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International Centre for
Migration Policy Development

Anti-Trafficking Training for Frontline Law Enforcement Officers

Training Guide

For Police, Border Guards and Customs Officials
in EU Member States, Accession and Candidate Countries



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© 2006 International Centre for Migration Policy Development (ICMPD)
Gonzagagasse 1
A-1010 Vienna
Austria
Tel: +43-1-504 46 77-0
www.icmpd.org
www.anti-trafficking.net

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Donors:

The European Commission, Directorate for Justice, Freedom and Security, AGIS Programme; and the Austrian Federal Ministry of Interior, Sicherheitsakademie (SIAK).

Drafting Committee:

Alberto Andreani (Consultant), Sonja Busch (ICMPD), Isabella Orfano (On the Road, NGO, Italy), Barbara Sidoti (ICMPD), Siegrid Tautz (Consultant).

Multi-disciplinary Project Implementation Teams: Gabor Balogh (Border Guards, Hungary), Stojan Belsak (Criminal Police Directorate, Slovenia), Tiziana Bianchini (Coop. Lotta contro L'Emarginazione, NGO, Italy), Olimpia Del Maffeo (State Police, Italy), Roberto Della Rocca (State Police, Italy), Peter Eglauer (National Crime Intelligence Service, Austria), Robert Heinen (Police Grand-Ducale, Luxembourg), Joseph Thomas Janda (Federal Police, Austria), Tomáš Jířík (Alien and Border Police, Czech Republic), Zanna Jozef ("Living for tomorrow", NGO, Estonia), Zsanett Kelemen (Crime Prevention Academy, Hungary), Katju a Kodele Kos (Kljuc Society, NGO, Slovenia), Ales Konopasek (Organised Crime Police, Czech Republic), Marju Korts (Ministry of Interior, Estonia), Michel Krank (Police Grand-Ducale, Luxembourg), Mojca Kunaver (Kljuc Society, NGO, Slovenia), Petra Kutálková (La Strada, NGO, Czech Republic), Inge Lindsaar (Border Guard Police, Estonia), Svetlozar Markov (Academy of the Ministry of Interior, Bulgaria), Werner Matjazic (Federal Police, Austria), Angelika Molnar (National Police, Hungary), Zsolt Molnar (Crime Prevention Academy, Hungary), Tatana Muselova (Alien and Border Police, Czech Republic), Kostadin Panchev (National Border Police, Bulgaria), Tomaz Persolja (Criminal Police Directorate, Slovenia), Evelyn Probst (Lefö, NGO, Austria), Rumen Rachev (Academy of the Ministry of Interior, Bulgaria), Olga Rangelova (National Service for Combating Crime, Bulgaria), Matjaz Saloven (Uniformed Police Directorate, Slovenia), Monika Špálovár (Immigration and Border Police, Czech Republic), Tomaz Trobentar (Uniformed Police Directorate, Slovenia), Peter Van de Witte (Expert Centre on Human Trafficking, National Police, the Netherlands), Jan Vykoukal (Ministry of Interior, Czech Republic), Henk Werson (National Crime Squad, the Netherlands)

Project Partners:

Peter Lamplot, Angelika Widowitz, Silvia Andradi (the Austrian Federal Ministry of the Interior, Sicherheitsakademie - SIAK), Isabella Orfano (Associazione On the Road, Italy); Hana Snajdrova (Ministry of Interior of the Czech Republic).

Reference Group Members:

Gianluca Esposito (Council of Europe), Theo Noten (ECPAT), Goran Görtzen, Steve Harvey, Nick Garlick (EUROPOL), Claire Mckeaon (INTERPOL), Claire Poteaux, Livia Vedrasco, (IOM), Suzanne Hoff (La Strada International), Bjorn Pettersen, Jola Vollebregt, Peter Wilson (OSCE), Kristiina Kangaspunta (UNODC).

The ICMPD Project Team:

Sonja Busch, Irma Salihović, Barbara Sidoti, Brigitte Stevkovski.

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INTRODUCTION

This **Anti-Trafficking Training for Frontline Law Enforcement Officers** aims at providing a modern and easy to use training package for non-specialised personnel who may be dealing with human trafficking cases in the course of their duties.

It was elaborated in the framework of the project "Awareness Training on Trafficking in Human Beings for Police, Border Guards and Customs Officials in EU Member States, Accession and Candidate Countries, implemented by the International Centre for Migration Policy Development (ICMPD) in partnership with the Austrian Federal Ministry of the Interior, Sicherheitsakademie (SIAK), the Ministry of the Interior of the Czech Republic, and the Associazione On the Road, Italy.

The project was based on the premise that well-trained law enforcement officers are an indispensable part of the anti-trafficking response and have a pivotal role in the countering of human trafficking, ranging from the prevention and early detection of cases, to the adequate protection and support of trafficked victims, as well as the carrying out of effective anti-trafficking investigations in line with human rights principles.

To achieve effective operational standards, training is needed not only for specialised officers (investigators and officers operating within anti-trafficking units), but also for non-specialised personnel, and in particular frontline officers of different units, who may come into contact with human trafficking situations during other duties. Recent evidence shows that non-specialised officers can play a very important role and contribute significantly to the initial identification of cases and to the gathering of key frontline-level intelligence of use for the specialised investigators.

This training package was developed with the objective of raising awareness on the crime of human trafficking as a serious crime and a human rights violation, and of enhancing the capability and skills of the non-specialised police and border personnel to identify and properly treat the victims of the crime and collect intelligence when coming across suspected human trafficking situations.

The approach proposed was elaborated with the active participation of multi-disciplinary teams from nine European countries, comprising police investigators, border personnel, representatives from police academies, and representatives from NGOs providing assistance services to the victims of human trafficking.

The training package comprises a **Training Guide** and a **Background Reader** and is fully in line with latest international and European standards and policy developments in this field. It takes into consideration the latest trends in terms of forms of exploitation practiced by human traffickers as well as good practices adopted by European countries to combat the crime.

A multi-disciplinary approach is the key underlining principle at the basis of this training. In order to be effective, anti-trafficking training has to be developed and carried out by multi-disciplinary teams composed by law enforcement trainers and trainers with knowledge and experience in the field of victims' assistance (NGOs or State service providers). Whenever possible, the involvement of additional expertise coming from other professional areas, such as for instance the labour inspectorates and immigration services should be also envisaged.

Apart from its proven effectiveness, multi-disciplinary training is key to foster multi-agency co-operation at operational level, improving the overall efficiency of institutional responses. For this reason, this project, in parallel with other projects implemented by ICMPD, promotes actively the institutionalisation of regular anti-trafficking training in the police schools and academies of participating countries and beyond.

HOW TO USE THE TRAINING GUIDE

The present training guide is part of a package comprising this training guide and a background reader. The training guide is a concise, self-contained curriculum of five units meant to guide the trainer through a suggested sequence of training. Each unit is introduced by objectives indicating what trainees should be able to do at the end of the unit. Thereafter an overview in table form outlines the sequence, content, suggested teaching/learning activities, time frame and reference material needed. The overall time frame proposed for the workshop is at least 2 days.

While the sequence, content and methodology were tested and validated by a number of national teams, trainers and national teams are encouraged to adapt the materials provided to the national circumstances. Situations obviously vary from country to country, hence there is need for adapting the content, exercises, role plays and examples.

Some hints:

- If less than 2 days are available, it is wise to be realistic and set priorities – guided by objectives – rather than rushing superficially through the whole content.
- It is also important to take into account participants' existing knowledge, attitudes and skills. Adults do not want to be taught things they already know. Therefore, a number of activities are suggested which elicit participants' prior knowledge and encourage their active participation.
- Dealing with the subject of trafficking in human beings confronts trainers with a diversity of attitudes ranging from hostility and misconceptions, lack of understanding, to empathy. Therefore methods promoting awareness and empathy such as role plays, case studies, video clips and films are suggested. It is of utmost importance to reflect on and discuss participants' experience of these activities and summarise the lessons learned.
- Particularly noteworthy ideas, pointers and conclusions appear in boxes.

The background reader follows the same structure, i.e. comprises five chapters which present material related to the respective unit in the teaching guide in more depth and in a complementary way. Parts of the material may be used as handouts for participants. Some national teams have even handed out the complete background reader as reference material to participants.

The Training Guide and the Background Reader have the following structure:

- Chapter 1** gives the international definition of trafficking in human beings and describes the main legal instruments. Specific national anti-trafficking laws or provisions that criminalize trafficking in the respective penal codes are to be added for each country. Furthermore, the specific role of frontline police in combating trafficking in human beings is outlined.
- Chapter 2** describes the trafficking process with its various forms and the difference between trafficking and smuggling.
- Chapter 3** explains the importance of the multi-agency approach in investigating and prosecuting trafficking cases, protecting the victim and preventing the crime. Information on the concept and practice of national referral mechanisms as well as measures offered by service providers and NGOs are given.
- Chapter 4** outlines the process of identifying trafficking cases and how to approach victims of trafficking. It also provides the most basic background on traumatic events and their impact upon affected individuals, especially with regard to victims of trafficking.
- Chapter 5** outlines the role of frontline police in gathering intelligence and interviewing suspected traffickers.

At the end of the Training Guide there is a comprehensive **reference list**. It is meant as a selection of reading material and resources for those who would like to find out more about certain aspects.

The **Annexes** give the trainers case examples and exercises to be used in the course of the training (Annex A), a sample evaluation form (Annex B) and provide support material for trainers in the form of references to diverse legal instruments (Annex C).

Note to the content of the training package

The present training package targets frontline police, border guards and custom officials in EU Member, Accession and Candidate States. The problem of trafficking in human beings as a crime and the measures used to combat it have a very large scope. Because of the diversity of legislation, procedures, investigative and prosecutorial practices in the concerned region, the training materials are on many occasions limited to broad principles and general points of good practice. While the sequence, content and methodology were tested and validated by a number of national teams, trainers and national teams are encouraged to adapt the materials provided to their circumstances. Situations obviously vary from country to country, hence the need for adapting the content, exercises, role plays and examples.

Icons

Icons have been introduced to help users to:

-  make cross-references to other sections of the training material;
-  stress the importance of the subject;
-  refer to other sources that should be consulted.

LIST OF ABBREVIATIONS

CoE	Council of Europe
ILO	International Labour Organization
IO	International Organisation
IOM	International Organization for Migration
MoU	Memorandum of Understanding
NRM	National Referral Mechanism
NGO	Non-governmental Organisation
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
SECI	Southeast European Cooperative Initiative
SPTF	Stability Pact Task Force on Trafficking in Human Beings
THB	Trafficking in Human Beings
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations International Children's Emergency Fund

GLOSSARY OF TERMS

Trafficking in Human Beings

According to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime (2000) "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'.¹

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 article²;

"Child" shall mean any person under eighteen years of age³.

Smuggling

According to the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Trans-national Organized 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'.⁴

¹ Art. 3 (a)
² Art. 3 (c)
³ Art. 3 (d)
⁴ Art. 3 (a)

Victim of Crime

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'. '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'.

Forced Labour

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 and for which the said person has not offered himself voluntarily'.

Slavery

According to Article 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". 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).

Debt Bondage

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. ⁵

Servitude

According to Article 1b. of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), servitude shall mean "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 terms 'trafficked persons' and 'victims of trafficking' are used interchangeably in this training material.

⁵ UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery (1956), Art. 1a.

A close-up photograph of a person's hand resting on a rough, textured surface. The hand is positioned in the lower-left quadrant, with fingers spread. A dark-colored watch with a metal link bracelet is visible on the wrist. The entire image is overlaid with a semi-transparent yellow filter. The background texture appears to be a natural material like stone or wood.

1

Trafficking in Human Beings

Unit 1: Trafficking in Human Beings

Objectives

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

- Give a definition of trafficking in human beings;
- Explain the role of frontline officers in combating 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;
- Apply relevant national legislation.

Outline

	CONTENT	ACTIVITY	TIME (MIN)	REFERENCE MATERIAL/MEDIA
1	Introduction to the subject: THB on the increase globally -What is known about the magnitude and spread of the problem? The role of frontline officers	Brief input	15	Training Guide Unit 1; Background Reader, Chapter 1; Country sources (official data and reports on THB) Reference material
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? Refer to video clip to identify and discuss forms of exploitation in general and in national context	15	Video clip ⁶
3	National legislation International definition of trafficking The European Framework	Input: Short overview	60	Handout: Based on national legislation Handout: Definition (based on UN Palermo Protocol) Handout: basic international principles (based on Conventions in the text)
4	Causes and risk factors for 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	60	Cases for group discussion - Annex A (or adaptations based on national context)
			120 - 150	

⁶ Suggested source: <http://www.unodc.org/unodc/en/multimedia.html> (30-60 seconds introductory videos)

The crime of trafficking in human beings and the role of frontline 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 ⁷, 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, together with the obligation to protect the rights of the victims, 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 co-ordinated 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 co-operation 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'.

Frontline 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 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 and refer cases to specialised units and to service providers (e.g. NGOs or State services).

⁷ 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.

In the following section a short overview of relevant international instruments and the most comprehensive, internationally agreed definition of the crime of trafficking in human beings are presented. 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.

The following conventions are worth mentioning here: [icon: additional sources]

- 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);
- UN Convention on the Rights of the Child (1989);
- Optional Protocol to the UN 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).

Additional conventions and instruments are listed in the Reference Material.

The international definition of trafficking in human beings

The "Palermo Protocol"

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, as the high-level political signing conference took place in Palermo, 12 – 15 December 2000). The Convention was adopted by the UN General Assembly in November 2000 and entered into force September 2003, while its supplementing Trafficking Protocol entered into force December 2003 ⁸.

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;
- (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;

⁸ On September 10, 2006, 123 States have ratified/accessed the convention and 147 have signed it and are awaiting ratification, while the Trafficking Protocol has 103 Parties and 117 signatories. Updates on the ratification process in: http://www.unodc.org/unodc/en/crime_cicp_signatures.html

- “(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 and recognizes that children cannot give their valid consent.
- Traffickers do not always apply brute force to get hold of their victims, there are also non-violent recruitment methods, and the abuse of situations, in which the person involved has no real and acceptable alternative but to submit to the abuse involved.

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 – including 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 of transport and transfer 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 (such as labour exploitation, begging, etc.).

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.

In this context it has to be noted that the consent of a child is **never relevant**.

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.

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.⁹

In particular, the framework decision stresses the importance of a common and comprehensive approach by European Union 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 co-operate 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.

⁹ http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_203/l_20320020801en00010004.pdf

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 co-operate 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.
- 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 co-operate** with competent authorities. The possibly issued residence permit shall be valid for at least six months 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, depending on the situation in the country of origin, in order to ensure recovery of a normal social life (Art. 12). Treatment of children should always be in their best interest.

The directive has two main objectives: obtaining the co-operation 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 co-operative 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 country. 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 instrument will become binding upon ratification¹⁰. 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:

¹⁰ Updates on the ratification process at: <http://www.coe.int/trafficking>

- The Convention 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 countries:
 - 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.
- It addresses special needs of children.

National legislation on trafficking in human beings

National Training Teams:

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

In addition, the following should be incorporated:

- Relevant articles from the penal codes;
- Special protection measures;
- Practical procedures issued by the Ministry of the Interior for the first aid/ identification of victims.



2

The Trafficking Process



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

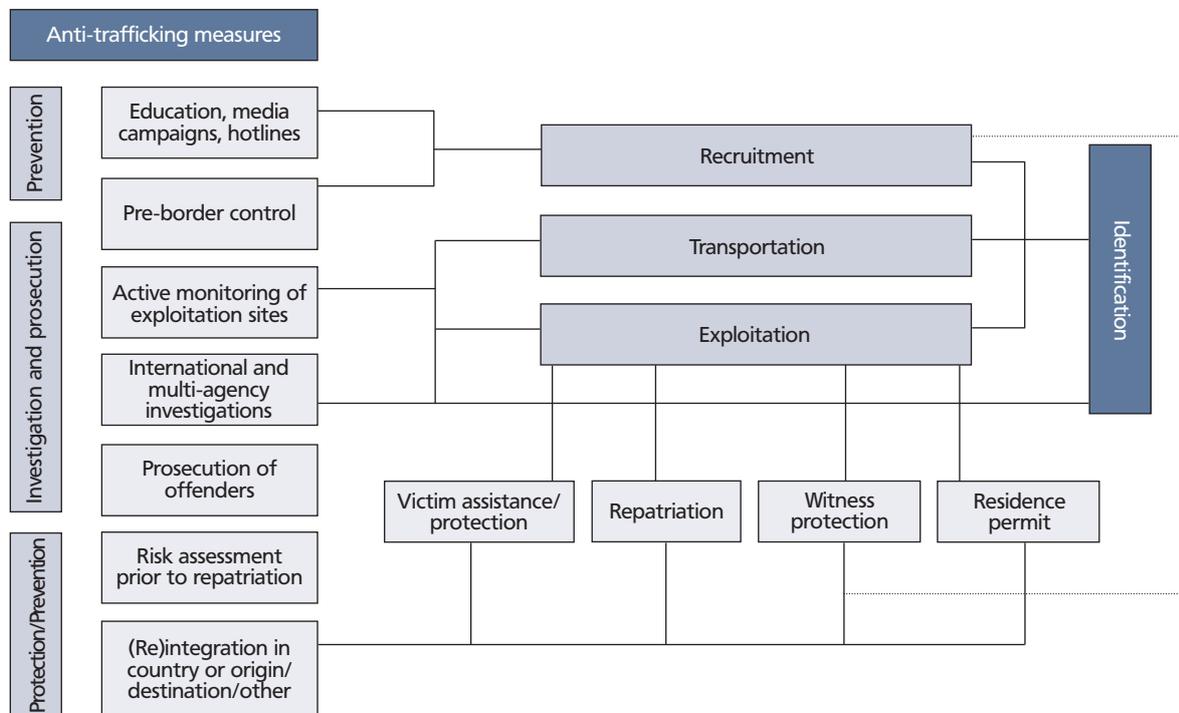
	CONTENT	ACTIVITY	TIME (MIN)	REFERENCE MATERIAL/MEDIA
1	Trafficking as a process; linking to previous unit (supply and demand factors); Phases of trafficking; Forms of exploitation	Input Watching of video clip Discussion	60	Training Guide, Unit 2; Background Reader, Chapter 2, Chart 1; Video clips on the Trafficking Process ¹¹
2	Distinction between trafficking and smuggling	2 Case scenarios: trafficking or smuggling: divide plenum in two groups, each to discuss one case and report back to the plenum. Complement and clarify; develop table on board or distribute as handout Input: Short overview	60	Case Scenarios Trafficking or Smuggling, Annex A. Handout: Chart 2
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 1
			150	

¹¹ Suggested source: EXIT – MTV Anti-trafficking media campaign available at <http://www.mtvexit.org/mtv3/index.html>
The Exit Campaign includes numerous video clips in 14 languages on the phenomenon of trafficking, the process and its phases, the modus operandi of traffickers, the victims of the crime. Trainers may select short videos to complement their sessions and illustrate specific parts, and/or organise a longer screening in addition to the training if time allows. Other suggested film material: 'Sex trafficking', directed by David Yates, UK 2004; 'Lilja for ever', directed by Lukas Moodysson (2002). The use of police archive material whenever possible is also recommended.

The trafficking process

Chart 1 exemplifies the trafficking process and the main anti-trafficking measures. The order in which the measures are listed in the chart is a simplification. Various measures can be taken at different points of the process.

Chart 1. The Trafficking Process



Trafficking can be best described as a process where three phases are typically identified: recruitment, transit (transport and transfer) and arrival at destination countries, and exploitation. It should be kept in mind that exploitation often also occurs during transit.

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 transferred from country to country. 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. Trafficking can occur trans-nationally or internal. The latter means that victims are recruited and exploited within their 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 – a person is physically taken against her/his will, or compliance is gained through violent means as e.g. through abduction, threat or use of force, sale etc.;
- 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 e.g. 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 his/her organs without having been correctly informed or having been deliberately misinformed about possible health consequences, risks, and costs.

Transit (transport and transfer)

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, often without knowing it, and be transferred or transported for long journeys. 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 the attempt of a crime and intended exploitation from being accomplished or to 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 other harsh 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
- Physical violence
- Deprivation of food or warmth
- Sleep deprivation
- Blackmail; the risk of being ostracized or condemned by their families
- In case of children, especially very young (7-10 years) there could be no need to go through the above-mentioned methods because of the child's lack of possibility to move.
- Another method (not harsh) is to give the victim the perception of not being fully exploited (e.g. giving parts of the income coming from the illegal activity to the exploited person) This is the case of Romanian girls exploited in prostitution rings in Italy.

Traffickers also use softer control measures with their victims, based more on psychological dependence than on fear. In these cases, no visible signs of violence can be easily detected. 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 and transferring them to the place of destination. Exorbitant 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 may not always realise that this kind of scheme is abusive and illegal.

Forms of exploitation

The most commonly discussed form of trafficking in human beings is trafficking for the purpose of sexual exploitation. Trafficking is however, not confined to this form. Adults and children are trafficked for a variety of exploitative purposes. Recent investigations about cases of forced labour in Europe reveal that trafficked persons are being exploited in a wide range of economic sectors – legal and illegal -, particularly in agriculture, horticulture, the food processing industry, contract cleaning, the construction industry, for domestic services, in the entertainment industry (e.g. fun fairs), in hotels (various services e.g. cleaning, catering), restaurant and catering business, in residential care, in small sweatshops, in the sex industry (in massage parlours, bars, brothels, apartments, escort services, etc.), for forced begging (elderly people, children, disabled), for pick-pocketing and drug-dealing.

A special case of forced labour is domestic servitude. Also so called mail order brides can end up in domestic servitude. The international "mail-order bride" industry has been proliferating in recent years, using the internet. As domestic workers work in the privacy of the home, the abuse is usually invisible and difficult to tackle.

Sexual exploitation receives more attention due to the fact that prostitution in itself is regarded as something particularly ruthless or scandalous. Forced labour on the other hand is often regarded simply as illegal employment. In times of high unemployment, exploited trafficked labourers are likely to be seen as perpetrators on the local labour market rather than victims of traffickers.

According to the UN Trafficking Protocol, 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 and
- the removal of organs.

Children and young adults are often forced into street begging, recruited and trafficked to earn money for others by begging or selling goods on the street. In some cases, beggars are maimed in order to arouse pity and increase charity. It is not unusual for victims in the cases of forced labour to be subjected to sexual abuse as well.

As trafficking does not necessarily require the crossing of international borders, all forms of exploitation can also take place within the home country of the victim.

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. Also the smuggling of migrants can involve human rights violations, but unlike in the case of trafficking, these are not intrinsic element of the offence.

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.

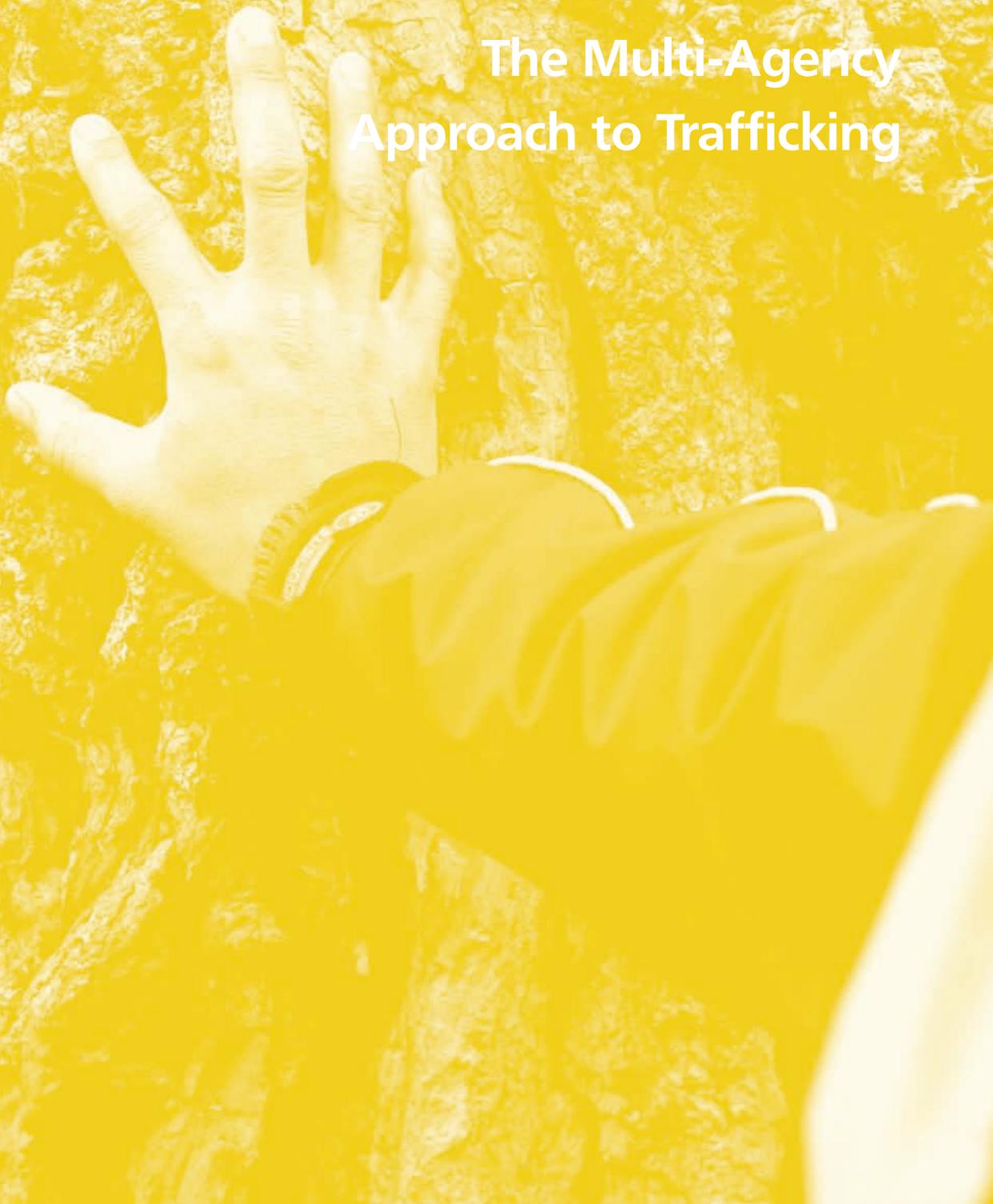
Trans-nationality: Smuggling is always trans-national, whereas trafficking may not be. Trafficking can occur in a different or in the same country of origin of the trafficked person. The chart below summarises the main differences between the two crimes:

Chart 2. The difference between smuggling and trafficking

ELEMENT	SMUGGLING	TRAFFICKING
Type of crime	Crime against the state - Violation of immigration laws/ public order; the crime of smuggling by itself does not include crimes which might be committed against the smuggled migrants.	Crime against the person - 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.
Why do fight it?	To protect sovereignty of the state.	To protect human rights of individuals and to fight the crime
Relationship smuggler/ smuggled migrant trafficker/trafficked person	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.
Rationale	Organised movement of persons for profit	Organised recruitment/ transport and (continuous) exploitation of the trafficked person for profit.
Illegal border crossing	Illegal border crossing is a defining element.	Neither illegal border crossing nor border crossing required.
Consent	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.

3

The Multi-Agency Approach to Trafficking



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 of human trafficking cases;
- Describe the different measures offered by service providers and Non-Government Organisations;
- Explain the concept and practice of national referral mechanisms;
- Discuss the relevance of various elements and forms of co-operation 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)	30	Teaching Guide, Unit 3 Background Reader, Chapter 3; Chart 3
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? Or/and: case scenario in Annex A (to be used as role play or for discussion) In case of previous experience, describe successes and limitations. Groups give feedback	90	Case examples from Unit 1, Annex A; and/or case example in Annex A. Guest speakers should be involved actively in this unit ¹²

¹² This training module is based on the assumption that multi-agency training teams composed by police trainers and service-provider/NGO trainers should prepare and deliver the training to the target group. In addition to service-providers, it is strongly recommended to involve guest speakers, e.g. representatives from other law enforcement agencies, the judiciary, labour inspectors, immigration services and if appropriate representatives from international organisations (ICMPD, OSCE, IOM etc.).

3		<p>Based on previous discussion, introduce concept of formalised co-operation and NRM in your country with a list of contact persons. If not yet in place, describe how the co-operation between different agencies functions and what the role of each actor is. Outline the available support services for trafficked persons (male, female, children etc.); Introduce principles to be adhered to with child victims</p>	60	<p>Memorandum of Understanding, example provided in Annex A; or national, if available (NRM, information on relevant institutions/coordination mechanisms Handout with list of service providers/NGOs present in the territory where the officers work, contact numbers, leaflets, brochures, information materials etc.</p>
			180	

The multi-agency approach

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 successful, 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.

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. It 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 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 measures should be both based on the individual needs of the victim and in accordance with 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.

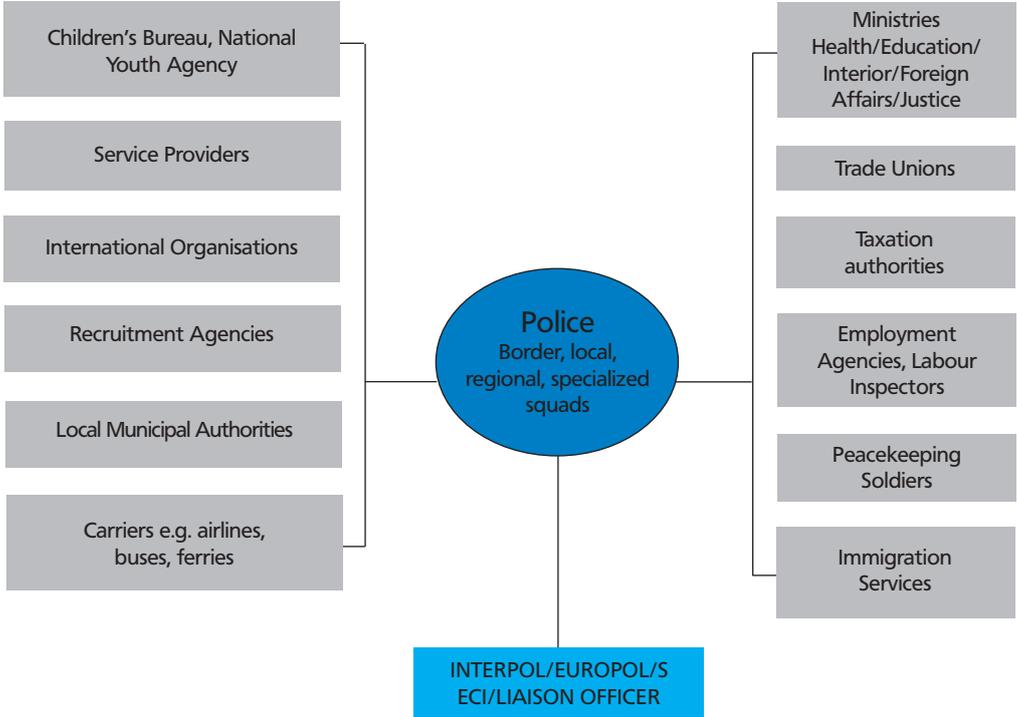
In anti-trafficking activities, co-operation between the police and other agencies should not be restricted to single cases, but should rather take place regularly, preferably on the basis of **standard operating procedures**. However, while in some cases co-operation among different state authorities can be defined by such standard procedures (i.e. 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.), co-operation with Non-Government Organisations (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**.¹³

¹³ For further information on how to develop and implement a national action plan, see ICMPCD Regional Best Practice Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response, 2005.

Chart 3 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):

Chart 3. Multi-agency co-operation at national level



Each country should analyse which agencies could be involved in antitrafficking activities.

Key for all anti-trafficking activities is **active monitoring** either within prevention and protection activities, as part of a pro-active investigation or in order to identify victims. Monitoring by frontline law enforcement officers can help to identify recruitment agencies offering bogus jobs and engaged in fraudulent practices and abuse; or 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 co-operation with them can be of utmost 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 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: ¹⁴

- **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 support 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 to liaise 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/street units (cars, minivans, etc.) to perform their work, that sometimes it is also carried out on foot;
- **Drop-in centres:** the drop-in operators are directly contacted by the target groups, who visit the centres 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, and 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.

¹⁴ Experts' Group on Trafficking in Human Beings, Report, European Commission – DG Justice, Freedom and Security, Brussels, 2004, pp. 177-187.

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.

Specific protection for child victims

It is important to underline that trafficked persons under 18 years of age must be treated as children and in accordance with the UN Convention of Rights of the Child. In particular, child victims are entitled to special protection measures, both as victims and as children, in accordance with their special rights and needs. Following are some basic principles ¹⁵ for dealing with children victims or presumed children victims.

[icon: additional sources] [In addition, there are also UNICEF Guidelines (2005), which refer to the rights of the child. ¹⁶]

Best Interest of the Child – In all actions concerning child victims, whether undertaken by public or private social welfare institutions, police, courts of law, administrative authorities or legislative bodies, **the best interest of the child must be the primary consideration.**

Right to Non-Discrimination - All child victims, non-national as well as national or resident children, are entitled to the same protection and rights. They must be considered as children first and foremost. All considerations of their status, nationality, race, sex, language, religion, ethnic or social origin, birth or other status must not impact on their rights to protection.

Respect for the Views of the Child – The views of the child should be given due weight in accordance with his or her age, maturity and best interest.

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.

¹⁵ The basic principles referred to are contained in the UN Convention on the Rights of Children and are as follows: Art. 2: Principle of non-discrimination; Art. 3: Best interests of the child; Art. 6: Survival and development of the child (right considered as a principle: this is missing but it is very important); Art. 12: Principle of participation of the child.

¹⁶ The UNICEF Guidelines include: 1. Best interests of the child; 2. right to non-discrimination; 3. respect for the views of the child; 4. right to information; 5. right to confidentiality; 6. right to be protected.

National referral mechanisms

A National Referral Mechanism (NRM) is a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society. ¹⁷ 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:

- 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 structures 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 at any stage of the process. 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. ¹⁸ 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.

An 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 (standard operating procedures) 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 ¹⁹.



cross reference NRM chart, background reader

¹⁷ 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.

¹⁸ See above, comprehensive national response against trafficking and national action plans, p.17.

¹⁹ OSCE/ODIHR 2004, pp 15ff

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 co-operation 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).
- c) Prepare list of relevant contacts and information leaflets, brochures etc.

4

Identification Processes



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;
- Describe the impact of the trauma and possible behaviours of victims;
- Recognize indicators that possibly refer to a trafficking case;
- Describe the specific consideration to be given to child victims;
- Outline general rules and prerequisites for first contact interviews;
- Be prepared to respond to victims' reluctance to co-operation with law enforcement;
- Use criminal indicators relevant to identify human traffickers.

Outline

	CONTENT	ACTIVITY	TIME (MIN)	REFERENCE MATERIAL/MEDIA
1	The importance of victim identification Action to be taken when coming across a suspected victim of trafficking	Brief input Refer to different scenarios from Unit 1 case examples (sexual exploitation, forced labour, etc.) What would be the first steps? Collect and complement	10-20	Unit 1 case examples (Annex A)
2	Who are the victims? Trauma and victims' behaviour	Brief description of the victims' possible experience Question to plenary: what may this result in, in terms of personal impact and behaviour towards police officers? Take note on flipchart or board	20	Teaching Guide, Unit 4; Background Reader Ch.4 Optional - Handout: Section from Guide (distribute at end of unit as summary)
3	Victim Identification - in general - child victims	Role Play: Victim identification. When summarising, refer to specific situation and needs of child victims	40	Case Scenario Adapted from OSCE Simulation Exercise Annex A, Unit 4 Guide: Paragraph on identification/treatment of child victims
4	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 with explicit reference to border guards	40	Optional - Handout: Indicators lists from Guide (distribute at end of process as summary)

5	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 Guide; e.g. on dealing with minors (distribute at end of process as summary);
6	Cont.	Role Play: Interview of a suspected victim; Discussion; Summarise: Interview guidelines and information to be given to victims	45	Case Scenario Adapted from OSCE Simulation Version (b); Annex A, Background Reader Ch.4
7	Indicators for the identification of a potential trafficker Making a report	Reflect in pairs: from what was discussed so far on the process of trafficking, what could help you in identifying a potential trafficker? Complement contributions and emphasise need for producing a good report	20	List of indicators Unit 4 (eventually to be provided as handout)
8	Challenges for border guards; Need for proactive monitoring, questioning and specific indicators	Working groups to discuss questions related to indicators to be used at borders; results to be visualised, presented and discussed in plenary. Trainer to complement	60	Activity 'Identification of victims at borders, Annex A.
			180-240	

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 intelligence led investigative methods not based exclusively on victims' testimony, the vital importance of victim identification is today unanimously recognised.

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, among others.

The role that all frontline 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 frontline officers.

Frontline 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 their duties, officers come across suspected victims, 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 or other competent units
- 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

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 may be scared and/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.

In case of doubt, officers should treat the potential/suspected trafficked person at first as a victim of crime.

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 very much **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 sexes 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 and both labour and sexual exploitation.

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 purposes²⁰. 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.

Trauma and victims' behaviour

In order to understand victims' behaviour that may at times appear strange or difficult to understand, it is important to take into account the often traumatic experience the victim has gone through.

Trafficked persons undergo traumatic experiences of various natures. From the perspective of trafficked persons, the trafficking experience usually means the beginning of a cycle of violence and fear as the traffickers often 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 and live in bad hygienic conditions. 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. They have little or no access to medical care. These experiences have an impact on their behaviour. Traumatized individuals develop ways to cope psychologically with the situation they live in, and those are not easy to analyse from the outside for non-specialised personnel. This is why the early intervention of specialised units and service providers is always recommended.

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 the instructions of traffickers for their victims on how to face interrogation without showing any sign of weakness or hesitation, in case of contact with the police. This kind of "training" is utilised by highly organised criminal groups.

Traffickers employ various techniques to instil fear and keep victims tightly controlled. Some are extreme and rudimentary, such as for instance keeping victims under lock and key. The most frequent practice is however, 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, honour-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;

²⁰ ILO, A Global Alliance Against Forced Labour, p. 46.

- 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. in the case of African victims use of voodoo practices);
- Perception of not being totally exploited (sharing earnings, etc. or as a result of psychological subjugation).

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.

The abusive environment in which victims usually live during the trafficking experience, often pushes them towards adopting a conformist behaviour making them obedient only to avoid violent reactions against them. Many 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 from 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 may be destroyed by the traffickers' 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. For officers coming into contact with trafficked persons, it may be impossible to assess whether the person is traumatised.

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

More information on trauma, trauma in case of children, victims' behaviour and coping strategies is provided in the accompanying Background Reader, chapter 4.

As a result of the experience described above **victims still in a trafficking** situation often:

- Feel trapped with no safe way out;
- Have limited knowledge of their rights and legal options;
- Have limited personal freedom;
- Worry about deportation as they have had their papers taken from them;

- Lie about their age, especially if they are minors (or vice-versa);
- Adopt self-protective reactions;
- Show symptoms of trauma and stress that are reflected in an impaired sense of time or space, memory loss of certain events, risk behaviours, or underestimation of risk;
- Some (especially adolescents) may be “proud” of their experience of life (particularly males involved in small crimes).

Those who have **left the trafficking situation** often show some of the same concerns. They continue to feel, and indeed 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). They may feel under utmost pressure due to their outstanding debts to traffickers (based on traffickers' abusive and arbitrary calculations). They may feel vulnerable to retaliation against themselves and/or their families. Due to their temporary or lack of residence status in the destination country they may fear imminent deportation. They may feel, and often are, socially stigmatized by their experience and risk rejection by family and community members if past events are revealed. Some of them may have experienced encounters with police officers which instilled rather fear than confidence into the police force.

Therefore they are likely to show 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 consider themselves as victims. Many victims are in equivocal circumstances in which they may have contradictory and ambiguous 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 fully responsible and obliged to fulfil 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 always 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.

Indicators to identify victims of trafficking

Victims of trafficking are hard to identify also because it is not possible to identify generic profiles of victims. As mentioned before, the areas of exploitation are very diverse and the demand for trafficked persons affects men and women, adults and children, individuals with higher and lower education, home and foreign nationals, etc. Therefore, in presence of generic indicators, it is necessary to look beneath the surface carefully and try to discover if enough signs are present to suspect that the person is involved in a trafficking 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 region/country/part of the country;
- Lack of passport, immigration or identification documentation;
- No cash nor access to money;
- Suspicion of fake passport;
- Signs of fear;
- Signs of depression, insecurity.

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 co-operation of the person, i.e. through first contact interrogation, it is important that officers focus at first on the less obvious, but still informative issues 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 him/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 him/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 person personally and against his/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; s/he 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;
- Lack of agreement/contract on paper.

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 aware that they are victims of a crime and that they are entitled to protection from the State under the anti-trafficking legislation.



Specific challenges for border guards

Data shows that traffickers recruit men and women of all ages - children, adults, elderly – and of different social and education background. Also individuals who are physically or mentally impaired are targeted for various forms of exploitation such as for instance begging. The variety of forms of exploitations makes it difficult to use **profiling** for victims of trafficking at borders. It is rather the **use of indicators** combined with **proactive monitoring and questioning** that is considered more effective to deal with the identification of potential trafficked victims. In particular questioning should focus on cross-checking consistency and credibility of situations. This can trigger successive steps that ultimately lead to investigation and prosecution. Border guards are used to such type of questioning and can use this technique to identify potential trafficking situations.

Specific difficulties for border personnel:

1. Conflicting priorities e.g. Time available for border controls and general rule not to create inconvenience to travelers; identification of illegal migrants versus identification of trafficked victims etc., obligation not to discriminate versus special attention regarding persons at risk, etc.
2. Procedures to implement trafficking legislation still not fully developed.
3. Exploitation may not yet have taken place; there may be no visible signs of violence, control mechanisms, intention of the traffickers to exploit, etc.

Indicators that can be used by border authorities

Taken in isolation indicators may be misleading or irrelevant. However if combined and paired with significant inconsistencies in information or with other information available e.g. through co-operation with other units or analysis of accessible data, they may become meaningful to identify a potential trafficking case or victims.

- Lack of credibility of situations observed and information provided by travellers;
- Purpose of travel compared with other apparent signs e.g. luggage, money, physical condition of travellers, profession declared, etc.;
- Luggage e.g. quantity and type compared with statements of travellers;
- Items carried in luggage;
- Different citizenship of people in groups travelling together;
- Driver answering questions for all travellers;
- Same vehicles or means of transport used several times transporting different people;
- Same passport used several times by different people;
- Observing groups - common features of travellers, e.g. physical appearance, age etc.;
- Individuals travelling together do not know each other;
- Behaviour and body language that indicates tension, unease etc.
- N.B.: Careful to fake sport teams and similar (see case scenario on athletic team provided).

When checking busses, the documents of travellers should be checked in person, not allowing documents to be gathered by a driver and brought to the border authorities disconnected from the individuals travelling.

What can border personnel do when confronted with situations where indicators are present and

- a. the documents of the person (s) checked are ok?
- b. the documents of the person(s) checked are not ok?

The situation varies in different countries as to working concept for border personnel and procedures to be followed. For instance in certain countries, border guards can decide to interview suspected victims and traffickers if they spot a situation that looks suspicious, while in others they are obliged to pass on the case to other units. Assessing when this is necessary and appropriate is problematic and generally conflicting with other priorities.

In presence of indicators of trafficking and reinforcing inconsistencies emerged through questioning, **the front-line officer should try to ensure a secondary check (e.g. separate interview or interrogation) of the persons** suspected to be victims and/or traffickers, referring the case to another unit if necessary. ²¹

Principles to apply on first contact with a suspected trafficked person

The complex situations victims find themselves in make it hard to approach them and establish trust, get their co-operation 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 non-judgemental manner, many victims benefit from having the opportunity to tell their story.

The first objective of the officer who comes into contact with a potential trafficked person is to try to establish trust. 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 as the accompanying person could be part of the criminal trafficking network.

It is important to keep in mind the following guidelines - 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'** ²².

Furthermore, according to the 'non-punishment clause' applicable to trafficked persons ²³, **'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'**.

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 and resources, due to the circumstances, limiting procedures), the officer should pass the case to a specialised unit ²⁴ 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.

²¹ The content of this paragraph has been developed during a seminar for border authorities organised by UNODC in Prague in March 2006

²² 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).

²³ Council of Europe Convention, see Reference materials, p.8.

²⁴ if available

Interview guidelines

There are a number of basic guidelines which facilitate a fruitful interview putting the wellbeing of the victim into the centre of interest and which increase the chances of a meaningful outcome.

- **Conduct the interview in an environment that ensures privacy.** 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.
- **Define objective.** The interviewer should ask questions carefully in view of the objective of obtaining as much essential information as possible (e.g. trying to establish if the person is a suspected trafficked victim).
- **Good 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.
- **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.
- **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.
- **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.

Don't challenge answers given. Interviewers must keep emotional reactions private and should not let personal feelings interfere with the interview. They should not show disgust or disbelief should some of the information be repellent or simply incredible. Victims of trafficking may have lived through situations that are beyond comprehension.

There are some more specific guidelines, developed by the WHO,²⁵ which are 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.

²⁵ UHO, Ethical and Safety Recommendations for Interviewing Trafficked Women, 2003

- **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.
- **Work together with a well trained interpreter/ cultural negotiator** – if needed.

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 or State services supporting trafficked people and inform the specialized unit accordingly.



Treatment of minors

States have an obligation to establish effective procedures for the rapid identification in case of child victims. In trafficking cases, it may happen that victims are mistakenly taken for crime perpetrators. This applies also to child victims and should be always kept in mind at first contact with children. As the UNICEF guidelines clearly state The involvement of children victims in criminal activities should not undermine their status as, above all a child, with particular rights under the UN Convention on the Rights of Children, and a victim, and their related rights to special protection.

The key-rule when coming across a suspected/potential child victim is that Child victims should be questioned in a child-sensitive manner and only by specially trained law enforcement officers!



With this basic principle in mind, the front-line officers can take initial action and should follow these basic guidelines:

Where the age of the victim is uncertain and there are reasons to believe that the victim is a child, officers should act assuming that the victim is a child. Pending verification of the age, the victim should be treated in accordance with the special protection measures for child victims.

In particular:

- Upon identification of a child victim, or when there is presumption that the victim is a child, law enforcement officers should immediately organise the transfer of the child victim to a safe location/ shelter for accommodation;
- Age assessment should be done according to national requirements, but always in a sensitive way.
- Following identification of the child victim, guardianship services have to be contacted in order to appoint a guardian (contact details should be available at all police stations and border crossings);

- In the meantime, the privacy and confidentiality of the child has to be ensured;
- Child victims are entitled to receive immediate care and protection including security, food, and accommodation in a safe place, access to health care, psychosocial support, legal assistance;
- Child victims, who are not nationals/residents of the country in which they find themselves, are as a general principle entitled to return to their country of origin;
- Child victims shall not be returned to their country of origin if, following a risk and security assessment, there are reasons to believe that the child's safety or that of their family is in danger.

First contact and interviewing minors

In case of victims and/or witnesses being juvenile, frontline 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.

For interviewing minors the following hints should be followed:

- Initial questioning of a child victim should only see to collect biographical data and social history information (i.e. age, nationality, languages spoken, etc.).
- Information regarding the experience of the child whilst trafficked, and any knowledge they may have of illegal activities etc. should not be sought at this point. However, it is also not advisable to interrupt the child should he or she wish to talk about some of his or her experiences. (All information provided by the child should be recorded, it might be useful in a possibly upcoming court or administrative procedure.)
- Child questioning in police premises or at the location where the child has been exploited and/or in the presence or proximity of any suspected trafficker should be avoided. Wherever possible, initial questioning should be delayed until the child has been relocated to a safe location.

Information to be provided to trafficked persons

1. Inform 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 counselling and other programs that may be able to decrease or end the trafficker's destructive behaviour.
3. Let victims know that there are NGO programs that help persons in their situations, and that they can talk with counsellors about the options and alternatives.
4. Reiterate that they alone cannot solve the consequences of trafficking.
5. Inform the victim that trafficking in human beings can reoccur and get worse unless there is some form of intervention.

Additional hints

- 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 co-operate 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 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
- Do not make promises you cannot keep.

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 "Achilles' heel": their products. Trafficking generates victims and money. If officers locate victims, generally they find themselves 'close to' 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:

- 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 exploited 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.

5

Frontline Intelligence Gathering



Unit 5: Frontline Intelligence Gathering

Objectives

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

- Appreciate the role of frontline officers in intelligence gathering;
- Outline relevant areas of operational intelligence gathering;
- Outline rules for interviewing a suspected trafficker.
- Produce a comprehensive report

Outline

	CONTENT	ACTIVITY	TIME (MIN)	REFERENCE MATERIAL/MEDIA
1	Role of frontline officers in intelligence gathering	Input	10	
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 on flipchart or board, and complement.	30	Teaching Guide, Unit 5; Background Reader, Ch.5
3	Elements of THB to indicate need for intelligence gathering and reporting as potential THB case	Group Work: Case scenarios; Report back to plenary; Trainer to highlight essential points	40-60	Case scenarios in Annex A
4	Interview of suspects	From participants' experience: what are general rules for interviewing a suspect? List on flipchart/board and complement by specific points applying to potential traffickers.	40-60	Teaching Guide, Unit 5; Background Reader, Ch.5 Case scenario in Annex A
			120-160	

Intelligence gathering

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

Repeated investigative experience shows that the vital piece of intelligence or evidence that finally 'breaks a case' and leads to a successful conclusion can come from a frontline officer, who often 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** frontline operators may observe the territory in which they operate and spot suspicious businesses behind which exploitation may take place. During everyday duties they may come across suspected victims and/or traffickers.

It is in particular when searching premises or during personal checks that the frontline 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 and circumstances, information gathered in a particular 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 in human beings.

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:

- Report to the specialized anti-trafficking unit or other competent units 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 organised trafficking network without creating audit trails, also identifiable by the police, in one or more of the following areas:

- Advertisement;
- Rental (safe house accommodation);
- Transportation;
- Communications;

- Financial transactions.

Elements that can be discovered occasionally by frontline 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 frontline 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.;
- Contact details;
- Financial intelligence – transactions in respect of all of the above (i.e. documental evidence that may be found during searches, e.g. money transfer receipts, bank details, etc.).

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;
- P.O. Box and mailbox addresses;
- Ownership or rental of motor vehicles or other forms of transport such as boats, etc.;
- Other bills.

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

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

for in-depth information on law enforcement intelligence gathering see Chapter 5 in the background reader



Interviews and intelligence gathering

The importance of interviews that frontline officers conduct during their regular duties can significantly increase the capacity of identifying locations where exploitation takes place, as well as victims and traffickers. The amount of information that a frontline officer may come across is in fact much more substantial and meaningful than commonly acknowledged.

Note: The term interview is used here to refer also to informal talks and all occasions during which an officer acquires information, be it from citizens, service providers, potential victims or suspects.

If an officer sees indications that human trafficking is taking place, his/her interviews and contacts should focus on the acquisition of significant information. This is why having in mind the constitutive elements of the crime is key to assess when a situation requires attention. All of the areas identified above (recruitment methods, advertising media, accommodation, etc.) are areas where information can be usefully reported.

Interviews with victims, suspects and witnesses are a very important source of intelligence. While for first contact interviews of potential victims it is important to take into account some specific factors (as detailed in Unit 4 above), interviewing suspects can be conducted with a different approach.

In many circumstances, distinguishing a victim from a criminal is the first challenge the officers are confronted with. Knowing the crime and the modus operandi of the criminals is a fundamental step to be able to make an initial assessment and gather intelligence or evidence meaningfully.

In case of contacts with suspected victims and trafficker at the same time, it is important to remember to separate the persons immediately before interviewing them.



Victims are often accompanied and in many occasions do not speak the language of the country they are in. Traffickers accompanying them usually act as interpreters for their victims (Unit 4 above, section on indicators). In such cases it is important to call the support services, as they may send a cultural mediator or an interpreter who can co-operate with the police to allow the interview to take place also with potential victims who cannot otherwise be interviewed (Unit 3 above, multi-agency approach).

Criminals' "paranoia"

It is also possible that among the sources of information of the police there are criminals.

Criminals are never quite sure of exactly what information the police possess. 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 come to 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 them.

Interviewing the suspect to gather intelligence

The interview 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 frontline 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.

Furthermore, interviews may corroborate evidence collected during premises checks or other duties in the operational areas mentioned above.

The two general principles leading any interview 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.

Interview setting

Interviews can take place in many locations - from police station offices to the street.

Ensuring a certain degree of privacy is generally a good measure. Because there is a general desire to maintain personal integrity before family members and peer groups, suspects should be interviewed away from familiar surroundings in a location that has an atmosphere more conducive to co-operativeness and truthfulness.

In some cases, the responding officers may be required to resort to calming techniques because the criminals may get angry in the course of the interviews. However, in some cases, especially when the load of evidence against him/her is heavy, the criminals may be agreeable or conciliatory to the officers. They may however also deny that trafficking occurred or minimize the degree of the crime.

The officers must be alert to any manipulative language or behaviour.

Additional hints when interviewing a suspect

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.

REPORTING

The importance of frontline reporting

The importance of reporting in writing cannot be underestimated for potential trafficking cases. Precise, comprehensive reporting i.e. describing exploitation sites monitored, conversations with suspected victims, traffickers or people who provided information (clients, service providers, others) can be of great importance for successive phases of investigation.



Whatever reporting format is in use, depending on the extent of the intelligence that is available, the following data should be included in the report:

- The type of trafficking and exploitation concerned – sexual exploitation, labour exploitation, human organs etc.;
- The countries and locations involved;
- Full detailed physical descriptions, backgrounds and criminal histories of any known suspects and victims;
- Full details of any known addresses;
- Full details of any known vehicles and other forms of transport used;
- Full details of any known means of communications;
- Full details of any known travel or identity documents;
- Full details of any known routes and means of travel;
- Full details of any known financial intelligence;
- Full details of the modus operandi used by the trafficker(s);
- A free text section for any other useful information;
- The officer or unit source of the intelligence and their contact details.

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http://www.minori.it/news/appuntamenti/yokohama/stocolma_declaration_and_agenda.htm

Audio-visual resources

EXIT – MTV Anti-trafficking media campaign: includes numerous video clips in 14 languages on the phenomenon of trafficking, the process and its phases, the modus operandi of traffickers, the victims of the crime, available at <http://www.mtvexit.org/mtv3/index.html>

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UNODC anti-human trafficking video and radio spots, 30 and 60 seconds, available at <http://www.unodc.org/unodc/multimedia.html>

The use of police archive material, whenever possible, is strongly recommended.

A close-up photograph of a person's hand touching a rough, textured surface, possibly a rock or a piece of wood. The hand is positioned in the lower-left quadrant, with fingers spread. The person is wearing a dark-colored long-sleeved shirt with a ribbed cuff. The entire image is overlaid with a semi-transparent yellow filter. The word "Annexes" is written in white, sans-serif font in the upper-right area.

Annexes

ANNEX A - Case Exercises



Additional case exercises to be used in anti-trafficking law enforcement training can be found in ICMPD/UNDP Romania (2006): Law Enforcement Manual for Combating Trafficking in Human Beings

UNIT 1

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

- What are the problems leading to or facilitating trafficking in human beings?

Hints for trainers

Note: There are 9 case scenarios. Not all of them necessarily have to be dealt with, depending on the number of participants and which cases trainers find appropriate for the context.

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
- Different social and education background of victims
- Vulnerability of children

Case Scenario 1.1

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 in China with the offer of regular jobs. They were provided with false documentation for the travel and to give the impression that they were legitimately in Italy. They were given no 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 criminal 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 1.2

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 Istanbul. 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 1.3

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. When he tried to complain repeatedly he was told he had to pay for accommodation and initial expenses that his employer had anticipated. When he said to his employer that he could take care of finding a better accommodation and that he would rather leave and get the full salary, he was threatened to be reported to the police, beaten up and instructed to stay calm and keep working. He would be paid in the next few days...²⁶

Case Scenario 1.4

K.P. is a 30-year-old Ukrainian woman with higher education, who works as an engineer in her home town. K. is intelligent, ambitious, and fully aware that with her skills she could have a better life and a successful career if she went abroad. K. is well-off within her circle of friends and acquaintances; she earns money and can afford a good standard of living. But K. knows that in her home town and in her country a talented person will only reach limited success as the opportunities are limited. To have a brighter future K. would like to move to another country, where standards of living are higher and real career opportunities exist.

When an acquaintance tells her that in Sweden there are shortages of professionals with her qualifications and puts her in touch with a recruitment agency, she sends her Curriculum Vitae and starts preparing for an interview. K. speaks English and French. Determined to succeed, she plans to start learning Swedish. K. is interviewed by a woman of the recruitment agency and is selected for a job in a private company as engineer. The start salary she is offered is 24,000 Crowns (equivalent of 2500 Euro approx.). When K. asks when will she sign her contract, she is reassured that she will sign the contract as soon as she starts her new job. The employer will take care of contractual formalities. When she objects to this, and asks about visa and work permits, she is told that employers request a probation period to test the real qualifications of the recruited staff. K. will at first enter the country as a tourist therefore. After the probation period, she will be given a proper contract and work permit. When she insists on having a paper agreement with the agency, K. is given a pre-contract. She will discover later that this piece of paper has no validity and that the recruitment agency appearing on it is not regularly registered.

²⁶ Adapted from: ILO, Trafficking for Forced Labour. How to monitor the recruitment of migrant workers, Training Manual, Geneva, 2004, p.71

K is reassured that there is no other way to get good jobs in European countries and she is explained that the system works as follows: The company anticipates the necessary amount of money to the recruited candidates through the agency so that they are able to cover travel costs, enter the country and face the first expenses to settle in. The amount is then taken out of the salary for the first 12 months of work until the debt is extinguished. K. accepts the terms and leaves by plane, alone, with a tourist visa and cash in her purse. At her arrival, a driver of the company picks her up and brings her to her accommodation. She is told that this is going to be her apartment for the probation period. A man who is introduced as the landlord of the apartment and who lives next door requests that she pays the first three months in advance. From the following morning on, K. will realise no real job is in sight. She will remain in that apartment for eight months, forced into prostitution and exploited by her traffickers.

Case Scenario 1.5

A 25 year-old Macedonian woman, Anita, has been dating a Macedonian man, Goran, for three weeks. He has told Anita that he is in love with her and intends to marry her. To Anita, this is a dream come true because her family is very poor and cannot provide very much for her. Anita has been out of work for a year. Goran proposes to take Anita to Italy to celebrate their engagement. Anita is at first reluctant because she has never been out of the country and does not speak Italian. Goran promises to take care of her. He refuses to tell Anita where they are going because he says it should be a surprise. Once they arrive in Italy, he takes her documents and forces her to work as a prostitute. If she tries to leave, Goran threatens to take her sister in her place. He also threatens to tell Anita's family, and the village, that she has been prostituting herself voluntarily.

Case Scenario 1.6

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 1.7²⁷

Olga was raised in a 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. Olga realised that he had turned into her pimp, and that he also exploited other girls. He forced her to indebted herself in several home-credit companies using the money borrowed mostly for himself. She 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 Prague to repay the debts contracted in her name to his own advantage. Olga was constantly in fear of his violence and incapable of seeking help.

Case Scenario 1.8

Nadja lived with a man for five years who abused, raped and beat her, often in the presence of their children. Once she tried to escape and found a job, but her husband found her and beat her again and threatened her to oblige her to go back home. After a few weeks, she went home but her husband sent her away. Another woman was living with him and the children were at their grandparents'.

²⁷ This case has been adapted from a case provided by La Strada, Czech Republic. Real names and circumstances have been changed to preserve the privacy of the affected individuals.

Nadja ran away and met an ex-classmate, Yelizaveta, who listened to her problems, offered her hospitality and then proposed to her to find a job abroad for the two of them. Nadja was led to believe that when she returned she would have enough money to get her daughters back and afford living anywhere in Ukraine. Yelizaveta also called her mother who promised to take care of both her daughters. Nadja ended up travelling to Kiev. Her documents were supposed to be arranged for her. Her flight ticket and passport were both made in someone else's name. When she saw the fake documents she got scared, but faced with possible threats to her children and with indebtedness for the trip to Kiev, she did not dare to refuse them.

In Paris, a man called Oleg was waiting for her at the airport. He drove her to a nightclub and told her to put on some lingerie. Nadja realised he wanted her to work as a prostitute and fought with him. He beat her up and raped her for a few days, giving her no food. She lost the sense of time and could not remember how long she was there.

Once she tried to escape. She was exhausted and confused and she was not able to ask for help in French. She was also afraid of the police because of her false documents. The guys caught her again, beat her up, and locked her in a cellar in the dark and cold without food. They threatened her to kill her if she tried to escape again.

She was told that in a few months she would be going to Germany. They put her in a car and took her to a nightclub where another man took her. He spoke in a language similar to Ukrainian. Later at night, there was a raid of the police and Nadja was taken away from her traffickers. She found out that she was in the Czech Republic.

At the police station Nadja tried to describe everything that had happened to her, but she was not able to remember details of her stay in Paris and of the trip to Bohemia, she was confused, she did not manage to explain why she tried to escape just once. She could not recognise the men in the pictures that the police showed her. She did not remember how long she was there. She just knew that she left Ukraine in autumn.

Nadja has been co-operating with an NGO for 4 months. She now studies Czech and seeks a job. She has some medical problems and experiences nightmares. She would eventually like to get a divorce and be granted custody of her children so that they may live with her in the Czech Republic. ²⁸

Case scenario 1.9

Five young men tried to cross the border between A and B by car. Their documents were in order, but when the border guard asked them - as a routine question – what was the purpose of their trip into the country, it was the answer of the man driving the car that attracted his attention. While perfectly reasonable in theory to explain why five men were travelling together, it simply did not look very credible to the border guard.

The man had indicated that the group was a swimming athletic team going to an international competition across the border. Looking at the men in the car, the border guard was not convinced that they were athletes going to a competition. He was close to letting them go as the documents were in order, but before doing it and while thinking about what it was that did not convince him, he made an additional check, asking the driver to open the trunk of the car. Then he noticed that there was no luggage. This confirmed his impression that the man was probably lying, as a swimming team would surely travel with some sort of bathing equipment.

The officer started asking more questions, also addressing the other men in the car. After having collected enough inconsistencies, he made contact with the specialised unit for smuggling and trafficking in human beings.

²⁸ This case has been adapted from a case kindly provided by La Strada, Czech Republic. Real names and circumstances have been changed to preserve the privacy of the affected individuals.

The men were separated and interviewed. It resulted that the four men in the car were workers that were being exploited at construction sites. They were trapped in an abusive debt-bondage and had not been paid for months with various excuses. The ones who had tried to get out of the cycle had been seriously threatened. The investigation of the case for trafficking for labour exploitation is currently still open. 14 people are under charges and over 120 victims have been identified, some of which are co-operating as witnesses in the proceedings.

UNIT 2

Case scenarios: Trafficking or smuggling?

Case scenario 2.1

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 scenario B 2 - Trafficking or smuggling?

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?

UNIT 3

Case study or role-play

Two Nigerian women are travelling from Italy to Germany by train. At the border between Italy and Austria there is a control. The border guard notices that one of the two women is nervous. The documents are in fact fake. The two women have to get off the train. One of them speaks Italian, while the other does not. The woman who does not speak Italian has signs of violence on the arms...

Question:

- You are the border guard who came across the two women. What would you do with them?

Hints for trainers:

The following points should be suggested by participants or complemented in the discussion:

- Separate the two women;
- As one does not speak the language, call the specialised units;
- The specialised units will call the support services and the cultural mediator/interpreter;
- The health services should be also involved (one of the women is hurt).

UNIT 4

Role-play exercise (Notes for trainers) ²⁹

Objectives

- to observe participants' communication skills with a potential victim of human trafficking
- to look at participants' sensitivity and attitude towards a victim of trafficking and gender issues
- to test the participants' knowledge of law and procedures with regard to powers of arrest in cases of suspected or possible human trafficking
- to assess the participants' ability to deal with 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, and 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.

Role- play exercise (Notes for actors)

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.

UNIT 4

Activity: Identification of victims at borders

Form working groups to discuss the questions below.

Each working group collects the main points discussed in the group on a flipchart in order to report to the plenary. Each group appoints a spokesperson who is responsible to collect the input of the group and present in the plenary.

Time allocation: For question 1, the suggested time allocation is 30 minutes; for questions 2 - 4, the suggested time allocation is 10 minutes per question. Total: 60 minutes.

Questions:

1. What are useful indicators to identify (potential) trafficking victims at borders?

N.B.: Keep in mind the victims' low perception of being exploited (this could be the case particularly in prostitution rings, due to the traffickers' improvement in modus operandi.)

2. Who among the following categories can be victims of the crime of trafficking?

- Illegal migrants;
- Legal migrants;
- Women;
- Men;
- Female children;
- Male children;
- Elderly people;
- Individuals coming from depressed economic areas with limited education/skills;
- Individuals coming from depressed economic areas with higher education;
- People who are unemployed;
- People with difficult family/social backgrounds;
- People who have education, are employed, have no specific problems but would like to have better job opportunities.

3. If the documents of the person are not in order (illegal, fake, no documents) and indicators of trafficking are present, what can a border guard do at land borders/airports/ports?
4. If the documents of the persons checked are legal and indicators of trafficking are present, what can a border guard do at land borders/airports/ports?

Hints for trainers

Refer to Chapter 4 of the training guide for general principles on identification of victims and specific list of indicators useful for border personnel.

The following points should be suggested:

- Use indicators combined with proactive monitoring;
- In presence of indicators of trafficking, use questioning focussing on cross-checking consistency and credibility of situations;
- Check credibility of situations observed and information provided by travellers;
- Purpose of travel compared with other apparent signs e.g. luggage, money, physical condition of travellers, profession declared, etc.;
- Luggage e.g. quantity and type compared with statements of travellers;
- Items carried in luggage;
- Different citizenship of people in groups travelling together;
- Driver answering questions for all travellers;
- Same vehicles or means of transport used several times transporting different people;
- Same passport used several times by different people;
- Observing groups - common features of travellers e.g. Physical, age etc.;
- Individuals travelling together do not know each other;
- Behaviour and body language that indicates tension, unease etc.
- In presence of indicators of trafficking and reinforcing inconsistencies emerged through questioning, ensure a secondary check (e.g. separate interview or interrogation) of the persons suspected to be victims and/or traffickers, referring the case to another unit if necessary.

UNIT 5

Activity: Intelligence gathering at frontline level

Hints for trainers:

Divide in working groups. Each group gets one scenario and should answer the following questions:

Questions:

1. Are there enough elements of the crime of trafficking in human beings in the scenario to report the situation you have been informed about?
2. How can you get additional information about the situation to decide whether you report it as a potential trafficking case?
3. What can you do to secure some information/evidence during your duties?

Case scenario 1

An informant approaches you and gives you the address of a construction site. He tells you that Armenian males are regularly recruited by an employment agency called World Job. They travel by bus via Moldova with the company Transeurope. The bus arrives at destination every day at h. 14:00. A member of the organisation called Igor brings the people to the construction site provides accommodation nearby, meals and transport. Your informant claims that these people are badly exploited and are kept enslaved with the excuse of the debt for the trip and accommodation and meals...

Case scenario 2³⁰

While checking a ship in the Netherlands, a group of foreign people is found on board. When they are asked to identify themselves they present a Seaman's Identity Book instead of an identification document. Most of them do not speak the language and are very scared. One of them tells you that they were employed by a ship agent based in Cairo to do repair works on the ship. They were supposed to go back to their homeland after completion of a trip in two months, but their assignment was prolonged for months and they were not allowed to leave the ship. While on board the men were supplied with food and money, but the amount they were paid was much less than the workers were told they would earn when they accepted the job.... One of the men gives the interpreter the name of the agent and the address where he was recruited in Cairo.

Case scenario 3³¹

One informant reports to a police patrol in the street that there are people being exploited in agricultural fields in the area. The people are brought there by a man called Mario, who travels regularly by car from Bulgaria to Italy and brings the people to a village. There their documents are taken away with the pretext of registration and never given back. The people are forced to work in a big farm for 12-14 hours a-day and are not allowed to leave. They are afraid of reporting to the police as they have no documents and do not speak the language.

Case scenario 4

You hear that there are dozens of foreign prostitutes being brought to a house where they are exploited and enslaved by a group of criminals. The women come from Moldova, Ukraine and Poland and are brought to town by different men. The informant gives you three male names without surname and the address of the house where the women are kept...

Activity – Interviewing Victims/Suspects

Case Scenario

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

³⁰ Scenario adapted from a case provided by the Dutch team.

³¹ Scenario adapted from a case provided by the Bulgarian team.

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. He also suspects that two of them are in charge to control the others, as they seems to be in a leadership role with respect to the other women, they answer questions more promptly, the body language of the others seem to indicate that they are afraid of talking in front of the two women...

1. Imagine you are a patrol officer in charge for this area. How would you deal with the women if you suspected that the group may include both traffickers/accomplices and 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 questions would you ask to collect key elements to be reported to a specialised unit or the investigative unit in charge?
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 also 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?

Hints for trainers

- Stress the need to pay attention to the fact that potential trafficker and victim/s are often close to each other and that this is a key factor to keep in mind when approaching individuals/groups
- Separate individuals when interviewing them as some may be victims and others traffickers/accomplices
- Focus on different priorities in interviews (establish trust with potential victims and gather elements of intelligence in case both of victims and suspects)
- Make the necessary links with previous units, e.g. in particular Unit 3 (multi-agency co-operation, referral of victims etc.) and Unit 4 (identification of victims and suspects)

ANNEX B – Evaluation Form

For the benefit of future trainings, please fill in this questionnaire by checking boxes as appropriate and answering shortly the questions.

1) PERSONAL DATA

b) Profession

- Police Officer
- Border Guard
- Customs Official
- Trainer
- Other

2) TRAINING

Which units(s) was/were part of the training?

- Trafficking in Human Beings – Legal Instruments to Combat the Crime (International, European and National Instruments)
- The Trafficking Process – Phases of the Process and Different Forms of Trafficking
- The Multi-Agency Approach to Trafficking in Human Beings
- Identification Processes – The Importance of Victims Identification, Indicators on Traffickers
- Low-Level Intelligence Gathering
- Other (add as many boxes as necessary)

Which units did you find most interesting/useful?

Which units did you find less interesting/useful? Please explain why

2) TRAINING

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
The objectives of the training were clearly defined	<input type="checkbox"/>				
The design of the training was appropriate	<input type="checkbox"/>				
The subject matter was dealt with in a satisfactory way	<input type="checkbox"/>				
I gained new insights into the subject matter	<input type="checkbox"/>				
The contents were relevant for my field of work	<input type="checkbox"/>				
I am motivated and determined to apply knowledge gained during the training	<input type="checkbox"/>				

3) TRAINERS AND LECTURES

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
The contents were well structured and well presented	<input type="checkbox"/>				
The contents were illustrated through practical examples	<input type="checkbox"/>				
The methods used were clear and fitted the contents	<input type="checkbox"/>				
The presentations were interesting	<input type="checkbox"/>				
The trainers/lecturers used enough supporting material	<input type="checkbox"/>				
The supporting material was useful	<input type="checkbox"/>				
Questions of participants were answered appropriately	<input type="checkbox"/>				

4) TRAINING CONDITIONS

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
The training atmosphere was pleasant and motivating	<input type="checkbox"/>				
The training venue was satisfactory	<input type="checkbox"/>				
The acoustics in the training-room was good	<input type="checkbox"/>				

I was distracted by the following factors:

Further recommendations/comments:

Thank you for your co-operation!

Annex C - Support Material for Trainers

a) Legal Instruments

UN

- United Nations Convention Against Transnational Organized Crime; 2000
- United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime; 2000
- United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the
- United Nations Convention Against Transnational Organized Crime; 2000
- United Nations Convention on the Elimination of all forms of Discrimination against Women; 1979 (CEDAW)
- United Nations High Commissioner for Human Rights, Recommended Principles and Guidelines on Human Rights and Human Trafficking, July 2002
- United Nations-Convention on the Rights of the Child (1989) and Optional Protocol to the UN-Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)

EU

- Council Directive of 29 April 2004 on the Short-term Residence Permit issued to victims of action to Facilitate Illegal Immigration or Trafficking in Human Beings who Co-operate with the Competent Authorities
- Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings
- Brussels Declaration on Preventing and Combating Trafficking in Human Beings; adopted by the European Conference on Preventing and Combating Trafficking in Human Beings - Global Challenge for the 21st Century - on 18-20 September 2002
- Council Framework Decision of 15 March 2001 on the Standing of Victims in Criminal Proceedings

Stability Pact

- Stability Pact Anti-trafficking Declaration of South Eastern Europe, Palermo, 13 December 2000
- Statement of Commitments on the Legalisation of the Status of Trafficked Persons (Tirana, 11 December 2002)

CoE

- Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR-1950); see also ETS 117 – Protocol n°7 to the Convention (1984)
- European Convention on Extradition (1957)
- Additional Protocol to the European Convention on extradition (1975)
- Second Additional Protocol to the European Convention on extradition (1978)
- European Convention on mutual assistance in criminal matters (1959)
- European Convention on the international validity of criminal judgements (1970)
- European Convention on the transfer of proceedings in criminal matters (1972)
- Convention for the Protection of individuals with regard to automatic processing of personal data (1981)
- Additional protocol to the Convention for the protection of individuals with regard to automatic processing of personal data, regarding supervisory authorities and transborder data flow (2001)
- Convention on the Transfer of Sentenced Persons (1983)
- Additional Protocol to the Convention on the Transfer of Sentenced Persons (1997)
- European Convention on the compensation of victims of violent crimes (1983)
- European Convention on the recognition of the legal personality of international non-governmental organisations (1986)
- European convention on laundering, search, seizure and confiscation of the proceeds from crime (1990)
- Criminal law convention on corruptions (1999)
- Additional protocol to the criminal law convention on corruption (2003)
- Civil law convention on corruption (1999)
- Additional Protocol to the criminal law convention on corruption (2003)
- Civil law Convention on Corruption (1999)
- European Convention on cybercrime (2001)

- Recommendation No. R (81) 12 on economic crime
- Recommendation No. R (85) 11 on the victim's position in the framework of criminal law and procedure
- Recommendation R (87) 19 on the organisation of crime prevention
- Recommendation R (87) 21 on assistance to victims and the prevention of victimisation
- Recommendation R (88) 18 concerning liability of enterprises having legal personality for offences committed in the exercise of their activities
- Resolution (97) 24 on the twenty guiding principles for the fight against corruption
- Recommendation R (2000) 10 on codes of conduct for public officials, and model code of conduct for public officials
- Recommendation R (2000) 11 of the Committee of Ministers to member states on action against trafficking in human beings for the purpose of sexual exploitation, adopted by the Committee of Ministers on 19 May 2000, at the 710th meeting of the Ministers' Deputies
- Recommendation (2000) 19 on the role of public prosecution in the criminal justice system

b) Additional Legal Instruments

CoE

- Recommendation Rec (2001) 11 of the Committee of Ministers to Member States concerning guiding principles on the fight against organised crime, adopted by the Committee of Ministers on 19 September 2001, at the 765th meeting of the Ministers' Deputies
- Recommendation Rec (2001)16 of the Committee of Ministers on the protection of children against sexual exploitation, adopted by the Committee of Ministers on 31 October 2001 at the 771st meeting of the Ministers' Deputies.
- Recommendation No. R (91) 11 of the Committee of Ministers to Member States concerning sexual exploitation, pornography and prostitution of, and trafficking in children and young adults adopted by the Committee of Ministers on 9 September 1991 at the 461st meeting of the Ministers' Deputies
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