

# A safe return for victims of trafficking

by Eline Willemsen

*The Dutch focus on the expulsion of undocumented migrants hinders the protection of victims of trafficking.*

Although reliable figures on trafficking are hard to come by, the Dutch National Rapporteur on Trafficking estimates that each year some 3,500 women are trafficked into the sex industry in the Netherlands. However, only 400 of them were registered as victims of trafficking by the Dutch Foundation against Trafficking in Women (STV), of whom only five per cent pressed charges against their traffickers – partly because the Dutch Trafficking Victims Protection Act (known as the ‘B9 regulation’) offers them very little protection and security. If victims press charges, the B9 regulation grants them a temporary residence permit and entitlement to a social allowance, shelter, legal assistance and counselling. It also prescribes

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a three-month reflection period but, regrettably, the police do not always respect this.

Women who, out of fear, choose not to support prosecutions, or whose information is insufficiently detailed for use by prosecutors, have no formal right to protection and are expelled immediately. For women who do decide to press

charges, the risks of reprisals, either in the Netherlands or against family members back home, are high. After a legal case is concluded, and a victim is no longer of use to the Dutch authorities, she is repatriated. Only if she can prove that her life will be in danger if she returns home will the Dutch authorities – in some cases – grant a permanent residence permit.

Legalisation of prostitution in October 2001 has led to a shift from prostitution in sex clubs and window brothels towards street prostitution and escort services, further adding to the isolation and vulnerability of sex workers. Though detection of victims might have become more difficult, there is no evidence that the legalisation of prostitution has led to more trafficking.

For many women who have ‘B9 status’ the prospect of return is fraught with fear. It is not uncommon to find women who have had B9 status for up to seven years and who now feel more at home in the Netherlands than in their country of origin. Interviews with victims of trafficking found that the majority were very fearful of returning. Having put their traffickers behind

bars, they expect reprisals – for trafficking networks are international and family addresses are known by traffickers. There is also a risk that relatives may stigmatise them as prostitutes or attack, even murder, them for the ‘dishonour’ they are seen to have brought upon their families.

One of those interviewed said: *“How can I think about a possible return, when I have no idea about the unpleasant surprises that destiny has in store for me back there? How can I go back when I don’t know what to expect from the traffickers? How can I go back when I probably won’t ever be accepted again into society?”*<sup>1</sup>

Interviewed women cite lawlessness, lack of safety and failure of the police or the authorities to protect them in their home country. Having left home in order to remit funds, it is often difficult, if not impossible, to return empty-handed. Employment prospects at home are often bleak, especially for women from ethnic minorities.

## **Empowering victims of trafficking**

In order to help victims of trafficking who apply for residency, the Foundation against Trafficking in Women has developed a checklist for social workers and lawyers to ensure that all stay or return

options are considered when processing applications to remain.

Bonded Labour in the Netherlands (BLinN), a joint initiative of Humanitas and Oxfam Novib, supports and empowers victims of trafficking, regardless of their status, in a variety of ways:

- capacity building: facilitating 'buddy contacts', a peer group for psychosocial counselling, temporary financial support and information dissemination
- individual support: finding appropriate alternatives for women through education and training
- advocacy at policy level for a human rights-based approach
- building alliances with other NGOs and establishing international networks to ensure successful return and a better future for the victims in their country of origin.

It is important that:

- repatriation should preferably be voluntary and only after an assessment of needs and risks has been done – to date, the Dutch government has not done this.
- trafficked women should not be regarded simply as 'illegal migrants': failure to acknowledge them as trafficked and exploited is a continued violation of their human rights.
- if victims return, NGOs should make contact with them prior to return and they should receive long-term assistance in the country of origin: currently, if help is provided, it is only for a few months.

In cooperation with NGOs such as the La Strada network<sup>2</sup> and international organisations such as the International Organization for Migration, BLinN assists many women from Eastern Europe and

West Africa. A new project aims to build international alliances and to identify partners in African countries to welcome and support returning victims of trafficking. In consultation with women who have B9 status in the Netherlands, BLinN will look at the rehabilitation needs of victims returning to Africa. It is hoped that this pilot project will help empower returning women, give them a new future and prevent them from being re-trafficked. If women are not provided with better opportunities in their home countries, they will remain an easy target for traffickers.

***Eline Willemsen works for BLinN, Bonded Labour in the Netherlands [www.blinn.nl](http://www.blinn.nl)  
Email: [e.willemsen@blinn.nl](mailto:e.willemsen@blinn.nl)***

1. BLinN, Eimeren, E. van, *Going Back?*, Amsterdam 2005

2. [www.lastradainternational.org](http://www.lastradainternational.org)