

## Draft Version for Pilot Training

# Awareness Training on Trafficking in Human Beings for Police, Border Guards and Customs Officials in EU Member States, Accession and Candidate Countries

## Development of a European Curriculum

*In partnership with*

**.SIAK**  REPUBLIC OF AUSTRIA  
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# Training Manual

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- **Introduction to the manual/curriculum (context, overall objectives) – to be added**
- **How to use the manual (structure, symbols used, etc) – to be added**
- **Table of content**
- **Definitions**
- **Abbreviations**

#### **Annex**

- **case examples**
- **diagrams for teaching (for photocopying, on slides, as handouts, etc)**
- **handouts**
- **international legal instruments**

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## Definitions

<p><b>Trafficking in Human Beings</b></p>	<p>According to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the United Nations Convention Against Trans-national Organized Crime. (2000)</p> <p>“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’.<sup>1</sup></p> <p>The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking persons” even if this does not involve any of the means set forth in subparagraph (a) of this article<sup>2</sup>;</p> <p>“Child” shall mean any person under eighteen years of age<sup>3</sup>.</p>
<p><b>Smuggling</b></p>	<p>According to the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Trans-national Organised Crime (2000) "smuggling of migrants" shall mean: ‘The procurement to obtain, directly, or indirectly, a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or a permanent resident’.<sup>4</sup></p>
<p><b>Victim of Crime</b></p>	<p>According to the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) "Victims" means ‘persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power’.<sup>5</sup></p> <p>‘A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization’.<sup>6</sup></p>
<p><b>Forced Labour</b></p>	<p>According to the ILO Forced Labour Convention No. 29 (1930) the term "forced or compulsory labour" shall mean ‘all work or service which is exacted from any person under the menace of any penalty</p>

1 art. 3 (a)

2 art. 3 (c)

3 art. 3 (d)

4 art. 3 (a)

5 1.

6 2.

	and for which the said person has not offered himself voluntarily’.
<b>Slavery</b>	<p>According to art. 1 of the Slavery Convention, (1926) "Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised".</p> <p>According to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, n. 226 (1956) institutions and practices, such as debt bondage, serfdom, forced marriage, exploitation of children, should be abolished, whether or not covered by the definition of slavery contained in article 1 of the Slavery Convention (1926).</p>
<b>Debt Bondage</b>	The status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined. <sup>7</sup>
<b>Servitude</b>	According to the <a href="#">ILO Convention (No. 29) concerning Forced or Compulsory Labour</a> (article 2.1) "the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status".

Note on usage of terminology:

The present guidelines use the terms ‘trafficked persons’, as well as –‘victims of trafficking’ interchangeably, except for victims appearing as witnesses in criminal proceedings, in which case the term ‘victim’ is utilised.

<sup>7</sup> UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery (1956), Art. 1a.

## Unit 1 Trafficking in Human Beings

### Objectives

At the end of this unit participants will be able to:

-  Explain the role of front line officers in combating trafficking in human beings
-  Give a definition of trafficking in human beings
-  Relate the crime of trafficking in human beings to national context
-  Describe causes of and factors facilitating the increase of trafficking in human beings

### Outline

	<b>Content</b>	<b>Activity</b>	<b>Time (min)</b>	<b>Reference Material/media</b>
1	Introduction to the subject: THB on the increase globally - What is known about the magnitude and spread of the problem? The role of front line officers	Brief input	15	Chapter 1 background information, references
2	THB in our (respective) country	Brief discussion: What is known about the problem of THB in our (respective) country? Which forms do occur/ are most important?	15	Handout: Based on National Legislation
3	Definition and forms of THB: Acts, means and purpose International Conventions, the European legal framework, national legislation	Input: Overview	30	Handout: Definition (based on manual)
4	Causes and risk factors facilitating the increase of THB	Cases (scenarios): group assignment; collecting a range of reasons on flip chart or black board Complement by input if need be and summarise	30	Cases for group discussion
			90	



## The Crime of Trafficking in Human Beings and the Role of Front Line Officers

Trafficking in human beings has been called the slavery of the 21st century. While the phenomenon is partially known, the proportion it has assumed in recent years is not yet duly acknowledged. Up to 4 million people are reportedly trafficked annually, the majority of whom are women and children<sup>8</sup>, although increasing numbers of men and boys are targeted by traffickers for forced labour exploitation and other practices. The latest ILO report on forced labour indicates that 2,5 million trafficked persons are estimated to be trafficked at any point in time.

Recent intelligence sources describe trafficking in persons as one of the fastest growing illegal businesses globally. Even though the hidden nature of organized crime makes it difficult to have reliable and complete data, it is known that the three largest criminal activities and sources of funding for organized crime worldwide are trafficking in narcotics, human beings and weapons.

The root causes for this growing business are on the one hand unemployment, discrimination targeting often women and minority groups, and the general lack of perspectives affecting increasing numbers of people throughout the world - generating a supply of trafficking victims. On the other hand it is the increasing demand for cheap, exploitable labour, the expansion of the sex industry, and the new possibilities generated by globalisation and technology to circulate information, people and money easily from one country to another.

Organised criminal networks and individual criminals have taken control of this economic equation of 'supply and demand' to traffic and exploit trafficked persons and generate profits for themselves.

Law enforcement officers have to cope with a number of specific difficulties when dealing with this crime. A first and very basic issue is how to identify a trafficked person, distinguishing the case from other cases of irregular work, illegal migration, (legal or illegal) prostitution, etc. The identification of victims of trafficking is strictly linked with the process of identification of trafficking cases. This is why the importance of victim identification is today unanimously recognised as a priority.

An element that needs to be stressed here has to do with the fact that the crime of trafficking requires the coordinated intervention of highly trained, well informed, specialised staff active in different fields and institutions/services to be contrasted effectively. While specialised units are increasingly developing and refining investigative techniques and cooperation mechanisms are being created with other institutions/services, experience clearly indicates that non specialised officers, who are generally not requested to focus on such crimes, are the ones who often come close to it during their ordinary duties and who can significantly contribute through their regular work to 'break a case'.

Front line officers in different units and functions, ranging from uniformed, front-line patrol officers, traffic police, alien police, border personnel, etc., may come into contact with trafficked persons, may patrol areas where exploitation sites are located, may observe, notice and check sites where exploitation takes place and come across significant intelligence of value for the specialised units. They have a key role to play to spot potential trafficked persons, deal with them at first points of contact, refer cases to specialised units and to NGOs, gather low-level intelligence of value to specialised units.

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<sup>8</sup> US Department of State, 2003; EU Organised Crime Situation Report, 2004.

## Legal Instruments

### International Instruments

A number of international conventions and treaties deal with human trafficking, requiring States to criminalise it and take the necessary steps within their legislative systems to address the crime effectively. While numerous countries have already enacted specific legislation against human trafficking, others have not yet put in place a national legislative frame; some are in the process of passing new laws.

This unit presents a short overview of relevant international instruments and the most comprehensive, internationally agreed definition of the crime of trafficking in human beings. It is important to stress that norms foreseen by international treaties are binding for States that ratify them and can be used to fill gaps in national legislation where they exist. Therefore in countries where legislation is still not in place, or is not in line with internationally agreed principles yet, UN standards can and must be applied.

### The European Framework

For EU member states the “EU Council Framework Decision on Trafficking in Human Beings” from 2002 is legally binding. The decision addresses legal harmonisation in the field of trafficking in human beings, stipulating that each Member State is obliged to develop new legislation on anti-trafficking and to interpret existing laws in line with internationally agreed principles and norms established by the main international conventions on trafficking in human beings.<sup>9</sup>

In particular, the framework decision stresses the importance of a common and comprehensive approach by European Member States based on a common definition of the constitutive elements of criminal law, including effective, proportionate and dissuasive sanctions. Furthermore the decision requires that investigation and prosecution shall not depend upon victim’s report and accusation (art. 7 paragraph 1).

Another important instrument for EU Member States is the Council Directive 2004/81/EC on the residence permit for victims of trafficking. On 29 April 2004 the Council of the European Union adopted a directive 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. This directive is based on Art. 63 point 3 of the Treaty on the European Union. According to its Art. 3 (3), the directive applies primarily to adults, but may be extended to minors.

The procedure for issuing the residence permit consists of two main stages:

- 1) The **first stage** is to grant the victim a **reflection period**: according to Art. 6 of the directive, a reflection period must be granted to the victims allowing them to recover and escape the influence of the perpetrators and to consider whether they want to cooperate with the competent authorities. The duration of the reflection period is to be determined by national law, during this time the victim may not be deported. During the reflection period the victim has to be granted basic means of subsistence, medical treatment, safety and protection, and where applicable under national law, also free legal aid.

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<sup>9</sup> [http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l\\_203/l\\_20320020801en00010004.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_203/l_20320020801en00010004.pdf)

- 2) In a **second stage**, after the expiry of this reflection period a **residence permit** shall be issued **if** the **victim** has shown a **clear intention to cooperate** with competent authorities. The possibly issued residence permit shall be valid for at least six month and is renewable. Victims that are holding a residence permit shall additionally have access to education and the labour market (point 16 of the preamble and Art. 11); special provisions for minors call for measures appropriate for children.

The third-country nationals concerned shall be granted access to special programmes set up for reintegration, either in the country of origin or the country of residence and to their recovery of a normal social life (Art. 12).

The directive has two main objectives: obtaining the cooperation of victims of trafficking and illegal immigration for criminal procedures and providing assistance to these victims by granting a residence permit.

However, despite all the benefits described, the directive also very much meets with criticism:

- A residence permit is only issued to a cooperative victim, which is described as an instrumentalisation of the victim.
- It is moreover greatly criticized that the stay permit under the directive depends on the duration of the criminal proceedings. A victim will have to leave the country (Art. 13) unless the member state has adopted national legislation allowing the victim to stay. Victims, who are understandably afraid of returning home, be it because of the awaiting stigmatisation, be it for fear of intimidation, may not be ready to file a complaint.
- A further critique about this directive is its focus on third-country nationals, as nationals of other EU member states cannot refer to this directive. This matters especially for nationals of those origin countries, which after the accession of the ten Central and Eastern European countries to the EU on 1 May 2004 became part of the EU. Nationals of these states do no longer belong to a third county. Also nationals who are settled in one of the EU states on a valid residence permit may fall outside the scope of this directive.

For the sake of the best possible recovery and protection of victims, States should preferably exceed the system of the directive and issue residence permits to victims on humanitarian grounds, independent of their willingness to testify. Under certain conditions, victims should be granted a *permanent* residence permit.

### **The Council of Europe Convention on Action Against Trafficking in Human Beings**

Among the most recent international instruments, the Council of Europe Convention adopted in May 2005 should be also mentioned here, as all European Member States are members of the Council of Europe and the norms contained in this instruments will become binding upon ratification. The Convention introduces in the international legal framework a comprehensive human rights approach to combating the crime of trafficking. Among the specific novelties contained in this convention, the following deserve attention here:

- It takes into account all forms of trafficking, national and trans-national and linked or not linked with organised crime;
- It introduces a chapter on investigation, prosecution and procedural law requiring:
  - a) to provide effective and appropriate protection to victims, collaborators with the judicial authorities, witnesses and members of such persons' families;
  - b) to promote specialisation of persons or units in anti-human-trafficking action and victim protection;

- c) to adapt their judicial procedure so as to protect victims' privacy and ensure their safety;
- It adopts the same definition of trafficking of the Palermo Protocol and introduces a legal definition of the concept of 'victim' of the crime of trafficking;
  - It introduces the principle of obligatory criminalisation of the crime of trafficking and of de-criminalisation of trafficked persons (so called non-punishment clause) providing for the possibility of not imposing penalties on victims, on the grounds that victims have been compelled to be involved in unlawful activities;
  - It introduces the provision of a recovery and reflection period of at least 30 days for trafficked persons;
  - It opens the discretionary possibility to deliver residence permits not only on the basis of the persons' co-operation with law enforcement authorities, but also on the basis of their personal situation.

The agreements listed in the Annex are a sample of the many international treaties dealing with this subject. Among the core conventions, the following are worth mentioning here:

- UN Convention against Transnational Organized Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) (2000)
- Convention on the Rights of the Child (1989)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)
- Council of Europe Convention on Action Against Trafficking in Human Beings (2005)

## The Palermo Protocol

### The Definition of the Crime of Trafficking in Human Beings

The primary international legal instrument dealing with human trafficking is the UN Convention against Transnational Organized Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (usually referred to as Palermo Protocol). The Convention was adopted by the UN General Assembly in November 2000 and entered into force December 2003<sup>10</sup>.

According to the definition in the Palermo Protocol:

(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;

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<sup>10</sup> While this manual is being written, 86 States have ratified the convention and 33 have signed it and are awaiting ratification. Updates on the ratification process in: [http://www.unodc.org/unodc/en/crime\\_cicp\\_signatures.html](http://www.unodc.org/unodc/en/crime_cicp_signatures.html).

(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.” (Art. 3)

This definition has several aspects that reflect the reality of modern-day trafficking:

- It recognises all forms of trafficking and includes sexual exploitation, forced labour, servitude, slavery-like practices and slavery, each of which are defined in international law;
- It does not require that the victim cross an internationally recognised border, taking into account that persons are also being trafficked internally from one region to another within the borders of one country;
- Except in the case of persons under the age of eighteen years, it requires some form of distortion of the victim's free and informed will, be it by means of force, deception or abuse of power. In doing so, the definition respects the ability of adult persons to make self-determined decisions about their lives. At the same time it correctly protects individuals whose free will has been abused.

It can be useful to break the definition into its various components and analyse them in some more detail. The definition of the crime of trafficking includes three different elements:

#### 1) **Acts** such as:

- **Recruitment** - offering work abroad or in-country (as cleaners, waitresses, domestic workers, dancers, construction workers, in agriculture etc.). Jobs are often advertised in newspapers or through labour agencies. Alternatively the first contact is made in person, sometimes by individuals known to the trafficked person – friends or family members - who promise employment and offer to facilitate migration or transfer to other locations in the country (trans-national or internal trafficking). The offers are made with the intent of exploiting the work or services of the trafficked persons. This is a key element to define a case of trafficking.
- **Transfer, transportation of trafficked persons** - organization and transferring of trafficked persons from one place to another, within the country or across the country borders and/or facilitation of illegal border crossing and organization of illegal stay in the country of destination. If the trafficked persons have illegal status in the country of destination, the circumstance is used by traffickers to foster dependence and to fuel the trafficked person's fear of being arrested and deported by local authorities, as opposed to the possibility of seeking or receiving help. In cases where trafficked persons leave their country legally, traffickers organise transportation and provide funds, possibly setting the conditions for a debt-bondage scheme (see below).
- **Harbouring, receipt of persons** - restricting freedom of movement, seizing documents, organising accommodation for trafficked persons, etc. In the majority of cases trafficked persons realise that they have been trafficked only when they are confronted with the demands of traffickers i.e. when they arrive at destination. By then they may have been sold by the persons who transported them and bought by those who are going to exploit them. They are either forced into prostitution or start to be exploited in other ways.

2) **Means** such as the **threat or use of force, deception, coercion, abduction, abuse of power**. In the vast majority of cases at the beginning of the process trafficked persons are not aware of the fact that they are being trafficked. They perceive their decision to leave their home and seek employment, possibly migrating abroad, as a process that they can control.

Making use of the help of intermediaries is part of the strategy usually utilised by illegal/economic migrants. What individuals do not know is that some intermediaries will turn out to be traffickers. Deception is therefore much more common than kidnapping or use of force in trafficking cases, especially where trans-national transport is foreseen (legal or illegal). It must be kept in mind that controlling individuals can be achieved nowadays through many means, without necessarily reverting to force at all stages.

From the point of view of determining if the crime of trafficking has been committed in a specific case, it is important to note that once any of the above mentioned means is employed for the purpose of exploiting somebody's labour or services, the potentially original consent of the trafficked person becomes irrelevant. For instance, even though the exploited person consented to migrate and to work illegally, the person could not possibly consent to exploitation, forced labour, slavery or servitude. Also, consent to work as a prostitute abroad does not constitute consent to exploitation, servitude, violence and abuse.

**3) Purpose** such as **sexual exploitation, other labour exploitation, slavery, begging, servitude, removal of organs**. The purpose of traffickers is ultimately some form of exploitation. Usually trafficked persons realize that they have been cheated upon and that they are trapped by the traffickers after arrival at a new place, when the purpose of the exploitation of labour or services is revealed to them. It is often key to look for elements that indicate the purpose and the presence of exploitation to establish if a specific case can be identified as being a trafficking case or not.

**When the three elements (*acts, means, purpose*) are in place, the committed crime can be identified as the crime of trafficking in human beings.**

## **National Laws on Trafficking in Human Beings**

**National Teams: Incorporate the existing national legislation on human trafficking covering trafficking for sexual as well as labour exploitation, trafficking in children and in organs.**

## Unit 2 The Trafficking Process

### Objectives

At the end of this chapter participants will be able to:

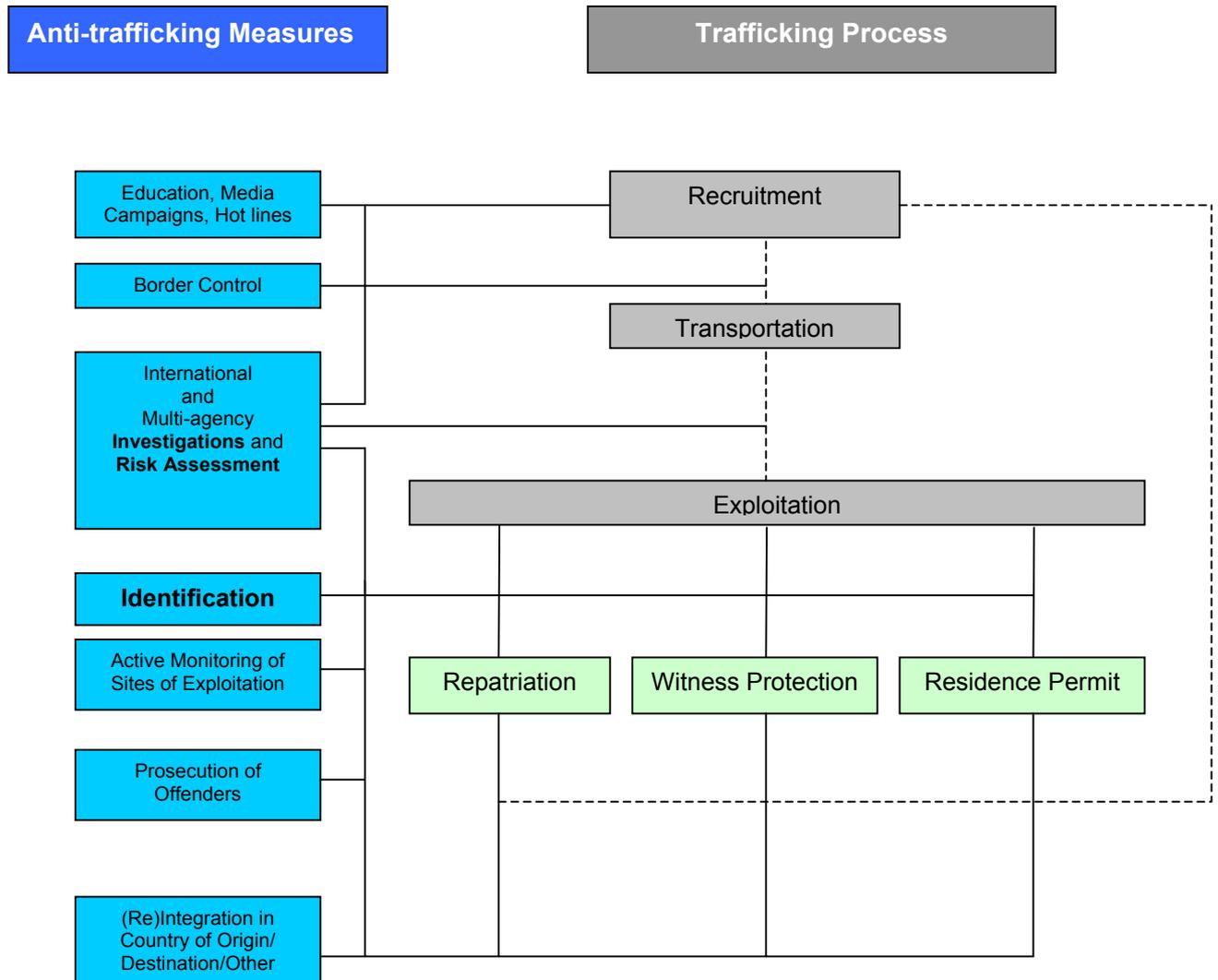
-  Describe phases of the trafficking process
-  Describe various forms of trafficking and common practices (e.g. debt bondage)
-  Distinguish between trafficking and smuggling

### Outline

	<b>Content</b>	<b>Activity</b>	<b>Time (min)</b>	<b>Reference Material/media</b>
1	Trafficking as a process; linking to previous unit (supply and demand factors) Phases of trafficking	Input	30	Chapter 2 background information, references
2	Distinction between trafficking and smuggling	2 Case scenarios: trafficking or smuggling: divide group in two, each to discuss one case and report back to the other half. Complement and clarify; develop table on board or distribute as handout	60	Case Scenarios Trafficking or Smuggling Handout: Table from manual p.15
3	Anti-trafficking measures	Briefly collect in pairs: where and how can measures be applied by target group. Use chart. Collect on board and complement.	30	Chart from manual p. 12
			120	

## The Trafficking Process

The following chart exemplifies the trafficking process as well as the phases where anti-trafficking measures should be applied:



Trafficking can be best described as a process where three phases are typically identified: recruitment, transit, and exploitation.

In reality these phases are often overlapping or concurrent. Therefore some trafficking cases may have several transit and destination phases. This means that the trafficked persons are frequently re-trafficked. In other cases there may be no transit phase at all and the victims are transferred or transported directly to their place of destination after recruitment.

It is very important to note that in certain countries internal trafficking occurs as well as transnational trafficking. In these cases victims are recruited and exploited within their own country of origin.

### Recruitment

The process by which an individual becomes a trafficked person differs from case to case and depends on the modus operandi and the level of organisation of the traffickers. The methods employed can range from:

- **Coercion** (through abduction, threat or use of force, sale – e.g. children or forced marriage cases) – a person is physically taken against her/his will, or compliance is gained through violent means;
- **Fully deceptive recruitment** – a person is given false information as to what s/he will be doing once at destination;
- **Partially deceptive recruitment** – a person is made aware of the fact that s/he will have to work in illegal conditions, but not about the badly exploitative or slavery-like conditions that are planned. In cases of trafficking in organs, the person is deprived of its organs without having been correctly informed about possible health consequences, risks, and costs.

## Transportation and Transit

Trafficked persons are transferred or transported away from their place of origin (be it internally or across borders) in order to remove them from their community, family, friends, isolate them and keep them easily under control. During the transit, victims may be sold from one trafficker to another, without knowing it, and be transferred or transported for long journeys without a clear destination. During the journey victims are either not aware about what expects them at their place of destination or in some cases start being exploited by the trafficker while they are moved from place to place. It is one of the challenges for law enforcement officers to identify either potential victims in order to prevent a possible crime or discover an ongoing crime.

## Exploitation

When victims reach their destination they become active assets for the criminal organization as they begin to generate profit for their exploiters. It is at this stage that the objective of the traffickers is fully realised. It is vital for the criminals to be able to exercise continuous control over their victims until they are able to generate profits, deterring all possible attempts to escape, rebel, or seek help. Methods employed to prevent escape include debt-bondage (see below), but also harsher methods, such as:

- Threats or use of violence against the victim's family
- Forcible imprisonment at unknown locations
- The confiscation of the victim's passport or other identification papers
- Enforced drug addiction
- Prevention from developing contacts, finding help, obtaining information on personal rights in destination countries (e.g. the right to request a residence permit, to obtain work permits, etc.)
- Continuous change of locations to prevent personal contact to develop among victims
- Rape and terrorizing victims into submission
- Deprivation of food or warmth
- Sleep deprivation
- Blackmail; the risk of being ostracized or condemned by their families

The condition of vulnerability vis-à-vis the law is also in many cases a key element used by traffickers to keep the victims under control, intimidating them so that they refrain from reporting the crime to the authorities, whatever the exploitative situation is.

## Debt Bondage

In trafficking cases debt bondage is a very common practice used to keep people under control in exploitative conditions.

Victims are generally required to repay exaggerated costs allegedly occurred for transporting them to the place of destination. Exaggerated interest rates are also attached to the debt, together with the reimbursement of costs for food, accommodation and clothes. Very often amounts and interests are not transparent.

Trafficked persons usually do not realise that this kind of scheme is abusive and illegal.

## Trafficking Forms

Trafficking in human beings occurs in different shapes and forms. The most well known is trafficking for the exploitation of women and children in the sex industry markets. However, recent investigations about cases of forced labor in Europe reveal that trafficked persons are being exploited in a wide range of economic sectors – legal and illegal, including:

- Agriculture, horticulture, food processing industry;
- Commercial sex industry (in massage parlors, bars, brothels, apartments, escort services, etc.);
- Contract cleaning;
- Construction industry;
- Domestic service;
- Entertainment industry (e.g. fun fairs);
- Hotel;
- Residential care;
- Restaurants and catering business;
- Small sweatshops.

## *The Difference Between Smuggling and Trafficking*

It is often difficult to draw the line between cases of smuggling and cases of trafficking in human beings. The UN Protocols make a distinction between the crime of trafficking in human beings and the crime of smuggling of persons. Assessing a specific case may require time and effort. It is important and useful to keep in mind the following points:

1. Smuggling of persons entails the facilitation of an illegal border crossing and is therefore a violation of the integrity of the State. Smuggling is a crime against the State.

2. Trafficking in human beings entails gaining financial profit from the exploitation of other people. It is therefore a violation of the rights of the individual. The victims of the crime are trafficked persons.

Factors that help distinguish smuggling from trafficking:

**Consent:** The smuggling of migrants, while often undertaken in dangerous or degrading conditions, involves individuals who consented to being smuggled and agreed to pay to obtain an illegal service. The original agreement of achieving an illegal border crossing in exchange for money is respected.

On the contrary, trafficked persons are individuals who either never consented or whose consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers (i.e. the persons consented to something different than what they find themselves obliged to do).

**Exploitation:** Smuggling ends with the migrants' arrival at their destination, whereas trafficking involves the ongoing **exploitation** of the trafficked persons in some manner to generate illicit profits for the traffickers.

**Trans-nationality:** Smuggling is always trans-national, whereas trafficking may not be. Trafficking can occur in a different or in the same country of origin of the trafficked person.

The chart below summarises the main differences between the two crimes:

ELEMENT	SMUGGLING	TRAFFICKING
<b>Type of crime</b>	<b>Crime against the state</b> Violation of immigration laws/public order; the crime of smuggling by itself does not include crimes which might be committed against the smuggled migrants	<b>Crime against the person</b> Violation of human rights; victim of coercion and exploitation that give rise to duties by the State to treat the individual as a victim of a crime and human rights violation
<b>Why do we fight it?</b>	To protect sovereignty of the state	To protect human rights of individuals
<b>Relationship smuggler/smuggled migrant trafficker/trafficked person</b>	Commercial Relationship between smuggler and migrant ends after illegal border crossing achieved and fee paid	Exploitative Relationship between trafficker and trafficked person continues in order to maximise economic and/or other gains from exploitation
<b>Rationale</b>	Organised movement of persons for profit	Organised recruitment/ transport and (continuous) exploitation of the trafficked person for profit
<b>Illegal border crossing</b>	Illegal border crossing is a defining element	Neither illegal border crossing nor border crossing required
<b>Consent</b>	Migrant's consent to illegal border crossing	Either no consent or initial consent made irrelevant because of use of force or coercion, at any stage of the process

## Unit 3 The Multi-Agency Approach to Trafficking

### Objectives

At the end of this chapter participants will be able to:

-  Define the “multi agency approach” and explain its importance in prevention protection and prosecution
-  Describe the different measures offered by service providers and NGOs
-  Explain the concept and practice of national referral mechanisms
-  Discuss the relevance of various elements and forms of cooperation to their country context

### Outline

	Content	Activity	Time (min)	Reference Material/media
1	Introduction to Multi-Agency Approach	Initiate discussion: Given the nature of the problem, can law enforcement deal with it alone? What kind of partners are required and for which purpose? Collect suggestions on board/flipchart Complement and explain multi-agency approach (diagram)	20	Chart p.18
2	Multi-Agency Approach Applied to Country Context	Group assignment - Case examples (suspected victim of sexual exploitation, minors, forced labour, etc) Discuss: What would you do next? Whom/which organisations contact and inform? In case of previous experience, successes and limitations. Groups give feedback	45	Adapt case examples from unit 1
3	National Referral Mechanism (NRM)	Based on previous discussion, introduce concept of formalised cooperation (more details background reader) and NRM in your country with a list of contact persons. If not yet in place, describe how the cooperation between different agencies functions. Outline the available support services for trafficked persons (male, female, children etc.)	25	Memorandum of Understanding (Sample provided in Annex)
			90	

## ***The Multi-Agency Approach***

Applying a multi-agency approach means involving different agencies in combating trafficking in a joint and coordinated way according to agreed standardized procedures, be it in preventing the crime, protecting the victims, or investigating the case and prosecuting the traffickers.

A multi-agency approach is a recognised “good practice” that allows offering victims the necessary minimum support for recovery and stabilisation and at the same time increasing the chances of success in investigating the crime and prosecuting the criminals.

The very nature of the crime of human trafficking and the law enforcement techniques that are suitable to address it make interaction with a number of agencies crucial to combat the crime effectively. To be effective, the counter-trafficking effort has to be multi-disciplinary. Close co-operation between law enforcement agencies and inter- and non-governmental organizations is an essential part of the response. All these agencies and organizations share the desire to combat and reduce the crime and all regularly gather vital intelligence that could be of great use to the others. Co-operation has undergone immense change in recent years and many law enforcement agencies now enjoy the closest form of co-operation and exchange with relevant inter- and non-governmental agencies. However, in other instances, the relationships are not nearly as well developed or are virtually non-existent.

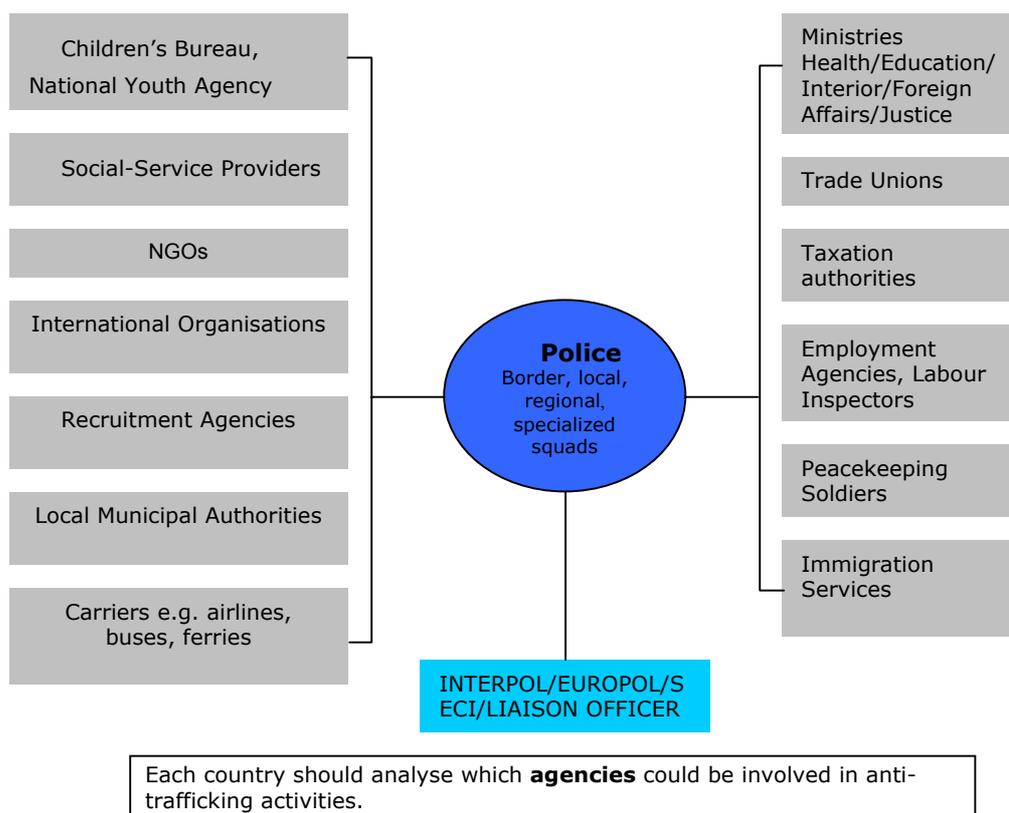
The role of police forces in dealing with trafficking cases is complex: It requires not only to investigate and produce evidence, but also to assure security protection to the victims involved during the whole process after their identification. This means during the reflection and stabilisation period (where it already exists), during the trial and/or before and after repatriation. The different protection and assistance measure should be based on the individual needs of the victim, but according to agreed quality standards. Such an individual case management system within the country and across borders is costly and not easy to manage, as it requires specific interventions by different specialists, professional services and institutions. Law enforcement agencies usually do not have the time, the resources and the mandate to address all the phases of trafficking cases and the needs of trafficked persons taken care of. This is one of the reasons why a multi-agency approach is simply necessary when dealing with trafficking cases. The resources to assist trafficked persons are disseminated among other organisations, both governmental and non-governmental.

In anti-trafficking activities, cooperation between the police and other agencies should not be restricted to single cases, but should rather take place regularly, preferably on the basis of standard operating procedures. However, while in some cases cooperation among different state authorities can be defined by such standard procedures (ie: regulating relationships of local police squads with other police departments, border guards, labour inspectors, immigration services, Ministry of Foreign Affairs offices, contacts with representatives of the embassies of the victim country of origin, etc.), cooperation with NGOs, which play a very important role as regards the victim support, is never defined a priori, but could be reached e.g. by a memorandum of understanding or a process of official NGO accreditation.

Ideally such a coordinated approach is part of a comprehensive national response against trafficking, discussed and agreed upon between all the different actors involved and described in a so called national action plan.<sup>11</sup>

The multi-agency approach should be applied in all anti-trafficking activities: **prevention**, **protection** as well as **investigation and prosecution**. Law enforcement officers play a vital role in all these fields.

The chart below shows some of the possible key actors that may be involved in a multi-agency system of assistance and protection of trafficked persons and prosecution of traffickers (different countries may have different structures competent for relevant services):



Key for all anti-trafficking activities is active monitoring either within prevention activities, as part of a pro-active investigation or in order to identify victims. Monitoring by front line law enforcement officers can help to identify recruitment agencies offering bogus jobs and engage in fraudulent practices and abuse; and workplaces where exploitation is carried out. Checks at borders, on prostitution sites, and monitoring of street children can lead to the identification of trafficking cases. Due to the mandate of labour inspectors on monitoring and inspecting working sites cooperation with them can be of outmost importance to increase the risks for traffickers and discourage exploitative practices.

## The Key Role of Service Providers and NGOs

In recent years many NGOs have been established to specifically provide support to trafficked persons, while several already existing NGOs have enlarged their mandates, from

<sup>11</sup> For further information on how to develop and implement a national action plan, see ICMPD Regional Best Practice Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response, 2005.

previous work related to domestic violence, prostitution, human rights, asylum and refugee issues, to also work with victims of trafficking. They have transferred and adjusted their services to meet the specific needs of trafficked persons, especially women, bringing to this work a considerable amount of experience and good practice. In some countries also local authorities and public health services provide specialised assistance measures to trafficked persons through their departments or ad hoc units/projects specifically implemented and staffed to meet the needs of such target group.

Service providers and more often NGOs provide the following services/measures to trafficked persons aimed at fostering their empowerment and social and labour inclusion either in the country of destination or in that of origin:<sup>12</sup>

- **Board and lodging:** to safely host and assist trafficked persons, who can thus recover and reflect on the decisions to make about their future. Several types of shelters are available depending on the local resources and/or the phases of the hosted persons' programmes, specifically: flight shelter, care shelter, autonomy house, family placement and non-residential programme (names may differ according to local specificities). The location of the shelters must stay confidential for safety reasons. Law enforcement agencies should never meet trafficked persons and social workers in any of these premises;
- **Psychological counselling:** to help the trafficked persons to overcome the traumatic experiences and, thus, to facilitate their self-acknowledgement as holders of rights and needs and as victims of severe crimes;
- **Social counselling:** to assess the personal situation, evaluate the viable options and develop a tailor made project for the future, that entails, among others, the access to a social protection scheme and a range of social, educational and training activities; the voluntary return to the home country; the decision to co-operate or not with the competent authorities;
- **Social and health services:** to accompany upon request the hosted persons to the local services for medical examinations and check-ups, social consultations, etc.;
- **Education, vocational guidance, training and job placement:** in order to improve trafficked persons' skills and favour their social and labour inclusion, different types of training courses, language classes and on-the-job schemes are offered;
- **Free legal assistance:** to provide information about the trafficked persons' rights and their legal options; assistance for the submission of the applications for residence permits, work permits, family reunion, withdrawal of expulsion orders, etc.; legal representation and support during the criminal proceedings and relations with the law enforcement agencies and public prosecutor's offices;
- **Intercultural mediation:** to supply information and assistance by trained professionals belonging to the same nationality or ethnic group of trafficked persons, who often do not (fluently) speak the language of the hosting country and are not familiar with its cultural codes.

Some of these services, along with others, are also provided through:

- **Outreach work:** a team of specialized operators directly contact the target groups where they work (streets, brothels, apartments, shops, etc.) or reside and provide them with health, legal and social information, distribute written materials (in the main languages spoken) and specific tools (e.g. health prevention kits). The operators generally use mobile units (cars, minivans, etc.) to perform their work, that sometimes it is also carried out on foot;

<sup>12</sup> Experts' Group on Trafficking in Human Beings, Report, European Commission – DG Justice, Freedom and Security, Brussels, 2004, pp. 177-187.

- **Drop-in Centers:** the drop-in operators are directly contacted by the target groups, who visit the centers where they are given health, legal and social information, written materials (often in their native language) and may also be accompanied to the health and social services upon request;
- **Hotlines:** generally free of charge and multi-lingual, they provide information on legal and social issues, viable protection schemes, contact details of support agencies. Even though hotlines are mainly addressed to trafficked persons or potentially trafficked persons, they also serve other actors, such as social workers, law enforcement officers, families, clients, and the population at large.

In compliance with the international and national human rights norms, any type of measure provided to trafficked persons – who must be maintained as subjects and holders of rights – by public and private agencies should be:

- Non discriminatory as to nationality, gender, sexual orientation, legal status, personal experiences;
- Confidential;
- Safe and fair;
- Respectful for decisions;
- Clear as to expectations and obligations;
- Clear about roles;
- Empowering;
- Tailor made;

It is important to underline the trafficked persons under 18 years of age must be treated as children and in accordance with the UN Convention of Rights of the Child. Thus, as soon as a trafficked person is identified, a legal guardian should be immediately appointed who must act in the best interest of the child and in accordance with the child welfare authorities of the hosting country independently from the immigration or police authorities.

Many organizations operate in co-operation with others to provide these services, often working in a network, and orientating clients to other existing structures in the public/private and non government sectors. Working in co-operation and with more or less formalized mechanisms is in fact a consolidated *modus operandi* adopted by the actors engaged in the anti-trafficking field in most EU countries. The establishment of formal referral mechanisms at local, national and also international level is crucial to meet the trafficked persons' needs and implement an efficient counter-trafficking policy.

### National Referral Mechanisms

A National Referral Mechanism (NRM) is a co-operative framework through which state actors fulfill their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society.<sup>13</sup> NRMs are in essence systems for the management of trafficking cases to ensure that trafficked persons have access to comprehensive assistance and protection schemes. Recently countries are increasingly committed to establishing NRMs. Where these exist in countries of destination, transit, and origin, they help to ensure:

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<sup>13</sup> The OSCE Action Plan to Combat Trafficking in Human Beings recommends that OSCE participating states (55 countries) establish National Referral Mechanisms (NRMs) by building partnerships between civil society and law enforcement, creating guidelines to properly identify trafficked persons, ensure their referral to service providers, and establishing cross-sector and multi-disciplinary teams to develop, implement, monitor and evaluate anti-trafficking policies.

- a comprehensive and inclusive system of support targeted for and accessible to all trafficked persons;
- the protection of the human rights of trafficked persons;
- the improvement of national policy and procedures on a broad range of victim-related issues such as witness protection, victim compensation and residence and return regulations.

The structure of the NRM vary in each country. Usually there is a central unit/body that keeps track of cases, making sure that no case gets lost. The NRM is developed and supported generally by a national co-ordinator and a roundtable made up of senior representatives of government agencies and civil society, who develop recommendations for national policy and procedures regarding victims of trafficking<sup>14</sup>. They often include working groups that deal with specific issues relating to trafficked persons. NRMs are likely to be most effective if they are founded on a formal co-operation agreement among the participants – for example, a memorandum of understanding – that sets out the specific role and duties of each participant.

A NRM should incorporate:

- Guidance on how to identify and appropriately treat trafficked persons while respecting their rights and giving them power over decisions that affect their lives;
- A system to refer trafficked persons to specialized agencies offering shelter and protection from physical and psychological harm, as well as support services. Such shelter entails medical, social, and psychological support; legal services; and assistance in acquiring identification documents, as well as the facilitation of voluntary return or resettlement;
- The establishment of appropriate, officially binding mechanisms designed to harmonize trafficked person's assistance with investigative and crime-prosecution efforts;

NRMs are not rigid structures but flexible mechanisms that are tailor-made to fit each country's patterns of trafficking cases and its social, political, economic, and legal environment. That is why a NRM is not built from a single, general blueprint but is instead founded on a careful assessment of country-specific needs and conditions<sup>15</sup>.

#### National Teams:

- a) Give an overview of existing NRM in your country with a list of agencies/contact persons. If you don't have a NRM put in place yet, describe how the cooperation between different agencies is functioning in identification, assistance and protection of trafficked persons.
- b) Outline the available support services for trafficked persons of trafficking (male, female, children etc).

<sup>14</sup> See above, comprehensive national response against trafficking and national action plans, p.17.

<sup>15</sup> OSCE/ODIHR 2004, pp 15ff

## Unit 4 Identification Processes

### Objectives

At the end of this unit participants will be able to:

-  Explain action to be taken upon contact with a (potential) trafficked person
-  Use indicators for the identification of a trafficked person and relate them to specific forms of exploitation
-  Outline general rules and prerequisites for first contact interviews
-  Be prepared to respond to victims' reluctance to cooperation with law enforcement
-  Produce a good statement
-  Describe signs and behaviours indicating a person being a potential trafficker

### Outline

	Content	Activity	Time (min)	Reference Material/media
1	Action to be taken when coming across a suspected victim of trafficking	Refer to different scenarios from Unit 1 case examples (sex. exploitation, forced labour, minor) What would be the first steps? Collect and complement	10	
2	Victim Identification	Role Play: Victim Identification.	40	Case Scenario Adapted from OSCE Simulation Exercise Version a)
3	Indicators for identifying victims of trafficking	Pose question to plenary: Possible Indicators for different forms of trafficking. Group them on board according to specific form of exploitation, and general Complement and summarise	30	Optional - Handout: Indicators Lists from Manual (distribute at end of process as summary)
4	Interview and First Contact	From participants' experience: what are general rules to conduct an interview? List on flipchart/board Complement: Specific rules for interviewing a suspected victim; a minor. Importance of body language.	15	Optional - Handout: Guidelines from Manual (distribute at end of process as summary)

5	Cont.	Role Play: Interview of a Suspected Victim Discussion	40	Case Scenario Adapted from OSCE Simulation Version (b)
6	Making a statement	Input: Hints on how to produce a good statement	10	The Netherlands example
7	Indicators for the identification of a potential trafficker	Reflect in pairs: from what we have discussed so far on the process of trafficking, what could help you in identifying a potential trafficker? Complement	15	
			160	



## ***The Importance of Victims Identification***

The identification of victims of trafficking is a crucial step in the process of identification of trafficking cases. Although specialised approaches increasingly rely on proactive investigative methods not based exclusively on victims testimony, the importance of victim identification is today unanimously recognised as a priority.

The identification of a presumed trafficked person can happen in many different contexts and public spaces and can be initiated by different actors in the course of their duties: alien police, traffic police, border guards, customs officials, labour inspectors, NGOs personnel, reception centres or detention centre personnel etc.

The role that all front line officers can play in this field is therefore very important. Case experience shows that to have an impact on the crime of trafficking law enforcement strategies must encompass both the strengthening of specialised units and an active role for all front line officers.

Front line officers are generally tasked with numerous, varied duties and are operating on the bases of procedures and timeframes that are very tight. Therefore, in many cases they may not formally or completely finalise the identification of a victim. Yet they may significantly contribute to start a process of identification, if they spot a presumed trafficked person and refer the case as needed (to specialised units and NGOs). If during the course of other duties, officers come across suspected victims, recognising some of the indicators referring to a trafficking case, it is important that they realise the potential of the case and take the necessary action to deal with it within the limited time, resources and mandate they have.

Coming across a suspected trafficked person should lead to the following **action**:

- Immediately notify the anti-trafficking unit
- Treat the person as a victim of a serious crime
- Facilitate the referral of the person to specialized support services (NGOs)
- Treat the case with the confidentiality required by a potential criminal investigation
- If the person is an unaccompanied minor, immediately facilitate the referral to a guardian as prescribed by the law

## **Who are the Victims of Trafficking**

There is no precise or general profile of a potential trafficked person. What kind of people traffickers look for depends on the demand in the destination areas. Therefore profiles vary and change over time.

In addition to the demand for forced labour in agricultural fields, on construction sites, in catering businesses, in households, in the sex industry, there is also a market addressing the request for the removal of organs. Furthermore, cases of trafficking for forced begging are increasingly reported, for which children, elderly people, disabled persons are employed. This wide range of services and sectors entails that individuals of different ages and of both genders are exploitable. For certain sectors, men in working age and good physical conditions are suitable; for others women and minors are ideal targets, etc. This is why, as seen in unit 1, the definition of the UN Trafficking Protocol encompasses women, men and children.

The latest ILO report on forced labour indicates that of the 2,5 million trafficked persons that are estimated to be trafficked at any point in time, at the very least one third are trafficked for economic purposes<sup>16</sup>. These forms of trafficking tend to be hidden in the shadow economies of the destination countries where victims are exploited and are often barely visible.

### **The Trafficking Experience and Risks Victims Face in the Trafficking Process**

From the perspective of trafficked persons, the trafficking experience means the beginning of a cycle of violence and terror as the traffickers exert brutal, cruel and manipulative treatment on their victims.

Many trafficked persons have limited and/or no freedom of movement. They are either not allowed to leave the place of exploitation or can leave the premises only escorted by bodyguards. In some cases they may have limited access to food, live in bad hygienic conditions causing health problems and have little or no access to medical care.

Trafficked persons for sexual exploitation face also numerous health risks. They suffer the same and worse injuries, infections, and traumas as women who are sexually assaulted or raped. In particular they are exposed to sexually transmitted infections (STIs), such as HIV/AIDS, other reproductive tract infections (RTIs), unplanned pregnancies, unsafe abortions and physical traumas from severe beatings.

### **How to Use Indicators – Specific Challenges posed by Trafficking Cases**

The dilemma of the law enforcement officer who suspects to have come across a trafficked person is often linked to the fact that at first sight some indicators may lead to the application of other measures than the ones applicable to trafficked persons, such as for instance provisions to deal with illegal immigrants or irregular workers.

Trafficking cases are rarely apparent or clear upon first contact, especially because the victims usually provide partial or misleading information, as they are scared or traumatised. Ascertaining whether a person is a crime perpetrator (e.g. an illegal immigrant or an irregular worker) or a trafficked person is one of the challenges law enforcement officers are confronted with. To be able to define which case is which, the capacity of the officers to look beyond the surface and analyse trafficking indicators is therefore a key skill.

### **Principles to Apply in Case of First Contact with a Suspected Trafficked Person**

It is important to keep in mind the following *best practices - in accordance with UN standards and principles*. If some elements indicate that an individual may be victim of a trafficking scheme, the person 'should not be detained, charged or prosecuted for the illegality of his/her entry into or residence in countries of transit and destination, or for their involvement in illegal activities, to the extent that such involvement is a direct consequence of their situation as trafficked persons'<sup>17</sup>.

Furthermore, according to the 'non-punishment clause' applicable to trafficked persons<sup>18</sup>, 'If the competent authorities have reasonable grounds to believe that a person has been victim of trafficking in human beings, that person shall not be removed from its territory until the identification process as victim of an offence (...) has been completed by the competent authorities'.

<sup>16</sup> ILO, A Global Alliance Against Forced Labour, p. 46).

<sup>17</sup> United Nations Office of the High Commissioner for Human Rights, 'Recommended Principles and Guidelines on Human Rights and Human Trafficking', 2002 (corollary to the UN Trafficking Protocol).

<sup>18</sup> Council of Europe Convention, see below, p.8.

If an officer comes across a suspected victim of the crime and is not in the position to complete the identification process (lack of time, resources, circumstances, limiting procedures), the officer should pass the case to a specialised unit who has the resources to carry out an assessment of the case, possibly providing as much relevant information on the elements acquired during the first contact with the potential victim in a clear and complete written statement.

The thinking behind the legal principles listed above is to increase the chances of prosecution of traffickers, while at the same time reducing the risks of re-victimisation of individuals who are trafficked.

### Indicators to Identify Victims of the Crime

Victims of trafficking are hard to identify, because in most cases they look like ordinary people. Therefore it is necessary to look beneath the surface carefully in presence of generic indicators and try to discover if enough signs are present to suspect that the person is involved in a THB case. As generic clues the following may be helpful. They are to be taken as starting points, potentially relevant in certain circumstances and in combination with other more specific indicators (see below):

- Evidence of persons being controlled
- Evidence of an inability to move freely or leave the workplace
- Bruises or other signs of battering and violence
- Difficulty or inability to communicate in the local language and other languages
- Transported from another part of the world/state/part of the country
- Lack of passport, immigration or identification documentation
- Do not have cash nor access to money
- Suspicion of fake passport
- Signs of fear
- Signs of depression, insecurity

#### Important points to keep in mind

- Do not assume that all "working persons" are just "working persons", that all "prostitutes" are just "prostitutes", that all "illegal migrants" are just "illegal migrants";
- Do not expect to be approached and asked for help;
- Do not expect trafficked victims to always have the same characteristics;
- The crime is complex. Indicators are only one tool to help identifying victims. Some trafficked victims will not look like it and will not be fully aware that they are victims of a crime and that they are entitled to protection from the State under the anti-trafficking legislation.

In presence of generic indicators, officers should look for more specific indicators connected with different possible kinds of exploitation. As many of these can only be checked through the cooperation of the person, i.e. through first contact interrogation, it is important that officers focus at first on the less obvious, but still informative questions that help identify a suspected case of trafficking.

Indicators that may be useful dealing with persons who are suspected to have been trafficked for **sexual exploitation** include the following:

- The person (mostly women and minors) has no freedom to decide when to work and for how long; working hours and working conditions are imposed by the individual/group controlling her;

- The money earned is partly or totally withheld; the person has limited control over what s/he earns;
- The person has been raped and beaten to be forced into submission by the group/individual controlling her;
- The person is controlled. If s/he has a mobile phone, it is used to control her;
- Freedom to return home (abroad or in-country) is restricted, impeded or controlled by others;
- Threats of retaliation in case of attempts to escape are made to the prostitute personally and against her family/children;
- Intimidation is used as an alternative or in addition to violence to control her;
- The person was recruited to do a different job and was forced into prostitution;
- The person was recruited as a prostitute, but was given false information as to earning and working conditions; she is now badly exploited and not free to get out of prostitution.

Indicators that may be useful dealing with persons who are suspected to have been trafficked for **labour exploitation**:

- The worker is prevented from leaving the workplace freely;
- The worker does not keep the salary because s/he has to repay a debt to the employer;
- Compensation provided for services is below minimum wage or below reasonable fair standards with respect to the work;
- Working hours are excessive and/or disproportionate with respect to compensation;
- Working conditions are different from what the worker agreed to;
- No negotiation about working conditions is possible;
- Workers work and live in the same room;
- The worker is or has been exposed to physical or sexual violence;
- The worker is kept under control through threats of denunciation to the authorities (frequently applied to illegal migrants or irregular workers).

Indicators that may be useful dealing with persons who are suspected to have been trafficked and exploited in a **domestic servitude** scheme are often similar or identical to the ones relevant for the identification of forced labour cases, with the addition of a few characterising elements:

- Cohabitation (living in the same flat/house as the employer);
- Lack of respect of working hours and of daily/weekly breaks on a regular basis;
- Perpetration of offensive acts or violent acts against the domestic worker;
- Exposure to physical or sexual abuse/violence;
- The worker is prevented from leaving the place of residence/work freely;
- Salary is not paid or is insufficient for the domestic worker to conduct an autonomous life.

## **Conditioning Factors on Victims' Behaviour and Coping Strategies**

Before addressing first contact and interview, it is necessary to focus on victims' possible behaviour and the reasons behind it.

First of all it must be stressed that given the wide range of possible circumstances and conditions in which victims may find themselves, there is no standard behaviour that can be easily described. Victims may behave strange, but may also look perfectly "normal". This depends not only on the sector and circumstances of exploitation, but also on training that traffickers organise to prepare their victims to face interrogation without showing any sign of

weakness or hesitation, in case of contact with the police. Training techniques are the most refined methods and are only utilised by highly organised criminal groups.

However also lower-level techniques are used by traffickers to keep victims enslaved or tightly controlled. Some are extreme and rudimentary, such as for instance keeping victims under lock and key. The most frequent practice is to use less obvious techniques, based on a mix of coercive measures and varying degrees of violence, threat of violence and psychological subjugation. The most common include:

- Debt bondage – based on financial obligations, honor-bound to repay (excessive) debt at abusive or impossible conditions
- Isolation from the public – limiting contact with outsiders and making sure that any contact is monitored or superficial in nature
- Isolation from family members and members of the same ethnic and religious community of the victim
- Withdrawal of passports, visas and/or identification documents
- Use or threat of violence toward victims and/or families of victims
- Threat of shaming victims by exposing circumstances to their family
- Telling victims they will be imprisoned or deported for immigration laws violations if they contact authorities
- Telling victims police officers are corrupted and/or traffickers' friends
- Control of victims through money, e.g., holding their money for "safe-keeping"
- Softer control measures (mobile phones)
- (Mis)use of religious beliefs and/or traditional rituals (e.g. using voodoo in African communities)

The result of such techniques is to instill fear in victims. The victims' isolation is further exacerbated because many do not speak the language of the destination country and are from states where law enforcement is not trusted.

This helps explain why at first contact trafficked persons may behave in ways that are not easy to interpret.

Many victims have undergone highly traumatic phases in a more or less recent or remote past. In many cases the trafficking experience violates the person's autonomy at the level of basic physical integrity. Victims are not allowed to decide when or if they can eat; they are not allowed to decide when or if they can rest, and repeatedly their body is injured. This loss of control is often recounted as the most humiliating aspect of the trauma. As a direct consequence of the abusive environment, the victims are pushed towards adopting a conformist behaviour making them obedient only to avoid violent reactions against them. As they live in a perpetually deceptive environment, where the traffickers feed them with false information in order to prevent them from turning to the police for help or trying to escape, they lose the sense of reality and gradually become incapable of communicating normally. All their means and abilities to respond to or face danger are destroyed by the trafficker's techniques to subjugate victims. As a consequence, many of the victims become numb, passive and suspicious, and have difficulties in fighting the terrible situation in which they end up.

It is important to stress that this applies to certain cases, but it is not necessarily true for all trafficked persons.

### **Victims' Perception of the Trafficking Situation**

Those still in a trafficking situation often:

- feel trapped with no safe way out;

- work in an informal, often illicit or covert sector;
- have limited knowledge of their rights and legal options;
- have limited personal freedom;
- are moved from city to city, or traded from one establishment to another;
- are likely to have experienced physical, sexual or psychological abuse and threats of abuse against themselves or their family;
- are susceptible to violence, fines and penalties by employers or agents;
- do not have legal status in the country they are in;
- have had their papers taken from them and worry about deportation;
- lie about their age, especially if they are minors;
- are trapped in situations of debt bondage or other stringent obligations that involve organized crime and or corrupt government officials, or members of the police or military;
- adopt self-protective reactions
- demonstrate symptoms of trauma and stress that are reflected in an impaired sense of time or space, memory loss of certain events, risk behaviors, or underestimation of risk.

### **Those Who Have Left the Trafficking Situation often:**

- have some of the same concerns identified with the trafficking situation (see above);
- continue to feel, and may be, watched or under surveillance of traffickers or others connected to the traffickers (many trafficked persons are recruited by someone living locally, often someone in their same town or village);
- have outstanding debts or owe money to traffickers (based on traffickers' abusive and arbitrary calculations);
- may remain vulnerable to retaliation against themselves and/or their families;
- have only temporary or no residence status in a destination country and fear imminent deportation;
- feel and often are socially stigmatized by their experience and their work and risk rejection by family and community members if past events are revealed;
- are vulnerable to extreme stress reactions once out of the situation and have relinquished previous psychological survival mechanisms;

It should not be assumed however that all persons who have been trafficked are traumatized and consider themselves as victims. Many victims are in equivocal circumstances in which they may have contradictory and ambivalent feelings. For example:

- It is not uncommon for a person to have an intimate relationship with someone in the trafficking network, or related to the network or to feel loyalty, gratitude or at least dependence on an individual related to his/her "captive" situation.
- Many victims do not perceive themselves as having been "trafficked" and do not want to be treated as victims. They may regard their experience as the consequence of a poor decision for which they are/were obliged to fulfill the terms of their contract. Some victims may see it as only a temporary situation during which time they intend to earn enough money to pay off a debt, and support themselves or a family at home.
- Victims may not perceive their work setting as abusive or slavery-like, and may not take exception to the work but rather object to the relationships that are exploitative.

### **First Contact with Trafficked Persons**

The complex situation victims find themselves in make it hard to approach them and establish trust, get their cooperation and acquire truthful responses. In many cases their condition makes it very difficult to fully understand their decisions and reactions.

First contact with a potential victim requires skills and attention. Adopting appropriate safety and ethical procedures benefits both the respondent and the interviewer. If approached in a sensitive and nonjudgmental manner, many victims benefit from having the opportunity to tell their story.

Note: The greater the extent to which a victim feels s/he is respected and that his/her welfare and protection are a priority, the more likely the person is to share accurate and intimate details of her/his experience.

It is important to talk to a potential victim in a safe and confidential environment. If someone who seems to be controlling the victim accompanies him/her, the police officer should try to separate the victim from that person. The accompanying person could be part of the criminal trafficking network.

## Interview Guidelines

There are a number of basic guidelines to follow when conducting an interview that help the interviewer reduce problems that might arise as a result of a faulty interview. These are general guidelines:

- **Define Objective.** The interviewer should ask questions in order to obtain the information required to complete the task at hand (e.g. try to establish if the person is a suspected trafficked victim).
- **Conduct the Interview Privately.** While this basic rule is often difficult to follow, depending on the circumstances, every effort should be made to minimize disruptions during the interview.
- **Put the Interviewee at Ease.** Emotions and stress play a big part in any type of interview. The interviewer will have a difficult time evaluating a nervous person. Starting the interview casually with no threatening conversation can have a calming effect. By defusing negative feelings and reinforcing positive ones, the interviewer can deal with the emotions exhibited by the interviewee.
- **Let the Person Being Interviewed Do the Talking.** One of the biggest mistakes for an interviewer is to talk too much. Accurate evaluations of persons or gathering crucial information regarding a crime depends on letting the interviewee talk under controlled conditions. The interviewer should control the interview, but not dominate it.
- **Perfect Questioning Techniques.** Knowing how to ask questions is just as important as knowing what questions to ask. Also making questions easy to understand is critical.
- **Body Language.** Reassuring body language is extremely important to get the confidence of the person to be interviewed. Be aware of body language techniques and apply them to circumstances as appropriate.
- **Be a Good Listener.** A good interviewer is a good listener. Interviewers must discipline themselves to focus on what is being said and how it is being said. They should not look ahead to subsequent questions or begin to analyze an answer before the person finishes. Nor should they anticipate what the answer will be.
- **Don't Challenge Answers Given.** Interviewers must keep emotional reactions private and should not let personal feelings interfere with the interview.

Specific guidelines, particularly important in case of first contact with trafficked persons:

- **Do No Harm -** Treat each potential trafficked person and the situation as if the risk of harm was extreme, until there is evidence to the contrary. Do not undertake any interview that will make a person's situation worse in the short or longer term.

- **Know your Subject and Assess the Risks** - Learn the risks associated with trafficking and with specific cases.
- **Prepare Referral Information** - Be prepared to provide information about appropriate legal, health, shelter, social support and security services and to help with referral if appropriate
- **Ensure Anonymity and Confidentiality** - Protect a respondent's identity and confidentiality.
- **Listen to and Respect Each Person's Assessment of their Situation and Risks to their Safety** - Recognize that each person will have different concerns and that the way s/he views them may be different from how others might assess them.
- **Do not Re-Traumatize the Victim** - Do not ask questions intended to provoke an emotionally charged response. Be prepared to respond to a person's distress and to encourage/support him/her.
- **Be Prepared for Emergency Intervention** - Be prepared to respond if a trafficked person says s/he is in imminent danger. Contact the specialized units and the necessary support services if the person needs special assistance.

If in doubt as to how to deal with a specific case or in presence of difficult circumstances, the correct action to take is always to call the specialized anti-trafficking unit or if the person is in immediate need of support refer the person to a local NGO supporting trafficked people and inform the specialized unit accordingly.

### **Interviewing Minors**

In case of victims and/or witnesses being juvenile, front line officers should follow national laws on the immediate appointment of a guardian (If the minor is unaccompanied).

In case of need of health, psychological or other support, specialized support services for minors should be involved immediately.

### **Information to be Provided to Trafficked Persons**

1. Informed victims about the crime and that they have the right to be free from physical assaults, abuse and from the ring of the traffickers.
2. Tell them about counseling and other programs that may be able to decrease or end the trafficker's destructive behavior.
3. Let victims know that there are NGO programs that help persons in their situations, and that they can talk with counselors about the options and alternatives.
4. Reiterate that they alone cannot solve the consequences of trafficking.
5. Inform the victim that trafficking of human beings can reoccur and get worse unless there is some form of intervention.

### **Additional Hints for Officers who Come into Contact with (Potential) Victims:**

- Be aware of the victim's fears, embarrassment and confusion;
- Be aware that victims of trafficking often feel responsible for the violence;
- Be aware that a victim of trafficking may be reluctant to cooperate because of a lack of faith in the criminal justice system and in law enforcement officers;
- Try to overcome the victim's reluctance e.g. explain that trafficking usually reoccurs and gets worse without some form of intervention;

- Always speak to victims in pairs (with the assistance of a colleague);
- If the potential victim is female, one of the officers should be if possible be female;
- Tell the victim the most important and relevant information quickly;
- Make clear what is possible and what not;
- Make clear the role of the police;
- Never hand over your business card to victims, suspects, lawyers, etc.

## Producing a Good Statement

The statement of a victim plays a very important role in the prosecution of the suspects of THB. Therefore a statement should contain not only the personal circumstances of the victim, but also the elements of the crime.

A well-structured written statement helps the lawyer, judge and the public prosecutor to get a good insight in the criminal case, the role of the trafficker and the circumstances for the victim.

A statement should be written in chronological order.

Be aware about the mental and physical condition of the victim. Many of them are under threat, may have been abused by the trafficker/pimp, by the employer, etc.

It is often very difficult to make the victim dare to talk. If possible, it is recommendable to video-tape the interrogation. If the victim reports about maltreatment ask for medical examination, which can be used as supportive evidence (see extensive example in annex X).<sup>19</sup>

## The Identification of Traffickers

The traffickers of human beings can generally be identified within a vast range of persons operating in the different sectors of society. The criminal structure in which the various actors in trafficking in persons operate can be described as an integrated criminal system. It may involve individuals acting alone, small local groups of criminals or sophisticated criminal networks.

It is very difficult to make an exhaustive list of the indicators useful to facilitate the identification of a trafficker. Usually the criminals operating in this sector are also involved in other typologies of crime, like drugs and weapon trafficking, money laundering, counterfeit of documents, among others.

However, the traffickers have an "achille's heel": their products. Trafficking generates victims and money. If officers locate victims, generally they find themselves 'near' the traffickers.

It is possible to try and locate traffickers looking at the people involved in the recruitment, transfer, harbour or receipt of persons, and of course by looking at the end of the cycle, i.e. at persons involved in the exploitation of victims for different purposes.

Active monitoring can be made in origin, transit and destination countries. Where exploitation takes place, the criminal indicators of the trafficking can sometimes be more evident. For instance in destination countries the people involved in the process of trafficking can be identified in the personnel operating in the brothels, hotels, saunas, construction sites or in the adults controlling minors begging in the streets.

## Indicators to Identify Traffickers

Traffickers are often found to show the following characteristics and behaviours:

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<sup>19</sup> Adapted from The Netherlands curriculum on THB.

- Persons with specific criminal records like the smuggling of migrants, the falsification of documents and the illegal possession of weapons;
- Persons sharing a hotel room or an apartment with a potential victim of trafficking or persons taking care about the payment of the hotel's room or the rent of the apartment where a potential victim has been identified;
- Persons with specific criminal records linked to trafficking in persons, found in unjustified possession of receipts of payments via money transfer through business companies or banks.
- Persons advertising for escort services, saunas or brothels.
- Persons that during a police raid or a search are found in possession of somebody else's documents without a good reason.
- In the case of trafficking for sexual exploitation, the traffickers are often escorting the victims during their shopping in the local markets. Rarely, traffickers share lunch or dinner with their victims.
- Checking the customers of the place where a potential victim of trafficking has been located is always a good rule.
- In some instances traffickers can be persons that previously have been victims. This has been reported often with regard to forced prostitution. Here they also may be offering sexual services together with the victims; usually they are the "controllers" of the victim's activities. The role of these "controllers" is to avoid any possibility for the real victim to escape and/or to seek help. It is a good rule, during a border check or during a raid, to separate single persons held in the law enforcement premises and check them separately.
- To make a cross check of the mobile phones of the victims and of the suspects during a police operation can lead to good results. In fact victims usually do not have all the telephone numbers of the other victims working for the same organization, while traffickers do.

## Unit 5 Low-Level Intelligence Gathering

### Objectives

At the end of this chapter participants will be able to:

-  Be aware of the role of front line officers in intelligence gathering
-  Outline relevant areas of operational intelligence gathering
-  Outline rules for interviewing a suspected trafficker

### Outline

	Content	Activity	Time (min)	Reference Material/media
1	Role of front line officers in intelligence gathering	Input	10	Manual
2	Areas of operational intelligence gathering	Question to plenary: From what has been discussed so far, what could be activities and areas of intelligence gathering at frontline level? Collect and complement.	20	
4	Interview of suspects	From participants' experience: what are general rules for interviewing a suspect? List on flipchart/board Complement: Specific rules for interviewing a suspect;	30	
	Cont.	Group Work Case exercise: Interview suspects and victims to establish if a case is THB. Collect on board and discuss. Highlight essential points.	30	Case Example: Interview Victim/Suspect
			90	

## ***Intelligence gathering***

Front line officers have the potential to collect significant intelligence during their ordinary duties, provided that they are aware that some situations may be connected with the crime of trafficking.

Repeated investigative experience has shown that the vital piece of intelligence or evidence that finally 'broke a case' and led to a successful conclusion can come from a front line officer, who in most cases underestimates the importance and value of his/her contribution. It is therefore of vital importance to recognise that the intelligence gathering activity can start at the front-line level and work upwards towards the specialist investigative task forces.

Through active monitoring front line operators may observe the territory in which they operate and spot suspicious businesses behind which exploitation may take place. During ordinary duties they may come across suspected victims and/or traffickers.

It is in particular when searching premises or during personal checks that the front line operator can collect pieces of information that may turn out to be the starting point of investigations or the lacking piece of a puzzle that specialized officers are trying to complete. In most cases the officers will be carrying out checks and controls connected with other duties. Being alert that in the presence of certain elements, circumstances, information gathered in a certain context should be signalled to specialised units is what can make the difference at operational level and increase substantially the coordination capacity of different branches of law enforcement agencies in combating the crime.

Small details such as telephone numbers or addresses written on a piece of paper may be found during a search in some premises or vehicles, in possession of a victim or of a criminal. They may seem insignificant, especially if the search is connected to other priorities, but they may represent the fundamental missing element of a complex criminal case if passed on to another unit.

The capability to see the potential of the intelligence and/or evidence gathering activity incurred in regular duties is therefore directly linked to the capability to detect situations possibly connected with trafficking in persons. Many situations that may appear neutral become potentially significant when observed against the constitutive elements of the crime of trafficking.

During ordinary law enforcement activities, when the police operator believes to have come into contact with elements of a potential trafficking case, the golden rule to follow is:

- Involve the specialized anti-trafficking unit in charge to continue the investigation
- Gather as much material as possible that could represent incriminating evidence or intelligence in the future.

Intelligence gathering activity in this field is based upon the principle that it is virtually impossible to establish and manage an organized trafficking network without creating audit trails, also identifiable by the police, in one or more of the following areas:

- Advertisement

- Rental
- Transportation
- Communications
- Financial transactions

Elements that can be discovered occasionally by front line officers for instance during other duties, such as raids, controls, checks etc. may be extremely useful.

This is why there are a number of key areas of intelligence-gathering at operational level that are relevant also for front line operators. Though not an exhaustive list, the following areas are of major importance:

- Recruitment methods - leaflets, agencies, etc.
- Advertising media – printed media, Internet
- Forged identity documentation - preparation and acquisition
- False visa entitlements - preparation and acquisition
- Travel documents - payment methods used and location of agents
- Travel routes and means – routes followed, mode of travel
- Accommodation – location and provision
- Means of communication – e-mail, mobile telephones, fax machines etc.
- Financial intelligence – transactions in respect of all of the above (e.g. documental evidence that may be found during searches)

## **Areas of Operational Intelligence-Gathering Activity**

Within these broad outline categories, the following operational intelligence data should be sought.

- Means of communication (mobile telephones, land-line telephones, numbers, e-mail addresses, internet websites, etc.)
- Advertisements of any description
- Satellite television subscriptions
- Ownership or rental agreements
- Purchase or rental of residential or commercial property
- Payment of utility billings such as electricity gas and water
- Payment of municipal charges on premises/accommodation  
PO box mailbox addresses
- Ownership or rental of motor vehicles or other forms of transport such as boats, etc.

Such intelligence-gathering should include account payment details, dates and methods.

If specific circumstances or indicators are conducive of a possible THB environment, all documentation that can be collected is to be considered potentially significant intelligence for the specialised units.

### **Criminals' "Paranoia"**

Criminals are never quite sure of exactly what information the police possesses. They know that law enforcement officers investigate the crime and in all likelihood suspects follow media accounts of their crimes to determine what leads the police may have. In the mind of criminals the priority is how to escape detection and how to obtain first hand information about the investigation and where it is heading.

Such form of "paranoia" motivates suspects to accompany the police voluntarily for questioning. It is not totally uncommon that suspects appear at law enforcement premises as "concerned citizens" who have information pertinent to the case. By doing this they attempt to feed false or non-corroborative information in order to lead investigators astray, gain inside information concerning the case and remove suspicion from themselves by offering information on the case so police will not suspect their involvement.

### **Interviewing the Suspect**

The interrogation of a person suspected of having played a role in the crime of trafficking in persons is generally aimed at matching acquired information related to a particular suspect. It may help secure a confession or gather important details to verify in the future. A front line officer generally does not possess the elements of specific investigations. However, in certain cases, contacts with suspects may be so obviously related to the crime that an interview with the suspect may prove meaningful.

The two general principles leading any interrogation should be:

- To gather information that can enable investigators to arrive at logical conclusions
- To provide information for use by the prosecutor in possible court action

### **Interrogation Setting**

In any discussion concerning interrogation, it is necessary to include a review of the surroundings where a suspect is to be interrogated. Because there is a general desire to maintain personal integrity before family members and peer groups, suspects should be removed from familiar surroundings and taken to a location that has an atmosphere more conducive to cooperativeness and truthfulness. The primary psychological factor contributing to successful interrogations is privacy-- **being totally alone with suspects**.

This privacy prompts suspects to feel willing to unload the burden of guilt. The interrogation site should isolate the suspect so that only the interrogator is present. The suspect's thoughts and responses should be free from all outside distractions or stimuli.

The interrogation setting also plays an important part in obtaining confessions. The surroundings should reduce suspects fears and contribute to the inclination to discuss the crime. Because fear is a direct reinforcement for defensive mechanisms (resistance), it is important to erase as many fears as possible. Therefore, the interrogation room should establish a business atmosphere as opposed to a police-like atmosphere. While drab, barren interrogation rooms increase fear in suspects, a location that displays an open, you-have-nothing-to-fear quality about it can do much to break down interrogation defensiveness, thereby eliminating a major barrier. The interrogators tend to disarm the suspects psychologically by placing them in surroundings that are free from any fear-inducing distractions.

Traffickers come from all socio-economic backgrounds. They include the rich, the poor, the middle class, the educated, and the uneducated.

In some cases, the responding officers may be required to resort to calming techniques because the criminals, during the interview, may be angry answering the question of the officer. However, in some cases, especially when load of evidence against him/her are a lot, the criminal may be agreeable or conciliatory to the officers. They may deny that trafficking occurred or minimized the degree of the crime.

The officers must be alert to any manipulative language or behavior of the criminal when they question the latter. The officers should:

- not make any accusatory statements while questioning the criminal. They should allow the latter to tell his/her version of the incident before confronting the declaration with contradictory information.
- not collude or support the suspect's statements as to the reasons for the trafficking.
- document all spontaneous statements by the criminal, even if the statements appear on their face to be self serving.

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### Other useful websites

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### **Training materials and curricula of partner countries**

The Netherlands – Curriculum on Trafficking in Human Beings

La Strada, Czech Republic – Curriculum on Trafficking in Human Beings

Bulgaria – Curriculum on Trafficking in Human Beings

## ANNEX A - Unit 1

**Discuss the examples below and suggest answers to the following question:**

- **What are the problems leading to or facilitating trafficking and/or commercial sexual exploitation or forced labour?**

### Case Scenario

1. There has been a recent increase in the Chinese population in Tuscany, particularly in the province of Florence. The number of restaurants and small-production factories for textile goods, bags and ladies' purses has increased. This has resulted in the Italian Law Enforcement conducting random checks on the Chinese population. The police gradually realised that the increase in population within the Chinese community was fostered by individuals, who were trying to maximise profit by increasing production within the factories exploiting forced labourers. The victims were recruited with the offer of proper jobs in China. They were provided with false documentation for the travel and to give the impression that they were legitimately in Italy. They were given no proper contract. Once in Italy they were deprived of their freedom and forced to work in small-production factories in badly exploitative conditions. According to the original agreement made in China, the cost of the transport/transfer to Italy had to be split between a guarantor in China (often a family member of the victim) and the trafficked person. This resulted in the criminal organisation having total control over the trafficked persons and maximising the profits out of the exploitative scheme, as the victims would work for the group for free until the debt was also settled by the guarantor (i.e. 'debt bondage'). Victims were submitted to isolation (to prevent any attempt of escape), to maltreatments (to induce the guarantor to finalise the payment) and to transfers to other exploiters as a commodity of exchange.

### Case Scenario

2. A 15 year old girl currently housed in a shelter for trafficked persons told a counsellor how she was initially pushed into prostitution in Romania, after she had run away from home because of the continuous and violent fighting between her parents, who made her life at home impossible. She recalled that when she was 14 she got her identification papers and a passport. At that time a lady who had offered to help her told her she had found a very good job for her in Turkey, as au pair in the family of a Romanian diplomat living in Turkey. In reality the child was sent into forced prostitution. Arrested and sent back to her country, the same "lady master" expected her upon arrival. Shortly afterwards the child was sent abroad again, this time to Spain. By the time she was 15 years old, she had been forced into prostitution in three different countries and had undergone violence and abuses from many exploiters. When she was rescued and assisted by the police, with the support of specialised services provided by an NGO in France, she appeared badly traumatised and needed serious health and psychological assistance.

### Case Scenario

3. Corneliu is a Romanian construction worker, aged 34. During most of his professional life he worked in Bucharest. When he heard that he could make more money working on construction sites in Italy, he contacted the Romanian National Office for recruitment and Employment Abroad but did not succeed to obtain a work permit. A private recruitment agency offered him a contract where he would be able to circumvent the bureaucratic hurdles. Corneliu signed the contract, paid a fee of 3000 US\$ to the agency and left for Italy. When he arrived at the work site in Italy, he found that the accommodation was very bad and that he had to work longer hours than indicated in his contract. After one month, Corneliu demanded his monthly salary as agreed, but the employer put him off from day to day. As he had no valid work permit for Italy, Corneliu did not dare to report to the police...<sup>20</sup>

### Case Scenario

4. Eliska is a 40-year-old Moldovan woman from the countryside. She is educated but has found it increasingly difficult to find a stable job in the past few years. The unemployment rate in her town of origin and the surrounding area is very high. Eliska is aware that at her age it becomes more and more difficult to re-enter the job market. After months of attempts to get a job at her level of qualification, she decides to respond to an advertisement for a job as 'kitchen help in Western Europe'. It is a job below her standards, but will allow her to earn relatively well every month and no language skills are required. She accepts to pay \$5,000 for her travel and for the 'recruitment services' to the agency. As she cannot pay the whole amount immediately, she is offered to re-pay her debt gradually after she will start her new job at destination. Instead of the agreed deal, Eliska finds herself forced to work in a factory in Hungary. Almost all of her salary is withdrawn by the employer, who claims that she has to pay food and housing costs, in addition to the debt for the transport and interest rates on the original amount. Eliska is in fact kept in the workspace of the factory without possibility to leave or talk to people outside. For the purpose of intimidation, she is beaten and deprived of regular food. Eliska does not speak any other language besides Moldovan and is unable to ask for help to escape. Furthermore, her documents are in the hands of the employer. (...)

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<sup>20</sup> Adapted from: ILO, Trafficking for Forced Labour. How to monitor the recruitment of migrant workers, Training Manual, Geneva, 2004, p.71

### Case Scenario

5. Anita is a 25 year-old Macedonian woman who has been dating Goran, a Macedonian man, for few weeks. Their relationship is extremely nice. Goran is a charming man and treats Anita with all sorts of attentions. When after a month of dating he tells Anita he is in love with her and intends to marry her, Anita is happy and accepts to marry him. He proposes to go to Italy to celebrate their engagement. Anita is at first reluctant because she has never been out of the country, but Goran reassures her. When asked about the trip, he refuses to provide to Anita any details saying it will be a surprise. Once they arrive in Italy, he takes her documents away and forces Anita to work as a prostitute. To keep her under control and prevent her from escaping, Goran threatens to retaliate by taking her sister. Furthermore he threatens to tell Anita's family and people in the village where she comes from that she has been prostituting herself voluntarily.

### Case Scenario

6. Milena, a Czech woman with two children, responds to a newspaper advertisement looking for factory workers in Belgium. A man meets her and promises to pay her enough money to allow her to support her children from abroad. She leaves her children with a neighbour, promising to send money as soon as possible. Milena is given a real Belgian passport with a picture of a woman who looks similar to her. She passes the border without any problem. Upon arrival in Belgium, she is locked inside an illegal textile sweatshop and forced to work long hours, without any pay. Together with ten other workers, she is made dependent on the packages of food a man drops off from a door every weekend. The man threatens to harm all of their families if anyone of them tries to escape or go to the police.

## Case Scenario

7. X was raised in problematic family in a Czech borderland town. At the age of 8 she started failing in school attendance and could not follow lessons comprehensively. Authorities ordered her transfer from elementary school to a special school for children with learning difficulties. She never finished her apprenticeship studies for a gardener. She stopped keeping in touch with her father and stepmother. At the age of 16 she gave birth to her first child, who was subsequently adopted. Her social situation became very difficult and the man she was living with pushed her into prostitution. X realised that he had turned into her pimp, and that he also exploited other girls. He forced her to indebt herself in several home-credit companies using the money borrowed mostly for himself. X attempted to run away from him twice. He found her in a few days and beat her up brutally. When she gave birth to a second child, social service authorities ordered her to put the child into foster care. She lost all self-respect for herself. For a short while her pimp sold her to a brothel in Germany to repay the debts contracted in her name to his own advantage. He kept all her documents all the time. X was constantly in fear of his violence and incapable of seeking help.<sup>21</sup>

## Case Scenario

8. Geraldine is a woman from the Philippines. She is married and has three children. She has completed secondary education, but has no specialised skills. In the Philippines she has worked in a factory for three years, then in the kitchen of a hospital for five years. When her husband and herself both loose their job, they cannot sustain their family anymore. They both look for jobs abroad and decide that the one who has the opportunity to earn a full salary will migrate, while the other will take care of the children at home, at least until a better solution can be found. Geraldine is recruited as a domestic worker in Germany by an agency that offers her a deal, according to which the money for her trip will be anticipated and she will pay back the loan out of her monthly salary. When she arrives at destination, Geraldine finds that the house of the family she has to work for is very nice. She is convinced to have found a good job. After the first weeks though, things start to go wrong. The people who recruited her are abusive and Geraldine is exposed to violence and degrading treatment. Furthermore the terms of her contract are not respected: She is not paid the salary as agreed, as a considerable part is withheld to repay her debt. However, when she calculates how long it will take her to repay her debt at this very high rate of reimbursement, she is told that her calculations are irrelevant and that there are interest rates and food for cost and accommodation to be deducted. Geraldine does not manage to re-negotiate clear terms with her employers. Furthermore she is forced to work seven days a week and is not allowed to leave the house. She is trapped, her documents are withdrawn, she does not know the language. When she tries to complain, she is told that she has to first repay her debt and that if she tries to escape the people in the Philippines will take one of her children.

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<sup>21</sup> Case scenario provided by La Strada

**Hints for trainers**

The following factors should be worked out:

- Lack of job opportunities
- Lack of educational opportunities
- Desire for better living
- Vulnerability in crisis/(post) conflict situations (esp. women and girls)
- Lack of knowledge of the risks associated with labour migration
- Lack of information on existing means to obtain work abroad
- Lack of knowledge of how to protect oneself legally/contractually from abuses and exploitation when consenting to work with private employers
- Experience of domestic violence and misuse
- Gender specific factors; weak status of women
- Sudden personal crisis situations (e.g. loss of bread winner in a family, etc.)
- Demand factors (profit maximisation; global sex market, etc.)
- Role of middle men/women and traffickers

## ANNEX B - Unit 2

### Case scenarios: Trafficking or smuggling?

1. **Maryam** is a Turkish woman who answers an advertisement to pursue strip-tease opportunities in Austria. She does not have money on hand to travel, but she borrows the amount from her two brothers. She promises to repay them once she begins making money in Austria. She pays a man named Soleil \$1,000 for her travels.

Soleil meets Maryam at a train station and tells her to get into the back of his truck. In the back, Maryam sees that there are 5 other women concealed behind a fake wall. Maryam does not have a passport and is never told what countries she passes through. The women are let out once a day, only in deserted areas. They are given only one meal a day.

When they arrive in Austria, it is cold and Maryam is not dressed warmly enough. She and the other women are told that there are several strip clubs a few miles up the road. Soleil immediately drives off, leaving the women alone. Maryam walks alone for three miles and finally arrives at a club at 1 AM. She is hungry, sick and shivering from the cold.

The club manager expects her to dance and strip tease from 3 PM – 9 PM and again from 11 PM – 3 AM. She works Monday through Saturday. Sundays she is usually too tired to do anything but stay at home. Maryam is not paid much, but housing and food are provided. Occasionally she has sex with customers in order to make a little extra money for herself.

Two months later, there is a police inspection of the club and Maryam is found and deported back to Turkey. She never made enough to return the payment to her brothers.

- Is Maryam an illegally smuggled migrant or a victim of trafficking? Explain why.
- Can a victim of trafficking also be an illegal migrant?

## Case scenarios: Trafficking or smuggling?

**2. Amira** is a young Bosnian widow, with a 5-year-old daughter. Due to the lack of economic opportunities in Bosnia, she wants to go to another country to make money. A neighbour, Nadim, suggests working as a dancer in the U.S. Amira has worked in cabarets in Bosnia and has always wanted to go to the U.S. She feels she has a good chance to succeed. Amira is told she will make enough money to cover her lodging and food, but an exact amount is never specified. Amira pays Nadim \$2, 500 to arrange transportation and travel documents. Nadim tells Amira she should bring as much money with her as possible “just in case” something happens along the way. Amira is able to collect \$100 from her mother. Amira also leaves her daughter with her mother, promising to send money as soon as possible.

Nadim brings Amira to the border with Croatia, where they meet a Hungarian truck driver named Henrik. Nadim and Henrik appear to be good friends. Henrik seems to be happy to give Nadim a handful of money. Nadim tells Henrik that Amira has some money on her “just in case”. Henrik tells Amira to climb in a hidden compartment of his car. Amira asks about her passport and travel documents. Nadim tells her not to worry and the two men climb in the front seats of the car.

Amira unknowingly crosses several borders until she reaches Germany. She has spent several days hidden in the car, without food and only a little water. Upon getting out of the car, Amira asks how long it will take to get to the U.S. Henrik hits Amira to the ground and tells her not to ask so many questions. She is told to go into a house in a wealthy neighbourhood. Nadim and Henrik accompany her into the house, where the two men are given money by a third man, Alvin. Before leaving, Nadim tells Amira to do whatever Alvin asks or he will severely beat her daughter. He tells Amira that in order to pay for her food and housing, she will have to prostitute herself.

- Is Amira an illegally smuggled migrant or a victim of trafficking? Explain why.
- Can a victim of trafficking also be an illegal migrant?

## **ANNEX C - Unit 3**

(see separate file, pdf format)

## ANNEX D - Unit 4

### ROLE- PLAY EXERCISE (Notes for trainers)<sup>22</sup>

#### Human Trafficking

#### OBJECTIVES

- To examine the participants' communication skills with a victim of Human Trafficking
- To examine the participants' sensitivity and attitude towards a victim of trafficking and gender issues
- To test participants' knowledge of the law with regard to assault.
- To test the participants' knowledge of law and procedures with regard to powers of arrest.
- To examine the participants' ability to resolve conflict

#### Preparation of Role Play

Two options, a) for Victim Identification and b) for First Contact and Interview with Victims

- a) Inside the classroom, make the front of the group a scenario where a uniform patrol finds a young woman sitting on a park bench during the night. She does not say anything but has a bruise on her eye.
- b) Inside the classroom, make the front of the group an interview room at the police station. A young woman was found by a uniform patrol sitting on a park bench during the night. She has not said anything but has a bruise on her eye. No medical treatment has yet been given to her. She is brought into the interview room by a police officer for an investigator to talk to.

#### Note:

- It is of utmost importance that the participants acting as observers are completely quiet in order to allow the role players to fully identify with their roles without disturbance.
- After acting out the scenario, give an opportunity to the "victim" first to express how she felt about the situation, the questions being asked, the treatment, etc. After the victim, the police officer is given the opportunity to relate his experience. Only thereafter, the observers have the opportunity to comment, react, pose questions. The attitude for the feedback must be fair and constructive. Comments should relate to the role play content, not the quality of acting it out. The guiding question to conclude the role play should be: what can we learn?
- It is also important to "de-role", i.e. to explicitly finish the roles acted out by the volunteers. They are now person x and y.

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<sup>22</sup> Adapted from Peter Wilson, currently Head of the Train the Trainer Unit at the Police Academy in Skopje, and Police Training Coordinator for all OSCE Police Training in FYROM

## **ROLE- PLAY EXERCISE**

### **a) Notes for the Victim**

Your name is \_\_\_\_\_, you are \_\_\_\_\_ years old, single and from a poor family. You are from Moldova. As times were very hard and no-one in the family had a job, three weeks ago you answered an advertisement in a newspaper to the north of your country. The advertisement was for waitresses to work in Italy and you had applied for the job. You were interviewed and accepted, but part of the deal was that you had to borrow your fare to Italy from the man and pay it back from your first months pay, but you were assured that you would earn so much money that this would not be a problem. You were taken by a respectable looking man in a black Mercedes to a town in the south. There your passport and ID card were taken from you and all of your clothing and possessions. You were kept in a locked room and not allowed out or to telephone anyone. You were then taken hidden in a van on a long journey of several days and you do not know where you are. You have been told that you must work as a prostitute to pay back the money that was loaned to you to pay for your fare and when you refused you were beaten. You were also told that if the local police find you, you will be raped and beaten by them because you are a foreigner, before being given back to the man who took you as he is the Chief of Police in the area where you are now. If you tried to escape you were told that your family would have to pay for the debt and may be killed or beaten as well.

You have managed to escape from the room by climbing out of the window, but have no idea where you are and have avoided speaking to anyone. It was cold and had just been snowing and you do not have a coat. You went into a park and were sitting on a bench wondering what to do when you were approached by police officers but as you could not understand them very well and was very frightened of them you have said nothing. You have been taken to a police station. You are lonely and very frightened. You need help but are afraid the police will return you to the brothel.

React to how the police treat you.

**b) Notes for the Police Officer**

You are an officer in your own country. You have found a girl in a park with a bruise on her eye. She has not said anything to you and has no possessions. She is obviously very frightened. Deal fully with the situation at hand.

Alternatively: You have brought her to the police station and have taken her straight to an investigator. Explain to the investigator what you know.

**ROLE- PLAY EXERCISE****c) Notes for the Investigator**

You are an investigator in your own country. A girl is brought in for you to interview.

Deal fully with the situation that you find.

## ANNEX E - Unit 5

### Case Scenario – Interviewing Victims/Suspects

Setting: Town where prostitution is legal and regulated. In some neighbourhoods prostitution is however not allowed.

Police patrols control areas where prostitution is forbidden regularly and notice that women from across the border appear in the streets in dozens every day and prostitute themselves illegally.

The police starts checking the women regularly, inform them that prostitution is regulated and they cannot exercise it illegally, try to deter them. However police checks seem to have only immediate effect: When the police arrive the women run away, but then the following day they are brought back by the same cars to prostitute themselves illegally.

During first contact interviews with a few of them, a patrol officer becomes suspicious and asks the women some questions to try and see if they are exploited in a trafficking scheme. The officer has the impression that they are trained to answer the same way, and notices some indicators typical of presumed trafficked persons.

1. Imagine you are a patrol officer in charge for this area. How would you deal with the women if you suspected that they may be trafficked persons?

- What elements would you look for/try to collect during informal first contact interviews to be able to decide if the case is a possible THB case to be referred to a specialised unit?
- In what situation would you try to interview the women?
- What steps would you take to gain the confidence of the persons you interview?
- What questions would you ask to collect those elements?

2. Imagine the answers of the women interviewed indicate that the elements of a THB scheme are present.

You decide to make a round of checks on the drivers who bring the women every day. Your aim is to collect more elements on the possible circumstances of the crime, before referring the case to a specialised unit.

- What elements would you try to collect while interviewing the drivers?
- How would you approach the drivers?
- In what conditions would you interview them?
- What questions would you ask?