unreasonable strain as a result of research. The guidelines particularly mention dangers of re-traumatisation and serious mental strain as a danger in some interactions with research participants. The guidelines further state that researchers have a responsibility for participants not to be subjected to serious or *unreasonable* pain or stress (emphasis added), but that any risk of minor strain must be balanced against the benefits of the research for society and the value for the participant (Norwegian National Ethics Committee, 2016, p. 19).

These are challenging waters to navigate. Assessing the risk of re-traumatisation, distinguishing unreasonable pain or stress from minor strain, and balancing the potential risk of strain against any hypothetical benefits of the research, do not have clear guidance or criteria, and researchers need, to a large extent, to rely on their best judgement (Fossheim & Ingierd, 2015). In the interviews for this material, this meant that we sought to avoid questions and topics that could be assumed to have the potential to re-traumatise, particularly issues concerning the circumstances of sexual or other exploitation. While this may go some way to avoiding harm or unreasonable strain, it is still difficult to predict what, for each individual, may precipitate a negative reaction and how strong this reaction will be. Predictions about what topics may be painful and what topics will be less problematic to discuss can be entirely incorrect. In one previous interview with a trafficking victim I have for instance experienced that what one might think was a relatively neutral question about education, led the respondent to recount how she was raped by her stepfather when she was 13, became pregnant and had to leave school. In another interview, the respondent spoke relatively freely about her sexual exploitation, but was visibly very uncomfortable when she divulged she was illiterate.

There are no easy solutions but creating a safe and empathetic atmosphere is both a common-sense approach and one that has support in research – as a strategy it can contribute to making the interview a positive and meaningful experience. Research on rape victims' experiences as research participants has found that participants often particularly appreciate being able to talk about a traumatic experience with an understanding outsider (R. Campbell, Adams, Wasco, Ahrens, & Sefl, 2010). Other positive factors were that the interviewers sought to reduce any hierarchy between researcher and respondent and were emotionally supportive and empathetic during the interview. In such a context, the interview can contribute to normalising and contextualising an experience that can otherwise be isolating and induce feelings of shame (R. Campbell et al., 2010).

### 5.2.3 ANONYMITY

As mentioned above in the discussion of informant recruitment, the number of people involved in assistance provision to victims of trafficking in Norway and Moldova is small, as is the number of identified victims particularly in Norway, and this brings some concerns regarding anonymity. Ensuring anonymity goes beyond merely changing names or details and can sometimes be less straightforward than one might think (Brunovskis & Bjerkan, 2008). Richardson and McMullan, referring to a lecture by O'Neill, illustrate how anonymity can unintentionally be compromised with the following story: A priest who was celebrating the 50<sup>th</sup> anniversary of his ordination, gave a speech

to his friends, looking back on his life. He told them about his anguish after taking his very first confession, when the man he talked to confessed to murder: What should he do with this information; should he absolve him or give him penance? A late-comer to the party then rushes in, and apologises profusely: “Oh, Father, I am glad I got here. I am so sorry I am late.” He turns to everyone in the room and says: “Do you know, I was the first person whose confession he heard, when he was ordained?” (O’Neill, 2006 ; Richardson & McMullan, 2007, p. 1117). This example illustrates very well how anonymity is not ensured merely by omitting a name, but that the meaning and significance of information will depend on what the recipient of the information already knows.

For victims of trafficking, anonymity is a particularly pressing issue, and some of our informants lived at secret addresses and were subject to serious threats. In the presentation of these interview data, we have excluded all details that can potentially be identifying and used quotes from trafficking victims only to a limited extent and without identifying context. For respondents interviewed in a professional capacity, it has not been possible to guarantee complete anonymity in all cases at an institutional level in terms of participation. Given the limited number of organisations that are involved in this type of work, it may be recognisable to those who know the field well which organisations we have been in contact with. We have, however, tried to be circumspect in presenting interview data in such a way that it is not identifying at an individual level. The limitations in anonymity are in any case a reminder that we need to present analysis respectfully and with attention to our informants’ integrity.

## 6 SUMMARY OF ARTICLES

### 6.1 ARTICLE I: HELPING OR HARMING? AMBIVALENCE, QUALMS AND RESISTANCE IN SOCIAL WORKERS' IDENTIFICATION OF TRAFFICKING VICTIMS

(In process)

This article discusses the fundamental question of who is identified as a trafficking victim and how. Through this process boundaries are drawn between different groups of people (Aradau 2004) and the definition of trafficking is given its real-world content. It is thus a pivotal point where policy meets practice and has consequences in terms of eligibility or non-eligibility to trafficking specific rights to assistance. But what are the processes by which someone comes to be defined as a trafficking victim? Who fits in the “trafficking victim” category, who is included and who is excluded? Is the ‘trafficked’ category only applied to those who fit with idealised victim images, or is the picture more complex? And what are the assessments that social workers make when trying to assess whether trafficking specific assistance is appropriate?

In this article I take these issues as a starting point and discuss how the human trafficking category is applied and understood in the practice of social workers in three organisations in Norway that work with trafficking victims and women in prostitution. Social workers reported that it was uncommon that women approached them themselves asking for help to leave an exploitative situation. Further, they observed that persons who might fit within the trafficking victim category rarely saw themselves as victims, either in a general sense, or in terms of human trafficking specifically. This meant that identification was more often initiated by the social workers.

Social workers typically went through three stages in their “identification work”, all of which involved discretionary assessments. In the first stage social workers described a feeling that “something is wrong” and that this “wrong” may or may not include human trafficking. The second stage involved trying to elicit more information from the women they suspect might be trafficked and they may try to discuss the issue of possible exploitation with them. In the third stage, social workers consider how (or whether) to recommend seeking assistance for a trafficking victim, i.e. going from detection of trafficking to the assignation of a formal victim status in the identification process.

In the first two steps – the emergence of suspicion and eliciting further information – social workers try to assess whether there may be indications of exploitation and get an understanding of the social relationships of the women they work with. They highlighted ambivalence and grey areas and indicated that the trafficking category, for them, is far from binary but rather a continuum: It is not a question whether someone “is” or “is not” trafficked, and in many cases, it is difficult to draw the line.

A palpable shift happens when social workers try to assess whether a person could be eligible for or benefit from assistance available within the trafficking specific assistance system. While the initial stages of identification rest on complex understandings about what can and should be classified as human trafficking, recommending trafficking specific assistance rests, largely, on one question: Will it or will it not benefit the woman to initiate a process of seeking trafficking specific assistance? The basis for this lies in the conditionality of (longer term) assistance on cooperation with the police.

Experience over time had led the social workers to believe that women whose cases were investigated by the police could benefit in the long run, whereas women who had collaborated with police but whose cases had not been investigated or prosecuted, often ended up in a precarious situation, subject to threats and/or violent retaliation. Consequently, the process of recommending assistance came with very high stakes and social workers presented this as a serious ethical dilemma.

The dilemmas in identification work can be illuminated by an understanding of these processes as classifications that are active on different social levels: individual, interpersonal and administrative (Jenkins, 2000). Individually, the women rarely see themselves as victims, nor does the trafficking terminology particularly resonate with them in most cases. Interpersonally, in describing one-to-one exchanges and assessments, social workers see complexity and underline the inherent difficulties in drawing a line between trafficked and non-trafficked. Social workers employed at these stages a complex understanding that most human trafficking has its basis in personal or structural vulnerability, that victims might indeed have consented to prostitution and to the working conditions and still classify as victims, and they were expressly negative to notions of ideal victimhood.

However, in terms of administrative classification (and recommending assistance), those who fit with the idealised victim stereotype, recognise themselves as victims and/or feel that the human trafficking terminology is relevant and fitting to describe their situation, are seen as more likely to succeed in the justice system (and thus receive more extensive assistance and protection in the long term). Assessments of cases in terms of the likelihood of investigation rest on the binaries of the legal justice system: vulnerability vs. non-vulnerability, cooperation vs. non-cooperation, telling the truth vs. lying. Social workers thus appear to shift their perspective and try to see the cases from a criminal justice perspective (which they disagree with), and further, they try to predict the chances of a successful investigation of a case.

Based on a social work tenet of beneficence to their clients, social workers do sometimes consider that ‘helping’ would be more likely to lead to ‘harming’. This meant that they had identified fewer and fewer victims in the past years – not necessarily because they observed less exploitation, but because they feared that identification might, in the worst scenarios, be harmful, or, in other cases, not lead to positive change. This also demonstrates how reported numbers of identified trafficking victims represent institutional processes and priorities, rather than an actual level of exploitation in different sectors. The process of “victim identification” is highly fluid and responds to institutional, bureaucratic and legal developments. Notions of ideal victimhood and the privileging of innocence have been criticized and are a cause for concern in human trafficking studies – they are often assumed to be based on ideological and gendered discourses of innocence and deservedness. On closer examination it appears that the greater likelihood of ‘ideal victims’ being identified can also be more complex. In the case of social workers in Norway, it appears that a concern for the welfare of victims who are not ‘ideal’ leads to their non-identification, rather than any notion that they are less “deserving”. Social workers believe that they are not only less likely to benefit from being identified, but that it may in some cases even harm them. Thus, the same result – more ideal victims are identified – can rest on very different premises and processes. This illustrates the importance of examining what conditions day-to-day work, if the intention is to understand what shapes policy in practice.

## 6.2 ARTICLE II: SPECIAL RIGHTS IN UNIVERSAL WELFARE: ASSISTANCE TO TRAFFICKING VICTIMS IN NORWAY

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This article discusses access and barriers to assistance (such as housing, medical assistance and subsistence support) for victims of trafficking in Norway, taking as a starting point the daily practice of social workers and based on interviews with people working in state and municipal institutions, and non-governmental organizations involved in assistance to trafficked persons in Norway. By defining someone as a ‘trafficking victim’, certain actions become possible, and the category becomes “institutionally actionable” (Griffith & Smith, 2014). Special measures for trafficking victims were implemented to make it possible to provide assistance to groups deemed particularly vulnerable and who had limited rights, such as for those who were irregular migrants. Nonetheless, previous research in Norway has shown that while categorizing someone as a victim can open some paths to assistance, there are also considerable limitations, gaps and shortcomings. Access to assistance is not always straightforward or equally available to all of those categorized as victims.

A central feature of assistance to trafficked persons is a particular temporary residence permit; the so-called “reflection period”. Possible victims are granted legal residence and legal access to assistance through regular channels in the welfare state. The stated intention is that the victim should get the opportunity to recover and receive protection and assistance, but also that they should be enabled to cooperate with police and authorities in the investigation and prosecution of traffickers. This permit is a so-called “special measure”, designed for, and limited to, victims of trafficking, and is part of Norway’s international obligations through the Council of Europe’s *Convention on Action Against Human Trafficking*.

Internationally developed policies and obligations imply so-called ‘best practice’, i.e. a practice that is deemed superior to other practices for achieving a goal. The reflection period for victims of trafficking is often cited as an example of ‘best practice’. ‘Best practice’ is not a culturally or politically neutral concept, and it does not enter into an empty policy space. In practice it is also mediated by institutions and rules governing particular policy domains and sites of implementation (Truong, 2006). Closer attention to how international anti-trafficking policies enter into pre-existing local frameworks and institutions illuminates the actual outcome of policy in practice. This has previously only been examined very sparsely in the scholarship on human trafficking, and this article thus addresses a gap in the literature. My analysis highlights the importance of local contexts, as well as the limitations in the idea that one specific policy model can be developed at a supranational level and be expected to be equally effective or produce the desired results in any context. I describe the specific patterns and challenges that arise in the meeting between international trafficking policies and the specific Norwegian bureaucracy and legislation that govern the three complex fields of migration, welfare and criminal justice.

The article documents a number of processes and procedures where the access to assistance is made incredibly difficult or even impossible by legislative and bureaucratic ‘clashes’ that arose in the intersection between special rights for a small group of people and the universal welfare state. Several of these clashes are incredibly complicated and almost Kafkaesque in their bureaucratic opacity.

One example that I examine is the process of accessing medical care. A cornerstone of Norwegian health care is the so-called “general practitioner scheme” [*fastlegeordningen*] through which patients are also referred to specialist health care. While information to trafficking victims granted a reflection period informs them that they have the right to a general practitioner, this in fact presupposes a number of steps, of which a very important one is to be registered with an ID number in the National Registry. Prior to being registered with an ID number, the trafficking victims need a residence card issued by the police. A number of complications in obtaining a residence card were identified by my informants, including difficulties in getting an appointment with the issuing police office and individual police officers refusing to issue residence cards to citizens of European Economic Area (EEA) member countries (who are indeed not normally issued with residence cards *except* when they are granted a reflection period as a trafficking victim). Registration also presupposes that the person is able to document their identity. However, for some of those in most precarious positions, migrating irregularly, being robbed of a passport or indeed being given a false passport is actually part of their being trafficked. In their inability to document their identity, this particularly vulnerable group also experiences particular barriers to accessing assistance, even after having left an exploitative situation.

The above is but one example of complications in accessing assistance, and there are many more complicating elements than there is space to present in this abstract. Gaps and inconsistencies between institutional and legal complexes arise when one small group of people are awarded special measure rights within a universal system, creating a bureaucratically complicated and ‘messy’ path to assistance. In some cases, this ‘messiness’ comes from incompatibility between the legislative framework governing the victims’ rights and general welfare and other legislation. In other cases, procedures necessary to access rights within the welfare state are less than smooth because the special measure status of victims of trafficking falls outside the norm, causing significant delays when official representatives are not familiar with the exceptions to general rules that apply to trafficking victims.

The central explanation for the problems in providing assistance to trafficking victims is that, in a sense, they do not ‘exist’, something that comes into view when examining what categories are actually ‘actionable’: ‘Human trafficking’ and ‘trafficking victim’ are operational categories in criminal law and immigration legislation, but they are not administratively actionable categories for welfare provision. Instead, being defined as a trafficking victim functions as an inroad to assignation of *other* administrative categories (also dependent on residence and registration statuses) that determine what assistance is or is not available in practice. This ‘messiness’ does not mean that the system for assistance provision does not always work. However, it appears to work best for those who fit well with the modern Norwegian bureaucracy – not least in terms of being able to document their identity and stay within one administrative ‘status’ area – and worst for those who do not. Hence, the system for victim assistance appears to be the least accessible for some of the least privileged members of the group it is intended for.

### 6.3 ARTICLE III: TWO BIRDS WITH ONE STONE? IMPLICATIONS OF CONDITIONAL ASSISTANCE IN VICTIM PROTECTION AND PROSECUTION OF TRAFFICKERS

Published in: *Anti-Trafficking Review* (6) 13-30, 2016, co-authored with May-Len Skilbrei. We contributed equally to the article.

In this article my co-author and I look into the specific nature of assistance to trafficking victims in Norway and how it affects practice and outcomes. The protection of victims and prosecution of traffickers are established as core principles in international and national anti-trafficking policies and anchored in international conventions and directives. Temporary residence permits and assistance are provided to victims to offer exit and remedy from trafficking situations, but also with the expressed goal of facilitating cooperation with the authorities in investigating and prosecuting traffickers – in essence aiming to ‘kill two birds with one stone’. Victims of trafficking in Norway can be granted a low threshold, six-month temporary residence permit during which they are also expected to decide whether they want to cooperate with the authorities. They can further be granted renewable one-year residence permits in cases of cooperation that leads to trafficking investigations. The bond between protection of victims and prosecution of traffickers is particularly reinforced by legislation that grants permanent residence permits to victims who testify against traffickers in court.

I included in article I discussions on how this feature of conditional victim assistance affects identification of trafficking victims. In article II I discussed the complications that arose in the transitions between different types of residence permits, which follow from different stages of cooperation with authorities. In this article my co-author and I shift perspective to inquire how this particular setup of conditional assistance can, on the one hand, induce victims to cooperate with police even in cases where it is not in their best interests, and on the other, hamper efforts to investigate and prosecute traffickers. We examine also the differing standpoints and perspectives of trafficking victims and representatives of the criminal justice sector (police and prosecutors).

A repeated notion in parts of the literature about assistance to trafficking victims is that providing protection to victims also “produces” witnesses for prosecuting traffickers – i.e. enables and motivates them to testify – as an added value to addressing humanitarian needs. As such, it is often understood as in the interests of both trafficking victims and states. In this article we argue that this claim 1) has a weak empirical basis and 2) underestimates that not all victims will be useful witnesses in terms of having valuable information, or indeed will be well served by testifying. While linking protection and prosecution is often framed as mutually advantageous, in reality both goals may suffer. We discuss these issues in light of literature on gender, law and victimhood.

While policy documents also frame the “causal relationship” as protection leading to cooperation, in practice it may equally be understood as cooperation leading to protection. This distinction, in terms of its impact on victims’ decision-making and well-being – as well as how victims are framed and understood as witnesses – is an important one. Examining how the goal of prosecution affects the situation for victims, we find that the possibility to obtain permanent residence following testimonies in court creates substantial pressure to cooperate with authorities, due to the high value for many of such a permit. A second consequence of linking prosecution and residence permits is that access to this highly valued form of protection is unequally distributed. Victims’ ability to stay in Norway and

receive assistance is connected not only to their willingness to cooperate, but also the usefulness to the investigation of the information they share. A third, and related issue, for victims is whether and to what extent decisions about cooperating can really be fully informed. Whether it is ultimately in the victim's best interests to cooperate will rarely be clear at the time that the decision needs to be taken as such a judgement depends on an unpredictable future outcome in the criminal justice system.

In addition to consequences for victims, the incentive of protection in exchange for cooperation also has consequences for the prospects of prosecuting traffickers. One problem arises with the initial six month reflection period not being dependent on cooperating with the authorities, and few victims initially give information to the police at an early stage, typically waiting until the reflection period is about to expire, by which time technical evidence and witnesses that can corroborate accounts have disappeared. A related issue is that a delay in sharing information with authorities can weaken the credibility of the victim. An 'ideal' victim is often understood as devastated by the event, and willing to cooperate with the police without delay. This can be a contributing factor to why the police do not prioritise a case if cooperation has been initiated only at a late stage. Due to high cost of trafficking investigations, the police prioritise cases with the best chance of a conviction. The fact that cooperation with police and prosecution can lead to permanent residence, has impacted on defence strategies and the deliberation of courts. One verdict in a trafficking case specifically stated that the testimony of a witness with a strong personal motive to give a particular content could never have the same evidentiary value as testimony where the witness had nothing to gain.

An overarching concern in our article is how the policy, practice and discourse around human trafficking have become dominated by a strong criminal justice focus. Other research has discussed how criminal justice approaches towards various forms of sexual and sexualised violence have been prioritised by the women's movement to such a degree that it is affecting victims' access to rights and assistance. As legal strategies are important instruments for feminist battles for justice and recognition, low conviction rates are read as evidence of political and cultural failures. However, this further justifies creating conditions for (or alternatively, increasing pressure towards) victims to come forward and testify, and uncritically marries the interests of feminism and the criminal justice system.

An important issue is whether legal strategies, while beneficial for 'the cause', are harmful for the victim/witness e.g. in terms of re-traumatisation following trial testimonies. The court setting also requires a particular narration of events, where ambiguity and agency may need to be left out in order to present the victim as 'ideal', something which may affect the victims' recovery process. This is the same concern that I discuss in article I, where I showed that women assessed as "less than ideal" witnesses by social workers were also unlikely to succeed in court and thus less likely to benefit from trafficking specific assistance or might even be harmed in the process. When prosecution and criminal justice are prioritised, this also reflects a deeper understanding of human trafficking and how it can best be addressed – the prioritisation of prosecution can be read as an understanding that exploitation is primarily a question of organised crime. However, most cases of trafficking that we have encountered have been anchored in a deeper, structural vulnerability on the part of those exploited. A dominant criminal justice approach deflects focus from the pressing need to address deeper, structural conditions that continue to facilitate exploitation.

#### 6.4 ARTICLE IV: COMING HOME: CHALLENGES IN FAMILY REINTEGRATION FOR TRAFFICKED WOMEN

Published in: *Qualitative Social Work*, 12(4):454-472, 2013, co-authored with Rebecca Surtees. I contributed 60 per cent of the article.

In this article my co-author and I examine challenges in reuniting with families and local communities for returning Moldovan trafficking victims. As return and ‘reintegration’ of trafficking victims is an integral aim of the anti-trafficking response, the conditions and challenges faced by victims upon returning home merit attention. We sought to identify common points of tension that could be useful in providing more targeted assistance to trafficking victims. Our own previous joint research had identified that victims’ family situations were crucial in decisions about assistance and as a support network after trafficking. Some victims decline services because they have to provide for family members or cannot be away from dependants with care needs; others because programmes do not include provisions for victims’ family members. Other problems arise when service providers fail to provide information to both victims and their families, which causes suspicion both of the programme and also towards the returned victim. The family is a central source of support and crucial safety net, particularly in countries like Moldova where state and civil society assistance is weak, again underlining the importance of appreciating family dynamics in post-trafficking family reunification.

At the same time, much of the literature on trafficked persons at the time we wrote this article focused on individual victims – their background, trafficking experiences and post-trafficking lives. When family was described it was often as part of a general pattern of vulnerability – for example, poverty, domestic violence, child abuse, alcohol abuse, single motherhood, etc. – as a trigger and contributor to trafficking. The family became invisible or reduced to ‘a factor’ in a general picture of individual vulnerability and a potentially complicating factor in “reintegration”. Further, there is very limited focus on families in the small body of research on reintegration of, and social work with, victims of trafficking. Rather, this literature has often taken its starting point in observed or assumed post-traumatic reactions, and only to a limited extent included a broader perspective on social context.

Based on qualitative interviews with 19 victims of trafficking and 31 service providers, we examined what victims and service providers described as the main challenges in reunification of victims with families after return. In our analysis, we draw on literature discussing transnational motherhood as well as literature on family relationships in the reintegration of stigmatised groups, such as female ex-prisoners and drug addicts. There are two important methodological caveats in our analysis: one is the inclusion in our data only of trafficked informants who were receiving or had previously received assistance within the anti-trafficking framework, which leads to a likely bias that their family relationships were also more complicated, as discussed in chapter 5. The other caveat is that for ethical reasons we were not able to interview the families of our trafficked respondents – most had not told their families what had happened to them which meant that we could not approach them with interview requests. The picture we present of family relationships by implication has some limitations, as only the perspectives of trafficking victims and service providers were available to us. Service providers did offer some alternative interpretations of families’ reactions and behaviours to those of victims, based on their social work observations.

One main relationship challenge was mutual disappointment following from victims' expectations of their families and vice versa. Several of our informants felt misunderstood by their family upon return, not receiving the support or reassurance they sought and hoped for. This was made more complicated by the majority keeping their experiences secret, due to feeling ashamed of having been cheated, struggling with the aftermath of trauma and wanting to put their ordeal behind them, fear of being stigmatised and associated with prostitution, and threats from traffickers of retaliation if they told anyone. The secrecy meant that it was difficult for families to understand and react appropriately and supportively. Also in cases where the family *did* know what had happened, victims sometimes felt that their families did not fully appreciate what they had endured and how it affected them. Resentment was particularly acute when the motivation for migrating had been to support the family. Families on the other hand appeared to struggle with the sometimes stressed, angry and unpredictable behaviours of victims, which service providers ascribed to post-traumatic reactions. Most severely impacted were victims' relationships with husbands and children. Children were often left in the care of relatives when mothers migrated. Leaving children behind breaches expectations of motherhood in Moldova, particularly when migration fails. Some children left behind felt abandoned and were angry with their mothers, and trafficked women struggled to re-establish themselves as 'good mothers'. Feelings of abandonment may equally be an issue for husbands. A number of victims' husbands had reportedly expressed anger and jealousy and accused their wives of promiscuity and infidelity.

A common thread in our data was that when interpersonal relationships were complicated, tensions were exacerbated by financial problems and stigmatization (not only related to trafficking/prostitution). Alleviating these factors through assistance may go some way toward improving strained relationships and easing victims' path to recovery and reintegration, but it requires a family focus in assistance, as Moldovan families often function as economic units. Stigma after trafficking and a strained financial situation are also related – success in another field, successfully establishing a small business, for instance, can be an important factor in alleviating stigma in local communities and raising the social standing of both the victim and their family. In some cases, assisting a spouse was as effective as assisting the victim, as it impacted more on the situation of the family as a whole.

Our findings point to the need to include a more comprehensive perspective of families in the study of support to trafficking victims. Literature on social reintegration of other stigmatized groups shows that while families and spouses have a considerable potential for easing the transition back into a local community, they can also have a negative influence if not guided and supported. While the impact of human trafficking is greatest for the primary victim, parents, spouses and children can be profoundly affected by the trafficking of a family member. More recent literature points to underlying assumptions in the return of trafficking victims of a hierarchical structure in which the violence women experience in the sex industry in Europe is imagined to be worse than the everyday violence they experience at home (Plambech, 2014). It is important to consider that the needs of trafficking victims may not necessarily stem primarily – over time – from their being trafficked as such, but also from a precarious socio-economic situation to begin with.

## 7 CONCLUSION

In this thesis I have aimed to explore what happens when the human trafficking framework becomes a primary lens for interpreting and addressing certain forms of exploitative relations. The introduction of international human trafficking policies from above into local contexts brought with it “trafficking victims” and “traffickers” as new social categories that have been particularly influential in understandings of, and responses to, prostitution. The social relationships referred to by these categories were not, however, new. Exploitation, of people in general and of migrants, within or outside prostitution, was hardly invented at the turn of the millennium. Rather, these categories reflect the cementing of a particular approach in relating to certain forms of exploitation, particularly through legislation and with attendant understandings of victimhood. With these categories also followed new possibilities for operational responses: legal pathways were constructed; institutional structures were introduced, and new resources were allocated (or ‘old’ resources redistributed): The terminology thus became actionable (Griffith & Smith, 2014a).

My goal has been to empirically explore the manifestations of the human trafficking framework in particular settings and with close attention to context. Other research has identified these issues as being under-examined and I hope this thesis contributes to increased knowledge and to an empirical grounding that can inform future research, as well as being useful for practice and policy development.

My overarching research question was: How does the human trafficking policy framework influence practice in institutional responses to women who have been exploited in prostitution? And my overarching answer lies in what I refer to in the title of this thesis, in that I find that the human trafficking policy framework influences practice in institutional responses much like the bright beam of a searchlight – it simultaneously illuminates and blinds and presents the world in stark contrasts, black and white, and ambiguities and shades of grey are washed out.

The human trafficking framework has been illuminating for practice in the sense that it made visible and drew into focus types of exploitation that were previously sometimes ignored in spite of the at times devastating effects on individuals. In light of the important critique of the human trafficking framework it seems pertinent also to recognise the gravity of some of the situations it responds to. In many of the interviews I have conducted with trafficked women, both for this thesis and for previous research, my informants have expressed a deep sense of gratitude that they were able to access help through various anti-trafficking actors, to leave exploitative situations that were, for some, unbearable to the point of prompting thoughts of suicide, and for assistance they received in recovering and in building new livelihoods. This does not, however, imply that the human trafficking policy framework should not be subject to criticism. There are a disconcerting number of ways in which human trafficking policies are poorly founded in empirical evidence, counterproductive, complicating rather than helpful, and, in the worst cases, can cause harm to those they pronounce to help.

This is what I refer to when I say that the human trafficking framework also blinds, presents the world in unrealistic and stark contrasts, washes out ambiguities and complexities in how people’s lives are understood, and leaves that which is outside its focus in relative darkness. I demonstrate how this is

the case in my examination of victims' contact with the human trafficking policy framework in my four articles.

I show in article II and IV one specific form of this "blindness" in that aspects of people's lives that fall outside the ray of the human trafficking framework are underestimated. Being a trafficking victim intersects with other identities and administrative statuses that are just as, and in many cases even more, important in terms of experience – both personal experience and experience in encountering institutional frameworks for assistance.

In article II I show that while the rights to assistance for trafficked persons are presented as a cohesive set of special rights for one particular group, actual access in fact rests on other statuses, most notably migration status and the ability to document identity. The "trafficking victim" category thus blinds to the greater importance of general legislation in the fields of migration, welfare and health services. Policy documents on trafficking victims' rights give a false impression that membership alone in this group gives special rights – in practice – to a particular set of services. This stems from these special rights being introduced into, or rather placed on top of, a comprehensive universal welfare state, ill-equipped to handle exceptions and special cases. One very serious consequence is that certain forms of assistance can be systematically more difficult to access for some of those who are in the most precarious situations. This becomes apparent when examining access to assistance from a point of experience, which makes the significance of the broader institutional context for human trafficking policies visible. It would not have been visible if examining only trafficking victims' rights in a formal sense.

Continuing with the imagery of "blindness", in article IV my co-author and I show how blindness to the broader context and non-trafficking related challenges for trafficked women can be an obstacle to their recovery and "reintegration". What made them vulnerable to exploitation in the first place was often a marginalised social position, inequality and poverty, and this intertwined with the situation of their families as a whole. While individual assistance (such as e.g. trauma treatment) might in some cases be warranted, in other cases it would be just as effective to assist the family as a whole, or even *other* individuals in the family, when this would improve the social and/or economic situation of the family. This highlights the importance of understanding complexity in people's lives and illustrates how categorisation as a human trafficking victim can come to displace a more nuanced and precise understanding of needs.

Johanna E. Bond notes in an intersectional analysis of women's international human rights violations that women are forced into rigid identities that poorly reflect the complexities of their experiences, and which essentialises them e.g. in terms of gender or race. Among the many issues she examines that reinforce this essentialisation, is the institutional structure of responses to human rights violations, in that different UN treaty bodies and divisions oversee implementation of specific categories of rights (Bond, 2003, p. 161). This essentialisation of a rights producing category is paralleled in one of the effects of the human trafficking policy framework – being a "victim of trafficking" is understood as a primary identity in which those who belong to it are believed to share experiences, needs and interests. As such, being a "victim of trafficking" is treated almost as a diagnosis in its own right and assumed to be associated with a certain set of 'symptoms', both psychological/medical and socio-economic.

However, examination from the point of experience shows that not only are the experiences of trafficking victims and their needs very varied, but the hardships endured as a direct consequence of trafficking may be but a small piece of the total picture for each individual.

I also use the searchlight metaphor to say that the human trafficking policy framework can serve to wash out complexity, ambiguity and shades of grey in its stark light. This is a finding that is prominent particularly in article I and III. In both cases – in terms of the identification of victims and in the dilemmas for both assistance and for prosecution of traffickers – it stems from the same basic premise; the strong and dominant influence of a criminal justice approach in human trafficking policy.

In article I, I demonstrate the gap between the complexities of women's experience in prostitution and the clear-cut categorisations that are required to receive (helpful) assistance within the anti-trafficking system. As ultimately the requirements of the criminal justice system will in practice be extremely influential in terms of what long-term assistance victims can expect to receive, criminal justice logic enters into the considerations also of social workers and presents them with what they describe as a fundamental ethical dilemma – they do not know whether the assistance they offer will help or harm the women they work with in the long run. Their actual practice in identifying victims does not correspond to or follow from what might be understood as their ideological understanding of human trafficking, but from the wider institutional context that their work enters into. In this, the requirements of binary thinking replace their initially more complex considerations of ambiguities in people's actual lives. In article III, we point to how the partial conditionality in Norway of assistance on cooperation with the police creates unfortunate outcomes both for victims and for the criminal justice sector. On the one hand, the possibility of being granted a permanent residence permit creates a substantial pressure on victims to cooperate even in cases where it might not be in their best interest, and on the other, the strong incentive for victims to testify undermines their credibility as witnesses in court, thus weakening the chances of a conviction. Testifying as a witness and injured party also requires a particular narration where ambiguity and agency may need to be left out in order to present the victim as 'ideal' and credible, which can impact on the victims' recovery process.

The findings in these two articles thus add to the criticism of the human trafficking framework as dominated by a criminal justice approach discussed in chapter 3 and show empirically how this has adverse effects on victims, in terms of their chances of receiving assistance and in that they may be subjected to an undue pressure to participate in the prosecution of their traffickers even when it may not be in their best interest. The washing out of the complexities that are a common part of human life is thus closely related to the policy approach to human trafficking that is heavily based on a criminal justice approach and its tendency towards binary thinking – in any case relative to the more complex understanding that underpins social assistance.

## 7.1 THE WAY FORWARD – DIRECTIONS FOR FUTURE RESEARCH

There is a seemingly limitless supply of important topics for future research in the field of human trafficking and policy responses. The relevance of research in terms of conveying complexity appears acute for current global politics. The binary thinking that attaches to the dominance of criminal justice thinking in anti-trafficking practice is reinforced by – and reinforces – much advocacy and awareness

raising, which I referred to in chapter 3 and which spills over into policy making. Images of trafficking victims "... within a simplistic and stereotyped binary of duped/innocent victim (foreign women) and evil traffickers (usually foreign men)" (Anderson & Andrijasevic, 2008, p. 135) do little to convey the complexities of people's lives and serve to further deflect from structural conditions, systematic inequality and lack of rights that make people vulnerable to exploitation (Anderson & Andrijasevic, 2008, p. 144). Binary thinking and the focus on human trafficking as organised crime also serve to legitimise restrictive migration regimes, for instance at the time of writing in US President Donald Trump's argument that a border wall with Mexico was necessary to stop human trafficking (The White House, 2019). In 2015, in discussions about the so-called refugee crisis in Europe, one of the considered options in an EU strategy note was to destroy boats that took migrants and refugees across the Mediterranean in an effort to "... destroy traffickers' assets ashore" (Traynor, 2015). Binary thinking and imagery that supports the notion of human trafficking as primarily an issue of organised criminal networks and helpless victims also has the added effect of making people who have actually suffered exploitation less likely to understand themselves as possibly qualifying for assistance, as they can be given the impression that it is reserved only for cases much 'worse' than their own (Brunovskis & Surtees, 2007). The ensuing understanding of human trafficking is therefore an issue of great importance. This applies both at the overarching global policy level and in terms of how the idea of human trafficking plays into restrictive migration policies, as well as at an individual level and in terms of the actual access to assistance among exploited persons.

Any research that continues to bridge the gap between empirical knowledge and policy responses is critically needed. Furthermore, knowledge that also takes into account the local context and institutional frameworks that human trafficking enters into, can inform a more realistic discussion about how policies actually translate into practice, and could also serve to question some of the 'exceptionalism' that colours discussions about human trafficking. By treating human trafficking as something that is unique and separate from other issues, much is lost in terms of how exploitation and vulnerability can be addressed. In this matter, I have found an institutional ethnographic approach very useful to address the context of human trafficking policy introduced into an extensive welfare state and think this would be fruitful also in other contexts. But in my view, any approach that addresses the bureaucratic realities of human trafficking policy and how they manifest in people's lives would be useful at this stage. By its nature, there are many aspects of human trafficking that appear perhaps more dramatic, urgent and theoretically more important, but in my experience, what victims of trafficking describe as the main challenge over time is very often how to relate to the sometimes tedious and unpredictable grind of bureaucracy.

One particularly relevant topic for future research in the specific context of Norway is responses to and discussions of human trafficking for labour exploitation. While labour trafficking has long been a focus in international discussions, until very recently human trafficking as a concept was mainly only taken up by NGOs and governmental bodies already working on prostitution and gender issues, and not by those working on labour and industrial relations (Jahnsen & Skilbrei, 2015). This is, at the time of writing, in the process of changing and raises some very interesting questions about how the human trafficking policy framework will be used and what it potentially means for discussions about e.g. victimhood and assistance needs. Trafficking for sexual exploitation is generally understood to be

about women in prostitution, while labour trafficking is often more focussed on male labour migrants, a difference which promises some very interesting comparisons regarding how the human trafficking framework is taken up and understood in this recent development and in this particular context.

## 8 REFERENCES

- Aaltonen, S., & Kivijärvi, A. (2018). Disrupting professional practices with research-driven intervention. Researcher–gatekeeper negotiations in the context of targeted youth services. *Qualitative Social Work*, 1-17. doi:<https://doi.org/10.1177/1473325018757080>
- Agustín, L. M. (2007). *Sex at the Margins: Migration, Labour Markets and the Rescue Industry*: Zed Books.
- Anderson, B., & Andrijasevic, R. (2008). Sex, slaves and citizens: the politics of anti-trafficking. *Soundings*(40), 135-145.
- Androff, D. K. (2011). The problem of contemporary slavery: An international human rights challenge for social work. *International Social Work*, 54(2), 209-222.
- Aradau, C. (2008). *Rethinking trafficking in women : politics out of security*. Basingstoke England ; New York: Palgrave Macmillan.
- Atkinson, R., & Flint, J. (2001). Accessing hidden and hard-to-reach populations: Snowball research strategies. *Social research update*, 33(1), 1-4.
- Bales, K. (2007). *Ending slavery: How we free today's slaves*: University of California Press.
- Bell, K. (2013). Participants' motivations and co-construction of the qualitative research process. *Qualitative Social Work*, 12(4), 523-539.
- Berman, J. (2003). (Un)Popular Strangers and Crises (Un)Bounded: Discourses of Sex-trafficking, the European Political Community and the Panicked State of the Modern State. *European Journal of International Relations*, 9(1), 37-86. doi:10.1177/1354066103009001157
- Bond, J. E. (2003). International Intersectionality: A Theoretical and Pragmatic Exploration of Women's International Human Rights Violations. *Emory LJ*, 52, 71-185.
- Botti, A. L. (2002, 1 June). The trade in human beings is a worldwide scourge. *New York Times*. Retrieved from <http://www.nytimes.com/2000/06/01/opinion/01iht-edbotti.2.t.html>
- Brunovskis, A. (2012). *Balancing Protection and Prosecution in Anti-trafficking Policies: A Comparative Analysis of Reflection Periods and Related Temporary Residence Permits for Victims of Trafficking in the Nordic Countries, Belgium and Italy*. Copenhagen: Nordic Council of Ministers.
- Brunovskis, A. (2016). Special rights within universal welfare: Assistance to trafficking victims in Norway. *Journal of Comparative Social Work*, 11(1), 1-33.
- Brunovskis, A., & Bjerkan, L. (2008). *Research with irregular migrants in Norway. Methodological and ethical challenges and emerging research agendas*. Oslo: Utlendingsdirektoratet.
- Brunovskis, A., & Skilbrei, M.-L. (2018). Individual or Structural Inequality? Access and Barriers in Welfare Services for Women Who Sell Sex. *Social Inclusion*, 6(3), 310-318.
- Brunovskis, A., & Surtees, R. (2007). *Leaving the past behind: When victims of trafficking decline assistance*. Oslo: Fafo.
- Brunovskis, A., & Surtees, R. (2010). Untold Stories: Biases and Selection Effects. *International Migration*, 48(4), 1-37.
- Brunovskis, A., & Surtees, R. (2013). Coming home: Challenges in family reintegration for trafficked women. *Qualitative Social Work*, 12(4), 454-472.
- Brunovskis, A., Tveit, M., & Skilbrei, M.-L. (2010). *Pusterom eller ny start? Evaluering av refleksjonsperioden for ofre for menneskehandel*. Oslo: Fafo.
- Brunovskis, A., & Tyldum, G. (2004). *Crossing borders: an empirical study of transnational prostitution and trafficking in human beings* Oslo: Fafo.
- Campbell, M. (2003). Dorothy Smith and knowing the world we live in. *Journal of Sociology & Social Welfare*, 30(1), 3-22.
- Campbell, M., & Gregor, F. (2004). *Mapping Social Relations. A Primer in Doing Institutional Ethnography* Lanham: AltaMira Press.

- Campbell, R., Adams, A. E., & Patterson, D. (2008). Methodological Challenges of Collecting Evaluation Data From Traumatized Clients/Consumers A Comparison of Three Methods. *American journal of evaluation*, 29(3), 369-381.
- Campbell, R., Adams, A. E., Wasco, S. M., Ahrens, C. E., & Sefl, T. (2010). "What has it been like for you to talk with me today?": The impact of participating in interview research on rape survivors. *Violence against Women*, 16(1), 60-83.
- Chapkis, W. (2003). Trafficking, migration, and the law protecting innocents, punishing immigrants. *Gender & Society*, 17(6), 923-937.
- Chuang, J. (1998). Redirecting the debate over trafficking in women: Definitions, paradigms, and contexts. *Harvard Human Rights Journal*, 11, 65-107.
- Cohen, S. (2002). *Folk devils and moral panics: The creation of the mods and rockers*: Psychology Press.
- Corbin, J., & Morse, J. M. (2003). The unstructured interactive interview: Issues of reciprocity and risks when dealing with sensitive topics. *Qualitative Inquiry*, 9(3), 335-354.
- Creswell, J. W. (2012). *Qualitative inquiry and research design: Choosing among five approaches*: Sage.
- Davidson, J. O. C. (1998). *Prostitution, power and freedom*: University of Michigan Press.
- Davidson, J. O. C. (2010). New slavery, old binaries: Human trafficking and the borders of 'freedom'. *Global Networks*, 10(2), 244.
- Derks, A. (2000). *From white slaves to trafficking survivors: Notes on the trafficking debate*. Working Paper Series, (Working Paper #00-02m). Center for Migration and Development, Princeton University.
- DeVault, M., & McCoy, L. (2006). Institutional ethnography: Using interviews to investigate ruling relations. In D. E. Smith (Ed.), *Institutional ethnography as practice* (pp. 15-44). Oxford: Rowman & Littlefield Publishers.
- Ditmore, M., & Wijers, M. (2003). The negotiations on the UN protocol on trafficking in persons. *NEMESIS*, 4, 79-88.
- Doezema, J. (2000). Loose women or lost women? The re-emergence of the myth of white slavery in contemporary discourses of trafficking in women. *Gender issues*, 18(1), 23-50.
- Dottridge, M. (Ed.) (2007). *Collateral Damage. The impact of anti-trafficking measures on human rights around the world*. Bangkok: Global Alliance Against Traffic in Women. .
- Ekberg, G. (2004). The Swedish law that prohibits the purchase of sexual services - Best practices for prevention of prostitution and trafficking in human beings. *Violence against Women*, 10(10), 1187-1218. doi:10.1177/1077801204268647
- FitzGerald, S. A. (2010). Biopolitics and the regulation of vulnerability: the case of the female trafficked migrant. *International Journal of Law in Context*, 6(3), 277-294.
- Fossheim, H. J., & Ingierd, H. (2015). Innledende bemerkninger. In H. J. Fossheim & H. Ingierd (Eds.), *Etiske skjønn i forskning*. Oslo: Universitetsforlaget.
- Gallagher, A. (2001). Human rights and the new UN protocols on trafficking and migrant smuggling: A preliminary analysis. *Human Rights Quarterly*, 23(4), 975-1004.
- Gallagher, A., & McAdam, M. (2013). *Abuse of a position of vulnerability and other "means" within the definition of trafficking in persons*. New York: United Nations Office on Drugs and Crime.
- Gallagher, A., & Pearson, E. (2010). The High Cost of Freedom: A Legal and Policy Analysis of Shelter Detention for Victims of Trafficking. *Human Rights Quarterly*, 32(1), 73-114.
- Goodey, J. (2004). Sex trafficking in women from Central and East European countries: promoting a 'victim-centred' and 'woman-centred' approach to criminal justice intervention. *Feminist Review*, 76(1), 26-45.
- Gould, C. (2010). Moral panic, human trafficking and the 2010 Soccer World Cup. *Agenda*, 24(85), 31-44.

- Goździak, E., & Bump, M. (2008). *Data and research on human trafficking: Bibliography of research-based literature*. Retrieved from Washington DC:
- Gozdziak, E., & Collett, E. A. (2005). Research on human trafficking in North America: A review of literature. *International Migration*, 43(1-2), 99-128.
- Gozdziak, E., & Graveline, S. (2015). In *Search of Data and Research on Human Trafficking: Analysis of Research Based Literature (2008-2015)*. Washington DC: Institute for the Study of International Migration, Walsh School of Foreign Service, Georgetown University.
- Griffith, A., & Smith, D. E. (2014a). Introduction. In A. Griffith & D. E. Smith (Eds.), *Under new public management: Institutional ethnographies of changing front-line work* (pp. 3-21). Toronto: University of Toronto Press.
- Griffith, A., & Smith, D. E. (Eds.). (2014b). *Under new public management: Institutional ethnographies of changing front-line work*. Toronto: University of Toronto Press.
- Guillemin, M., & Gillam, L. (2004). Ethics, reflexivity, and “ethically important moments” in research. *Qualitative Inquiry*, 10(2), 261-280.
- Guth, A., Anderson, R., Kinnard, K., & Tran, H. (2014). Proper methodology and methods of collecting and analyzing slavery data: an examination of the Global Slavery Index. *Social Inclusion*, 2(4), 14-22.
- Harding, S. G. (1986). *The science question in feminism*. Cornell University Press.
- Harrington, C. (2005). The politics of rescue: Peacekeeping and anti-trafficking programmes in Bosnia-Herzegovina and Kosovo. *International Feminist Journal of Politics*, 7(2), 175-206.
- Hart, R. J., & McKinnon, A. (2010). Sociological epistemology: Durkheim’s paradox and Dorothy E. Smith’s actuality. *Sociology*, 44(6), 1038-1054.
- Haynes, D. F. (2014). The Celebritization of Human Trafficking. *Annals of the American Academy of Political and Social Science*, 653(1), 25-45. doi:10.1177/0002716213515837
- Heckathorn, D. D. (2002). Respondent-driven sampling II: deriving valid population estimates from chain-referral samples of hidden populations. *Social Problems*, 49(1), 11-34.
- Hoyle, C., Bosworth, M., & Dempsey, M. (2011). Labelling the victims of sex trafficking: Exploring the borderland between rhetoric and reality. *Social & Legal Studies*, 20(3), 313-329.
- Jahnsen, S., & Skilbrei, M.-L. (2015). Debate-From Palermo to the Streets of Oslo: Pros and cons of the trafficking framework. *Anti-Trafficking Review*(4), 156-160.
- Jahnsen, S., & Skilbrei, M.-L. (2017). Leaving no stone unturned: The borders and orders of transnational prostitution. *The British Journal of Criminology*, 58(2), 255-272.
- Jenkins, R. (2000). Categorization: Identity, social process and epistemology. *Current sociology*, 48(3), 7-25.
- Kangaspunta, K. (2003). Mapping the inhuman trade: Preliminary findings of the database on trafficking in human beings. *Forum on crime and society*, 3(1), 81-103.
- Keo, C., Bouhours, T., Broadhurst, R., & Bouhours, B. (2014). Human trafficking and moral panic in Cambodia. *The ANNALS of the American Academy of Political and Social Science*, 653(1), 202-224.
- Laczko, F. (2002). Human trafficking: the need for better data. *Migration Information Source*, 1, 61-80.
- Laczko, F. (2005). Data and research on human trafficking. *International Migration*, 43(1-2), 5-16.
- Laczko, F., & Gramegna, M. A. (2003). Developing better indicators of human trafficking. *The Brown Journal of world affairs*, 10(1), 179-194.
- Laczko, F., Von Koppenfels, A. K., & Barthel, J. (2002). *Trafficking in women from Central and Eastern Europe: A review of statistical data*. TMC Asser Press.
- Lerum, K., & Brents, B. G. (2016). Sociological perspectives on sex work and human trafficking. *Sociological Perspectives*, 59(1), 17-26.

- Limoncelli, S. A. (2017). The global development of contemporary anti-human trafficking advocacy. *International Sociology*, 32(6), 814-834. doi:10.1177/0268580917729986
- Lobasz, J. K. (2012). *Victims, villains, and the virtuous constructing the problems of "human trafficking"*. (Doctoral dissertation), University of Minnesota,
- McCoy, L. (2006). Keeping the Institution in View: Working with Interview Accounts of Everyday Experience In D. E. Smith (Ed.), *Institutional Ethnography as Practice* (pp. 109-126): Rowman & Littlefield Publishers, Inc.
- Norwegian National Ethics Committee. (2016). *Guidelines for Research Ethics in the Social Sciences, Humanities, Law and Theology*. Oslo: The Norwegian National Ethics Committee.
- O'Brien, E. (2013). Ideal victims in trafficking awareness campaigns. In K. Carrington, E. O'Brien, M. Ball, & J. Tauri (Eds.), *Crime, Justice and Social Democracy: International perspectives* (pp. 315-326): Palgrave.
- O'Neill, O. (2006). 'Rethinking Informed Consent'. Athena Lecture, Imperial College.
- Outshoorn, J. (2005). The political debates on prostitution and trafficking of women. *Social Politics: International Studies in Gender, State and Society*, 12(1), 141-155.
- Paasche, E., & Skilbrei, M.-L. (2017). Gendered Vulnerability and Return Migration. *TEMIDA*, 20(1), 149-166.
- Plambech, S. (2014). Between "Victims" and "Criminals": Rescue, deportation, and everyday violence among Nigerian migrants. *Social Politics*, 21(3), 382-402.
- Politidirektoratet. (2017). *Rapport fra Koordineringsenheten for ofre for menneskehandel - 2016*. Oslo: Politidirektoratet.
- Richardson, S., & McMullan, M. (2007). Research Ethics in the UK: What can sociology learn from health? *Sociology*, 41(6), 1115-1132.
- Sanghera, J. (2005). Unpacking the Trafficking Discourse. In K. Kempadoo, J. Sanghera, & B. Pattaniak (Eds.), *Trafficking and Prostitution Reconsidered. New Perspectives on Migration, Sex Work, and Human Rights* (pp. 3-26): Routledge.
- Sin, C. H. (2005). Seeking informed consent: Reflections on research practice. *Sociology*, 39(2), 277-294.
- Sinding, C. (2010). Using Institutional Ethnography to Understand the Production of Health Care Disparities. *Qualitative Health Research*, 20(12), 1656-1663. doi:10.1177/1049732310377452
- Skilbrei, M.-L. (2010). Taking trafficking to court. *Women & Criminal Justice*, 20(1-2), 40-56.
- Skilbrei, M.-L. (2012). Moving Beyond Assumptions? The Framing of Anti-Trafficking Efforts in Norway. In R. Sollund (Ed.), *Transnational migration, gender and rights* (Vol. (Advances in Ecopolitics, Volume 10), pp. 211-227): Emerald Group Publishing Limited.
- Skilbrei, M.-L. (2017). Speaking the truth about prostitution. In M. Spanger & M.-L. Skilbrei (Eds.), *Prostitution research in context: Methodology, representation and power* (pp. 33-46). Abington: Routledge.
- Skilbrei, M.-L., & Tveit, M. (2008). Defining Trafficking through Empirical Work: Blurred Boundaries and their Consequences. *Gender, Technology and Development*, 12(1), 9-30. doi:10.1177/097185240701200103
- Smith, D. E. (1987). *The everyday world as problematic: A feminist sociology*: University of Toronto Press.
- Smith, D. E. (1999). *Writing the social: Critique, theory, and investigations*: University of Toronto Press.
- Smith, D. E. (2005). *Institutional Ethnography: A Sociology for People*: AltaMira Press.
- Smith, D. E. (2006a). Introduction. In D. E. Smith (Ed.), *Institutional Ethnography as Practice* (pp. 1-11): Rowman & Littlefield Publishers.
- Smith, D. E. (Ed.) (2006b). *Institutional ethnography as practice*: Rowman & Littlefield Publishers.
- Smith, D. E., & Turner, S. (2014). Introduction. In D. E. Smith & S. Turner (Eds.), *Smith, D. E., & Turner, S. M. (Eds.). (2014). Incorporating texts into institutional ethnographies* (pp. 3-14). Toronto: University of Toronto Press.

- Sønsterudbråten, S. (2013). *Bistand og beskyttelse til ofre for menneskehandel. Tverretatlig samarbeid i Oslo og Bergen*. Oslo: Fafo.
- Srikantiah, J. (2007). Perfect Victims and Real Survivors: The Iconic Victim in Domestic Human Trafficking Law. *Boston University Law Review*(87), 157-212.
- Lov om straff (Straffeloven), (2005).
- Sullivan, B. (2003). Trafficking in women. *International Feminist Journal of Politics*, 5(1), 67-91.
- Surtees, R. (2008). Trafficked men as unwilling victims. *St Antony's International Review*, 4(1), 16-36.
- Temple, B., & Young, A. (2004). Qualitative research and translation dilemmas. *Qualitative research*, 4(2), 161-178.
- The White House. (2019, 1 February). Remarks by President Trump in Meeting on Human Trafficking on the Southern Border. Retrieved from <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-meeting-human-trafficking-southern-border/>
- Traynor, I. (2015, 13 May). Migrant crisis: EU plan to strike Libya networks could include ground forces. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2015/may/13/migrant-crisis-eu-plan-to-strike-libya-networks-could-include-ground-forces>
- Truong, T.-D. (2006). *Poverty, gender and human trafficking in sub-Saharan Africa: rethinking best practices in migration management*. Paris: UNESCO.
- Tyldum, G., & Brunovskis, A. (2005). Describing the unobserved.
- U.S. Department of Homeland Security. (n.d.). What Is Human Trafficking? Retrieved from <https://www.dhs.gov/blue-campaign/what-human-trafficking>
- UN News Center. (2014). Human trafficking has no place in modern world, General Assembly President says. Retrieved from <http://www.un.org/apps/news/story.asp?NewsID=48271#.Wmp9LvJcB8F>
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, (2000).
- UNODC. (n.d.). Fact Sheet on Human Trafficking. Retrieved from <http://chatt.hdsb.ca/~mossutom/law/Handouts/Unit%206-Fact%20Sheet%20on%20Human%20Trafficking.pdf>
- Utlendingsdirektoratet. (2017). Samleside om sårbare søkere: Menneskehandel. Retrieved from <https://udiregelverk.no/no/rettskilder/samlesider-om-sarbare-sokere/menneskehandel-relevante-rettskilder/>
- Van der Pijl, Y., Breuil, B. C. O., & Siegel, D. (2011). Is there such thing as 'global sex trafficking'? A patchwork tale on useful (mis) understandings. *Crime, law and social change*, 56(5), 567-582.
- Van Liempt, I. (2011). Different geographies and experiences of 'assisted' types of migration: A gendered critique on the distinction between trafficking and smuggling. *Gender, place and culture*, 18(02), 179-193.
- Van Nes, F., Abma, T., Jonsson, H., & Deeg, D. (2010). Language differences in qualitative research: is meaning lost in translation? *European journal of ageing*, 7(4), 313-316.
- Walk Free Foundation. (2018). *The Global Slavery Index 2018*: Walk Free Foundation.
- Weitzer, R. (2007). The social construction of sex trafficking: Ideology and institutionalization of a moral crusade. *Politics & Society*, 35(3), 447-475. doi:10.1177/0032329207304319
- Weitzer, R. (2011). Sex trafficking and the sex industry: The need for evidence-based theory and legislation. *The Journal of Criminal Law and Criminology*, 1337-1369.
- Widerberg, K. (2007). Dorothy E. Smith. In R. Stones (Ed.), *Key Sociological Thinkers* (pp. 311-322): Palgrave Macmillan.
- Widerberg, K. (2008). Dorothy E. Smith. In R. Stones (Ed.), *Key Sociological Thinkers*. London: Palgrave.

- Williamson, J., & Serna, K. (2018). Reconsidering forced labels: outcomes of sexual assault survivors versus victims (and those who choose neither). *Violence against Women*, 24(6), 668-683.
- Zimmerman, C., & Watts, C. (2003). *WHO ethical and safety recommendations for interviewing trafficked women*. Geneva: World Health Organization.









Article

# Special rights within universal welfare: Assistance to trafficking victims in Norway

by

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**Keywords:**

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## **Abstract**

Over the past two decades, several measures have been developed to provide assistance to persons defined as victims of trafficking. This article describes and discusses the organization of barriers and access to assistance (such as housing, medical assistance and subsistence support) for this group in Norway, taking as its starting point the daily practice of social workers and using an institutional ethnographic approach. Of great significance to access to assistance are the different administrative statuses that trafficking victims are assigned and move between, thus having rights granted or taken away. The negotiation of these administrative categories and navigation of conflicting legislation become a central aspect of social workers' daily practice. Persons defined as 'trafficking victims' are eligible for a special residence permit, while assistance in Norway in practice is provided through the universal welfare system. 'Human trafficking' and 'trafficking victim' are operational categories in criminal law and immigration legislation, but they are not administrative categories for welfare provision. Instead, being defined as a trafficking victim functions as an inroad to assignation of *other* administrative categories (also dependent on residence and registration statuses) that determine what assistance is or is not available. Gaps and inconsistencies between institutional and legal complexes arise when one small group of people are awarded special measure rights within a universal system, creating a bureaucratically complicated and 'messy' path to assistance. This 'messiness' does not mean that it does not always work. However, it appears to work best for those who fit well with the modern Norwegian bureaucracy, e.g. in terms of being able to document identity and stay within one administrative status, and worst for those who do not. Hence, the system for victim assistance appears to be the least accessible for some of the least privileged members of the group it is intended for.

*Keywords:* human trafficking, social work, Institutional Ethnography, best practice

## Introduction

Over the past two decades, the human trafficking framework has gained increasing international significance in addressing certain types of exploitation, particularly of migrants. While efforts have mostly been directed towards trafficking for prostitution, other forms include labour exploitation, organ trafficking, illegal adoptions, etc. Several measures have been developed to provide assistance to persons defined as victims of trafficking. However, social workers and others engaged in assistance to this group in Norway have for many years pointed out difficulties in providing stable and predictable assistance, e.g. in terms of housing, medical help and subsistence support.

In this article, I discuss the organization of barriers and access to assistance for this group in Norway. I take as my starting point the daily practice of social workers and other assistance providers, using an institutional ethnographic approach. A central and recurring theme in the article is the significance of different administrative statuses that trafficking victims are assigned and move between, having rights granted or taken away in the process. The negotiation of these administrative categories and navigation of sometimes conflicting legislation become a central aspect of social workers' daily practice. My intent in this article is to describe and discuss gaps that arise when special rights for a particular (and very small) group of people come into conflict with legislation governing universal welfare provision and immigration.

During my research on human trafficking and assistance, I have found a striking contrast between the often emotive and dramatic language in popularized accounts of human trafficking and the level of complication and opaqueness in social workers' accounts of exactly why it can sometimes be difficult to access medical care or other forms of assistance for some groups of trafficked persons. First and foremost, human trafficking in this context is a story not about human suffering in the face of organized and brutal crime, but a very bureaucratic tale of conflicting legislations, regulations and unclear practice that have great bearing on the day-to-day lives of victims of trafficking. At times, the institutional tangle surrounding assistance to trafficking victims takes on almost Kafkaesque proportions.

The most prevalent international definition of human trafficking, on which most national legislation builds, is found in article 3 of the so-called Palermo Protocol (United Nations, 2000), where human trafficking is defined as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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. Human trafficking is a highly contested institutional and legal term, and there is much disagreement on how it is best understood and applied, not least in academic literature.

For example, human trafficking has been described as '[...] a present day slave trade [...]' and '[...] widely perceived to be a growing problem' (Hodge & Lietz, 2007, p. 163). It is, state some, '[...] a nether land of fear, violence and emotional and physical degradation', where victims '[...] face threats of violence or death [...]' (Van Hook, Gjermeni, & Haxhiymeri, 2006, p. 29). In contrast, other authors criticize the influence of the human trafficking framework on international and national policies. Here, human trafficking is often described as a cultural myth (see e.g. Doezema, 1999), a moral panic (see e.g. Kempadoo, 2007), and a social construction of greatly exaggerated political significance (see e.g. Weitzer, 2007).

I recognize the importance of these debates, not least concerning whether measures within the human trafficking framework protect or harm potentially vulnerable populations. However, it is not my focus in this article to discuss the construction of this category or its role in the political framing of migration or prostitution more broadly. Rather, my interest lies in examining how the human trafficking category comes into play in practice in social work with those defined as victims in a Norwegian context. By defining someone as a 'trafficking victim', certain actions become possible; the category becomes 'institutionally actionable' (Griffith & Smith, 2014). Special measures for trafficking victims were implemented precisely with this in mind: to make it possible to provide assistance to a group deemed particularly vulnerable. Nonetheless, my own and others' previous research (see e.g. Brunovskis & Surtees, 2007; Brunovskis, Tveit, & Skilbrei, 2010) has shown that while

categorizing someone as a victim can open some paths to assistance, there are also limitations, gaps and shortcomings. Access to assistance is not always straightforward or equally available to all of those categorized as victims. How and why this is the case is the main topic of this article.

In Norwegian debates, human trafficking' is most commonly framed as an issue concerning international migration, but the definition does not exclude internal/domestic trafficking. However, all cases identified as trafficking in Norway have involved international migration. In 2014, the majority (78%) of those receiving assistance were female, and trafficked for prostitution or sexual exploitation. Since 2007, between 200 and 350 persons have been classified every year as possible trafficking victims in Norway (Police Directorate, 2015). Thus, policies in this field affect a very limited number of people directly, but nevertheless raise some principal issues. While the rights of victims of trafficking are so-called 'special measures' (designed for- and limited to particular groups), the Norwegian system for health care and social assistance is placed within the universal welfare system. What happens when a particular group is given special rights and assistance within a system developed for- and aimed at a general population? This is an issue that has relevance beyond the human trafficking field.

Before moving on to the description and analysis of the experiences of social workers, this article first relates my study to some of the relevant human trafficking literature and explicates my approach within an institutional ethnographic framework. I then give a brief description of a specific aspect of the legal framework for providing assistance to victims in Norway, the so-called 'reflection period' (Utlendingsforskriften, 2010; Utlendingsdirektoratet, 2013). This is a limited residence permit that can be issued to victims of trafficking and a central element in the sometimes complicated accounts of social work practice. Its particularities are therefore important for understanding the accounts of social workers that follow. The remainder of the article first presents the process of accessing assistance, with a specific focus on gaps and inconsistencies through social workers experiences. Lastly, I discuss the significance and impact of gaps in access to assistance.

## Previous research

So-called anti-trafficking policies are to a large extent internationally driven, which are easily traced back to the United Nations (UN) and various European bodies (Friesendorf, 2007; Gallagher, 2001, 2006; Sullivan, 2003). However, policies are implemented and practiced nationally and locally. Weitzer (2014) makes the argument that manifestations and forms of human trafficking are best studied at the micro level, and documents a number of frivolous claims set forth in global and regional studies on human trafficking. These studies, argues Weitzer, fail to take into account local variations, both in how human trafficking takes place and how it is legally defined and regulated. I would contend that the same is also the case for human trafficking *policy* specifically – in terms of actual outcomes and consequences, it is best examined locally and empirically.

Internationally developed policies and obligations imply a so-called 'best practice', i.e. a practice that is deemed superior to other practices for achieving a goal. The reflection period for victims of trafficking is often cited as one such 'best practice' (see e.g. UNODC, 2008), following early models for specific residence permits for victims of trafficking developed in Belgium and Italy (Brunovskis, 2012).

Still, best practice is not a culturally or politically neutral concept. As Truong (2006, p. 82) argues: 'Institutions and rules governing a particular policy domain and sites of implementation mediate [best practice].' Best practice, then, does not enter into an empty policy space, but interacts with- and is shaped by existing frameworks and regulations. Closer attention to how international anti-trafficking policies enter into pre-existing local frameworks and institutions can illuminate the actual outcome of policy in practice.

There is a growing body of solid and empirical literature on assistance to trafficked persons. However, and as I have argued elsewhere (Brunovskis & Surtees, 2013), much research on anti-trafficking assistance focusses on individual victims, exploring their overall needs and situations (see e.g. Bjerkan, 2005; Derks, 1998; Kootstra & Commandeur, 2004, Brunovskis & Surtees, 2007). More targeted studies have focused on health, economic reintegration and safe migration (see e.g. Zimmerman

et al., 2003, 2006; Gajic-Veljanoski & Stewart, 2007; Kato, 2007; Lisborg, 2009; Lisborg & Plambech, 2009).

Studies of implementation of anti-trafficking policy in the assistance field, not least with a focus on institutional responses, are scarcer. One notable exception is Wan Ismail et al. (2014), who analyse the implementation of anti-trafficking legislation in Malaysia. One of their findings is that the different responsibilities of various institutions complicated coordination between agencies, with dividing lines stemming from divergent priorities and contrasting perspectives, be they between '[...] local and international, internal and external, and public and civil society' (Wan Ismail, Ariffin, & Cheong, 2014, p.10). In the criminal justice field, one study found that a main barrier to effective institutional anti-trafficking responses in law enforcement agencies was a lack of previous experience with change and adapting new ways of working (Farrell, 2014). Both studies point to pre-existing structures and responsibilities as central for outcomes in practice.

### **Institutional ethnography: Approach and method**

Hence, my starting point in this paper is an interest in day-to-day health and social work with victims of trafficking from an empirical (as well as practice oriented) perspective, but also how it is a manifestation of national and international policy on trafficking.

Assistance to trafficked persons straddles and relates to several legislative areas, among them immigration, social services and criminal justice, and as such relates to different uses, interpretations and legal implications of the category 'trafficked person'. Not least, these are heavy legal complexes that become intertwined. For instance (and as I will return to), the legal right to social assistance depends on legalized immigration status, which rests on a formal identification of a person as a victim of trafficking, or after an initial period of time, criminal proceedings or investigations. This creates an interdependency between systems and agencies that are to some extent separate, and where those who work within them are also caretakers of other overarching goals and logics.

In light of this institutional complexity, I find that institutional ethnography developed by Canadian sociologist Dorothy Smith and her colleagues (1987, 2005, 2006a) is a perspective particularly well suited for approaching the local, specific, and practice oriented, while still keeping international and national policy levels in sight. The institutional ethnographic approach sets the goal of investigating power empirically, and linking relations and institutions through exploring how people's actions are coordinated (Widerberg, 2008). This way, we can understand the social through examining everyday life - not with a goal to understand everyday life in itself, but to understand society's structures and functions (Widerberg, 1999). Furthermore, the goal is also to make the coordinated aspects of experience visible to those who *hold* the experience, as reflected in the title of Smith's (2005) *Institutional ethnography: A sociology for people*.

The understanding of 'institution' in institutional ethnography does not refer to specific organizations or entities, but rather to relations organized around specific functions, such as education or health care. The way the term 'institution' is used '[...] is meant to inform a project of empirical inquiry, directing the researcher's attention to coordinated and intersecting work processes taking place in multiple sites' (DeVault & McCoy, 2006, p. 17). The starting point for inquiry is people's local and everyday practice, or work, in a wide sense of the word. This work consists of the activities, knowledge and concerns of people relating to an institution or an institutional complex (Sinding, 2010). The aim, however, is not to generalize from the experience of a group of people, but to describe generalizing social processes that affect them (DeVault & McCoy, 2005). In institutional ethnography, the researcher will use experience as an entry point into the social relations of the particular setting, i.e. to discover how people's experiences are coordinated (Campbell, 1998).

There are many ways of 'doing' institutional ethnography, and Dorothy Smith herself has warned against orthodoxy in practice or prescriptive notions of procedure (Smith, 2006b, p. 1). Central, though, is to understand people as the knowers of their own lives. Secondly, not to stop at the point of experience. DeVault and McCoy (2005, p. 20) describe a common research sequence in institutional ethnography: The researcher: a) identifies an experience, b) identifies institutional processes that shape that experience, and c) investigates those processes to analyse how they operate.

### **The research**

The starting point for my analysis is 24 interviews with people working in central state and municipal institutions and non-governmental organizations involved in assistance to trafficked persons in Norway. All the informants had personal experience with assistance work with this group. My access to informants was eased by my having conducted research on human trafficking since 2002, and I have known several of my informants in a professional capacity for more than a decade. While these established relationships are an advantage in many ways (not least in terms of access to informants), there are also some ethical aspects that warrant consideration. One is that I needed to be sensitive to my informants' ability to withdraw consent, as a sense of obligation can also follow from having an established relationship. Secondly, that familiarity can lead some informants to disclose more or other types of information than they might in hindsight be comfortable with. I therefore underlined informants' rights to withdrawing all or parts of their participation in the project, both in the written information and orally in the interviews. A separate ethical challenge in this field is the very limited number of people involved in work with trafficked persons, and how to preserve my informants' anonymity. I have tried to be circumspect in my use of direct quotes so that they would not be attributable to particular persons. This also means that I do not specify the professional affiliation of the quoted informants.

In the interviews, I asked about my informants' day-to-day work and what actions were necessary to access assistance for persons they worked with. In order to make this as specific as possible, I generally took as a starting point access to medical care, both because this is important in itself, and because the preconditions for accessing a general practitioner are also necessary to access other rights. In line with the above description of institutional ethnography, I then moved on to examining how these experiences were coordinated. In as good as all of these interviews, and as I will return to, a central theme was that my informants spent substantial time addressing problems caused by inconsistencies between different areas of legislation, and that this complicated access to assistance in many cases. My next step was therefore to examine the legal frameworks and institutional texts that

emerged as central to my informants' work, to further explore where- and in which ways gaps arose.

### **The reflection period for trafficked persons in Norway**

Before proceeding to social workers' experience, a central backdrop to the problematic discussed in this article is the previously mentioned particular legislative framework for assistance to trafficked persons, the so-called 'reflection period'. This is a temporary residence permit for trafficking victims, from which other rights follow. The reflection period is grounded in the Council of Europe Convention on Action against Trafficking in Human Beings (hereafter: CoE Trafficking Convention) (Council of Europe, 2005). As such, all States Parties are obliged to implement a reflection period of at least 30 days, as well as to provide assistance to victims (both with and without a legal residence). The stated goal of the reflection period is to provide time for victims to recover and escape the influence from traffickers, so that they can make an informed decision about whether they want to cooperate with the police in investigations of traffickers (EU Council, 2004). Far from a unitary approach, this is implemented in a variety of ways in the CoE Trafficking Convention's signatory countries (Brunovskis, 2012).

The Norwegian reflection period is six months long, and is intended as a low threshold opportunity for victims of trafficking to break free from exploitation. Formally, the reflection period is a limited residence and work permit. Among the limitations are that it does not give grounds for family reunification, nor does it form the basis for permanent residence. The holder is required to stay in Norway, unless permission to re-enter has been granted prior to leaving the territory (Utlendingsforskriften, 2010). The Norwegian version of the reflection period was first included in legislation in 2004, and initially consisted of a 45-day delay in the return of persons without legal residence, if it was believed they were possible victims of trafficking (Kommunal- og regionaldepartementet, 2004). In the following two years, only one woman accepted this arrangement. In 2006, only two years after its introduction, the reflection period was substantially changed, with the most important being an expansion from a 45-day delay in return to a six-month work and residence

permit. Moreover, victims who cooperated with the police also became eligible for renewable one-year residence permits.

In 2008, a further revision followed, which expanded the group eligible for a reflection period. Most important was the inclusion of European Union (EU)/European Economic Area (EEA) citizens, as well as persons with residence permits in countries that are part of the Schengen Agreement. The changes in 2006 and 2008 came in response to challenges identified by social workers and others, who reported problems with offering help to possible victims from new EU member states, as well as observations that possible victims from Nigeria often had residence permits in Italy and Spain, and under the previous system could not be offered assistance in Norway.

Also in 2008, yet another important change was effectuated. Victims who testified against their exploiters in cases with human trafficking charges would be granted permanent residence in Norway (commonly called the 'witness instruction') (Utlendingsforskriften, 2010). In 2010, this was changed to also include charges of promoting or procuring prostitution (or 'pimping') if this placed the witness in a similarly difficult situation as a charge of human trafficking. Furthermore, it was no longer necessary that the witness testified at a trial. Cooperating with- and giving statements to the police could be deemed sufficient, and permanent residence could also be granted to witnesses who were not the injured party in the case (Justis- og politidepartementet, 2010).

As this shows, the framework for protection of- and assistance to victims of trafficking has been substantially changed over a relatively short period of time. While in 2004 the reflection period consisted of a 45-day delay of return, in 2010 the reflection periods and its related residence permits could add up to several years. The longer duration, the inclusion of a work permit and the eligibility of new groups also meant that the reflection period came to intersect more and more with other legislation in the immigration and social welfare fields, the importance of which I will return to in the following sections.

## **The winding road to assistance: Experiences of social workers**

In this section, I will describe the experiences of social workers in accessing assistance for persons classified as victims of trafficking, loosely organized along a chronological process from the identification of a person as a possible trafficking victim to the various residence permits that apply. One challenge in conveying the different paths to assistance is that it can be amazingly complicated. As a pre-emptive warning, this article does not aim to explain how the system works to such an extent that the reader will be left with a complete and clear understanding of all common trajectories through this system. That would be overly ambitious, as this is (for good reasons, and which excerpts from interviews below will show) at times very unpredictable even to people working in the sector themselves, which is one of my main points. As I signalled in the introduction to this article, this is indeed a rather complicated and bureaucratic tale.

### **Identification and applying for reflection period**

Possible victims of trafficking are identified and come into contact with social workers in different ways. They are sometimes identified *by* social workers, they may self-identify as victims and seek out help themselves or they may be identified by the police. Regardless, the actors who first come into contact with possible victims are meant to inform them about their rights, including the right to apply for a reflection period and which rights and obligations this involves. An official information leaflet to persons who have been granted a reflection period informs that they have the right to participate in the regular general practitioner scheme, from which follows a number of other health care rights. Also, that they have rights to assistance under the social service legislation (Politidirektoratet, n.d.).

One common sequence of events when a possible victim of trafficking is identified, e.g. by social workers, is:

1. A person is identified as a victim;
2. A lawyer is contacted;
3. They go together to the police to apply for a reflection period (the police takes the application and passes it on to the Immigration Directorate, which is the deciding authority), and
4. Then to the municipal social office for support and assistance.

As mentioned above, the CoE Trafficking Convention obliges Norway to provide assistance, also before the possible victim has legal residence. For many, this will only be the case when the reflection period has been formally granted. For many years, clashes arose at this very early stage, due to conflicting legislation. Victims were in fact not entitled to social support or benefits until their reflection period had been formally granted, as a regulation to the (since replaced) Law on Social Services specified that it only applied to persons legally residing in Norway (Forskrift til sosialtjenesteloven, 1992; Sosialtjenesteloven, 1991). And Immigration Directorate decisions on reflection periods could – and still can - take time. While it does not appear to be the norm, there are anecdotal tales of applications in some cases being undecided for months, in a couple of cases, more than half a year.

Several social workers spoke of waiting relatively lengthy periods of time for responses. And the only reason victims in these cases previously received the assistance they were entitled to was through flexibility on part of the municipal social workers, who needed to bend (or strictly speaking, break) the rules to accommodate trafficking victims' needs (and Norway's international obligations). This was amended by a special provision granting the right to municipal social support to victims of trafficking who are waiting for a decision on their applications for reflection periods, coming into effect in 2012 (Forskrift om sosiale tjenester, bopelsløse, 2012). Again, this underlines the special measure position of victims of trafficking in Norwegian legislation and regulations, but also that there were several issues that had not been taken into consideration when the system for their assistance was set up, such as how victims would receive support while waiting to be granted a reflection period, given that municipal social support required legal residence. Also worth noting is that it took almost six years from the expansion of the reflection period to the change in the provision to secure rights during the application processing period.

### **During the reflection period**

While municipal social services can now also be accessed before the reflection period is granted, the assignment of a regular general practitioner depends on legal residence and registration with a national ID number, issued to persons with a residence permit of at least six months in length. (An alternative mode of registration,

which I will return to, is a D-number, issued to persons with residence permits shorter than six months and to asylum seekers.)

There are a number of steps to fulfil in order to register for a national ID number, following from points 1 – 4 above:

5. Receive a confirmation of granted reflection period from the Immigration Directorate;
6. Take the confirmation to the police, who will issue a residence card, and
7. Take the residence card and documentation of address to a Tax Office and register for a national ID number in the National Registry ('Folkeregisteret').<sup>1</sup>

The national ID number is the key to all rights accompanying the reflection period; without it, these rights simply cannot be accessed. It is needed for registering with a general practitioner and for effectuating a work permit, as well as for opening a bank account.

Historically, even the issue of whether persons with a reflection period had the right to a national ID number was complicated and unclear, due to what appears to have been a 'legal glitch'. As will be remembered, the reflection period is exactly six months. At the same time, the National Registration Act (Folkeregisterloven, 1970) specified that the requirement for issuing a national ID number was that the person had legal residence for *more than* six months, and for the D-number that the residence was *less than* six months. As one centrally placed actor in the field with some exasperation once said to me: 'If only they had made the reflection period six months and a day, we wouldn't have to spend all this time discussing what to do.' This was amended when the wording of the legal requirement was changed from 'more than six months' to 'at least six months'.<sup>2</sup>

For several years, it was also a problem that a physical address of residence was needed to register for a national ID number. Meanwhile, a substantial number of persons in a reflection period were housed at secret addresses. The problem for victims living at a secret address in registering for an ID number appears to have been recently resolved almost by coincidence, after having been a problem for several years, when a representative of the Tax Directorate was invited to a meeting

in the anti-trafficking coordination unit in the Police Directorate ('Koordineringsenheten for ofre for menneskehandel', KOM<sup>3</sup>). One social worker explained:

What has happened is that when you have a reflection period, you can register in the National Registry by including a letter of confirmation from us that you live at a secret address. We're now allowed to register with a post office box address. This is the starting point. When you get the national ID number, you get a regular general practitioner, and you get access to a lot of other health services than before. So the starting point is good. We have struggled with this for years, and then we were at a meeting in KOM where there was this woman from the Tax Directorate who suddenly understood the problem [...]. We've struggled with this for years, why haven't we found her before? [*laughing*]. I think KOM and the Tax Directorate are going to send out a letter, because not all of the Tax Offices know this. So – the starting point is good!

The Tax Directorate is an important institution relating to national ID numbers, as it administers the National Registry and the Tax Offices, which implement registration. It was therefore of great significance that this particular woman from the Tax Directorate understood the problems caused by the requirements for a physical address in registering for an ID number. It meant that the Tax Offices could be instructed that persons holding a reflection period *can* in fact register with a post office box address, thereby opening up their access to assistance.

Nevertheless, while this particular problem appears to have been solved, or at least recognized, there can also be other practical stumbling blocks on the path to the ID number. The first is to obtain a residence card (step 7 above) from the police. The residence card is another precondition for registering for a national ID number. One social worker explained practical problems and delays in this process:

The problem here is to get this residence card that releases your access to a general practitioner [by giving access to an ID number]. [...] and this is a long process. So sometimes it ends with her not getting a doctor before there's only one month left of the reflection! It's horrible. To get [the residence card] the women need to go to the police in the municipality or city district where they have been placed and apply for the residence card. [...] And the problem we face [here in Oslo] is that it's almost impossible to get an appointment to apply for the residence card; we can't get through on the phone. So we have to physically go there within their specific opening hours to book an appointment. She can't go there on her own; she will be stopped by security in the door. And then it's a month to wait, maybe three weeks if we're lucky. But the women need a general practitioner when they come to us, not two or three months later. There are two things they always ask about when they first come: one is their

residence permits, because very often they don't have one, and the second is a doctor, they have so many worries.

Without the residence card, identified victims need to use emergency rooms for medical services, in spite of (in principle) having the right to an assigned general practitioner in the same way as everyone else, and this is far from ideal. They cannot normally pre-book appointments, and the environment can sometimes be chaotic. Social workers spoke of bad experiences with taking clients in a fragile mental and physical state to the sometimes stressful environment of the emergency room.

The waiting time to obtain the residence card is not the only problem that can arise; in some cases it was difficult to get a residence card at all. A social worker recounted an experience with a woman from an EU country living at a secret address outside Oslo in a smaller municipality:

The thing is that all persons on a reflection period, no matter where in the world they come from, regardless of whether they are Schengen or EEA or Africa or Albania, you should get a residence card if you are on reflection. And this they have understood at the office in Oslo, so in Oslo this isn't a problem. But then if you move outside Oslo... We have a woman who was placed [more than six months ago], and she still hasn't got a residence card. Because the police where she lives says that she's not entitled, because she is from an EEA or Schengen country. So [the police officer] refuses. The main [social worker] has fought with her for ages, but she just hits a wall. So I tried to call, and by mistake I was put through to another district, where I was met with the same kind of police, but at least *she* does her job and checks. So she says that clearly this is wrong, this woman *is* entitled to a residence card, and she says that I can tell this to the other police officer. I try to call the correct police district again, but then [the police officer] is out and I haven't been able to reach her. But in sum, the reflection period is about to expire, and [this woman] never got her ID number. So she didn't get a doctor and she didn't get the work permit; frankly, she lost all of her rights during the six-month period.

Again, this underlines a certain fragility in the bureaucratic process, where the (mis)understanding of a particular exception to immigration legislation by an individual police officer comes in the way of accessing a general practitioner. It also points to the interconnectedness between different systems and legislations.

### **But this is where it gets tricky...**

So, as the above has shown, there are a number of complications even within the relative clarity of being assigned the specific residence permit for trafficking victims and relating to one system. Other problems arise as time passes. In practice, there

are two common paths taken. If victims cooperate with the police, they are eligible for a one-year renewable residence permit. The other common path is that they apply for asylum. While the former are a municipal responsibility, asylum seekers are the responsibility of the state. Both groups have the right to a regular general practitioner, but this right is accessed in different ways. Due to incompatibilities in different systems, this can for some mean that they lose their rights. Key here is how the two groups are entered into the National Registry. As previously mentioned, persons with a reflection period are registered with an ID number. On the other hand, asylum seekers are assigned what is called a D-number (issued to asylum seekers and persons with a residence shorter than six months).

The quote below shows how these different registration procedures for different residence statuses can cause problems with access to medical care for persons who move from having a reflection period to seeking asylum. Key in this account is that incompatibility between the systems for registering with an ID and a D-number, respectively, can lead to the loss of registration (and accompanying rights) altogether:

There's this central problem that has come up, because first you have the six-month reflection period, and then you go over to asylum. And if you apply for residence through the witness instruction, you also go over to the asylum track. Regardless. And then, you see, the issue is that in principle you *can* stay registered with a national ID number as an asylum seeker. Usually asylum seekers get a D-number from Helfo [Norwegian Health Economics Administration, the Health Directorate]. And that also gives health rights. But then we had a situation with a woman who had had the six-month reflection period and then she got a letter from the Tax Office that she was de-registered because she didn't have a residence permit. So I call them and make a fuss and I say that OK, now that she's an asylum seeker, she needs to be registered with Helfo. But then Helfo says that she can't have a D-number and health rights even though she's an asylum seeker, because she used to have a national ID number. So then she's back to square one. So I call this National Registry officer, and apparently they go a bit back and forth, but he fixes it, because he is one of the good ones, if you know what I mean. But then later we had another case with a woman who had a one-year reflection period, and she also got this letter that she would be de-registered. So I call the [same] officer again, because it was so easy in the first case. But then he tells me that he had made a mistake in the first case. The rule is – yes, I know, this is completely... [*laughing*] - that if you have had a six-month residence, it's too short to be able to keep the national ID number, but if it's one year, then you can keep it. And if you have previously had a national ID number, you can't be given a D-number, which asylum seekers usually get.

This demonstrates that the provisions set in place for victims of trafficking do not mesh with existing legislation and systems in practical and concrete terms. It also shows how the special measure position of victims of trafficking can lead to a status that is poorly compatible with the general, universal system. The key issue in the account above is that if the person has been registered with an ID number for more than six months, they can keep it, and consequently keep their rights. This will be the case for persons who have been granted the initial six-month reflection period, *and* the one year extension grounded in a police investigation of their case. If, however, there is no police investigation, they cannot apply for a new residence permit, and typically apply for asylum following the initial six-month period. If this is the case, they have not had legal residence for long enough to keep the ID number, but can also not be registered with a D-number, and thus end up with no registration. Consequently, they lose their rights to a general practitioner. In all its absurdity, it can have serious personal consequences. One social worker spoke of such an instance:

There was this one woman I worked with, who has been through the reflection [period]. When that expired, she applied for asylum. She lost her ID number and lost her general practitioner, lost her apartment. [...] It was a very special situation, she was a mother with psychiatric illness.[...] She was very depressed and unstable. Lots of anxiety and worries.

In this case, the social worker's assessment was that the woman had not received the necessary medical treatment, and further, that her health situation had been worsened as she at the same time lost her municipally funded apartment as part of the same change in her administrative status (going from a reflection period under municipal responsibility to being an asylum seeker and a state responsibility).

It has also been problematic to obtain a national ID number for persons granted a reflection period for other reasons. Registration also depends on the person being able to document their correct identity. Said one social worker:

Some of the African women have also gotten an ID number, [but they didn't] have the right to it, because they [didn't] have passports. Some of them have gotten it at the National Registry anyway. They have registered with papers from KOM that confirm who they are, and some officers have given them ID numbers. This is really random and depends on who the officers are.

This introduces an element of arbitrariness into a system that is ostensibly predictable and rule bound. Also central is the observation that different groups of trafficking victims are affected differently. While they may seemingly be granted the same rights on paper, their actual access depends not least on whether they have passports. And this systematically differs between groups, with people being less likely to have a valid passport if they come from countries where regular migration to Norway is more difficult.

Institutionally, and in sum, the accounts in this section of what can be barriers to accessing rights involve no less than the National Registry, the Police Directorate and individual police offices, the Immigration Directorate, the Health Directorate and Health Administration, and the Tax Directorate, Tax Administration and Tax Offices. Several laws and provisions also apply: the National Registry Act, the Immigration Act and Regulations and the Health and Care Services Act. Systems sometimes clash, as in cases where EEA citizens are granted a reflection period, but are not issued a residence card, or when people go from having a reflection period to seeking asylum. Then there are the two stages of the reflection period, with different implications (six months or one or more one-year extensions), and the so-called 'witness instruction'. The only thing that seems fairly clear from these accounts is that the reflection period does not necessarily provide trafficking victims with straightforward access to medical or other assistance.

### **The tale of the travelling passport machine – transnational complications**

While the previous section shows an institutional tangle that arises in Norway, it does not stop there. As all identified trafficking cases in Norway have been transnational, it means that systems, practice and legislation in other countries also come into play. There is one particular piece of machinery that in some ways perfectly exemplifies a number of issues with assistance to victims, and not least, the unpredictability in what rules victims' lives: An ambulant passport machine.

For several years the Nigerian Embassy that covers Norway, located in neighbouring Sweden (in Stockholm), did not have a permanent passport machine at their office, but shared one that was sent between Embassies and Consulates in Europe.<sup>4</sup> And as described above, it is often a problem that victims, and particularly Nigerian

victims, either have no passport, a false passport or a passport with partially incorrect information. Without the passport, they are unable to document their identity, which means that they cannot register for a national ID number, which again means that they will not have full access to assistance. Having a passport issued is therefore of great practical concern for this group.

Typically, my questions to social workers about the current state of affairs with respect to these passports were met with an element of exasperation. One central issue was the lack of a predictable schedule for when the passport machine would be at the Embassy:

We made contact and asked the Embassy to kindly let us know in advance when they expect the machine, but then suddenly they say that it'll be here in two days. And then you have the process in advance where the women need to apply to the Immigration Directorate before leaving Norway to be allowed re-entry to the country, and they need to apply the Social Office for funds to cover the travel. So two days in advance is no good, but we have no authority.

So the combination of the legal requirements and bureaucratic procedures in Norway, with the unpredictability of the passport machine's physical presence in Sweden, was not a good match. Connected with the passport problem is also the documentation necessary to have the passport issued. I asked one social worker how, exactly, they worked with 'passport cases' if the person had no documentation:

Sometimes you're very lucky and they've been born in a hospital, and then maybe you can get some documentation. But if they weren't, then... If they have family, it has happened that the Nigerian Embassy will accept that someone vouches for their identity, but not everybody has family. So then you'll need to apply to the Immigration Directorate for an exemption from the requirement to document identity. But it's still very hard to live in Norway without it. Employers won't pay you in cash, and you know, simple things like picking up a package from the post office...

Aside from the decided complications that arise, even if only from trying to live in a society like Norway without a bank account, a paradoxical situation arises for those who have applied for protection (asylum), but are unable to document their identity. Even though their need for protection may be deemed credible, their residence permits will be limited and temporary until their identity can be documented (Sønsterudbråten, 2012). This means that they will not be settled in a municipality, offered Norwegian language classes or able to apply for family reunification. A

subgroup of victims therefore end up in in a double bind: Victims who have been granted residence in Norway with credible claims of being in danger from their traffickers in Nigeria, but who lack documentation of their identity, may not be settled in Norway until they have travelled to Nigeria to collect documentation of their identity. Which they cannot do because it could place them in danger. Which is why the temporary residence permit was granted in the first place.

## **Discussion: The simultaneous dominance and absence of ruling**

One central and consistent theme in the previous section is the extent to which social workers refer to legal complications and inconsistencies that affect their everyday work with victims. The navigation of clashing legislation and systems is a time consuming part of their daily work. Several social workers expressed frustration that they had to spend so much time in trying to access rights that victims were entitled to on paper, and particularly so when this meant a delay, e.g. in accessing a general practitioner. Furthermore, while victims of trafficking have internationally anchored rights, the actual outcome is decided locally. This can hardly be stated more clearly than in this observation from a social worker:

In the Council of Europe Convention article 12 it says very clearly what Norway needs to offer: psychological, physical and restitution, and there's no end to it. But at the same time, it's hopeless to run around to the local doctors' offices with the Council of Europe Convention and say, 'Look here..!'

This social worker has a very clear view of obligations in Norway having originated from a European level, but she also observes the distance between the levels of international policy and daily practice. While the Council of Europe specifies what type of assistance an individual identified as a possible victim in Norway should receive, it has no actual bearing on the daily work and practice of a local doctor's office.

When setting out to examine the ruling relations in assistance to trafficked persons in Norway, what is striking at first is just *how much* ruling there is, as described in the slightly overwhelming numbers of institutions and legislations that comprise the path to medical and other assistance, and shape and coordinate the daily activities of social workers in this field.

On closer examination, there is also a palpable *lack* of ruling, in the sense of coordination. The Immigration Regulations refer to the health and assistance obligations Norway has committed to through the CoE Trafficking Convention, but these obligations are not *part* of the immigration legislation, which regulates residence status only. Based on residence status, The National Registration Act regulates who can register in which ways, depending also on the ability to document

one's identity. Based on residence and registration status, the health legislation determines who has the right to what types of health care, and so on and so on. One social worker quite perfectly summarized the simultaneous presence and absence of ruling in this field:

If you read the Action Plan [against human trafficking], you see that all the Ministries are in, and then [the Ministry of] Justice, I think, has the main responsibility. But it's all just hot air, isn't it, because there's nothing in it. It says that 'It's like this' and 'It's like that.' But when push comes to shove, it's not in place when it comes to the lowest level. It hasn't come that far. And maybe it's too early, it's been, what... eight years? [Laughing]

### **Slow and rickety bridges between the mountaintops**

In one sense, one might see the different institutional complexes involved in assistance to trafficked persons as fairly monolithic entities, with clear and delimited fields of responsibility: health, immigration, criminal justice, registration, etc. From each of these institutional vantage points, rules and practice may be clear and unambiguous. The problems for assistance to victims of trafficking arise in the gaps between these monoliths, when their administrative status in one is incompatible with that in another. Or they may fail to acquire the proper status in one, meaning that they will not gain access to another. With the foundation for their rights being a special measure, their status and trajectories in the system differ from the norm of the general population, for which this institutional framework is primarily designed.

The way this is being addressed, albeit often slowly and only after a problem has been known for years, is to build virtual 'bridges' between the institutional 'mountaintops'. These bridges consist of amendments, special provisions, new regulations, circulars, guidelines and so forth. One example of such a bridge was given early in this article, in the problems with victims having the right to assistance under the CoE Trafficking Convention, also before their residence status was legalized. This clashed with the Norwegian Law on Social Services, which excluded persons without legal residence from individual assistance. The 'bridge' that was built was the updated regulation to the Law on Social Services (Forskrift om sosiale tjenester, bopelsløse, 2012), which specified that those who are waiting for a decision on a reflection period application are exempt from the rule that rights to individual

assistance is limited to people with legal residence in Norway. However, this particular bridge was only constructed six years after the problem was first identified.

So these bridges may be slow in construction, but they may also be somewhat rickety. They are not always easy to find, or may be unknown, as in the example where a police officer would not issue a residence card to an EEA citizen who was granted a reflection period, and who consequently was unable to access a regular general practitioner.<sup>5</sup> But the police officer was right in that EEA citizens are normally *not* issued with a residence card – and the general information on the Immigration Directorate's web pages will also tell you as much: 'Everyone who holds a residence permit in Norway and who is not an EU/EEA national must have such a card.' (Utlendingsdirektoratet, n.d.). The Immigration Directorate's Circular on residence cards also specifies that the card is issued to persons who are *not* citizens of an EU or EEA country (Utlendingsdirektoratet, 2012). In this case, the bridge presupposes the knowledge *both* that the reflection period can be granted to EEA citizens, *and* that it supersedes the other provision on who can be issued a residence card.

And there are still chasms between systems where the construction of bridges has not begun, such as in the incompatibility of the registration systems for asylum seekers and persons who already have had legal residence for six months (i.e. you cannot have a D-number if you previously had an ID number, but you cannot keep the ID number if you have not had it for more than six months).

**'The problem is that trafficking victims don't exist.'**

One fundamental issue is the very existence of 'trafficking victims'. I mean this not in a political or ideological sense, although the human trafficking term is certainly a highly contested one, and where the useful- or harmfulness of the human trafficking discourse continues to be hotly debated. The 'existence' of trafficking victims that I am referring to is rather a question of administration, and came to mind after discussing my work a while ago with a new colleague, who had previously worked for several years in the Norwegian Labour and Welfare Directorate. I talked about some of the complications that can arise in assistance to victims. 'I suppose the problem is that victims of trafficking don't exist', he said. By this, he meant they do not exist as

an administrative category. And as I am writing this article, his casual observation seems particularly pertinent.

As I touched upon in the beginning of this article, human trafficking and its victims is a topic that often fosters strong, emotional responses, language and dramatic pop-cultural representation, and it exists in many people's minds as one of society's absolute evils. At an international policy level, in action plans, political discussion, and not least in criminal law, human trafficking most certainly exists as an operational category, subject to legislation and interventions.

However, in operational assistance work to individuals, people start out holding special measures and internationally anchored rights as victims of trafficking, but are then assigned Norwegian administrative statuses which, together with their other pre-existing statuses (e.g. minor/adult, passport holder, etc.) become the basis for what will further be available to them. They cease, in a sense, to be 'victims of trafficking', which in this context serves only as an inroad to the assignation of administrative statuses relevant to welfare provision.

Consider, for instance, this excerpt from a consultation response from the Immigration Directorate to the Ministry of Labour in 2011 on a memo regarding the change intended to secure individual social assistance to victims, also before the reflection period had been granted (one of the 'bridges' described above):

The category 'victim of trafficking' and certain other special permits are described in the memo pt. 2.2. We would like to point out that 'victim of trafficking' is not an established designation for a certain type of permit. The Immigration Act § 38 uses the term 'reflection period' for this type of permit. We therefore recommend that the Regulation to the Law on Social Services uses the same term. (Utlendingsdirektoratet, 4 November 2011)

So it is not the 'victim of trafficking' that the Ministry of Labour memo refers to, who will have the right to individual social assistance, but the 'applicant to a reflection period'.

Similarly, I mentioned earlier in this article that persons who have been granted a reflection period are given a Police Directorate leaflet, where they are informed of

their entitlement to participate in the regular general practitioner scheme. Strictly speaking, this information is not entirely precise, as observed by a social worker:

It's been said that the women have the right to a general practitioner, but that is connected with membership in the National Insurance Scheme [i.e. registered with an ID or D number], and then you need a passport. The Eastern European ones have passports, they get the ID number and are automatically members of the National Insurance Scheme when they register.

In this case, it is actually not the 'holder of a reflection period' (and most certainly not the 'victim of trafficking') who is entitled to a regular practitioner, but the 'member of the National Insurance Scheme'. And as I have already discussed at length, it is not necessarily the 'holder of a reflection period' who can become a member, but a 'holder of a reflection period' who is simultaneously a 'holder of a passport' (and previously also the 'holder of a physical address'). My point is that what may seem as a cohesive set of rights for a defined group ('trafficking victims') is in fact fragmented and hangs on a number of contingencies. In practice, access is highly unequal.

## **Conclusion**

I set out in the beginning of this article to say that in this context, human trafficking is a rather bureaucratic and institutionally complicated tale, which is an aspect of the lives of trafficking victims less discussed in the literature. It is also a story of fairly massive ruling, in the sense that a rather staggering number of laws, regulations and official bodies are involved in the process of providing victims of trafficking with medical care and access to social assistance. Furthermore, as I discussed in the previous section, when special measures for this group were introduced to the universal welfare system, it created gaps and inconsistencies that again lead to a sometimes very 'messy' path to assistance.

The fact that it is messy does not mean that it does not always work. But it works very differently for different people. And it appears to work the best for those who fit well with the modern Norwegian bureaucracy, in terms of being able to document their identity and stay within one administrative status, and worst for those who do not. And this, again, brings forth a bit of a paradox. Not least is this paradox tied to identity documents, as being robbed of a passport or migrating illegally may precisely

be a part of being trafficked (see e.g. Brunovskis & Tyldum, 2004). This implies a system for victim assistance that is the least accessible for some of the least privileged members of the group it is intended for.

This 'messiness' becomes visible through an examination of the daily work and activities of social workers. If looking only at the legal and formal framework, everything may seem to be in order. Rules and regulations are in place, responsibilities and positions are clear. And from the victims' standpoint, this may actually in many cases also look a lot less messy, because the social workers and others try to protect them from the consequences to the extent that they can (Brunovskis et al., 2010).

Returning to one of my starting points, much policy in the human trafficking field rests on international obligations and legislation, meaning that it is implemented in vastly different contexts. In the Norwegian case, it is implemented in a very comprehensive welfare state. By implication, this policy will have different effects and manifestations than in countries where social work does not exist as a profession or where state welfare is marginal or non-existent. Or indeed in contexts where assistance for victims is organized as discrete systems, employing doctors, psychologists or other professional groups to work exclusively with victims within assistance providing institutions. It is precisely the extensiveness of the welfare state that can create so many complications in providing welfare to a small group with special rights that does not quite fit with the system. At the same time, in many ways it makes perfect sense; precisely because the welfare state is so extensive, it is difficult to just add another layer on top, without substantial ripple effects.

## End notes

1. The National Registry contains information about everyone who is- or has been a resident in Norway (e.g. birth date, address, marital status, citizenship, name changes, etc.), which forms the basis for the tax register, electoral register and population statistics (Skatteetaten, n.d.a.).
2. Official information from the Tax Administration still states that for stays for *more than* six months, one registers with an ID number, while for stays less than six months one registers with a D number, and nothing about what to do if the stay is exactly six months (Skatteetaten, n.d.b.).
3. At the time the interview refers to, the Unit regularly held meetings with various stakeholders (social workers, governmental directorates, other institutions involved in anti-trafficking work), often addressing specific problems or issues.
4. At the time of my interviews for this research, the Nigerian Embassy in Stockholm had very recently been issued with a permanent passport machine, so my informants were cautiously optimistic for an improvement in some of the problems described in this section.
5. As may be remembered, the inclusion of EU/EEA citizens in the reflection period was also a “bridge” that had been ‘built’ two years after the initial expansion of the reflection period, after helping professions identified a gap in their ability to assist EU/EEA citizens who were possible victims.

## References

- Bjerkan, L. (Ed.) (2005). *A Life of One's Own: Rehabilitation of victims of trafficking for sexual exploitation*. Fafo Report 477. Oslo: Fafo.
- Brunovskis, A. (2012). *Balancing Protection and Prosecution in Anti-trafficking Policies: A Comparative Analysis of Reflection Periods and Related Temporary Residence Permits for Victims of Trafficking in the Nordic Countries, Belgium and Italy*. Copenhagen: Nordic Council of Ministers.
- Brunovskis, A., & Surtees, R. (2007). *Leaving the past behind: When victims of trafficking decline assistance*. Fafo Report 2007:40. Oslo: Fafo.
- Brunovskis, A., & Surtees, R. (2013). Coming home: Challenges in family reintegration for trafficked women. *Qualitative Social Work*, 12(4), 454-472.
- Brunovskis, A., Tveit, M., & Skilbrei, M-L. (2010). *Pusterom eller ny start? Evaluering av refleksjonsperioden for ofre for menneskehandel*. Fafo Report 2010:45. Oslo: Fafo.
- Brunovskis, A., & Tyldum, G. (2004). *Crossing borders: An empirical study of transnational prostitution and trafficking in human being*. Fafo Report 426. Oslo: Fafo.
- Campbell, M. L. (1998). Institutional ethnography and experience as data. *Qualitative Sociology*, 21(1), 55-73.
- Council of Europe (2005). *Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report*, Council of Europe Treaty Series, No. 197, 16.V.2005. Retrieved from: [https://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197\\_en.asp](https://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197_en.asp)
- Derks, A. (1998). *Reintegration of victims of trafficking in Cambodia*. Geneva: IOM.
- DeVault, M. L., & McCoy, L. (2006). Institutional Ethnography: Using interviews to Investigate Ruling Relations. In D. E. Smith (Ed.), *Institutional ethnography as practice*. Oxford: Rowman & Littlefield Publishers.
- Doezema, J. (2000). Loose women or lost women? The re-emergence of the myth of white slavery in contemporary discourses of trafficking in women. *Gender Issues*, 18(1), 23-50.
- EU Council (2004). *EU Council Directive 2004/81/EC of 29 April 2004: On the residence permit issued to third-country nationals who are victims of*

*trafficking in human beings or who have been the subjects of an action to facilitate illegal immigration, who cooperate with the competent authorities.*

Retrieved from: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32004L0081>.

- Farrell, A. (2014). Environmental and Institutional Influences on Police Agency Responses to Human Trafficking. *Police Quarterly*, 17(1), 3-29.
- Folkeregisterloven. (1970). *Lov om folkeregistrering (folkeregisterloven)*. Retrieved from <https://lovdata.no/dokument/NL/lov/1970-01-16-1>
- Forskrift om sosiale tjenester, bopelsløse.(2012). *Forskrift om sosiale tjenester for personer uten fast bopel i Norge*. Retrieved from: <https://lovdata.no/dokument/SF/forskrift/2011-12-16-1251>
- Forskrift til sosialtjenesteloven. (1992). *Forskrift til lov om sosiale tjenester m.v.* Retrieved from: <https://lovdata.no/dokument/SF/forskrift/1992-12-04-915>
- Friesendorf, C. (2007). Pathologies of security governance: Efforts against human trafficking in Europe. *Security Dialogue*, 38(3), 379-402.
- Gajic-Veljanoski, O., & Stewart, D. E. (2007). Women Trafficked Into Prostitution: Determinants, Human Rights and Health Needs. *Transcultural Psychiatry* 44(3), 338-358.
- Gallagher, A. (2001). Human rights and the new UN protocols on trafficking and migrant smuggling: A preliminary analysis. *Human Rights Quarterly*, 23(4), 975-1004.
- Gallagher, A. (2006). Recent Legal Developments in the Field of Human Trafficking: A Critical Review of the 2005 European Convention and Related Instruments. *European Journal of Migration and Law*, 8(2), 163-189.
- Griffith, A. I., & Smith, D. (2014). Introduction. In A. I. Griffith. & D. Smith (Eds.), *Under New Public Management. Institutional Ethnographies of Changing Front-Line Work*. Toronto: University of Toronto Press
- Hodge, D. R., & Lietz, C. A. (2007). The International Sexual Trafficking of Women and Children: A Review of the Literature. *Affilia*, 22(2), 163-174.
- Justis- og politidepartementet (2010). *GI-31/2010 Instruks om oppholdstillatelse til vitner i sak om menneskehandel mv.* Retrieved from: <https://www.regjeringen.no/no/dokumenter/gi-312010-instruks-om-oppholdstillatelse/id627772/>

- Kato, Y. (2007). *Reintegration of Thai female returnees from Japan and their children in Thailand*. Paper presented at the International Development Studies Conference on Mainstreaming Human Security: The Asian Contribution, Bangkok, October 4-5, 2007. Available at: [humansecurityconf.polsci.chula.ac.th/Documents/Presentations/Yuko.doc](http://humansecurityconf.polsci.chula.ac.th/Documents/Presentations/Yuko.doc)
- Kempadoo, K. (2007). The war on human trafficking in the Caribbean. *Race & Class*, 49(2), 79-85.
- Kommunal- og regionaldepartementet. (2004). *2004-03-08-KRD Instruks – refleksjonsperiode til offer for menneskehandel*. Retrieved from: <https://www.udiregverk.no/en/archive/circulars-and-instructions-from-the-ministries/2004-03-08-KRD/>
- Kootstra, T., & Commandeur, X. (2004) *“If our skirt is torn”...: Safe Return and Social Inclusion of Victims of Traffic in Human Beings, An Inventory of Neglected Areas in Ten European and Asian Countries*. The Netherlands: ICCO.
- Lisborg, A. (2009). *Re-thinking reintegration: What do returning victims really want and need? Evidence from Thailand and the Philippines*. GMS-07 SIREN report, Bangkok, Thailand: UNIAP.
- Lisborg, A., & Plambech, S. (2009). *Going back, moving on. A synthesis report of the trends and experiences of returned trafficking victims in Thailand and the Philippines*. Bangkok: International Labor Organization.
- Police Directorate (2015). *Rapport fra koordineringsenheten for ofre for menneskehandel – 2014*.
- Politidirektoratet (n.d.). *You have been granted a reflection period*. Retrieved from [https://www.politi.no/vedlegg/rapport/Vedlegg\\_398.pdf](https://www.politi.no/vedlegg/rapport/Vedlegg_398.pdf)
- Sinding, C. (2010). Using Institutional Ethnography to Understand the Production of Health Care Disparities. *Qualitative Health Research*, 20(12), 1656-1663.
- Skatteetaten. (n.d.a) *This is the National Registry*. Retrieved 11 Jan 2016 from: <http://www.skatteetaten.no/en/Person/National-Registry/This-is-the-National-Registry/>
- Skatteetaten. (n.d.b.) *Norsk identitetsnummer*. Retrieved 7 Oct 2015 from <https://www.skatteetaten.no/no/taxnorway/Felles-innhold-benytted-i-flere-malgrupper/Artikler/Norsk-identitetsnummer/>
- Smith, D. E. (1987). *The everyday world as problematic: A feminist sociology*. Toronto: University of Toronto Press.

- Smith, D. E. (2005). *Institutional Ethnography: A Sociology for People*: Lanham: AltaMira Press.
- Smith, D. E. (Ed.) (2006a). *Institutional ethnography as practice*. Oxford: Rowman & Littlefield Publishers.
- Smith, D. E. (2006b). Introduction. In D. E. Smith (Ed.), *Institutional ethnography as practice*. Oxford: Rowman & Littlefield Publishers.
- Sosialtjenesteloven. (1991). *Lov om sosiale tjenester m.v. (sosialtjenesteloven)*. Available at: <https://lovdata.no/tjenester/pro/>
- Sosialtjenesteloven. (2010). *Lov om sosiale tjenester i arbeids- og velferdsforvaltningen (sosialtjenesteloven)*. Retrieved from: <https://lovdata.no/dokument/NL/lov/2009-12-18-131>
- Sullivan, B. (2003). Trafficking in women. *International Feminist Journal of Politics*, 5(1), 67-91.
- Sønsterudbråten, S. (2012). *Lovlig med forbehold. Bruk av oppholdstillatelser med begrensninger for å øke andelen asylsøkere som dokumenterer sin identitet*. Fafo report 2012:38, Oslo: Fafo.
- Truong, T.-D. (2006). *Poverty, gender and human trafficking in sub-Saharan Africa: Rethinking best practices in migration management* Paris: UNESCO.
- United Nations (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*. Retrieved from: <https://www.unodc.org/unodc/treaties/CTOC/#Fulltext>
- Utlendingsdirektoratet, (4 November 2011). *Utlendingsdirektoratets høringssvar til forskrift til lov om sosiale tjenester i arbeids- og velferdsforvaltningen*. Retrieved from: <https://www.regjeringen.no/contentassets/691b1421ea8e4c4b923346f82491c3f2/udi.pdf>
- Utlendingsdirektoratet. (2012.) *RS 2012-011 Schengen-standardisert oppholdskort med elektronisk lagret biometri*. Retrieved from: <https://www.udiregelverk.no/en/documents/udi-circulars/rs-2012-011/>
- Utlendingsdirektoratet. (2013). *RS 2013-014 Oppholdsstillatelse for utlendinger som antas å være utsatt for menneskehandel (refleksjonsperiode mv.)*. Retrieved from: <http://www.udiregelverk.no/no/rettskilder/udi-rundskriv/rs-2013-014/>

- Utlendingsdirektoratet. (n.d.). *Residence cards*. Retrieved 9 Oct 2015 from <https://www.udi.no/en/word-definitions/-residence-cards/>
- Utlendingsforskriften (2010). *Forskrift om utlendingers adgang til riket og deres opphold her (utlendingsforskriften)*. Retrieved from: <http://www.udiregelverk.no/no/rettskilder/sentrale/utlendingsforskriften/kap8/>
- Van Hook, M. P., Gjermeni, E., & Haxhiymeri, E. (2006). Sexual trafficking of women. Tragic proportions and attempted solutions in Albania. *International Social Work*, 49(1), 29-40.
- Weitzer, R. (2007). The Social Construction of Sex Trafficking: Ideology and Institutionalization of a Moral Crusade. *Politics and Society*, 35(3), 447-475.
- Wan Ismail, W. N. I., Raja Ariffin, R. N., & Kee Cheok, C. (2014). Human Trafficking in Malaysia: Bureaucratic Challenges in Policy Implementation. *Administration & Society*. doi: 10.1177/0095399714532271
- Weitzer, R. (2014). New Directions in Research on Human Trafficking. *Annals of the American Academy of Political and Social Science*, 653(1), 6-24.
- Widerberg, K. (2008). Dorothy E. Smith. In Stones (Ed.), *Key Sociological Thinkers*. London: Palgrave.
- Widerberg, K. (1999). Køn og samfund. In H. Andersen & L. B. Kaspersen (Eds.), *Klassisk og moderne samfundsteori*. Copenhagen: Hans Reitzels Forlag.
- Zhang, S. X. (2009). Beyond the 'Natasha' story – a review and critique of current research on sex trafficking. *Global Crime*, 10(3), 178-195.
- Zimmerman, C. (2003). *The health risks and consequences of trafficking in women and adolescents. Findings from a European study*. London: London School of Hygiene and Tropical Medicine.
- Zimmerman, C. (2006). *Stolen smiles: A summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe*. London: London School of Hygiene and Tropical Medicine.







# Two Birds with One Stone? Implications of conditional assistance in victim protection and prosecution of traffickers

*Anette Brunovskis and May-Len Skilbrei*

## Abstract

Protection of victims and prosecution of traffickers are established as core principles in international and national anti-trafficking policies. In this article, we discuss the dilemmas of linking protection of victims (a term that includes social protection) to their cooperation with authorities, using Norway as a case. Our analysis of the Norwegian case is based on interviews with victims of trafficking, social workers, police and prosecutors, and examination of court decisions on cases of trafficking. The linking of protection and prosecution is anchored in international conventions and directives. While this is often framed as a mutual advantage for both protection and prosecution, in reality both goals may suffer. We discuss how the goal of prosecution affects assistance available to different groups of victims. It creates unequal access to assistance and different preconditions for well-being and predictability, depending on how useful their information about traffickers is perceived to be, and police capacity to investigate. We then move on to discuss how the incentive of protection for cooperation is interpreted and dealt with in the justice system. Victims who receive assistance and have a chance of getting permanent residence permits in exchange for their testimonies are considered to be less reliable and credible witnesses. This also brings into question how victims of trafficking are understood and constituted as witnesses. We discuss these issues in light of a broader literature on gender, law and victimhood.

**Keywords:** human trafficking, prosecution, Norway, assistance, conditionality

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## ¿Dos pájaros de un tiro? Consecuencias de la asistencia condicionada en la protección de las víctimas y en el procesamiento de los tratantes.

*Anette Brunovskis y May-Len Skilbrei*

## Resumen

La protección de las víctimas y la persecución de los tratantes son principios fundamentales en las políticas internacionales y nacionales. En este artículo se discute la disyuntiva de vincular la protección de las víctimas (término que incluye la protección social) a su cooperación con las autoridades, utilizando el caso noruego como ejemplo. Nuestro análisis del caso noruego está basado en entrevistas con víctimas de trata, trabajadoras y trabajadores sociales, la policía y la fiscalía y el análisis de las decisiones de la corte en casos de trata. La vinculación de la protección y el enjuiciamiento está basada en los convenios y directivas internacionales. A pesar de que esta vinculación a menudo se enmarca como una ventaja mutua tanto para la protección como para el procesamiento, en realidad ambos objetivos pueden sufrir. El artículo habla de cómo el objetivo de enjuiciamiento repercute en la diferente asistencia disponible para según qué grupo de víctimas. Esto crea un acceso desigual a la asistencia y requisitos diferentes para el bienestar y previsibilidad, dependiendo de cómo de útil se considere la información que las víctimas tienen sobre los tratantes y la capacidad que tenga la policía para investigar. Continuamos hablando sobre cómo se interpreta el incentivo de protección a cambio de cooperación y cómo éste se aborda dentro del sistema judicial. Las víctimas que reciben asistencia y tienen la oportunidad de conseguir un permiso de residencia permanente a cambio de sus testimonios, son consideradas testigos menos fiables y menos creíbles, lo que cuestiona cómo se entiende y se constituye a las víctimas de trata como testigos.

Todos estos temas se tratan a la luz de una amplia documentación en género, legislación y victimización.

**Palabras clave:** trata de personas, procesamiento, Noruega, asistencia y condicionalidad.

## Introduction

With growing attention to human trafficking over the past decades, there was also a realisation that protection of victims was difficult within existing policy frameworks. Victims of trafficking sometimes lacked legal residence, or violated laws while trafficked, and were sometimes deported/returned or prosecuted themselves, with or without being identified as victims. Victims' lack of rights was also a barrier for prosecuting traffickers, as investigations were hampered by victims disappearing.

The introduction in European policy of the 'reflection period' (that is, temporary residence status for possible victims of trafficking) aimed to secure both protection and prosecution, and explicitly linked the two. A 2004 European Union (EU) Directive<sup>1</sup> specified that residence permits were for victims of trafficking who cooperate with the authorities. The Council of Europe (CoE) human trafficking convention obliges States Parties to provide a reflection period of at least 30 days, with one aim being that they 'take an informed decision on cooperating with the competent authorities'.<sup>2</sup>

In this article, we discuss how the two goals of protection and prosecution are balanced in current anti-trafficking efforts in Norway, and point to dilemmas that the linking of these aspects creates. We use the term 'protection' broadly to include victims' access to social, legal and medical assistance, in contrast to a more narrow understanding of protection from retribution or intimidation from traffickers. This is based in an understanding that protection from harm also includes addressing physical and mental health, as well as socio-economic vulnerabilities likely to leave a victim at risk of harm in the form of continued exploitation and/or re-trafficking. We discuss specific challenges for victims and for the criminal justice system, which we believe are representative of the situation in several countries with policy models that in different ways link protection to cooperation with authorities. Such is the case for many States Parties to the CoE human trafficking convention, depending on national policy implementation.<sup>3</sup> We explore two main issues: 1) How does the focus on prosecution influence the protection of victims? 2) How is the provision of residence permits/protection following cooperation understood in the prosecution system? We discuss these issues in light of a broader literature on gender, law and victimhood. Our analysis focusses on female adult victims of trafficking for sexual exploitation. While there is an increased focus on trafficking for other purposes, historically the Norwegian anti-trafficking response has been directed at this group, and policies were initially developed primarily in response to concerns over changes in the prostitution arena. Further, most prosecutions in Norway have also involved this particular category of victims.

We have in the last decade undertaken a series of studies on anti-trafficking policies with regard to both legal interventions<sup>4</sup> and assistance.<sup>5</sup> This article particularly builds on three research projects: an evaluation of the reflection period in Norway,<sup>6</sup> a comparative study of the reflection period in seven European countries<sup>7</sup> and the ongoing project Health Services and Needs in Prostitution. Through these projects we have explored the relationship between prosecution and protection from different vantage points. Findings from these previous studies are integrated in our analysis in this article, supplemented by qualitative interviews with victims of trafficking (n=12), social workers/assistance providers (n=32) and representatives from the police and prosecution (n=10), as well as analysis of written court decisions and policy documents.

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<sup>1</sup> European Union, *EU Council Directive 2004/81/EC of 29 April 2004: On the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities*, 2005.

<sup>2</sup> Council of Europe, *Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report*, Council of Europe Treaty Series, No. 197, 16.V.2005.

<sup>3</sup> See for instance A Brunovskis, *Balancing Protection and Prosecution in Anti-Trafficking Policies: A comparative analysis of reflection periods and related temporary residence permits for victims of Trafficking in the Nordic countries, Belgium and Italy*, Nordic Council of Ministers, Copenhagen, 2012.

<sup>4</sup> See for instance M L Skilbrei, 'Taking Trafficking to Court', *Women & Criminal Justice*, vol. 20, 2010, pp. 40–56; M L Skilbrei and M Tveit, 'Defining Trafficking through Empirical Work: Blurred boundaries and their consequence', *Gender, Technology and Development*, 12(1), 2008, pp. 9–30.

<sup>5</sup> See for instance A Brunovskis and R Surtees, *Leaving the Past Behind: When victims of trafficking decline assistance*, Fafo, Oslo, 2007; A Brunovskis and R Surtees, 'Coming Home: Challenges in family reintegration for trafficked women', *Qualitative Social Work*, doi: 1473325011435257; A Brunovskis and R Surtees, *A Fuller Picture: Addressing trafficking related assistance needs and socio-economic vulnerabilities*, Fafo, Oslo, 2012.

<sup>6</sup> A Brunovskis, M Tveit and M L Skilbrei, *Pusterom eller Ny Start? Evalnering av refleksjonsperioden for ofre for menneskehandel*. Fafo Report 2010:45, Fafo, Oslo, 2010.

<sup>7</sup> Brunovskis, 2012.

## Human Trafficking, Protection and Prosecution in the Norwegian Context

The Norwegian legal framework that regulates the relationship between protection and prosecution was developed in accordance with the aforementioned EU Directive and CoE Convention.<sup>8</sup> First introduced as a 45-day delayed return in 2004, the reflection period was in 2006 expanded to a six-month temporary work and residence permit, with a low threshold. Should the police initiate an investigation, the residence permit can be renewed in one-year increments. In 2008 a third step was added, the so-called ‘witness instruction’: victims who testify as an injured party in a trafficking case are to be granted permanent residence in Norway.<sup>9</sup>

The intention behind the reflection period is specified in a Norwegian Directorate for Immigration Circular<sup>10</sup> and government action plans against trafficking.<sup>11</sup> Victims should be given the opportunity to break with traffickers, and further, given time to take an informed decision about cooperating with the police. The main goals are to provide victims with health services and social assistance, and to facilitate prosecution of traffickers.

Data on identified possible cases are published annually by the Norwegian Police Directorate, based on reporting from governmental and non-governmental organisations. Since 2007, between 200 and 350 persons each year have been classified as possible victims, and all cases involved international migration. Since 2008, between 45 and 50 persons each year have applied for a reflection period. Around one-third of these applications have been rejected.<sup>12</sup> Around 30 cases of trafficking have been taken to court in Norway since the introduction of the Trafficking Act in 2003, most of which involved sexual exploitation and female victims.

## Protection and Prosecution in Human Trafficking Literature

A central paradigm in international anti-trafficking policy is the so-called ‘three P’s’,<sup>13</sup> of prevention, protection and prosecution<sup>14</sup>—generally reflecting the various categories of commitment/obligation assumed by States under international and national law. While the relationship between the P’s is often not problematized, prosecution has been given a prominent formal role. For instance, in the Trafficking Protocol—the only global instrument in anti-trafficking policy<sup>15</sup>—provisions relating to prosecution are mandatory for States Parties, while they are only encouraged to fulfil provisions on protection.<sup>16</sup>

Prosecution of traffickers is often framed as a primary measure of success in anti-trafficking policy. While prosecution data lend themselves very poorly to comparisons or mapping of difference and change,<sup>17</sup> referring to numbers of prosecutions as a relative measure of success is a fairly common international exercise (e.g. the US annual Trafficking in Persons reports,<sup>18</sup> or the Global Report on Trafficking in Persons<sup>19</sup>). Also in the Norwegian context there has been considerable attention to differences between cities in terms of numbers of identified cases

<sup>8</sup> While not an EU member, Norway is obliged to implement EU Directives by its membership in the European Economic Area (EEA). Norway is a member state of the Council of Europe.

<sup>9</sup> As of January 2010 the reflection period and the witness instruction are regulated by the Immigration Regulation (“Utlendingsforskriften”) 8-3 and 8-4: and Circular RS 2013-014 (“Oppholdsstillatelse for utlendingersomantas å være utsatt for menneskehandel (refleksjonsperiode mv).”)

<sup>10</sup> Utlendingsdirektoratet, *Oppholdsstillatelse for utlendinger som antas å være utsatt for menneskehandel (refleksjonsperiode mv.)*, RS-2013-014, 2013.

<sup>11</sup> Norwegian Ministry of Justice and the Police (2006), *Stopp menneskehandelen. Regjeringens handlingsplan mot menneskehandel [2006-2009]*, Norwegian Ministry of Justice and the Police (2010), *Sammen mot menneskehandel. Regjeringens handlingsplan mot menneskehandel (2011-2014)*.

<sup>12</sup> Police Directorate, *Rapport fra koordineringsbeten for ofre for menneskehandel–Årene 2007-2008*, 2009; Police Directorate, *Rapport fra koordineringsbeten for ofre for menneskehandel–2009*, 2010; Police Directorate, *Rapport fra koordineringsbeten for ofre for menneskehandel–2010*, 2011; Police Directorate (2012), *Rapport fra koordineringsbeten for ofre for menneskehandel–2011*, 2012; Police Directorate, *Rapport fra koordineringsbeten for ofre for menneskehandel–2012*, 2013; Police Directorate, *Rapport fra koordineringsbeten for ofre for menneskehandel–2013*, 2014.

<sup>13</sup> With a fourth ‘P’, ‘partnership’, suggested in 2009 by US Secretary of State Hillary Clinton (United States Department of State, *The ‘3P’ Paradigm: Prevention, Protection, and Prosecution*. Democracy and Global Affairs, June 2014).

<sup>14</sup> See: J Goodey, ‘Sex Trafficking in Women from Central and East European Countries: Promoting a “victim-centred” and “woman-centred” approach to criminal justice intervention’, *Feminist Review*, vol. 76, 2004, pp. 26–45; V Samarasinghe, ‘Confronting Globalization in Anti-Trafficking Strategies in Asia’, *Brown Journal of World Affairs*, vol. 10, 2003, pp. 91–104.

<sup>15</sup> United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 2000.

<sup>16</sup> A T Gallagher, ‘Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A preliminary analysis’, *Human Rights Quarterly*, vol. 23, 2001, pp. 975–1004; A T Gallagher, ‘Recent Legal Developments in the Field of Human Trafficking: A critical review of the 2005 European Convention and Related Instruments’, *European Journal of Migration and Law*, vol. 8, 2006, pp. 163–189; D F Haynes, ‘Used, Abused, Arrested and Deported: Extending immigration benefits to protect the victims of trafficking and to secure the prosecution of traffickers’, *Human Rights Quarterly*, vol. 26, 2004, pp. 221–272.

<sup>17</sup> Brunovskis, 2012.

<sup>18</sup> US State Department, ‘Tier Placements’, *TIP Report*, US State Department, retrieved 24 June 2015, <http://www.state.gov/j/tip/rls/tiprpt/>

<sup>19</sup> United Nations Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Human Beings*, UNODC, Vienna, 2009.

and prosecutions, something which is debated in terms of differences in priorities and understanding of the gravity of trafficking.<sup>20</sup>

Several authors are critical of the overarching dominance of the criminal justice approach in international anti-trafficking policy and problematize addressing human trafficking as primarily an issue of organised crime or as an issue for migration control.<sup>21</sup> A substantial body of literature further challenges simplistic notions of the circumstances, mind-sets and needs of those defined as victims. This literature points to heterogeneous experiences falling within the definition of human trafficking, not all of which can easily be addressed within a criminal justice framework.<sup>22</sup> This points to the potential for systematically unequal access to protection, if protection is administered through a filter of stereotypes and prosecutable cases.

## 'The Ideal Victim' and Credibility

Much of the literature on the relationship between protection and prosecution in anti-trafficking policy takes as a starting point a (human) rights based perspective for a critique of the linking of the two elements. Perhaps less considered are the particularities involved in the prosecution and adjudication of trafficking cases.<sup>23</sup> One important issue is the consequences of awarding advantages to trafficking victims who agree to cooperate as witnesses, in terms of how this is understood and dealt with in the criminal justice system. It has been pointed out that offering residency conditioned upon testifying can backfire in court and provide opportunity for the defence to draw into doubt the veracity of the testimony,<sup>24</sup> or indeed, even induce exaggeration of information in order to obtain a residence permit.<sup>25</sup> Problems with linking testimonies with high-valued rewards in relation to credibility and due process are not exclusive to the field of trafficking. Gribaldo<sup>26</sup> demonstrates how in domestic violence trials, the female victim who does not make demands is often construed as more credible. Having something to gain for testifying easily weakens the credibility of the victim and threatens corresponding rights. Gender constructions play a part in this. Women who make demands are particularly vulnerable to having their credibility questioned as they are seen to be possibly manipulative. They are expected to live up to an idealised form of victimhood.<sup>27</sup>

There is a broad literature on how victims/witnesses in cases of sexual or sexualised violence face challenges in legal proceedings<sup>28</sup> and how it is necessary for victims to live up to the standard of an 'ideal',<sup>29</sup> 'iconic'<sup>30</sup> or 'culturally approved'<sup>31</sup> victimhood to appear credible in court. Christie describes how in order to be a credible victim, she needs to live up to respectability standards and be seen as someone who has not contributed anything towards her own victimisation.<sup>32</sup> Several researchers have analysed how these perceptions impact on the evaluation of anti-trafficking policies,<sup>33</sup> victims' access to services<sup>34</sup> and also on the identities of the victims themselves.<sup>35</sup> What is particularly relevant here is whether being seen as a credible victim is contingent on cooperation with police and

<sup>20</sup> M L Skilbrei, 2010.

<sup>21</sup> See for instance A D Jordan, 'Human Rights or Wrongs? The struggle for a rights-based response to trafficking in human beings', *Gender & Development*, vol. 10, 2002, pp. 28–37; C Aradau, 'The Perverse Politics of Four-letter Words: Risk and pity in the securitisation of human trafficking', *Millennium-Journal of International Studies*, vol. 33, 2004, pp. 251–277; J Berman and C Friesendorf, 'EU Foreign Policy and the Fight Against Human Trafficking: Coercive governance as crime control', *European Foreign Affairs Review*, vol. 13, 2008 pp. 189–209; C Nieuwenhuys and A Pecoud, 'Human Trafficking, Information Campaigns, and Strategies of Migration Control', *American Behavioral Scientist*, vol. 50, 2007, pp. 1674–1695.

<sup>22</sup> See for instance L M Agustín, *Sex at the Margins: Migration, labour markets and the rescue Industry*, Zed Books: London, 2007; C Hoyle, M Bosworth and M Dempsey, 'Labelling the Victims of Sex Trafficking: Exploring the borderland between rhetoric and reality', *Social & Legal Studies*, vol. 20, 2011, pp. 313–329; K Kempadoo 'The War on Human Trafficking in the Caribbean', *Race & Class*, vol. 49, 2007, pp. 79–85.

<sup>23</sup> A Constantinou, 'Human Trafficking on Trial: Dissecting the adjudication of sex trafficking cases in Cyprus', *Feminist Legal Studies*, vol. 21, 2013, pp. 163–183.

<sup>24</sup> Haynes, 2004.

<sup>25</sup> R Rafaelli, 'The European Approach to the Protection of Trafficking Victims: The Council of Europe Convention, the EU Directive, and the Italian experience', *German Law Journal*, vol. 10, 2009, pp. 205–222.

<sup>26</sup> A Gribaldo, 'The Paradoxical Victim: Intimate violence narratives on trial in Italy', *American Ethnologist*, vol. 41, 2014, pp. 743–756.

<sup>27</sup> S Lamb, 'Constructing the Victim: Popular images and lasting labels' in S Lamb (ed.), *New Versions of Victims. Feminists struggle with the concept*, New York University Press, New York, 1999, pp. 108–138; Gribaldo, 2014.

<sup>28</sup> C Smart, *Law, Crime and Sexuality: Essays in feminism*, SAGE, London, 1995; Lamb 1999; J Temkin and B Krahé, *Sexual Assault and the Justice Gap: A question of attitude*, Hart Publishing: Oxford, 2008.

<sup>29</sup> N Christie, 'The Ideal Victim' in E A Fattah (ed.), *From Crime Policy to Victim Policy*, MacMillan, Basingstoke, 1986, pp. 17–30.

<sup>30</sup> J Srikantiah, 'Perfect Victims and Real Survivors: The iconic victim in domestic human trafficking law', *Boston University Law Review*, vol. 87, 2007, pp. 157–211.

<sup>31</sup> Lamb, 1999, p. 117.

<sup>32</sup> Christie, 1986.

<sup>33</sup> M Wilson and E O'Brien, 'Constructing the Ideal Victim in the United States of America's Annual Trafficking in Persons Report', *Crime, Law & Social Change*, online first 14 January 2016 DOI 10.1007/s10611-015-9600-8.

<sup>34</sup> A Brunovskis and R Surtees, 'Agency or Illness—The conceptualization of trafficking victims' choices and behaviors in the assistance system', *Gender, Technology and Development*, 12(1), 2008, pp. 53–76.

<sup>35</sup> C Jacobsen and M L Skilbrei, 'Reproachable Victims? Representations and self-representations of Russian women in transnational prostitution', *Ethnos*, vol.75, no. 2, 2010, pp. 190–212.

prosecution. Srikantiah points out in her research on victim identification and credibility in the US: 'Just as blamelessness prior to rescue required demonstrated passivity, blamelessness post-rescue requires active cooperation with law enforcement.'<sup>36</sup> The question is also whether such cooperation will contribute towards credibility in the same way for all victims, or whether this is dependent on how she lives up to other aspects of the 'ideal' victim.

With the above discussions in mind, we seek to explore how the relationship between protection and prosecution plays out in the Norwegian context, both in terms of the situation for victims and with respect to the criminal justice system.

## How Prosecution Affects Protection

A common notion is that providing protection to victims also 'produces' witnesses for prosecuting traffickers.<sup>37</sup> This underestimates that not all victims will be useful witnesses in terms of having valuable information, or indeed well served by testifying.<sup>38</sup> While policy documents also frame the 'causal relationship' as protection leading to cooperation,<sup>39</sup> in practice it may equally be understood as cooperation leading to protection. This distinction, in terms of its impact on victims' decision-making and well-being, is an important one.

In this section, we explore three main issues. First, the pressures created by the relative value of different forms of protection and the importance of the migration context for victims. Second, the unequal access to protection, depending on whether victims have useful information to share with authorities. Finally, we question whether decisions about cooperation are generally informed (as set forth, for instance, in the CoE Convention) or in the best interest of victims, given the highly unpredictable outcomes of criminal justice processes, which have great bearing on the actual outcomes for victims.

While the widespread assumption that recovery and protection will lead more victims to testify may seem reasonable, it is nevertheless largely undocumented. A common understanding is that a central part of deciding on whether to cooperate is about individual recovery, including trust, or a generic 'confidence in the state'.<sup>40</sup>

While we believe that both trust and recovery can be important, we nevertheless contend that this does not sufficiently address the migration context for victims of trafficking and its importance in many victims' decisions about cooperation. For several victims we have interviewed, deciding to cooperate was not primarily about their recovery or gaining trust in the state, but what cooperation would mean for their future, not least in terms of where they would be able to live. Obtaining permanent residence in Norway can substantially change how the future is imagined, not only for the individual victim, but for their ability to help family with remittances, or creating a better life for children. Speaking of her thoughts on her future, one woman, who had been granted permanent residence said:

I'm thinking that I'm going to stay in Norway, go to school, learn Norwegian, get a job, and help my family [back home]. I know that my life is going to be OK because I'm being helped.

Others spoke of affordable access to health care and education for children as a strong motivator for trying to obtain a residence permit. This is not to suggest that protection or assistance is only available in Norway, or in the so-called destination countries. Several of the countries from which victims in Norway come, offer assistance. Nevertheless, the quality and availability of these services vary to a great extent, and may not always be, or be perceived as, a good or even possible alternative.<sup>41</sup> For several reasons, most of our respondents did not consider going 'home' a real alternative. Said one woman:

My lawyer told me that IOM helps people return. I asked what kind of help they provide, can I stay with the IOM in Nigeria? No, after a month with assistance at the premises you'll go on by yourself. I cried

<sup>36</sup> Srikantiah, 2007, p. 199.

<sup>37</sup> See for instance Haynes, 2004; Rafaelli, 2009; M Ventrella, 'Protecting Victims of Trafficking in Human Beings in the UK: The Italian Rimini method that could influence the British approach', *Journal of Migration and Refugee Issues*, vol. 3, 2007, pp. 64–86.

<sup>38</sup> Goodey, 2004.

<sup>39</sup> For instance, the 2011 EU Directive on human trafficking on the subject of trafficking victims' protection from prosecution lists the aims as '...to safeguard the human rights of victims, to avoid further victimization and to encourage them to act as witnesses in criminal proceedings against the perpetrators'. (European Union, *EU Council Directive 2011/36/EU of 5 April 2011: On preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*, 2011, explanatory paragraph 14.)

<sup>40</sup> See for instance: UNODC, *Toolkit to Combat Trafficking in Persons*, UNODC, Vienna, 2008, p. 220.

<sup>41</sup> M L Skilbrei and M Tveit, 'Mission Impossible? Voluntary and dignified repatriation of Nigerian victims of trafficking' in T D Truong and D Gasper (eds.), *Transnational Migration and Human Security*, Springer, 2011, pp. 135–145.

when I heard about that alternative. It would be hopeless to go back to Nigeria. I don't know where the woman who brought me to Europe is. They can kill me.

While several of the women we interviewed spoke of fear of traffickers, there were also other reasons. For instance, one had had a child out of wedlock and said that this effectively would exclude her from her family. In other cases, women spoke of deep poverty and lack of prospects for the future. For our respondents, even the possibility of permanent residence contributed strongly to motivating cooperation.

One consequence of linking prosecution and residence permits, as is done in Norway, is that access to this highly valued form of protection is unequally distributed. Victims' ability to stay in Norway and receive assistance is linked not only to their willingness to cooperate, but also the usefulness of the information they share. And the actual outcome depends on investigations and police capacity, not least for cross border investigations. Whether charges are actually filed may also be influenced by previous court decisions and whether prosecutors assess that there is a chance of a successful trial. One respondent very clearly problematized the unequal ability to give useful information:

Sometimes when the police want the story and you tell them what you know, they say you're lying because your information isn't right, it doesn't check out. If you live with the pimp, then maybe you can give useful information, but otherwise it's almost impossible. None of the girls in the street have correct information about the pimps anyway. There's so much bad stuff on the street, you need to be someone else, you need to use a fake name. If someone says their name is Joy, it never really is.

When highly sought after protection becomes dependent on usefulness of the information that victims are willing or able to share, one consequence is the instrumentalisation of victims. What assistance is offered to them and what their further trajectories become, depends on their function in and value to a criminal justice process, not their individual needs. Somewhat bizarrely, this also creates an inequality in access to protection that particularly disfavours victims who have been very isolated, had very little control over their situation and/or very limited access to information about their traffickers.<sup>42</sup>

We argue above that the current pairing of protection and prosecution serves to create a considerable pressure on victims to cooperate with authorities. By implication, it needs to be discussed whether victims may be pressured into taking decisions about cooperating that they otherwise would not have taken, due to the high stakes and potential high returns. In lay terms this can be framed as whether they are given an offer they cannot refuse. In the field of ethics this is generally termed 'undue inducement'.<sup>43</sup> Central to this discussion is whether it is in the best interest of victims to cooperate, or whether they are induced to cooperate even if it is against their best interest, because of potential high gains. This must also be seen in relation to the often considerable socio-economic vulnerability of trafficked persons.

Our respondents described different experiences with (and assessments of) their cooperation with authorities in criminal proceedings against their traffickers. Some were satisfied both with the process and the outcome, some had very strong regrets that they had cooperated. In yet other cases, the picture was more complicated and our respondents spoke of cooperation having both high costs and high benefits.

In one successfully prosecuted case, the woman voiced a strong sense of relief that her traffickers were punished:

If I had to choose again, I would have done the same thing. What else could I have done? I had no choice. Should I have gone back to the street? I couldn't go [home] and I was terrorised by the pimps. The reflection period was a great help, I got the chance to start anew. Not having to be in the street, get a new start, a new life. It was very good.

Very negative consequences ensued when charges were dropped or investigations did not lead anywhere. One woman expressed strong regret that she had cooperated with authorities and given them the name and address of her trafficker:

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<sup>42</sup> Brunovskis, 2012.

<sup>43</sup> See: Brunovskis, 2012, pp. 56–58 for a discussion of due/undue inducement and victim protection. For discussions of undue inducement and coercive offers in research ethics literature, see for instance EJ Emanuel, 'Ending Concerns about Undue Inducement', *The Journal of Law, Medicine & Ethics*, 32(1), 2004, pp. 100–105; R Macklin, "Due" and "Undue" Inducements: On passing money to research subjects', *IRB: Ethics & Human Research*, 3(5), 1981, pp. 1–6; J McGregor, "Undue Inducement" as Coercive Offers', *The American Journal of Bioethics*, 5(5), 2005, pp. 24–25.

I've been in this process for two or three years now, I feel like my life is just passing me by, and I don't know where I belong or how this is going to end. After the reflection period my situation is even worse than before. If I'd stayed with the pimp I might have been free by now, but it's like I've wasted several years for nothing. I can't go home, he will find me.

For others, there was considerable ambivalence and both high costs and benefits. In another successfully prosecuted case, a feeling of fear and guilt was overwhelming. Two of the woman's family members had died at times that coincided with important developments in the investigation of her case. She tearfully explained that they had died as a result of voodoo<sup>44</sup> because she had cooperated with authorities, and blamed herself for their deaths. At the same time, she expressed that she had no alternative and that the assistance she received had finally given her some hope for her future.

These different outcomes and experiences challenge the assumption that cooperating or testifying is generally empowering, or always in the victims' best interest. Another issue that bears discussion is whether and to what extent decisions about cooperating can really be 'informed' (as set forth, for instance, in the CoE Convention). That it is in the victim's best interest to cooperate will rarely be clear at the time that the decision needs to be taken, but depends on an unpredictable future outcome in the criminal justice system. Several women we interviewed described it as a disempowering process with loss of control and waiting for information. It is our impression that police, lawyers and social workers in many cases tried to offset this uncertainty to the best of their abilities, though in periods there might not be any new information to share.

## How Protection Affects Prosecution

As demonstrated above, the linking of protection and prosecution affects the access victims have to protection and is also something that stands in the way of their ability to protect themselves from possible harms of testifying. In this section, we focus on two sets of issues to understand how current policy affects the ability of police and prosecution to successfully prosecute trafficking. The first issue has to do with the ability to build a trafficking case in the first place, and the other with the likelihood of success once a case reaches court.

During research into the reflection period, we found among police officers and representatives of the prosecution different opinions about how protection and prosecution should complement each other. The view that protection leads to prosecution is, as mentioned above, central in the CoE Convention and in Norwegian policy documents, but it is less clear how this actually plays out. While police officers we interviewed generally were of the opinion that they *should* be linked, only representatives from one of the larger police districts explicitly talked about how this link directly contributed to their ability to prosecute trafficking cases. Representatives from this police district described that they relied on how assumed victims would accept to cooperate with them after receiving information about their entitlement to protection and non-punishment as a victim.

The initial reflection period in Norway is not dependent on cooperating with the authorities. Instead this period is meant to give the victim a chance to recuperate and to think about whether or not she wants to press charges against her trafficker and testify in a case against him or her. This lack of a link between protection and prosecution at this stage is described as a problem by police officers; it hampers the investigation and under-communicates how important cooperation with the authorities actually is for the outcomes for victims. As cooperation is not a prerequisite at this initial stage, few victims give information to the police. Victims typically only formally 'report' the case as the reflection period is about to expire.<sup>45</sup> The police respondents see this as an understandable response to the system and they believe the report comes at this stage because the one-year temporary residence permit mandates cooperation with the police. A representative of the prosecution explained how the prospect of a case going to court is weakened when victims delay giving information to the police: 'The thought behind the reflection period is good, but the problem with giving people six months to reflect is that that is exactly what many do.' By the time most report their traffickers to the police, technical evidence and witnesses that can corroborate her testimony have disappeared, he explains.

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<sup>44</sup> The role of 'voodoo' pacts in the trafficking of Nigerian women in particular has received quite a lot of attention. In our previous research we found that voodoo takes on different meanings for different women—in some cases, it appears to be more of a ritual connected to agreements in general and is not necessarily given much weight or seen as a real threat. In other cases, however, such as this, voodoo is experienced as extremely powerful and terrifying (Skilbrei and Tveit 2008).

<sup>45</sup> A police report has not necessarily been filed by the victim during the course of the reflection period and for that and other reasons, the police may not have initiated an investigation. If a victim files a report, the police are obliged to open an investigation, and if this happens towards the end of the initial reflection period, it usually also means that the victim will be granted the one-year work and residence permit that is issued when their presence in the country is necessary for the investigation (Brunovskis et al. 2010).

While victims are implicitly encouraged by the system to delay reporting to the police in order to secure as long a temporary residence permit as possible, their chances of obtaining a permanent residence is weakened because that depends on the case going to court. Reporting late also contributes to producing the result that we mentioned above: only a few of the cases of trafficking reported to the police end up being prosecuted. The police report that victims are often surprised when the investigation is closed down quickly and no one gets prosecuted.

A related issue is that a delay in sharing information with authorities can weaken the credibility of the victim, should the case go to court. An 'ideal' victim is devastated by the event, and willing to cooperate with the police without delay.<sup>46</sup> Delays can therefore be a reason for the police to not prioritise a case. Due to high costs linked to trafficking investigations, the police naturally prioritise stronger cases, and this mandates a victim who appears credible and willing to aid the police without thinking about how it will benefit her.

There are concrete instances where the link between protection and prosecution has been made relevant in court. Particularly impacting on the strategies of the defence and the deliberation of the judges is the fact that cooperation with police and prosecution can award assumed victims a temporary and permanent residence period respectively. The focus has been on how the legal protection of the defendant is infringed and the credibility of the witness' statement is weakened when the witness is receiving great rewards in return for testifying. These concerns are most explicitly stated in a court decision from Oslo City Court<sup>47</sup> in a large-scale case from 2008, which involved perpetrators and victims from Nigeria. While the case resulted in a conviction, the written sentence explicitly refers to how using a permanent residence permit to convince someone to testify may induce victims to give false testimony and that this possibility weakens the credibility of the testimony:

Testimonies given to the police and court in a situation where someone has a strong personal motive to give the testimony a particular content, can never have the same evidentiary value as in situations where the witness has nothing to gain from her testimony.

Even before the verdict in that particular case, police brought up some inherent problems with this way of linking protection and prosecution. Said one police representative:

Creating a system that promotes or presses forward statements, that are then presented in court, when the goal is a residence permit, harms much more than the victims, it harms the case.

One lawyer, experienced in serving as legal representative for victims in trafficking cases, also brought up how this way of linking protection and prosecution threatens due process:

In terms of the rights of the defendant, this creates a very dangerous situation: If someone says that they are a victim of trafficking, they are believed even if their story is not coherent. I believe that there are cases where one does not to a large enough degree problematize whether the story is told only to access rights; that there are cases that are not in reality trafficking, but that is handled as such.

In line with what we demonstrated in the last section, the failure to prosecute human trafficking produces some adverse consequences for victims. Once the credibility of the testimonies is questioned, it weakens the likelihood of a successful case and therefore also of a permanent residence permit.

## Conclusion

We have argued in this article that the linking of protection and prosecution brings with it a number of practical complications for victims and their protection, as well as for the prosecution of traffickers. Policy discussions and documents tend to frame victims primarily as trauma patients in need of time, recovery and trust building, and consider less the implications of many victims being migrants and how this means that a residence permit can be extremely highly valued. Missing this aspect means missing the context for many victims' decision making and the pressures to cooperate that can ensue, even in cases where cooperation may not be in their best interest. We also show how protection of victims contingent on cooperation with authorities can have adverse effects on the prosecution of traffickers: it can undermine victims' credibility as witnesses when they are 'rewarded' with a residence permit; 'ideal' victims do not act out of self-interest. It can also, when organised in the way it is in Norway, cause delays in sharing information central to investigations and prosecution.

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<sup>46</sup> R Strobl, 'Constructing the Victim: Theoretical reflections and empirical examples,' *International Review of Victimology*, vol. 11, 2004, pp. 295–311.

<sup>47</sup> 10-018699MED-OTIR/03.

An overarching concern of this paper is the domination of a strong criminal justice focus in relation to policy, practice and discourse around human trafficking. That focus is not unique to the human trafficking field but has been discussed in research on sexual violence and feminist activism. These discussions have particular relevance and parallels here, given the dominant focus on sexual exploitation in international (and Norwegian) trafficking debates. It has been argued that criminal justice approaches towards various forms of sexual and sexualised violence have been prioritised by the women's movement to such a degree that it is affecting victims' access to rights and assistance. Legal strategies have perhaps been particularly central to Scandinavian feminism.<sup>48</sup> Their appeal is not difficult to understand, as law has such great definitional and practical consequences, not only by what understandings it brings forth, but also by what stories it silences.<sup>49</sup> As legal strategies are important instruments for feminist battles for justice and recognition, low conviction rates are read as evidence of political and cultural failures. However, this further justifies creating conditions for (or alternatively, increasing pressure towards) victims to come forward and testify, and uncritically marries the interests of feminism and the criminal justice system. Wendy Larcombe<sup>50</sup> urges feminists to carefully consider whose interest convictions serve, instead of just accepting the dominant notions about preventive and transformative power of criminal justice.

Victims of sexual and sexualised violence talk about pressure to report by those who have demanded rights on their behalf.<sup>51</sup> And following cooperation it may be difficult for the victim/witness to actually take care of her own interest. This is parallel to what we have observed with victims of trafficking. While it is sometimes claimed that testifying is inherently empowering,<sup>52</sup> we argue that this is not a given, and to the contrary, that it can be a process that is both disempowering and unpredictable.

An important issue is whether legal strategies, while beneficial for 'the cause', are harmful for the victim/witness. Several have written on how trials on sexual and sexualised violence may be retraumatising for victims.<sup>53</sup> In addition to the prospective harm of being questioned in detail about the violence experienced, the court setting requires a particular narration of the events, where ambiguity and agency may need to be left out in order to produce the victim as 'ideal', something which may impact on the victims' recovery process.<sup>54</sup>

When prosecution and criminal justice are prioritised, this also reflects a deeper understanding of what human trafficking is about and how it can best be addressed. When victims are given protection based on cooperation to achieve prosecution, this can be read as their exploitation being a question *primarily* of criminal acts. However, most cases of trafficking that we have encountered have not merely been about cynical criminals misleading and exploiting victims, but have been anchored in a deeper, structural vulnerability on the part of those exploited. It is not simply a question of ending trafficking by eradicating organised crime. A dominant criminal justice approach deflects focus from the pressing need to address deeper, structural conditions that continue to facilitate exploitation.

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<sup>48</sup> M L Skilbrei and C Holmström, *Prostitution Policy in the Nordic Region: Ambiguous sympathies*, Farnham, Ashgate.

<sup>49</sup> N Henry, 'The Fixation on Wartime Rape: Feminist critique and international criminal law', *Social & Legal Studies*, vol. 23, 2014, pp. 93–111.

<sup>50</sup> W Larcombe, 'Falling Rape Conviction Rates: (Some) feminist aims and measures for rape law', *Feminist Legal Studies*, vol. 19, 2011, pp. 27–45.

<sup>51</sup> L Hengehold, 'Remapping the Event: Institutional discourses and the trauma of rape', *SIGNS*, vol. 26, 2000, pp. 189–214.

<sup>52</sup> See for instance Haynes, 2004.

<sup>53</sup> B Krahe and J Temkin, 'Addressing the Attitude Problem in Rape Trials: Some proposals for methodological considerations' in M Horvath and J Brown (eds.), *Rape: Challenging contemporary thinking*, Willan, Collumpton, 2009, pp. 301–321.

<sup>54</sup> Hengehold, 2000, p.198.







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# Coming home: Challenges in family reintegration for trafficked women

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## Abstract

This article presents challenges in family reintegration for returning Moldovan trafficking victims based on qualitative interviews with 19 victims of trafficking and 31 service providers, looking specifically at points of tension in reuniting with children and spouses. One main source of conflict is when migration expectations are unrealized; another is stressed behaviours of victims when they return. To avoid being stigmatized and blamed for association with prostitution and failed migration, most victims prefer to keep their trafficking a secret. However, this means that families may not understand or appreciate what they are going through in the post-trafficking stage and misinterpret stress, anxiety and trauma symptoms as aggression and hostility. Further, two additional factors – financial problems and stigma – add extra strain on family relationships. In terms of assistance needs, it is crucial to include a perspective on the family situation when working with trafficking victims.

## Keywords

exploitation, family, human trafficking, migration, social assistance, stigma, women

## Introduction

The need to address human trafficking has led to the development of anti-trafficking policies and programmes, including victim assistance, in both countries of destination and origin. As return and reintegration of trafficking victims is a central component of the anti-trafficking response, the conditions and challenges faced by victims upon returning home merit attention.

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Our past research<sup>1</sup> on assistance to women trafficked in the Balkans and Eastern Europe has shown that most service providers initially explore the option of (re-)establishing relationships with family members. However, even when possible, it is often far from smooth and can involve complicated relationships, dynamics and even conflict. Further, stigma associated with having been trafficked, particularly for sexual exploitation, adds additional layers of complication. The majority of victims, especially of sex trafficking, will go to great lengths to hide their experience, even from immediate family members, to avoid being viewed as a 'prostitute' or failed migrant and blamed for what happened. Based on fieldwork<sup>2</sup> in Moldova between 2006 and 2008, we describe some of the challenges in family reintegration of trafficking victims, those expressed by victims themselves as well as by social workers and other service providers. We look specifically at points of tension in reuniting with children and spouses and describe two key external factors that add additional strain to family relationships (financial problems and stigma), before discussing the implications for assistance to individual victims as well as their family members.

Identifying common points of tension can be useful in providing more targeted assistance to trafficking victims, thereby decreasing the risk of social vulnerability or even re-trafficking after return. Understanding and appropriately addressing post-trafficking relationships can reduce the stress and disappointment felt by many former trafficking victims after reuniting with their families, when support is not offered in the form they expected or hoped for. It can also be of importance in terms of families developing tools and strategies to cope with what are often stressed and anxious behaviours on the part of returning women.

In this article, our understanding of human trafficking is based on the definition in the United Nations' Protocol to Prevent, Suppress and Punish Trafficking in Persons (United Nations, 2000), as the most internationally recognized definition and the basis of Moldova's human trafficking legislation. The Protocol defines human trafficking, in article 3, as:

(a) 'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of 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, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) 'Child' shall mean any person under eighteen years of age.

While a lot of attention has been given to very coercive and violent forms of human trafficking, the international definition also includes situations of abuse and exploited vulnerability, which means that human trafficking covers a very wide range of situations.

## Literature

Much of the literature on trafficked persons focuses on individual victims – their background, trafficking experiences and post-trafficking lives. When family is described it is often as part of a general pattern of vulnerability – for example, poverty, domestic violence, child abuse, alcohol abuse, single motherhood, etc. – as a trigger and contributor to trafficking. The family becomes invisible or is reduced to 'a factor' in a general picture of individual vulnerability and a potentially complicating factor in reintegration. Further, there is very limited focus on families in the small body of research on reintegration of and social work with victims of trafficking. Rather, this literature has often explored trafficked persons' overall needs and situation (Bjerkan, 2005; Brunovskis and Surtees, 2008, 2007; Derks, 1998; Kootstra and Commandeur, 2004; Surtees, 2008a,b & c, 2007; Terre des Hommes, 2009). More targeted studies have focused on health, economic reintegration and safe migration (e.g. Zimmerman et al., 2003, 2006; Gajic-Veljanoski and Stewart, 2007; Kato (nd); Lisborg, 2009; Lisborg and Plambech, 2009).

Our own research has identified that victims' family situations are crucial in decisions about assistance and as a support network after trafficking. Some victims decline services because they have to provide for family members or cannot be away from dependants with care needs; others because programmes do not include provisions for victim's family members. Other problems arise when service providers fail to provide information to both victims and their families, which cause suspicion both of the programme and also of the returned victim (Brunovskis and Surtees, 2007). At the same time, the family is a central source of support and crucial safety net, particularly in countries like Moldova where state and civil society assistance is weak, again underlining the importance of appreciating family dynamics in post-trafficking family reunification.

While research on returning trafficking victims is scarce, there is a body of literature on migrating mothers and transnational motherhood, including strategies to maintain closeness and the maternal role, even during years of absence. These include frequent phone calls, sending presents and so on, to be a continuous presence in children's lives (Hondagneu-Sotila and Avila, 1997). However, mothers who migrate, especially for longer periods of time, are also seen to breach gendered

expectations of good parenting, while migrant fathers are more easily ascribed a 'heroic' role (Avila, 2008: 128). Even when mothers migrate successfully and provide children with better opportunities, there can be considerable resentment and feelings of abandonment (Parreñas, 2005: 45). This is very relevant to the situation of trafficking victims who have 'failed' to remit or return with money and have also generally not been in contact with family in their absence, and explains some of the difficulties that returning trafficking victims may experience when reuniting with families, especially children.

Victims of trafficking often face very complex and complicated situations upon return and the sources of these problems are multi-faceted. For this article, it has been helpful to draw on literature on stigmatization (Beals et al., 2009; Corrigan, 2004; Goffman, 1963; Link et al., 1991; Link and Phelan, 2001; Sallmann, 2010) and families' role in reintegration in general. A study of the reintegration of female ex-prisoners found that internal and external shaming posed a challenge in rebuilding relationships (Dodge and Pogrebin, 2001). Families of recovering drug addicts had considerable potential for easing the transition back into society, but could also have a negative influence if not guided and supported properly (Gideon, 2007). Problems faced included conflicts and mutual disappointments, very much in line with what we have observed with trafficking victims and their families.

## **Human trafficking and assistance provision in Moldova**

Moldova is one of the poorest countries in Europe, with a population of 4 million people. Mass migration followed the social and economic upheaval after the dissolution of the Soviet Union. With remittances comprising approximately 20 percent of the GDP, migration is integral to the economy of Moldovan families. Because options for regular migration are limited for most Moldovans, prospective migrants may be vulnerable to exploitation and human trafficking, putting themselves in debt to smugglers or others who 'assist' with migration. Given prolific poverty in the country, many people also feel that their options are so constrained that they 'accept' exploitative conditions. As a consequence, each year Moldovan women, men and children are trafficked abroad for sexual exploitation, labour and begging. While early media accounts of trafficking reported victims being kidnapped and brutalized, today trafficking must be read against a background of vulnerability in migration. In the overwhelming majority of cases, victims voluntarily migrate but end up trafficked.

In response to the significant trafficking problem that emerged in the mid 1990s, an anti-trafficking response was established, including an assistance framework for trafficking victims. This has been geared mainly toward the reintegration of Moldovan victims who have been returned (or deported) from abroad. Services range from basic (initial accommodation and return transport to home community) to a more comprehensive package of assistance (accommodation, legal, medical and psychological assistance, vocational training, job placement). In addition

to residential care in the capital Chisinau, there are a number of agencies throughout the country that provide reintegration assistance.

## Method

This research is based on a qualitative design and thematic analysis of interview data from trafficking victims and anti-trafficking service providers in Moldova. We sought to illuminate challenges in post-trafficking family relationships as perceived and presented by our respondents. The study set out to develop new knowledge in an under-researched field based within an interpretive paradigm, and with an orientation towards the lived experience of our respondents (Creswell, 2007: 59; Grbich, 2007: 8). Studies of human trafficking involve several methodological challenges (Brunovskis and Surtees, 2010; Cwikel and Hoban, 2005; Laczko and Godziak, 2005; Surtees, in press; Surtees and Craggs, 2010; Tyldum and Brunovskis, 2005) that impose limitations on how the subject can be approached. Research with trafficked persons requires careful attention to security concerns and the sensitive nature of the topic, and there are certain limitations as to what is possible (Brunovskis and Surtees, 2010). In our case, this meant that it was not possible to interview family members of trafficked persons, given risks of 'outing' someone as trafficked. The picture we present of family relationships is, by implication, a limited one, as only one side of the story was available to us.

### *Respondent sampling*

We interviewed 19 victims of trafficking and 31 key informants. Some respondents were interviewed on multiple occasions. We accessed trafficked persons through a diverse set of service providers, albeit with recognition that using 'gatekeepers' introduces a bias in the types of experiences that are captured (Miller and Bell, 2002). As only victims who had received assistance were accessible to us, there is a potential bias in terms of whose experiences are included – e.g. more violent cases or more difficult family settings. Still, even though family conflict may not be universally present for all trafficking victims, it is an important factor to take into account in social work directed at this group, as this opens an opportunity for preventive and targeted measures in assistance design. Table 1 presents central sample characteristics.

The majority of respondents were trafficked for sexual exploitation, but were recruited with promises of different kinds of work – most commonly service sector jobs (in restaurants and hotels), as domestic workers and some also in the sex sector. The conditions they faced while trafficked ranged from very brutal to less extreme forms of exploitation and abuse. They exited trafficking after being arrested (sometimes with false papers), being let go by the traffickers (having paid off 'debts' or because they became a problem), being helped by a client, the intervention of an NGO or by literally escaping. Following return, all had contact

**Table 1.** Respondent sample characteristics, trafficking victims

Age	Under 20	20–29	30–39	40 and older	
	2	9	6	2	
Number of children	No children	1 child	2 children	3 children	
	7	6	4	2	
Countries trafficked to <sup>a</sup>	Turkey (9), Russia (2), Kosovo (2), internal trafficking in Moldova (2), Dubai (1), Portugal (1), Belarus (1), Albania (1), Italy (1), Bulgaria (1), Poland (1)				
Duration of trafficking	0–3 months	3–6 months	6–12 months	1 year or more	No info. <sup>b</sup>
	3	2	3	5	6

a: The numbers assigned to each country do not add up to 19, as some respondents were trafficked on multiple occasions and to multiple locations.

b: Many trafficking victims were uncomfortable talking about the trafficking experience itself, and we did not collect details such as duration of their exploitation in these cases.

of some kind with their families, although in some cases this contact was unhealthy and sometimes severed. All respondents had received or were receiving assistance in Moldova.

Key informants were primarily service providers. All had knowledge of and experience working within both the individual and family contexts of trafficking victims, and so were uniquely positioned to shed light on the social/family context. The distribution of interviews between different professional categories was as follows: social workers (11), reintegration assistance providers (11), psychologists (5), medical professionals (3) and police (1).

### *Interview data and analysis*

Data were collected during three rounds of fieldwork between 2006 and 2008. Interviews typically lasted 60 to 90 minutes, but in some cases we spent several hours together, sometimes on more than one occasion. Interviews with trafficking victims centred around several lines of inquiry based on our observations of challenging family relationships from previous studies: past and present relationships with different family members (parents, husbands, children, siblings, others); experiences of reunification with family after trafficking; experiences of family support or lack thereof; disclosure or non-disclosure of having been trafficked and the associated reasons; assistance needs of family members; experiences of assistance to the victim and her family; self-assessed socio-economic situation; and problem perception. It was important to maintain flexibility and sensitivity in terms of wording and inclusion/exclusion of specific questions to allow for the differing emotional impact of discussing sometimes very fraught family relationships and

the impact of trafficking. Interviews with key informants mirrored these topics, and focused both on service providers' specific experiences in their case work as well as general experiences with assistance provision to victims and their families.

All interviews were recorded with the respondents' permission and later transcribed verbatim. Respondents in the formerly trafficked category spoke either Romanian or Russian, and a highly qualified translator (the same person for all interviews) facilitated interpretation between these languages and English, spoken by the researchers.

We began transcription and preliminary data analysis while still in the field and between fieldworks. This informed an iterative process whereby our emerging understanding guided further data collection and facilitated discussion of developing themes with respondents in both categories (victims and service providers). The final data analysis followed the principles of thematic analysis (Aronson, 1994; Braun and Clarke, 2006).

Working with translated data requires caution in the interpretative process (Temple, 2008: 361–362). It was therefore important not to ascribe too much meaning to detailed levels or precise wordings in interviews, but to focus instead on context and the larger picture. Using NVivo software,<sup>3</sup> we inductively coded segments describing relationships with different categories of family members (i.e. parents, husbands, children, siblings, others), and sources of conflict, as well as factors that had exacerbated or mitigated conflict (Aronson, 1994; Creswell, 2007: 38–39). For service provider interviews we additionally coded practices used in working with victims and families. Following this process of data reduction, we identified themes and patterns presented throughout this article, focusing both on main patterns as well as variety within our data set, balancing prevalent and less common, yet nevertheless important, elements in relation to our research issue (Braun and Clarke, 2006: 82).

## Post-trafficking family relationships

When trafficking exploitation ends, victims face a new set of challenges as they return and try to integrate into their home environment. A critical aspect is victims' relationship and interaction with their closest family members. At a general level, tension in families post-trafficking appears to be connected with different expectations – what families expect of the victim and vice versa – that are difficult to fulfil and become sources of conflict. This is particularly acute when family members have cared for the victim's child(ren) in her absence. The quote below from 'Ana'<sup>4</sup> is fairly typical of a complicated mother/daughter relationship after the daughter was trafficked:

When I escaped from the people who trafficked me, I called my mother, who was taking care of my son while I was away. I could not bring myself to tell her what had happened; that I had been trafficked. I said that I was coming home but that I had some health problems. I had been severely injured before I escaped and could not

walk; I had been in a hospital for a long time. She started to berate me, asking me what on earth I was up to in Turkey: 'You went there to earn money and yet, you are not providing for your child! Your child has nothing to put on, no shoes, the winter has come and gone and he went to school in shoes with holes in them!' I started to cry and tried explaining to her; 'Mama, I am ill, I can't walk, I have been very badly injured.' My mother didn't believe me, and she put down the phone. I tried to call her again, but she didn't understand me. When I did come home in the end, it was not long before my parents started to put pressure on me: 'What are you thinking about doing in the future; when will you start to work?' and so on. After a month or so I got a job, but it was probably a bit too early, because I ended up injuring myself again and needed more surgery. Money is always an issue. At the moment I am not on speaking terms with my mother because of money. I am so hurt that she will not help me the same way that that she has helped my sister – in a way she seems to expect me to help her, and I don't see how I can – I have nothing, only debts that are growing day by day because of the interest. I wish we could have the relationship we had in the past. Since I came from Turkey everything seems to have changed. As if I'm speaking to a stranger.<sup>5</sup>

Ana was hurt and frustrated that her mother did not understand her; her mother was worried and disappointed that Ana had failed to take care of her child and bring money home. Ana did not tell her mother about trafficking for fear of being blamed and because her trafficker threatened her not to tell anyone. Trafficking drove a wedge between Ana and her mother, as did worries about money and the future. Even when Ana eventually revealed her trafficking experience, she was not initially believed or understood and her revelation was insufficient to mitigate the stress and tension between mother and daughter.

Certainly in some cases tensions and problems preceded trafficking and were not resolved during the victim's absence. Indeed they were commonly amplified in the often highly stressful post-trafficking period. However, there are also many victims whose family relations prior to trafficking were positive and healthy (the desire to help and support one's family led them to migrate) but, upon return, she and her family may experience strain on different levels, tied, at least in part, to the mutually unfulfilled expectations that victims and families have of each other.

### *When the family fails to meet the victim's hopes or expectations of support*

Longing for one's family while trafficked was a consistent and poignant sentiment amongst the trafficked women we interviewed; many decline assistance because they are so anxious to go home. However, many victims felt misunderstood by their family upon return, not receiving the support or reassurance they sought. This is likely due, in part, to the fact that so many trafficked persons do not reveal the full story of what happened. Many were ashamed of having been cheated. Others were traumatized and sought to immediately put

it behind them. Sex trafficking further complicated this dynamic as women feared being seen as prostitutes and therefore, stigmatized or even rejected, by family and community. Traffickers also threatened victims to keep their exploitation a secret, adding a level of fear and anxiety. But when victims keep their trafficking (or at least some aspects of it) a secret or tell only some persons (a mother or sister but not others), it is even less likely that family will be able to understand and react appropriately.

Even when family members were aware of the 'real story', many women felt their family didn't fully appreciate the difficulties they had endured. One respondent was hurt and frustrated by her family's lack of understanding when she divulged her trafficking experience. After being reprimanded for complaining about her pain and injuries, she told her family that she had been trafficked, but was not believed:

I got a bit offended by the fact that my own sister didn't understand me. And then, at that moment, I decided to tell them the truth and what I had been through. They didn't believe me. They told me that I'd read too many books and seen too many horror movies. I think that even today they don't believe some of the things that happened to me.

Resentment over this lack of understanding was particularly acute when motivation for migration was, at least in part, to support the family, not uncommon amongst trafficked persons from Moldova.

In some cases victims reported a great deal of support and understanding from one or all family members. In a past study we found that it was not uncommon for victims to decline assistance initially, after exiting trafficking, wishing to go home immediately. However, many found that family was not the supportive environment they needed, that relations were strained and, therefore, returned for assistance at a later stage, ranging from days to weeks or months (Brunovskis and Surtees, 2007).

### *Victims who are stressed, angry and acting out*

The period following a trafficking experience is often characterized by stress and anxiety. Trafficked persons described a range of negative feelings – from fear to shock and confusion, from suspicion to stress and shame. These feelings were manifested in different behaviours – like anger, irritability, sadness and/or depression (Brunovskis and Surtees, 2007; Surtees, 2007; Zimmerman et al., 2006: 3, 12). One woman's description of her first days of assistance is illustrative:

... basically, I was just talking, telling them that it was what I needed. I was furious when talking and no matter how much they told me to relax I was not able to control my anger. I was crying and all. It hurt so much. (Surtees, 2007).

In the experience of one social worker, returned women often manifested a range of problematic behaviours:

She is crying all the time and cannot prevent herself from having aggressive manifestations. Or she is smoking all the time, drinking coffee and alcohol, staying in bars all the time, changing men. These are reactions or symptoms of severe post-traumatic stress disorder. And the relatives don't understand and try to figure out why she is like that.

But if the trafficked woman does not explain what triggers these reactions, it is very difficult for her family to make sense of this behaviour. This can contribute to her family's hostility, frustration and even the tendency to blame her. It is, therefore, not surprising that post-trafficking interactions between victims and their families can be complicated and problematic – in some cases, tense and uncomfortable; in other cases, unhealthy and even dysfunctional. Problems may arise when victims return to live with their families or even when contact is less intense and regular.

Significantly, while this stress can and does abate over time, it is not always resolved easily or quickly, even with professional assistance. Many trafficked persons spoke of on-going pressure; others spoke about episodes where they 'relapsed', in that trauma became acute at later stages, even several years afterwards.

### *Re-establishing relationships with children and husbands*

Most severely impacted were victims' intimate relationships – with husbands and children. Respondents suffered from these disrupted relationships and were profoundly concerned about how these might be restored. At the same time, the issue of reuniting with children was particularly difficult to approach in interviews. While several respondents were open about problems with parents and, to a lesser degree, husbands, problems with children were extremely sensitive.

*Reuniting with children and (re-)establishing maternal authority.* Children were often left in the care of relatives when mothers migrated. Leaving children behind breaches expectations of motherhood in Moldova, particularly when migration fails. Respondents with children invariably explained migration as motivated by a desire to improve conditions for their children, framing their absence not as abandonment, but as sacrifice. Several respondents regretted and grieved the separation from their children and sought simply to restore the mother/child connection. One woman quietly cried while she described leaving her sleeping four year old daughter on the night that she migrated, but ended up trafficked. Some children left behind felt abandoned and were angry with their mothers. Trafficked women, therefore, struggled to re-establish themselves as 'good mothers' and compensated for their absence by trying to earn their love in other ways. Not uncommonly mothers found

it difficult to set boundaries and say 'no', even when it was impossible to fulfil children's requests.

Children can be deeply affected by the circumstances a trafficked mother faces when she returns, in terms of her financial situation, her physical and mental health and her relationship with the family and local community. Her recovery, including the extent to which she reconnects with her child(ren), will shape the lives of these children.

One social worker found that one main source of conflict between returning mothers and their children was that children were often told bad things about their mothers in their absence and felt abandoned. Some even developed negative feelings towards their mothers as a consequence of what they were told by others which, in turn, led mothers to feel frustration, disappointment and anger:

Often, the situation would be this: She is not calling home, the relatives were looking for her or maybe not, and meanwhile the child was being told stories: 'Your mother left you', 'she is a prostitute or a bad person', 'everyone in the village knows what she does'. So, she comes back, quite aggressive, quite unstable emotionally, and you as a child see that she fights with your father – and all the while you think: 'She left me'. She yells at you, or she behaves strangely, and that is why children start not accepting their mothers. Meaning, they are not willing to talk, to listen to them, not having them as a parental authority, they put her aside. The woman feels it and she becomes even more pushy, aggressive, not understanding – 'the child is bad; he was raised bad, he doesn't listen to me, he is not supporting me and I am doing all my best to fit in here'.

It was not uncommon for children to reject mothers as the parental authority, at least initially, and particularly when they return and behave in 'abnormal' or emotionally unstable ways. Some rejection also occurred because they had not seen her for a long time and did not know or recognize her. Mothers, on the other hand, often felt that they had sacrificed to provide for their children and were hurt by negative reactions and disrespect. It was not uncommon for mothers to blame fathers or relatives for raising them badly in their absence.

Other children were born as a result of trafficking, conceived with a client or a trafficker, which can be enormously complicated, in terms of women's attachment to these children, relations with husbands, relations between husbands and the new children and in terms of community acceptance upon return. The extent to which respondents were able to cope with this situation was intimately tied to their families' response. One respondent who had a child while trafficked was torn about what to do and considered abandoning this child. She called her sister for guidance who told her simply to pick up her child and come home. The sister was supportive, as were her older children who, as she explained, helped her learn to love this youngest child, something she had initially struggled with. Other women in the same situation struggled precisely because of lack of family support, including husbands who abandoned the woman and child, as well as children they had together.

*Husbands.* Feelings of abandonment may equally be an issue for husbands. A number of victims' husbands expressed anger and jealousy which seemed, in some cases, to be a function of their fear and resentment at having been left alone during trafficking. One woman explained that she almost declined assistance because her husband did not want her to 'leave again':

He didn't let me go [to the residential assistance centre]. He said that's enough, you've already been [away]. He meant Turkey. So he let me stay at a shelter, but it was difficult for him. He called [the centre] every day. Here, he did not even eat or drink for a month.

In other cases, husbands accused their wives of promiscuity and infidelity. A service provider recounted an experience at an overnight retreat for trafficked women:

We had a woman who was called by her husband the last day, and he said that 'I know you have found someone else and when you come back I will beat you', so she was very scared to go back, so that is why we had to call him and explain what happened.

As with their children, respondents generally cared deeply about reuniting with their husbands and resuming their lives together which, in part, explains their acceptance of these reactions and behaviours. This was also the case in less than ideal relationships – like 'Emma' who was married to an alcoholic and 'Maja' whose husband was chronically unemployed and relied on her to support him and their extended families.

### **Complicating factors: Financial problems and stigma**

A common thread in our fieldwork was that when interpersonal relationships were complicated, additional tensions were caused by two factors in particular: financial problems, and stigmatization of trafficking victims. These are potentially useful findings, as alleviating these factors through assistance may go some way toward improving strained relationships and ease victims' path to recovery and reintegration. Financial problems, as a source of tension, were tied to the fact that the family (and victim) expected her to return with savings, or to remit money while away. Problems were exacerbated when debt was incurred as part of migration. When income failed to materialize, this caused considerable resentment and despair at how to cope financially. When victims returned unable to work, this added an additional strain on family finances and, by implication, relations, as one woman who required surgery for trafficking induced injuries explained:

After the operation I had to stay in bed for months. And one month and a half I had to use a wheel chair. I stay in bed for one month and my parents... they were asking, 'What are you thinking about doing in the future? 'When are you going to start working?'

She felt so pressured that she returned to work early, compromising her recovery and ending up requiring additional surgery. In some cases, the returning victim was seen as an additional burden; ‘one more mouth to feed’.

Stigma was also described, in various ways, as adversely affecting victims’ interactions with family and society. Strikingly, women were affected by stigma regardless of whether their trafficking was known or not. When women were known to have been trafficked, this could have severe and direct consequences. Rosa was trafficked after fleeing an abusive husband. When she returned home she faced an untenable situation with her family, who beat her and told her that she was better off dead. Both her divorce and her prostitution were sources of shame for the family; they feared her ‘misdeeds’ would taint their reputation (Brunovskis and Surtees, 2007: 56). While Rosa’s case was extreme, fear of blame and rejection was not uncommon and played a pivotal role in decisions about disclosing one’s trafficking experience and to whom. Children in particular may suffer the consequences of their mothers’ stigmatization, through overhearing jibes or witnessing attacks, as one trafficked woman explained: ‘The people [in the village] were very abusive and aggressive, and I was always with my child. And when they [...] shouted at me, my daughter heard these things’.

Several respondents came from ‘bad families’ and so were already stigmatized in the local community before being trafficked.<sup>6</sup> In practice, then, stigma caused by trafficking into prostitution is difficult to disentangle from other sources of stigma – coming from a ‘bad’ family, having a bad reputation in the village, being from an ethnic minority, needing assistance and so on – making it multilayered and complex (Brunovskis and Surtees, 2007: 56, 123–34; Surtees, 2008b: 17–21; Surtees, 2007: 195–200). An already stigmatized family generally lacks social capital to draw on when a daughter or wife returns and is associated with prostitution.

Even women who managed to keep their trafficking secret were affected by the *fear* of stigma. Victims often developed cover stories to protect themselves. However, small mistakes could lead to a story being revealed. Fear of being ‘found out’ profoundly influenced the choices victims made in terms of friendships and relationships. Keeping such a secret was challenging in terms of relationships with others, as one woman explained: ‘To tell you the truth, I try not to form such close friendships that I would tell them about what happened to me’. She kept her distance from co-workers and former acquaintances, so as not to reach the point in relationships where questions might be asked and confidences shared. While sometimes lonely, this strategy provided her the safety and control she needed for her well-being and instead she relied on the relationship with her sister and three children in her day to day life.

## Conclusion

A major obstacle in post-trafficking relationships between trafficking victims and their families is that families generally do not know what happened to the victim. This is very difficult to resolve, as in many cases, secrecy is the only viable option if

the victim is to avoid blame, stigma, rejection or even violence and abuse. The fact that trafficked mothers did not have a 'good explanation' for why they had not contacted their children while away undermined their authority as mothers and was the source of many conflicts. Further, mutual disappointments caused resentment: Families were disappointed when the victim did not remit or bring money home, while victims were often disappointed by the lack of support and understanding from their families. Different categories of relationships posed different types of challenges. Relationships with parents or siblings who had taken care of a victim's child(ren) in her absence were sometimes tense, for different reasons. Carers sometimes blamed the women for not contributing (sufficiently) to the care of the child, while several women expressed frustration that their children had not been cared for properly. Relationships with children were also sometimes difficult, when children did not accept their returning mothers as figures of authority. Mothers, on the other hand, often framed their decision to migrate as a sacrifice made for their children, and felt unappreciated and misunderstood. And, as mentioned above, much conflict is based on a lack of communication, which, to a large extent, stems from fear of stigma associated with prostitution. Further, financial problems increased the general level of tension and conflict in families.

In current migration frameworks, new models of transnational motherhood have developed, along with strategies for long distance care provision. Mothers may redefine care from physical presence to the ability to provide financially for their children. One strategy to maintain the mother role is to stay in contact by phone on a regular basis or send packages with presents and necessities (Hondagneu-Sotila and Avila, 1997). This type of contact can help preserve the parent-child relationship in the absence of day to day contact and frame absence as a mother's sacrifice for her child, rather than abandonment. Migrating mothers can, to some extent, define their absence as care when they provide financially for their children (Avila, 2008). The nature of trafficking, however, often precludes such strategies. Most trafficked persons were not able to maintain any contact with their children or family. Returning with no money was additionally problematic and seemed to transform absence into abandonment, especially as most victims did not feel able to divulge the reason for the lack of contact or remittances. This undermined their legitimacy as mother and carer.

Further, communication and relationships with spouses were sometimes problematic after trafficking. What is often forgotten in discussions in this field is that while the person who was trafficked is the primary victim, family members, and not the least husbands, may be secondary victims. Literature on rape finds that husbands and partners, as well as friends and family members, of rape victims may be adversely affected. It can be difficult for people close to a rape victim to grasp how she has been affected and how she is coping (Campbell et al., 2001), which can lead to a breakdown in communication and tension in relationships. This is very much in line with our own observations of trafficking victims, as discussed above. Further, research on rape finds that many male partners of rape victims feel isolated, confused, angry and powerless (Campbell et al., 2001).

Rebuilding and repairing marital relations in cases of trafficking can be difficult. While some challenges are akin to those facing returned migrants generally, others are trafficking specific and particularly in environments where prostitution is heavily stigmatized. Some anger and frustration between spouses may also be a function of failure to live up to their respective gender/social roles – as a faithful wife and present mother and as a protective husband able to support his wife and family. This means that there are several, complicated layers to negotiate when trying to re-establish relationships, related to migration, to sexual abuse, to gender roles and expectations and norms of parenthood.

Our findings point to the need to include a more comprehensive perspective of family relationships in the study of reintegration of trafficking victims. Literature on reintegration of other stigmatized groups shows some of the same patterns. In a study of recovering drug addicts, Gideon (2007) found that while families and spouses had a considerable potential for easing the transition back into society, they could also have a negative influence if not guided and supported properly. Among the problems faced in this group were conflicts and mutual disappointments, as we have also observed with trafficking victims and their families. Thus to fail to take the family into account in interventions is to miss an important factor.

However, assistance interventions can be of help. Case workers can advise and assist victims in talking to their families and seeking family support where appropriate (see Beals et al., 2009). Service providers can also help victims develop cover stories where it is not advisable to share what has happened. It is necessary to take into account that the tolerance for a woman who has been involved in prostitution (even if forced) can vary substantially and openness is not always the best strategy. When secrecy is necessary, it is important that the victim has someone to talk to in times of crisis, even several years down the line (Beals et al., 2009). Our respondents spoke of feeling upset and fraught when memories resurfaced in times of stress and, at the same time, very alone, when they had no one to talk to. It is also important that, over time, the efficacy of these different strategies be examined and evaluated for trafficked persons. Research in the mental health field finds that similar strategies (e.g. keeping the stigmatized identity a secret, educating others or avoiding situations where rejection may occur) were not always effective in diminishing negative labelling effects (Link et al., 1991).

When secrecy is the only option, it is also important to find frameworks other than trafficking-specific assistance within which to work with the victim and her family. Successful approaches have included offering assistance framed for vulnerable persons rather than trafficked persons – e.g. single mothers, unemployed young women, or similar categories of vulnerable groups. Organizations working in local communities must balance how they can become known to trafficking victims who need help and how to present themselves in the community so that association with the assistance provider is not identifying and, therefore, stigmatizing. More broadly it is important to identify what factors support (and inhibit)

accessing assistance amongst trafficked persons who fear or suffer stigma (see Corrigan, 2004; Sallmann, 2010).

As Moldovan families often function as economic units, addressing the financial needs of families as a whole may go a long way towards mitigating tension between trafficked women and their relatives. Further, success in another field, for instance in terms of financial security, can be an important factor in alleviating stigma in local communities and smooth family relations. It is, therefore, important to take into account a trafficking victim's family situation (both in terms of how it can support or undermine reintegration efforts) and, moreover, to consider interventions which might target the family as a whole.

We have seen several examples where providing assistance to the family helped the victim substantially. Successful treatment of her husband's alcoholism in one woman's case eliminated violence in the marriage and led the husband to protect his wife against discrimination in the local community. In addition, it served to improve the family's social and economic status as he was able to work and earn money whereas this had fallen to her in the past. In another case, help with setting up a pig farm, to be run by the victim and her father, contributed to the financial security of the family as a whole and feelings of hope for and confidence in the future.

There is a need to expand the focus more explicitly to family members if reintegration efforts are to be successful. There is no doubt that the impact of human trafficking is most central for the primary victim. At the same time, family members – whether children, spouses, parents or siblings – can be profoundly affected by the trafficking of a family member. Family members who know what has happened may experience significant stress over what the victim has suffered. When family members do not know what has happened, victim's stressed behaviours can be confusing and hurtful and lead to additional problems and tensions. And, regardless, the often significant economic fallout of trafficking negatively impacts the family, either through debt incurred or failure to earn money.

The family can play a crucial role in the successful reintegration of trafficking victims, but also be a hindrance in recovery if relationships are difficult. Thus, to fail to take the family into account in anti-trafficking reintegration interventions is to miss an important, if not pivotal, factor in efforts to reintegrate trafficked persons.

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## Notes

1. Please see Brunovskis and Tyldum, 2003; Brunovskis and Surtees, 2008, 2007; Surtees, 2007.
2. This data was collected in the context of the project Informal Child Migration in Europe (N-ICME), funded by the Research Council of Norway.
3. While NVivo and other similar tools are closely associated with grounded theory, they can also be very useful for other approaches less focused on theory development.

4. All names have been changed to protect the anonymity and confidentiality of our respondents.
5. This quote is compiled and edited from information from an interview with a woman in her thirties, who had returned to Moldova several years ago after having been trafficked.
6. Again, here it is important to remember that there is a likely bias in our sample, as victims with well-functioning family relationships tend to return to family rather than enter into assistance programmes. The above observation on stigmatized families should not be taken to indicate that all, or most, trafficking victims come from already stigmatized families.

## References

- Aronson J (1994) A pragmatic view of thematic analysis. *The Qualitative Report* 2(1).
- Avila E (2008) *Transnational Motherhood and Fatherhood: Gendered Challenges and Coping*. PhD Dissertation, presented to the Faculty of the Graduate School, University of Southern California.
- Beals K, Peplau L and Gable S (2009) Stigma management and well-being: The role of perceived social support, emotional processing, and suppression. *Personality and Social Psychology Bulletin* 35: 867–879.
- Bjerkan L (ed.) (2005) *A Life of One's Own: Rehabilitation of Victims of Trafficking for Sexual Exploitation*. Oslo: Fafo.
- Braun V and Clarke V (2006) Using thematic analysis in psychology. *Qualitative Research in Psychology* 3: 77–101.
- Brunovskis A and Tyldum G (2003) *Crossing borders. An empirical study of transnational prostitution and trafficking in human beings*. Oslo: Fafo.
- Brunovskis A and Surtees R (2008) “Agency or illness – conceptualizing trafficking victims’ choices and behaviours”, *Gender, Technology and Development*. 12(1): 53–76.
- Brunovskis A and Surtees R (2007) *Leaving the past behind. When victims of trafficking decline assistance*. Oslo: Fafo.
- Campbell R, Sharon M, Wasco C, Ahrens E, Sefl T and Barnes HE (2001) Preventing the ‘second rape’: Rape survivors’ experiences with community service providers. *Journal of Interpersonal Violence* 16(12): 1239–1259.
- Corrigan P (2004) How stigma interferes with mental health care. *American Psychologist* 59: 614–625.
- Creswell JW (2007) *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*. Thousand Oaks: SAGE Publications.
- Cwikel J and Hoban E (2005) “Contentious issues in research on trafficked women working in the sex industry: study design, ethics and methodology”, *Journal of Sex Research*, 42(4): 306–16.
- Derks A (1998): *Reintegration of Victims of Trafficking in Cambodia*. Geneva: IOM.
- Dodge M and Pogrebin M (2001) Collateral costs of imprisonment of women: Complications of reintegration. *The Prison Journal* 81: 42–54.
- Gajic-Veljanoski O and Stewart DE (2007) Women trafficked into prostitution: Determinants, human rights and health needs. *Transcultural Psychiatry* 44(3): 338–358.
- Gideon L (2007) Family role in the reintegration process of recovering drug addicts: A qualitative review of Israeli offenders. *International Journal of Offender Therapy and Comparative Criminology* 51(2): 212–226.

- Goffman E (1963) *Stigma: Notes on the Management of Spoiled Identity*. London: Penguin Books.
- Grbich C (2007) *Qualitative Data Analysis*. London: SAGE.
- Hondagneu-Sotila P and Avila E (1997) 'I'm here, but I'm there': The meanings of latina transnational motherhood. *Gender and Society* 11(5): 548–571.
- Kato Y (nd) *Reintegration of Thai Female Returnees from Japan*. Available at: [human-securityconf.polsci.chula.ac.th/Documents/Presentations/Yuko.doc](http://human-securityconf.polsci.chula.ac.th/Documents/Presentations/Yuko.doc).
- Kootstra T and Commandeur X (2004) *If Our Skirt is Torn...: Safe Return and Social Inclusion of Victims of Traffic in Human Beings, An Inventory of Neglected Areas in Ten European and Asian Countries*. The Netherlands: ICCO.
- Laczko F and Gozdzik E (2005) *Data and research on human trafficking: a global survey. Offprint of the Special Issue of International Migration*. 43 (1/2).
- Link B and Phelan J (2001) Conceptualising stigma. *Annual Review of Sociology* 27: 363–385.
- Link B, Mirotznik J and Cullen F (1991) The effectiveness of stigma coping orientations – can negative consequences of mental illness labeling be avoided. *Journal of Health and Social Behaviour* 32: 302–320.
- Lisborg A (2009) *Re-thinking Reintegration: What do Returning Victims Really Want and Need? Evidence from Thailand and the Philippines*. GMS-07 SIREN report, Bangkok, Thailand: UNIAP.
- Lisborg A and Plambech S (2009) *Going Back, Moving On. A Synthesis Report of the Trends and Experiences of Returned Trafficking Victims in Thailand and the Philippines*. Bangkok: International Labor Organization.
- Miller T and Bell L (2002) Consenting to what? Issues of access, gatekeeping and 'informed consent'. In: Mauthner M, Birch M, Jessop J and Miller T (eds) *Ethics in Qualitative Research*. London: SAGE, pp.53–69.
- Parreñas RS (2005) The care crisis in the Philippines: Children and transnational families in the new global economy. In: Ehrenreich B and Hochschild AR (eds) *Global Woman*. London: Granta Books, pp.39–54.
- Sallmann J (2010) Living with stigma: Women's experience of prostitution and substance use. *Affilia* 25(2): 146–159.
- Surtees R and Craggs S (2010) *Beneath the surface. Some methodological issues in trafficking research and data collection*. Geneva: IOM & Washington: NEXUS Institute.
- Surtees R (in press) 'Another side of the story. Challenges in research with unidentified and unassisted trafficking victims. In *Forcing issues. Rethinking and Rescaling Human Trafficking in the Asia Pacific*. Sallie Yea & Pattana Kitiarsa. Routledge.
- Surtees R (2007) *Listening to Victims: Experiences of Identification, Return Assistance in SEE*. Vienna: ICMPD.
- Surtees R (2008a) *Re/integration of trafficked persons: handling "difficult" cases*. Brussels: KBF & Vienna: NEXUS Institute.
- Surtees R (2008b) *Re/integration of trafficked persons: how can our work be more effective*. Brussels: KBF & Vienna: NEXUS Institute.
- Surtees R (2008c) *Why shelters? Considering residential approaches to assistance*. Vienna, Austria: NEXUS Institute.
- Temple B (2008) Narrative analysis of written texts: Reflexivity in cross language research. *Qualitative Research* 8(3): 355–365.
- Terre des Hommes (2009) *Supporting Child (Re)integration. A Terre des Homes Policy Paper*. Lausanne: Tdh.

- Tyldum G and Brunovski A (2005) "Describing the unobserved: methodological challenges in empirical studies on human trafficking," *International Migration, special issue on data research on human trafficking, a global survey*. 43(1/2): 17–34.
- United Nations (2000) *Protocol to Prevent, Suppress and Punish Trafficking in Persons*. Available at: [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf).
- US State Department (2010) *Trafficking in Persons Report 2010*. Available at: <http://www.state.gov/documents/organization/142979.pdf>.
- Zimmerman C (2003) *The Health Risks and Consequences of Trafficking in Women and Adolescents. Findings from a European Study*. London: London School of Hygiene and Tropical Medicine.
- Zimmerman C, Hossain M, Yun K, Roche B, Morison L and Watts C (2006) *Stolen Smiles: A Summary Report on the Physical and Psychological Health Consequences of Women and Adolescents Trafficked in Europe*. London: London School of Hygiene and Tropical Medicine.