Ethical treatment of trafficked persons

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General comments and introduction

Survey among colleagues and collaborators – what ethics means in their day-to-day work with trafficked persons.

Conflict between different perspectives – perspective of an assistance provider or of a public officer (police, prosecutor's office, social protection system etc.) and perspective of a victim (interests, needs, rights).

An example from the training for professionals and their answer to a hypothetical question "Would you support your daughter to report the trafficker and be a witness in the trial?"

Focus of the presentation: ethics, ethical principles and dilemmas in direct work with trafficked persons experienced by assistance providers, in particular civil society organizations.

International standards and accepted ethical principles, experience in work

Ethical codes/guidelines of different organizations/professions most often contain the following ethical principles: do no harm, safety and security, consent, anonymity and confidentiality, data-protection, non-discrimination, best interest of the beneficiary/child etc. Emphasis of this presentation will be on:

1. Do no harm,
2. Consent,
3. Safety and security.

DO NO HARM!

Comprehensive ethical principal and at the same time a direct guideline and instruction for work.

The main idea of this principle is that a trafficked person must not be put in a worse situation than s/he would have been if no assistance had been provided if s/he had not been included in a specific program. "If you cannot help them do not hurt them".

Some of dilemmas from practice:

- Whether to encourage a trafficked person to report the case and enter national referral mechanism and the system in which she will be forced to relive her/him trauma all over again several times or to try to help her/him in an alternative way which will enable her to keep whatever dignity and privacy s/he may have.
- Trafficked persons' freedom to decide whether to testify in the process against traffickers.
- How to prioritize services when support depends on the duration of the project, funds etc?

CONSENT:

Informed consent means that trafficked person must be fully informed before s/he makes a decision whether to take part in certain activity/program and before any action on his/her behalf is taken.

Some of dilemmas from practice:

- Example of ASTRA's beneficiary – "And if I stay clean of drugs, than what?" – no consent?

- Alleged absence of consent as an alibi for inactivity.

- Disbalance of power and consequent nature of consent.

SAFETY AND SECURITY

These principles are often mentioned, they are implied and declaratively unquestionable, trafficked persons are insufficiently protected and their own sense about their personal safety and security is low. Quality risk assessment is rarely done.

Safety risk is a reality in the majority of cases. It is the most intensive right before and during the trial, when intimidation of trafficked persons, either directly or through his/her closed ones, is aimed at making her/him give up, i.e. change their testimony. According to one ASTRA's small research, 38% of beneficiaries suffered serious health problems in direct relation to their participation in the judicial process.

Some of dilemmas from practice:

- Shelter as a solution to trafficked persons' safety risks – but for how long? It might be safe, but is it ethical?

- Conflict between rights and interests of trafficked person – whether to take measures when s/he explicitly refuses and it is assessed that her/his life is in danger?

Other dilemmas shared by colleagues and partners in the survey:

- Are we and to what extent honest to ourselves? Are we hiding behind the principles sometimes? Are we afraid that if we take some action that we would violate "do no harm" principle?
- To what extent are we pointing to the mistakes of others, but do not notice our own?
- What are we doing if we are hesitating too much or for too long?
- What about trafficked person who is supposed to receive assistance and who has the experience of abuser?
- There is a range of challenges with regard to cooperation with other actors: whether to cooperate with just anybody.
- Expectations practitioners have from trafficked person which lead to "leaving" the person when s/he does not agree to offered assistance and acts differently than what is recommended/expected.

Recommendations and examples of some good practices

* Persistent enforcement of laws, mechanisms and procedures, but only those that do no harm to trafficked persons and vulnerable groups.

1. Introduction of an accountability system, which would define roles and responsibilities or service providers in different stages of work with trafficked persons – it should be clear who is responsible for what in which stage when trafficked persons – both children and adults – do not receive adequate and standards-based treatment.
2. Reconsideration of different training programs for the purpose of professional development and specialization of practitioners, and not to have basic trainings over and over again. Participation of trafficked persons in trainings, yes or no/why?
3. Funds allocated for fighting human trafficking should be used for fighting trafficking, not for irregular migrations and the like. A systemic research conducted by independent researchers could give valuable guidelines.
4. Decentralization of assistance.
5. Psychological supervision for all who work with victims.
6. Codes of ethics/ethical principles should be defined where they do not exist. The very work on such document increases the level of perception of professionals about the rights and needs of trafficked persons.

In the end, whether to continue working on this problem after so many years, when the results are still not satisfactory and when what has been done to overcome genuine non-understanding of the needs and rights of trafficked persons is essentially insufficient. Should we not significantly change the approach if the results are not satisfactory?