



Institutional Re-victimization: The Effects of Judicial Procedures on the Psychological Well-Being of Human Trafficking Victims

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Abstract

Institutional re-victimization represents a significant challenge within the adjudication of human trafficking cases, referring to the additional psychological harm victims may experience through their interaction with judicial systems. This paper examines the extent to which procedural practices, such as repeated testimonies, confrontational questioning, and credibility assessments can inadvertently reproduce elements of the original trauma. Drawing on contemporary literature in legal psychology and victimology, the analysis highlights how these practices may exacerbate symptoms associated with Post-Traumatic Stress Disorder, including anxiety, emotional distress, and intrusive recollections. The study further explores the role of adversarial legal frameworks in intensifying victims' vulnerability, particularly when institutional responses lack sensitivity to trauma-related needs. In such contexts, victims may perceive the justice process as invalidating or hostile, leading to decreased cooperation, withdrawal from proceedings, and diminished trust in legal institutions. This phenomenon not only affects victims' psychological well-being but may also compromise the quality of testimony and, ultimately, the effectiveness of judicial outcomes. In contrast, the paper emphasizes the importance of trauma-informed and victim-centered approaches within legal procedures. Measures such as limiting repeated interviews, ensuring privacy, providing psychological support, and training legal professionals in trauma awareness are identified as critical in reducing the risk of secondary victimization. These practices contribute to a more balanced legal process that safeguards both evidentiary integrity and victim welfare. The findings underscore the need for systemic reforms that integrate psychological considerations into judicial procedures, promoting a more humane and effective response to human trafficking cases.

Keywords: institutional re-victimization, human trafficking victims, judicial procedures, secondary victimization, trauma-informed justice, psychological well-being, legal psychology, victim-centered approach, Post-Traumatic Stress Disorder, credibility assessment

1. Introduction

Human trafficking represents one of the most severe violations of human rights, characterized not only by physical exploitation but also by profound and enduring psychological harm. Victims of trafficking are frequently exposed to chronic trauma, including coercion, manipulation, violence, and deprivation of autonomy, leading to complex psychological consequences such as post-traumatic stress disorder (PTSD), depression, anxiety, and dissociative symptoms (American Psychiatric Association, 2013). While considerable attention has been devoted to the identification and initial protection of victims, significantly less focus has been placed on the psychological impact of post-trafficking institutional interactions, particularly within judicial systems. (Herman, 1992; van der Kolk, 2014).

From a psychological perspective, the concept of *institutional re-victimization* refers to the process through which victims experience renewed trauma as a result of formal procedures, interactions, and environments that fail to adequately account for their vulnerability. Judicial proceedings, although essential for ensuring accountability and justice, can inadvertently reproduce elements of the original trauma. Repeated testimony, exposure to perpetrators, adversarial questioning, lack of emotional support, and procedural delays may activate trauma-related responses, including re-experiencing, hyperarousal, and avoidance behaviors. Revictimization is not limited to judicial contexts but can also be reproduced through media narratives and public discourse (Pacheco & Le Barbenchon, 2024; Brambilla, 2024).

The courtroom setting itself can function as a psychologically unsafe environment for trafficking survivors. Cognitive theories of trauma emphasize that reminders of the traumatic event, particularly those involving perceived threat or loss of control, can trigger intense emotional and physiological reactions. In this context, legal procedures that require victims to recount traumatic experiences in detail, often under scrutiny or disbelief, may reinforce feelings of shame, helplessness, and self-blame. (Campbell, 2006) Furthermore, the lack of trauma-informed practices within many judicial systems exacerbates these effects, undermining both psychological recovery and the reliability of victim testimony.

Institutional re-victimization must also be understood through the lens of power dynamics and social perception. Victims of human trafficking often face stigma, stereotyping, and credibility challenges, which can contribute to secondary victimization. Psychological research highlights that perceived injustice and invalidation can significantly impair coping mechanisms and hinder post-traumatic growth. Thus, the interaction between individual trauma and institutional responses becomes a critical factor in shaping long-term psychological outcomes.

This paper explores the effects of judicial procedures on the psychological well-being of human trafficking victims, emphasizing the mechanisms through which institutional re-victimization occurs. By integrating insights from trauma psychology, victimology, and legal studies, the study aims to critically assess current practices and to highlight the necessity of trauma-informed approaches within judicial systems. Understanding these dynamics is essential not only for protecting victims' mental health but also for ensuring the effectiveness and fairness of legal proceedings.

2. Literature Review and Theoretical Framework

The phenomenon of institutional re-victimization in human trafficking cases has increasingly attracted scholarly attention at the intersection of psychology, victimology, and legal studies. Existing literature demonstrates that while judicial systems are designed to provide justice and protection, they may inadvertently contribute to secondary or institutional victimization

through procedures that insufficiently account for trauma-related vulnerabilities (Campbell, 2006; Herman, 1992).

Recent empirical studies on trafficking victims within judicial contexts indicate that survivors frequently experience heightened anxiety, emotional withdrawal, and cognitive overload during court proceedings, particularly when subjected to repeated questioning or adversarial cross-examination (United Nations Office on Drugs and Crime, 2023; Organization for Security and Co-operation in Europe, 2022). GRETA reports further emphasize that inadequate trauma-informed safeguards may discourage victims from participating in prosecutions and increase the risk of secondary victimization (GRETA, 2023). Comparative analyses of trafficking adjudication across European jurisdictions also reveal substantial disparities in the implementation of victim-protection measures, particularly regarding privacy safeguards, testimonial accommodations, and psychological support during proceedings.

From a psychological standpoint, trauma theory provides the primary explanatory framework for understanding the impact of judicial processes on victims. Survivors of human trafficking often exhibit symptoms consistent with complex trauma, a condition resulting from prolonged and repeated exposure to coercive and abusive environments (Herman, 1992). Unlike single-incident trauma, complex trauma affects emotional regulation, self-perception, and interpersonal functioning. Judicial procedures that require victims to repeatedly recount traumatic experiences can reactivate traumatic memory networks, leading to re-experiencing phenomena, emotional dysregulation, and cognitive fragmentation.

The concept of secondary victimization, also referred to as institutional re-victimization refers to the additional harm caused not by the original offender, but by the responses of institutions and professionals. In judicial contexts, this may include insensitive questioning, disbelief, victim-blaming attitudes, and procedural inefficiencies. Empirical studies have shown that such experiences can exacerbate psychological distress and reduce victims' willingness to engage with the justice system. (Pemberton & Mulder, 2023).

Cognitive and neuropsychological models further explain how trauma affects memory and testimony. Research on traumatic memory processing indicates that memories of traumatic events are often fragmented, sensory-based, and inconsistently retrieved (van der Kolk, 2014). This has direct implications for courtroom dynamics, where coherence and consistency are often equated with credibility. Victims may therefore be perceived as unreliable, not due to deception, but as a result of trauma-related cognitive processes. This mismatch between legal expectations and psychological realities contributes to institutional re-victimization.

Another relevant theoretical perspective is learned helplessness theory (Seligman, 1975), which helps explain victims' passivity or withdrawal during legal proceedings. Prolonged exposure to uncontrollable traumatic situations, such as those experienced in trafficking, may lead individuals to perceive themselves as powerless, thereby reducing their ability to actively participate in judicial processes. This can be misinterpreted by legal actors as lack of cooperation or credibility.

Additionally, procedural justice theory (Tyler, 1990) offers insight into how victims perceive fairness within judicial systems. According to this framework, individuals are more likely to experience positive psychological outcomes when they perceive procedures as fair, respectful, and inclusive. Conversely, when victims feel marginalized, disbelieved, or instrumentalized, their psychological distress may intensify, reinforcing feelings of injustice and mistrust.

The literature also highlights the importance of trauma-informed approaches in mitigating re-victimization. Trauma-informed justice systems recognize the psychological impact of trauma and adapt procedures accordingly, emphasizing safety, empowerment, and sensitivity

(Substance Abuse and Mental Health Services Administration, 2014). Measures such as limiting repeated testimonies, ensuring supportive environments, and training legal professionals in trauma awareness have been shown to reduce secondary victimization and improve both psychological outcomes and evidentiary quality.

Despite these advances, significant gaps remain in both research and practice. Much of the existing literature focuses on sexual violence victims more broadly, with comparatively fewer studies specifically addressing human trafficking survivors. Moreover, there is a need for more interdisciplinary frameworks that integrate psychological insights into legal procedures in a systematic manner.

Prevention and intervention programs targeting vulnerable populations, including youth in care and care leavers, highlight the importance of early psychological support and victimization prevention strategies (Wagner et al., 2022).

In this context, the present study adopts an integrative theoretical framework that combines trauma theory, cognitive psychology, victimology, and procedural justice. This approach allows for a comprehensive understanding of how judicial procedures interact with trauma-related vulnerabilities, ultimately shaping the psychological well-being of human trafficking victims. By situating institutional re-victimization within these theoretical paradigms, the paper aims to contribute to both academic discourse and the development of more humane and effective judicial practices.

3. Methodological Approach

This study adopts an interdisciplinary methodological approach, combining qualitative psychological analysis with legal-doctrinal examination in order to investigate the phenomenon of institutional re-victimization in judicial procedures involving victims of human trafficking. The complexity of the subject, situated at the intersection of trauma psychology, victimology, and criminal justice, requires a multi-layered research design capable of capturing both normative frameworks and experiential dimensions.

From a psychological perspective, the research is grounded in a theoretical-analytical methodology, drawing upon established models of trauma, including complex trauma theory and cognitive trauma processing. These frameworks are used to interpret how judicial practices may trigger or exacerbate trauma-related symptoms such as re-experiencing, dissociation, and emotional dysregulation. The study does not rely on primary clinical data but instead utilizes secondary sources, including empirical psychological studies, clinical reports, and meta-analyses, to construct an evidence-based understanding of victims' psychological responses within institutional contexts.

In parallel, a doctrinal legal analysis is employed to examine relevant international and European legal instruments governing the protection of trafficking victims. This includes, but is not limited to, the EU Directive 2011/36/EU on preventing and combating trafficking in human beings, the EU Directive 2012/29/EU establishing minimum standards on the rights, support, and protection of victims of crime, as well as relevant jurisprudence of the European Court of Human Rights. The legal analysis focuses on identifying both protective mechanisms and procedural gaps that may contribute to institutional re-victimization.

The research further incorporates a comparative and interpretative component, analyzing how judicial procedures, such as victim testimony, cross-examination, confrontation with perpetrators, and evidentiary requirements, interact with psychological vulnerabilities. Particular attention is given to identifying points of friction between legal standards of evidence

(e.g., consistency, credibility, immediacy) and the psychological realities of trauma-affected memory and behavior.

To structure the analysis, the study follows a conceptual research design, organized around key analytical categories:

- (1) trauma-related psychological responses of trafficking victims,
- (2) characteristics of judicial procedures,
- (3) mechanisms of institutional re-victimization. These categories allow for a systematic examination of causal and correlational relationships between procedural practices and psychological outcomes.

Additionally, the study integrates a normative-evaluative dimension, assessing the extent to which existing judicial practices align with trauma-informed principles. This involves applying criteria derived from psychological literature, such as safety, empowerment, predictability, and avoidance of re-traumatization, to evaluate procedural fairness and victim protection.

The limitations of the study must also be acknowledged. The absence of primary empirical data (e.g., interviews with victims or judicial actors) restricts the ability to capture lived experiences in real time. However, this limitation is mitigated by the use of a robust body of interdisciplinary literature and by the analytical depth afforded by the integration of psychological and legal perspectives.

Overall, this methodological approach enables a comprehensive and nuanced exploration of institutional re-victimization, emphasizing the need for greater alignment between judicial procedures and the psychological needs of human trafficking victims.

3.1 Research Design

The present study employs a conceptual and analytical research design, structured to examine the relationship between judicial procedures and the psychological well-being of human trafficking victims through the lens of institutional re-victimization. Given the exploratory and interdisciplinary nature of the topic, the design integrates theoretical synthesis with normative and interpretative analysis.

The research follows a qualitative, non-empirical design, based on secondary data sources. These include psychological literature on trauma and victimization, legal instruments at international and European levels, and existing empirical findings documented in prior studies. The purpose is not to generate new primary data, but to systematically analyze and correlate established knowledge from multiple disciplines in order to identify patterns, tensions, and explanatory mechanisms.

The study is structured around a **model of analytical triangulation**, combining three core dimensions:

1. **Psychological Dimension** – examining trauma-related responses specific to victims of human trafficking, including PTSD, complex trauma, memory fragmentation, emotional dysregulation, and learned helplessness. This dimension provides the explanatory basis for understanding vulnerability within judicial settings.
2. **Procedural-Judicial Dimension** – analyzing key components of criminal proceedings (e.g., victim testimony, cross-examination, confrontation with the offender, procedural delays, evidentiary standards). This dimension focuses on how legal practices are operationalized in practice.

3. **Interactional Dimension** – identifying the mechanisms through which judicial procedures interact with psychological vulnerabilities, leading to institutional re-victimization. This dimension represents the core analytical focus of the study.

The research design is further guided by a set of **analytical criteria**, derived from trauma-informed principles, including:

- psychological safety,
- predictability of procedures,
- minimization of repeated exposure to traumatic content,
- respect and validation of victim experiences,
- avoidance of victim-blaming or stigmatizing practices.

Using these criteria, the study conducts a systematic evaluation of judicial processes, identifying specific procedural elements that may function as triggers for re-traumatization. The analysis is interpretative in nature, aiming to establish conceptual links rather than causal generalizations.

Additionally, the research incorporates a comparative element, contrasting ideal trauma-informed practices with existing judicial frameworks. This allows for the identification of structural gaps and inconsistencies between legal protections and their psychological effectiveness.

The design also has an implicit normative orientation, as it seeks not only to describe the phenomenon of institutional re-victimization but also to assess the adequacy of current judicial approaches and to support the development of more victim-sensitive procedures.

While the absence of primary empirical data limits statistical generalization, the strength of this research design lies in its theoretical integration and explanatory depth, offering a coherent framework for understanding how institutional processes can inadvertently perpetuate harm in the context of human trafficking cases.

3.2 General Objectives

The general objective of this study is to analyze the phenomenon of institutional re-victimization in the context of judicial proceedings involving victims of human trafficking, with a particular focus on its impact on psychological well-being. The research aims to bridge the gap between legal procedures and psychological realities by integrating insights from trauma psychology, victimology, and criminal justice.

More specifically, the study pursues the following overarching objectives:

- **To examine the psychological consequences of human trafficking**, with emphasis on trauma-related disorders such as post-traumatic stress, complex trauma, anxiety, depression, and dissociative symptoms, and their relevance within judicial contexts.
- **To analyze the structure and functioning of judicial procedures** in human trafficking cases, including victim testimony, evidentiary requirements, and interaction with legal professionals, in order to identify elements that may contribute to re-victimization.
- **To conceptualize institutional re-victimization** as a multidimensional process resulting from the interaction between victims' psychological vulnerabilities and formal legal mechanisms.
- **To identify the mechanisms through which judicial practices may trigger or exacerbate trauma responses**, including repeated exposure to traumatic narratives, adversarial questioning, and lack of procedural sensitivity.

- **To evaluate the extent to which current legal frameworks incorporate trauma-informed principles**, particularly in relation to victim protection, dignity, and participation in criminal proceedings.
- **To highlight the discrepancies between normative protections and practical implementation**, emphasizing how procedural shortcomings may undermine both psychological recovery and the effectiveness of justice.
- **To contribute to the development of an interdisciplinary analytical framework** that integrates psychological and legal perspectives in the assessment of victim experiences within judicial systems.
- **To formulate directions for improving judicial practices**, with the aim of reducing institutional re-victimization and enhancing both victim well-being and procedural fairness.

3.3. Research Questions

- **RQ1:** How do trauma-related psychological effects in human trafficking victims influence their participation and behavior within judicial proceedings?
- **RQ2:** Which elements of judicial procedures contribute to institutional re-victimization by triggering or exacerbating trauma responses?
- **RQ3:** To what extent do current judicial practices incorporate trauma-informed principles, and how can they be improved to better protect victims' psychological well-being?

4. Analysis and Discussion

The analysis of institutional re-victimization in judicial proceedings involving victims of human trafficking reveals a complex interaction between psychological vulnerability and procedural formalism. The findings indicate that, although judicial systems are designed to ensure accountability and fairness, they often operate in ways that are insufficiently adapted to the psychological realities of trauma survivors.

The findings can also be interpreted through the lens of epistemic injustice, where victims' testimonies are dismissed or devalued (Pemberton & Mulder, 2023).

From a psychological perspective, victims of human trafficking frequently present symptoms associated with complex trauma, including emotional dysregulation, fragmented memory, hypervigilance, and dissociation. These symptoms directly affect their capacity to engage consistently and coherently in judicial processes. For instance, trauma-related memory fragmentation may lead to inconsistencies in testimony, which, within a legal framework that prioritizes coherence and credibility, can be misinterpreted as unreliability (Pemberton & Mulder, 2023). This mismatch between psychological functioning and legal expectations constitutes a primary mechanism of institutional re-victimization.

Judicial procedures such as repeated interviews, detailed recounting of traumatic experiences, and adversarial cross-examination can act as trauma triggers, reactivating distress and reinforcing feelings of helplessness and loss of control. The requirement to confront the perpetrator further intensifies these reactions, often producing anxiety, fear, and avoidance behaviors. In such contexts, the courtroom environment may replicate aspects of the original traumatic situation, thereby undermining the victim's sense of safety.

The analysis also highlights the role of institutional attitudes and practices in shaping victim experiences. Victims of trafficking are often subject to implicit biases, skepticism, or victim-

blaming narratives, particularly when their behavior does not conform to stereotypical expectations of victimhood. These responses contribute to secondary victimization by invalidating victims' experiences and reinforcing stigma. From the perspective of procedural justice, such interactions diminish perceptions of fairness and respect, which are essential for both psychological recovery and effective participation in legal proceedings.

Another significant finding concerns the discrepancy between normative protections and practical implementation. While international and European legal frameworks emphasize victim protection, dignity, and support, their application in practice is often inconsistent. Trauma-informed measures, such as minimizing repeated testimonies, ensuring psychological support, or adapting questioning techniques, are not systematically implemented. As a result, procedural safeguards remain largely formal rather than substantive.

The interactional analysis demonstrates that institutional re-victimization is not the result of isolated procedural elements, but rather emerges from the cumulative effect of multiple stressors within the judicial process. These include procedural delays, lack of information, limited control over the process, and insufficient emotional support. Together, these factors can exacerbate trauma symptoms and negatively impact long-term psychological well-being.

Importantly, the findings suggest that institutional re-victimization also has implications for the effectiveness of justice. Psychological distress may impair victims' ability to provide detailed and consistent testimony, potentially affecting evidentiary outcomes. Moreover, negative experiences within the judicial system may discourage victims from reporting crimes or participating in proceedings, thereby undermining efforts to combat human trafficking.

The discussion underscores the need for a paradigm shift toward trauma-informed justice systems. Integrating psychological knowledge into legal practice is essential to reducing re-victimization and improving both victim outcomes and procedural efficiency. This requires not only legislative provisions but also practical measures, including specialized training for legal professionals, the use of victim-sensitive interviewing techniques, and the creation of supportive and predictable procedural environments.

In conclusion, the analysis demonstrates that institutional re-victimization is a systemic issue rooted in the disconnect between legal procedures and psychological realities. Addressing this gap is critical for ensuring that judicial processes fulfill their protective function without inadvertently perpetuating harm.

Trauma-informed judicial procedures should include concrete safeguards such as:

- the use of pre-recorded testimony in order to reduce repeated recounting of traumatic events;
- video-link testimony and privacy shields to minimize direct confrontation with traffickers;
- structured trauma-sensitive interview protocols;
- limits on repetitive questioning across procedural stages;
- the presence of trained psychological support personnel during hearings;
- specialized judicial training on trauma-related memory fragmentation and emotional dysregulation.

In addition, judicial systems should develop measurable indicators for monitoring institutional re-victimization, including victim withdrawal rates, reported psychological distress during proceedings, and perceived procedural fairness.

Although trauma-informed measures are essential for victim protection, they must remain compatible with fundamental principles of due process and defendants' rights, including the right to confrontation and effective defense. Therefore, procedural adaptations should seek a balanced approach that protects victims from unnecessary psychological harm while preserving evidentiary reliability and procedural fairness. Measures such as judicially supervised video testimony, carefully structured questioning, and independent psychological expertise may help reconcile these objectives.

5. Conclusions

This study has examined the phenomenon of institutional re-victimization in judicial proceedings involving victims of human trafficking, highlighting the critical interplay between psychological trauma and legal procedures. The findings confirm that, despite the protective intent of judicial systems, existing practices may inadvertently reproduce elements of the original trauma, thereby undermining victims' psychological well-being.

The analysis primarily reflects European legal frameworks and may not be fully transferable to non-European jurisdictions characterized by different procedural traditions, institutional capacities, or victim-protection standards.

Moreover, adversarial legal systems may generate higher risks of re-victimization due to intensive cross-examination practices, whereas inquisitorial systems may provide greater procedural control but still risk institutional invalidation through bureaucratic formalism.

From a psychological perspective, the analysis demonstrates that trauma-related symptoms, such as memory fragmentation, emotional dysregulation, hyperarousal, and dissociation, significantly affect victims' ability to participate effectively in legal proceedings. When these symptoms are not adequately understood or accommodated, they may be misinterpreted within the legal framework as indicators of inconsistency or lack of credibility, contributing to secondary victimization.

The study further reveals that specific procedural elements, including repeated testimony, adversarial questioning, confrontation with perpetrators, and procedural delays, function as triggers for re-traumatization. These mechanisms are compounded by institutional factors such as insufficient psychological support, lack of trauma-informed practices, and the persistence of implicit biases or victim-blaming attitudes within judicial environments.

A key conclusion of this research is the existence of a significant gap between normative legal protections and their practical implementation. Although international and European legal instruments provide a robust framework for victim protection, their effectiveness is limited by inconsistent application and insufficient integration of psychological knowledge into judicial practice.

Importantly, institutional re-victimization not only affects victims' mental health but also has broader implications for the functioning of justice systems. It may reduce victims' willingness to engage in legal proceedings, impair the quality of testimony, and ultimately hinder the prosecution of trafficking offenses.

In light of these findings, the study underscores the necessity of adopting a trauma-informed approach to justice, which prioritizes psychological safety, respect, and empowerment. Such an approach requires systemic changes, including specialized training for legal professionals, adaptation of procedural practices to minimize re-traumatization, and the provision of continuous psychological support for victims.

In conclusion, addressing institutional re-victimization is essential for ensuring that judicial systems do not inadvertently perpetuate harm, but instead contribute to the recovery, dignity, and effective protection of human trafficking victims. Bridging the gap between legal procedures and psychological realities remains a fundamental challenge and a necessary direction for future research and policy development.

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