

# Anti-Trafficking Training for Frontline Law Enforcement Officers

## Background Reader

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



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

All rights reserved. No part of this publication may be reproduced, copied or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, or any information storage and retrieval system, without permission of the copyright owners. The contents of this publication may be used without discrimination for educational and other non-commercial purposes, provided that notification of the purpose is made to ICMPD and any such usage is accompanied by acknowledgement of the source.

This publication has been produced with the assistance of the European Union. The content of this publication is the sole responsibility of ICMPD and can in no way be taken to reflect the views of the European Union.

Cover photo: Karen Robinson/ Panos Pictures  
Layout: Local Communication Design, Vienna, [www.local.cd](http://www.local.cd)

ISBN: 3-900411-51-4

## Acknowledgements

We gratefully acknowledge the contributions of a large number of persons and organisations, without whose dedicated efforts this training package could not have been completed. Many thanks to the drafting committee, the multi-disciplinary project implementation teams of the participating countries, the project partners and the reference group, who contributed to develop this European Anti-trafficking Training for Frontline Law Enforcement Officers.

### 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 Jifičík (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.

A special 'thank you' to the Hungarian Crime Prevention Academy (Budapest) and the Austrian Sicherheitsakademie (SIAK) Police Training Centre for hosting in their premises the regional seminars during which the training material was developed and validated with the involvement of multi-disciplinary teams from Austria, Bulgaria, the Czech Republic, Estonia, Hungary, Italy, Luxembourg, the Netherlands, and Slovenia.

## Table of Content

<b>INTRODUCTION</b> .....	<b>6</b>
<b>HOW TO USE THE BACKGROUND READER</b> .....	<b>7</b>
<b>LIST OF ABBREVIATIONS</b> .....	<b>8</b>
<b>GLOSSARY OF TERMS</b> .....	<b>8</b>
<b>CHAPTER 1: THE CRIME OF TRAFFICKING IN HUMAN BEINGS</b> .....	<b>11</b>
1.1. THE ROLE OF FRONTLINE OFFICERS.....	12
1.2. LEGAL INSTRUMENTS.....	13
<b>CHAPTER 2: THE TRAFFICKING PROCESS</b> .....	<b>19</b>
2.1. RECRUITMENT.....	20
2.2. TRANSIT (TRANSPORT AND TRANSFER).....	21
2.3. EXPLOITATION.....	22
2.4. FORMS OF EXPLOITATION.....	23
2.4.1. Forced labour or services.....	24
2.4.2. Slavery or practices similar to slavery and servitude.....	25
2.4.3. Sexual exploitation.....	25
2.4.4. Forced marriage.....	26
2.4.5. Trafficking in organs.....	26
2.5. TRAFFICKING IN CHILDREN.....	26
2.6. THE DIFFERENCE BETWEEN TRAFFICKING AND SMUGGLING.....	27
2.7. EFFECTS OF TRAFFICKING ON SOCIETY.....	29
<b>CHAPTER 3: THE MULTI-AGENCY APPROACH TO TRAFFICKING</b> .....	<b>31</b>
3.1. PREVENTION.....	34
3.2. INVESTIGATION AND PROSECUTION.....	34
3.3. PROTECTION.....	35
3.4. SYSTEM OF REFERRAL AND CO-OPERATION.....	38
3.5. MODELS OF FORMAL CO-OPERATION.....	40
3.5.1. Data exchange.....	41
3.5.2. Memorandum of Understanding.....	41
3.6. CO-OPERATION CONCEPTS REGARDING TREATMENT OF CHILDREN.....	43
3.7. INTERNATIONAL CO-OPERATION.....	44
3.7.1. Europol.....	45
3.7.2. Interpol.....	46
3.7.3. Liaison Officers.....	46
<b>CHAPTER 4: IDENTIFICATION PROCESSES</b> .....	<b>47</b>
4.1. THE IMPORTANCE OF VICTIM IDENTIFICATION.....	48
4.1.1. How to use indicators – specific challenges posed by trafficking cases.....	49
4.2. WHO ARE THE VICTIMS OF TRAFFICKING?.....	49
4.2.1. Trauma and victims' behaviour.....	49
4.3. INDICATORS TO IDENTIFY VICTIMS OF TRAFFICKING.....	52
4.4. SPECIFIC CHALLENGES FOR BORDER GUARDS.....	54
4.4.1. Indicators that can be used by border authorities.....	54
4.5. PRINCIPLES TO APPLY ON FIRST CONTACT WITH A SUSPECTED TRAFFICKED PERSON.....	55
4.6. INTERVIEW GUIDELINES.....	56
4.7. TREATMENT OF MINORS.....	68

4.8. INFORMATION TO BE PROVIDED TO TRAFFICKED PERSONS.....	59
4.8.1. Coping strategies of trafficked persons [changes in comparison to the guide].....	59
4.8.2. Stages of recovery.....	60
4.8.3. How to co-operate with victims of trafficking.....	61
4.8.4. Risk of secondary victimisation.....	61
4.8.5. Trauma in the case of children.....	62
4.9. TRAFFICKERS' PROFILE.....	63
4.9.1. The Structure of trafficking groups.....	63
<b>CHAPTER 5: FRONTLINE INTELLIGENCE GATHERING.....</b>	<b>67</b>
5.1. TYPES OF INTELLIGENCE.....	68
5.1.1. Strategic intelligence.....	69
5.1.2. Tactical intelligence.....	69
5.2. SOURCES OF INTELLIGENCE.....	71
5.2.1. Raw intelligence.....	71
5.2.2. In-depth intelligence.....	72
5.3. INTELLIGENCE FORMATTING – KEY DATA.....	73
5.4. CLASSIFICATION, EVALUATION AND DISSEMINATION.....	74
5.4.1. Intelligence checks – local, national and international.....	75
5.5. OPTIMISATION OF INTELLIGENCE GATHERING.....	75
5.5.1. Awareness raising.....	75
5.5.2. Networking.....	76
5.6. INTERVIEWS AND INTELLIGENCE GATHERING.....	76
5.6.1. Interviewing the suspect.....	76
5.6.2. Interview setting.....	77
REFERENCE MATERIAL.....	78

---

## 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 exposed to human trafficking 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 his 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 BACKGROUND READER

---

The present background reader is part of a package comprising a 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. In its Annex the training guide provides trainers with case examples and exercises to be used during the training sessions.

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 front line 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 front line police in gathering intelligence and interviewing suspected traffickers.

At the end 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.

---

## LIST OF ABBREVIATIONS

---

CoE	Council of Europe
IGO	Inter-government Organisation
ILO	International Labour Organization
IO	International Organization
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
UAM	Unaccompanied Minors
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 Trans-national 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".<sup>1</sup>

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking persons" even if this does not involve any of the means set forth in subparagraph (a) of this article<sup>2</sup>;

"Child" shall mean any person under eighteen years of age<sup>3</sup>.

### 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 Organised Crime (2000) "smuggling of migrants" shall mean: "The procurement to obtain, directly, or indirectly, a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or a permanent resident".<sup>4</sup>

---

<sup>1</sup> Art. 3 (a)

<sup>2</sup> Art. 3 (c)

<sup>3</sup> Art. 3 (d)

<sup>4</sup> Art. 3 (a)

### 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 art. 1 of the Slavery Convention, (1926) "Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised".

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.<sup>5</sup>

### 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) "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.

---

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



A hand is shown reaching out and touching a rough, textured wall. The entire image is overlaid with a yellow filter. The hand is positioned in the lower-left quadrant, with fingers spread against the wall. The wall has a mottled, uneven texture. The text '1' is in the upper right, and the title is in the middle right.

1

The Crime of  
Trafficking in  
Human Beings

---

## Chapter 1: The Crime of Trafficking in Human Beings

---

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, although increasing numbers of men and boys are also targeted by traffickers for forced labour exploitation and other exploitation practices. The latest ILO report on forced labour indicates that 2.5 million people are estimated to be trafficked at any point in time, of which minimum one third are trafficked for economic purposes.<sup>6</sup> For these reasons the international community has reached an increasing consensus that additional resources need to be made available to investigate more attentively not only trafficking for sexual exploitation of women and girls, but also other forms of trafficking.<sup>7</sup>

Currently intelligence sources indicate trafficking in persons as one of the fastest growing illegal businesses globally. Transit routes and trends are constantly changing and human trafficking appears as a prime example of economic globalisation, subject to and reflecting increasingly cultural, economic and social changes.

Even if the hidden nature of organized crime makes it difficult to have reliable and complete data, human trafficking is considered among the three largest criminal activities and sources of funding for organized crime worldwide, together with trafficking in narcotics and weapons. According to the European Union Organised Crime Situation Report 2004, on a global scale trafficking in human beings is a business of EUR 8.5 to EUR 12 billion per year. The ILO recently provided a global estimate of the profits generated by the labour exploitation of trafficked women, children and men at US\$ 32 billion each year.<sup>8</sup>

Differently from other kinds of illegal businesses, trafficking in human beings relies basically on practices of violation of the human rights of the persons victimized, and it leads to the denial of their human dignity. Trafficking practices commercialise human beings: all the monetary gains derive from the exploitation of the persons involved. People captured into these networks are obliged to perform their services for the profit of their "owners": they are deprived of any kind of control over their lives as they are treated as commodities.

### 1.1. The role of frontline officers

Due to the complexity of the crime, all law enforcement officers dealing with it have to cope with a number of specificities and difficulties. A first and very basic issue is how to identify trafficked persons. Distinguishing a trafficking case within or from cases of irregular work, illegal migration, (legal or illegal) prostitution, etc. is one of the major challenges law enforcement officers face. Secondly, trafficked persons are very often not in a position to testify as witness. Either due to the risk of reprisals against them and/or their family/loved ones and/or due to the violent and traumatic experiences the victims have undergone. Consequently, police officers are in a completely different situation than in most other crimes, where the victims are usually immediately available to co-operate and denounce the perpetrators. This can create difficulties in re-actively investigating and prosecuting trafficking cases. According to international law the role of the police is clearly defined. It is to protect the victim's right to safety and support, including protection from traffickers, protection of privacy and identity regardless of whether the victim acts as witness or not. In order to do so, co-ordination and cooperation with other national and international actors involved is crucial.

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

---

<sup>6</sup> ILO, A Global Alliance Against Forced Labour, 2005 p. 46

<sup>7</sup> ILO, *ibid.*: p. 46

<sup>8</sup> ILO, *ibid.*

An element that needs to be stressed here has to do with the fact that the crime of trafficking requires the coordinated intervention of highly trained, well informed, specialised staff active in different fields and institutions/services to be contrasted effectively. While specialised units are increasingly developing and refining investigative techniques and 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'.

Front line officers in different units and functions, ranging from uniformed, front-line patrol officers, traffic police, alien police, border personnel, etc., may come into contact with trafficked persons, 'may patrol 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).

## **1.2. Legal instruments**

### **International instruments**

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

This unit presents a short overview of relevant international instruments and the most comprehensive, internationally agreed definition of the crime of trafficking in human beings. It is important to stress that norms foreseen by international treaties are binding for States that ratify them and can be used to fill gaps in national legislation where they exist.

The following conventions are worth mentioning here:

- UN Convention against Trans-national 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 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). The Convention was adopted by the UN General Assembly in November 2000 and entered into force December 2003<sup>9</sup>.

---

<sup>6</sup> While this guide is being written, 86 States have ratified the convention and 33 have signed it and are awaiting ratification. Updates on the ratification process in: [http://www.unodc.org/unodc/en/crime\\_cicp\\_signatures.html](http://www.unodc.org/unodc/en/crime_cicp_signatures.html)

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;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) "Child" shall mean any person under eighteen years of age." (Art. 3)

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

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

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

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

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

**2) Means** such as the **threat or use of force, deception, coercion, abduction, abuse of power**. In the vast majority of cases at the beginning of the process trafficked persons are not aware of the fact that they are being trafficked. They perceive their decision to leave their home and seek employment, possibly migrating abroad, as a process that they can control. Making use of the help of intermediaries is part of the strategy usually utilised by illegal/economic migrants. What individuals do not know is that some intermediaries will turn out to be traffickers. Deception is therefore much more common than kidnapping or use of force in trafficking cases, especially where trans-national transport is foreseen (legal or illegal). It must be kept in mind that controlling individuals can be achieved nowadays through many means, without necessarily reverting to force at all stages.

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

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

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



### The European framework

For EU member states the "EU Council Framework Decision on Trafficking in Human Beings" from 2002 is legally binding. The decision addresses legal harmonisation in the field of trafficking in human beings, stipulating that each Member State is obliged to develop new legislation on anti-trafficking and to interpret existing laws in line with internationally agreed principles and norms established by the main international conventions on trafficking in human beings.<sup>10</sup>

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

Another important instrument for EU Member States is the Council Directive 2004/81/EC on the residence permit for victims of trafficking. On 29 April 2004 the Council of the European Union adopted a directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who 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.

<sup>10</sup> [http://europa.eu.int/eur-lex/prl/en/oj/dat/2002/l\\_203/l\\_20320020801en00010004.pdf](http://europa.eu.int/eur-lex/prl/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 and to their recovery of a normal social life (Art. 12).

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 ratification<sup>11</sup>. 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:

- The Convention takes into account all forms of trafficking, national and trans-national and linked or not linked with organised crime.

---

<sup>11</sup> Updates on the ratification process at: <http://www.coe.int/trafficking>

- It introduces a chapter on investigation, prosecution and procedural law requiring:
  - a) to provide effective and appropriate protection to victims, collaborators with the judicial authorities, witnesses and members of such persons' families;
  - b) to promote specialisation of persons or units in anti-human-trafficking action and victim protection;
  - c) to adapt their judicial procedure so as to protect victims' privacy and ensure their safety;
- It adopts the same definition of trafficking of the Palermo Protocol and introduces a legal definition of the concept of 'victim' of the crime of trafficking.
- It introduces the principle of obligatory criminalisation of the crime of trafficking and of de-criminalisation of trafficked persons (so called non-punishment clause) providing for the possibility of not imposing penalties on victims, on the grounds that victims have been compelled to be involved in unlawful activities.
- It introduces the provision of a recovery and reflection period of at least 30 days for trafficked persons.
- It opens the discretionary possibility to deliver residence permits not only on the basis of the persons' co-operation with law enforcement authorities, but also on the basis of their personal situation.



# 2

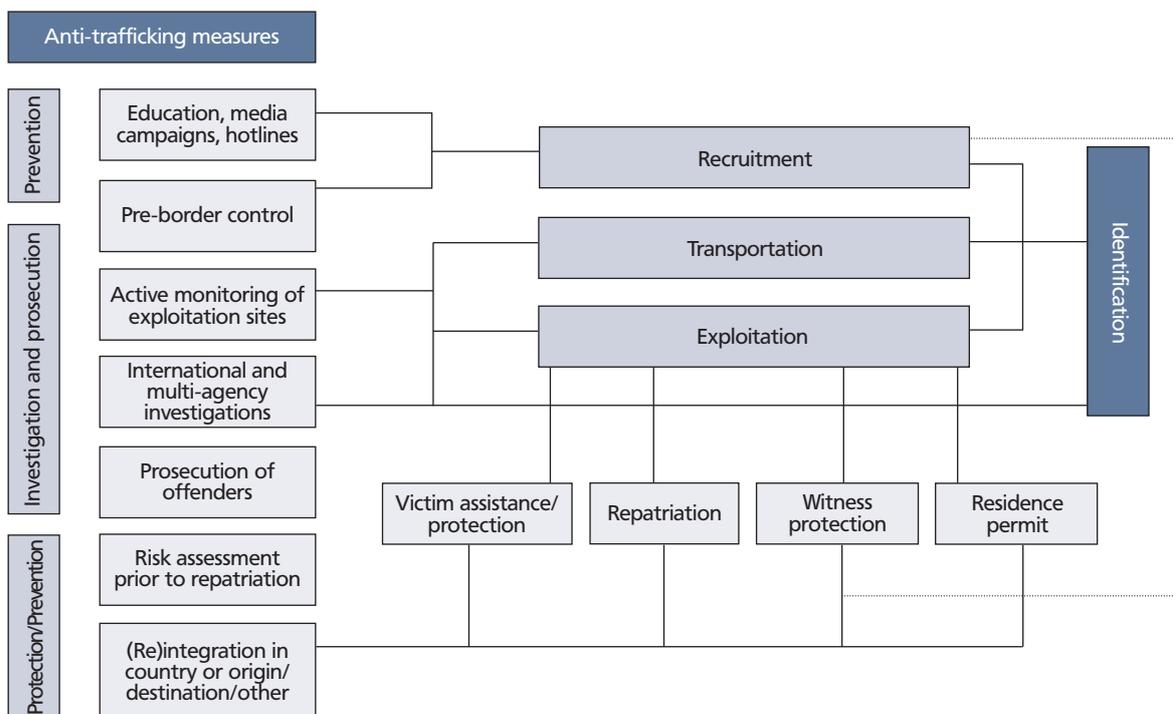
## The Trafficking Process



## Chapter 2: The Trafficking Process

Trafficking can be best described as a process where three phases are typically identified: recruitment, transit (transport and transfer), and exploitation. The following chart 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**



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.

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

Recruitment can be carried out in different ways, by individual recruiters working door to door, through informal networks which may include family members and friends, through media advertisement or legal or semi-legal intermediaries, including recruitment agencies offering work, studying, marriage or travel abroad.

The potential victim could be recruited at every stage of the migration process, either in the country of origin, transit or destination:

1. Individuals are recruited by traffickers in their country of origin and thereafter trafficked to one or more other countries where they are subjected to one of the forms of exploitation identified in the UN Trafficking Protocol. Also, individuals are recruited within their country and moved to another destination within the same country where they subsequently become victims of exploitation (internal trafficking).
2. Migrants leave their own country freely and enter another country, either legally, or more usually illegally, (if entering illegally they may pay a 'smuggler' to facilitate their entry); thereafter, traffickers get control of them. They are then trafficked either within the country they have already reached or into another country.
3. Migrants reach another country and find a job for themselves and it is only after entering this employment that they are subjected to forced labour – whether this should be subsumed under trafficking is contested.<sup>12</sup>

All three scenarios involve human rights and labour rights violations to different degrees. The concept of forced labour requires investigators to focus on the coercion that employers use to overbear a person's willpower. The degrees of coercion vary a great deal from case to case, with some victims being subjected to physical injury, while others are virtually unaware that they are subjected to forced labour until they find that their employer is taking advantage of their migrant status to avoid paying them.

## **2.2. 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 and 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 for a crime or to discover an ongoing crime.

As regards the origin of victims of trafficking, according to ILO<sup>13</sup> "in the transition economies of Eastern and South Eastern Europe, forced economic exploitation has been observed among migrant workers from the Transcaucasus and central Asia". Other trafficking routes have been recorded. For example, there is a high incidence of Chinese workers being trafficked by sophisticated criminal networks, stripped of their documents, and forced to work without pay in restaurants and other businesses through debt bondage and other forms of coercion. Children from various countries in South-Eastern Europe have been reportedly "sold" or otherwise brought across the border to other countries and forced to be beggars or thieves. Men are being trafficked from the Russian Federation into slave labour overseas by employment companies offering them decent jobs.<sup>14</sup> Trafficking routes are never fixed but change and follow the demand in the respective countries and regions.

For example, latest reports indicate that internal trafficking is increasing. According to UNDP "foreign women are increasingly outnumbered by "internally trafficked women" in the shelters for victims of trafficking in the countries of Western Balkans (Albania, BiH, FYR Macedonia and Serbia-Montenegro, including Kosovo). In Kosovo in particular the number of internally trafficked victims is very high".<sup>15</sup>

---

<sup>12</sup> See ILO (2005): Human Trafficking and Forced Labour Exploitation, Guidance for Legislation and Law Enforcement,

<sup>13</sup> ILO 2005: 49

<sup>14</sup> OSCE 2002

<sup>15</sup> UNDP 2005:63

### 2.3. Exploitation

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

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

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

One of the most widely used means of control of victims is debt bondage. The legal definition of this sort of practices reads as follows:

The status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.<sup>16</sup>

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

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

---

<sup>16</sup> UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery (1956), art. 1a.

In practice, debt bondage occurs when a person becomes a security against a debt or loan.<sup>17</sup> In trafficking cases traffickers keep victims under debt bondage by requiring them to pay exaggerated costs for transporting them to the place of destination. Furthermore, exorbitant interest rates are attached and exaggerated costs for food, accommodation and clothes have to be paid as well. This is one of the primary abusive mechanisms of control used by traffickers on their victims. Trafficked victims often do not realise that this kind of scheme is abusive and illegal as they believe to be part of a consentient transaction, based on fair or almost fair prices.

Debt bondage contracts are illegal as the taking of a human being as security for a debt is the result of deception as to the rights of the worker. "This falls under the offence of obtaining pecuniary advantage or services by deception, which is unlawful in virtually all countries".<sup>18</sup>

## 2.4. 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, restaurant and catering business, in residential care, in small sweatshops, and in the commercial sex industry (in massage parlors, bars, brothels, apartments, escort services, etc.).

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:

- forced labour or services;
- the exploitation of the prostitution of others or other forms of sexual exploitation;
- slavery or practices similar to slavery, servitude and;
- the removal of organs.

These forms of exploitation are defined are not defined in the Protocol itself, but in a series of other international treaties. The 'exploitation of the prostitution of others' refers to cases in which a pimp or exploiter takes all or part of the money that a client pays to a forced prostitute for an act of sex.<sup>19</sup> Sexual exploitation refers to sexual exploitation e.g. in prostitution and the production of pornography, but also other situations, which are not explicitly identified by the Protocol. 'Slavery or practices similar to slavery' and 'servitude' refer to similar situations in which people are coerced to work for others, without, however, necessarily being 'owned' by them, e.g. through 'debt bondage', the practice of requiring someone to work to pay off a loan when the value of their work greatly exceeds the value of the loan.<sup>20</sup> The 'removal of organs' refers to cases of organ transplants involving living donors who are paid money (or whose relative takes money on their behalf) in return for donating an organ, such as a kidney, or body fluids to another patient.<sup>21</sup>

---

<sup>17</sup> ILO, 2005

<sup>18</sup> ILO 2005: 134

<sup>19</sup> Exploitation of the prostitution of others' is the subject of the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949).

<sup>20</sup> Debt bondage and others forms of 'servile status' are defined and prohibited by the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956).

<sup>21</sup> The World Health Assembly adopted guidelines in 1991, which prohibit trafficking in human organs for commercial gain. See World Health Organization (WHO): Human Organ Transplantation, A Report on Developments under the Auspices of WHO (1987-1991).

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.

#### **2.4.1. Forced labour or services**

Forced labour can be defined as the situation in which immigrant workers find themselves when completely subjected to the control of their employers. It is characterized by the absence of any possibility for negotiation and mutual agreement on working conditions, the provision on the part of the employer exclusively of means for basic survival and for retaining a physical condition which allows for continued exploitation.

Agriculture and construction industries are most likely to “demand” forced labour, after the commercial sex sector. The ILO survey on returned migrants in South-Eastern European countries found that, out of 300 victims, 23 percent had been trafficked into coerced prostitution, 21 percent into construction and 13 percent into agriculture.

In the agriculture sector, where seasonal workforce is often required, workers are asked to work intensely. In the construction industry, it is quite common that due to complex contracting and subcontracting chains the workers are unprotected. Short-term workers are employed by small companies that act as subcontractors of medium/big enterprises and neither respect labour laws, nor the conditions of the contracts they signed with the recruited workers. Often unlawful deductions are made from their wages.

In the textile and garment industry, small “ethnic” enterprises, often clandestine, evade national regulations, and even if the workers receive a very low salary they do not have the right to leave. The workers usually have no social network and have a debt to repay for the travel and job arrangements.<sup>22</sup>

As a rule, this kind of labour relations – which involves practices of violence and exploitation – generates social and legal repercussions in Europe when detected. Forced labour relations are therefore generally camouflaged as practices that are close to acceptance, e.g. moonlighting, under-paid labour, extended working hours and over exploited work. These working conditions characterise the de facto status of significant parts of the migrant population and are considered 'physiological' or unavoidable, though not illegal. The first phase of immigration is often characterised by a period of vulnerable/weak legal status (lack of residence permit), of socio-existential weakness (lack of relations), of political absence (no participation in institutional decision-making mechanisms) and economic crisis (unemployment). All these circumstances fuel human trafficking.

These different dimensions of vulnerability push the immigrants into a significant area of social and economic marginalisation, which makes them carry out any kind of work.

The extreme form is represented by the totally submerged [informal labour market] labour, the work done in conditions far from the standards foreseen by legislation and unions, and violent forms of repression.

The ILO Convention No. 29 Concerning Forced Labour of 1930 - ratified by over 160 States and thus almost universal - defines forced or compulsory labour as “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.” Thus forced labour occurs when people are subjected to some form of coercion, either physical or psychological, and entails activities which they would not otherwise have agreed to perform. In the case of children, the UN Convention on the Rights of the Child provides for further specification in Art. 32: “States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development”. Also, ILO Convention 182 on the Worst Forms of Child Labour provides for further specification. Forced labour exploitation often occurs within the agricultural, the catering and the construction sector and also within the clothing industry, where adult and child victims of both genders are coerced into working under ruthless and exploitative conditions. Children and young adults are moreover forced into street begging, recruited 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 provoke acts of charity. It is not unusual for victims in the cases of

---

<sup>22</sup> ILO 2005

forced labour to be subjected to sexual abuse as well. Trafficked victims have to work under compulsive overtime without pay, carry out further jobs which they have not consented to, or accept very lengthy delays in the payment of wages. Children and young adults are especially vulnerable to trafficking for the purpose of exploitation as criminal agents. The criminal agency traditionally means activities such as pick-pocketing and other forms of low-level crime that are circulated within Europe and committed the task to steal considerable amounts of money per day.

A special case of forced labour is **domestic servitude**. Servitude in itself represents a broader concept, covering conditions of work or service, which the individual cannot change or escape from – implying that one person dominates over another person. In European countries there are also informal markets in the housekeeping and cleaning sector for trafficked women from Africa, Asia, Latin America and Eastern Europe. Those women and girls have to work under exploitative and degrading conditions as domestic workers, as chams, as nursemaids and au pair in private homes. The work of domestic servants is accompanied by abuse, humiliation and confinement. Possibly existing working contracts are ignored.

Many women see domestic work as the only opportunity to go abroad and emigrate, and they often leave through arrangements with recruitment agencies that prepare contracts for them. Having arrived, they discover that they are not free to change their employer, that they receive a very low or no salary at all and that they do not have health insurance, maternity leave or holidays. Due to a very close relationship with the employers - who often live in the same house - they suffer social isolation. Especially if they do not speak the local language and they are not in a regular administrative position, they could easily be deceived by employers, who keep them in abusive conditions. Domestic work is an informal sector that is difficult to monitor and control. Inspections are rare and in many countries domestic work is not included in labour code provisions.

Also the so called mail-order brides can end up in domestic servitude. The international "mail-order bride" industry has been growing in recent years, mainly due to the expansion of the internet. As domestic workers work in the privacy of the home, the abuse is usually invisible and difficult to tackle.

On the international level there is agreement that forced labour is not connected to the kind of work/job a person undertakes. Forced labour is found in both legal and illegal sectors of the economy, in sexual exploitation, as well as in the organisation of illegal activities. Consequently, a worker in agriculture or at a construction site, a prostitute (working legally or illegally, depending on the laws of the country), a beggar in the street may or may not be in a forced labour situation. **It is not the kind of work they perform, but the conditions in which they work that make a difference.**

#### **2.4.2. Slavery or practices similar to slavery and servitude**

The term slavery is specified in Art. 1 of the 1926 Slavery Convention and was taken up by the UN Trafficking Protocol. It would lead too far to go into detail of this definition here. According to the United Nations Office of the High Commissioner for Human Rights there is enough evidence, however, to show that slavery-like practices are vast and widespread. Slavery and similar practices may include illegal adoption in some circumstances.

#### **2.4.3. Sexual exploitation**

Victims, predominantly women and girls, who are trafficked into the sex industry, are forced to prostitute in 'red-light areas', in hostess bars, escort agencies or in apartments being used as brothels. They are made to work long hours and provide un-protected sexual services to many clients per day. In many cases they are unable to speak the native language and they communicate with their clients by the use of a written 'menu' of sexual services. The women are frequently moved from city to city and country to country. The purpose is to disorientate the victims in order to prevent them from developing friendships and becoming familiar with their surroundings. This simultaneously prohibits police detection and intelligence gathering activity.

Women and children constitute 98% of persons trapped into forced prostitution, which has a strong gender-based recruitment profile. The high increase of this kind of exploitation practices worldwide is linked to the sex market development in the last 15 years, when local sex markets have expanded and taken new forms<sup>23</sup>. An extensive growth has been recorded in CIS countries and the Balkans. Initially promoted by individuals and small groups, the commercial (illegal) sex businesses have been rapidly monopolised by specialized rings of organised crime. Moreover the patterns of the sex markets are recently changing. It has been repeatedly reported that, due to increasing raids in brothels, trafficking has gone underground, and victims are now located in private apartments, with reduced opportunities to find any help.<sup>24</sup> This is especially true for victims of trafficking in countries where prostitution is legal. There, non-registered brothels have to go underground to avoid discovery. According to a UNDP report<sup>25</sup>, bar raids are problematic and often do not produce the expected results as victims, due to different reasons<sup>26</sup>, e.g., are not identified. Some reasons which prohibits identification might be the victims' own denial of trafficking or wrong assessment by law enforcement officers. As the patterns of the market are changing, law enforcement officers have to adapt and apply new approaches in identifying victims and investigating the crime.

#### **2.4.4. Forced marriage**

Trafficking in human beings for forced marriage is often a combination of several forms of exploitation: sexual exploitation, forced labour, domestic servitude. Seeking a way out of hardship and poverty, women are ready to leave their countries of origin and marry a EU citizen, in order to enter and live in the EU legally. Some of these women, however, find themselves exploited in domestic slavery and under the total control of their husbands.

#### **2.4.5. Trafficking in organs**

More recently, reports about organ trafficking, for example from Moldova, have been increasing. The link between human trafficking and organ trafficking has, however, not yet been clearly established and substantiated. In the case of organ trafficking, traffickers also take advantage of the demand – supply situation. Trafficking in organs according to the UN Trafficking Protocol is a form of trafficking in human beings. It is however, not included in the EU Framework Decision against Trafficking. There is certainly a much more significant pattern of organ trafficking in terms of people being deceived and coerced into selling organs. Most consent to sell a kidney, but there is deception as to the amount of payment for the kidney, and in some cases no payment at all. Consent may be obtained under varying degrees of coercion. Victims of kidney trafficking face not only the economic crisis that caused them to consider selling their kidney in the first place but also ill health due to lack of information and lack of adequate health care. Kidney sellers are not supported to take legal action against traffickers; many are precluded from filing a criminal complaint as they unwittingly signed false affidavits saying they gave their kidney away. There are no statistics on the extent of kidney trafficking per se. Experts state, at a minimum, several thousand illegal kidney transplants from live unrelated donors take place every year. Some of this number, though not all, is trafficked.

To tackle the growing trade in organs, in 2003 the European Parliament adopted a legislative resolution on the prevention of trafficking in human organs and tissues, making the trade in human organs illegal across Europe. The proposal introduced an element of extraterritoriality so that persons seeking to purchase organs from third-country nationals - also outside the EU - would be committing an offence under EU law.

### **2.5. Trafficking in children**

In the past years trafficking in children has begun to be recognised as a serious problem and reports of trafficking in unaccompanied minors (UAM) increase.

---

<sup>23</sup> On the growth of the "global sex market", see Monzini, 2002, pp. 12-19, where figures and examples are given for different areas of the world.

<sup>24</sup> Special Rapporteur on Human Rights, 2005, IOM 2004

<sup>25</sup> UNDP 2005: 49

<sup>26</sup> For further information on the difficulties of identification and how to deal with it see chapter 4: Victim Identification

Once they arrive at their destination, child victims of trafficking are usually exploited in one of the following ways: a) sexual exploitation, especially of girls, although there are also forms of exploitation of boys, including street prostitution and, more and more, conducted in private houses or night clubs and the production of child pornography; b) begging, as far as it is a quasi slavery activity when it is based on violence, abuse and exploitation of the minor used to make profit; c) black labour, especially in the manufacturing industry, in situations of harsh exploitation and without any possibility for the minors to leave voluntarily. This happens when their parents or relatives are involved, or when they are alone and thus are subjected to various forms of intimidation or threat of violence; d) fictitious illegal adoption (hiding trafficking recruitment with adoption practices) or recruitment and transportation finalised to the removal and trafficking in human organs for profit. The sexual exploitation of child girls is the most alarming among the other phenomena, because of the conditions of violence, abuse and harsh exploitation of the victims. It is also the more widespread form of exploitation. Moreover, the case of child girls, prostitution has been gradually transferred to closed places, where it is more difficult for the police or for social workers to approach and rescue them. Child girls are instructed to deny their under age, making it very difficult to identify them as minors.

Child labour is defined as any institution or practice whereby a child or young person under the age of 18 years is delivered by either or both of his/her natural parents or by his/her guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his/her labour.<sup>27</sup>

Minors who end up in the hands of traffickers are particularly vulnerable and have little or no understanding of their condition, nor easy access to support services.

However, legal instruments for the protection of trafficked children are still lacking in many countries, as pointed out repeatedly in Ljubljana at the STOP regional consultation and at the Yokohama review (July 2005). UNICEF guidelines have been prepared in 2003, but States are not obliged to apply them. Among other recommendations, the guidelines point out that assistance to the child victim of trafficking should not, under any circumstances, be conditional on the child's willingness to act as a witness.<sup>28</sup> Dealing with trafficking in children requires a high level of specific competences, as the children are extremely vulnerable. According to the principles of the UN Convention on the Rights of the Child, they have to be assisted by specialised personnel, and receive full health, social and legal assistance. Trafficking cases should be addressed avoiding the criminalisation of the minors, taking into consideration that even if they were involved in small crimes, they are in fact victims of a crime themselves and of the individuals/organisation exploiting them.

According to the children their parents often agreed to their migration because they would receive money or material goods used as a subsistence source for the entire family from the traffickers or smugglers. Children arriving in the country of destination claimed that often their situation is better compared to the one in the country of origin, where they have been exploited or maltreated as well, and that they do not wish to return despite the alternative offer. They hope that one day they will return to the community they left being "somebody".

## 2.6. The difference between trafficking and smuggling

It is often difficult to draw the line between smuggling and trafficking in human beings. The UN Protocols make a distinction between trafficked persons and smuggled migrants .

**Migrant smuggling** is defined as:

"the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or a permanent resident"

---

<sup>27</sup> Human Rights Education Associates, 2000

<sup>28</sup> UNICEF, 2003

<sup>29</sup> "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children" and "Protocol against the Smuggling of Migrants by Land, Sea and Air". Art. 3a. For the text of the Convention see: [www.unjin.org/Documents/Conventions](http://www.unjin.org/Documents/Conventions).

**Illegal entry** is defined as:

"crossing borders without complying with the necessary requirements for legal entry into the receiving State"

**Smuggling of persons** constitutes an illegal border crossing and is therefore a violation of the integrity of the State. Smuggling is a crime against the State. In contrast, trafficking in human beings is a violation of the rights of the individual and the victims of the crime are the trafficked persons themselves. Also the smuggling of migrants can involve human rights violations, but unlike in the case of trafficking, these are not an intrinsic element of the offence.

While there are many similar components within the two types of crime, there are some important differences:

**Initiative:** smugglers do not usually need to have a recruitment process. It is the individuals wishing to migrate illegally who take the initiative to contact them. On the contrary, traffickers use a range of recruitment strategies ranging from networks of personal contacts, to media-based advertising campaigns for foreign employment opportunities etc.

**Consent:** The smuggling of migrants, while often undertaken in dangerous or degrading conditions, involves individuals who consented to the smuggling and the respect of the original agreement. Trafficking victims, on the other hand, have either never consented or, if they initially did, their consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers (i.e. they 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 victims 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 victim.

**Chart 2. The difference between smuggling and trafficking**

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

**2.7. Effects of trafficking on society**

Trafficking is a crime affecting not only its victims and their families, but also society at large. Once organised human trafficking has gained a foothold within a State or a region, it will undergo rapid growth and pose serious risks to the stability of the affected countries.

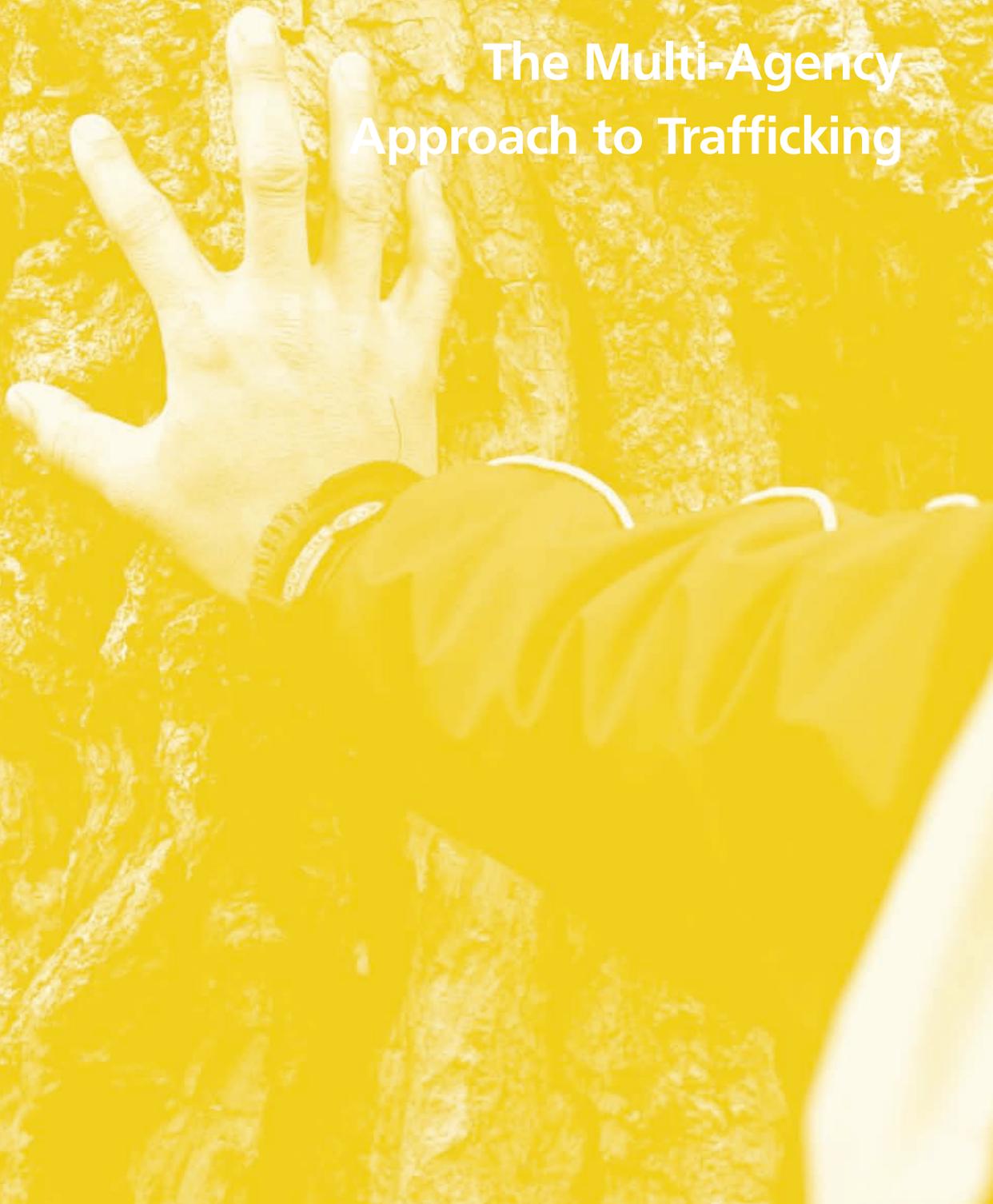
Main effects are:

- 1. Increased violence among organised crime groups with a financial stake in existing sex and labour markets:** As trafficked victims are removed from or introduced to illegal sex and labour markets, this comprises the potential for violent “turf wars” as the traffickers confront local criminal elements for the control of these lucrative forms of human exploitation. This is especially the case in trafficking for sexual exploitation, as the financial stakes involved are very high. The sex markets provided with trafficking victims are partially controlled by local criminals who act in co-operation with the major trafficking groups able to supply the women.

2. **Growth and diversification of organised crime:** Organised trafficking crime does not occur in hermetically sealed isolation. Once established, the trafficking networks will quickly diversify and develop mutually beneficial affiliations with existing organised criminal organisations that operate in other spheres, such as terrorism, drugs and weapons trafficking.
3. **Economic de-stabilisation through growth of money laundering:** The financial profitability of trafficking will quickly lead to sophisticated forms of internal and external money laundering, which may undermine financial and commercial market conditions and trigger economic de-stabilisation. Current estimates place the global profitability of human trafficking at almost a trillion dollars, which is more than the entire GDP of some smaller states.
4. **Demographic de-stabilisation:** Trafficking of human beings on a significant scale can de-stabilise populations on the micro and macro level, whether in respect of the number of victims being trafficked out of a country of origin or in respect of the numbers of a particular ethnic or national group that are trafficked into a specific area or market in the destination country.
5. **Growth of public sector corruption:** The trafficking crime and corruption could have been designed for each other. The multi-layered nature of the crime creates numerous opportunities for the corruption of officials of various agencies and the daily supply of cash provides the means to undermine the entire counter-trafficking law enforcement effort. Indeed, the trafficking crime and its relationship with corrupt practices can be said to threaten the capability of the criminal justice system and the confidence of civil society in it.
6. **Political corruption and purchase of influence:** In a similar fashion, the wealth generated for the traffickers from their criminal activities may allow them to purchase political influence and corrupt the political system to their personal advantage. Another feature may be their ability to corrupt the political process by means of blackmailing politicians who utilise the services of trafficked prostitute victims.
7. **De-stabilisation of economic inward investment:** This threat may occur as a cumulative product of one or more of the other strategic risks. For example, where the presence of organised trafficking crime has led to endemic money laundering and public sector corruption to the extent that it undermines confidence in the basic economic system, it may have a negative impact upon the inward investment strategies of the big global conglomerates (ICMPD 2003).

# 3

## The Multi-Agency Approach to Trafficking



---

### Chapter 3: The Multi-Agency Approach to Trafficking

---

A multi-agency approach is a recognised “good practice” which 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. To be effective the counter-trafficking effort has to be multi-disciplinary. Close co-operation between law enforcement agencies and inter- and non-governmental organizations is an essential part of the response. All these agencies and organizations share the desire to combat and reduce the crime and all regularly gather vital intelligence that could be of great use to the others. Co-operation has undergone immense change in recent years and many law enforcement agencies now enjoy the closest form of co-operation and exchange with relevant inter- and non-governmental agencies. However, in other instances, the relationships are not nearly as well developed or are virtually non-existent.

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

In anti-trafficking activities, 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’s country of origin, etc.), co-operation with NGOs (non-governmental organisations), which play a very important role as regards 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 co-ordinated approach is part of a comprehensive national response against trafficking, discussed and agreed upon between all the different actors involved and described in a so-called national action plan.<sup>30</sup>

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.

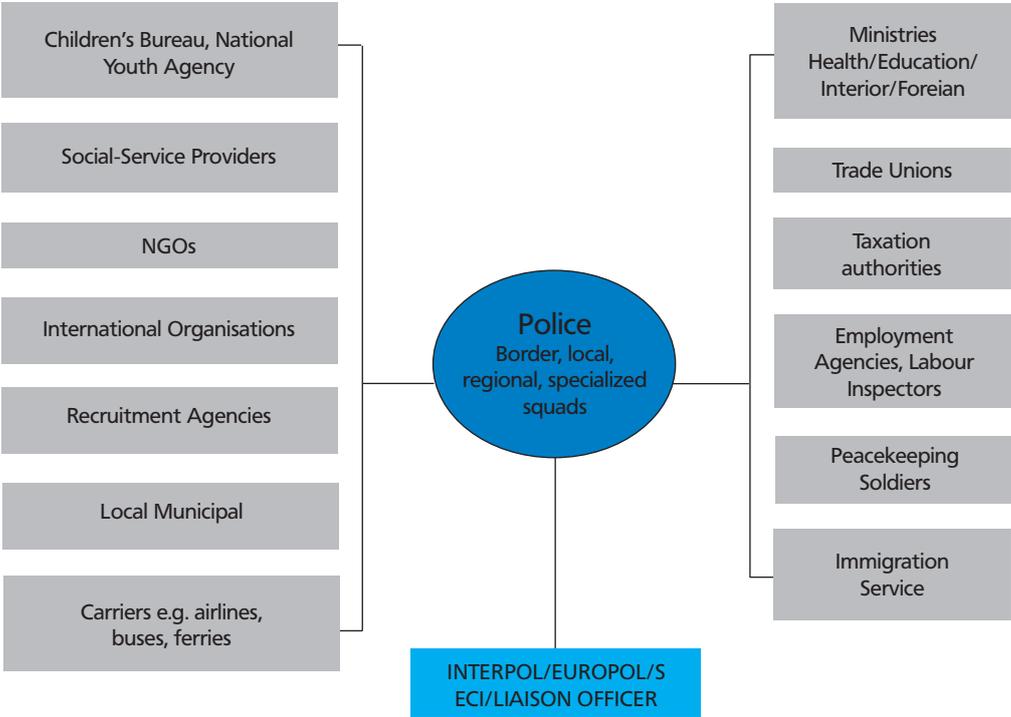
It should be applied in all anti-trafficking activities: **prevention, protection** as well as **investigation and prosecution**. Law enforcement officers play a vital role in all these fields.

---

<sup>30</sup> For further information on how to develop and implement a national action plan, see ICMPPD Regional Best Practice Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response, 2005.

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

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



Each country should **analyse** 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 protect victims. Monitoring by 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. Also labour inspections on working conditions, safety and health conditions are of utmost importance to increase the risks for traffickers, and discourage the exploitative practices.

Monitoring and information exchange should take place on different levels and among different administrative units, e.g. by front line officers, border guards, labour inspectors etc.

**Good practices** existing in different countries:

- Establishment of multi-agency offices at local level to foster exchange of information and increase the success rate.
- Set-up of ad-hoc multi-agency squads for certain activities/investigations e.g. to check large- scale construction sites.
- Appointment of one central lead agency that has the right to call all other administrative units for support.

### 3.1. Prevention

Trafficking in human beings can be prevented through different such as monitoring, awareness raising and education/training.

One of the most well-known prevention activities are awareness raising campaigns providing (potential) migrants with information on trafficking risks. This is done by different means like media campaigns, distribution of leaflets e.g. at consular offices, in schools, orphanages, telephone hotlines, border check points, etc. Law enforcement officers could have an advisory role in the design of such a campaign and bring in their expertise.

The collection of information on main trafficking trends is another important tool for prevention. Particularly sharing information through national and local inter-agency round tables can contribute to the identification of new mechanisms at play.

Police officers could also participate in different educational campaigns in communities, schools, universities etc. Together with NGOs they could participate in lectures giving practical examples of trafficking.

### 3.2. Investigation and prosecution

At the outset of each investigation, be it pro-active or re-active, the component parts of the case should be analysed to identify which other agencies are likely to be involved. It is important to bear in mind that the trafficking crime is often trans-national. Therefore, competent agencies may be based in each of the countries of origin, transit and destination

At the national level, according to the specificities of each case, co-ordination has to be defined according to standardized procedures e.g. with front line officers, special investigators, labour inspectorates, immigration services, border guards, custom officials, NGOs etc.

At the international level, co-operation can be necessary with Ministries of Foreign Affairs, law enforcement agencies abroad, international police agencies (Interpol, Europol, and especially for South-Eastern Europe the SECI), international organisations such as IOM, and international networks of NGOs. All actors involved participate with different roles, according to their own mandate and with their specific organisational structure.

In South-Eastern Europe the Bucharest based regional SECI Centre (South-East European Cooperation Initiative) <sup>31</sup> has the mandate to contribute to the fight against crime by supporting law enforcement agencies of the 12 SECI member states<sup>32</sup>. Unique is that SECI can co-ordinate police and custom administration of the participating countries.

The main objective of the SECI Centre is to improve regional co-operation in combating trans-border crime. In order to achieve this objective, the enhancement of co-ordination efforts between law enforcement agencies within the individual participating states is required. This is achieved by seconded liaison officers who work in the Centre and are in charge of the daily exchange of information and the co-ordination of specialized task forces heading joint investigations. Within the member states the communication with the SECI Centre is ensured through national focal points. Furthermore, taking into account the global aspects of trans-border crime, co-operation with countries outside the region and representatives of International Organizations is critical. The World Customs Organisation (WCO) and Interpol are permanent advisors to the SECI Centre. Different states <sup>33</sup> and International Organisations <sup>34</sup> are permanent observers.

---

<sup>31</sup> All information related to the SECI Centre is drawn from its webpage [www.secicenter.org](http://www.secicenter.org)

<sup>32</sup> SECI member states are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia, Moldova, Romania, Serbia and Montenegro, Slovenia, Turkey.

<sup>33</sup> Austria, Azerbaijan, Belgium, Canada, France, Georgia, Germany, Italy, Japan, The Netherlands, Portugal, Spain, Ukraine, United Kingdom, United States of America

<sup>34</sup> European Institute for Law Enforcement Cooperation (EULEC), International Center for Migration Policy Development (ICMPD), International Organization for Migration (IOM), United Nations Mission to Kosovo (UNMIK)

The **SECI Centre** provides the following services to its member states:

1. Setting-up a mechanism based on enhanced law enforcement co-operation at national level to be used by the Parties in order to assist each other, in preventing, detecting, investigating, prosecuting and repressing trans-border crime.
2. Support to the field activities of the law enforcement officers, the SECI Centre being a “service provider” for their daily activities.
3. Provide assistance to the Parties in order to harmonize their law enforcement legislation in respect to the EU requirements.
4. Support national efforts in order to improve domestic co-operation between law enforcement agencies.
5. Support to the specialized “Task Forces” addressed to the combating of:
  - Illegal Human Beings Trafficking
  - Illegal Drugs Trafficking
  - Commercial Fraud
  - Stolen Cars
  - Financial Crime
  - Customs Evaluation

In order to co-operate with SECI and other countries in the region, SECI needs to receive an assistance request from one country (requesting country) that needs to co-operate with another country (requested country). In order to validate the request and start action, SECI liaison officers need the following information:

- A detailed description of the case and specific requests on it.
- Compatible legal definitions in the countries involved
- Appointment of “case officers” and their responsibilities
- Indication of the urgency of the case. If someone is in peril of his/her life, the procedure can be open with a phone-call.

### **3.3. Protection**

According to the principles outlined by all international conventions, each person who has undergone violent, traumatic experiences has a fundamental right to be assisted medically, psychologically and legally. This right should not be made dependent on any other consideration, such as the decision of the victim to co-operate with law enforcement authorities. Law enforcement officers have the duty to protect victims of a crime and their family/loved ones from further suffering or danger. This means after identification victims have to be taken away from the traffickers/exploitative employers, brought to a safe place and assisted by service providers. No matter if victims stay in the country of destination or return to the country of origin, law enforcement must co-operate with organisations having the mandate and the resources to provide shelter, administrative support, legal and psychosocial assistance with the aim of facilitating integration or reintegration respectively of the victim into society or reintegration.

After identification trafficked persons should be given a reflection period during which they receive a temporary residence permit, allowing to stabilize and decide upon co-operation with law enforcement, even if they are not in a regular position according to administrative laws. The victims are usually sheltered and provided with legal advice and social and medical care. Counselling and information on their rights should be provided to victims by both police officers and NGOs and other social services in a language they understand. Taking these facts into consideration the Council of Europe Convention on Action Against Trafficking in Human Beings, adopted in May 2005, introduces a minimum reflection period of 30 days for trafficked persons.<sup>35</sup> At the end

---

<sup>35</sup> In EU countries the reflection period varies considerably. In Italy e.g. it is up to six months. Victims receive a residence and work permit no matter if they testify or not, as long as they participate in specialized support program.

of this term, if the victim decides to testify and report the offence and an investigation or trial starts, s/he is generally granted a temporary residence permit. In countries where currently similar specific legislations are not yet in place, their administrative positions can eventually be regularized with special permits based on humanitarian grounds.

After the reflection period different scenarios are possible, including the following:

- The trafficked person decides to co-operate with police and testifies as a victim
- The victim stays in the country of destination and receives a residence and work permit
- If the case is of internal trafficking, the victim is offered to take part in a (re)integration program
- The victim returns to the country of origin
- The victim will be hosted by a third state due to high risks that make it impossible for the person to stay in the destination country or return home

Returning home can also happen after the victim testified as a witness. However, before returning home law enforcement should conduct a risk assessment with regard to the victim's situation as well as her/his loved ones. In a trans-national case of trafficking co-operation with the authorities from the countries of origin is necessary. The return could be organized by different institutions/organisations: from Ministry of Interior to Ministry of Interior in co-operation with the respective Ministries of Foreign Affairs, from NGO to NGO, from police and NGO to NGO. Often IOM is involved in the return process since they have agreements with the Ministries of Interior. Ideally, return should only happen on a voluntary basis. Deportation of victims creates the risk of re-trafficking. According to IOM, as the victims have no opportunities in the home countries they left, the networks of traffickers contact and blackmail them as soon as they are back in their country and re-start the exploitative relationship with a new trip and an even more stringent debt bondage scheme.<sup>36</sup> To avoid this, returning victims should not be treated as irregular migrants, but as victims with a right to protection and assistance as spelled out in the international documents (see UN Palermo Protocol Article 8, §2). As regards forced labour cases in legal sectors, according to ILO "in order to achieve a successful voluntary return, it is advisable that the migrant worker has access to employees' representatives who are able to pursue legal claims the worker may have in respect of unpaid wages, tax deductions and social benefits".<sup>37</sup>

No matter where the victim stays, in the country of destination, origin or a third state, the victim is entitled to protection provided by law enforcement as well as to a series of targeted support activities aiming at empowering the victim and allowing her/him to live an independent life by fostering social and labour inclusion. This (re)integration process is supported by different service providers/NGOs. Usually they offer:

- **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;

---

<sup>36</sup> IOM 2004

<sup>37</sup> ILO 2005: 156

<sup>38</sup> Experts' Group on Trafficking in Human Beings, Report, European Commission – DG Justice, Freedom and Security, Brussels, 2004, pp. 177-187.

- **Social counselling:** to assess the personal situation, evaluate the viable options and develop a tailor made project for the future, that entails, among others, the access to a social protection scheme and a range of social, educational and training activities; the voluntary return to the home country; the decision to co-operate or not with the competent authorities;
- **Social and health services:** to accompany upon request the hosted persons to the local services for medical examinations and check-ups, social consultations, etc.;
- **Education, vocational guidance, training and job placement:** in order to improve trafficked persons' skills and favour their social and labour inclusion, different types of training courses, language classes and on-the-job schemes are offered;
- **Free legal assistance:** to provide information about the trafficked persons' rights and their legal options; to assist in the applications for residence permits, work permits, family reunion, withdrawal of expulsion orders, etc.; legal representation and support during the criminal proceedings and relations with the law enforcement agencies and public prosecutor's offices;
- **Intercultural mediation:** to supply information and assistance by trained professionals belonging to the same nationality or ethnic group of trafficked persons, who often do not (fluently) speak the language of the hosting country and are not familiar with its cultural codes. However, the involvement of persons of the same nationality/ethnic groups may also cause inhibitions and fear of stigmatisation, which has to be considered in each individual case.

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

- **Outreach work:** a team of specialized operators directly contact the target groups where they work (streets, brothels, apartments, shops, etc.) or reside and provide them with health, legal and social information, distribute written materials (in the main languages spoken) and specific tools (e.g. health prevention kits). The operators generally use mobile units (cars, minivans, etc.) to perform their work, that sometimes it is also carried out on foot;
- **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, contact details of support agencies. Even though hotlines are mainly addressed to trafficked persons or potentially trafficked persons, they also serve other actors, such as social workers, law enforcement officers, families, clients, and the population at large.

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

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

It is important to underline 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. 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. In cases where the age of the person is uncertain and there are reasons to believe, though no definite evidence that the victim is a child, the victim should be treated as a child, until his or her age is verified<sup>36</sup>.

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 for dealing with children victims or presumed children victims.

**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.

### 3.4. System of referral and co-operation

Many organizations operate in co-operation with others to provide assistance services, often working in a network, and referring 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.

NGOs necessarily work closely with law enforcement agencies for all matters related to the protection of the victims and to assist the victims in the testimony at the trial. Often work relationships are successfully built through face-to-face relationships between social workers and state officials/clerks, but in these cases a turn-over of the personnel may result in difficulties of communication. For all these reasons, the regulation of a multi-agency approach is simply needed when dealing with trafficking cases.

Contact details of Anti-Trafficking Units and NGOs dealing with human trafficking issues should be available at every police station and at other institutions and public places, such as hospitals or social welfare centres that might have contact with victims in the whole country.

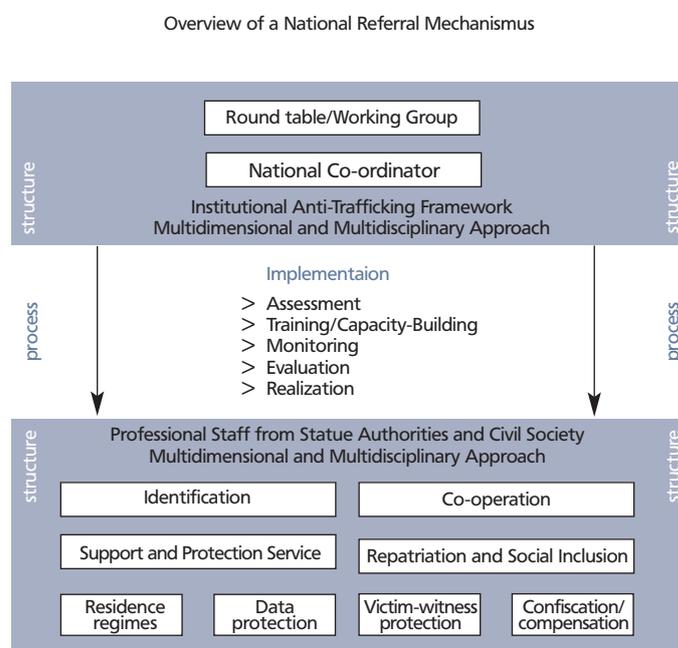
According to the OSCE "Action Plan to Combat Trafficking in Human Beings" (2003), a National Referral Mechanism (NRM) establishes standardized operational procedures linking the different service providers and agencies involved in supporting the victim, as the OSCE "Action Plan to Combat Trafficking in Human Beings" (2003) recommends. NRMs do not only play a role when it comes to victim protection, along with the

---

<sup>36</sup> Different methods of age assessment presented in the IOM Vienna, Austrian Federal Ministry of the Interior: Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking, March 2006, pp. 35- 67: psycho-social age assessment; age assessment by bone x-ray; dental age assessment, combination of methods, [www.austria.iom.int/en/images/uploads/Resource%20Book%20on%20Good%20Practices%20in%20Combating%20Child%20Trafficking\\_open%20version\\_04\\_04\\_06\\_1144072046.pdf](http://www.austria.iom.int/en/images/uploads/Resource%20Book%20on%20Good%20Practices%20in%20Combating%20Child%20Trafficking_open%20version_04_04_06_1144072046.pdf), or [www.iomvienna.at](http://www.iomvienna.at) Section "Publications"

development of partnerships between civil society and law enforcement, guidelines to properly identify trafficked persons should be created, their referral to service providers should be ensured, and cross-sector and multi-disciplinary teams should be established to develop, implement, monitor and evaluate anti-trafficking policies.

The OSCE has defined in their NRM handbook <sup>40</sup> how such a national referral mechanism can be created and how it should function:



Essentially, NRMs are in essence **systems for the management of trafficking cases** to ensure that trafficked persons have access to comprehensive assistance and protection schemes. The structure of NRMs varies in each country; however NRMs are all designed to encourage and **formalize co-operation** among government agencies and non-governmental groups dealing with trafficked persons. 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 usually developed and supported generally by a national co-ordinator and a roundtable made up of senior representatives of government agencies and civil society. Jointly, they develop recommendations for national policy and procedures regarding victims of trafficking <sup>41</sup>. They often include working groups that deal with specific issues relating to trafficked persons.

An NRM should provide:

- General and specific guidance on how to identify and appropriately treat trafficked persons while respecting their rights and giving them power over decisions that affect their lives;
- A system to refer trafficked persons to specialized agencies offering shelter and protection from physical and psychological harm, as well as support services, including medical, social, and psychological support, legal services and assistance in acquiring identification documents, as well as the facilitation of voluntary repatriation or resettlement;
- The establishment of appropriate, officially binding mechanisms designed to harmonize victim assistance with investigative and crime-prosecution efforts;
- The links to the liaison offices, which are necessary to contact authorities and NGOs of the countries of origin/transit of trafficked victims.

<sup>40</sup> OSCE/ODIHR (2004) p. 13.

<sup>41</sup> See above, comprehensive national response against trafficking and national action plans, p.17.

NGOs of the countries of origin/transit of trafficked victims.

NRMs are not rigid structures but flexible mechanisms that are tailor-made to fit each country's patterns regarding human trafficking and its social, political, economic, and legal environment. That is why an NRM is not built from a single, general blueprint but is instead founded on a careful assessment of country-specific needs and conditions.<sup>40</sup> However, in all cases 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.

### 3.5. Models of formal co-operation

It is suggested to adopt formal protocols setting out the role and responsibilities of the organisations and agencies involved. Governing the exchange of intelligence should be an agreement drawn up between law enforcement agencies and appropriate non-governmental organizations on a country-by-country basis. The safety of victims remains the ultimate responsibility of law enforcement officers and agreements should only be entered into with credible and secure support organisations that have the capacity to deliver the assistance the victims need.

It is not possible to provide detailed information about how these protocols should be worded or drawn up in this reader. This must be a matter for agreement dependent upon local circumstances. However, the following key points should be covered:

The protocol should include a general joint statement of purpose and commitment to combating the trafficking crime. The role and core business of each side should be clearly set out. For example, it is the role of the law enforcement agency to investigate the crime and record the evidence supplied by the trafficked person. Equally, and on the basis of country specific circumstances, it is the role of the support agency to provide counselling and/or vocational training.

It also is the responsibility of the investigator to record the evidence, arrange for attendance at identification parades and court appearances, to do physical examinations to obtain evidence, etc. The support agency may take responsibility for the provision of an expert counsellor or lawyer to be present at any interviews or court appearances involving the trafficked person and for her/his application for temporary resident status and state benefits, etc.

The responsibilities of each side should be set out in detail taking due account of local needs, laws, practices etc.

Co-operation agreements usually result from a process of negotiation or by means of internal directives from the relevant ministries (in most cases Interior or Justice), or a combination of both. In either case the role of the police department as well as the role of the NGOs and IGOs (inter-governmental organisations) are precisely defined. However, rules, guidelines and/or programmes for co-operation between the criminal investigation agency/police and the specialized advisory agency (for victim protection and assistance - IGO, NGO) will differ from country to country.<sup>41</sup>

In general, the following basic principles of co-operation agreements are taken into account:

- Co-operation between governmental and non-governmental sectors should rest on two central pillars: clear delineation of responsibilities and transparency.
- Presumed trafficked persons should be provided with full information on available services, no matter if they are willing to testify or not.
- Presumed trafficked persons should be able to make informed decisions as to what they consider to be in their interest.

<sup>40</sup> OSCE/ODIHR 2004, pp 15ff.

<sup>41</sup> CMPD, 2003

- In cases where multiple NGOs offer services for presumed trafficked persons an alliance of NGOs can be constituted, which might then sign a formal co-operation agreement with the authorities, such as a Memorandum of Understanding (MoU).
- Alternatively, a system of accreditation for NGOs can be established, and each accredited NGO can sign a separate MoU with the authorities.

The protocol of exchange/Memorandum of Understanding should cover the following points:

- Identify the means of information exchange
- Where appropriate, it may include a timetable of scheduled meetings. The protocol should include a declaration that the retention and the exchange of the information concerned comply with the relevant data protection and confidentiality legislation.
- Where personal data are to be exchanged, this should only happen with the written agreement of the individual trafficked person. It would be a good idea to include some form of acknowledgment slip at the foot of the protocol agreement where the trafficked person could append his/her written consent for her personal details to be disclosed. This would also enable him/her to see and understand the roles and responsibilities incorporated in the agreement.
- Where appropriate, it may include a timetable of scheduled meetings.

### **3.5.1. Data exchange**

Clearly, the exchange of personal data and the whole issue of data protection are potential minefields. However, provided the individual concerned consents (consent may only be sought after due consultation on the consequences) and no security implications are at stake, personal data can be exchanged. In practice, this will hardly be a problem for the law enforcement agency dealing with the case because, if the trafficked person is willing to co-operate s/he will almost certainly want his/her personal details to be disclosed to the support agency in order to receive assistance, whereas the disclosure of personal data in the other direction, i.e. from the support agency to the law enforcement agency is much less likely to occur.

This being said, the exchange of thematic, de-personalized information should be an integral part of any co-operation agreement. For example, data concerning the increased use of a particular type of visa or a new forgery technique on passports or the change of a trafficking route should be exchanged for law enforcement agencies to apply the necessary investigative responses and for support agencies to incorporate such information in their briefings and education campaigns. Other thematic information concerning conditions in countries of destination could also be exchanged together with de-personalized case histories. For example, the information that deceptive recruitment operations are being carried out in the country of origin suggesting that well-paid work is available in the country of destination where in reality legislation excludes all prospects of a migrant obtaining a work permit, such information should be exchanged and incorporated into the education campaigns or media briefings organized in that country.

### **3.5.2. Memorandum of Understanding**

Increasingly law enforcement agencies are entering into Memorandums of Understanding (MoUs) with other government agencies and NGOs to build the foundation of continuing working co-operative relationships. The mutual agreement should be drawn up setting out the rights and responsibilities of each side. MOUs are the most effective way to ensure a common platform for inter-agency co-operation. The signed agreement

sets rights and responsibilities of the institutions involved, and defines the activities the different parties have to perform. The following model is based upon an existing one that has been in operation in Germany for some time. Protocols should start by setting out a basic understanding between the two parties along the following lines:

- That trafficking offenders will be efficiently prosecuted and that testifying victims have a key role to play in this process
- that all parties must acknowledge that being trafficked but also the penal proceeding are most likely traumatic events for the trafficked person;
- that the victims must be treated with dignity;
- that as a matter of fact a co-operating victim in a trafficking case is always at risk;
- that the better the care and counselling of the victim, the better the evidence will be;
- where there is any evidence of a concrete risk to a testifying victim of foreign origin if s/he returns home, s/he must be granted exceptional leave to remain;
- that all measures taken under witness protection programmes must be carried out by mutual consent.

The Memorandum sets the measures to be taken by both sides:

Law Enforcement has to:

- inform the victim of the availability of the support services
- establish contact with other agencies and refer the presumed trafficked person
- ensure that no information about the witness is divulged
- provide protection measures before, during and after all activity linked to the criminal justice procedure, such as court inspections of the scene, interviews, attendance at identification parades, preliminary and full hearings until such time as the victim is returned to the shelter
- permit the presence of a trained counsellor at each of these activities if the victim requests it
- provide security advice on protection to the counsellors
- ensure protection measures where threats to the family/loved ones of the victim may be made
- provide protection to the shelter and other services if requested
- conduct a risk assessment before the accommodation at the shelter and before repatriation of a witness

The support organisation (IGOs, NGOs, Social services)

- decides in consultation with the investigator upon the appropriate accommodation for the victim and makes the necessary arrangements;
- provides psycho-sociological care to the victim and arranges for medical, psychological and social care;

- informs victims of the facility of receiving a verbal and written briefing from a police officer if it is wished and initiates contact with the police if the victim requests it;
- is present during the interview of the witness;
- provides psychological support to the witness during all activity related to the criminal justice procedure;
- offers re-integrative training and education to the witness.

### 3.6. Co-operation concepts regarding Treatment of children

Specific procedures to be followed **to deal with a child victim** have to be attentively considered when defining models of co-operation. In order to respect the Guidelines of UNICEF (2006) <sup>44</sup>, the most important principles are the following:

- In all actions concerning child victims the best interest of the child shall be the primary consideration.
- If the age of the victim is not determined but there are some reasons to believe that the victim is a child, the victim has to be considered as a child, before further checks are made. <sup>45</sup> Co-ordination and exchange of information among agencies and other public/private organisations shall be promptly promoted to ensure that child victims are identified and assisted as early as possible. Law enforcement authorities shall immediately organize the transfer of the child victim to a shelter. If possible, initial questioning should be delayed until the child has been relocated to this safe location.
- Law enforcement authorities shall contact as soon as possible, after the identification of the child, the guardianship services through the Ministry of Interior in order to appoint a guardian. Necessary contact details of the guardianship service should be available at every law enforcement station.
- The trained guardian will accompany the child throughout the entire process. On behalf of the Ministry of Interior the guardian shall be responsible for safeguarding the best interest of the child victim until s/he undertakes the repatriation process or is returned to his/her parents or the case manager/guardian. Relevant law enforcement authorities shall ensure that the appointed guardian accompanies the child victim at all points.
- The guardian, in co-operation with social services and/or NGOs, shall plan a protection and care scheme for the child and will manage the procedures for the issuance of a temporary humanitarian visa.
- The guardian will be present at each questioning by law enforcement of the child. Moreover only specially trained members of the law enforcement authority should question a child victim, possibly in child-friendly environments. Once sufficient documentation and information has been collected, the final disposition will be made in favour of the child, in consultations among the guardian, the social services/NGOs, Ministry of Interior and eventually representatives of the embassy of the country of origin of the child.

<sup>44</sup> More details are in UNICEF Guidelines, 2006.

<sup>45</sup> Different methods of age assessment presented in the IOM Vienna, Austrian Federal Ministry of the Interior: Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking, March 2006, pp. 35- 67: psycho-social age assessment; age assessment by bone x-ray; dental age assessment, combination of methods, [www.austria.iom.int/en/images/uploads/Resource%20Book%20on%20Good%20Practices%20in%20Combating%20Child%20Trafficking\\_open%20version\\_04\\_04\\_06\\_1144072046.pdf](http://www.austria.iom.int/en/images/uploads/Resource%20Book%20on%20Good%20Practices%20in%20Combating%20Child%20Trafficking_open%20version_04_04_06_1144072046.pdf), or [www.iomvienna.at](http://www.iomvienna.at) Section "Publications"

Even though frontline police will not be involved in or be responsible for all the network activities described above, they should be familiar with the procedures and protocols utilized in their countries for working with (competent international organisations) and NGOs. Immediately after having identified a presumed - adult or child - victim of trafficking, frontline police officers, custom service or border guards, **should contact the ATU (Anti-Trafficking Unit)** in order to ensure a smooth and secured referral for further investigation.

### 3.7. International Co-operation

Since trafficking in human beings very often is a transnational crime, all standards and criteria for co-operation and referral discussed before should be applied across borders as well. Although several multi- and bi-lateral agreements allow and regulate the co-operation among different law enforcement agencies, there are no agreed standards with regard to multi-agency international co-operation and victim referral mechanisms across borders ... Nevertheless, the co-operation with other non-police agencies abroad and international organisations may be crucial for the success of an investigation and especially for all activities related to victim protection. International co-operation with non-law enforcement agencies should be considered during the information/evidence gathering phase, as well as after an investigation in order to conduct risk assessments for victims, apply victim witness protection before during and after a trial and secure safe repatriation.

To successfully combat international organised crime, it is essential that

- law enforcement agencies co-operate with each other on the international stage
- investigators do not adopt a parochial approach to the investigation of international criminal operators

The following **international instruments of mutual legal assistance** are the most relevant and applicable to the majority of the partner States to this training package:

- European Convention on Extradition (1957);
- Additional Protocol to the European Convention of Extradition (1975);
- European Convention on Mutual Legal Assistance in Criminal Matters (1959);
- Additional Protocol to the above Convention (1978);
- Second Additional Protocol to the above Convention (2001).

In addition to the above listed instruments, a number of bi-lateral mutual legal assistance treaties have been concluded between EU member and accessions as well as other states.

In very brief terms, there are five main areas of activities in international police co-operation:

- 1) Extradition applications
- 2) The application for and execution of Letters of Request under the provisions of the various mutual legal assistance provisions to carry out activities such as search premises on warrant and seize evidence, interview witnesses, obtain documentary evidence etc.
- 3) Law enforcement agency to law enforcement agency requests to establish the existence or otherwise of evidential facts prior to the application for formal Letters of Request.

- 4) Law enforcement agency to law enforcement agency requests for operational assistance such as surveillance, controlled deliveries, intercepts etc.
- 5) European arrest warrant and transfer proceedings - a judicial decision issued by an EU Member or candidate state requesting another member state to arrest or surrender a wanted person, for the purposes of conducting a criminal prosecution, executing a custodial sentence, executing a detention order.

### Key Terms

- a. **Mutual Legal Assistance** – system for managing the co-operation between States in relation to legal proceedings
- b. **Extradition applications** – legal provisions for the extradition of a person from one State to another in connection with legal proceedings
- c. **Letter of request** – international co-operation based upon formal Letters of Request made after criminal proceedings have been commenced or are being contemplated or where an official investigation is under way.
- d. **Law enforcement agency to law enforcement agency requests** – a system of international police-to-police co-operation to establish the existence of facts prior to submitting a formal Letter of Request or to implement a joint pro-active operation
- e. **Joint pro-active operations** - pre-agreed and pre-planned investigations in which more than one country pro-actively co-operates together <sup>46</sup>

Usually, only specialized officers/units handle requests for co-operation.  
Therefore, the following applies:

Irrespective of the area of co-operation concerned, the means of avoiding problems and ensuring proper co-operation is immediate consultation and liaison with the relevant expert official in the country or the Interpol and Europol personnel.



### 3.7.1. Europol

Europol, <sup>47</sup> based in the Hague, is the European Union law enforcement organisation that handles criminal intelligence based in The Hague. Its aim is to improve co-operation between the competent authorities of the Member States in preventing and combating international organised crime and terrorism.

Since 2002 the mandate of Europol covers all serious forms of international crime as listed in the Annex to the Europol Convention, including trafficking in human beings. With regard to this crime Europol recognizes the definition as said in the European Council Framework Decision.

<sup>46</sup> UNDP (2003)

<sup>47</sup> Information provided is based on [www.europol.eu.int](http://www.europol.eu.int) as well as presentation given by Nick Garlick, Europol, on 13. July 2005 in London during the ICMPPD/ILO conference "Combating trafficking and forced labour in Europe"

Europol not only supports its member states in combating trafficking in human beings and other crimes, but also negotiated bilateral operational or strategic agreements with other states and international organisations as e.g.: Bulgaria, Romania, and Russia.

Europol provides the following support if requested by the countries:

- To facilitate the exchange of information, in accordance with national law, between Europol Liaison Officers (ELOs). ELOs are seconded to Europol by the Member States as representatives of their national law enforcement agencies.
- To co-ordinate and provide operational analysis to support operations of member states.
- To provide strategic reports (e.g. threat assessments) and crime analyses on the basis of information and intelligence supplied by Member States and third parties.
- To provide expertise and technical support for investigations and operations carried out within the EU, under the supervision and the legal responsibility of the Member States concerned.

Europol is also active in promoting crime analysis and harmonisation of investigative techniques within the Member States.

### **3.7.2. Interpol**

Interpol is the largest international police organization in the world. It was set up in 1923 to facilitate cross-border criminal police co-operation and today has 184 member countries spread over five continents. It supports and assists all organizations, authorities and services whose mission is to prevent or combat international crime.<sup>47</sup>

Through Interpol's General Secretariat in Lyon, France, a communication system to link police is provided. Its priority areas are public safety and terrorism, criminal organizations, drug-related crimes, financial and high-tech crime, trafficking in human beings, and fugitive investigation support. One of Interpol's most important tasks is to place member countries on alert about people who are being sought by police forces worldwide. If looking for a trafficker, a request for placing him/her on Interpol wanted list, must be submitted by the member country's domestic police. It is the domestic police as well who, for the most part, must track and arrest him/her.

The General Secretariat being the essential co-ordinating mechanism gives its members also access to international databases of criminal information as well as a global view on specific crimes, patterns and trends.

Besides the global police communication system and the criminal database as well as analytical services, Interpol also provides proactive support for police operations, such as exchange of information, facilitating international co-operation and co-ordinating joint operational activities of its member countries.

### **3.7.3. Liaison Officers**

Based on bilateral agreements, liaison officers are sent by their home country to work in a third country in agreement with the host authorities. The use of bilateral contacts through liaison officers on the ground has proven to be of great value in the last years. Trust, which is the basis for information exchange, develops faster and easier on an individual basis. Through daily contacts and joint work an understanding of the situation in both countries is developed, different working styles can be compared and understood, mutual advice can be exchanged. Through these contacts the exchange of intelligence and information is faster, more direct, complex bureaucratic procedures are avoided and efficiency is enhanced. Furthermore this system allows for a close follow-up of specific cases during investigations, ensuring effective and secure coordination with relevant counterparts in other countries.

---

<sup>48</sup> Information provided is based on [www.interpol.org](http://www.interpol.org)

# 4

## Identification Processes



---

## Chapter 4: Identification Processes

---

### 4.1. The importance of victim 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, i.e. intelligence led investigative methods that are not based exclusively on victims' testimonies, the vital importance of victim identification is today unanimously recognised as a priority.

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

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

Front line officers are generally tasked with numerous, varied duties and are operating on the basis 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 during the course of their duties, officers come across suspected victims, recognising some of the indicators referring to a trafficking case, it is important that they realise the potential of the case and take the necessary action to deal with it within the limited time, resources and mandate they have.

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

- Immediately notify the anti-trafficking unit or other competent units;
- Treat the person as a victim of a serious crime;
- Facilitate the referral of the person to specialized support services;
- 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.

Law enforcement officers can encounter a victim of trafficking in a number of ways:

- Through a victim who has rescued herself/himself and sought law enforcement assistance;
- Through a victim being discovered or identified by law enforcement officers during the course of a non-trafficking related monitoring exercise, intervention, enquiry or raid;
- Through a victim being rescued or identified by law enforcement officers during the course of a specific pro-active counter-trafficking investigation;
- As a result of a reactive investigation initiated upon the complaint of a victim's relatives;
- Through a victim coming to the notice of law enforcement officers upon indication of a 'third party' agency or individual, such as another trafficked victim or work colleagues; another law enforcement or intelligence agency; a social service department;
- Through an IO-NGO organisation engaged in assisting victims accommodated in shelters or elsewhere.

All law enforcement officers have a responsibility to respond immediately when a trafficked victim comes to notice or when another victim or third party informant provides intelligence or evidence concerning trafficked victims.

#### **4.1.1. 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 may provide partial or misleading information, being scared or traumatised. Ascertaining whether a person is a crime perpetrator (e.g. an illegal immigrant or an irregular worker) or a trafficked person (or both at the same time) 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.**

#### **4.2. 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 are not fixed or uniform but vary and change over time. This makes it difficult to define trafficked persons' profiles. There is demand for forced labour in agricultural fields, on construction sites, in catering businesses, in households, in the sex industry and 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 and trafficked. 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 scenarios.

The latest ILO report on forced labour indicates that of the 2,5 million trafficked persons that are estimated to be trafficked at any point in time, at the very least one third are trafficked for economic purposes<sup>49</sup>. These forms of trafficking tend to be hidden in the shadow economies of the destination countries where victims are exploited and are often barely visible.

##### **4.2.1. 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

<sup>49</sup> ILO (2005), A Global Alliance Against Forced Labour, p. 46.

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 increasingly also on instructions of traffickers for their victims to face on how to face an interview 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;
- Isolation from family members and members of the same ethnic and religious community of the victim;
- Withdrawal of passports, visas and/or identification documents;
- Use or threat of violence toward victims and/or families of victims;
- Threat of shaming victims by exposing circumstances to their family;
- Telling victims they will be imprisoned or deported for immigration laws violations if they contact authorities;
- Telling victims police officers are corrupted and/or traffickers' friends;
- Control of victims through money, e.g., holding their money for "safe-keeping";
- Softer control measures (mobile phones);
- (Mis)use of religious beliefs and/or traditional rituals (e.g. using voodoo in the case of African victims).

The victims' isolation is further exacerbated because many do not speak the language of the destination country and are from states where law enforcement is not trusted.

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

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 throughout chapter 4.

In line with the above **victims who are 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;
- 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.

Those who have **left the trafficking situation** often show some of the same indicators. 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.

### 4.3. 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. 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 language;
- Transported from another part of the region/country/part of the country;
- Lack of passport, immigration or identification documentation;
- Do not have cash nor access to money;
- Suspicion of fake passport;
- Signs of fear;
- Signs of depression, insecurity.

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 interview, 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 her;
- The money earned is partly or totally withheld; the person has limited control over what s/he earns;
- The person has been raped and beaten to be forced into submission by the group/individual controlling her/him;
- 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 her family/children;
- Intimidation is used as an alternative or in addition to violence to control her/him;
- The person was recruited to do a different job and was forced into prostitution;
- The person was recruited as a prostitute, but was given false information as to earning and working conditions; she is now badly exploited and not free to get out of prostitution.

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

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

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

- Cohabitation (living in the same flat/house as the employer);
- Lack of respect of working hours and of daily/weekly breaks on a regular basis;
- Perpetration of offensive acts or violent acts against the domestic worker;
- Exposure to physical or sexual abuse/violence;
- The worker is prevented from leaving the place of residence/work freely;
- Salary is not paid or is insufficient for the domestic worker to conduct an autonomous life.
- 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 fully aware that they are victims of a crime and that they are entitled to protection from the State under the anti-trafficking legislation – but they are.

#### 4.4. 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.

##### 4.4.1. 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, 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 frontline officer should try to ensure a secondary check (e.g. separate interview or interview of the persons)** suspected to be victims and/or traffickers, referring the case to another unit if necessary.<sup>50</sup>

#### 4.5. 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.

<sup>50</sup> The content of this paragraph has been developed during a seminar for border authorities organised by UNODC in Prague in March 2006

Note: The first objective of the officer who comes into contact with a potential trafficked person is to try and 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 - that are accordance with UN standards and principles. If some elements indicate that an individual may be victim of a trafficking scheme, **the person 'should not be detained, charged or prosecuted for the illegality of his/her entry into or residence in countries of transit and destination, or for their involvement in illegal activities, to the extent that such involvement is a direct consequence of their situation as trafficked persons'** <sup>51</sup>.

Furthermore, according to the 'non-punishment clause' applicable to trafficked persons <sup>52</sup>, **'If the competent authorities have reasonable grounds to believe that a person has been victim of trafficking in human beings, that person shall not be removed from its territory until the identification process as victim of an offence (...) has been completed by the competent authorities'**.

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 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.

#### 4.6. 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).

<sup>51</sup> United Nations Office of the High Commissioner for Human Rights, 'Recommended Principles and Guidelines on Human Rights and Human Trafficking', 2002 (corollary to the UN Trafficking Protocol).

<sup>52</sup> Council of Europe Convention, see below, p.8.

- **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.
- **Do not 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, 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.
- **Listen to and respect each person's assessment of their situation and risks to their safety** - Recognize that each person will have different concerns and that the way s/he views them may be different from how others might assess them.
- **Do not re-traumatize the victim** - do not ask questions intended to provoke an emotionally charged response. Be prepared to respond to a person's distress and to encourage/support him/her.
- **Be prepared for emergency intervention** - Be prepared to respond if a trafficked person says s/he is in imminent danger. Contact the specialized units and the necessary support services if the person needs special assistance.

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



#### 4.7. 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 both a child 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 (see also 3.6.):

- 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;
- 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, however, 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, front line officers should follow national laws on the immediate appointment of a guardian (If the minor is unaccompanied).

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

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.

#### 4.8. 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 of 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

##### 4.8.1. Coping strategies of trafficked persons

Trafficked persons are coerced into a long-term exploitative relationship with their traffickers, i.e. they suffer systematic violence or abuse over a certain period of time. Victims thus have to develop survival strategies and adapt their behaviour in order to reduce the risk of further incidences of abuse:

There are **three main survival strategies**:

**"Avoidance"** – the victims do everything within their power to avoid further violence or abuse. They may become docile and completely obedient to the traffickers and even exhibit enthusiasm and joy on the job, so as to please the traffickers.

**“Identification with the offender”** – (also referred to as ‘Stockholm Syndrome’<sup>53</sup>) the victim feels that s/he might not survive the violence that s/he is isolated from the outside world and that escape is not possible. It becomes critical to his/her chances of survival to ensure that his/her behaviour will gain the approval of the trafficker. The victim tries to put herself/himself in the position of the trafficker, to adopt his/her views and to feel and think as s/he does - so that s/he can accurately identify and adopt the types of behaviour that are likely to be approved. The identification process is often stronger if the trafficker occasionally pretends to care for the victim. The degree of identification may extend so far as to the victims offering implausible explanations in the face of strong evidence that they have been trafficked.

**“Numbing”** – eventually, the victims are so involved in identification with the trafficker that they become alienated from their emotions and thoughts, which explains extremely high levels of apathy or indifference to their own suffering displayed by many victims. Victims who have lived under the control of traffickers for a long time need months, sometimes years, to re-construct their personality. They require respect and support from others enabling this reconstruction process.

#### **4.8.2. Stages of recovery**

The recovery of traumatised victims requires that the victim be allowed both the time and highly specialised support necessary to learn to cope with the trauma. Failure to provide for these needs may result in permanent and severe psychological damage. In the short term, it is possible to identify a four-stage process that victims undergo as they attempt to cope with the trauma:

- **The “hostile victim”**

Very often the initial reaction of the victim will be to prevent any intrusion that could destabilise the control of the traffickers. The victim has learnt that anything jeopardising the dominance of the traffickers will lead to immediate violence against the victim in order to secure control. The victim will thus avoid any co-operation with law enforcement or judicial authorities<sup>54</sup>.

- **Loss of Orientation**

These initial reactions may be followed by a period of disorientation, as the victim may not have yet found her/his orientation within society.

- **Reconstruction and Remembering**

For many victims, a period of re-construction follows, filled with retrospective thinking, where victims long for everything to be as it was before. During the cognitive restructuring victims re-interpret and try to come to terms with their experience, possibly find an explanation for what has happened, or evaluate the event as leading to personal growth.

- **Social Inclusion**

At a certain stage, victims have to re-construct social relations in order to overcome social fragmentation caused by the experience of violence.

---

<sup>53</sup> In a robbery case in Stockholm 1973, the victims kept on defending their captors even after their six-day physical detention was over, and showed a reticent behaviour in the following legal procedures.

<sup>54</sup> Coomaraswamy, Radhika (1999): Statement, in: Dearing/Förg (1999), 105.

### 4.8.3. How to co-operate with victims of trafficking

Law enforcement officers as well as judges and prosecutors should acknowledge the impact of trauma upon trafficked victims and recognise that symptoms such as lack of co-operation or overt hostility, an impaired ability to recall events in detail, errors or subsequent corrections in accounts or fabrications concerning specific events are likely to occur as a consequence of the trauma, rather than being a deliberate decision not to co-operate.

It is very likely that person who has suffered a traumatic experience alter by what s/he has gone through. The various emotions that the person might live through are in this context only normal, in fact it is the traumatic incident which is abnormal.

It is likely to be only after the traumatised victim has received specialist assistance and a degree of autonomy over a period of time, that s/he will be in a position to make fully informed decisions on her/his own account or to provide a detailed history of what happened. An early interview of the victim will in many cases overstrain the victim's capacity to remember.

Victims do not understand why they cannot remember and might be tempted to make up the details that are missing in their recollection in order to "fill in the holes" in their memory. Yet, at a later stage of the proceedings, when the victim remembers more, because s/he is able to cope with the memory, it will be difficult for him/her to change his/her account. Under normal circumstances we remember events that have just occurred much better than experiences long past - the opposite is true for victims of violence<sup>55</sup>. Prosecutors and judges must recognize that every attempt to force the victim to remember will not contribute to the investigations but rather create an imminent danger of re-traumatisation.

As it is difficult to tell how much time is needed by the victim to establish a memory of his/her experiences - the time frame can range from a few weeks to several months - professional advice from specialists is indispensable.

The optimum method for managing a traumatized victim in a professional way requires a two-stage approach:

- **First stage:** stabilise the victim through the provision of security and specialist assistance;
- **Second stage:** start the investigations after the victim has been stabilised.

### 4.8.4. Risk of secondary victimisation

Secondary victimisation refers to the victimisation that occurs not as a direct result of the criminal act, but through the response of institutions and individuals to the victim.<sup>56</sup>

Institutionalised secondary victimisation is most apparent within the criminal justice system. The whole process of criminal investigation and trial may cause secondary victimisation, from investigation, through decisions on whether or not to prosecute, from the trial itself, as well as from the sentencing of the offender and to his/her eventual release.

Secondary victimisation through the criminal justice process may occur because of difficulties in balancing the rights of the victim against the rights of the accused or the offender, or because the perspective of the victim is entirely ignored.

<sup>55</sup> Fischer, G./Becker-Fischer, M./Düchting, C. (1998): p 62

<sup>56</sup> UN Handbook on Justice for Victims, 1999

Also other agencies that come into contact with the victim may cause secondary victimisation. The hurried schedule of the emergency room may intrude on the privacy of a sexual assault victim or offend his/her sense of dignity.

Intrusive or inappropriate investigation and filming, photography and reporting by the media are also aggravating factors. Even agencies set up to help the victims of crime, such as victim services, victim compensation systems, refugee services and mental health institutions may have some policies and procedures that lead to secondary victimisation.

Also law enforcement authorities may cause severe forms of re-dramatization and make the victims not to recognise the fact that they have been victimised.

Where the state, supposed to be protective, rather mistreats victims, the victims can have difficulties in acknowledging that an offence has occurred. Therefore, raising awareness among all actors involved is an important element of anti-trafficking strategies.

#### **4.8.5. Trauma in the case of children <sup>57</sup>**

Following traumatic events, children may initially show agitated or confused behaviour. They also may show intense fear, helplessness, anger, sadness, horror or denial. Children who experience repeated trauma might develop a kind of emotional numbing to deaden or block the pain and trauma. This is called dissociation. Children with Post-traumatic Stress Disorders (PTSD) avoid situations or places that remind them of the trauma. They may also become less responsive emotionally, depressed, withdrawn, and more detached from their feelings.

A child with PTSD may also re-experience the traumatic event by:

- having frequent memories of the event, or in young children, play games in which some or all of the trauma is repeated over and over having upsetting and frightening dreams;
- acting or feeling like the experience is happening again;
- developing repeated physical or emotional symptoms when s/he is reminded of the event.

Children with PTSD may also show the following symptoms:

- worry about dying at an early age;
- losing interest in activities;
- having physical symptoms such as headaches and stomach aches;
- showing more sudden and extreme emotional reactions;
- having problems falling or staying asleep;
- showing irritability or angry outbursts;
- having problems concentrating;
- acting younger than their age (for example, clingy or whiny behaviour, thumb sucking);

---

<sup>57</sup> World Health Organization, Regional Office for South East Asia, List of Guidelines for Health Emergency, Nr. 70, 10/99

- showing increased alertness to the environment;
- repeating behaviour that reminds them of the trauma.

The symptoms of PTSD may last from several months to many years. Support from parents, school and peers is important. Emphasis needs to be placed upon establishing a feeling of safety. Psychotherapy (individual, group, or family) which allows the child to speak, draw, play, or write about the event is helpful. Behaviour modification techniques and cognitive therapy may help reduce fears and worries. Medication may also be useful to deal with agitation, anxiety, or depression.

Child and adolescent psychiatrists can be very helpful in diagnosing and treating children with PTSD. With the sensitivity and support of families and professionals, youngsters with PTSD can learn to cope with the memories of the trauma and go on to lead healthy and productive lives.

#### **4.9. Traffickers' profile**

The range of perpetrators is broad and varied. In some cases they are part of internationally organised criminal groups, which can also be specialized in trafficking of arms and drugs. In other cases, they may be small groups with loose structures, including family members of the victim, or other individual "entrepreneurs", men and women. Some victims may at some point become traffickers themselves as they see no other opportunities in life.

As a crime, trafficking is based on vertical and horizontal mechanisms of integrated activities. In fact, trafficking consists of chains of vertical, individual offences, which are in close relationship with each other. Such crimes are, among others, corruption, counterfeiting of travel documents, violation of immigration and labour laws. At the same time, there are horizontal connections between different criminal activities in the same organized crime network, which make it important to consider the particular behaviour of an individual within the structure of the criminal organization and its influence upon the overall efficiency of the criminal group. In certain instances, the individual crime may appear insignificant, but taken as a component of a specific end purpose, it may be fundamental to the success of the group.

**Corruption** is very often an important operational tool used by traffickers: since it is very difficult to hide persons, connivance with different kinds of authorities is always needed. In many countries evidence has been found on the involvement of local officials and local law enforcement turning a blind eye on the presence of trafficked persons in public places, informing about the organisation of police actions against traffickers, facilitating the obtaining of passports and travel documents for persons to be trafficked, not checking them at transit points, or using services of victims of trafficking, especially prostitutes, in return for turning a 'blind-eye'.

##### **4.9.1. The Structure of trafficking groups**

Groups involved in organized crime can be subdivided into three types for a better understanding of their organizational structure: **high, medium and low levels.**

##### **High level**

These groups usually oversee sophisticated international trafficking. They generally set prices and finance the cost of transfers, but do not participate directly in the transport of the trafficked persons or in the organization of border crossings. They establish trade relationships with other high-level groups (in the same country or in other countries) and co-operate in the exchange of trafficked persons, who are often sold more than once. These groups contact medium-level groups, such as suppliers of specific illegal services, establishing their relationships on precise contractual conditions. The leaders of high-level groups may live abroad, almost never come into contact with their victims, and reinvest the income from trafficking in persons in other illegal markets, such as trafficking in drugs or arms, or in legal sectors such as real estate or others. Given their entrepreneurial colouration and the availability of large sums of money, high-level groups may develop relationships with

personalities in political, diplomatic, administrative and financial circles, especially through the use of corruption, where necessary.

### Medium level

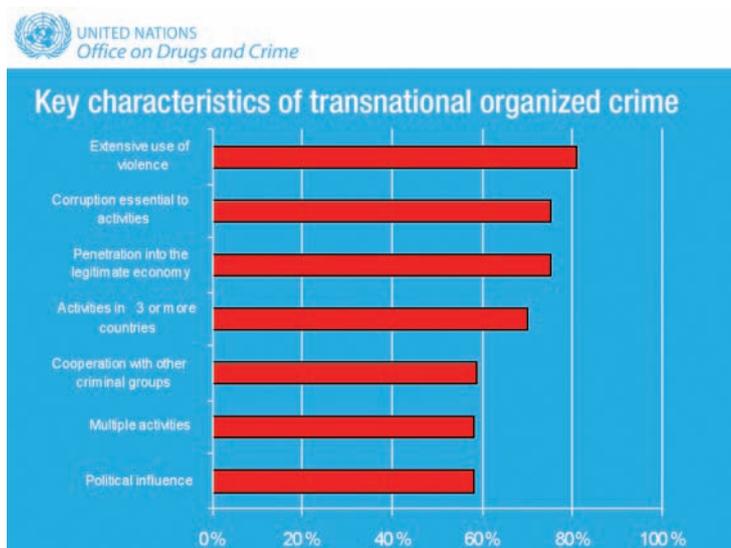
This category covers groups operating in strategic geographical areas, such as areas close to national borders, frontiers of countries of origin, transit or destination. Medium-level groups are usually entrusted with tasks in the operative stages of the victims' trip, commissioned by high-level groups. A certain degree of technical skills and the excellent knowledge of the local territory, in addition to the availability of tested criminal networks, for example for production of false documents or corruption of people involved in issuing travel papers, make them very good counterparts for high-level groups.

### Low level

This third category includes criminal groups of minor importance. They operate under a type of mandate, either granted by medium-level groups, or in some cases acting on orders from individual traffickers. Usually there are greater numbers of low-level criminal groups than of medium and high-level groups, especially by virtue of the fact that they constitute the fundamental component of low-level unskilled criminality. It has been empirically demonstrated that their main activities consist of receiving the trafficked persons, ensuring the logistics of border crossings, setting up bases for departure and assembly points on arrival etc. They may also be involved in other activities such as the temporary exploitation of the trafficked person, especially in the transit countries.

### Single Traffickers

In some cases trafficking is carried out not by criminal groups but by "freelance" individuals loosely connected to trafficking networks. There are cases of friends or family members taking people abroad and selling them on to traffickers. Especially in cases where the exploitation happens in an individualized set-up trafficking is difficult to identify. Common examples for this are domestic servitude and forced marriage, but also forced labour cases (e.g. within closed ethnic communities) and cases of forced prostitution exist.



Often groups dealing with trafficking activities belong to trans-national organised crime structures, and they are involved also in other kinds of illegal activities. Their profile has been described by an analysis by UNODC<sup>58</sup> on more than 40 organized crime groups in 16 selected countries worldwide. The research has singled out some key characteristics of trans-national organised crime:

<sup>58</sup> UNODC, Global Programme against Transnational Organised Crime, September 2002.

- More than 80% of the groups make extensive use of violence
- 75% of organised criminal groups penetrate into the legitimate economic sphere. There is evidence of groups investing their income from illegitimate activities (for example human trafficking) in legitimate business (like investing in real estate).
- In most cases (70%) the groups spread their activities across five or more states.
- Organised criminal groups tend to co-operate with other criminal groups (about 60%) in order to expand their market.
- Almost 60% of the groups have some political influence in their main country of operations. This is often closely tied to the issue of corruption and the capacity to penetrate into the legitimate economy.

### **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.

### **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.

# 5

## Frontline Intelligence Gathering



---

## Chapter 5: Frontline Intelligence Gathering

---

Front line 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 front line 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** front line 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 front line operator can collect pieces of information that may turn out to be the starting point of investigations or the lacking piece of a puzzle that specialized officers are trying to complete. In most cases the officers will be carrying out checks and controls connected with other duties. Being alert that in the presence of certain elements, circumstances, information gathered in a 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.

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

Intelligence gathering activity in this field is based upon the principle that it is virtually impossible to establish and manage an organized trafficking network without creating audit trails, which are identifiable by the police.

### 5.1. Types of intelligence

Generally, two types of intelligence can be differentiated: strategic and tactical intelligence. To be of maximum value to counter-trafficking measures, intelligence gathering should focus on the two following levels:

- **Strategic** - suitable for far-reaching, long-term objectives
- **Tactical** – suitable for more immediate or short-term, and smaller scale operational needs

### 5.1.1. Strategic intelligence

The final objective of strategic intelligence gathering is to conduct an assessment of the strategic factors that underpin the existence of the trafficking crime at the national and regional level. A large amount of data analysed and utilised for the strategic overview is derived from intelligence gathered at the operational level.

#### Value of strategic intelligence

- To enable an accurate assessment to be made of the actual scale, methodology and gravity of the crime at the local, national, regional and international level;
- To enable national and regional policy makers to allocate an appropriate level of resources to address the problem;
- To raise media and public awareness about the crime, which in turn helps to mobilise political will to address it;
- To facilitate the strategic response in areas such as legislative changes, international co-operation, prevention strategies, education campaigns etc.

Knowledge about thematic data/intelligence is important in order to understand the factors contributing to the root causes of the crime – considering the supply side as well as the demand side. Thematic data might be classified as follows and should be collected and evaluated regularly:

- **Socio-economic** thematic data such as economic trends, the feminisation of poverty, absence of job opportunities, situations of conflict or political instability, lack of access to health care etc.
- **Historical or linguistic** linkages between supply and demand countries might have an effect on routes as well as on victim's and offender's profiles.
- Geographical proximity as well as business relationships, e.g. commercial airline partnership arrangements might also influence routes to be taken, e.g. from Albania to Italy.
- **Cultural** factors may affect the means of the crime and it can be very helpful to understand them. For instance control mechanisms deployed to ensure the compliance of victims are often based on religious or cultural factors relevant for specific groups.
- All factors mention also impact upon the **demand side** of the trafficking cycle, such as e.g. demand for cheap labour in mature economies, demand for females from certain ethnic backgrounds, of certain appearance/age on the sex market, etc.

### 5.1.2. Tactical intelligence

The value of Tactical Intelligence is:

- To provide raw material to form the basis for reactive, pro-active and disruptive investigations;
- To facilitate the conduct of joint operations between countries;
- To help prevent 'blue on blue'<sup>59</sup> law enforcement complications and prevent or reduce duplication of investigative efforts in different jurisdictions;
- To form the basis for strategic intelligence;

---

<sup>59</sup> Military denoting or relating to an attack made by one's own side that accidentally harms one's own forces: blue-on-blue incidents. [from the use of blue to indicate friendly forces in military exercises.], Oxford Dictionary

- To enhance the credibility and relevance of training programmes and education campaigns conducted by law enforcement agencies jointly with the IGO-NGO Sector.

There are a number of key areas of intelligence gathering at the tactical level. While not an exhaustive list, the following areas are of major importance:



- **Recruitment methods** – deceptive, coercive, abduction, etc.;
- **Advertising mediums** – ‘word of mouth’, printed media, Internet, etc.;
- **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, modes of travel;
- **‘Safe house’ accommodation** – location and provision;
- **Means of exploitation** – brothels, red-light areas, ‘sweatshops’ etc.;
- **Means of communication** – email, mobile phones, fax machines etc.;
- **Financial intelligence** – transactions in respect of all of the above.

Intelligence concerning the personal details and addresses of subscribers for:

- All forms of communications such as mobile phones, landline phones, email addresses, internet websites,
- Advertisements,
- Satellite television subscriptions.

Such intelligence gathering should include itemised billing and accounting payment details, dates and methods.

**Ownership or rental agreements**

Intelligence concerning:

- Purchase or rental of residential or commercial property;
- Payment of utility billings such as electricity, gas and water;
- Payment of municipal charges on premises, accommodation, PO Box or other mailbox addresses;
- Ownership or rental of motor vehicles or other means of transportation such as boats etc.

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

**Financial transactions**

Accounting details may be obtained from any of the above sources and must be subject to an in-depth enquiry by qualified financial investigators.

Many transactions and payments in the South Eastern European region are carried out in cash, rather than through formal banking or credit card structures. This limits the intelligence gathering opportunities highlighted in the categories above. However this is not always the case and furthermore it should not be forgotten that a trafficker in the SEE region may transact all business in the region in cash, but use banking or credit cards means in other countries, where the criminal profits are laundered and reinvested.

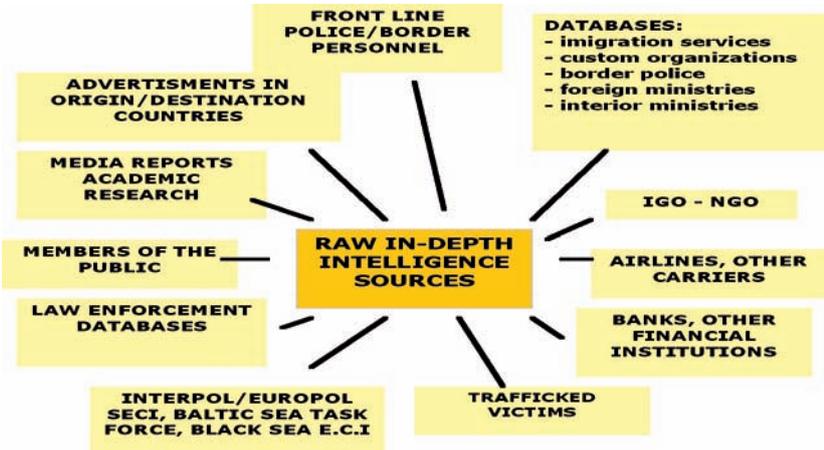
Enhancing safe and qualitative exchange of intelligence among law enforcement agencies in different countries can be in many cases a key factor in an investigation.

**5.2. Sources of intelligence**

Law enforcement officers collect raw intelligence that might be used as basis for further action and development. Raw intelligence is the basis for so called in-depth intelligence. Clearly, with the resource implications attached to in-depth intelligence gathering, it will only be considered in cases where the initial raw intelligence material indicates that further work could be fruitful.

**5.2.1. Raw intelligence**

Raw intelligence can be gathered from a wide variety of sources as shown below <sup>60</sup>:



<sup>60</sup> These sources could be classified in three categories: open, closed and confidential sources.

- Frontline police and border personnel;
- Intelligence gathered from monitoring of the advertisements both in the recruitment and destination countries;
- Open sources such as media reports, academic research etc.;
- Information received from members of the public;
- Intelligence provided by registered informants;
- Local, regional, national law enforcement databases;
- International law enforcement databases such as Interpol, Europol, the SECI Centre, the Baltic Sea Taskforce, The Black Sea Economic Co-operation Initiative etc.;
- Relevant databases maintained by other agencies such as Immigration Services, Customs organisations, Border Police, Foreign Ministry databases concerning the application for and issue of visas, Interior Ministries dealing with the application for and issue of residence permits, asylum applications or nationality status, other relevant ministries such as health, employment or labour may hold intelligence on the subject;
- Relevant inter-governmental and non-governmental organisations;
- Airlines and other carriers;
- Financial disclosures by banking or other financial institutions;
- Trafficked victims.

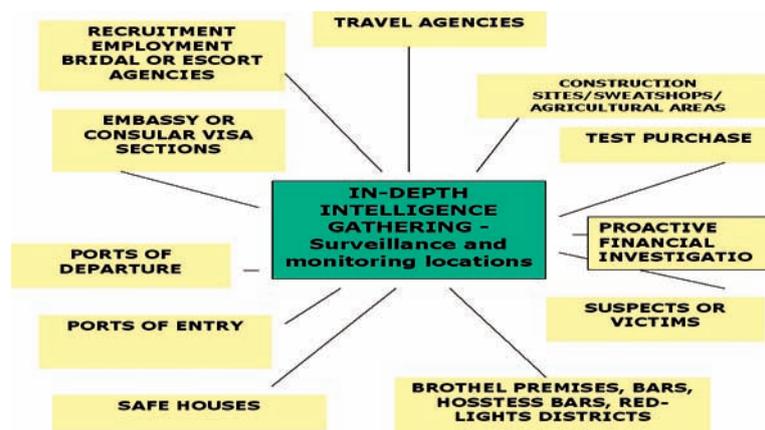
Raw intelligence is likely to be used for further in-depth investigations by specialized investigators.

### 5.2.2. In-depth intelligence

The decision whether to further develop raw intelligence is to be made on a case-by-case basis, depending on the indications provided by the raw material. The question when intelligence gathering will lead to an operational investigation varies according to local jurisdictions and procedures. Whatever the applicable procedure, the key point to remember when engaging in in-depth intelligence gathering activities is to ensure that they are both conducted in accordance with legislative rules and properly recorded. This will ensure that the material gained can also be adduced in evidence if required and procedurally possible.

Following are a number of in-depth intelligence gathering activities of relevance for investigating human trafficking:

#### Surveillance and monitoring of locations, such as:



1. Surveillance and monitoring of the following **business areas, institutions, service providers etc.** may lead to a collection of significant intelligence:

- Private recruitment, employment, bridal or escort agencies or offices;
- Construction sites, sweatshops, agricultural areas where seasonal workers are needed etc.;

- Travel agencies;
- Embassy or Consular Visa Sections;
- Ports of departure;
- Ports of entry;
- Safe houses in the countries of origin, transit and destination;
- Brothel premises, bars, hostess bars, red-light districts, restaurants, building lots;

Also relevant are:

- Short-term surveillance of the suspects and/or victims;
- Deployment of 'test purchase' operatives to gather intelligence;
- Pro-active financial investigation in order to establish audit trails on any of the accounts and/or transactions revealed from the raw intelligence gathering activity.

The in-depth activity should utilise all available means of corroboration such as the use of surveillance cameras, CCTV (Close-Circuit TV) and automatic number plate recognition systems at ports of departure and entry etc.

### **5.3. Intelligence formatting – key data**

Different agencies use different formats and systems. Whatever format is in use, depending on the extent of the intelligence that is available, the following data should be included in the format:

- 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.

## 5.4. Classification, evaluation and dissemination

Whatever system is in place or under consideration, one critical factor must be addressed: The **recording, retention, classification, evaluation and dissemination of all intelligence material** must be in strict accordance with the relevant laws on data protection and confidentiality.

The **evaluation and dissemination of intelligence** is one of the most critical aspects of the whole intelligence gathering activity. Some intelligence may be of the highest grade, originating from an 'unimpeachable source', other data may be from less reliable sources, or even anonymous. To be of optimum value to those who may wish to react to the intelligence, the data has to undergo some form of evaluation.

The intelligence officer or investigator who wants to develop the intelligence material needs to be able to analyse and evaluate an incoming intelligence report that has been classified and evaluated by its author. This may be a frontline officer from an outlying district, who ideally should have used a commonly adopted system of evaluation.

There are different methods of classifying and evaluating intelligence before it is exchanged. It must be kept in mind that in the context of the crime of trafficking, the intelligence exchange should be possible internationally as well as nationally. Whatever system utilised, the critical factor is that the intelligence should be evaluated within the following three categories:

- Source of the intelligence
- The intelligence itself
- The extent to which the intelligence can be disseminated

Some countries do not use an evaluation system, others utilise a system known as '4 x 4' whilst others now utilise an updated version of this system, which is known as '5 x 5 x 5' and which imposes a third evaluation criteria that specifies the extent of the dissemination of the intelligence to which it refers.<sup>61</sup>

**Evaluation of the permissible extent of dissemination is particularly important to intelligence exchange in this field.** The originator of the intelligence report must set the evaluation and the extent and conditions imposed upon dissemination.

This is a sensitive factor because security conditions may arise in relation to a particular intelligence source, such as a 'special agent' or a vulnerable trafficked victim or in relation to whether thematic intelligence could be disseminated to a non-governmental organisation.

Intelligence classification and evaluation systems can be further **refined** by the imposition of a supervisory regime to ensure compliance with the classification, evaluation and dissemination regime. For example, it may be considered appropriate to establish a set of authority levels for dissemination where special handling conditions are required because of the sensitive nature of the intelligence source.

Given the criminal capacity and resourcefulness of trafficking networks, the ever present risk of corruption and the sensitivity of the material that may be evaluated and considered for dissemination, it may also be appropriate to **prepare a risk assessment** in cases where it is thought necessary to impose special handling conditions on the dissemination of the intelligence. Such risk assessments could be made subject to authority levels to ensure compliance.

---

<sup>61</sup> 5x5x5: three dimensions with five categories each, e.g.: Evaluation of source (always/mostly/sometimes reliable/unreliable/ untested); evaluation of intelligence (known to be true without reservation/known personally to source but not to officer/not known personally to source but corroborated/ cannot be judged/suspected to be false); handling code: may be disseminated to non-EU law enforcement agencies where no adequate safeguards exist/may be disseminated to non-prosecuting organisations within country of origin/may be disseminated to other law enforcement agencies and prosecuting agencies, including law enforcement agencies within the EU/only disseminate within originating agency/force/no further dissemination refer to originator. 4x4: two dimensions with four categories each: similar, but somewhat simpler evaluation matrix, with the two dimensions referring to the reliability of the source and the validity of the information itself

#### 5.4.1. Intelligence checks – local, national and international

One of the first steps to be taken with intelligence that has been gathered is to check it against data held within other local, national and international agencies and databases in order to gain a more accurate picture and establish any intelligence links.

However, there are **risks** attached to this basic step because:

- Intelligence checks are a form of intelligence dissemination

While a simple request made to a local, national or international database to search a nominal index does not per se indicate to any individual that the unit making the request is actively investigating the subject of the check, it does indicate that the suspect's name has come to notice. This has the potential to compromise a potential investigation before it begins.

It is important to remember as well that the potential disruption may not come from the existence of corruption; it may occur as a simple result of inadvertence or lack of professional standards on the part of a colleague. Nevertheless, the outcome may be equally damaging.

### 5.5. Optimisation of intelligence gathering

The potential of the intelligence gathering effort will only be optimised if it is conducted holistically, where all the contributors are aware and active. To achieve this, two key areas need to be addressed. These are:

- Awareness Raising;
- Networking.

#### 5.5.1. Awareness raising

In many locations, the principal problem is that too little is known or understood about the trafficking crime. Moreover where specialist counter-trafficking task forces or units have been created, their existence, capacity and objectives are not well known throughout the law enforcement agencies of the countries concerned or their regional multi-national partners in the region.

Ad hoc briefings should be delivered

- a. to national specialist counter-trafficking units and specially assigned prosecutors;
- b. to frontline law enforcement officers in the cities and rural communities (where much raw, quality intelligence is available but is not recognised as such and/or realised for the worth that it truly possesses);
- c. to other relevant inter-departmental, inter-ministerial and IGO-NGO sector colleagues.

Multi-agency training involving professionals from different backgrounds (e.g. labour inspectors, trade unions, support services, etc.) should be promoted. (see also chapter 3: Multi-agency approach)

An integral part of this exercise is to raise awareness of the crime and of the critical importance of intelligence gathering. The opportunity should also be taken to disseminate and explain the purpose and practice of the specifically designed trafficking intelligence format and the '5x5x5' (see above 5.4) intelligence evaluation and dissemination system.

Briefing packages should be shared also on the international level with Europol and Interpol. International agencies need to be made aware that countries within the region have the capacity and commitment to tackle the trafficking crime and that there are central specialised intelligence units addressing the intelligence gathering activity.

### 5.5.2. Networking

A very important step is also to identify and establish contacts with key intelligence partner agencies to develop formal internal and external intelligence exchange networks.

The most effective method of achieving this level of intelligence co-ordination is to create multi-agency intelligence forums. Here representatives from the partner agencies could meet under the chairmanship of counter-trafficking units and exchange specific and thematic trafficking intelligence.

Such a forum should at least consist of representatives from the counter-trafficking units, organised crime units, other criminal investigation units, prosecutors, intelligence services, border guards or police, customs, foreign ministries, liaison officers at SECI whenever possible and representatives from the IGO-NGO sector. This intelligence group would then act as the focal point for all the counter-trafficking intelligence gathering activity. Such a forum should operate within the national comprehensive anti-trafficking approach.

A further task of such a multi-agency group would be to create a **network with regional counterpart specialists**. The majority of the countries in South and Eastern Europe have or are in the process of establishing specialist counter-trafficking units and the specialist units should seek to develop partnership relations with each other.

## 5.6. Interviews and Intelligence Gathering

The importance of interviews that frontline officers conduct during their duties can be significant to increase the capacity of identifying

- locations where exploitation takes place;
- victims;
- and traffickers.

The amount of information that a frontline officer may come across while on duty is in fact much more substantial and meaningful than commonly acknowledged.

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 is worth 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, witnesses are a very important source of intelligence.

### 5.6.1. Interviewing the suspect

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

Such form of "paranoia" motivates suspects to 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 themselves by offering information on the case so police will not suspect their involvement.

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 front line officer generally does not possess the elements of specific investigations. However, in certain cases, contacts with suspects may be so obviously related to the crime that an interview with the suspect may prove meaningful.

The two general principles leading any 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

### **5.6.2. Interview setting**

In any discussion concerning interview, it is necessary to include a review of the surroundings where a suspect is to be interrogated. Because there is a general desire to maintain personal integrity before family members and peer groups, suspects should be removed from familiar surroundings and taken to a location that has an atmosphere more conducive to co-operativeness and truthfulness. The primary psychological factor contributing to successful interviews is privacy-- being totally alone with suspects. This privacy prompts suspects to feel willing to unload the burden of guilt. The interview site should isolate the suspect so that only the interrogator is present. The suspect's thoughts and responses should be free from all outside distractions or stimuli.

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

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

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

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

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

---

## REFERENCE MATERIAL

---

**Anti-Slavery International** (2005): Protocol for Identification and Assistance to trafficked Persons and Training Kit, London

### **ECPAT**

- (1999): Extraterritorial Legislation as a Tool to Combat Sexual Exploitation of Children, a Study of 15 Cases, Executive Summary, ECPAT Europe Law Enforcement Group, Amsterdam.
- (2003): The Psychosocial Rehabilitation of Children Who Have Been Commercially Sexually Exploited - A Training Guide, ECPAT-International, available at: [www.ecpat.net](http://www.ecpat.net)
- (2004a): Joint East West Research on Trafficking in Children for Sexual Purposes in Europe: the Sending Countries, (eds.) Muireann O'Briain, Anke van den Boren, Theo Noten, Europe Law Enforcement Group, Amsterdam.
- (2004b): Report on the Implementation of the Agenda for Action against the Commercial Sexual Exploitation of Children 2002-2003.

### **European Commission, Brussels**

- DG Justice, Freedom and Security (2004): Experts' Group on Trafficking in Human Beings, Report, available at: <http://www.eurasyllum.org/Portal/DesktopDefault.aspx?tabindex=4&tabid=4>
- (2005): Council of Europe Convention on Action Against Trafficking in Human Beings
- (2004): Organised Crime Situation Report, available at: [http://www.coe.int/T/E/Legal\\_affairs/Legal\\_co-operation/Combating\\_economic\\_crime/Organised\\_crime/Documents/Organised\\_Crime\\_Situation\\_Report\\_2004.asp](http://www.coe.int/T/E/Legal_affairs/Legal_co-operation/Combating_economic_crime/Organised_crime/Documents/Organised_Crime_Situation_Report_2004.asp)

**EUPOL PROXIMA** – Trafficking in Human Beings (THB): Investigations – Criminal Police Programme THB Project FBI Law Enforcement Bulletin, March 1991.

**European Network against Child Trafficking** (2004): A Report on Child Trafficking, Bulgaria, Denmark, Italy, Romania, Spain, United Kingdom, ENACT/Save the Children Italia ONLUS.

### **International Centre for Migration Policy Development (ICMPD), Vienna**

- (2006): Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response.
- (2006): Anti-Trafficking Training for Judges and Prosecutors – Curriculum and Handbook.
- (2006): Law Enforcement Manual for Combating Trafficking in Human Beings, in partnership with UNDP Romania.
- (2003): Regional Standard for Anti-trafficking Police Training in SEE

### **International Organization for Migration (IOM)**

- (2001) Victims of Trafficking in the Balkans: A Study of Trafficking in Women and Children for Sexual Exploitation to, through and from the Balkan Region, Vienna.
- (2001): Trafficking in Unaccompanied Minors for Sexual Exploitation in the European Union, Vol I & II, Geneva.
- (2004) Changing Patterns and Trends of Trafficking in Persons in the Balkan Region, Assessment carried out in Albania, Bosnia and Herzegovina, the Province of Kosovo, the Former Yugoslav Republic of Macedonia and the Republic of Moldova, Geneva.
- (2006) Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking.

### **International Labour Organisation (ILO), Geneva**

- (2002): Creating a Healing Environment, Psychosocial Rehabilitation and Occupational Integration of Child Survivors of Trafficking and Other Worst Forms of Child Labour, Vol.1 Proceedings & Vol.2 Technical Papers.
- (2002): Psychosocial Counselling for Trafficked Youth, Handling the Trauma of Sexual Exploitation, Training Manual.

- (2004): A Global Alliance Against Trafficking.
- (2004): Trafficking for Forced Labour, How to Monitor the Recruitment of Migrant Workers, Training Manual, Geneva.
- (2004): Trafficking in Children for Labour and Sexual Exploitation in the Balkans and Ukraine, Manual for Rapid Assessment, Geneva.
- (2005): A Global Alliance Against Forced Labour, Report of the Director-general, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, available at: [www.ilo.org/declaration](http://www.ilo.org/declaration)
- (2005): Guidelines for Legislators and Law Enforcement, chapters 5-6.
- (2005): Cyrus, N.: Human Trafficking for Labour Exploitation in Germany. Special Action Program to Combat Forced Labour, German title: Menschenhandel und Arbeitsausbeutung in Deutschland.
- (2005) Combating Trafficking and Forced Labour in Europe, with Particular Reference to Germany, Moldova, Poland, Portugal, Romania, Ukraine and the United Kingdom. Discussion paper by ILO for ILO-ICMPD seminar on combating the outcomes of trafficking for forced labour, Ascot/UK, 11-13 July 2005.

**La Strada** (2006): Identification of Trafficked Persons, in: La Strada Express, Issue No. 2, March 2006, Chisinau.

**NATO** (2004): Trafficking in Human Beings. Training material for civilian and military personnel.

**Surtees, Rebecca** (2005): Other Forms of Trafficking in Minors: Articulating Victim Profiles and Conceptualizing Interventions, Nexus Institute to Combat Human Trafficking and IOM, Vienna. and safe under S in Bibliography

**OSCE**- Office for Democratic Institutions and Human Rights (ODIHR)

- (2001): Reference Guide for Anti-Trafficking Legislative Review with Particular Emphasis on South Eastern Europe, Warsaw.
- (2004): National Referral Mechanisms, Joining Efforts to Protect the Rights of Trafficked Persons – a Practical Handbook, Warsaw.
- (2003): Action Plan to Combat Trafficking in Human Beings.

**Richthofen, W. Frhr. von** (2005): The Role of Labour Inspection in the Identification of Abusive Employment Including Forced Labour, and the Need for Interagency and International Co-operation, PPP and background paper for ILO/ICMPD seminar on combating the outcomes of trafficking for forced labour in London, June 2005.

**Sackstein, Helene** (2003): A Guide for National NGOs to Combat Child Sexual Exploitation and Abuse: International Mechanisms Are There to Be Used.

**Scheinin, Martin** (1997): International Human Rights in National Law, in: Raija, Hanski/Markku, Suksi (eds.): An Introduction to the International Protection of Human Rights. A Textbook, Institute for Human Rights Abo Akademi University, Turku/Abo, 343-353.

**The London School of Hygiene & Tropical Medicine** (2006), Stolen smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe, Zimmermann, C. et al. under the EC Daphne Programme and IOM, London.

**UN Commission on Crime Prevention and Criminal Justice** (2005): Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime.

**UN Handbook on Justice for Victims** (1999).

**United Nations Development Programme (UNDP)**, (2003), Best Practice – Law Enforcement Manual for Fighting Against Trafficking of Human Beings.

**UNHCHR/OSCE** (2003): Trafficking in Human Beings in South Eastern Europe.

**UNHCHR** (2002), Recommended Principles and Guidelines on Human Rights and Human Trafficking (corollary to the UN Trafficking Protocol).

**Unicef** (2003): Guidelines for Protection of the Rights of Children Victims of Trafficking in South-Eastern Europe.

**UNODC** (2002): Global Programme against Transnational Organised Crime.

### **World Health Organisation (WHO)**

- (2003a): Ethical and Safety Regulations for Interviewing Trafficked Women (Cathy Zimmermann & Charlotte Watts); in Cooperation with the London School of Hygiene and Tropical Medicine und Daphne Programme of the European Commission, Geneva.
- (2003b): Guidelines for Medico-Legal Care for Victims of Sexual Violence, Geneva.

**Zimmermann, Cathy et al./** London School of Hygiene and Tropical Medicine et al. (European Commission: Daphne Programme) (2003): The Health Risks and Consequences of Trafficking in Women and Adolescents, Findings from a European Study, London.

### **International conventions and legal instruments**

- 1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery
- 1966 International Covenant on Civil and Political Rights, available at: [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)
- 1979 Convention on the Elimination of All Forms of Discrimination against Women, available at: <http://www.unhchr.ch/html/menu3/b/e1cedaw.htm>
- 1989 Convention on the Rights of the Child, available at: <http://www.unhchr.ch/html/menu2/6/crc/treaties/crc.htm>
- 1999 Worst Forms of Child Labour Convention, 1957 Abolition of Forced Labour Convention, 1930 Forced Labour Convention, available at: <http://www.ilo.org/public/english/standards/norm/whatare/fundam/>
- 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, available at: <http://www.unhchr.ch/html/menu2/6/crc/treaties/opac.htm>
- 2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, available at: <http://www.unhchr.ch/html/menu3/b/92.htm>
- 2000 Convention against Transnational Organized Crime and its Supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), available at: [http://www.coe.int/T/E/Human\\_Rights/Trafficking/3\\_Documents/International\\_legal\\_instruments/3\\_UN\\_Treaties.asp](http://www.coe.int/T/E/Human_Rights/Trafficking/3_Documents/International_legal_instruments/3_UN_Treaties.asp)
- 2002 - EU Council Framework Decision on Trafficking in Human Beings, available at: [http://europa.eu.int/eur-ex/pri/en/oj/dat/2002/l\\_203/l\\_20320020801en00010004.pdf](http://europa.eu.int/eur-ex/pri/en/oj/dat/2002/l_203/l_20320020801en00010004.pdf)
- 2003 EU Council Directive on Residence Permit for Third Country Residents Who Are Long-Term Residents, available at: <http://europa.eu.int/scadplus/leg/en/lvb/l23034.htm>

- 2004 EU Council Directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, available at: <http://europa.eu.int/scadplus/leg/en/lvb/l33187.htm>
- 2005 Council of Europe Convention on Action Against Trafficking in Human Beings, available at: [http://www.coe.int/T/E/human\\_rights/trafficking/](http://www.coe.int/T/E/human_rights/trafficking/)
- The Yokohama Global Commitment 2001, 2nd World Congress Against Commercial Sexual Exploitation of Children, available at: <http://www.unicef.org/events/yokohama/>
- Declaration and Agenda for Action; 1st World Congress Against Commercial Sexual Exploitation of Children, Stockholm, Sweden, 27-31 August 1996, available at: [http://www.minori.it/news/appuntamenti/yokohama/stoccolma\\_declaration\\_and\\_agenda.htm](http://www.minori.it/news/appuntamenti/yokohama/stoccolma_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>

'Sex trafficking', (2004), directed by David Yates, UK.

'Lilya 4-ever', (2002). directed by Lukas Moodysson.

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 also recommended.

