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International Centre for
Migration Policy Development



Romania

LAW ENFORCEMENT MANUAL TO COMBAT TRAFFICKING IN HUMAN BEINGS



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FEDERAL MINISTRY OF THE INTERIOR
SICHERHEITSAKADEMIE**

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LAW ENFORCEMENT MANUAL TO COMBAT TRAFFICKING IN HUMAN BEINGS

Prepared by International Centre for Migration Policy Development (ICMPD), Vienna, Austria
and United Nations Development Programme (UNDP), Bucharest, Romania

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Foreword

On behalf of the International Centre for Migration Policy Development (ICMPD) and the office of the United Nations Development Programme (UNDP) in Romania, we are pleased to introduce the *Law Enforcement Manual to Combat Trafficking in Human Beings*, aimed at supporting law enforcement agencies in South-Eastern Europe (SEE) in their fight against human trafficking.

Upon request of the participating SEE countries this manual has been developed in the framework of the project *Strengthening Law Enforcement Capacities for Fighting Human Trafficking in South-Eastern Europe* implemented by ICMPD and UNDP Romania, in partnership with the Austrian Federal Ministry of Interior and the Romanian Ministry of Administration and Interior.

Trafficking in human beings from, to and through South-Eastern Europe remains a serious concern. Over the past years, the governments in the region have acknowledged this problem and a host of anti-trafficking measures have been implemented. During the Senior Officials Meeting, which was held at the UN in Vienna on 15-16 December, 2003 the SEE countries endorsed the *Comprehensive Anti-Trafficking Training Strategy for Law Enforcement in SEE countries* and committed to institutionalise anti-trafficking training for police at generalist and specialist level on the basis of the two endorsed SEE regional training standards mentioned previously. It was also requested that ICMPD and UNDP continue to provide support by facilitating the regular revision of training standards and by strengthening implementation capacities, in particular with regard to interactive training delivery skills. It is in the spirit of this commitment that this project has been carried out and the two existing regional training standards published by ICMPD and UNDP in 2003 have been updated and revised in co-operation with the participating countries. Now all forms of trafficking in human beings are covered and specific sections on teaching methods and delivery skills which provide trainers with extensive suggestions and a basic toolkit for interactive and multi-disciplinary training complement the manual.

It is clear that continuous efforts are needed to support law enforcement personnel in combating this crime, which is growing steadily in terms of volume, profits for criminals, sectors of exploitation and victims affected. Both ICMPD and UNDP are committed to combat trafficking of human beings and will continue to support countries in their efforts.

It is also our hope that the work of those involved in making this manual a living tool will contribute to enhancing the effectiveness of law enforcement responses to this multi-faceted challenge.

Gottfried Zuercher
ICMPD General Director

Soknan Han Jung
UNDP Resident Representative
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Introduction

This *Law Enforcement Manual to Combat Trafficking in Human Beings* aims at providing modern and easy-to-use training material to conduct trainings for law enforcement personnel.

It was elaborated in the framework of the project *Strengthening Law Enforcement Capacities for Fighting Trafficking in Human Beings in South-Eastern Europe*, implemented by the International Centre for Migration Policy Development (ICMPD) and United Nations Development Programme (UNDP) Romania in partnership with the Austrian Federal Ministry of Interior, Sicherheitsakademie (SIAK) and the Romanian Ministry of Administration and Interior (MAI).

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 carrying out effective anti-trafficking investigations in line with human rights principles. The training manual was developed with the objective of raising awareness on the crime of trafficking in human beings and of enhancing the capabilities and skills of law enforcement officers to identify situations of trafficking, properly treat and refer the victims of the crime, gather evidence and conduct investigations.

To achieve effective operational standards all law enforcement personnel needs to be well trained according to their function and tasks. Therefore, the manual follows a modular approach and is thus aimed at serving the need for updated knowledge of a range of different target groups, i.e. specialised investigators, cadets, general police or other relevant target groups. The modules are organised along the lines of the different functions law enforcement officers fulfil in the overall process of dealing with the crime of human trafficking (identification, intelligence gathering, pro-active investigation, etc.) rather than by organisational units (patrol unit, crime squad, border guards, etc.) since the association of these functions with organisational units differs from country to country and can even vary between officers in the same unit.

Training in general has undergone significant changes. Recent technological advance means that both learner and trainer have incredibly fast access to information. But access to information can be both overwhelming and insufficient. Training is about more than merely acquiring knowledge, it requires reflection, absorption and application in order to change both behaviour and attitude. This training programme is reflecting these developments and gives support to trainers to provide participants with knowledge and experiences that will allow them to function effectively in their day-to-day professional activities.

Content and approach of this manual were elaborated with the active participation of multi-disciplinary

teams from ten European countries/territories¹, comprising specialized investigators, representatives from police academies, from prosecutor offices, and from NGOs providing assistance and services to trafficked persons. Since the manual is based on a regional approach and it is general rather than detailed, specific or focused on any one country. It is intended for local adaptation. Indeed, it demands contextualization by the trainer in order to make it appropriate and relevant in different country settings. Examples and case studies are provided as guides and options rather than as mandatory material. In some instances materials have a broad generic relevance and appeal. In other cases they require substitution by local examples and experiences.

While the sequence, content and methodology were tested and validated by the national teams of the participating countries, trainers are encouraged to adapt the material provided to their circumstances. Good practice shows that the quality of the curriculum and the actual training increases if the adaptation of the material and conducting of the training is done jointly by multi-disciplinary teams comprising at least police trainers, specialized investigators and NGO representatives.

¹ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Moldova, Montenegro, Romania, Serbia and the UN administered territory of Kosovo.

HOW TO USE THIS MANUAL

With principles of interactive teaching methods in mind, this manual has been structured to allow trainers to gain knowledge relevant to their specific interests and at the same time provide them with broader information on delivery techniques and the development of training sessions. The manual consists of nine separate units each of which has been designed to cover approximately six hours of face-to-face training.² Units 1-8 comprise the body of training material organised under distinct but inter-related subject headings. Unit 9 is a Training Manual provided as a resource for trainers, offering guidance and suggestions on interactive teaching methods and planning of training sessions. All units from 1-8 are introduced by lesson plans and contain case studies, examples and role-plays to be used during the training.

The Lesson Plan includes:

Objectives: Intended as an achievable agreement between trainer and trainee, these are specific, action-oriented outcomes for each session, intended to embrace the learning goals of knowledge, skills/behaviour and attitude. Objectives are challenging to measure, but should be reviewed and evaluated during 'Closure' sessions as a measure of accomplishment;

Materials and Equipment: The goal has been to keep equipment needs basic while providing extensive materials within the unit text. On a few occasions video/DVD is recommended as a training tool. Powerpoint slides (requiring projector etc) have been generally avoided. They require time and skill to develop as effective training tools and if poorly designed are a hindrance to learning;

Timing: This has been avoided because of the differential focus by various training groups, which will impact on the emphasis. Nonetheless, it will be important for trainers to determine timings for training delivery, ensuring that adequate time is available for reflection and discussion;

Procedure: This section describes the headings and sub-headings of key topics in the unit. It provides ideas, guidance and methods for numerous different ways of delivering the training. It provides alternatives to traditional style lecturing as well as suggestions for integrating a brief lecture together with alternative activities.

Case studies are examples based on real or amalgamated problems. Solutions are explored through discussion in small groups. Often there are no 'correct' answers and they are used to illustrate the ambiguity associated with real life cases – as opposed to the clear answers suggested in theoretical learning. Cases used in this manual are intended as options/samples and should be freely replaced with relevant local examples.

²This structure is of course intended to be used as a recommendation and can be adapted by each trainer according to his/her individual needs.

Examples of situations, dilemmas, processes, documents and solutions are provided for interest and as demonstration tools. They are not the same as a case study and should not be used as such. Trainers are encouraged to elicit local examples from participants as well as from their own professional experience.

The manual structure is as follows:

Unit 1: What is Trafficking in Human Beings?

As the foundation unit introduces participants to the definitions and terminology with which they need to become familiar; covers basic legal instruments and other crimes related to trafficking.

Unit 2: The Trafficking Process.

Examines the phases of the process and links them to the specific language of the UN.

Protocol – means, acts and purpose – as an analytical tool; demonstrates a variety of patterns of trafficking and the difference between trafficking and smuggling human beings; looks briefly at trafficking in children and trafficking in organs.

Unit 3: The Multi Agency Approach.

Explores relationships with other actors dealing with trafficking, their mandates and functions as well as opportunities for co-operation.

Unit 4: The Identification Processes.

Deals with the challenge of identification of both trafficked person and trafficker. Examines profiles of both categories and the extent and method of co-operation with other bodies and individuals in order to identify victims and perpetrators.

Unit 5: Intelligence Gathering and Exchange.

Examines the different types and sources of intelligence, both internal and international, as well as how and under what circumstances intelligence is shared and used.

Unit 6: International Co-operation.

Examines the specific terms and means of official co-operation between states and institutions and their legal basis and process.

Unit 7: Investigation of trafficking cases.

Looks at the processes and procedures or investigative options as well as the planning and conduct of operations and their aftermath. Discusses the techniques for investigative processing of both victim and perpetrator.

Unit 8: Victim as Witness.

Covers issues related to witness protection throughout the trial procedures and phases as well as specific issues related to the protection of children.

Unit 9: Training Manual.

Designed as a resource document for trainers, this unit covers the following topics:

The Role of the Trainer/Facilitator: contrasts the role of teacher vs. trainer and the need to create an effective learning environment, and develop appropriate structures, forms and methods for training;

Principles of Adult Learning: describes the need for active participation and experiential learning by adults; describes the differences between learning for knowledge, skills and attitude change;

The Training Process: outlines the stages of the process (assessment, design, development, implementation and evaluation with extensive details and tips on each step as well as explanation of their relationship to effective training);

Training Tools: Outlines the advantages and disadvantages of a number of tools intended to instruct, stimulate and involve the adult learner.

Effective Facilitation: Summarises the role of the effective trainer/facilitator with suggestions for enhanced trainer performance.

The Annexes give the trainers examples, case studies and exercises to be distributed to the participants reflecting the content of unit 1-8 (Annex 1-8), a sample evaluation form (Annex 9) and a list of reference material (Annex 10).

Icons have been introduced to help users to:

1. stress the importance of the subject
2. show practical examples
3. make cross references to other sections of the manual
4. give case studies

Legend for Icons used in Units 1-8



IMPORTANT



EXAMPLE



CROSS REFERENCE



CASE STUDY

The matrix below is intended to assist trainers in adapting their training sessions to different target groups by recommending specific session structures.

Target Groups	International Instruments	The Trafficking Process	The Identification Process	The Multi-Agency Approach to Trafficking	Intelligence Gathering and Exchange.	International Co-operation	Investigating Anti-Trafficking Cases	The Victim as Witness
Chapter								
Specialized police officers	■	■	■	■	■	■	■	■
Border police	■	■	■	■	■	■	■	■
Cadets, students,	■	■	■	■	■	■	■	■
Non-specialized police officers (street police)	■	■	■	■	■	■	■	■

RED DOT: VERY IMPORTANT INFORMATION THAT SHOULD BE MANDATORY.

GREEN DOT: RELEVANT INFORMATION

BLUE DOT: BASIC INFORMATION

List of Abbreviations

ATU	Anti-Trafficking Unit
CIS	Commonwealth of Independent States
CCTV	Closed-circuit television
CoE	Council of Europe
EU	European Union
EC	European Communities
EILEC	European Institute for Law Enforcement Cooperation
ELOs	Europol Liaison Officers
ID	Identity Document
IGO	Inter-governmental Organisation
ILO	International Labour Organization
IO	International Organization
IOM	International Organization for Migration
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoU	Memorandum of Understanding
NAP	National Action Plan
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
PTSD	Post-traumatic Stress Disorder
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
UNMIK	United Nations Interim Administration Mission in Kosovo
WHO	World Health Organization
WCO	World Customs Organisation

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 UN Convention Against Transnational Organized Crime (2000) "Trafficking in persons" shall mean: 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs'. Article 3 (a)

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. Article 3 (c)

"**Child**" shall mean any person less than eighteen years of age. Article 3 (d)

Smuggling

According to the UN Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime (2000) "Smuggling of migrants" shall mean: 'The procurement to obtain, directly, or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident'. Article 3 (a)

Victim of crime

According to the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) "Victims" means 'persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power'. Para 1.

'A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended,

prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization'. Para 2.

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'. Article 2.1.

Slavery

According to Article 1 of the UN 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

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

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 the use of terminology: for reasons of simplification the term "victim" is used throughout the document regardless of whether the person concerned would have to be called more precisely "presumed victim".

UNIT 1



Unit 1: What is Trafficking in Human Beings (THB)?

1.1. Training Plan

Learning Objectives

- To explain definitions of terms related to trafficking in human beings and briefly describe various forms of trafficking;
- To develop familiarity and comfort with the key elements of international laws related to trafficking in human beings;
- To describe crimes related to trafficking in human beings;
- To outline national laws related to trafficking in human beings.

Method

Lecture/Brief Input + Work in Groups + Discussion + Case study + Brainstorming + Presentation of Film, if possible

Supporting material

Training Manual Unit 1 + Copies of relevant laws and/or articles of laws + Flipchart + Film (DVD), TV, DVD Player

Procedure

Introduction

Topic 1. What is Trafficking in Human Beings?

- Conduct Brainstorm to get from participants all the words they associate with THB;
- Group the results under headings to help create order in their thinking. Post and save results;
- Get participants to individually complete *Handout 1.1. "Quick Quiz"* as next phase in establishing definitions. Ask groups to compare results. Write CORRECT answers, gathered from class, on a flipchart and maintain as reference;
- Introductory lecture on THB in general;
- Introduction on trafficking in the country (national data, statistics, forms, sectors affected etc.).

Topic 1.1. International Instruments

- Lecture/input on international legal instruments, new legal principles, basic terminology.

Topic 1.1.2. Palermo Protocol

- Focus on the highlights, and the key elements;

- Discuss with class how they see this Protocol supporting/assisting their work? What are its virtues? What are its ambiguities?;
- Focus on the key language: “acts, means and purpose”;
- Get groups to work on *Handout 1.4. Case Study*. Questions and Trainer Notes are included.

Topic 1.1.3. The Council of Europe Convention

- Draw comparisons with Palermo Protocol: similarities, differences, mutualities;
- Film presentation³. When showing film, ensure that appropriate excerpts are edited for showing: give class specific questions to answer and interrupt film in order to discuss: ensure adequate de-briefing.

Topic 2. Related Crimes

- Get small groups to conduct “mini-brainstorm” on elements of trafficking that they know/believe to be related to other crimes;
- During plenary report back, draw attention to *Handout 1.5. Crimes Related to Trafficking in Human Beings*;

Conclusions and Closure

Handouts

Handout 1.1. Quick Quiz

Handout 1.2. International Instruments

Handout 1.3. Definition of trafficking according to UN Trafficking Protocol

Handout 1.4. Case Study: Trafficking for Labour Exploitation

Handout 1.5. Case Study: Trafficking in Children

Handout 1.6. Case Study: Trafficking for Sexual Exploitation

Handout 1.7. Crimes Related to Trafficking in Human Beings

Copies of national laws

Copies of other relevant documents e.g. national action plan against trafficking, contacts and description of anti-trafficking coordinator's office etc.

³ There are a number of fiction and documentary movies on Trafficking in Human Beings, available on DVD. They are often used to effectively complement training sessions. Among the most widely used at the time of publication of this manual is *Lilya 4-ever*, directed by Lukas Moodysson (2002). Other video material has been produced by UNODC, ILO and in the frame of an MTV campaign. In addition to such commercial material, any video material from media sources or police archives that can be used to complement the sessions should be taken into consideration and inserted in the plan where appropriate.

1.2. What is 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 a minimum of one third are trafficked for economic purposes.⁴ 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.⁵

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 increasingly reflecting, cultural, economic and social changes.

Even if the hidden nature of organised 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 organised crime worldwide, together with trafficking in narcotics and weapons. However, estimates are differing. According to the European Union Organised Crime Situation Report 2004⁶, on a global scale trafficking in human beings is a business of € 8.5 to 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.⁷

In contrast to other kinds of illegal business, trafficking in human beings relies basically on practices of violation of the human rights of the persons victimised, 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.

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,

⁴ ILO, A Global Alliance Against Forced Labor, Global report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labor Organization, 12 May 2005, p.46.

⁵ ILO, A Global Alliance Against Forced Labor, 2005, p.46.

⁶ EUROPOL, Organised Crime Report, 2004, p.12.

⁷ ILO, A Global Alliance Against Forced Labor, 2005, p.55.

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 witnesses. Either due to the risk of reprisals against him/her and/or his/her family/loved ones and/or due to the violent and traumatic experiences the victim has undergone. Consequently, police officers face a completely new set of challenges where the victims are usually immediately available to co-operate and denounce the perpetrators. This could create difficulties in re-actively investigating and prosecuting trafficking cases. According to international law the role of the police here is clearly defined. It is to protect the victim's rights to safety and support, including protection from traffickers, protection of privacy and identity, regardless of whether the victim acts as a witness or not. In order to do so, co-ordination and co-operation with other national and international actors involved is crucial.

The latter is also true for all phases of investigating a trafficking case. Thus, as with any other trans-national crime, familiarity with national and international legislation on human trafficking is essential in order to deal with the complexities posed by trafficking cases.

1.3. International Instruments

A number of international conventions and treaties deal with or refer to human trafficking and require countries to criminalise it. 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 national legislation to comply with international commitments. The agreements listed here in chronological order are a sample of the many international treaties dealing with this subject:

1958 Discrimination (Employment and Occupation) Convention (No. 111)

http://www.unhchr.ch/html/menu3/b/d_ilo111.htm

1966 International Covenant on Civil and Political Rights

http://www.unhchr.ch/html/menu3/b/a_ccpr.htm

1979 International Convention on the Elimination of All Forms of Racial Discrimination

http://www.unhchr.ch/html/menu3/b/d_icerd.htm

1979 Convention on the Elimination of All Forms of Discrimination against Women

<http://www.unhchr.ch/html/menu3/b/e1cedaw.htm>

1989 Convention on the Rights of the Child

<http://www.unhchr.ch/html/menu2/6/crc/treaties/crc.htm>

1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

http://www.unhchr.ch/html/menu3/b/m_mwctoc.htm

1999 Worst Forms of Child Labour Convention, 1957 Abolition of Forced Labour Convention, 1930 Forced Labour Convention

<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

<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

<http://www.unhchr.ch/html/menu3/b/92.htm>

2002 EU Council Framework Decision on Trafficking in Human Beings
http://europa.eu.int/eurlex/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

<http://europa.eu.int/scadplus/leg/en/lvb/l23034.htm>

2005 Council of Europe Convention on Action Against Trafficking in Human Beings

http://www.coe.int/T/E/human_rights/trafficking/

It is important to stress that the norms foreseen by international treaties are binding for States that ratify them, and the ratification status of each Convention can be seen at the reported website links. The adoption of new international instruments on the part of governments in the last few years is an indicator of increased international awareness that trafficking represents a serious threat and that responses need to be strengthened and co-ordinated.

1.3.1. The Palermo Protocol

The primary international legal instrument dealing with human trafficking is the UN Convention against Trans-national Organised Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (**Palermo Protocol**). The Convention was adopted by the UN General Assembly in November 2000 and entered into force December 2003⁸.

The United Nations Convention against Trans-national Organised Crime is a legally binding instrument committing States that ratify it to taking a series of measures against trans-national organised crime. States party to the Convention are required to establish in their domestic laws four criminal offences: participation in an organised criminal group, money laundering, corruption and obstruction of justice.

The Convention also determines how countries can improve co-operation through extradition, mutual legal assistance, transfer of proceedings and joint investigations. Moreover it includes provisions on victim and witness protection and the protection of legal markets from infiltration by organised criminal groups. Parties to the treaty would also have to provide technical assistance to developing countries.

According to its Art. 2, the basic purpose of the Palermo Protocol is

- to prevent and combat trafficking;

⁸ During the writing of this manual, 84 States have ratified the convention and 33 have signed it and are awaiting ratification. Updates on the ratification process can be found at: http://www.unodc.org/unodc/en/crime_cicp_signatures.html.

- to protect and assist victims, with full respect of their human rights; and
- to promote international co-operation.

According to the Palermo Protocol (Art. 3) trafficking is defined as follows:

(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.

This definition is inclusive of all trafficking practices and it reflects the reality of current trafficking mechanisms:

It recognises all forms of trafficking and does not restrict the phenomenon to sexual exploitation, but permits to take into account the conditions of forced labour, servitude, slavery-like practices and slavery, each of which are defined by international law;

It does not focus on women only, recognising that men are also victims of the crime;

It does not imply that victims 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;

With the exceptions of persons under the age of eighteen years, trafficking requires some form of distortion of the victim's free and informed will, be it by means of force, deception or abuse of power.

The definition respects the ability of adult persons to make self-determined decisions about their lives. At the same time, because deception is sufficient for a trafficking case, force or

coercion not being necessary elements to constitute the crime, it correctly protects individuals whose free will has been abused.⁹

It is useful to break down the definition into its several components and analyse them in detail. The definition of the crime of trafficking includes three different elements that help to identify trafficking cases. They are, respectively, acts, means and purposes:

1) Acts such as:

Recruitment – offering work abroad or in-country (generally low-paid jobs, such as cleaners, waitresses, domestic workers, dancers, construction workers, agricultural workers, workers in the textile and garment industry, tourism and catering services etc.). Several methods are used to legally or illegally recruit persons who will be later heavily exploited. Jobs are either advertised in the media, offered through employment agencies or through family members, friends and acquaintances, or individuals well known to the victim.

Transfer, transportation of trafficked persons – organisation of the transfer of persons to be trafficked from one place to another, within the country or across the country borders and/or facilitation of illegal border crossing and organisation of illegal stay in the country of transit/destination. After the persons have agreed to the job offer traffickers then facilitate migration or the transfer to other locations within the country. Usually high prices are charged for organising the travel as well as documentation such as visas, work permission etc. If the trafficked persons have illegal status in the country of transit/destination, this circumstance is used by traffickers to foster dependence and to fuel the victim's fear of being arrested and deported by local authorities, as opposed to the possibility of seeking or receiving help. In cases where victims leave their country legally, traffickers organise transportation and provide funds and accommodation, possibly setting the conditions for a debt-bondage scheme.



Cross reference Glossary of Terms

Harbouring, receipt of persons – restricting freedom of movement, seizing documents, organising accommodation, etc. In the majority of cases trafficked persons realise that they have been trafficked only when they are confronted with the demands of traffickers/employers i.e. when they arrive at the destination. Victims might be sold by the persons who transported them and bought by persons who will exploit them in legal/illegal labour markets or activities.

2) Means are always the threat or use of force, deception, coercion, abduction, abuse of power, with the exception of child trafficking (see below). It must be kept in mind that the control of individuals can be achieved through many means, without necessarily reverting to force at all stages. 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 usually perceive their

⁹ICMPD, Regional Standard for Anti-trafficking Police Training in SEE, 2003, p.37.

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 migrants, especially if they do not have valid documents and/or visas to emigrate. 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 to initiate the trafficking process, especially where trans-national transport is foreseen (legal or illegal).

According to the UN definition of trafficking, in all cases in which children are involved (i.e. persons under 18 years of age) those who transport or transfer children for the purpose of exploitation commit the crime of trafficking even if threat or use of force, deception, coercion, abduction, abuse of power are not present.



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 original consent of the victim becomes irrelevant. 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, no matter if prostitution is legal or illegal in the country of origin or destination.



A young woman from Serbia without job opportunities accepts a job as a prostitute in Italy. The arrangement made with some acquaintances is that she will work in very expensive hotels, with one customer per night and a remuneration of around € 1,000. She is given a false identity card and a visa and is put on a boat from Croatia to Ancona. Once she arrives at the destination, she is kept hostage by an organised crime group composed of Albanian, Serbian and Russian nationals. She is obliged to perform street prostitution in a dangerous place and none of the terms she had agreed to are respected: She is not paid, she is forced to work as much as the criminals force her to, she cannot refuse to work or get out of the scheme. After 10 days she finds help through an Italian man. The two report the crime to the police. An anti-trafficking investigation starts. The woman is traumatised, but she knows that she has been the victim of a crime. The officer who receives the case passes it on to a specialised investigator. Under Art. 18 Legislative Decree n. 286/98, the woman receives legal assistance and support from specialised services giving her the opportunity to stabilise and decide within six months if she would like to testify. After five and a half months she decides to testify against the traffickers and is given protection by the authorities so that she can serve as a witness.¹⁰

¹⁰ This case study was provided by ASTRA, Serbia, 2005.

3) Purpose – Trafficking in human beings always involves the purpose of exploiting persons' labour or services in legal as well as illegal sectors, such as in the sex industry, the construction industry, catering services, private households, for begging, stealing, drug smuggling or removal of organs etc. Through exploitation traffickers gain their profits. Typically victims realise that they have been cheated upon and trapped by the traffickers only after arrival at their new work place, when the purpose of the exploitation of labour or services is revealed to them. At this point it is extremely difficult for the victims to get out of the situation.



It is of outmost importance to stress that when the three elements – acts, means and purpose – are in place, the committed crime can be identified as the crime of trafficking in human beings.



Trafficking for Labour Exploitation

Corneliu is a Romanian construction worker, aged 34. During most of his professional life he worked in Bucharest, without really making enough for a living. When he heard that he could make more money working on construction sites in Italy, he contacted the Romanian National Office for recruitment and Employment Abroad but did not succeed in obtaining a work permit. A private recruitment agency offered him a contract where he would be able to circumvent the bureaucratic hurdles. Corneliu signed the contract, paid a fee of US\$ 3000 to the agency and left for Italy. When he arrived at the work site in Italy, he found that the accommodation was very bad and that he had to work longer hours than indicated in his contract. After one month, Corneliu demanded his monthly salary as agreed, but the employer put him off from day to day. As he had no valid work permit for Italy, Corneliu did not dare to report to the police.¹¹

QUESTIONS FOR STUDENTS:

1. What are the factors in Cornelius's situation that "makes" him to leave Romania?
2. As far as you can tell from the text, what options exist for Corneliu if he reports to the police?
3. In what ways do you think that Corneliu falls under the definition of trafficking?

TRAINER NOTES

- i) Explore the reasons why people are forced into risky survival strategies; and
- ii) What might be some of the corresponding pull factors in this situation?

¹¹ Adapted from: ILO, Trafficking for Forced Labour. How to monitor the recruitment of migrant workers, Training Manual, Geneva, 2004, p.71



Handout 1.5. Case Study: Trafficking in Children

A 15 year old girl currently housed in a shelter for trafficked persons told a counsellor how she was initially pushed into prostitution in Romania, after she had run away from home because of the continuous and violent fighting between her parents, who made her life at home impossible.

When she was 14 she got her identification papers and a passport. At that time a woman who had offered to help her told her she had found a very good job for her in Turkey, as au pair in the family of a Romanian diplomat living in Turkey. In reality the child was sent into forced prostitution. Arrested and sent back to her country, the same “mistress” awaited her upon her return.

Shortly afterwards the child was sent abroad again, this time to Spain. By the time she was 15 years old, she had been forced into prostitution in three different countries and had undergone violence and abuse from many exploiters. When she was rescued and assisted by the police, with the support of specialised services provided by an NGO in France, she appeared badly traumatised and needed serious health and psychological assistance.

QUESTIONS FOR STUDENTS:

1. Identify elements of the case that configure the crime of trafficking in human beings as defined by the Palermo Protocol (Use the terminology: acts, means, purpose).
2. Describe any differences of definition in the meaning of ‘child’ between your national law and the Palermo Protocol.

TRAINER NOTES:

- i) Ensure that the language/definitions of the Protocol are rigorously applied to this set of circumstances (Acts: recruitment, transportation, harbouring, transfer; Means: use of force, deceit, abduction; Purpose: kind of exploitation);
- ii) Reinforce the vulnerability of children who lack guardians helping them to make life decisions and to investigate offers and arrangements.



Handout 1.6. Case Study: Trafficking for Sexual Exploitation

A 25 year-old Macedonian woman, Anita, dated a Macedonian man, Goran, for three weeks. Goran told Anita that he is in love with her and intends to marry her. To Anita, this is a dream come true because her family is very poor and cannot provide very much for her. Anita has been out of work for a year.

Goran proposed to take Anita to Italy to celebrate their love. Anita was at first reluctant because she had never been out of the country and did not speak Italian. Goran promised to take care of her. Goran refused to tell Anita where they were going because he said it should be a surprise. Once they arrived in Italy, he took her documents and forced her to work as a prostitute. Goran threatened that if she tried to leave he would take her sister in her place. Goran also threatened to tell Anita's family, and the village, that she had been prostituting herself voluntarily.

QUESTIONS FOR STUDENTS:

1. What means did Goran use to recruit Anita?
2. How were deceit and coercion used?
3. What are the implications of the threats used against Anita?

TRAINER NOTES:

- i) If possible, cross-reference with "Lilya 4-ever" and the tactics/means Andrej uses to deceive Lilya;
 - ii) Point out both the physical and psychological abuse;
 - iii) Highlight the fact that Anita is now 'branded.' This is very important in cultures that place significance on shame and honour. It is very hard for women to rehabilitate.
-

1.3.2. The Council of Europe Convention

The Council of Europe adopted in May 2005 introduces a comprehensive human rights approach to combating the crime of trafficking. Based on the definition of the Palermo Protocol, the Convention introduces some novelties, especially with regard to victim protection and assistance. The main points are mentioned below:

It takes into account all forms of trafficking, both national and trans-national, and whether or not the methods are linked to organised crime;

It introduces a chapter on investigation, prosecution and procedural law that requires:

- the provision of more effective protection to victims, collaborators with the judicial authorities, witnesses and members of such persons' families;
- the development of specialised individuals/units equipped to promote anti-human-trafficking action and victim protection;

- the adjustment of judicial procedures to ensure better protection of victims' privacy and safety.

It adopts the same definition of trafficking as the Palermo Protocol and introduces a legal definition of the concept of the "victim" of the crime of trafficking;

It introduces the principle of obligatory criminalisation of the crime of trafficking and of the de-criminalisation of trafficked persons. The non-punishment clause contained means that victims are not necessarily penalised, on the grounds that they have been forced into illegal activities and are the victims of crimes themselves;

It introduces the provision of a recovery and reflection period of at least 30 days for trafficked persons;

It opens up the possibility of residence permits on the basis of the persons' co-operation with law enforcement authorities, and on the basis of their personal situation.

1.4. Related Crimes

The legislative response to trafficking in human beings varies depending on the country. Many countries have ratified the Palermo Protocol and enacted specific counter-trafficking legislation in compliance with it; other countries are in the process of drafting and implementing such measures. Some countries are applying the laws and building up specific co-ordination mechanisms to tackle the problem while others are still in preliminary phases.

In countries where there are no specific anti-trafficking provisions in the law, the lack of such legislation is often perceived as an obstacle to prosecution. However, even though specific legislation enhances investigations and leads to prosecution, the existing law should also be used to prosecute traffickers, as trafficking always involves the perpetration of a range of other serious offences that national law already addresses. Hence, where specific legislation to combat it is not in place yet, the different elements of the crime should still be prosecuted. Sanctions for associated criminal offences are always included in penal codes such as: sexual and physical abuse, pimping, abduction, enslavement, unlawful imprisonment, production and possession of forged identity and travel documents, migrant smuggling, etc. The different kinds of coercion used by traffickers, as well as corruption, and financial crimes have to be identified in each case, eventually looking for aggravating circumstances.

Handout 1.7. Crimes Related to Trafficking in Human Beings

Related Crimes to Trafficking in Human Beings



Closure

¹² The chart is based on NATO anti-trafficking training material. NATO, A threat to Security and Stability, Module for Military Commanders and Civilian Leaders, Module 2, 2005, p. 11.



National Teams

Identify the specificities of its legislation in criminal, civil and employment law, and compare them to international standards in order to gain a picture of the instruments involved in the investigation and prosecution of trafficking cases.

Incorporate the existing national legislation on human trafficking covering trafficking for sexual as well as labour exploitation, trafficking in children and in organs. If THB is not recognised as a crime in your country, please note to which other criminal acts/laws you could refer in order to prosecute traffickers.

UNIT 2



Unit 2: The Trafficking Process

2.1. Training Plan

Learning Objectives

- To explain the distinct phases of the trafficking process;
- To describe the means, actions and purpose of trafficking in humans;
- To identify specific issues related to trafficking in children and trafficking in human organs;
- To compare and distinguish between trafficking and smuggling.

Method

Lecture/Brief Input + Work in Groups + Discussion + Reference to Film (optional) + Case Study + Brainstorming

Supporting material

Training Manual Unit 2 + Flipchart + Projector for PowerPoint Presentation (optional) + Film (DVD), TV, DVD Player (optional)

Procedure

Introduction

Topic: The Trafficking Process

- Brainstorm – what are the phases of the trafficking process? Collect on flipchart or board;
- Use *Handout 2.1. Elements of the Palermo Protocol's definition of trafficking* to summarise and illustrate. Walk the participants through the chart and what it means;
- Ask for examples to illustrate each 'box' from participants;
- Stress variety of possible cases and forms of exploitation and use real examples, to illustrate;
- Divide into groups and distribute *Handout 2.2. Case Outlines*. Participants should work complete individually. They should then consult in the group and produce a consolidated answer;
- Ask for solutions and where mistakes are made asks another group to explain the correct answer.

Topic 2.1 Means, Acts and Purpose

- Brief lecture, referring to *2.1. Elements of the Palermo Protocol's definition*

of trafficking;

- Distribute and complete *Handout 2.4. CASE STUDY 1*;
- Discuss the recruitment methods, transport or transfer method and exploitation featured in the case;
- Discuss other recruitment methods the participants are aware of; identify other common methods of the transport/transfer of victims. What is the difference between transport and transfer? Are victims of trafficking always accompanied by traffickers? Discuss the transit phase of the case, if any, and identify other common transit methods/scenarios; discuss the form(s) of exploitation in the case given. Discuss other forms of exploitation in cases of human trafficking;
- Provide examples and/or country data whenever possible.

Topic 2.3 Trafficking in Children

- Get participants to list activities they are aware of that trafficked children are used for; why this happens; and how the child Rights Convention is violated by these activities.

Topic 2.4 Trafficking in Organs

- Brief input on push/pull factors influencing this trade.

Topic 2.5 The Difference between Trafficking and Smuggling

- Brainstorm with class on the differences;
- Work in groups on *Handout 2.6. CASE STUDY 2*. Each group reports back to the plenary. Trainer advises and clarifies;
- Use *Handout 2.7. Differences between smuggling and trafficking* to clarify what distinguishes the two crimes. Project on screen or develop on board.

Topic 2.6 The Effects of Trafficking on Society

- Trainer to facilitate discussion with questions and input.

Closure

Handouts

Handout 2.1. Elements of the Palermo Protocol’s definition of trafficking

Handout 2.2. Case Outlines

Handout 2.3. EXAMPLE 1

Handout 2.4. CASE STUDY 1

Handout 2.5. EXAMPLE 2

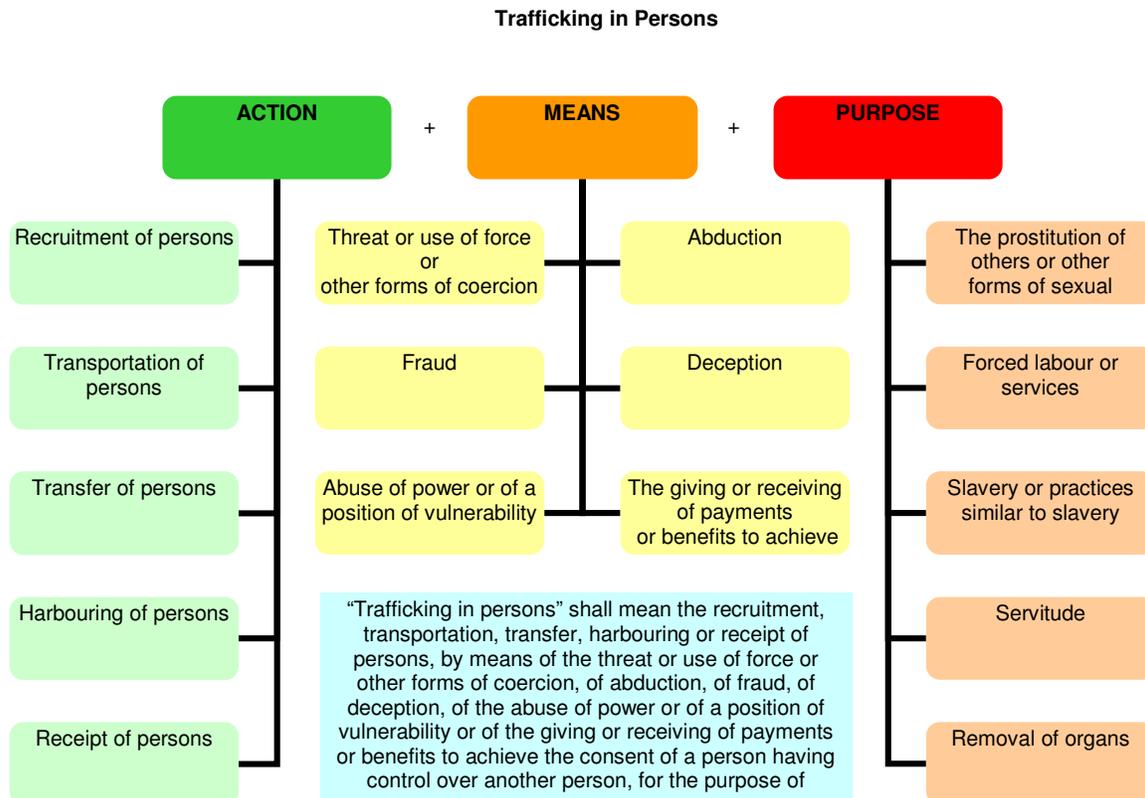
Handout 2.6. CASE STUDY 2

Handout 2.7. Differences between smuggling and trafficking

2.2. The Trafficking Process

Trafficking can be best described as a process where three phases are typically apparent: recruitment, transit and exploitation. Each of them can be combated with specific instruments and strategies.

Handout 2.1. Elements of the Palermo Protocol's definition of trafficking¹³



2.2.1. Means, Acts and Purpose

The Recruitment Phase

The **methods** to recruit people vary considerably and depend on the modus operandi, the level of organisation of the traffickers, as well as on the specific vulnerable group targeted

¹³ EC, Martijn Pluim, Trafficking in Persons, Chart, 2006.

(women/girls/children/orphans/members of ethnic minorities/etc). The methods employed can range from:

1. Coercion through kidnapping, or also through sale (in particular, children);
2. Deception and abduction with promises of legitimate employment or marriage; and
3. Deception through half-truths, such as being told about the possibility of working illegally, but not in badly exploitative or slavery-like conditions, or to be deprived of organs or body parts without having been informed of the possible health consequences.

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

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

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 Palermo Protocol¹⁴. Alternatively, individuals are recruited within their country and moved to another destination within the same country where they subsequently become victims of exploitation.

Migrants leave their own country freely and enter another country, either legally or illegally, without having been trafficked (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.

Migrants reach another country and find a job for themselves and it is only after entering into employment that they are subjected to forced labour – whether this should be subsumed under trafficking is contested.¹⁵

Handout 2.2. Case Outlines

1. Nicoleta is a 18 year old student from Moldova. She responded to a newspaper add for a babysitter in Italy, but found herself working as a strip-dancer in a village in Kosovo, often providing sexual services. Nicoleta is often subjected to inhumane treatment. She is a:

¹⁴ UN Convention against Trans-national Organised Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2003.

¹⁵ See ILO, Human Trafficking and Forced Labour Exploitation. Guidance for Legislation and Law Enforcement, Geneva 2005, p.14. According to the UN Trafficking Protocol three elements must be present for the crime of trafficking: the *act*, i.e. recruitment, transportation, or harbouring, etc. of persons, the *means*, i.e. coercion, abduction, deception, or abuse of power etc. and the (at least intended) exploitation.

- i) Prostitute?
 - ii) Victim of trafficking?
2. Aleksandra agreed to a work as a waitress in Bosnia and Hercegovina knowing that the work might include sexual services. She was instead brought to a village near Mostar to motivate the visitors to consume more drinks, was not paid for her work, was not allowed to move freely, and was at times abused.
- i) Aleksandra accepted commercial sex work and therefore surrendered certain human rights.
 - ii) Aleksandra is a victim of trafficking deceived by false promises for work.
3. Dmitri was illicitly moved through the Greek border and then forced to work in an orange plantation to pay the debt of his immigration. Is he a VoT?
- i) No. Only women are victims of trafficking
 - ii) Yes, he is a VoT because he was exploited and his basic migrant's rights were violated.
4. Marija is a 16 year old girl who was sent by her aunt to work for the summer as a strip-dancer and prostitute in Bitola. Her aunt was being financially compensated from the services that Marija was coerced to do. Is she a VoT?
- i) No, because she knew her aunt and did not object to work in Bitola
 - ii) Yes, because minors sometimes cannot make the right decisions for their lives.
5. Maja is a Macedonian belly dancer who was recruited by a friend of the family to work in a bar in Gostivar. Her boss then forced her to work in a different bar in Struga in order to pay his debts. Is Maja a victim of trafficking?
- i) No. Trafficking occurs only when international borders are crossed
 - ii) Yes. Trafficking can happen even within national borders.

6. Ivana decided to work as a prostitute in Belgium. She was smuggled and worked as a prostitute but was then forced to work under threats and violence, and with limited choice in the matters of partner or protection. Is she a victim of trafficking?
 - i) No, because she chose to be smuggled and she chose to be a prostitute
 - ii) Yes, because she is no longer a prostitute; she has been enslaved.

7. Nikola (11) came from a very poor family and was recruited by his uncle to work as a street beggar. The money earned from Nikola's begging was collected by his uncle. Is Nikola a victim of trafficking in human beings?
 - i) Yes. Trafficking in human beings includes exploitation of minors.
 - ii) No, because Nikola was not asked to provide sexual services and trafficking in human beings always involves some form of sexual exploitation.

8. Manika is a Romanian girl who was sold by a previous employer to work as an entertainer in a bar in Kochani. Is she a victim of trafficking?
 - i) No, because work as an entertainer is not included in the definition on trafficking.
 - ii) Yes, trafficking in human beings can happen irrespective of location.

9. Snezana lived in a Serbian enclave in Kosovo. As a result of poverty and poor prospects she agreed to be recruited to work in Belgrade as a hostess in a bar. She has been physically abused, her freedom of movement limited and forced to provide sexual services to customers at the bar. Is she a victim of trafficking?
 - i) No, she went to the job in Belgrade willingly.
 - ii) Yes, she did go to work as a hostess not as a prostitute.

10. Omar is a young Turkish man who replied to a job advertisement for construction workers in Portugal. He had a passport and the construction company took care of the necessary visas and work permits. When he arrived in Portugal he went to work at the site, but was not allowed to leave it. He was accommodated in a room in a shack on site, was not paid the money he was promised and his passport and other documents were kept by the company. Is he a victim of trafficking?

- i) No. He went to Portugal willingly and legally.
- ii) Yes his labour is being exploited and his freedom of movement denied.



Handout 2.3. Example 1

A 19-year-old mother, who lived in a small town near a bigger industrial city in Serbia, could not find a job because of the generally bad economic situation. She lived with her father who was an alcoholic. After a fight with her father she decided to look for jobs not only in her hometown, but also in the nearby city. She applied for a job as waitress in a cafe, got the job and moved to the city.

The owner of the cafe never paid her the agreed salary, treated her in a very rude manner and sexually harassed her. Due to these circumstances she was taken in by a man (later she discovered he was her boss's friend) who offered her a job as a sex worker in a famous Italian tourist resort working with famous clients. She agreed to work for a salary of € 1,000. With the assistance of a Croatian friend the man who recruited her provided her with a false passport and transported her to Northern Italy. As soon as she got there, all her documents were taken away and the head of the criminal gang forced her to work as a street prostitute between Trevizo and Mestre (11km). In this area, Serbian, Albanian and Russian mafias operated and organised the sex market.

When the young woman refused to work as a prostitute, she was beaten and raped for three days and nights, as were the others who resisted. After this traumatic experience she gave in and worked the streets, but planned to run away as soon as she had the chance. At the time she earned € 800 per night, but had to hand over the money to the trafficking gang. After 10 days she escaped with the help of an Italian client. She managed to reach the Serbian border and reported the entire case to the border police. Most of the gang were arrested and the case has since gone before the special court for organised crime in Belgrade.

Although the victim received professional assistance and care in a shelter and hospital she tried to commit suicide twice. After further stabilisation efforts by professionals she successfully testified and was then transferred to a third country to ensure her safety. A verdict on the case has not been reached yet.

2.2.2. Transport and Transit

Traffickers transport victims away from their place of origin (be it internally or across borders) in order to remove them from communities, families and friends, isolate them and keep them

easily under control. During the transit victims can be sold from one trafficker to another without their knowledge, and continually taken on long journeys without a precise direction. During the journey victims are either not aware of what lies ahead at their place of destination or have already been exploited by the trafficker and are just being moved to another place. It is a significant challenge for law enforcement officers to identify either potential victims, so as to prevent the attempt of a crime and intended exploitation from being accomplished, or to discover an ongoing crime.

As regards the origin of trafficking victims, according to ILO, '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'.¹⁶ Other trafficking routes have also 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 reportedly been "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.¹⁷ It should be noted, however, that trafficking routes are never fixed, but change and follow demand in the respective countries and regions.

Traffickers moreover take into account the degree of corruption that exists in different countries as well as the risk they face in being caught and severely punished, and select their transportation routes accordingly.

2.2.3. Exploitation

The forms of exploitation that the Palermo Protocol associates with trafficking are defined in a series of 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.¹⁸ Sexual exploitation refers to commercial 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 necessarily being "owned" by them, notably "debt bondage", the practice of requiring someone to work to pay off

¹⁶ ILO, A Global Alliance Against Forced Labor, 2005, p.9.

¹⁷ OSCE, Implications for the OSCE, ODIHR Background Paper 1999/3, published: http://www.osce.org/documents/odihr/1999/09/1503_en.html

¹⁸ Exploitation of the prostitution of others is the subject of the UN's Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949.

a loan when the value of their work greatly exceeds the value of the loan.¹⁹ The “removal of organs” as a form of exploitation refers to cases of organ transplants that involve living donors who are paid money (or whose relatives take money on their behalf) in return for donating an organ, such as a kidney, or body fluids to another patient.²⁰

While being exploited, victims of trafficking are placed in a condition of servitude and are totally dependent on the traffickers. Fear of reprisal or vulnerability vis-à-vis the law is a key element. At this stage the criminal intent of the traffickers – exploitation of the victims for financial gains – is fully realised.

It should be stressed that the three phases outlined above are in reality often partly overlapping or concurrent. Some cases may have several transit and destination phases, as victims are frequently re-trafficked. Conversely, in other cases there may be no transit country phase at all.



Handout 2.4. CASE STUDY 1

K.P. is a 30-year-old Ukrainian woman with higher education, who works as an engineer in a privately owned company in her home town. K. is intelligent, serious, ambitious, and fully aware that with her skills she could have a better life and a successful career if she went abroad. K. is well-off within her circle of friends and acquaintances, she earns money, has a flat, can afford a good standard of living. But K. knows that in her home town and in her country a talented person will only reach limited success as the opportunities are limited.

To have a brighter future K. would like to move to another country, where standards of living are higher and real career opportunities are accessible. K. knows about what trafficking in human beings. She is a well informed person, who is aware that thousands of persons end up exploited and enslaved by criminals. K. considers herself beyond the target group of those criminals. She believes that only ignorant, poor people end up trapped in trafficking schemes. What she does not know is that increasing numbers of well-educated, talented people like her are also targeted by traffickers.

When an acquaintance tells her that in Sweden there are shortages of professionals with her qualifications and puts her in touch with a recruitment agency, she sends her Curriculum Vitae and starts preparing for the recruitment process. K. speaks English and French. Determined to succeed, she plans to start learning Swedish as soon as possible. K. is interviewed by a

¹⁹Debt 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.

²⁰The World Health Assembly adopted guidelines in 1991 which prohibit trafficking in human organs for commercial gain. See WHO, Human Organ Transplantation, A Report on Developments under the Auspices of WHO (1987-1991). The UN Palermo Protocol, also in the case of the removal of organs as a form of exploitation, requires the act of e.g. recruitment or harbouring, etc., as well as the means of e.g. deception or abuse of a position of vulnerability, etc. to be present for the crime of trafficking in organs to be completed. National legislation, however, might define organ trafficking differently. UN, UN Palermo Protocol, Article 3, p.40.

woman of the recruitment agency, who contacts her one week after the interview to tell her that she is one of the five selected people to get a job in Sweden for this year. She will have very similar responsibilities to the ones she has in her current job, but greater career opportunities. The start salary she is offered is 24,000 Crowns (equivalent of € 2500 approx.).

When K. asks when will she sign her contract, she is reassured that she will sign the contract as soon as she starts her new job. The employer will take care of contractual formalities. When she objects to this, and asks about visa and work permits, she is told that employers request a probation period to test the real qualifications of the recruited staff. K. will therefore at first enter the country as a tourist. After the probation period, she will be given a proper contract and work permit. When she insists on having a paper agreement with the agency, K. is given a pre-contract. (She will discover later that this piece of paper has no validity and that the recruitment agency appearing on it is not registered).

K is reassured that there is no other way to get good jobs in European countries and it is explained to her that the system works as follows: The company advances the necessary amount of money to the recruited candidates through the agency so that they are able to cover travel costs, enter the country and face the first expenses to settle in. The amount due is then gradually taken out of the salary for the first 12 months of work until the debt is extinguished. K. is also informed that the agency charges a fee from the company and a smaller fee from the selected candidates for the services rendered (equivalent of € 1500). Those who cannot pay the fee to the recruitment agency, in total or in part, can gradually pay the due amount back through the same system of gradual reimbursement once they are in their new job.

K. accepts the terms, knowing that it is indeed very difficult to get good jobs in European countries and leaves by plane, alone, with a tourist visa and cash in her purse. At her arrival, a driver of the company picks her up and brings her to her accommodation. She is told that this is going to be her apartment for the probation period. If she is good in the job, she will then decide whether she wants to move out and change apartment or stay. A man who is introduced as the landlord of the apartment and who lives next door requests that she pays the first three months in advance.

From the following morning on, K. will realise there is no proper job waiting for her. She will remain in that apartment for eight months, forced into prostitution and exploited by her traffickers. Of the money customers will give her, she will be allowed to retain very little and very rarely.

QUESTIONS FOR STUDENTS:

Analyse the trafficking process:

1. Focus on the recruitment method,

2. Focus on transport/transfer and transit

3. Focus on exploitation

TRAINER NOTES:

- i) The answers are reasonably self-evident. This is an exercise for participants to practice analytical skills.
 - ii) Take the opportunity during the report back to ask if participants have heard of similar situations and discuss them. How were they similar or different?
 - iii) Highlight the fact that trafficking affects all people of all ages, education, class, cultural group etc., although the young, ill-educated rural person is more vulnerable.
 - iv) Compare K's experience with that of Lilya in "Lilya 4-ever." What are the similarities and differences?
-

2.2.4. Forms, Sectors and Means of Exploitation

Trafficking in human beings occurs in different shapes and forms. The most well known is trafficking for the exploitation of women and children in sex markets. Recent investigations about cases of forced labour in Europe reveal that victims are being exploited in a wide range of economic sectors – legal or illegal, including:²¹

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

²¹ ILO, A Global Alliance Against Forced Labour, p.46-47.

- Petty crime; street runners in drug trafficking.

Investigations show that the agriculture and construction industries are the most prone to trafficking for 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 per cent had been trafficked into coerced prostitution, 21 per cent into construction and 13 per cent into agriculture.²²

Women and children may constitute up to 98 per cent of persons trapped into forced prostitution, which has a strong gender-based recruitment profile. The high increase of this kind of exploitation worldwide is linked to the evolution of the **sex market** in the last 15 years, which has seen local sex markets expand and take on new forms²³. Extensive growth has been recorded in CIS (Commonwealth of Independent States) countries and the Balkans. Initially promoted by individuals and small groups, the commercial (illegal) sex businesses have been rapidly monopolised by specialised rings of organised crime. Moreover the patterns of the sex markets have recently changed. It has been repeatedly reported that, due to the increasing raids of brothels, trafficking has gone further underground. This means that victims are now often located in private apartments, with a significant reduction in opportunities to find any help.²⁴ It is also apparent that in countries where prostitution is legal, non-registered brothels exploiting the services of women have to go underground to avoid discovery. The bar raids are problematic and often do not lead to the expected results, as victims, due to a number of reasons, e.g. their own denial of seeing themselves as trafficked victims, a wrong assessment by law enforcement officers/authorities, etc., are not identified. As the patterns of the market change, law enforcement officers have to adapt and apply new approaches both in identifying victims and investigating the crime.



Cross-reference Unit 4: Victim Identification

In **agricultural industries** workers are often asked to work intensively, in many instances where a seasonal workforce is required. In **construction** industries it is quite common that, due to complex contracting and subcontracting chains, workers are left 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 workers receive a very low salary they do not have the right to

²² ILO, A Global Alliance Against Forced Labor, 2005, p.48.

²³ Paola Monzini: On the growth of the “global sex market”, 2002, pp.12–19.

²⁴ IOM, Changing Patterns and Trends of Trafficking in Persons in the Balkan Region, 2004, p.29.

leave. They usually have no social networks and have a debt to repay for the travel and job arrangements.²⁵

Another high risk forced labour sector is **domestic work**. Many women see domestic work as their only opportunity to go abroad and, in some cases, emigrate. They often leave through arrangements with recruitment agencies that prepare contracts for them. Once they arrive many discover that they receive a very low salary or none at all, that they do not have health insurance, maternity leave or holidays, and that they are not free to change employer. Due to the unprotected nature of their work and the very close relationship with their employers – who often live in the same house – they suffer social isolation. This occurs particularly when they do not speak the local language and are not in a regular administrative position. Consequently they are easily controlled by employers, who keep them in poor conditions. Domestic work is an informal sector that is difficult to monitor and control. Inspections are rare and in many countries it is not included in labour code provisions.

In particular, forced labour is determined by the nature of the relationship between the person involved and the employer. It implies restrictions on freedom of movement, removal of identity documents, and threats, for instance the threat of violence or the threat of denouncing irregular migrants who complain about living standards and working conditions to immigration authorities.²⁶

One of the most widely used means of the control of victims is **debt bondage**. The legal definition of this practice 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.²⁷

In practice, debt bondage occurs when a person becomes a security against a debt or loan.²⁸ In trafficking cases, traffickers keep victims under debt bondage by requiring them to repay 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 may not always realise that this kind of scheme is abusive and illegal and believe it to be part of a consentient transaction, based on adequate or almost

²⁵ILO, A Global Alliance Against Forced Labor, 2005, p 56.

²⁶ ILO, A Global Alliance Against Forced Labor, 2005, p.6.

²⁷ UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery, 1956, art. 1a.

²⁸ILO, Human Trafficking and Forced Labour Exploitation, Guidance for Legislation and Law Enforcement, Geneva, 2005, p.24.

fair prices. However, even if victims realise the abuse, there may be little they can do against it, as they are at the mercy of their traffickers.

Debt bondage contracts are illegal because 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'.²⁹

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 legal and illegal sectors of the economy, in commercial sexual exploitation, as well as in the organisation of illegal activities. Consequently, an agricultural or construction worker, 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.**



2.2.5. Trafficking in Children

In the past years, trafficking in children has increasingly become recognised as a serious problem. Growing numbers of children are being trafficked for different purposes. Reports of children trafficked for the purpose of sexual exploitation and for the production of child pornography have increased significantly. Minors are not only forced to work in the sex industry, but they are also trafficked for forced domestic labour, begging, criminal work in the sale of drugs, participation in armed conflicts, or to enter into marriage contracts.³⁰

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 one 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.³¹

Minors and children 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. Even more vulnerable are disabled children who are often used for begging.

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 on Violence Against Children in Europe and Central Asia and at the Yokohama review (July 2005)³².

²⁹ILO, Human Trafficking and Forced Labour Exploitation, Guidance for Legislation and Law Enforcement, Geneva, 2005, p.18.

³⁰European Network against Child Trafficking, A Report on Child Trafficking, Bulgaria, Denmark, Italy, Romania, Spain, United Kingdom, ENACT/Save the Children Italia ONLUS, 2004, p.23.

³¹Human Rights Education Associates, 2000.

³²The conference has been held in Ljubljana, Slovenia, 5-7 July 2005. The Consultation was hosted by the Government of

UNICEF guidelines were drafted in 2003³³, but countries 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 dependent on the child's willingness to act as a witness.³⁴ Dealing with trafficking in children requires a high level of specific competence, as children are extremely vulnerable. According to the principles of the Convention on the Rights of the Child, they have to be assisted by specialised personnel, and receive full health, psycho-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 and of the individuals/organisation exploiting them.



Handout 2.5. EXAMPLE 2

A Romanian Non-governmental Organisation (NGO) reports how trafficking networks abuse existing legal systems in countries of destination to exploit children: 'In the region of Paris over 300 cases of unaccompanied minors (UAM) were reported only for the first months of 2005, out of which 40% are Romanians. I had the chance to work with specialized French NGOs, to meet and see the children in their environment, where they live and are kept as well as where they have to "perform". Under the pretext of protection, criminal groups exploit them in various fields such as: (male) prostitution, child pornography, shop lifting, parking meters theft, beggary, commanded theft from museums, etc.

The French legislation offers all children regardless of their nationality the possibility of receiving legal status and a residence permit. Attached to that are specialised social care programs for minors. Both exploiters and children know very well the French legislation, thus the children are used to committing crimes they cannot be held liable for because they are under a certain age. Being captured, incrimination is difficult because the children usually have no identity documents (IDs) (these are well kept by the criminal networks). Finding out their identity is a complex procedure for the authorities in both countries and requires time and money. Accompanying such children, I found that the vast majority has created a shield that leaves no room for someone to see the great suffering they endure. Often they suffer from trauma and have suicidal thoughts. Still they decline revealing their identities and do not agree with repatriation because they consider their situation at home worse. In case they should leave France, each of them already has a backup plan where he/she could emigrate.'³⁵

Slovenia and supported by the Council of Europe, UNICEF, WHO, OHCHR, and the NGO Advisory Panel.

³³ UNICEF, Guidelines for Protection of the Rights of Children Victims Trafficking in Southeastern Europe, 2003.

³⁴ UNICEF, Guidelines for Protection of the Rights of Children Victims Trafficking in Southeastern Europe, 2003, p.13.

³⁵ Lenuta Angalita, Executive Director, Conexiuni Foundation, Romania.

Lately reports of trafficking with UAM has increased. According to the children involved, their parents often agreed to their migration because they would receive money or material goods from the traffickers as a subsistence source for the entire family. They were also told that the children could receive training, easily earn good money and become additional breadwinners. Children arriving in the country of destination claimed that their situation is often better compared to the one in their 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 and be “somebody”.

2.2.6. Trafficking in Organs

Trafficking for the removal of organs is on the rise due to a global shortage of transplantable organs. It mainly involves the trafficking of kidneys, since for the transplantation of other organs the person would need to be killed. Even though sensational media stories can be found, until now there is no evidence for the latter extreme form of exploitation. However, a significant number of men and women that have been deceived and coerced into selling organs has been recorded. There are no statistics on the extent of kidney trafficking per se, but experts state that at a minimum several thousand illegal transplants from live unrelated donors take place every year. It should be noted that not all of them are trafficked persons.³⁶ Most of them consent to sell a kidney, and are then transported to a clinic, often abroad, and back again. Usually they are not aware of the harsh consequences of the surgical operation, and do not consider that in the future they will encounter significant costs related to their increased need for medical care, nor are they informed of such consequences when they agree to the sale of their organs. Their consent is usually obtained under varying degrees of deception; this includes the amount of payment for the kidney. In some reported cases, donors are lured and do not receive any payment at all. Furthermore, victims are often precluded from filing a criminal complaint as they unwittingly signed false affidavits saying they consented to give their kidney away.

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.

³⁶ Pearson, Elaine: Coercion in the Kidney Trade: A background study on the issue of organ trafficking worldwide, GTZ Study, Eschborn, 2004, p.5.

2.3. The Difference between Trafficking and Smuggling

It is often difficult to distinguish between smuggling and trafficking in human beings. The UN Protocols make a distinction between trafficked persons and smuggled migrants³⁷. “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’

and “illegal entry” 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. Hence, 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.

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

Initiative: Smugglers usually do not 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 often 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 under dangerous or degrading conditions, involves individuals who consented to the smuggling and with respect to 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.

³⁷“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 UN Convention against Transnational Organized Crime and the Protocols Thereto see: www.uncjin.org/Documents/Conventions.

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



Handout: Case Study 2

Compare the two cases described below

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

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

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

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

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

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

Nadim brings Amira to the border with Croatia, where they meet a Hungarian truck driver named Henrik. Nadim and Henrik appear to be good friends. Henrik seems to be happy to give

Nadim a handful of money. Nadim tells Henrik that Amira has some money on her “just in case”. Henrik tells Amira to climb in a hidden compartment of his car. Amira asks about her passport and travel documents. Nadim tells her not to worry and the two men climb in the front seats of the car.

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

QUESTIONS FOR STUDENTS:

1. Is Maryam an illegally smuggled migrant or a victim of trafficking? Explain why.
2. Is Amira an illegally smuggled migrant or a victim of trafficking? Explain why.
3. Can a victim of trafficking also be an irregular migrant?
4. What possibilities do the women have to leave their situation?
5. How does national and international law apply differently to each woman?
6. If trafficking is present in either case, what means, activities and exploitive situations exist?

TRAINER NOTES:

Use the following chart to assist in determining the correct determination of these two cases:

Handout 2.7. Differences between smuggling and trafficking

ELEMENT	SMUGGLING	TRAFFICKING
Type of crime	Crime against the State Violation of immigration laws/public order. The crime of smuggling by itself does not include crimes which might be committed against the smuggled migrants	Crime against an individual Violation of human rights The individual is a victim of coercion and exploitation. The State is therefore obliged to treat the individual as a victim of a crime and whose human rights have been violated
Why do we fight it?	To protect the sovereignty of the state	To protect the human rights of individuals The State is obliged to provide adequate protection to its citizens ³⁸
Relationship smuggler/smuggled migrant and trafficker/victim	Commercial relationship between smuggler and migrant ends after illegal border crossing achieved and fee paid	Exploitative relationship between trafficker and victim continues in order to maximise economic and/or other gains from exploitation
Rationale	Organised movement of persons for profit	Organised recruitment/ transport and (continuous) exploitation of the victim for profit
Illegal border crossing	Illegal border crossing is a defining element	Neither illegal border crossing nor any border crossing required
Consent	Migrant's consent to illegal border crossing	Either no consent or initial consent made irrelevant because of use of force or coercion at any stage of the process

³⁸ Regarding the State's positive obligation, see the Case of the European Court of Human Rights *Siliadin v. France*, application n°. 73316/01, 26/07/2005, 'The Court considered that Article 4 [No one shall be held in slavery or servitude] of the Convention enshrined one of the fundamental values of the democratic societies which make up the Council of Europe. It was one of those Convention provisions with regard to which the fact that a State had refrained from infringing the guaranteed rights did not suffice to conclude that it had complied with its obligations; it gave rise to positive obligations on States, consisting in the adoption and effective implementation of criminal-law provisions making the practices set out in Article 4 a punishable offence.'

2.4. 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. The main effects are:

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 enhances 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 that are able to supply the women.

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, or trafficking in drugs and weapons.

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 one trillion dollars, which is more than the entire GDP of some smaller states.

Demographic de-stabilisation: Trafficking of human beings on a significant scale can de-stabilise populations on both 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 is trafficked into a specific area or market in the destination country.

Growth of public sector corruption: The crime of trafficking and corruption could have been designed for each other. The multi-layered nature of the crime creates numerous opportunities for the corruption of officials in various agencies and the daily supply of cash provides the means to undermine the entire counter-trafficking law enforcement effort. Indeed, trafficking and its relationship with corrupt practices can be said to directly threaten the capability of the criminal justice system and the confidence society places in it.

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.

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.³⁹

Closure

³⁹ ICPD, Regional Standard for Anti-trafficking Police Training in SEE, 2003, p. 11-12.

UNIT 3



Unit 3: The Multi-Agency Approach to Trafficking

3.1. Training Plan

Learning Objectives

- To define the multi-agency approach, and its importance in prevention, protection and prosecution;
- To describe the concept and practice (if already in place) of national referral mechanisms or other models of co-operation, formal and informal;
- To list relevant organisations providing support services to trafficked persons which are possible partners.

Method

Lecture/Brief Input + Work in Groups + Case Study + Brainstorming

Supporting material and equipment

Training Manual Unit 3 + Flipchart

Procedure

Introduction

Topic 3. The multi-agency approach to trafficking

- Discussion on what is meant by the multi-agency approach and why it is needed; **Alternative:** presentation by service providers of case examples from their sector;
- Ask participants to list a minimum of 5 reasons why multi-agency cooperation is needed;
- Follow this with a challenge to the small groups to identify categories of i) governmental and ii) NGO organizations/agencies that work on counter-trafficking and try to answer following:
 - As law enforcement agencies cannot deal with trafficking by themselves, where should partnerships be formed? With which agencies/organizations?
 - How can police supplement/strengthen the necessary resources?
 - What are the limitations of the police mandate?
 - What are the mandates/responsibilities of other agencies that

work on THB?

- Collect suggestions on board/flipchart. Add further ideas and explain multi-agency approach as needed. Use *Handout 3.1. Key Multi Agency Actors*
- Assign attached case study “Flora’s Shopping Trip” (or alternatively, a local example). Divide class into groups to answer the questions;
- Implement feedback session, inputting any further points. Introduce concept of formalised co-operation (more details in manual, sub-unit 3.4) and National Referral Mechanisms (NRMs) existing in specific country;
- Conclude with a clear list on what steps to follow on when dealing with a victim of trafficking (results will vary according to case).

Topic 3.1. Prevention

Topic 3.2. Investigation and Prosecution

- Explain the competences of different agencies at the national and international level that are involved in prosecuting trafficking cases.

Topic 3.3. Protection

- This topic is best covered by a resource person representing an agency that provides protection and rehabilitation in conjunction with a police trainer able to clarify their specific responsibilities.

Topic 3.4. Models of formal Cooperation

Presentation of support services available for trafficked individuals (to be provided by service providers/Non-governmental organisations (NGOs):

- Presentation of existing cases;
- Models of co-operation;
- Discussion of successes, limitations and problems, and examples of good practice in solving such problems.

Topic 3.5. Treatment of children

- Discussion on the differences between child and adult cases;
- Presentation of local cases (if available);
- Brief input: how to make contact with NGOs, specialised units, other governmental offices/services that deal with child cases, specialised

service providers, etc.

Closure

Handouts

Handout 3.1. Key Multi Agency Actors

Handout 3.2. Flora's Shopping Trip

Handout 3.3. Overview of a National Referral Mechanism

Handout 3.4. EXAMPLE 1

Handout 3.5. *The Multi-Agency Approach – to be inserted by the national trainers*

NRM structure in the country

Details of organisations and support services required by officers needing to refer cases

Further information on support services

3.2. Introduction



Applying a multi-agency approach involves calling upon different agencies to combat trafficking in a joint and co-ordinated way according to agreed standardised procedures. This relates to the prevention of the crime, protection of victims, the investigation of the case and prosecution of traffickers.

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.

Effective counter-trafficking efforts require multi-agency and multi-disciplinary co-operation and mechanisms, as close co-operation between law enforcement agencies and Inter- and Non-governmental organisations (IOs and NGOs) is essential for a successful outcome. Indeed both regularly gather vital intelligence of great use to one other and work to combat and reduce trafficking cases. It is therefore understandable, with the changes that have taken place in co-operation in recent years, that many agencies and organisations have, in the majority of cases, established close ties.

The role of police forces as regards trafficking cases is complex. They must not only investigate and produce evidence, but also assure security and protection to the victims, once identified, throughout the period of reflection and stabilisation, during the trial, and before/after repatriation, should it take place. The different measures taken should in theory be based on the individual needs of the victim and be in accordance with agreed quality standards. However, such an individualised case management system is costly and difficult to manage, as it requires specific action by a variety of specialists, professional services and institutions. Law enforcement agencies usually do not have the time, the resources or the mandate to address all the phases of trafficking cases and the needs of victims and it is therefore necessary to have a multi-agency approach. The resources should therefore be disseminated among IOs and NGOs.

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, which play a very

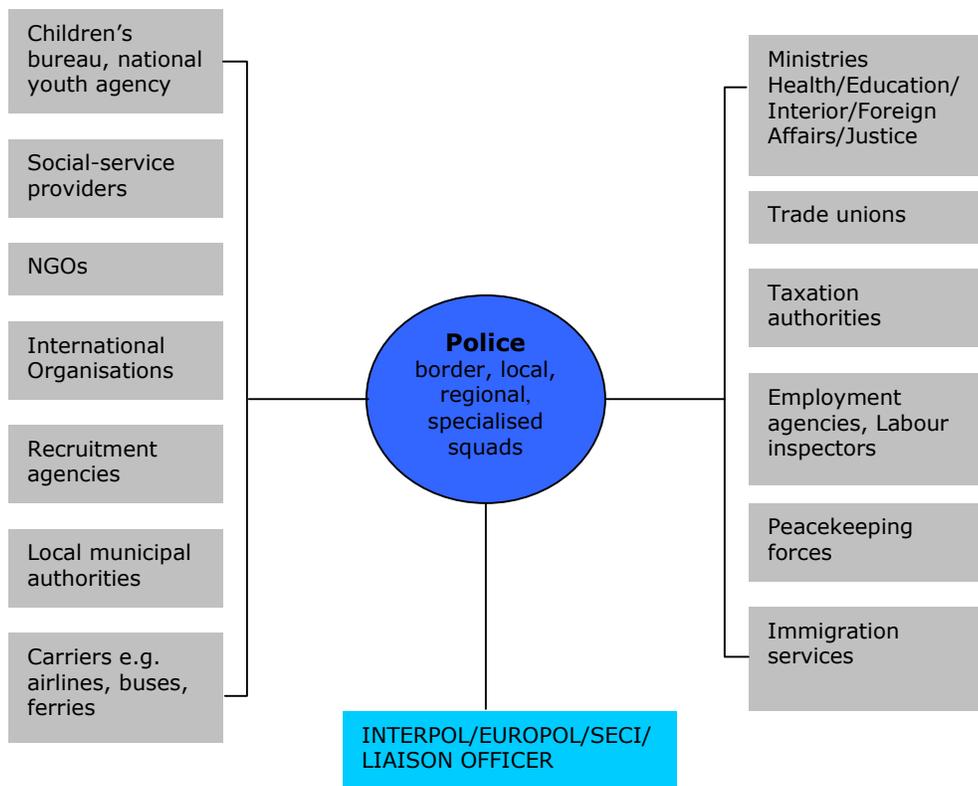
important role as regards victim support, is never defined a priori, but could be reached e.g. by a memorandum of understanding or a process of official NGO accreditation.

A co-ordinated approach should be part of a comprehensive national response against trafficking, discussed and agreed upon between all actors involved and formalised in a national action plan (NAP).⁴⁰

This approach should then be applied to all anti-trafficking activities: **prevention, protection, investigation, and prosecution**, with law enforcement officers playing a key role at each stage.

The chart below shows some of the **key actors** involved in a multi-agency system that protects victims of trafficking and ensures that perpetrators are prosecuted (it should be noted that different countries may have different structures in place for the services shown).

Handout 3.1. Key Multi Agency Actors



Key for all anti-trafficking activity is active monitoring during the course of preventative operations, investigations, and in the protection of victims. Monitoring by law enforcement officers helps to identify exploitative employers as well as recruitment agencies that make false job offers and engage in fraudulent practices. Checks at borders, at sites where prostitution is

⁴⁰ For further information on the development and implementation of national action plans see ICMPD, Guidelines for the Development and Implementation of a Comprehensive National Anti-trafficking Response, 2006.

carried out, and the monitoring of street children can lead to the identification of trafficking cases. Inspections of working conditions are also crucial in deterring traffickers and discouraging exploitative practices.

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



Handout 3.2. Flora's Shopping Trip⁴¹

Flora's neighbour invited her to accompany her on a shopping trip across the border to a neighbouring country. Flora is a 55 year old widow. As her son and his wife were expecting a baby very soon, she thought this would be a good opportunity to buy them a special gift.

Her neighbour's husband drove the car. Flora used her passport to cross the border, and continued in the car with her neighbours until they reached the capital city. When they arrived, her neighbour's husband said that there were a lot of crooks in the city so he would keep all their passports safe in one place. Flora gave him her passport.

The neighbour said they would go and visit a friend who lived outside of the city in a small village. They went there in a taxi as they were not sure of the way. When they arrived Flora was introduced to the friend. She saw the friend giving money to Flora's neighbour.

The neighbours left in the taxi after telling Flora she must stay with this man as he had bought her to be his new wife. Flora had left her luggage in the taxi when it drove off. She recorded the licence plate of the taxi.

For one week the man tried to force Flora to be his wife. She refused to do anything, so he beat her. She refused to be a wife in any way. He introduced her to his family as his wife, but she still refused to work. He told her she must help him on his farm because he was too old to do all the work himself and needed a strong woman to help him.

She refused. Finally Flora was able to run away and went to the nearest police detachment and told her story.

QUESTIONS FOR STUDENTS:

1. If you were the first point of contact for Flora what would you do next?
2. Who/which units/organisations would you inform?
3. Have you encountered a situation like this in the past?
4. Explain the lessons learned from your experience.

TRAINER NOTES:

1. Ensure participants include concern for Flora's safety and well-being
2. What other agencies should be contacted?
3. To do what?
4. What Referral System/SOPs are participants familiar with that will guide them in their response?

⁴¹ Based on a case from IOM Kosovo.

3.2.1. Prevention

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

Among the most well-known prevention activities are awareness-raising campaigns that provide (potential) migrants with information on trafficking risks. This is done via media campaigns and also by the distribution of leaflets at consular offices, border checkpoints, schools, orphanages. Telephone hotlines are another effective method. Law enforcement officers could apply their expertise to the design of such campaigns.

Collecting information on the main trafficking trends is another important preventative method. By creating local and national inter-agency round tables, it is possible to identify new mechanisms at play.

Police officers are also able to participate in different educational campaigns in the community. With NGOs they could organise lectures in schools and universities that give typical examples of trafficking.

3.2.2. Investigation and Prosecution

At the outset of each investigation, be it pro-active (intelligence led) or re-active (based on evidence provided by the victim), the component parts of the case should be analysed to identify which other agencies are to be involved. As trafficking is often trans-national, competent agencies should be determined on the basis of the countries of origin, transit and destination implicated.

At a national level, and according to the specifics of each case, co-ordination has to be defined according to standardised procedures, for example, with regard to front-line officers, special investigators, labour inspectorates, immigration services, border guards, custom officials, and NGOs.

At an international level, it can be necessary for co-operation to involve foreign affairs ministries, law enforcement agencies, international police agencies (Interpol, Europol, and, for South-Eastern Europe, the SECI Center), organisations such as the International Organization for Migration (IOM), and NGOs' international networks. All concerned participate according to their own mandate and within their specific organisational structure.



Cross reference with Units 5, 6 and 8

3.2.3. Protection

According to the principles outlined by international law, any individual who has experienced trauma and/or violence has the right to receive medical, psychological and legal assistance. This right is not subject to any other consideration, including whether or not the victim co-operates with law enforcement authorities. Law enforcement officers are duty-bound to protect victims and their families from further suffering or danger. After identification, victims must therefore be taken away from their traffickers/employers and brought to a safe place to be assisted by service providers. Whether a victim chooses to stay in the destination country or return to the country of origin, law enforcement must co-operate with organisations that have the mandate and resources to provide shelter, administrative support, and legal and psycho-social assistance that facilitates his/her integration/reintegration.

After identification trafficked individuals should be given a **reflection period** during which they receive a temporary residence permit. This allows them to stabilise and decide whether to co-operate with law enforcement agencies, even if they are not in a regular position according to administrative laws. The victims should be provided with shelter, legal advice and social and medical care. Counselling and information regarding their rights should be provided in a language they understand by police officers, NGOs and social services. Taking these requirements into consideration, the Council of Europe Convention⁴², adopted in May 2005, stipulates a minimum reflection period of 30 days.⁴³ At the end of this term, if the victim decides to report the offence and an investigation or trial starts, s/he is generally granted a temporary residence permit. In countries where such specific legislation is not yet in place, the administrative position of victims can eventually be regularised with permits granted for humanitarian purposes.

After the reflection period different scenarios are possible:



Cross reference with Unit 8 and 4

- The victim decides to co-operate with the police and testifies as a victim;
- The victim stays in the country of destination and receives a residence and work permit;
- In cases of internal trafficking the victim is given the opportunity to take part in a (re)integration programme;
- The victim returns to the country of origin;

⁴² CoE, The Council of Europe Convention on Action against Trafficking in Human Beings (CETS N° 197), adopted by the Committee of Ministers on 3 May 2005.

⁴³ In EU countries the reflection period varies considerably. In Italy, for example, it is up to six months. Victims receive a residence and work permit whether they testify or not, however, they have to participate in a special support programme.

- If high risk makes it impossible for the victim to remain in the destination country or return home, s/he will be hosted by a third country/state.

Returning home is also an option after the victim has testified as a witness. However, before this takes place, law enforcement agencies should conduct a risk assessment with regard to the victim's situation as well as his/her family. In a trans-national case of trafficking, co-operation with the authorities of the countries of origin is necessary. The **return** could be arranged by the relevant interior ministries in co-operation with foreign affairs ministries, as well as between NGOs and police departments. Often IOM is involved in the return process since it has agreements with Ministries of Interior. Ideally, return should only happen on a voluntary basis; victims who are deported risk being re-trafficked. According to IOM, this tends to happen as victims generally have no opportunities in the home countries. Frequently networks of traffickers contact and blackmail them as soon as they arrive home, and re-start the exploitative relationship with the offer of a new trip and an even more stringent debt bondage scheme.⁴⁴ 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 documents such as the Palermo Protocol Article 8, §2. As regards forced labour cases in legal sectors, according to the International Labour Organization (ILO), 'in order to achieve a successful voluntary return, it is advisable that the migrant worker has access to workers' representatives who are able to pursue legal claims the worker may have in respect of unpaid wages, tax deductions and social benefits'.⁴⁵

No matter whether victims stay in the country of destination, origin, or a third country/state, they should still not only receive protection, but also targeted support that aims to encourage them to live independent lives. The **reintegration** 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 remain confidential for safety reasons. Law enforcement agencies should never meet trafficked persons and social workers in any of these premises;

⁴⁴ UNICEF/UNOHCHR/OSCE ODIHR, Trafficking in Human Beings in South Eastern Europe, 2005, p.37.

⁴⁵ ILO, A Global Alliance against Forced Labour, 2005, p.156.

- **Psychological counselling:** to help the trafficked persons to overcome the traumatic experiences and, thus, to facilitate their self-acknowledgement as holders of rights and as victims of severe crimes;
- **Social counselling:** to assess the personal situation, evaluate the viable options and develop a tailor made project for the future, that entails, among other things, the access to a social protection scheme and a range of social, educational and training activities; to examine the pro's and con's of a voluntary return to the home country; to assist in the decision on whether or not to co-operate with the competent authorities;
- **Social and health services:** to accompany upon request the hosted persons to the local services for medical examinations and check-ups, social consultations, etc.;
- **Education, vocational guidance, training and job placement:** in order to improve trafficked persons' skills and support their social and labour inclusion, different types of training courses, language classes and on-the-job schemes are offered;
- **Free legal assistance:** to provide information about the trafficked persons' rights and their legal options; to assist in the applications for residence permits, work permits, family reunion, withdrawal of expulsion orders, etc.; to provide legal representation and support during the criminal proceedings and to liaise with law enforcement agencies and public prosecutor's offices;
- **Intercultural mediation:** to supply information and assistance by trained professionals belonging to (or having sound knowledge of) 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 (i.e. persons at risk of being trafficked) 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. (Ideally, hotlines should operate 24 hours, 7 days a week.)

In compliance with 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, obligations and rules;
- Clear about functions of the different actors involved;
- Empowering; and
- Tailor made.

Due to their flexible structure, NGOs are often able to build up networks and work in co-operation with organisations and NGOs at both national and international levels. This includes government agencies, civil society actors, workers and employers associations and the media.

NGOs work closely with law enforcement agencies for all matters related to the protection and assistance of the victims regarding their testimony in court. Often working relationships are established through meetings that take place between social workers and state officials/clerks. Sometimes, however, such relationships are difficult to sustain owing to fluctuations in staff turnover and in order to maintain co-operation, the multi-agency approach has to be regulated.

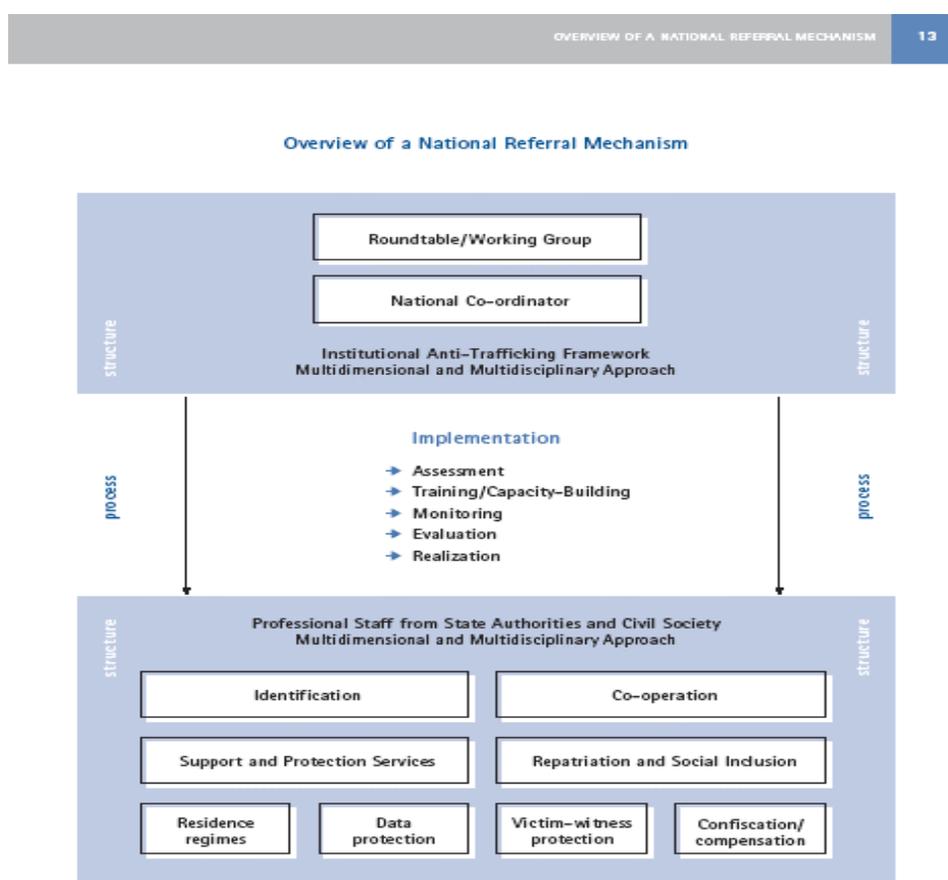
Contact details of Anti-Trafficking Units and NGOs dealing with human trafficking issues should be available to the public at police stations, hospitals, social welfare centres and any institutions likely to have contact with victims.

3.2.4. System of Referral and Co-operation

In order for victims to receive proper support, it is important that individual case management and referral systems are set up within a country and extend across its borders. The majority of countries are now working on establishing national referral mechanisms (NRMs); standardised operational procedures that link different service providers in order to ensure victim protection at any stage⁴⁶. NRMs include guidelines to properly identify trafficked persons, ensure their referral to service providers, and foresee cross-sector and multi-disciplinary co-operation to develop, implement, monitor and evaluate anti-trafficking policies.

The OSCE has outlined how such a national referral mechanism could be created and what it should look like.⁴⁷

Handout 3.3. Overview of a National Referral Mechanism



The structure of NRMs varies in each country; however they are designed to encourage and **formalise co-operation** between government agencies and non-governmental groups dealing with trafficked individuals.

⁴⁶ OSCE, Action Plan to Combat Trafficking in Human Beings, adopted by Permanent Council on 24 July 2003.

⁴⁷ OSCE/ODIHR, National Referral Mechanisms, Joining Efforts to Protect the Rights of Trafficked Persons – a Practical Handbook, Warsaw, 2004, p.13.

An NRM should provide:

- Guidance on how to identify and appropriately treat trafficked individuals with regard to respecting their rights and allowing them to make their own decisions;
- A system to refer victims to specialised agencies offering shelter and protection from physical and psychological harm; support services that provide medical, social, psychological and legal assistance; help in acquiring identity documentation; and support to facilitate (re)patriation;
- The establishment of appropriate and officially binding mechanisms designed to harmonise victim assistance with investigative and crime prosecution efforts; and
- Links to liaison offices to contact the relevant origin/transit country authorities and NGOs of trafficked victims.

NRMs are not rigid structures, but flexible mechanisms tailor-made to fit each country's trafficking case patterns, as well as their social, political, economic and legal environments. Thus, an NRM is not built from a single generic blueprint, but is founded on a careful assessment of country specific needs and conditions.⁴⁸ In all cases, however, NRMs are likely to be most effective if they are based on a formal co-operation agreement among the various participants. For example, a Memorandum of Understanding (MoU) that sets out the specific role and duties of each participant.



Handout 3.4. EXAMPLE 1

Bulgarian police officials received information from the Romanian Embassy about a trafficking case involving three Romanian females, including two minors. A Romanian national had deceived them with an offer to work as dancers and waitresses and had organised transportation from Romania to Bulgaria. In Bulgaria, they were locked in an apartment and forced to work as prostitutes. At night, clients were brought to them by the Romanian pimp and his Bulgarian girlfriend and all money from clients was kept by the pimp. Police officers raided the apartment where the victims, were kept, took them to safety and found enough evidence to pursue the Romanian trafficker and his Bulgarian associate, which eventually led to a charge of trafficking. IOM Bulgaria took care of the mental and physical rehabilitation of the woman and girls, which included shelter, medical treatment and psychosocial assistance. The victims also decided to co-operate with the prosecution and testified against the defendants in court. As a result of the joint action between police and NGOs, the two accused were eventually sent for trial.

⁴⁸ OSCE/ODIHR, National Referral Mechanisms, 2004, pp. 15.

3.3. Models of Formal Co-operation

It is suggested that formal protocols setting out the role and responsibilities of each participant are adopted. Protocols governing the exchange of intelligence should be drawn up between law enforcement agencies and the appropriate NGOs on a country-by-country basis. It should be remembered that the safety of victims remains the ultimate responsibility of law enforcement officers and agreements should only be entered into with (verifiably) credible and secure support organisations that have the capacity to deliver the necessary and desired victim assistance.

In this manual it is not possible to provide the very detailed information that is required to put together these protocols and is in many respects a matter 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 combat the crime of trafficking;
- The role of each party should be clearly defined. 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, though depending on the circumstances, it is the role of the support agency to provide counselling and/or vocational training;
- The responsibilities of each party should take into account local circumstances; and
- It is also the responsibility of the investigator to obtain and record evidence, arrange for attendance at identification parades and at court, conduct physical examinations etc. The support agency may take responsibility for the provision of an expert counsellor or lawyer, who will be present at any interview or court appearance involving the trafficked person, as well as for her/his application for temporary resident status and state benefits, etc.

Co-operation agreements are usually achieved through a process of negotiation or by means of internal directives from the relevant ministries, in most cases the Interior or Ministry of Justice (MoJ), or a combination of both. In every instance the role of the police department, as well that of the NGOs/IGOs, are precisely defined. However, rules, guidelines and/or programmes for co-operation between the criminal investigation agency/police and the specialised advisory agency, for victim protection and assistance, such as an IO and an NGO, will differ from country to country.⁴⁹

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

⁴⁹ ICMCPD, Regional Standard for Anti-trafficking Police Training in SEE, 2003, p.51-52.

- Co-operation between governmental and non-governmental sectors should focus on two central pillars: clear delineation of responsibilities and transparency;
- Individuals presumed to have been trafficked should be provided with detailed information of the available services, irrespective of whether they are willing to testify or not;
- Trafficked individuals should have the means to make informed decisions as to what they consider to be in their best interest;
- In cases where multiple NGOs offer services for presumed trafficked persons, an alliance of NGOs can be formulated. This might then lead to formal co-operation agreement such as an MoU;
- Alternatively, a system of accreditation for NGOs can be established. In this case each accredited NGO signs a separate MoU with the relevant authorities;

The protocol of exchange/MoU should cover the following points:

- Identify the means of information exchange;
- Where appropriate, include a timetable of scheduled meetings;
- Set out the terms of information exchange covering both personal data and thematic information. The protocol should also include a declaration that the retention and exchange of any information complies with any relevant data protection and confidentiality legislation;
- The exchange of personal data should only be allowed with the written agreement of the individual trafficked person. With this in mind, it might be considered good practice to include some form of acknowledgement slip at the foot of the protocol agreement. This would mean that the trafficked individual could append his/her written consent for the disclosure of personal details. This would also enable him/her to see and understand the roles and responsibilities set out in the agreement.

3.3.1. Data Exchange

The exchange of personal data and the issue of data protection are clearly potential minefields. However, provided the individual concerned is well informed, consents and there are no security implications, personal data can be exchanged. In practice, this should not be a problem for the involved law enforcement agency as if the trafficked person is willing to co-operate, s/he will almost certainly want his/her personal details disclosed to the support agency

so as to receive assistance. Disclosure of personal data in the other direction, from the support agency to the law enforcement agency, is much less likely to occur.

However, the exchange of thematic, de-personalised information should be an integral part of any co-operation agreement. For example, data concerning the increased use of a particular type of visa, a new passport forgery technique, or changes in a trafficking route, should be passed on so that law enforcement agencies can apply the necessary investigative responses. This will also allow support agencies to incorporate any relevant information in their briefings and education campaigns. Other thematic information concerning conditions in specific destination countries may also be exchanged in conjunction with de-personalised case histories. For example, if deceptive recruitment operations are being carried out in the country of origin, suggesting that well-paid work is available in the country of destination despite the fact that the country's legislation excludes any prospect of a migrant obtaining a work permit, such information should be exchanged and incorporated into that country's education campaigns and media briefings.

3.3.2. Memorandum of Understanding

Increasingly, law enforcement agencies are entering into MoUs with other government agencies and NGOs to build a foundation for the continuation of co-operative relationships. MoUs are the most effective way to ensure a common platform for inter-agency co-operation. These mutual agreements should set out the rights and responsibilities of each party and the activities each has to perform. The following model is based upon an existing agreement that has been in operation in Germany for some time and underlines that Protocols should start by setting out a basic understanding between the two parties. This includes the following:

- Trafficking offenders will be efficiently prosecuted and that testifying victims have a key role to play in this process;
- All parties must acknowledge the risk of trauma caused by the crime and the penal proceedings;
- All victims must be treated with dignity;
- A co-operating victim in a trafficking case is always at risk;
- The better the care and counselling the victim receives, 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 a residence permit to remain;

- All measures taken under witness protection programmes must be carried out by mutual consent.

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

Law Enforcement must:

- Inform the victim of the availability of support services;
- Establish contact with other agencies and refer the victim;
- Ensure that no information about the witness is divulged;
- Provide protection measures before, during and after all activity linked to the criminal justice procedure and until such time as the victim is returned to the shelter. This includes court inspections of the scene, interviews, attendance at identification parades, preliminary and full hearings;
- Permit the presence of a trained counsellor at each of these activities if the victim requests;
- Provide security advice on protection to counsellors;
- Ensure protection measures are in place to stop threats being made to the family/loved ones of the victim;
- Provide protection to the shelter, as well as other services if requested; and
- Conduct a risk assessment both before the victim enters the shelter and before they are repatriated.

The support organisation (IGOs, NGOs, social services)

- In consultation with the investigator decides upon appropriate accommodation for the victim and makes the necessary arrangements;
- Provides psycho-sociological care to the victim and arranges for any other medical, psychological, legal and social care;
- Informs victims of the facility to receive a verbal and written briefing from a police officer if they so wish;
- Initiates contact with the police if the victim requests;
- Is present during the interview of the witness;
- Provides the witness with psychological support during all activities related to the criminal justice procedure; and

- Offers the witness re-integrative training and education.

3.4. Referral of Children

Moreover, when defining models of co-operation, specific procedures need to be attentively considered for **dealing with a child victim**. In line with guidelines from UNICEF⁵⁰, the most important principles are outlined below:

In all actions concerning child victims the **best interests of the child** shall be the primary consideration.

If the age of the victim is not determined, but there is reason to believe the victim is a child, the victim has to be considered as a child and then further checks made. The co-ordination and exchange of information among agencies and other public/private organisations should be laid out so to ensure that child victims are identified and assisted as early as possible. Law enforcement authorities should immediately organise the transfer of the child victim to a shelter and if possible, initial questioning should be delayed until the child has been relocated to this safe location.

Law enforcement authorities should contact the guardianship services through the Ministry of Interior (MoI) in order to appoint a guardian as soon as a child is identified. The necessary contact details of the guardianship service should be made available at every law enforcement station.

The trained guardian should accompany the child through the entire process. On behalf of the MoI, the guardian should be responsible for safeguarding the best interests of the child victim until s/he undertakes the repatriation process or is returned to his/her parents or the case manager/guardian. The relevant law enforcement authorities should ensure that the appointed guardian accompanies the child victim throughout the entire process.

The guardian, in co-operation with social services and/or NGOs, should plan a protection and care scheme for the child and manage the procedures for the issuance of a temporary humanitarian visa.

The guardian should be present every time the child is questioned by law enforcement officers. Moreover, only specially trained members of the law enforcement authority should question a child victim. Once sufficient documentation and information has been collected, the final disposition will be made in favour of the child. This should be done in consultations between

⁵⁰ UNICEF, Guidelines for Protection of the Rights of Children Victims Trafficking in Southeastern Europe, 2003, p. 3-4.

the guardian, the social services/NGOs, the Ministry of Interior and eventually representatives from the embassy of the child's country of origin.

Even if frontline police are not involved in or are not responsible for all the network activities described above, they should be familiar with the procedures and protocols utilised in their countries for working with IOs and NGOs. Immediately after the identification of a presumed – adult or child – victim of trafficking, frontline police officers, customs services or border guards **should contact the Anti-Trafficking Unit (ATU)** to ensure a smooth and secured referral for further investigation.



National Teams

- a) In what ways are law enforcement units able to monitor recruitment agencies?
- b) Describe the mandates of the different administrative units in your country. What form does co-operation take? What other agencies and organisations could be involved?
- c) Each country should analyse which **agencies** are to be involved in anti-trafficking activity.

National Teams:

- da) Give an overview of an NRM in your country with a list of contact persons. If you do not currently have an NRM in place, describe how the co-operation between different agencies works;
- eb) Highlight the text of existing MoUs or other co-operation agreements. If you do not have a formalised co-operation agreement, describe what form co-operation takes. List the names of agencies, organisations and other parties that co-operate in anti-trafficking activities. This should include their roles and links to law enforcement agencies;
- fe) Outline the available support services for victims of trafficking (male, female, and children).

UNIT 4



Unit 4: Identification Processes

4.1. Training Plan

Learning Objectives

- To describe appropriate actions on first contact with presumed victim of trafficking (VoT);
- To analyse behavioural responses of VoT;
- To list indicators that help identify trafficked persons;
- To recognize methods of victim identification;
- To describe potential risks of secondary victimisation;
- To identify methods of victim support;
- To describe structures of (organised) trafficking groups and means of identification of traffickers.

Method

Lecture/Brief Input + Work in Groups + Training Manual Unit 4 + Flipchart + Projector
Discussion + Case Study + Brainstorming

Supporting material

Procedure	Introduction
	<p>Topic 4.1 First contact</p> <ul style="list-style-type: none"> - Highlight the importance and the difficulties of identification and that there are no guarantees, in spite of the best guidelines, that identification will always be possible; - Conduct the role play (<i>Handout 4.1. Role Play</i>). Instructions for participants are provided with the role play; - Remind participants of essential steps to be taken by police officers when coming into contact with trafficked person (<i>Handout 4.2. Guidelines to be distributed</i>). <p>Topic 4.2 Profile of trafficked persons</p> <ul style="list-style-type: none"> - Show photos of men, women and children and ask participants which ones they believe are victims or traffickers. Reveal that they are ordinary people to demonstrate how difficult identification is; - Brief input on how to use indicators for identification. Explain why identify issues have to be taken into account; - In small groups, ask class to draw two columns with the headings: Physical: Psychological and allow 10 minutes to list the experiences and conditions of life for victims of trafficking under each heading; - Remind them to include all forms of trafficking (sexual exploitation, forced labour, including domestic servitude);

	<ul style="list-style-type: none"> - Give input and facilitate discussion regarding techniques used by traffickers to keep victims enslaved/under control. Emphasis on “soft methods”, based on psychological control as opposed to physical violence; - Draw a large circle on three separate sheets of flipchart paper. In the centre of the circle write “Who to talk to” and number each sheet; - Title each sheet as follows: Sheet 1 = Sexual Exploitation; Sheet 2 = Forced Labour; Sheet 3 = Domestic Servitude; - Locate them in three places in the room; - Divide the class into three and tell group 1, 2 3 to go to the same numbered sheet and identify who they would talk to in order to assist in the identification process for their category of victim; - Brief input to summarize findings and fill knowledge gaps. <p>Topic 4.3 Co-operation with Victims of Trafficking</p> <ul style="list-style-type: none"> - Lecture and discussion on victims' survival strategies, trauma (<i>presentation by specialist/guest speaker, if possible</i>); - Presentation of local cases, if available, and discussion on the subject of good practice; - Input and discussion on specific child cases, if available, and special requirements; - Input and discussion of the challenges of co-operation; - Highlight the importance of the reflection period, assistance, and respecting the victim’s right to make autonomous decisions; the risk of secondary victimisation; - Presentation of existing cases. <p>Topic 4.4 Profile of Traffickers</p> <ul style="list-style-type: none"> - Work in pairs: What advice would you give people to help them recognize a trafficker? How would you recognize a trafficker? What do they look like? How do they behave?; - Collect answers according to different forms of trafficking on board/flipchart. Input further ideas and summarise; - Brief input on the structure of trafficking groups. <p>Closure</p>
<p>Handouts</p>	<p>Handout 4.1. Role Play</p> <p>Handout 4.2. Guidelines: Essential steps to be taken on initial contact with presumed victim</p> <p>Handout 4.3. Example 1</p>

Handout 4.4. Key Characteristics of transnational organised crime

Handout 4.5. Indicators for identification of traffickers

Handout 4.6. Contacts of specialised anti-trafficking police units (to non-specialised, front-line officers)

4.2. First Contact

In order to identify a trafficking case it is crucial to locate the individuals who are presumed to have been trafficked, ensure their rights are protected, and encourage them to testify as witnesses. The process of identification requires a multi-agency approach that involves police, border guards, custom officials, labour inspectors, and non-governmental and governmental support agencies.



When a suspected victim is found, the following courses of action should be taken immediately:

Cross reference Unit 3

- Notify the anti-trafficking unit;
- Treat the individual as the victim of a serious crime;
- Accept his/her initial account as true. It is the responsibility of the subsequent criminal investigations to probe its validity;
- Facilitate his/her referral to specialised support services;
- Ensure that an unaccompanied minor (UM) is referred to a guardian;
- Treat the case as a confidential potential criminal investigation (applicable if identification is carried out by law enforcement officers).

Law enforcement officers can discover victims of trafficking by a variety of means:

- The victim escapes from his/her traffickers and seeks the help of law enforcement;
- S/he is discovered/identified by law enforcement officers during the course of a non-trafficking-related monitoring exercise, enquiry or raid;
- Discovery/rescue/identification by law enforcement officers during the course of a proactive counter-trafficking investigation;
- As a result of a reactive investigation initiated after a complaint from a victim's relative;
- Information from a third-party agency/individual, such as another trafficked victim or work colleagues, other law enforcement/intelligence agencies or social services;
- Reports from an IO or NGO engaged in assisting victims accommodated in shelters or elsewhere.



Handout 4.1. ROLE-PLAY

OBJECTIVES

- To assess communication skills with a victim of human trafficking;
- To examine sensitivity and attitude towards a female victim of trafficking;
- To confirm knowledge of the law with regard to assault;
- To test knowledge of law and procedures regarding powers of arrest;
- To judge ability to resolve conflict.

Preparation of Role Play

Two options:

a) for victim identification

At the front of the class, create a scenario where a uniform patrol finds a young woman sitting on a park bench during the night. She does not say anything but has a bruise on her eye.

b) for first contact and interview with victims

At the front of the class, create a scenario to resemble an interview room in a police station. A young woman has been found by a uniform patrol sitting on a park bench during the night. She has not said anything but has a bruise on her eye. No medical treatment has yet been given to her. She is brought into the interview room by a police officer for an investigator to talk to her.

Trainer Notes:



- i) Such role plays are challenging to carry out with a sense of authenticity. It is essential that the person playing the role of 'victim' has had significant experience working with victims and is fully aware of typical behaviours of women in such a situation and can empathise with them. She should also be familiar with typical reactions to police questioning. If this cannot be accomplished successfully, with respect and credibility, it is better to avoid such role plays and use different teaching tools.
- ii) It is important that the participants, acting as observers, are silent in order to allow the role players to fully identify with their roles without disturbance.

- iii) Participants should not observe in a vacuum, they need guidance and specific instruction on what to observe/look out for. The trainer can:
 - post specific questions to be answered on a flipchart:
 - give different rows, or sections of the participant group, the responsibility of watching **EITHER** the victim **OR** the Police officer:
 - tell participants to observe **EITHER** content (i.e. the words) **OR** style (ie the actions) of the police officer and the victim;
- iv) When the role play is ended provide an opportunity to the “victim” first to express how she felt about the situation, the questions asked and the treatment received. After the victim, the police officer is given the opportunity to relate his/her experience.
- v) Then the observers have the opportunity to respond to the tasks assigned and to pose questions. The attitude for the feedback must be fair and constructive. Comments should relate to the role play content, not the quality of acting.
- vi) Possible discussion points:
 - Interview setting and techniques: What steps should be followed to ensure the conduct of a good interview? Collect on flipchart/board and add further suggestions,
 - Observe questioning/interviewing technique, the officer’s body language, the victim’s behaviour and responses.
 - Ask participants how they felt during the exercise; encourage them to talk about their their impressions in detail and comment on how they were affected.
 - Analyse the key points and bring attention to specific details useful in improving skill at identify victims.
- vii) The guiding question to conclude the role play should be: “What have we learned from this?”
- viii) It is also important to “de-role”, i.e. to explicitly finish the roles acted out by the volunteers. Do this by thanking them, introductions using real names and positions, and take a break.
- ix) This can be an emotional experience, so be sure there is refreshment and an opportunity to leave the classroom and relax.



a) Notes for the Victim

Your name is _____, you are _____ years old, single and from a poor family. You are from Moldova. As times were very hard and no-one in the family had a job, three weeks ago you answered an advertisement in a newspaper. The advertisement was for waitresses to work in Italy. You applied for the job. You were interviewed and accepted, but part of the deal was that you had to borrow your fare to Italy from the man who interviewed you and pay it back from your first month's pay, but you were assured that you would earn so much money that this would not be a problem.

You were taken by a respectable looking man in a black Mercedes to a town in the south. There your passport and ID card were taken from you as well as all of your clothing and possessions. You were kept in a locked room and not allowed out or to telephone anyone. You were then taken hidden in a van on a long journey of several days and you did not know where you were. You have been told that you must work as a prostitute to pay back the money that was loaned to you to pay for your fare and when you refused you were beaten. You were also told that if the local police find you, you will be raped and beaten by them because you are a foreigner, before being given back to the man who took you as he is the Chief of Police in the area where you are now. If you tried to escape you were told that your family would have to pay for the debt and may be killed or beaten as well.

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

React to how the police treat you.

b) Notes for the Police Officer

You are an officer in your own country. You have found a girl/young woman in a park with a bruise on her eye. She has not said anything to you and has no possessions. She is obviously very frightened.

How would you deal with the situation?

-

Alternative:

You have brought the young woman to the police station and have taken her to an investigator. Explain to the investigator what you know.

c) Notes for the Investigator

You are an investigator in your own country. A supposedly trafficked girl/young woman is brought in for you to interview.

How would you deal with the situation?



All law enforcement officers have a duty to respond immediately when they discover individuals suspected to have been trafficked, or when third-party informants provide intelligence/evidence.

If a law enforcement officer locates a presumed victim, the following guidelines on how to interview/contact him/her should be taken into consideration. This also applies to questions asked on first making contact. If in doubt the officer should always call the specialised investigation unit or refer the person to a local NGO supporting trafficked people and inform the specialised unit accordingly:



Handout 4.2. Guidelines: Essential steps to be taken on initial contact with presumed victim

1. Do no harm

Treat each (presumed) trafficked person and the situation as if the potential for harm is 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.

2. Know your subject and assess the risks

Learn the risks associated with trafficking and each person's case before undertaking an interview.

3. Prepare referral information – do not make promises that you cannot keep

Be prepared to provide information both in the individual's native language and the local language (if different) regarding appropriate legal, medical, and social support. Information on accommodation/shelter and security services should also be provided. Assist with referral, if requested.

4. Select and brief interpreters and co-workers with care

Weigh the risks and benefits associated with employing interpreters and co-workers. Develop adequate methods for interviewing.

5. Ensure anonymity and confidentiality

Protect a respondent's identity and treat his/her case confidentially throughout the interview process. This applies from initial contact and until the details of his/her case are made public.

6. Get informed consent

Make certain that each respondent clearly understands the content and purpose of the interview; the intended use of the information; his/her right not to answer questions, to terminate the interview at any time, and to put restrictions on how the information is used.

7. Listen to and respect each person's assessment of his/her situation and risks to his/her safety

Recognise that each person will have different concerns, and that the way s/he views them may be different from how others might assess them.

8. Do not re-traumatise the victim

Do not ask questions intended to provoke an emotionally charged response. Be prepared to respond to the victim's distress sensitively and in a constructive manner.

9. Be prepared for emergency intervention

If the victim believes s/he is in imminent danger, respond appropriately.

10. Put information collected to good use

The information should be applied in a way that benefits the victim or advances the development of good policies/intervention for other future victims of trafficking.⁵¹

Unwillingness to co-operate is fairly common, at least initially, on first contact. Victims might feel intimidated, or say what traffickers have told them to say to authorities in case of investigations. In many cases they cannot speak the local language. The crime therefore needs to be dealt with in a way that alleviates such difficulties and does not criminalise victims, even in cases where they have violated immigration laws. It is important to remember that most trafficking trials have derived from victims' testimonies. Thus care needs to be taken in order to ensure such an important source of evidence.



Cross reference Unit 8

4.3. Profile of trafficked persons

4.3.1. The Difficulties Involved in Identifying Trafficked Victims and Trafficking Cases

⁵¹ WHO, Ethical and Safety Recommendations for Interviewing Trafficked Women, 2003.

The typical profile of a trafficked person does not exist. The type of people traffickers prey on depends largely on the demand in destination countries. It is not just females who are trafficked and sex is not the only form in which human beings can be exploited. There is demand for both males and females in forced agricultural labour, on construction sites, in catering businesses, households, the sex industry, and as regards the market for human organs. Victims are of different genders and age, and are trapped in a variety of exploitative situations. They come from different cultural backgrounds, are bound by different codes of behaviour, and, as individuals, have a whole set of different responses to abusive treatment.

Moreover, the dilemma of the law enforcement officer who feels 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 indeed rarely clear upon first contact, especially because the victims, out of fear, may only provide partial or misleading information. Ascertaining whether a person has committed a crime (e.g. an illegal immigrant or an irregular worker) or whether s/he has been trafficked is an issue law enforcement officers have to confront. Determining the truth therefore depends on the officer's skill at looking beyond the surface and analysing important indicators of trafficking.

4.3.2. Non-punishment and non-expulsion of (presumed) victims of trafficking



It is important to observe the following best practices, in accordance with UN standards and principles. If there is evidence indicating that an individual may be the 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'**⁵². The "non-punishment provision" (Art. 26) of the Council of Europe (CoE) Convention on Action against Trafficking in Human Beings decrees that States **shall not impose 'penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so'**⁵³.

⁵² UNHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking (corollary to the UN Trafficking Protocol), 2002.

⁵³ The Council of Europe Convention on Action against Trafficking in Human Beings (CETS N° 197), May 2005, Art 26.

Furthermore, the CoE Convention stipulates in Art. 10 Para. 2 that **'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'**.⁵⁴

If an officer comes into contact with a presumed victim and is not able to complete the identification process owing to limitations of time/resources, s/he should ensure that the case is passed immediately to a specialised unit that has the resources to carry out an assessment. S/he should provide detailed information acquired during first contact in a clear written statement that will be passed on to the unit.

The rationale behind the principles listed above is to ensure that traffickers are prosecuted and to reduce the chance of individuals falling victim to re-trafficking.

4.3.3. Identification of Trafficked Victims and Trafficking Cases

The identification of victims is key to the prosecution of traffickers and to the protection of trafficked persons. The police officers have to decide when to look at a potentially trafficked person closer, come to a decision if s/he might be a victim or not and start the referral process accordingly. It is therefore necessary to look for evidence that:

- The individual is subject to another's control;
- S/he is unable to move freely or leave the workplace;
- There is bruising/signs the individual has been battered;
- S/he has difficulty communicating in the local language;
- The individual was recently brought to the country from another part of the world;
- S/he has no passport, immigration or identification documents;
- The individual seems afraid or depressed⁵⁵.

Indicators helping to identify trafficked persons can be divided into two groups⁵⁶:

⁵⁴ The Council of Europe Convention on Action against Trafficking in Human Beings (CETS N° 197), May 2005, Art. 10 Para. 2 t.

⁵⁵ Hughes M. Donna, Hiding in Plain Sight – A Practical Guide to Identifying Victims of Trafficking in the U.S, October 2003.

- **Direct indicators**, i.e. indicators that correspond to one or more of the elements outlined in the definition of trafficking in human beings⁵⁷. It is worth noting that trafficking crimes can be identified early, at the recruitment and transportation stages, and therefore before individuals become subject to exploitation. In this case, the intention of exploitation is enough to refer this crime to trafficking in human beings.
- **Indirect indicators**, i.e. indicators that are based on practical data and research on past cases of trafficking. These include information on the overall average social and psychological profile of trafficked persons, and the locations where presumed victims were found⁵⁸.



- Look beyond what is immediately apparent. Working people, illegal migrants and prostitutes may be victims of trafficking⁵⁹;
- Do not expect to be approached and asked for help by victims;
- Victims do not always have the same characteristics;
- The crime is complex. Indicators are only one tool to help identify victims. Some trafficked victims will not look as though they are victims, or even be aware that they are.

Traffickers use a variety of techniques to keep their victims enslaved. Some traffickers keep their victims under lock and key, but more frequently they use less obvious methods, including:

⁵⁶ International Center, “La Strada”, Moldova, May 2006.

⁵⁷ These indicators can correspond to any of the actions: ‘recruitment, transportation, transfer, harboring or receipt of persons’; any of the means: ‘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’; or any of the purposes of exploitation: ‘exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs’. See Glossary of Terms.

⁵⁸ The overall average social profile of a trafficked person includes the victim’s age, sex, social class, education, profession, marital status and profession. The legal status in the country of destination or transit regarding an individual presumed to have been trafficked is an important indicator. As a rule, illegal migrants are those who most often fall victim to the crime. Even when entering a country legally, they often remain there illegally, violating the immigration laws of the country. Violation of the person’s rights, is also an important indicator.

The overall average psychological profile of a trafficked person is based on the results of the coercive/exploitative practices described above and the psychological trauma recorded in individuals exposed to them. Specialists are able to identify victims through the distinctive characteristics of psychological trauma.

Comparing the description of the location in which the presumed victim was found with well-known trafficking cases may also help to identify victims. More details follow in this sub-chapter.

⁵⁹ The manner that law enforcement officers deal with prostitutes independent of the legal system of the country concerned. The issue at stake here, however, is to identify human trafficking and to go beyond the obvious circumstances of the case as it would be viewed by national law.

- Debt bondage, or financial obligations – work is underpaid/unpaid as the earnings are retained to repay an outstanding debt;
- Isolation from the public – limiting contact with outsiders and ensuring that any contact is monitored or superficial in nature;
- Isolation from family members and members of the ethnic and religious community;
- Withdrawal of passports, visa and/or identification documents;
- Use or threat of violence towards victims and/or their families;
- Threatening to shame victims by exposing their circumstances to their families;
- Telling victims they will be imprisoned or deported for violating immigration laws if they contact the authorities;
- Informing victims that police officers are corrupt and/or the friends of traffickers;
- Withholding their money for “safe keeping”;
- (Ab)use of religious beliefs and/or traditional rituals.

The aim of such techniques is to instill fear in victims. Their state of isolation is further exacerbated because many do not speak the language of the destination country and/or might come from countries where law enforcement is not trusted.

It is important to talk to a presumed victim in an environment where s/he feels safe. If s/he is accompanied by somebody who appears controlling, the police officer should attempt to exclude that person from any interviews that take place as there is the possibility the person could be part of the criminal group.

Depending on the kind of exploitation the case implies, a number of more specific indicators can be relevant.

For example, the possibility an individual may have been trafficked for **sexual exploitation** could be deduced by the presence of the following indicators:

- The individual (usually women/girls) has been sexually abused and intimidated in order to be forced into submission by the group/individual controlling him/her;
- The individual is under another’s control. If s/he has a mobile phone, it is also used as a means of control;
- The money earned is partially/totally withheld and the individual has limited control over what s/he earns;

- There is no freedom for the individual to decide his/her own working hours as working conditions are imposed by the individual/group;
- Freedom to return home (abroad or within the same country) is restricted or impeded by the individual/group controlling the individual;
- Threats to harm the individual and/or his/her family are made to discourage escape. (There have been cases where women/girls who have attempted to escape seek help in shelters and are searched, abducted and forcibly re-inserted back in the workplace);
- Intimidation is used as an alternative/in addition to violence to control the individual.

Agencies and individuals involved in the identification of sexually exploited victims are mainly:

- The police;
- Specialised investigators (e.g. who conduct raids/pro-active investigations into organised crime);
- Border guards (when victims are transferred/sold from one country to another);
- NGOs;
- Social workers;
- Immigration authorities;
- Brothel owners and prostitutes (in countries where prostitution is legal);
- Neighbours of victims/traffickers (e.g. in cases of enforced prostitution in private apartments);
- Taxi drivers (e.g. who transport prostitutes to their clients in hotels);
- Clients;
- Health services.

The indicators prevalent when dealing with individuals suspected to have been trafficked for **forced labour** include the following:

- The worker is prevented from freely leaving the workplace;
- S/he is/has been exposed to physical or sexual violence;

- The worker is controlled by threats to announce his/her presence to the authorities (as is frequently the case with illegal migrants/workers);
- No salary is received because the individual has to repay a debt to the employer;
- Compensation provided for services is below the minimum wage or below reasonable standards;
- Working hours are disproportionate to the amount of compensation;
- Working conditions are radically different from the terms the worker agreed to/below minimum standards;
- Negotiations regarding working conditions are not possible.

Agencies and individuals involved in the identification of victims in forced labour are mainly:

- Labour inspectors;
- Police officials;
- Specialised investigators;
- Trade unions;
- Workers' associations;
- Immigration authorities;
- Social workers;
- Health services;
- Migrant organisations and communities.

Indicators useful when dealing with persons who are suspected to have been trafficked for **domestic servitude** are often similar or identical to those in forced labour cases, with a few additional elements, e.g.:

- Co-habitation;
- Lack of respect for working hours and no daily/weekly breaks on a regular basis;
- Offensive acts and/or racist acts/attitudes towards the domestic worker;
- The worker's exposure to physical or sexual abuse/violence;

- S/he is prevented from leaving the place of residence/work freely;
- No leisure time is permitted;
- Compensation is not paid or is insufficient for the domestic worker to conduct an autonomous life.

Cases of domestic servitude are particularly difficult to identify and evidence of them is difficult to obtain because they happen in the private sphere. Very often the victims are exploited by individuals who appear respectable. It is difficult for the police to make contact with the victim as they are only able to enter the house when alerted by the victim him/herself or by other community members.

Agencies and individuals involved in the identification of domestic servitude are mainly:

- Neighbours;
- Friends;
- Family members;
- Community policing systems;
- Migrant organisations.

Law enforcement should note that the modus operandi of traffickers changes according to demand in the destination countries. Indicators should therefore be monitored and updated regularly to ensure they still apply.

4.3.4. Possible Characteristics of Presumed Victims

The behaviour of the individual can also be informative; however, as there is no one standard behavioural pattern, the identification of victims is often a complex operation. It is frequently based on the cumulative existence of indicators from past trafficking cases, where victims have been found to exhibit the following kinds of behaviour when coming into contact with law enforcement officers:

- They do not initiate conversation;

- If in a group, they attempt to make themselves inconspicuous in order not to be singled out for questioning. In this instance it is best to interview the individual alone;
- They do not answer/avoid personal questions (for example, in connection with family or plans for the future) since this is too painful;
- They have been trained to hide or distort the truth;
- They are frequently accompanied by another in order to prevent them from running away;
- They avoid eye contact and seem ashamed. (It is important to be aware of cultural differences, for example, in some cultures avoidance of eye contact is a sign of respect.)

Many trafficked persons are subjected to severe psychological abuse. The trafficking experience violates a person's autonomy at the level of her/his basic physical integrity. For example, the victim may not have been allowed to decide when or if s/he can eat or rest, and in many cases has been subject to repeated physical injury. This loss of control is often recounted as the most humiliating aspect of the trauma. As a consequence of their treatment, victims often conform to avoid further abuse. They live a sheltered existence and are perpetually fed false information by their traffickers to prevent them from turning to the police for help or trying to escape. Their instincts and ability to remove themselves from danger is stifled by the situation they find themselves in. Many indeed become passive and uncertain, and find it impossible to escape.

It is important to stress that this does not necessarily apply to all cases of trafficking.



Handout 4.3. Example 1

Following a joint international and local police investigation, twelve girls were rescued from a bar. When asked if they were victims of trafficking, all said they were not. When interviewed separately, each admitted to having been held hostage and forced to work as a prostitute. They had not been able to admit this when interviewed in a group because one of the girls had been the madam and was second in command to the man who had trafficked them. After

identifying them as victims of trafficking, they were questioned further by local police and referred for assistance and repatriation.⁶⁰

The example above shows how the complexity of trafficked victims circumstances makes it difficult for law enforcement officers to approach them, gain their trust, and to fully comprehend their decisions and reactions.

Victims of trafficking often:

- Feel trapped with no safe route out;
- Work in illicit or covert sectors;
- Have limited knowledge of their rights and legal options;
- Have little personal freedom;
- Are frequently moved between cities, or traded from one establishment to another;
- Have usually experienced physical, sexual or psychological abuse or received threats of harm to their families and/or to themselves ;
- Are subject to violence, fines and penalties by employers or agents;
- Do not have legal status in the destination country;
- Have had their papers removed and worry about deportation;
- Lie about their age, particularly if they are minors;
- Are trapped in situations of debt bondage or other forms of organised crime (e.g. victims are brought into contact with corrupt government officials/members of the police/military);
- Seem hesitant, anxious/traumatised and sometimes have an impaired sense of time or space; suffer memory loss regarding particular events; and under/overestimate the danger of certain situations.

Those who have left the trafficking situation often:

- Have some of the same concerns identified above;

⁶⁰ NATO, [A Threat to Security and Stability](#), Module for Military Commanders and Civilian Leaders, Module 2, 2005.

- Continue to feel as though they are under the surveillance of traffickers/others connected to them. (Sometimes their perception is accurate and, indeed, many trafficked women are recruited by individual(s) living in the same town or village);
- Feel they have outstanding debts or owe money to traffickers;
- Remain vulnerable to retribution to themselves and/or their families;
- Only have temporary residence status in a destination country and fear imminent deportation;
- Feel there is a stigma attached to their experience/former work, and believe they could be rejected by their families/communities if the past is revealed (in some cases their beliefs have foundation);
- Become subject to extreme anxiety, with the loss of previous coping mechanisms;
- Are under immense pressure, if the provision of assistance and protection depends on their willingness to co-operate with criminal justice authorities. The length of these proceedings can also take their toll.

Not all individuals who have been trafficked, however, consider themselves victims or appear traumatised. Many of them function in ambiguous situations where their feelings demonstrate contradictory or ambivalent characteristics. For example:

- It is not uncommon for an individual to have an intimate relationship with someone connected to the trafficking network. In some cases s/he can feel a sense of loyalty or gratitude to this person, or indeed feel dependent on him/her in some way;
- Some victims do not perceive themselves as having been trafficked and do not want to be treated like victims. They may regard their experience as the consequence of a poor decision for which they alone are accountable. Some see it as a temporary situation in which there is the opportunity to earn enough money to pay off a debt/ support themselves or a family at home;
- Victims may not always perceive their working environment as abusive or exploitative.

Law enforcement officers are more likely to obtain detailed, accurate information from trafficked persons if they treat them with respect and ensure their welfare is a priority. Consideration of the above points is therefore essential to this.

4.3.5. Identification of Trafficked Children

The Palermo Protocol defines a 'child' as anyone under 18 years of age.

The identification of children as victims of trafficking requires pro-active methods of identification. 'Where the age of the victim is uncertain and there are reasons to believe that the victim is a child, the presumption shall be that the victim is a child'⁶¹. Sample indicators include the following:

- Unaccompanied children work illegally and deliver their proceeds to somebody else;
- They leave shelters provided for them by the state or NGOs;
- They are found with false identification documents;
- They are discovered living on work premises;
- They do long working hours;
- They don't attend school regularly;
- They have physical injuries, such as bruises and scratches;
- Often they travel with adults who are not their biological parents.

Exploitation through parents or relatives makes the identification of trafficked children extremely difficult⁶².

4.3.6. Survival Strategies of Trafficked Persons

Trafficked persons are coerced into long-term exploitative relationships with their traffickers. They suffer systematic violence or abuse over a period of time and thus develop survival strategies and adapt their behaviour to minimise further incidences of abuse.

There three main survival strategies adopted are:

⁶¹ UNICEF, Guidelines for Protection of the Rights of Children Victims Trafficking in Southeastern Europe, May 2003 is accepted as general standard for the protection of trafficked children in Europe. For more details on methods of age assessment, investigating child trafficking, interviewing children and other child-related issues see also IOM, Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking, March 2006, pp. 30–31.

⁶² IOM, Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking, March 2006, p. 27.

Avoidance – the victims do everything within their power to avoid further violence/abuse. They may show total obedience to their bosses and try to please them by seeming enthusiastic or happy in their work;

Identification with the offender (also referred to as ‘Stockholm Syndrome’⁶³) – victims feel that they cannot risk further violence that they are isolated from the outside world, and that escape is impossible. It becomes critical to gain the trafficker’s approval in order to survive. They put themselves in the trafficker’s position, adopt his/her views as a means of identifying with him/her and begin to behave similarly. The identification process is often more intense if the trafficker shows any regard for the victim.

Victims have even been known to offer implausible explanations to the contrary when confronted with strong evidence that they have been trafficked.

Numbing – after a period of time victims can become so involved in identifying with their traffickers that they become alienated from their own emotions and thoughts. This explains why some victims display high levels of indifference to their own suffering. Those who have been controlled by traffickers for a long time sometimes need months, and even years, to re-construct their personality. They require a lot of support from others during this time.

4.3.7. The Stages of Recovery – Behavioural Responses in Trafficked Persons

The recovery of traumatised victims requires time and highly specialised support networks. 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 recover:

- **The hostile victim**

Frequently a victim’s initial reaction is to prevent any intrusion that could destabilise his/her traffickers’ control. The victim has learnt that anything jeopardising their control will lead to immediate violence against him/her. S/he will thus avoid any co-operation with law enforcement or judicial authorities⁶⁴.

- **Loss of Orientation**

⁶³ During a case in Stockholm, 1973, the victims repeatedly defended their captors despite having being held hostage for six days. They were reticent throughout the legal procedures that followed.

⁶⁴ Coomaraswamy, Radhika, Statement, Dearing/Förg, 1999, p. 105.

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

- **Re-construction and Remembering**

For many victims, a period of re-construction follows. There can be a lot of retrospective thinking during this time and victims seem to long for everything to be as it was before they were trafficked. They re-interpret and attempt to come to terms with their experience. In some cases they are able to find an explanation for what has happened, or can see how the experience has led to personal growth.

- **Social Inclusion**

At a certain stage, victims realise they have to re-construct relationships in the outside world, in order to overcome the social fragmentation caused by trafficking.

4.3.8. The Impact of Trauma on Children⁶⁵

Following traumatic events, children may initially show agitated or confused behaviour. They may also show intense fear, helplessness, anger, or denial. Those who experience repeated trauma sometimes dissociate themselves from the emotional pain it causes. Children with Post-traumatic stress disorder (PTSD) avoid situations or places that remind them of the trauma. They may also become less emotionally responsive, withdrawn, and more detached from their feelings.

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

- Frequently recalling them, or, as in young children, playing games in which some or all elements of the events are continually repeated. S/he may also have upsetting dreams;
- Acting or feeling as though the experience is happening again;
- Developing certain physical or emotional symptoms when reminded of the event.

Children with PTSD may also show the following symptoms:

- Worry about dying at an early age;
- Lose interest in activities;
- Suffer frequent headaches/stomach aches;

⁶⁵ WHO, List of Guidelines for Health Emergency, No. 70, 10/99, Regional Office for South East Asia, 1999.

- Show more sudden and extreme emotional reactions;
- Have problems sleeping;
- Show irritability or have angry outbursts;
- Have problems concentrating;
- Act younger than their age (e.g. clingy behaviour, thumb sucking);
- Show increased alertness to the environment;
- Repeat behaviour that reminds them of the trauma.

The symptoms of PTSD may last several months to many years. Support from parents, the school and peers is important. Emphasis needs to be placed upon establishing a feeling of safety. Psychotherapy (individual, group, or family) that 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 relieve 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.

4.4. Co-operation with Victims of Trafficking

4.4.1. The Need to Stabilise the Victim

Law enforcement officers, and those involved in the subsequent legal procedures, should acknowledge the impact of trauma upon trafficked victims and recognise that lack of co-operation, hostility, the inability to recall events in detail, and fabrications concerning specific events are likely to be motivated by trauma, as opposed to a deliberate decision not to co-operate.

Any person who has suffered a traumatic experience undergoes some alteration as a result and the emotions experienced are normal. It is important to remember that it is the trauma of the event that is abnormal.

A victim is only likely to be able to make informed decisions and provide a detailed account of his/her experience after having received specialist assistance and some degree of autonomy

for a period of time. If the victim is interrogated too soon after trauma, his/her capacity to remember will, in many cases, be overstrained.

Victims often do not understand why they cannot remember and can be tempted to make up the details that appear to be missing. At later stages in the proceedings, victims often remember more, because they are better able to cope with their memories. At this stage it is difficult for them to change their accounts. Under normal circumstances we remember events that have just occurred much better than experiences in the past; the opposite is true for victims of violence⁶⁶. For this reason it is essential that those involved in the legal proceedings recognise that every attempt to force victims to remember is more likely to heighten the potential for re-traumatisation and, thus, to hinder the investigation.

It is difficult to establish exactly how much time is needed for a victim to re-gain his/her a memory after the trauma of his/her experience – the time frame can range from weeks to months. Therefore professional advice from specialists is indispensable.

The optimum method for the professional management of a traumatised victim requires a two-stage approach:

- **First stage:** stabilise the victim through the provision of security and specialist assistance⁶⁷:
 - Reassure the victim of his/her safety;
 - Ensure his/her privacy;
 - Assess potential medical/psychological/other needs;
 - Offer crisis counselling;
 - Ensure the victim feels comfortable;
 - Help the victim realise that the physical and emotional symptoms s/he may experience are the results of the crime;
 - Keep questions clear and simple;
 - Inform the victim of resources and services available;
 - Offer choice with daily routines such as what/when to eat;
 - Consider the special needs of children, e.g. adapt your language to the age of the child, create a child-friendly environment.⁶⁸
- **Second stage:** start the investigation after the victim has been stabilised.

⁶⁶ Fischer, G./Becker-Fischer, M./Düchting, C., Neue Wege in der Opferhilfe. Ergebnisse und Verfahrensvorschläge aus dem Kölner Opferhilfe Modell, Köln, 1998, p.62.

⁶⁷ These points are largely based on Adem Vokshi, Anna Wergens, e.a, Victim advocacy introductory manual, working with victims of crime, funded and supported by OSCE, Office for Democratic Institutions and Human Rights ODIHR, US Office Pristina, American Bar Association / Central and Eastern European Law Initiative ABA/CEELI, Human Rights Project Fund, UK Foreign and Commonwealth Office.

⁶⁸ IOM, Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking, March 2006.

4.4.2. Avoiding Secondary Victimization

Secondary victimisation refers to what can occur as a result of institutions/individuals responses to the victim once a criminal investigation has begun.⁶⁹

Institutionalised victimisation is strongly apparent within the criminal justice system. The process of the investigation and trial can result in secondary victimisation occurring at the start of the investigation, during decisions regarding whether or not to prosecute, at the trial, as well as in the sentencing of the offender and at the time of his/her eventual release.

It can take place due to difficulties in balancing the rights of the victim against the rights of the accused, and when, in some cases, the victim's perspective is ignored.

Other agencies that come into contact with the victim may be responsible for secondary victimisation. The hurried schedule of a hospital's emergency room, for example, may feel like an invasion of privacy to a sexual assault victim.

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

Law enforcement authorities may cause severe re-traumatisation, and do so in such a manner that victims are unable to recognise the fact that they have been victimised.

It is therefore essential that law enforcement officers coming into contact with suspected victims of trafficking do not put any responsibility for the crime onto the victim. They should deal with them sensitively and show trust in their version of events.

When the state, which is supposed to have provided protection, mistreats victims, they can have difficulties acknowledging that an offence has occurred. Therefore, raising awareness among all actors involved is an important element of anti-trafficking strategies.

4.5. Profile of Traffickers

There are a wide range of traffickers in human beings. In some cases they are members of organised criminal groups who also deal in the trafficking of arms and drugs. In other cases, they may be members of small groups with a loose structure. These groups can consist of the

⁶⁹ UN, UN Handbook on Justice for Victims, New York, 1999, p. 9.

victim's family members or other individuals who consider themselves entrepreneurs. Some victims may even become traffickers themselves due to a lack of available job opportunities.

As a crime, trafficking is based on vertical and horizontal structures of activities which are closely connected to each other. Indeed it consists of chains of vertical individual offences such as corruption, counterfeiting of travel documents and the violation of immigration and labour laws. At the same time, there are horizontal connections between these different criminal activities that form part of the same network of organised crime. This means that the activity of one individual within the network has an influence on the overall efficiency of the criminal group. In certain instances, the individual crime may appear insignificant, but when viewed as the component of a specific end purpose, it may be fundamental to the success of the group.

Corruption is a tactic frequently employed by traffickers and associations with different authorities are always beneficial. In many countries evidence has been established that local, as well as international, officials and law enforcers' have been involved in a number of corrupt activities including: giving traffickers inside information on anti-trafficking investigations; turning a blind eye to the presence of trafficked persons in public places; facilitating the acquisition of false passports/travel documents and not checking them at transit points; and/or using the services of trafficked victims, particularly prostitutes, in return for such favours.

4.5.1. The Structure of Trafficking Groups

To gain a better understanding of the organisational structure of trafficking groups, it is possible to sub-divide them into three types, that is, **high-, medium- and low-level**.

High-level groups

These groups usually oversee high-level international trafficking. They usually set prices and finance the cost of transfers, but do not participate directly in the transport of the trafficked persons or in organising border crossings. They establish trade relationships with other high-level groups (in the same country or abroad), 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, and their relationships are set up with precise contractual conditions. The leaders of high-level groups may live abroad, almost never come into contact with their victims, and usually reinvest the income from human trafficking in other illegal markets, such as trafficking in drugs or arms, or in legal sectors such as real estate. Given their entrepreneurial nature and tendency to deal with large sums of money, high-level groups may develop relationships with individuals in political, diplomatic, administrative and financial circles.

Medium-level groups

This category covers groups operating in strategic geographical areas, such as areas close to national borders, countries of origin, transit and destination. Medium-level groups are usually entrusted with tasks in the operative stages of the victims' trip, and commissioned by high-level groups. Their technical skills and excellent knowledge of the local territory and whereabouts of established criminal networks (for example, those involved in the corruption of officials who issue travel documentation) make them extremely useful counterparts for high-level groups.

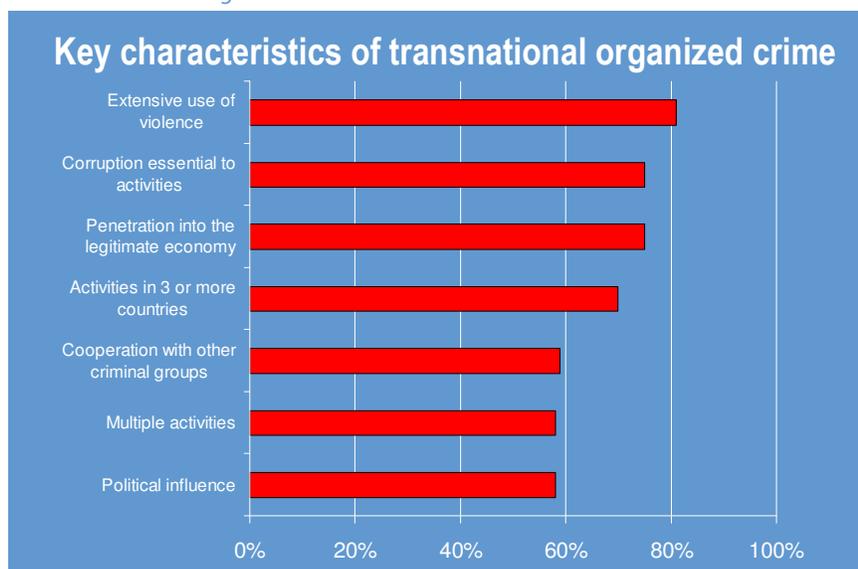
Low-level groups

This category includes criminal groups of minor importance. They operate under a type of mandate that is granted either by medium-level groups or, in some cases, by individual traffickers. Usually there are greater numbers of low-level groups than of the latter types discussed. Their main activities consist of receiving the trafficked persons, ensuring the logistics of border crossings, and setting up bases for departure or assembly points on arrival. They may also be involved in the temporary exploitation of victims, particularly in transit countries.

Single Traffickers

In some cases trafficking is carried out by "freelance" individuals who are loosely connected to trafficking networks. These can, in some instances, be friends or family members who take individuals abroad and sell them on to traffickers. In cases like this, it is especially difficult for law enforcement to identify the crime. Common examples are in domestic servitude and forced marriage, forced labour (for example, within closed ethnic communities) and forced prostitution.

Handout 4.4. Key Characteristics of transnational organised crime



Often, groups dealing with trafficking activities belong to trans-national organised crime structures and are also involved in other illegal activities. Their profiles have been presented in a UNODC analysis ⁷⁰ which reports that there are more than 40 of these groups in the 16 countries selected. The research has identified some of the key characteristics of transnational organised crime:

- More than 80% of the groups make extensive use of violence;
- Corruption is an essential tool, with 75% of the groups using it in the course of their activities;
- 75% of the groups have an effect on the legitimate economy. Some groups invest their income from human trafficking, for example in legitimate business (such as real estate);
- In most cases (70%) the groups spread their activities across five or more countries;
- Organised criminal groups usually co-operate with other criminal groups (about 60%) in order to expand their market;
- Almost 60% of the groups have an amount of political influence in their main country of operation. This is often closely linked to corruption and the capacity to penetrate the legitimate economy.

⁷⁰ UNODC, Global Programme against Organized Crime, Results of a Pilot Survey of Forty Selected Organized Criminal Groups in Sixteen Countries, 2002.

4.5.2. Key Characteristics and Patterns of Traffickers

As traffickers often have dealings in a host of other crimes, such as drugs and weapon trafficking, money laundering, and counterfeit documents, it is difficult to establish a definitive list of indicators that are beneficial when attempting to identify them.

However, traffickers are generally revealed by their products: the victims. The crime generates victims, and once they have been located it is often the case that the traffickers are nearby. It is best to research who is involved in the recruitment, transfer, harbouring/receipt and exploitation of the victims and important to bear in mind that those involved are not necessarily the traffickers. This research can be carried out in original, transit and destination countries although criminal indicators tend to be more concentrated in the latter. In destination countries it is possible to identify those involved in the process by the personnel who operate in brothels, hotels, saunas, construction sites, or by adults who control children that beg in the street.

Handout 4.5. Indicators for identification of traffickers

Traffickers often display the following characteristics/behaviour:

- Have criminal records for smuggling migrants, pimping, falsifying documents, illegally possessing weapons, human trafficking, possessing receipts for undeclared money transfers through companies/banks;
- Advertise escort services, saunas or brothels;
- Appear to have no job/income but own expensive cars, jewellery etc., and frequently travel abroad;
- Are discovered with another individual's documents and cannot give a plausible explanation on being questioned why;
- Collect the rent for apartments/hotel rooms where presumed victims have been sited;
- Seen escorting the victims as s/he goes about daily business (this is often the case with traffickers dealing in sexual exploitation);
- Has the role of "controller", which is to accompany the victim wherever s/he goes so s/he cannot escape and/or seek help. (During border checks or raids it is good practice to separate groups/pairs).
- Usually have all victims mobile telephone numbers who work for the same organisation, even if they work in different areas or cities. Making a cross-check of the

victim's and suspect's numbers during police operations can lead to good investigative results.

In some instances traffickers were victims in the past. Female victims of sexual exploitation can become traffickers who offer sexual services alongside their victims. Usually they are the "controllers" of the victim's activities (see above). There is still, however, much research that needs to be done in this area.

Closure



National Teams

List additional criteria for victim identification specific to your country.

Where is it possible to find trafficked persons?

Do you have any guidelines or examples of good practice? If yes, please incorporate in your list.

UNIT 5



Unit 5: Intelligence Gathering and Exchange

5.1. Training Plan

Learning Objectives

- To explain the difference between strategic and tactical intelligence;
- To distinguish the importance and methods of intelligence gathering at all levels (front line in addition to specialised units);
- To identify how intelligence should be classified, evaluated and exchanged;
- To categorise the security issues surrounding the exchange of intelligence.

Method

Lecture/Input + Work in Groups + Discussion

Supporting material and equipment

Training Manual Unit 5 + Flipchart + Projector

Procedure	Introduction
	<p>Topic 5.1 Importance of intelligence gathering to combat human trafficking (THB)</p> <ul style="list-style-type: none"> - Brief input + discussion. Introduce main concepts focusing on roles of different law enforcement agencies in intelligence gathering. Give relevant country examples whenever possible. <p>Topic 5.2 Types of intelligence</p> <ul style="list-style-type: none"> - Divide class into two groups and label them: Strategic and Tactical; - Create an element of competition by asking each group to come up with as many 'values' for their kind of intelligence as possible; - Report back in 3 minutes. Trainer to confirm and fill gaps; - Maintain groups and give next task. Each group to provide list of headings for classification of their type of intelligence (Give an example of each to get started); - Brief summary lecture by trainer. This will permit continuation of discussion regarding key areas of intelligence-gathering. <p>Topic 5.3 Sources of intelligence</p> <ul style="list-style-type: none"> - Introduce concept of "open, closed and confidential intelligence"; - Maintain class division into two groups. One group remains in role as police personnel. The second group will be asked to play the role of

	<p>traffickers;</p> <ul style="list-style-type: none"> - Police group is to discuss and identify i) example locations to search for intelligence and ii) identify what they would be looking for. Trafficker group is to discuss and identify i) what intelligence they would need to hide and ii) how they would achieve it; - In report back session allow groups to provide their findings and to challenge each other; - Trainer corrects, confirms and fills knowledge gaps; - A few well-crafted powerpoint slides will help with the presentation of Topics 5.4 – 5.8. Examples are also important to illustrate these topics. <p>Example of additional ideas for teaching this unit collected during pilot training in Serbia.⁷¹</p> <p>Closure</p>
<p>Handouts</p>	<p>Handout 5.1. Resource Centre to Combat Human Trafficking, Romania</p> <p>Handout 5.2. Key Tactical Level Areas</p> <p>Handout 5.3. Raw Intelligence Sources</p> <p>Handout 5.4. Surveillance and Monitoring Locations</p>

⁷¹ During the pilot training carried out by the National Team in Serbia (Serbia and Montenegro), a video recording of police operations monitoring brothels and collecting intelligence was presented to illustrate parts of the intelligence-gathering sessions.

5.2. Importance of Intelligence Gathering to combat THB

Human trafficking is for the most part an organised international crime. Therefore it is critically important to gather and exchange intelligence on the subject to combat the crime effectively. It is of equal importance to recognise that the intelligence-gathering activity must start at the lowest frontline level and work upwards towards the specialist investigative task forces that have a more in-depth knowledge of specific crimes and of intelligence gathering in general.

To achieve its full potential, intelligence gathering has to be conducted holistically, i.e. by collecting and collating as many different sources as possible. This implies that the potential of frontline officers to gather and contribute vital intelligence must be recognised and in turn, harnessed to the specialised counter-trafficking units.

It should be noted that investigative experience has shown that the vital piece of intelligence or evidence that finally 'broke' a case and led to a successful conclusion, will often come from a frontline officer. In many cases, s/he may often not realise the importance and value of his/her contribution and of his/her role.

These experiences highlight the operational need to inform frontline personnel of the importance of their role in the counter-trafficking response and to ensure that they:

- Are informed about the crime of trafficking and the legislation relating to it;
- Recognise potential trafficked victims and traffickers (see Unit 4: Identification);
- Maximise their intelligence-gathering capacity during their daily activities; and
- Know how to record and evaluate information, and disseminate relevant intelligence to specialised colleagues/units.



Cross reference Unit 4

It is important to recognise that law enforcement agencies must have the capacity to identify, gather and exchange intelligence with international colleagues within south-eastern Europe and beyond.



The leading principle in this field is: 'Intelligence is power'. Thus, the better the quality of the intelligence gathered and exchanged, the greater the power it has.

Problems in intelligence gathering and exchange emerge in connection with different areas. Some are related to security concerns, others to structural factors:

- Within each national framework, relevant agencies may use different criteria to define and measure the crime;

- The lack of harmonisation that characterises national systems is repeated at the regional and international level;
- Inadequate awareness and training means that the crime is often not recognised when it is encountered, particularly at the frontline level; and
- Organised criminals deliberately structure the modus operandi of the crime to conceal it so as to make it as difficult as possible for law enforcement agencies to detect its presence.

At the national level, an increasing number of countries already have or are in the process of creating national task forces or other specialised units to address the problem using a co-ordinated approach to intelligence gathering.

At the international level, police agencies such as the Southeast European Cooperative Initiative (SECI) Centre, Europol and Interpol produce annual situation and threat assessment reports on a country-by-country basis and conduct analytical research into the phenomenon of human trafficking.

When considering intelligence-gathering activities, two important factors must be taken into consideration in order to avoid adopting an approach that is too narrow:

1. All intelligence about the structure and methodology of a trafficking network, from the beginning of the process to the end, is highly relevant to the trafficking investigator, irrespective of whether s/he is based in the country of origin, transit or destination. Recalling the basic philosophy that intelligence is power, the more investigators learn from different sources about the subject, the greater their ability to counter it; and
2. It is important to avoid the trap of thinking that **sources** of intelligence are conveniently divided into the three geographical distinctions of origin, transit and destination countries. For example, it would be logical to assume that recruitment intelligence could best be adduced in the countries of origin. While this may sometimes be the case, it is also possible that the best and most relevant information may be obtained during interviews held with victims in the countries of destination.

Intelligence sources may be found across the spectrum of the crime of trafficking. Thus, a broad approach to intelligence gathering is therefore the most effective way to deal with the crime.

5.3. Types of Intelligence

To garner the maximum value for counter-trafficking measures, intelligence gathering should focus on the following two levels:

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

5.3.1. Strategic Intelligence

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

Value of Strategic Intelligence:

- To enable an accurate assessment 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 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. Thus, both the supply and demand aspects of the crime have to be considered.

Thematic data should be collected and evaluated regularly and might be classified as follows:

- **Socio-economic** thematic data such as economic trends, the feminisation of poverty, absence of job opportunities, 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 victims' and offenders' profiles;
- **Geographical proximity** as well as business relationships, such as commercial airline partnership arrangements that might influence the routes 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 that are relevant to specific groups;
- All factors also impact upon the **demand side** of the trafficking cycle, 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.



Handout 5.1. Resource Centre to Combat Human Trafficking, Romania

Based on Art.4 and Art. 9, para. 1 and 2 in Law 678/2001⁷² on the prevention and combat of human traffic, the Resource Centre to Combat Human Trafficking was founded in Romania within the Ministry of Administration and Interior. The Centre's objective is to create a database that centralises all data and statistical information on human trafficking.

The Centre has so far conducted several evaluations on how to combat human trafficking, which have been shared with national and international partners. The main task of the Centre's officers is to ensure there is a permanent exchange – with other law enforcement agencies – of human trafficking data and information and the trends behind it, as well as the means to deal with it through national, regional and international co-operation efforts.

In mid-2004, an application was developed that allowed for the processing of identification data referring to victims of human trafficking and traffickers, as well as other relevant data. The database application which is based on the unique registration identity number of citizens (CNP) allows for a better accounting of the real number of victims. According to Romanian law, only persons who have been identified by a law enforcement officer can be recognised as trafficked persons.

The Centre has developed co-operation with the Border Police, the General Prosecutor Office and the Ministry of Justice, from which it obtains statistical data on a quarterly basis. This is then analysed and shared with partners. Furthermore, the Centre co-

⁷² Art.4. The Ministry of Foreign Affairs, the Ministry of Labour and Social Solidarity, the Ministry of Public Administration, the Ministry of Education and Research, the Ministry of Health and Family, the National Authority for Child Protection and Adoption, the Ministry of Interior, the Ministry of Justice as well as other governmental agencies with jurisdiction in the combat of trafficking in human beings, shall take the necessary steps to elaborate and enforce, within their own jurisdiction, the National Action Plan for Combat of Trafficking in Human Beings.

Art.9. (1) The Ministry of the Interior, through its specialised structures and with support from other ministries, shall compile and update the database on the phenomenon of trafficking in human beings, shall monitor and make a periodical assessment of this phenomenon that shall include both the trafficker and the trafficking victims, as well as the legal entities involved in trafficking in human beings.

(2) Publishing statistical information and assessment reports shall be the biannual task of the General Police Inspectorate, under the endorsement of the Minister of the Interior.

operates with NGOs active in the field, and international organisations present in Bucharest (e.g. UNICEF, IOM, ILO, UNDP). It also compiles reports for countries and organisations on the phenomenon of human trafficking (e.g. annual report for the US State Department, quarterly reports to the EU, etc.)⁷³.

5.3.2. Tactical Intelligence

The value of tactical intelligence is:

- To provide raw material that forms the basis for reactive, pro-active and disruptive investigations;
- To facilitate joint operations between countries;
- To limit duplication of investigative efforts in different jurisdictions;
- To form the basis for strategic intelligence; and
- To enhance the credibility and relevance of training programmes and education campaigns conducted by law enforcement agencies jointly with the Inter-governmental (IGO) and NGO sectors.

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:

Handout 5.2. Key Tactical Level Areas



- **Recruitment methods**⁷⁴ – deception, abduction;
- **Advertising mediums** – “word of mouth”, printed media, Internet;
- **Forged-identity documentation** – preparation and acquisition;

⁷³ www.politiaromana.ro

⁷⁴ For a detailed overview on how to monitor the recruitment of migrant workers see the ILO training manual, ILO, Trafficking for Forced Labour. How to monitor the recruitment of migrant workers, Geneva, 2004.

- **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.

Methods available to gather personal details/intelligence from subscriber records:

- 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 bills 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

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

Many transactions and payments in the SEE region are carried out in cash, however, rather than through formal banking or credit-card structures. This limits the intelligence-gathering opportunities highlighted in the categories above. Nevertheless, this is not always the case and furthermore, it should not be forgotten that a trafficker in the SEE region may conduct

all local transactions in cash, but use bank or credit cards in other countries, where their criminal profits are laundered and reinvested.

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

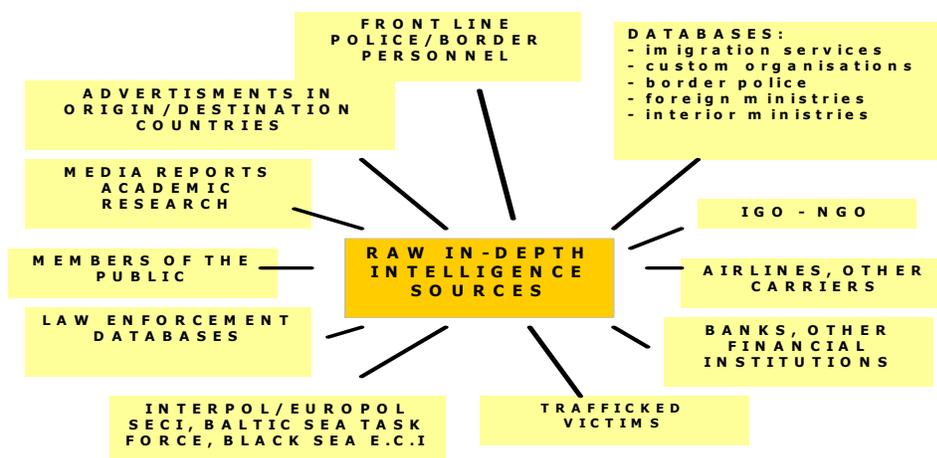
5.4. Sources of Intelligence

Law enforcement officers collect raw intelligence that might be used as the 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 beneficial.

5.4.1. Raw Intelligence

Raw intelligence can be gathered from a wide variety of **sources** as shown below:

Handout 5.3. Raw Intelligence Sources



These sources can be classified into three categories: open, closed and confidential sources.

- **Open sources:**
 - The media;

- Intelligence gathered from monitoring of advertisements in both recruitment and destination countries etc;
- Intelligence gathered from relevant IGOs and NGOs.
- **Closed sources:**
 - Databases belonging to police, border police, international law enforcement agencies (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, foreign ministries, interior ,ministries, all of which will deal with the application for, and issue of, residence permits, asylum applications or nationality status. Other relevant ministries such as health, employment and labour may also hold intelligence on the subject;
 - Financial disclosures by banking or other financial institutions.
- **Confidential sources:**
 - Intelligence provided by undercover agents;
 - Intelligence provided by trafficked victims and their family/relatives, who do not want to testify or to participate in the penal case, but are willing to provide the information they have;
 - Intelligence provided by registered informants.

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

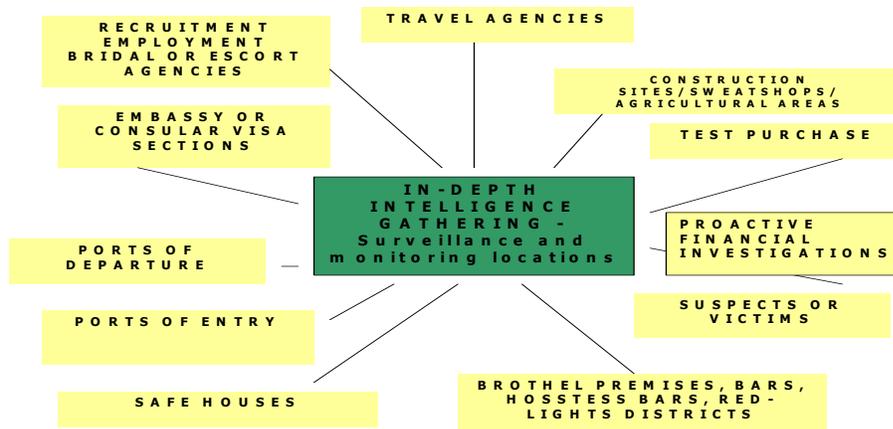
5.4.2. In-depth Intelligence

The decision on whether raw intelligence should be developed further is made on a case-by-case basis. No one case is the same and whether the intelligence gathered will lead to an operational investigation varies according to local jurisdictions and procedures. Whatever the applicable procedure, the key point to remember when engaging with in-depth intelligence-gathering activities is to ensure that they are conducted in accordance with legislative rules and are properly recorded. This will ensure that the material elicited can be used in evidence, if required and procedurally possible.

The following are a number of relevant in-depth intelligence-gathering activities for the investigation of human trafficking:

1. Surveillance and monitoring of **locations**, such as:

Handout 5.4. Surveillance and Monitoring Locations



2. Surveillance and monitoring of the following **business areas, institutions, service providers etc.**, which 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; and
- Pro-active financial investigations to establish audit trails on any of the accounts and/or transactions revealed from the raw intelligence-gathering activity.

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

5.5. Intelligence Formatting – Key Data

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

- The type of trafficking and exploitation concerned – sexual exploitation, labour exploitation, organ trafficking, 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; and
- The contact details of the officer or unit source of the intelligence.



5.6. Classification, Evaluation and Dissemination

Whatever system is in place, or under consideration, it is critical that one factor is addressed in the appropriate manner: 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 use the intelligence, the data has to undergo some form of evaluation.

An intelligence officer or investigator who wants to develop the available intelligence material needs to be able to effectively analyse and evaluate an incoming intelligence report.

There are many different methods of classifying and evaluating intelligence before it is exchanged. In the context of the crime of trafficking, the intelligence exchange should be possible at both the national and international level. Whatever system is utilised, however, the intelligence should be evaluated within the following three categories:

- Source of the intelligence;
- The intelligence itself; and
- 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 utilise an updated version of this system, which is known as “5 x 5 x 5”. This method imposes a third evaluation criteria that specifies the extent of the intelligence dissemination to which it refers.



The 5x5x5 system refers to a matrix used initially in the United Kingdom (UK) that evaluates the quality of received information. The three dimensions of the matrix refer to the reliability of the source of information, the accuracy of the contents and the handling of the information. According to the UK National Crime Investigation Service, for each dimension, five categories are distinguished.

Evaluation of reliability of source

1. Always reliable;
2. Mostly reliable;
3. Sometimes reliable;
4. Unreliable;
5. Untested source.

Intelligence evaluation

1. Known to be true without reservation;
2. Known personally to source, but not to officer;
3. Not known personally to source, but corroborated;
4. Cannot be judged;
5. Suspected to be false.

Handling code

1. May be disseminated to non-EU Law Enforcement Agencies where no adequate safeguards exist;
2. May be disseminated to non-prosecuting organisations within country of origin;

3. May be disseminated to other Law Enforcement Agencies and prosecuting agencies, including Law Enforcement Agencies within the EU;
4. Only disseminate within originating agency/force;
5. No further dissemination, refer to originator.

Today, an increasing number of countries are using the 5x5x5 format (including United Nations Interim Administration Mission in Kosovo (UNMIK), Romania, Bulgaria, FYROM Macedonia etc.)

The **4x4 system** is similar, but a somewhat simpler evaluation matrix, used, initially by the Belgian police force. The two dimensions refer to the reliability of the source and validity of the information itself.



Handout 5.5. Using 5x5x5 format through the Reflex Project in Romania

On the initiative of Great Britain and Romania, the Reflex Project was launched in April 2002. It aims to combat the trafficking of human beings and illegal migration in Romania.

According to the Memorandum between Romania and Great Britain the Reflex Project is oriented towards the following main areas:

- Collection and analysis of information on the networks of organised crimes (5x5x5 format);
- Ensure specialised assistance in the field of information and the delivery of tactical informative packages to operatives;
- Creation and maintenance of a database with information on organised illegal migration;
- Development of inter-institutional co-operation in the field of information exchange;
- Notification of the management through strategic analysis of information on organised illegal migration.

The programme has been co-ordinated from the British side by police and immigration officers and, in Romania, by the General Directorate of Combating Organized Crime. The same programme has also been implemented in Bulgaria and Macedonia.

Evaluation of the permissible extent of dissemination is particularly important to intelligence exchange in this field. The originator of the intelligence report must therefore specify the evaluation criteria and impose certain restrictions on the extent to which the intelligence can be disseminated.

This is a sensitive issue because security conditions can arise in relation to a particular intelligence source, such as a “special agent”, a vulnerable trafficked victim, or in relation to

whether it is possible to disseminate thematic intelligence to an NGO. (see specific dissemination restrictions below).

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 criteria. For example, it may be appropriate to establish a set of levels of authority for dissemination, where special handling conditions are required because of the sensitive nature of the intelligence or its source.

Given the criminal capacity and resourcefulness of trafficking networks, the ever-present risk of corruption and the sensitivity of the material, it may be necessary to **prepare a risk assessment** in which special handling conditions are imposed on its dissemination. In order to ensure compliance, it is possible to make such assessments subject to levels of authority.

5.6.1. 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. This helps to gain a more accurate picture and establish any intelligence links.

There are, however, **risks** attached to this because intelligence checks are in themselves a form of intelligence dissemination.

While a simple request made to a local, national or international database to search a nominal index does not indicate per se 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 bear in mind that potential disruption does not always come from corrupt sources; but can occur simply as a result of substandard professional practice on the part of a colleague. Nevertheless, the outcome can be equally as damaging.

5.7. Computerised Intelligence “Flagging”

It is necessary to consider a system for "flagging" or labelling intelligence in categories that can be easily retrieved by electronic means.

Consideration should be given to the creation of an agreed set of computerised identification "codes" that provide a cohesive intelligence classification system and allow for more focused analysis of the material. For example, each item of intelligence regarding

trafficking in human beings for sexual exploitation could be assigned the code, "THBSE". The code could be further refined to indicate the country or region concerned, etc.

5.8. Optimisation of Intelligence Gathering

The success of the intelligence-gathering operation is dependant on the unified effort of its contributors. It is essential that all are aware and active and for this to be achieved, two key areas have to be addressed. These are:

- Awareness Raising
- Networking

5.8.1. Awareness Raising

In many locations, the principal problem is that too little is known or understood about trafficking. 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);
- 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 Unit 3: Multi-Agency Approach to Trafficking)

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" intelligence evaluation and dissemination system.

Briefing packages should be shared with the SECI Centre, Europol and Interpol. International agencies need to be made aware that countries within the region have the capacity and commitment to tackle trafficking crime and that there are central specialised intelligence units that deal with intelligence gathering.

5.8.2. Networking

It is essential to identify and establish contacts with key intelligence partner agencies in order for internal and external intelligence exchange networks to be set up.

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 would meet under the chairmanship of counter-trafficking units and exchange specific intelligence on specific trafficking issues.

A forum would, at a minimum, consist of representatives from counter-trafficking, organised crime, and other criminal investigation units, prosecutors, intelligence services, border guards/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 counter-trafficking intelligence-gathering activities and would operate within comprehensive national anti-trafficking guidelines.

The forum would also create a network with regional counterpart specialists. The majority of the countries in Southern and Eastern Europe, for example, have or are in the process of establishing specialist counter-trafficking units. These units should seek to develop partnership relations with each other.

5.9. Exchange of Intelligence

A vital factor in the effectiveness of any intelligence exchange is the speed at which material can be transmitted to the relevant agencies and investigators. Intelligence very quickly becomes history in the fast moving world of trafficking. Ideally, it should initially be stored on computer and exchanged electronically, at national and regional levels, for onward transmission to international law enforcement agencies, such as Interpol. When this is not possible, written records should adhere to the same format and classification system shown above. These records can subsequently be converted into electronic format before being transmitted to international agencies. Where electronic exchange is not possible, telephone or fax facilities can be used providing they are secure.

Recipients in both national and international contexts:

- Law enforcement and prosecution agencies;
- Other relevant entities such as foreign ministries and immigration services;
- IGOs and NGOs.

Four questions must be addressed in respect of each of the above groups:

- Do they deal with trafficking investigations?
- Will the exchange of intelligence assist the counter-trafficking effort?
- Do they comply with the law regarding data protection and confidentiality?
- Are they secure?

If all conditions are satisfied, the exchange of intelligence can proceed.

Intelligence Exchange with IGOs and NGOs

IGOs and NGOs provide support and service to trafficked individuals to enable them to join the workforce and ease the integration process in a new country. In the course of their work, these organisations collect important information that may be shared with law enforcement agencies. However, it is important to note that IGOs and NGOs have a mandate distinct from law enforcement and therefore transmission of intelligence to them is not mandatory. In some cases the relationship between law enforcement agencies and these organisations is still not well developed, but in recent years many agencies have been able to establish close links with them.

Closure

UNIT 6



Unit 6: International Co-operation

6.1. Training Plan

Learning Objectives

- To develop familiarity with the main international instruments of mutual legal assistance;
- To distinguish between mutual legal assistance and operational co-operation;
- To identify the advantages and limitations of direct bi-lateral or multi-lateral contacts;
- To recognize the activities involved in international police co-operation; and
- To contrast the competencies of different international agencies.

Method

Lecture + Group discussion

Supporting material

Training Manual Unit 6 + Flipchart

Procedure	Introduction
	<p>Topic 6. International co-operation</p> <ul style="list-style-type: none"> - Provide participants with examples of all the documents described in the unit - While they sound forbidding, it is important to de-mystify the documents - Use flipchart to outline 5 main areas of cooperation - Ask for class familiarity/experience in the five areas. What were the challenges and successes? - Assign one of each of the Key Terms per small group and allow a 2-minute “buzz group” to come up with a definition - Trainer to clarify and confirm <p>Topic 6.1 Extradition application</p> <ul style="list-style-type: none"> - Input + discussion + prepare examples <p>Topic 6.2 Letter of request</p> <ul style="list-style-type: none"> - Input + discussion + prepare sample letter <p>Topic 6.3</p>

Law enforcement agency to law enforcement agency requests

- Input + discussion + prepare examples (not d)
- Divide class into small groups. Outline the background and provide the necessary information to specific cases and ask the task groups to draft outline for:
 - i) a letter of request,
 - ii) an extradition application, and
 - iii) law enforcement to law enforcement request.

Topic 6.4 European Arrest Warrant

- Input and discussion

Topic 6.5 Co-operation through International Police Agencies and Liaison Officers

- Input + prepare examples to be presented and discussed with the group

Closure

Handouts

Handout 6.1. Example Operation Mirage

Samples of real applications and requests

At present no agreed cross-border standards exist regarding mechanisms for multi-agency international co-operation and victim referral, although several multi- and bi-lateral agreements allow for, and regulate, co-operation between various law enforcement agencies. Nevertheless, co-operation with non-police agencies abroad and international organisations may be crucial to the success of an investigation. This is especially true in regard to all victim-protection related activities. International co-operation with non-law enforcement agencies should be considered during the information/evidence gathering phase, as well as following an investigation. This will help in conducting victim risk assessments, applying victim witness protection before, during and after a trial, and securing safe repatriation.

To successfully combat international organised crime, it is essential that:

- International law enforcement agencies co-operate with each other;
- Investigators do not adopt a parochial approach to the investigation of internationally related crimes.



Example Co-operation between Kosovo and Albania

Investigators from the Kosovo anti-trafficking unit received information that a Kosovo-based group might be involved in trafficking human beings. The investigation started in 2004 and led to the identification of an organised crime group that were trafficking women from Albania to Kosovo. These women would then work in a local nightclub. During a check of the nightclub, police noticed that one of the women was in possession of a passport that appeared to be fake. Following further questioning, it became apparent that the woman was an under-aged victim of trafficking.

In co-operation with an NGO shelter, the victim was offered the necessary assistance. The owner of the nightclub and two of his collaborators were arrested. A medical examination also verified that one of the suspects had raped the woman. The investigation also led to two additional suspects from Albania and one from Kosovo being arrested. These arrests were enabled due to co-operation with police officers and the Albanian attorneys' office, which was facilitated by the Albanian Liaison office. Having received protection and assistance, the woman testified and the suspects were sentenced for 11 of the 12 charges laid against them. Among these charges were trafficking in human beings, rape, facilitation of prostitution and the falsification of documents. Two of the perpetrators were sentenced to 12 years of imprisonment, the third one to 11 years.

The most relevant **international instruments of mutual legal assistance** to those partner States involved in this manual are as follows:

- 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); and
- Second Additional Protocol to the above Convention (2001).

In addition to the above listed instruments, a number of bi-lateral mutual legal assistance treaties exist between the States of the South-Eastern European region.⁷⁵

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. This includes searching premises with warrants, seizing evidence, interviewing witnesses, obtaining 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, interceptions, etc.; and
5. European arrest warrant and transfer proceedings: a judicial decision issued by an EU Member or candidate state requesting another to arrest or surrender a wanted person, for the purposes of conducting a criminal prosecution, executing a custodial sentence and/or executing a detention order.

Key Terms

Mutual Legal Assistance – a system for managing co-operation between States in relation to legal proceedings;

Extradition applications – legal provisions for the extradition of a person from one State to another;

⁷⁵UNDP, Best Practice - Law Enforcement Manual for Fighting Against Trafficking of Human Beings, 2003, Chapter 5, p.1.

Letter of Request – international co-operation based upon formal Letters of Request. These are made after criminal proceedings have commenced, are being contemplated or where an official investigation is under way;

Law enforcement agency to law enforcement agency requests – a system to establish the existence of facts through international police-to-police co-operation. This is done prior to submitting a formal Letter of Request or in the implementation of a joint pro-active operation; and

Joint pro-active operations – pre-agreed and pre-planned investigations in which countries pro-actively co-operate with each other.

In most instances, specialised officers/units handle requests for co-operation. Therefore, the following applies:

Basic principles of international co-operation:

- **Identify the objective of cases of international co-operation**

It is important to make a distinction between cases where formal mutual legal assistance provisions are necessary and cases where they are not. This could differ from country to country;

- **Plan ahead**

It is critical that forward planning takes place, to identify objectives and consider the likely outcomes of the investigation. Firstly, the investigator will need to identify exactly what s/he is trying to achieve and whether the attainment of it will require formal mutual legal assistance provisions or not. Even if it is possible to obtain material without a Letter of Request, it may still be worth considering if the material in question is critically important and likely to be subjected to intense legal challenge. In such cases, it may be appropriate to plan for the utilisation of formal Letter of Request procedures so as to ensure the integrity and probity of the evidence;

- **Establish an early liaison with the relevant country expert official responsible for mutual legal assistance provisions**

These officials can usually be found in the respective Ministries of Justice or Interior. If it proves difficult to locate the relevant expert official, consult the Interpol National Bureau, which processes these issues on a daily basis. The bureau will know the relevant department and key officials;

- **Approach the subject on a case-by-case basis;**

- **Incorporate as much detail as possible in the Letter of Request so as to avoid the need for any supplementary Letter of Request;**
- **Be aware of the potential limitations**

The submission of a Letter of Request does not guarantee a result. There may be a number of reasons why the letter is rejected or limitations imposed upon the extent of the requested enquiries. Early liaison will provide many of the answers to this potential problem;

- **Follow ups**

Ensure the letter is clear, complete, and has been received;

- **Evaluate evidence carefully**

Taking into consideration the amount of bureaucracy involved, evidence should be evaluated very carefully before requesting international co-operation.

6.2. Extradition Application

There are some very simple rules in respect to an extradition application:

- Extradition applications are extremely complex legal proceedings designed to secure the transfer of an indicted person from one national jurisdiction to another. They should never be confused with mutual legal assistance provisions, which are ways to secure and produce evidence, not people;
- The legal provisions for the extradition of a citizen from one jurisdiction to another may vary considerably. This will depend on the nationality of the person sought for extradition, the countries concerned and the alleged offences;
- Extraditions can be politically sensitive, particularly if the death penalty is a possible outcome; and
- They are considered and managed, depending on the case, by specialist lawyers attached to Ministries of Justice, Interior, or Foreign Affairs.



Whenever the issue of extradition arises, establish contact with the relevant legal department from the appropriate ministry and follow their advice and directions.

6.3. Letter of Request

An application for a Letter of Request can be made by:

- A law enforcement agency;
- A prosecutor;
- An investigating judge; and
- A court (in the course of a trial).

The Letter of Request is forwarded to a centralised national authority, which is usually based within the Ministry of Justice or the General Prosecutor's Office. It is then checked for legal compliance, translated into the language of the receiving country and forwarded to the relevant centralised authority in the receiving country. From there, the Letter of Request is sent to the unit that has been requested to execute the action. Once the action is complete, the material is returned to the requesting country via the same route.

Within this category, the activity may include a warrant request to enter and search premises, a request to interview witnesses and secure and exhibit documents, or to interview a prisoner, etc. In this type of case, the procedure is regulated by mutual legal assistance arrangements. These are usually bi-lateral in nature, but many regional agreements exist, such as the 1959 European Convention on Mutual Legal Assistance, which regulates the procedures in respect to the EU and other European State signatories.

6.4. Law Enforcement Agency to Law Enforcement Agency Requests

Direct law enforcement to law enforcement contact examines issues concerning investigators up until the point at which they may wish to convert operational knowledge of facts, in a jurisdiction abroad, into evidence for use in judicial proceedings in their own country. Once that point has been reached, investigators must revert to the mutual legal assistance regulations and guidance controlling the subject of judicial co-operation between countries,, as well as Letters of Request.

Failure to do so will almost certainly jeopardise the viability of any evidence obtained outside of the provisions of the relevant mutual legal assistance arrangements. It may also place the entire investigation and subsequent prosecution at risk of termination, on the grounds of a failure of compliance.

In many jurisdictions, direct contact is not permitted for a variety of reasons. These are usually related to historical problems that arise following direct contact between investigators and/or from a desire to centralise, standardise and channel the response through a central point. This central point is usually located within some form of national criminal intelligence agency, which then interacts with the international agencies of the SECI Center, Interpol and Europol.

In many cases, the go ahead to carry out such work can be given by a senior police officer in charge of the force, district or squad, etc. Depending upon the nature of the request, the authority may simply be valid on the basis of investigator-to-investigator requests. However, in some jurisdictions, such colleague-to-colleague co-operation may still require consideration and permission from a prosecutor, a court or a ministerial official.

6.5. European Arrest Warrant

EU Member States have adopted a Framework Decision on the European arrest warrant⁷⁶, as well as surrender procedures. The decision simplifies and speeds up the procedure, with the whole political and administrative phase replaced by a judicial mechanism.

The European arrest warrant is designed to replace the current extradition system. It requires each national judicial authority (the executing judicial authority) to recognise, *ipso facto*, and with the minimum amount of formalities, requests by the judicial authority of another Member State (the issuing judicial authority) for the surrender of a person.

Nevertheless, Member States remain at liberty to apply bi-lateral or multi-lateral agreements that help simplify or further facilitate further surrender procedures. It should be noted, however, that such agreements will not impact those Member States that are not party to them.

The framework decision defines the “European arrest warrant” as any judicial decision issued by a Member State with a view to the arrest or surrender of a person by another Member State, for the purposes of:

- Conducting a criminal prosecution;
- Executing a custodial sentence; and
- Executing a detention order.

The warrant applies in the following cases:

⁷⁶ The information in sub-chapter 6.4 is based on <http://europa.eu.int/scadplus/leg/en/lvb/l33167.htm>, accessed July 2006.

- Where a final sentence of imprisonment, or a detention order, has been imposed for a period of at least **four months**; and
- Where offences punishable by imprisonment, or a detention order, have been imposed for a minimum period of at **least one year**.

If a custodial sentence is a minimum of three years, the following offences, among others, may give rise to surrender without verification of the double criminality of the act: terrorism, **trafficking in human beings**, corruption, participation in a criminal organisation, counterfeiting currency, murder, racism and xenophobia, rape, smuggling in stolen vehicles, and fraud.

The European arrest warrant must contain information on the identity of the person concerned, the issuing judicial authority, the final judgment, the nature of the offence, the penalty, etc. A specimen form is attached to the Framework Decision.

6.6. Co-operation through International Police Agencies and Liaison Officers

In the context of the three main international police agencies, Interpol, Europol, and the SECI Center, the classification, evaluation and dissemination of intelligence is hugely important. Searches within the global intelligence databases of the three agencies have disclosed multiple traces of traffickers, for example, in more than one country and on more than one continent. This not only confirms the international nature of trafficking, but also highlights the latent potential of international intelligence gathering and the importance of international exchange.

In appropriate cases, where dissemination and evaluation permits, an intelligence search within the databases of the SECI Center, Europol and Interpol should be one of the first actions of the intelligence officer or investigator.

6.6.1. SECI Center

In South-Eastern Europe, the Bucharest based SECI Center⁷⁷ has a mandate to contribute to the fight against crime by supporting law enforcement agencies in the 12 SECI Member States⁷⁸. Unique to the SECI, is the fact that it can co-ordinate police and customs administration in participating countries.

⁷⁷ All information related to the South-East European Co-operation Initiative (SECI) Centre is drawn from its webpage www.secicenter.org.

⁷⁸ SECI Member States are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia, Moldova,

The SECI Center's main objective is to improve regional co-operation in combating trans-border crime. To achieve this, requires enhanced co-ordination efforts between law enforcement agencies within the individual participating states. This is achieved by Member States seconding liaison officers to work in the Center, who are put in charge of daily information exchange, as well as the co-ordination of specialised task forces for joint investigations. Within each Member State, communication with the SECI Center is ensured through national focal points. Furthermore, taking into account the global aspects of trans-border crime, it is critical that co-operation exists with countries outside the region and with representatives from IOs. The World Customs Organisation (WCO) and Interpol are permanent advisors to the SECI Center, with other states⁷⁹ and IOs⁸⁰ permanent observers.

The SECI Center provides the following services to its Member States:

1. A mechanism based on enhanced national law enforcement co-operation at national level. This is used by relevant Parties to assist in the prevention, detection, investigation, prosecution and repression of trans-border crime;
2. Support to law enforcement officers in the field., The SECI Center is the "service provider" for daily activities;
3. Assistance to Parties so as to harmonise national law enforcement legislation in respect to EU requirements;
4. Supports national efforts to enhance domestic co-operation between law enforcement agencies;
5. Support specialised Task Forces that address the combating of:
 - Trafficking in human beings;
 - Trafficking in illegal drugs;
 - Commercial fraud;
 - Stolen cars;
 - Financial crime.

In order to co-operate with SECI Member States, as well as other countries in the region, the SECI Center requires an assistance request from one country (requesting country), to co-

Romania, Serbia and Montenegro, Slovenia and Turkey.

⁷⁹ Austria, Azerbaijan, Belgium, Canada, France, Georgia, Germany, Italy, Japan, The Netherlands, Portugal, Spain, Ukraine, United Kingdom and the United States of America.

⁸⁰ European Institute for Law Enforcement Cooperation (EILEC), International Centre for Migration Policy Development (ICMPD), International Organization for Migration (IOM), United Nations Mission to Kosovo (UNMiK).

operate with another country (requested country). In order to validate the request and give the go-ahead for action, SECI liaison officers need the following information:

- Detailed description of the case and the specific requests involved;
- Compatible legal definitions from the countries involved;
- Appointment of case officers; and their responsibilities; and
- An indication of whether it is an urgent case. If someone's life is in danger, the procedure can be expedited with a phone call.



Example 6.1. Operation Mirage

Understanding the human rights threat posed by human trafficking, in 2000, the SECI Center invested significant resources to establish a specialised Task-Force focused on this problem. Since its creation, the Task-Force has achieved some remarkable successes and is continually extending its co-operation network. Since 2002, the SECI Center has on an annual basis co-ordinated large regional operations specifically targeting the trafficking of human beings. The US Government – particularly the Federal Bureau of Investigation – has supported these operations since their inception.

The successful results of the first operation in the summer of 2002, codenamed **MIRAGE**, led to the formulation of future initiatives. For example, between September 2003 and June 2004, participants in Operation Mirage focused on dismantling human trafficking networks by arresting human traffickers, while at the same time identifying and assisting victims of trafficking. The participants also sought to specifically gather intelligence that helped target human trafficking organisations that regularly recruited, transported and exploited women and children in the region and beyond. The basic principle of Operation Mirage is to connect and share nationally developed intelligence among all participating South-East European countries. This helps facilitate a co-ordinated regional response to human trafficking.

Law enforcement authorities – police, customs and prosecutors – and related NGOs from SECI Member States took part in the operation. Additionally, Ukraine, the US (through the US Department of State, the US Department of Justice and the Department of Homeland Security) and the IOM anticipated as SECI observers. Each country co-operated within the framework of its national legislation. The 2003 and 2004 Mirage Operations led to the exchange of a large amount of criminal intelligence throughout South-Eastern Europe, which in turn improved practical co-operation among regional law enforcement agencies and NGOs.

Operation Mirage 2004 resulted in the identification of 601 victims, with 98 receiving assistance from NGOs, such as medical assistance, psychological counselling, and shelter, and 138 being

repatriated by IOM. Operation Mirage 2004 showed a marked improvement when compared to the same 2003 indicators, 463, 70 and 62 respectively. Also noteworthy was an increase in the number of traffickers charged, from 207 in 2003 to 302 in 2004. The numbers of suspected traffickers identified remained high in both operations, 595 in 2003, 545 in 2004.

Romania and Turkey took an important step towards the further specialisation of co-operation methods during Operation Mirage 2004 when the SECI Center, with financial support from the US, sent one prosecutor and one police official from Romania to Turkey to conduct interviews and co-ordinate the investigative efforts of the two nations. This co-operation, which continued in the judicial stages of the investigations, resulted in the two countries smashing a significant trafficking network engaged in the sexual exploitation of women, with three defendants being under investigation for trafficking in Romania, and three in Turkey.

On 22 and 23 September 2004, over 150 law enforcement officials, including prosecutors from participating countries, met in Poiana Brasov, Romania, to review and analyse the results and conclusions of Operation Mirage 2004. The assessment was enhanced by the participation of NGOs and liaison officers from Germany, Portugal, the UK, and the US.

At the meeting, Members States pledged to enhance future co-operation, shifting their co-operation to focus on important human trafficking and human smuggling networks. This new approach to Operation Mirage is expected to result in more successes like the one enjoyed by Romania and Turkey⁸¹.

6.6.2. Interpol

Interpol is the world's largest international police organisation. 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 organisations, authorities and services, whose mission is to prevent or combat international crime.⁸²

Interpol's General Secretariat in Lyon, France, provides a central communication system to link those who require their services. Its priority areas are public safety and terrorism, criminal organisations, 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 alert Member Countries about people being sought by police forces worldwide. In regard to human trafficking, it is the domestic police force that must request for a trafficker to be placed on the

⁸¹ Press release and evaluation of Operation Mirage, 27 September 2004.

⁸² The information provided comes from www.interpol.org.

Interpol wanted list. It is also the domestic police that, for the most part, must track and arrest the trafficker.

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

Besides the global police communication system, the criminal database and its 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 among Member Countries.



Example

In December 2005, Interpol Romania, together with Interpol Serbia and the SECI Center succeeded in arresting and extraditing a 35-years-old Swiss citizen who was suspected of killing, on 4 December 2005, three Romanian citizens in Bucharest.

On the day of the killings, Interpol Romania requested that the SECI Center inform its Member States about the case and to ask for any available information on the suspect. The Romanian authorities had reported that two hours after the triple murder, the suspect left Romania through the Romanian/Bulgarian border on his way to Italy.

A few hours later, Serbian authorities identified the suspect following a raid in Belgrade and informed the Romanian police. Based on the document from Interpol Romania, Serbian judges ordered that the suspect be held in custody, so that the extradition procedures could be processed.

Interpol Romania made an official extradition request, and at the beginning of 2006, the suspect was extradited to Romania where he is now awaiting his sentence.

Although this is not a case of human trafficking, it remains a good practical example of the importance of exchanging, in real time, intelligence and documents (official request for extradition procedure)⁸³.

6.6.3. Europol

⁸³ Press release (21.12.2005) from the Ministry of Administration and Interior, Romania. See <http://www.gov.ro/presa>.

Europol⁸⁴ is the EU's law enforcement organisation for the handling of criminal intelligence. Based in The Hague, its aim is to improve co-operation between the authorities of Member States so as to prevent and combat international organised crime and terrorism.

Since 2002, the mandate of Europol has covered all serious forms of international crime as listed in the Annex to the Europol Convention, including trafficking in human beings. With regard to trafficking, Europol recognises the definition as stated in the European Council Framework Decision.

Europol not only supports its Member States in combating trafficking in human beings, as well as other crimes, but also negotiates bi-lateral operational or strategic agreements with other states and IOs for example, Bulgaria, Romania and Russia.

Europol provides the following support, if requested by countries:

- Facilitates the exchange of information, in accordance with national law, between Europol Liaison Officers (ELOs). ELOs are seconded to Europol by Member States as representatives of their national law enforcement agencies;
- Co-ordinates and provides operational analysis to the support operations of Member States;
- Provides strategic reports (e.g. threat assessments) and crime analyses on the basis of information and intelligence supplied by Member States and third parties; and
- Provides 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 the harmonisation of investigative techniques within the Member States.

6.6.4. Liaison Officers

Based on bi-lateral agreements, liaison officers are sent by their home country to work in a second country. The use of bi-lateral contacts through liaison officers on the ground has proven to be of great value in the last few years. Trust, which is the basis for information exchange, develops faster and more easily on an individual basis. Through daily contacts and joint work, an understanding of the situation in the respective countries, different working styles, etc. is developed and advice and experience shared. Through these contacts, the

⁸⁴ The information provided comes from www.europol.eu.int and from a presentation given by Nick Garlick, Europol, on 13 July, 2005, in London during the ICMPD/ILO conference, "Combating trafficking and forced labour in Europe".

exchange of intelligence and information is faster and more direct. This will often mean that complex bureaucratic procedures are avoided and will allow for a closer follow-up of the case in question.

Closure



National Teams:

Please insert the following:

- Relevant extradition application
- Sample letters of request
- Sample request law enforcement agency to law enforcement agency if applicable according to national legislation
- Examples for the work of liaison officers

UNIT 7



Unit 7: Investigation of Trafficking Cases

7.1. Training Plan

Learning Objectives

- To compare and contrast the advantages and disadvantages, of reactive and pro-active investigations within the national jurisdiction;
- To identify appropriate investigative options for potential cases of trafficking;
- To demonstrate the pre-operation, planning, conduct and co-ordination aspects of an investigation operation;
- To describe appropriate interrogation settings and techniques for presumed victims and for presumed suspects;
- To review the application of parallel financial investigations.

Method

Lecture/Input + Group discussion + Video + Case study + Brainstorming

Supporting material

Training Manual Unit 7, Video material (DVD), TV, DVD player + flipchart

Procedure	Introduction
	<p>Topic 7.1 Investigative principles</p> <ul style="list-style-type: none"> - Lecture/Input; - Use <i>Handout 7.1. Investigative principles</i> as slide or overhead and walk participants through each 'box', as it is revealed, explaining connections. <p>Topic 7.2 Investigative options</p> <ul style="list-style-type: none"> - Give participants the three investigative options and ask them in five minutes to write, individually, a two sentence (maximum) definition of what each one means; - Compare notes with others in small group; - Report back to trainer; and write best definitions on flipchart for reference; - Lecture/Input + examples.

Focus: Re-active investigation of THB;

- Risks, limitations, difficulties connected with victim-witnesses;
- Focus: Pro-active investigation of THB;
- Lecture/Input (the importance of pro-active investigations of THB) + discussions;
- Presentation of video material if available and/or examples (e.g. how to gather evidence and not lose important details in the process, how to gather video evidence, preservation of evidence, etc.).

Focus: Disruptive investigation

- Lecture/Input on when to conduct a disruptive investigation + discussion.

Topic 7.3 Interrogation settings and techniques

- Ask participants to identify what they believe to be the issues to consider when selecting investigation settings for different forms of exploitation considering victims to be a) women; b) children; c) men who are believed to be victims of trafficking, and ask for justification for choices;
- Cross reference to content of other units (8 and 4).

Topic 7.4 Parallel financial investigations

- Lecture + prepare examples + discussion.

Topic 7.5 The Disruptive Investigation Option: Limits and Benefits

- Facilitated Discussion on the limits and benefits of this option;
- Ask: In what circumstances might this be used/not used? Why?

Topic 7.6

Investigation of Internal Misconduct (Combating Possible Corruption)

	<ul style="list-style-type: none">- Brainstorm in pairs: What strategies/policies are you aware of or would you suggest to limit corruption among police forces regarding THB?- Brief discussion of Kosovo example <p>Closure</p>
Handouts	<p>Handout 7.1. Investigative principles</p> <p>Handout 7.2. The Operation Phase</p> <p>Handout 7.3. Case Study, Counter Trafficking Investigation</p> <p>Handout 7.4. Kosovo's Off-limits Policy</p> <p><i>Other selected sections/bullet points from manual.</i></p>

7.2. Investigative Principles

Investigative techniques must reflect the **geographical, structural and commercial components** that constitute a human trafficking case.

Geographically and **structurally**, these can be expressed as follows:

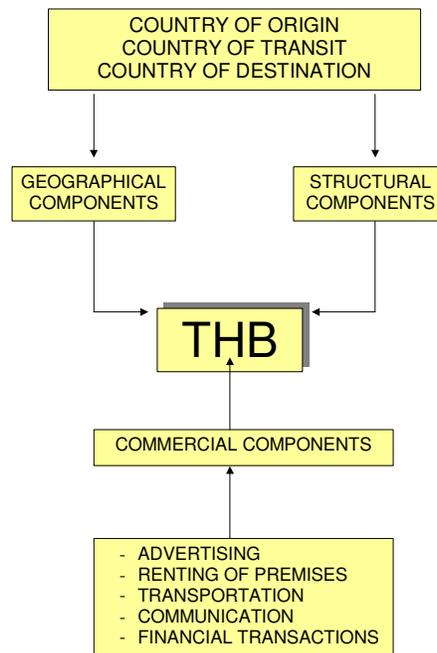
- Country of origin – recruitment of victims;
- Country of transit – transportation and possible exploitation;
- Country of destination – receipt and exploitation.

Note: In the case of internal trafficking all three phases will take place in the country of origin.

Within each stage, the **commercial characteristics** of the crime mean that the traffickers may be involved in one or more of the following activities at any time in the process, irrespective of their final plan for specific victims:

- **Advertising** – for the recruitment of victims or of the services they provide;
- **Renting of premises** – “safe houses”;
- **Transportation** – procuring identity and travel documents for transit;
- **Communications** – organising the recruitment and work victims will be engaged in;
- **Financial transactions** – applicable to all of the above.

Handout 7.1. Investigative principles



Traffickers treat their victims like articles of trade, using the processes described above, and similar methods, to market their “goods”. Thus, they can be revealed by the evidence that is created from their commercial activities.

Evidence will materialise at any one stage in the trafficking process and the role of each police officer is to fully use it and thereby ensure that:

- Victims are rescued and their rights taken care of;
- Traffickers are apprehended and convicted;
- Traffickers’ criminal assets are confiscated.

7.3. Investigative Options

Essentially, three investigative alternatives exist:

- **Re-active investigation** is victim-led and based on the victim’s statement and testimony in judicial proceedings;
- **Pro-active investigation** is based on intelligence generated;
- **Disruptive investigation** – takes place when the investigation could harm the safety of the victim or evidence is not valid/sufficient to lead a re-active or pro-active investigation.

7.3.1. Re-active Investigations

Re-active investigations are victim-led, i.e. based on the victim's statements and live testimony in judicial proceedings. The testimony is essential, since the trafficked person is best placed to provide or confirm important information regarding the trafficking process, such as the use of threats, the abuse of a situation of extreme poverty, or the practice of debt bondage.⁸⁵ In order to obtain as much evidence as possible, but simultaneously ensure careful treatment of the victim, the following points should be observed:

1. Law enforcement officers have a clear duty to respond as soon as possible when a trafficked victim is discovered/when they receive evidence from third party informants of their existence,⁸⁶
2. Once discovered, individuals presumed to have been trafficked should be treated as victims of a serious crime and not criminalised by the law enforcement process;
3. The victims should be allowed a period of reflection even in those cases where s/he immediately expresses willingness to co-operate;
4. The investigator should be open and honest at all times in his/her treatment of victims, so that they are made fully aware of the issues, responsibilities and potential consequences/risks attached to any decision they are asked to make during the investigation. Co-operation with law enforcement officers always involves an element of risk for the victims of trafficking and possibly their families. It is critical that they realise this and consequently reach a fully informed decision. Deception of victims is a recurring theme in human trafficking, and it is important that victims are not deceived at any stage in the law enforcement process;
5. The investigator has a duty to conduct a continuous process of risk assessment in respect of the safety and welfare of the victims and their families at every stage of the investigative and judicial process and beyond. S/he should therefore assess whether the victim would have a viable level of credibility as a witness ;
6. The investigator has a duty to inform victims of their rights and to ensure that they are made fully aware of all available support agencies and services that exist to help them recover from their ordeal. Victims should also be informed that they may establish initial contact with these services.



(Cross reference Unit 3)

⁸⁵ICMPD, Anti-Trafficking Training Manual for Judges and Prosecutors in EU Member States, Accession and Candidate Countries, 2006, p. 105.

⁸⁶ICMPD, Regional Standard for Anti-trafficking Police Training in SEE, International Centre for Migration Policy Development, 2003, p. 56

Investigators should note that victims who feel they have support and protection are more able to cope with the demands of co-operation with law enforcement and the judiciary, and therefore more likely to testify against the (suspected) perpetrators.

According to actual judicial practice, a successful prosecution must be based on a combination of pro-active and re-active investigations. The use or prevalence of just one of these methods can be detrimental to the result of both investigation and prosecution⁸⁷.



(Cross-reference Unit 8)

7.3.2. Pro-active Investigation

Pro-active investigation in the context of human trafficking means:



The investigation, arrest and successful prosecution of traffickers without (full) reliance on the victim's testimony.

It is important to note that while pro-active methods are most effective in the investigation of trafficking for sexual exploitation, it can also be effectively deployed against trafficking for other forms of exploitation. Of course, given the fact that forced labour or domestic slavery is a less visible crime, the tactical options of this route may be a little limited, however, many of its features are nevertheless still effective.

By using a combination of intelligence gathering, human and technical surveillance, undercover deployments and standard investigative techniques, the objective is to identify the traffickers and prosecute them for the offences most appropriate to the circumstances of the case and to the laws of the country within which the investigation is being conducted.

It is the method law enforcement agencies employ when dealing with cases where victims cannot testify against their exploiters, for fear of reprisals against themselves or their loved ones. It also provides a means to combat the traffickers without victims having to go to the police or give evidence.

This type of investigation is not intended to disenfranchise victims from the judiciary process or to circumvent the state's duty to assist and protect them (the victim's testimony remains a prime source of quality evidence). It simply acknowledges the fact that a prosecution based solely on the victim's testimony has many chances to fail. Indeed, if it is possible to gain

⁸⁷JUD, The participation of child victims and witnesses in the criminal justice process may be necessary to effect prosecutions, especially where the child is the only witness: See how the *Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime* were used by the United Nations Commission on Crime Prevention and Criminal Justice in its 14th session, held in Vienna, 23–27 May, 2005, <http://daccessdds.un.org/doc/UNDOC/GEN/V05/852/65/PDF/V0585265.pdf?OpenElement>

evidence through other means, this, in combination with any later possible testimony from the victim, may make the prosecution stronger.

The pro-active option may not be applicable to all jurisdictions because some countries' laws decree that law enforcement agencies cannot pro-actively investigate a crime and prosecute a perpetrator without the complaint and testimony of a victim. However, the majority of law enforcement agencies include anti-drug and anti-terrorist squads in their ranks and their work is almost always intelligence-led and rarely dependent upon the personal complaint of a victim of drug dealing or terrorist activities.

It has to be acknowledged that pro-active operations can be resource intensive, time-consuming and expensive. However, given the gravity of the impact on victims and the risks that human trafficking poses to economic and civil society, the expenditure of the resources is justifiable and should be committed.

As mentioned previously, traffickers tend to be revealed by the evidence that is produced in the course of their commercial activities, for example, in the marketing of their commodities. Indeed there is no commercial sense in trafficking new victims into a country unless potential clients are made aware of their arrival. This can only be achieved through some form of advertising, and may be by word of mouth or through more sophisticated methods, such as on a website.

What this means for law enforcement is that:

- Provided an investigator knows where to look, victims can always be located and identified;
- If it is possible to find victims (e.g., via clients, by monitoring exploitation sites etc.), it will be possible to find their traffickers.

Also products from forced labour, such as agricultural produce or clothing, are likely to be advertised and so may contain investigative opportunities, should intelligence become available.

7.4. Investigative Settings and Techniques Selection of the Best Location

7.4.1. Selection of the best location

Traffickers are likely to commit a range of associated offences including the physical and sexual abuse of victims, the facilitation of illegal migration, and the production and possession

of forged documents. These offences may be committed in any of the origin, transit and destination countries. Nevertheless, it is important to consider where an investigative effort is most likely to find the best evidence, and in turn, prove effective in achieving a successful prosecution. For the reasons set out below, this is usually the destination country (unless the investigation concerns internal trafficking).

Firstly, traffickers will often go to great lengths to conceal their criminal activities. During the origin and transit stages of trafficking, crimes are also more difficult to identify and investigate, as they are not easily visible.

Secondly, at the origin and transit stages, it may be more difficult to obtain a conviction for committing, attempting to commit or conspiring to commit trafficking crimes, as well as for other associated offences. This is because in the majority of cases exploitation has not yet taken place. The victim is likely to know little or nothing regarding any criminal activity or what the trafficker's intentions are concerning placement at the destination.

It is thus possible to conclude that destination countries offer the best potential for collecting quality evidence against traffickers.

However, this does not mean that the investigative effort should only be focused in the countries of destination. Where specific legislation is in force, it may be possible to utilise proactive methods to obtain evidence of trafficking activities, such as in the recruiting and transfer of the victim. This can potentially lead to a full trafficking prosecution in the country origin.

Traffickers are most vulnerable to investigation in the destination country as investigators have the most options for obtaining evidence.

7.4.2. Joint International Pro-active Operations

The most effective manner in which a successful prosecution can be achieved is through a coordinated and pro-active investigation in the countries of origin, transit and destination. To date, investigative experience emphasises that the optimal way to reach this objective is through joint international pro-active investigative operations.

Pro-active operations have been shown to be an effective counter-trafficking option for law enforcement. Moreover, joint international pro-active operations are often the most effective option available to counter-trafficking investigators.

The reasons for this are clear:

- Traffickers commit crimes in more than one jurisdiction;
- Joint operations allow for the collection of evidence in multiple jurisdictions;

- Whilst traffickers are most vulnerable in the countries of destination, in these countries they also tend to be more cautious and surveillance conscious;
- Traffickers are usually less cautious in countries of origin and transit;
- Joint international operations allow investigators in all countries to exploit all the available evidence. This is often in the form of valuable corroborative evidence regarding the recruitment, transportation and exploitative phases;
- Joint operations increase the ability of law enforcement agencies to combat traffickers. This is because investigators can plan in advance the best overall strategy to achieve their final objective: conviction of the suspects;
- This includes not only agreeing on where the main investigative effort should be focused, but also the best method of co-ordination, the tactics to be employed for evidence collection, the offences being targeted and the location most likely to lead to a successful prosecution.

The key questions are which offences and which locations offer the best prospect of securing the evidence required to push through a trafficking prosecution. As mentioned previously, the answers can usually be found in the countries of destination.

Prosecution usually takes place in the jurisdiction where the crime was committed, particularly in the case of re-active investigations. However, there might be exceptions.

Given the flexibility of pro-active options, it is possible to consider the various factors that may arise when deciding where to prosecute. Subject to the existence of the appropriate extradition and judicial co-operation agreements, it is possible for two or more regional law enforcement agencies to develop joint operational investigative strategies that allow for the prosecution to be exclusively based in one of the origin, transit or destination countries. This can allow for multiple investigations to take place while separate prosecutions are carried out in each jurisdiction. This flexibility is one of the key strengths of joint pro-active operations. It is a case of deciding which option offers the best chances of success.

For example, subject to extradition law and the circumstances of the case, investigators from the origin and destination countries could implement a pre-agreed, pro-active joint operation. In this type of operation, different pieces of evidence could be obtained in each country, then assembled to achieve prosecution in the country of origin. The alternatives need to be weighed up carefully and may often depend on which country provides the easiest option for the victims to testify.

The more likely scenario is that investigators in the country of origin have gathered only limited corroborative evidence against the traffickers, which might not warrant a prosecution for

trafficking in their own jurisdiction. However, this evidence could be of great value to the prosecution of the same trafficking suspects in the countries of destination or transit.

The key point is that pro-active investigative methods allow investigators to determine strategies, agendas and tactics and allow minimal concessions to traffickers.



A number of important points have to be considered before carrying out a pro-active joint investigation:

- The law enforcement agency seeking to establish a joint pro-active operation with another country must first identify an investigative counterpart in that country that does not pose a security risk to the operation or to the victims involved. The counterpart also needs the capacity and ability to conduct the type of investigation proposed;
- On the legal side, provisions must exist that allow for the extradition⁸⁸ of the suspects targeted. It should also ensure that the suspect can be extradited:
 - To the country that has been identified as the optimum location for prosecution; and
 - For the offences that are being targeted by the investigation.
- Mutual legal assistance provisions must exist between countries so that any supporting evidence can be effectively used in the country where the prosecution is being conducted;
- The operational strategy and tactics must be clearly defined and approved by all parties involved before the operation is launched;
- A mechanism must have been approved to allow for the review and revision of the operational objectives, when and if necessary;
- The method of co-ordination and communication must be agreed on;
- The key to success with any joint pro-active investigation is close co-ordination from the outset; and
- Before seeking to conduct a joint international pro-active operation, the counter-trafficking unit that requests the joint activity should meet with the expected prosecutor to discuss and agree on a strategy.

⁸⁸ Extraditions are only possible if the offence is a crime in both jurisdictions.

Joint international operations are major undertakings and it makes no sense to implement one until full consultations have taken place between the originating investigator and the prosecutor. These are the people that will ultimately conduct any criminal proceedings arising from the operation.

Prior to pursuing any request for joint, pro-active or international co-operation, a joint meeting between the two counterparts should be convened. This will enable the parties to review available material, identify the operational objectives and ensure that all legislative and procedural elements have been considered. There is no value in seeking co-operation if evidence gathered in one jurisdiction is not admissible in the jurisdiction where the prosecution will take place.

A number of issues will need to be considered in regard to this. Procedures regulating joint operations vary from country to country. In some states, the decision to conduct a joint operation is taken by the police officer in charge of the squad concerned; in others, the decision rests with the prosecutor or investigating magistrate. A formal Letter of Request may even be required before a joint operation can commence.

In some cases the pro-active investigation under consideration is on a bi-lateral level only and can be efficiently co-ordinated between counter-trafficking units in both countries. Sometimes investigations can be on multi-lateral levels and involve a number of countries. This may mean that the co-ordinating powers of the SECI Centre or Interpol have to be enlisted.

Whichever of the above situations applies, it is important to establish contact early with the counterpart unit or liaison officer network most effective in the country concerned before any other actions are taken. Examples of counterparts include police forces, customs, and immigration liaison officer networks.

Co-ordination is the key function of liaison officers. They will have current knowledge of all of the legal and operational issues relevant to the case under investigation in all countries concerned. Liaison Officers not only facilitate the progress of the operation but can also ensure that serious errors are avoided.

7.4.3. Pre-operation Phase and Planning, Co-operation with the Prosecution Service

Before examining strategies in detail, it is necessary to consider the method according to which the option is actually implemented. Although pro-active investigations are starting to be employed more frequently, their effectiveness will not be fully appreciated unless law

enforcement and prosecution agencies do not co-ordinate and co-operate from the outset of operations.

The majority of these kind of operations are undertaken in response to in-depth intelligence gathering and analysis. A number of key management issues have to be addressed before the decision is taken to launch an operation.

In order to establish whether or not a pro-active operation should be implemented, the investigator and prosecutor involved are required to convene a review and planning meeting where key issues are discussed.

Many countries in the SEE region have special or judicial police investigators who are involved throughout the investigative process in addition to counter-trafficking specialist investigators. Where this is the case, they should also be included in the above consultation process. They play a critical role in evidence gathering and often form the link between investigators and prosecutors.

In essence, any official that plays a key role in an investigation and in the gathering of evidence should be included in consultation and planning stages.

The Rationale of Investigator-Prosecutor Co-operation in Pro-active Operations

In a pro-active investigation there is the chance that the investigator and prosecutor will work more closely together than would normally be the case. This sometimes alarms prosecutors as it requires deeper involvement in the investigative decision-making process. They are not usually accustomed to being part of such processes until criminal complaints have been filed.

Notwithstanding such reservations, good practice has recorded the following advantages of investigator-prosecutor co-operation:

- Pro-active counter-trafficking operations are complex, and require a lot of resources; the joint review and planning process enables the specialists' different skills to be combined and results in an effective assessment that identifies the best legal/operational strategies to secure prosecution;
- Evidence-gathering tactics that may be inadmissible or of no practical use to the prosecutor in the conduct of the trial can quickly be identified and eliminated;
- The prosecutor is made aware of the operational difficulties that the investigators may encounter in the conduct of the tactical surveillance options or may encounter in seizing and securing evidence and can react accordingly.

The majority of pro-active investigations are generated by developments in intelligence, however, they may also be triggered by events that occur before the legal and operational steps to be taken have been formulated.

For example, urgent cases may arise as a result of intelligence passed on by an informant or a victim before a pro-active investigation has even been considered. In such cases the investigator-prosecutor consultation should still take place if at all possible.

Other pre-arrest evidence-gathering techniques

The surveillance phases of the operation should be regarded as the core aspect of evidence gathering as they are the foundation upon which the other parts of the investigation can be built.

A number of additional evidence-gathering techniques are available during the pre-arrest phase depending on the law of the countries involved. These techniques are designed to enhance surveillance and help in the acquisition of high-quality evidence. They include:

- Intrusive technical surveillance, for example, communications interception, and tracking and listening devices;
- Deployment of undercover and test purchase resources.

The deployment of such techniques can not only secure quality evidence, but also provide early warnings of developments in trafficking operations. For example, interception techniques may provide intelligence regarding the next scheduled transportation of new victims. This development can then be monitored, recorded and/or intercepted.

In general terms, the techniques may lead to the production of evidence within the following broad categories:

- The suspects' modus operandi, relationships with victims and with other suspects;
- All aspects of the crime, other related offences such as physical and sexual violence;
- Recruitment and transportation methods, production and use of documentation to facilitate illegal immigration;
- Suspects' initiation and management of exploitative practices;
- Financial arrangements and money laundering.

Regarding decisions on which evidence-gathering techniques should be employed during pro-active investigations, the European Convention on Human Rights establishes guidelines for good practice (see below). The techniques proposed should therefore pass

the following criteria, that is, whether they are proportional; legal; accountable and necessary.

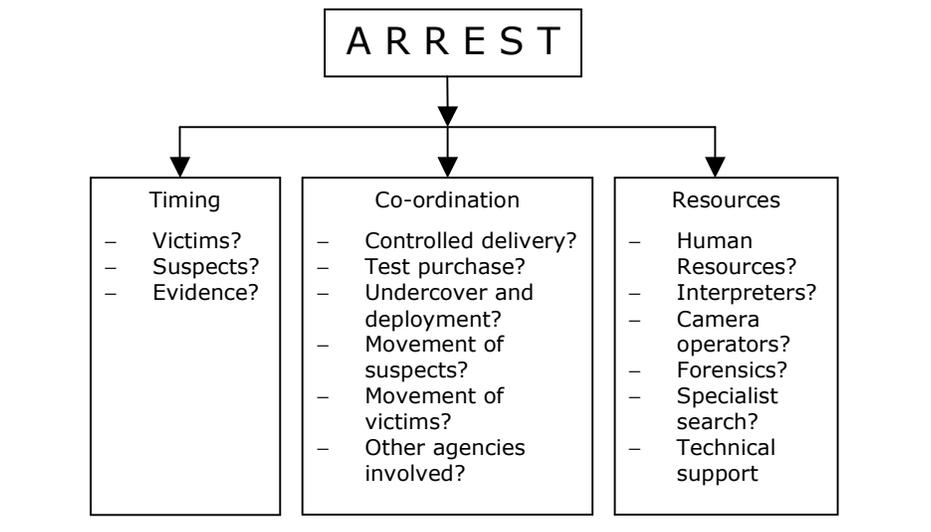
1. The use of any of the techniques must be in full and strict compliance with the legislation and procedures that apply in the country concerned;
2. Full records should be maintained of the reasoning behind their use, the decision to deploy them and the operational instructions that were issued;
3. These records should be kept as part of the decision-logging process and stored within a separate confidential section of the case file that is not disclosed to the defence team;
4. Unless these conditions can be fulfilled, the use of the techniques may not only be a waste of effort and resources but may also jeopardise the prosecution. It should be assumed that the traffickers will spare no expense on their defence and that their lawyers will scrutinise and probe for any weakness in evidence for the prosecution.⁸⁹

7.4.4. Preparation of a Written Action Plan: the IIMAC Model

Having examined methods of obtaining evidence to justify arrest and prosecution, the next stage of the investigation is the operation phase.

Handout 7.2. The Operation Phase

⁸⁹ European Convention on Human Rights (year?), p. ???



Timing

Generally speaking, the operation phase is executed once sufficient and high-quality evidence has been gathered, and the investigator and prosecutor have agreed an arrest should be made. However, there is always the possibility that an arrest will have to be carried out at short notice. This can occur if danger to the surveillance or undercover teams is detected, or if there is a sudden increase in risk to the victims. It is therefore advisable to formulate a mock-arrest plan and be prepared for this in the early stages of the operation. This can be refined as the operation progresses.

The operation phase should be timed and co-ordinated to ensure that the following objectives are met:

- The arrest of as many of the suspects as possible;
- The rescue of as many victims as possible;
- The acquisition of further evidence as the arrests are made.

Co-ordination Factors

To meet the above objectives, the following co-ordination factors should be noted:

- Co-ordination with teams deployed in test purchase operations, controlled payments or undercover operations;
- Try to gain a full picture of the daily movements of the main suspects to ensure that as many as possible can be located and arrested;

- Observe the daily habits and working patterns of the victims so that as many as possible can be located and taken into protective custody;
- In cases involving joint international trafficking operations, co-ordinate with other national agencies to maximise the possibility of simultaneous arrests for suspects in the different countries concerned.

When investigative teams co-ordinate with each other properly it can be possible to make arrests during undercover investigations, for example, when traffickers may be about to depart with victim-recruits. Other possibilities to make arrests may be when suspects are about to seize cash that had been paid to a victim as part of a controlled payment carried out by an undercover test purchase officer.

Simultaneous arrests may not always be possible, particularly in regard to time zone differences in joint international anti-trafficking operations. Where such problems exist, the plan may have to be executed as a tightly controlled and co-ordinated “rolling programme” of arrests, designed so as to prevent early arrests from alerting the remaining suspects.

Resources

The requisite level of resources will depend on the scale of the arrest operation, the number of staff, and the type of transport and communications facilities that can be employed throughout. With regard to the arrest team (local circumstances, resources and capacities permitting) the following skills should be represented:

- Interpreters for suspects and victims;
- Video and still photographers;
- Search and rescue specialists;
- Forensic specialists;
- Specialist technical support (for example, when the crime involves a recruitment agency, or where prostitution services are offered through a call-girl service and computers are used).

It is unlikely that these resources can be made available at the scene of all arrests, particularly in operations where multiple locations are involved. In such cases, it is advisable to retain the specialist search and forensic teams at a central location to await deployment as the circumstances dictate.

Trafficking investigations can become extremely complex and the arrest operation can require highly detailed planning. This should be a major consideration on the part of

investigators and prosecutors and may require the preparation of an operational plan that sets out time frames and lists the resources and deployment teams necessary.

Where significant numbers of officers are required to execute the plan (particularly if officers are being drafted in from other units) it is advisable to allow sufficient time for a detailed briefing of each arrest team. For security reasons, the arrest teams should be assembled at one location and briefed immediately before the operation is to be implemented. This should limit the opportunity for any indiscretion or for deliberate compromise of the operation by corrupt elements.

In all cases, the plan for the operation should be contained in a written action plan that will serve as point of reference for all participating agents and officers. The action plan must be clear, concise and comprehensive, and address key questions necessary for the implementation of each stage of the operation. The IIMAC (Intention, Information, Method, Administration, Communications) model for the preparation of action plans has been used in the UK and in various international missions targeting Human Trafficking activities. The components of the model are as follows:

Intention: Presentation of the targets, aims and objectives of the operation;

Information: Background of the case, description of the targeted premises, and latest operational information to have triggered the operation;

Method: Date and time of the operation. Distribution, nature and purpose of the (evidence-gathering) teams; their methods of transportation and co-ordination during the operation, including treatment of suspects and victims;

Administration: Necessary equipment and attire. Identify member(s) in command of operation as well as team-leaders on the ground. Methods of transportation for detainees. Co-ordination with the prosecution service, and procedures for direct assistance to the victims;

Communications: System of communication between the teams involved in the operation, including mobile phones and back-up radio channels.

7.4.5. The Operation Phase – Lessons Learned

Following the briefing and deployment of personnel, and once conditions offer the best prospect of effecting the arrest of as many suspects as possible, the arrest phase should begin. The manner in which this is carried out will depend on the circumstances of the case. The following points are for consideration:

The trafficked victims may themselves be committing crimes, such as possession of fraudulent travel or visa documents or engagement in prostitution (if illegal). Despite this, they are, first and foremost, victims of a crime and potentially valuable witnesses. They should therefore be treated with respect. **Further victimisation of trafficking victims should be avoided.**

The arrest teams should be divided so that one half rescues and deals with the victims and the other half handles the suspects.

The victims should be removed from the arrest scene as soon as possible as this will restrict the trafficker's opportunity to intimidate them and give the officers opportunity to gain the victims' trust. This may prove crucial in securing their co-operation in later stages of the investigation.

The victims should be given the opportunity to collect any possessions. If they are situated at the location of the arrest, any suspects present should be removed to a separate room. If the victim's property is at a different location, s/he should be taken there to retrieve it.

There are two purposes to the above procedure. Firstly, the victim has a basic right to reclaim his/her property, particularly if deportation is likely. Secondly, it will give the officer opportunity to inspect his/her identity and travel documents (if they exist and s/he has them) and to inspect any other documentation in his/her possession. Other items could include a diary, payment records, worksheets, money transfer receipts; all of which could constitute evidence against the trafficker. When the victim is not in possession of identity documents, this can also be positive evidence against the trafficker, especially if they are later found in his/her possession.

Where possible, victims and suspects should be taken to different police stations. This will help to reassure victims and may encourage them to talk more openly. Some victims may make allegations of sexual or physical abuse and in such cases it is prudent for suspects to be held at different stations in order to avoid issues surrounding cross-contamination of evidence or forensic samples.

Where possible, the entry of the arrest team and the arrests of suspects should be video recorded as they occur. This serves a number of purposes because it provides a record of:

- The professional conduct of the officers involved;
- Conversations that took place throughout the arrest;
- The hygiene standards of the premises and working conditions;
- The appearance of suspected victims. For example, film showing scantily dressed or partially undressed/nude victims will pose problems to the traffickers' defence. (When filming, care should be taken not to humiliate or violate the victims' rights to privacy/confidentiality.);

- Where a controlled payment has been made and the trafficker's money is being seized for comparison, it provides a film record of the seizing and sealing of the cash in his presence.

(Further information on video and photographic filming is contained below in Unit 7.3.6.)

7.4.6. Search and Seizure – Evidence Gathering

The quality of the methods employed in the search and seizure of incriminating material is critical to a successful prosecution. It has been shown time and again that convictions are normally secured as a result of the documentary evidence obtained during the arrest phase.



In the same way that tactics employed in an arrest are to take everybody involved into custody providing there is evidence to do so, the best course of action with regard to the search operation is as follows:

Within the limits of the law, collect any item that may constitute evidence, even if in doubt. It is possible to return items at a later date once they have been proven to have no evidential significance. Potentially significant items left behind may not always remain on return to the location;

Within the limits of the available resources, all suspects' work premises and home addresses (if different from "safe houses") should be fully searched. Traffickers may go to extraordinary lengths to conceal critical pieces of evidence such as documentation and cash assets. Therefore, it is important to allow sufficient time within the search and seizure plan for a thorough and extensive search of all the above premises.

Video and photographic filming:

Where possible, each room in premises used by both traffickers and victims should be filmed prior to the commencement of any search and before anything has been touched.

These films may become extremely important if a victim later alleges that s/he has been sexually or physically assaulted there, and may indeed help to corroborate his/her statement.

Once the premises have been filmed, all potentially significant evidence can be collected, sealed in appropriate containers and recorded in writing. It is essential that this is done in accordance with legislative procedures so that no evidence shall later prove inadmissible in the course of the trial.

Each vehicle used by any of the suspects should also be filmed and searched.

Suspects from whom property is obtained, and others present at the time, should examine an inventory of the items recorded. At the end of the search, before the premises are vacated, all

individuals should sign written statements pertaining to these items. Although certain countries do not require this procedure, it is good practice and makes it difficult for suspects to claim later that any evidence against them was planted.

Before obtaining evidence during searches, warrants should be issued that allow for further evidence to be demanded at a future date. Examples of the evidence that might be required include: recent bank statements, credit card statements, and records of tax returns. Such information could indicate where crimes had taken place and/or show signs of an affluent lifestyle and therefore lead to a strong case against the perpetrators.

Evidential items sought

The following checklist is offered purely as guidance and is not exhaustive. Evidence varies according to the circumstances of the case. The potential value of articles is evaluated in the post-arrest phases of the investigation. Such articles could include:

- Any documentation related to the recruitment process, for example, advertising copy, appointment books, letters to language schools or the visa sections of foreign embassies;
- Cash, credit cards, cheque books, and other documentation relating to financial transactions, irrespective of the amount involved;
- Documentation relating to payments made by the victims to the traffickers, for example, payment books, handwritten lists of payments, money transfer forms;
- Identification and travel documents: tickets, coupons, receipts, boarding cards, luggage tags;
- Documentation relating to passports and visas, including sponsorship letters, dancing contracts, escort or bridal agency employment contracts, language school enrolment forms;
- Documentation pertaining to work contracts;
- Documentation relating to the rent/lease of premises, safe houses or other addresses;

Example “Flash Hotel”



In operation “Flash Hotel” police teams discovered 16 women who had been trafficked from Romania to Turkey. The information exchanged via the SECI Center helped both countries to identify the traffickers. As a result, six traffickers were later arrested in Romania and Turkey, and more than four further victims were later identified.

During the investigation it was discovered that the traffickers were well acquainted with their clients and had granted them special favours, such as transporting the women to other cities so that they could provide sexual services there.

Detailed information on the clients was found by the police regarding their ages, sexual preferences, and transactions they had made. A list made by the traffickers was also discovered which included the types of cars, including the licence plate numbers that belonged to the clients and were considered “safe”. This evidence was obtained in spite of the fact that the hotel was under permanent surveillance by the traffickers. The high quality of the evidence coupled by the police teams’ excellent organisation and networking, was the reason for the success of the investigation.

-
- All forms of communication and information technology (IT) equipment: computers, mobile telephones, fax machines, personal organisers;
 - Items of value belonging to suspects in excess of known legitimate income: expensive cars, jewellery, furnishings or technical gadgets.

Additional points on good practice

Searches should be thorough and can take a significant amount of time. As trafficking crimes usually take place over a period of many weeks, they generate a large amount of evidence, all of which may be significant. This can even include information scribbled on pieces of paper, such as telephone numbers, email addresses or bank account details.

If critical discoveries are made during the course of the search, for example, a safe containing a large quantity of cash, passports, firearms or drugs, consideration should be given to filming the items *in situ*.

Keys

Keys can provide high-quality evidence. Where suspects are found to be in possession of keys, and where it is practicable to do so, the keys should be tested at each of the relevant addresses, whether that be at an agency, brothel or company premises. It will be extremely difficult for a suspect to explain away his possession of such keys.

As keys are found to fit the locks of significant addresses, they should be separated from others owned by the suspect, and sealed and labelled separately.

Seizure of computers and IT equipment

Computers and IT equipment are of vital importance in trafficking cases. All such equipment, ranging from desktop computers to small pocket-sized personal organisers should be seized.

Other such items for collection should include fax machines, laptop computers, mobile phones, personal communicators, pagers and any tapes from answer machines.

Analysis of the evidence contained in items such as the above is likely to result in suspects attempting to deny their ownership or possession of it. Therefore, it is important to ensure that detailed records are kept regarding which individuals were in possession of particular items of equipment, and where those items were found.

In cases where it is determined that suspects' operations are reliant on computers and other IT equipment, the assistance of officers or IT specialists who know how to safely disconnect and package such items can be invaluable. If technical support of this nature is not available, it may be prudent to telephone relevant specialists as the search progresses.

When this is not possible, the search team should attempt to observe the following points:

- Control the scene immediately upon entry and prevent any person from touching any of the IT equipment (this includes search officers);
- Having secured the scene, the equipment and any images currently displayed on computer screens should be filmed;
- The cables and connection points should also be filmed in order to show to teams who may have to re-assemble the equipment for further investigation;
- Prior to switching the equipment off, consider also using coloured labels or pens to match each cable to its connection point so that it can easily be identified and re-connected later for interrogation purposes;
- Handle the equipment on the basis that it may be required for fingerprints or other forensic examination. The data on the machine may prove to be significant, but it may first be necessary to prove the identities of those who have used the machine;
- With regard to computers, the printer, blank printer paper and printouts should also be collected for forensic matching with other items obtained.



Handout 7.3. Case Study, Counter Trafficking Investigation

In 2002, in connection with the steady expansion of the Chinese population, and in parallel with a very fast increase in business activities (restaurants and small -scalertextile factories), law enforcement agencies decided to carry out a series of random checks within the Chinese community of the town. It was suspected that behind the strong and lucrative expansion of apparently legal businesses there was a criminal organisation attempting to maximise profits through the labour exploitation of Chinese citizens.

The investigation was police-led and had a strong intelligence component. Elements leading to the investigation were assembled through monitoring and information gathering. Therefore the operation relied on a thorough analysis of what appeared as an abnormal business growth in the area, on the observation of the territory and a group of suspects, and on various random checks within the community, which in turn generated additional elements that supported continuing investigation.

Police checks exclusively targeted regularly registered Chinese citizens/workers and were carried out for an extensive period of time. The mobile phones of two suspects were put under surveillance. The same two men were also being investigated for weapons smuggling. Investigators suspected that in addition to the weapons business (which in the specific case was very minor) the two suspects were members of a group that trafficked persons. They decided to attempt an investigative line focusing on possible human trafficking operations.

Through the monitoring of the suspect's mobile phones a number of links with other individuals started emerging and also the mechanisms through which the organisation worked. Additional surveillance measures, in addition to photographic documentation produced during the operation, made it possible to identify the members of the network, understand the modus operandi of the organisation, and establish the role of each identified member within the group.

It emerged that the organisation was strongly structured and included numerous sub-groups, partly inter-linked with each other through family ties. Their main operational base was located in two towns within the destination country and had numerous recruitment points within the country of origin, China. In addition to human trafficking for labour exploitation, the investigation revealed that the organisation was involved in drug trafficking, and had carried out a number of kidnappings and extortion. They appeared to be strongly rooted and feared within the Chinese community, and to rely heavily on intimidation and coercion methods – fearing no rebellion on the part of the community.

The modus operandi - victims were recruited in China through person to person contacts with the promise of a good job. The organisation would first put together a considerable number of persons to be transported out of the country, asking them to pay 60 to 70% of the estimated total costs (averaging between 10,000 and 15,000 Euro for those with legal documents, but more where false documents were required). The remainder of the money due would generate a debt-bondage for each person with the organisation, i.e. the obligation to work for the organisation to repay the money, mostly in abusive conditions.

A person "guaranteeing" for each person trafficked was foreseen in this scheme. The guarantor would have to pay a certain amount to the organisation in China, while the trafficked person would, however, be exploited in the destination country. Very often the guarantor would

be the family of the individual. Threats and violence were used against the trafficked persons to force the guarantors to pay their part as soon as possible.

QUESTIONS FOR STUDENTS

1. Analyse and identify all investigative elements, phases and steps of the operation that appeared in the case.
2. Identify and list other elements, phases, steps of the operation that you believe were necessary but are not described in the case.
3. Imagine you have received initial intelligence on this case. Make a written plan on how you would conduct the investigation.

TRAINER NOTES

- These questions can be answered either as a facilitated group discussion with participants suggesting contributions that are collected and recorded by the trainer on a flip chart, or they can be assigned for completion by small groups.
- All small group work must be followed by a plenary session where solutions are shared and discussed.
- If all questions are assigned as group work, conduct a plenary session after each question rather than one long session at the end.

Question 1:

- i) What are the distinct elements/phases/steps?
- ii) How are they connected/linked?
- iii) What did each different phase discover/accomplish?

Question 2:

- i) Consider acquisition of warrants to conduct surveillance;
- ii) What linkages were established with other authorities (e.g. Chinese Police)
- iii) Was there any communication with trafficked persons?
- iv) What cooperative ties were established with other interested organizations?

- v) How was the local Chinese community involved?

Question 3:

This question particularly lends itself to small group work. Consider allocating different phases of the investigation to different groups (preparation, surveillance, operation, follow-up) and compiling a complete investigation plan on flip chart paper which, after the plenary session, can be posted around the classroom as a visual record.

7.4.7. Interrogation of Suspects

Having ensured that the trafficked persons are safe and receiving appropriate care, and arrested and detained the suspects, the next stage of the investigation is the interrogation of the suspects.

The evidence generated by traffickers' daily habits and practices means that there can be a lot of material to cover during the course of an interrogation. It may well be necessary to prioritise the questioning so that the most important aspects are covered first.

Where the allegation of a recent sexual assault is made by a rescued victim, it may be necessary to delay the interrogation to allow for a full medical and forensic examination of the suspect.

Interrogations may take longer if the presence of interpreters is necessary. Allowances should be made for this.

If controlled payments were made during the pre-arrest phase and cash has been seized further time will be required for the counting and checking of the cash.

Although this occurs infrequently, a victim rescued during the arrest operation may decide to testify against the suspect(s) immediately. Although the victim will receive advice from a counsellor who will be present during all interviews, it is possible that the results of the victim's testimony will be in progress before the suspect has even been called before court.

Where this situation arises, it is important to maintain the closest liaison between the victim-interview team and the suspect-interrogation team so as to ensure that any evidence provided by the victim can be incorporated into the interrogation of the suspect.

Regarding minors, special procedures have to be followed. The presence of a legal guardian throughout the interview is mandatory. Good practice also recommends that the victim is given a choice as to whether the interviewing officer is male or female. To female victims and minors this should always apply. (According to a 2003 decision in Romania, only female police officers

specialised in interviewing victims are working in anti-trafficking units. This has led to the development of a network of female police officers who are specialists in the field of human trafficking.)

A final activity that may delay the interrogation process is the examination of the property obtained during the search. Where resources allow, these items should be examined in detail to identify and separate those items that are of significant evidential value, for example, the possession of travel documents, victims' passports, contracts, bank records, large quantities of cash, that is, anything that is of clear value and for which the suspect should be asked to account for.

It is likely that there will be a large amount of property to be examined, therefore, when possible, a pair of investigators who have detailed knowledge of the case should be assigned to carry this out. If this is not possible, interrogation teams will have to undertake the task during breaks between interrogation phases.

7.4.8. Structuring an interview with a potential victim

For first contact and interviews with potential victims, please refer to Unit 4.

For the interview of victim- witnesses, please refer to Unit 8.

7.5. Parallel Financial Investigations

The importance of parallel financial investigations cannot be overstated. As when preparing law enforcement guidance on a multi-national basis, the diversity of legislation, procedures and resources in existence makes it a complex procedure. This also applies to financial investigations, but high-quality legislation and specialist investigators will help in implementing the recommendations of this Unit.

Not all countries have access to the above and this means the effectiveness of such investigations can be limited. However, even without specialist assistance, the points made below remain valid and can be used by all investigators to enhance the investigative process. The legislation existing in the countries concerned can be interpreted accordingly.



The golden rule is: Tracing and following the money will lead an investigation to the traffickers.

It is necessary to track down financial transactions during the course of a pro-active financial investigation into human trafficking. When the trail of such transactions is followed, it will

generally always produce results. This principle should be followed during both pre-arrest and post-arrest investigative phases. When applied during the pre-arrest phase, their use must be considered against the risk of releasing information regarding the operation. However, it should be noted that most legislation on assets confiscation contains punitive provisions for any individual/institution disclosing information regarding a financial enquiry to the account holder. Thus the security risks attached to pro-active enquiries in the pre-arrest phase are reduced.

Financial investigation during the pre-arrest phase is of particular value for two additional reasons:

- The investigation of financial transactions and the analysis of the results will often provide important information that can be used to ensure that the operation progresses in the most efficient manner.

For example, investigation of the purchase of travel tickets might reveal details of future travel arrangements which can then become the focus of surveillance activity at the exit and entry points; analysis of credit card expenditures may reveal details of the airlines, hotels, restaurants and/or casinos most regularly used by the trafficker(s) in any of the countries of origin, transit and destination. This intelligence can again be used in the allocation of surveillance resources;

- Depending on the circumstances of the case, financial investigation during the pre-arrest phase is designed to identify the amount and location of the criminal assets derived from the crime as accurately as possible.

Provided that this has been achieved, it is then possible to:

- Co-ordinate the arrest phase with the sequestration procedures in order to ensure a synchronised arrest of the traffickers and sequestration of their assets.

Additional benefits

There are two further benefits to be derived from the parallel financial investigation of traffickers:

- The evidence is of dual value for investigators:

Firstly, the evidence of large-scale financial gain and expenditure, in excess of any legitimate source of income, means that the trafficker's defence is significantly weakened. The reasons for this are firstly, that the evidence is in the form of documentary financial transactions, usually computerised, which are extremely difficult for defence lawyers to challenge. Secondly, the same financial evidence forms the basis for the post-conviction assets confiscation proceedings.

- The ability of law enforcement agencies to identify, investigate, and confiscate the assets derived from trafficking sends a powerful message to other perpetrators:

This is particularly important in the current climate because trafficking is frequently perceived as a “high profit-low risk” crime with perpetrators viewing the short prison sentences involved simply as a “business risk”. Successful financial investigations could transform this situation if punishments entail a short term of imprisonment and the permanent confiscation of all profits.

Financial transactions

When parallel pro-active financial investigations are implemented, a large part of the investigative work will already have been completed. The purpose of post-arrest financial enquiries is to establish the following facts:

1. How much money was generated by the crime?
2. How much remains?
3. Where is it now?

The evidence arriving out of the investigations will have provided answers to the above questions and will require the suspect to account for the existence of large sums of money in the absence/in excess of any legitimate source.

Close examination of the financial evidence beyond general requirements may also play a further role in the trial. Many documents will also be able to place a suspect at a given location at any given time. This not only applies to major transactions conducted in banks, but also small items such as petrol receipts or restaurant bills.

The documentary evidence of financial transactions, combined with the preliminary work carried out during the pre-arrest phase, should be analysed and examined for the following types of evidence:

- Payments for accommodation, advertising, travel expenditure, visas, as well as personal expenditure on items such as vehicles, jewellery, restaurants, casinos, nightclubs, etc.;
- Receipts for any such payments listed above including fuel payments, road and bridge toll payments, parking payments, receipts from Internet cafes, phone cards.;
- Any records relating to payments made by victims to the traffickers. These may simply be daily amounts handwritten in exercise books or money transfer receipts through companies such as Western Union that show international money transfers for the benefit of specified individuals;

- The named beneficiary may bear the same family name as a victim but enquiries should still be made as to whether the individual exists. These beneficiaries can often be false and the accounts being credited under the control of the traffickers;
- Any documentation relating to the method and route by which money is laundered or transferred out of the country. These may include money transfers, inter-bank transfers to intermediary bank accounts in different countries, transfers of funds between credit card accounts, etc.;
- It is important to note that the method of laundering or concealing the origins of profits is not always carried out through international bank transactions. Traffickers use a variety of methods to launder their profits. This may include the purchase of vehicles or bulk purchases of clothing.

7.6. The Disruptive Investigation Option: Limits and Benefits

The use of disruptive investigative methods may be appropriate for a variety of reasons:

- Where the level of risk to the victims demands an immediate response that precludes the pro-active option;
- Where the pro-active option is not viable for operational reasons, for example, if geographical and/or topographical features make surveillance of the target premises impracticable, or where it is impossible to achieve undercover penetration of the network;
- Where legislation, procedures or resources preclude the use of pro-active methods;
- Where the disruptive option addresses specific complaints from local residents or other interested groups more speedily/effectively.

In spite of the fact that disruptive methods are more appropriate in certain situations, two key points should be noted:

- Disruption only temporarily relieves a situation – it does not provide a solution and merely takes the problem to another location;
- The key to success with the disruptive option is the use of creative and innovative multi-agency tactics. Such methods create so many operational problems for traffickers

that it becomes almost impossible for them to continue in their current format and location.

Key Terms

- General investigative principles – the geographical, structural and commercial components of trafficking;
- Core components of trafficking as a commercial activity – advertising, renting premises, transportation, communications, financial transactions;
- Re-active victim-led investigative options – investigations based solely upon the complaint of the victim. This generates specific duties that are informed by supporting and protecting the victim and his/her rights;
- Pro-active investigative options – based upon intelligence-led police activity that is not dependent upon the testimony of a victim. Exploiting the evidence produced by traffickers in the course of their commercial activities and in the marketing of their commodities;
- Investigative focus – identification and selection of the most effective investigative strategy;
- Parallel financial investigation – simultaneous, co-ordinated investigation of the money trail that enhances the evidence already obtained from pro-active investigative methods. Evidence produced is of dual benefit;
- Disruptive investigative option – intervention required if the level of risk to the victim is high and demands an immediate response that precludes the pro-active option.

7.7. Investigation of Internal Misconduct (Combating Possible Corruption)

“Trafficking in Human Beings cannot flourish without the cooperation of state officials and law enforcement authorities. The involvement of local police ranges from visiting brothels as gratis clients to facilitating the trafficking of women into the country. This complicity and corruption on the part of local police officers facilitated and, indeed, exacerbated the human rights violations. Victims spoke of police officers who visited the brothels to partake of sexual services in exchange for assistance in procuring false documents and tipping owners off to upcoming

raids. Still others engaged in trafficking directly. For the most part, the police engaged in these activities with complete impunity, and today that corruption continues unabated.⁹⁰

After the completion of the operation, the different phases of the entire process should be analysed and evaluated in depth. Looking for answers that help to explain what went wrong during certain stages and clarifying possible misconduct are essential parts of the evaluative exercise.

Any possible links between law enforcement officers and criminals must be investigated, particularly where there are indications of information leaks or co-operation with the alleged traffickers. Clues that should give rise to internal investigations include: bars that are normally open at the time the police operation is scheduled are suddenly found closed when the operation takes place; potential victims found together waiting quietly in a room/hidden by the alleged traffickers on police arrival; evidence is never found even though raids take place more the ones in the same location; and police forces that conduct operations in an uncoordinated way or jeopardise them.

Where such situations arise, internal investigators should analyse all possible links between commanding officers and the clients, owners, security companies and other persons related to the premises where suspected trafficking activities are occurring.

Human trafficking, in all its forms, cannot take place without a certain level of corruption involving local institutions and police forces. Identifying the wrongdoers is an essential step in successfully combating organised crime and, more specifically, human trafficking. It is equally important that responsibility is taken to fight corruption and improve the image of the police forces within the societies they serve.



Handout 7.4. EXAMPLE: Kosovo's Off-limits Policy

In order to prevent corruption and to combat trafficking of persons in Kosovo, an off-limits policy was introduced for UNMIK as well as the Kosovo Police Service (KPS). This policy prohibits police officers from visiting establishments, except when on official duty, where it is suspected that human trafficking takes place. The names of the establishments and their locations are cited on an "off-limits" list which is published monthly by UNMIK.

Once evidence has been established that trafficking activities are occurring at a specific location, the establishment involved is added to the list. Intelligence is gathered in a variety of

⁹⁰ Statement of Martina Vanderberg, J. D., Europe Researcher, Women's Rights Division, Human Rights Watch. Hearing before the Sub-committee on International Operations and Human Rights of the Committee on International Relations. House of Representatives, April 24, 2002.

ways, such as inspections of work contracts and residence permits, interviews of potential victims, and during raids and surveillance operations.

The anti-trafficking unit regularly monitors each establishment on the list and investigates who manages its business operations and who is employed there. Where possible, undercover investigations are conducted in order to obtain further evidence. If illegal activities are proven, the the premises can be closed down, the suspects detained and the victims referred to local NGOs for shelter and assistance.

The establishment is then removed from the list. If the business operation of a particular establishment shifts its operations to legal working practices, it may also be removed from the list.

The police have the final decision with regard to the removal of businesses from the list. Any changes must be reported by the police officer responsible for the operation.

The off-limits policy is observed by other organisations including the OSCE and the Kosovo Force (KFOR), international NGOs and other organizations. If an anti-trafficking officer identifies any employee from one of these organisations at an off-limits establishment, disciplinary measures have to be taken by the organisation concerned. It is possible for personnel of International Organisations to be detained if they are found to be involved in criminal activities.

Closure



National Teams:

Describe how pro-active methods of investigation can be applied in your jurisdiction. What are the recommended stages to be followed?

Describe who is involved in the investigative process in addition to counter-trafficking specialist investigators in your country.

UNIT 8



Unit 8: The Victim as a Witness

8.1. Training Plan

Learning Objectives

- To explain the international standards for the treatment, protection and assistance of victims;
- To identify the key issues to be addressed when a victim becomes a witness;
- To recognize the critical change in a victim’s status when they become a victim-witness;
- To describe options concerning a victim’s live testimony;
- To identify the available victim support measures;
- To develop a familiarity with all post-trial issues.

Method

Lecture + Group discussion + Video material +
Case study + Brainstorming

Supporting material

Video (DVD) + TV, + DVD Player +
Flipchart

Procedure	Introduction
	<p>Topic 8.1 Witness Protection Programmes</p> <ul style="list-style-type: none"> - Lecture on national legislation and procedures. Input on relevant international best practices in this field; - Ask participants to outline what they consider the advantages and disadvantages of different types of programmes: for the provider and for the victim. <p>Topic 8.2 Principles of Victim Treatment</p> <ul style="list-style-type: none"> - If available, the presentation of video material would be ideal, followed by a thorough discussion. <p>Topics 8.3, 8.4 and 8.5, The Trial Phases</p> <ul style="list-style-type: none"> - Prepare a Multiple Choice Quiz on these topics; - Using the appropriate segments of this manual as a “Reading” give students the text to read (not included in handout, copies are to be made

	<p>by trainer);</p> <ul style="list-style-type: none"> - Task them to prepare for a multiple choice quiz on the topic(s) to be followed by a Question and Answer session; - Identify half the class as police officers and the other half as victim witnesses; - Ask them to discuss as small groups what their major concerns would be about the trial proceedings from those two different perspectives; - Report back and summarize; - Brainstorm with class what would be the most important factors to consider when organizing and implementing a victim interview; - Ideally a representative of an organization that works with victims should be a co-presenter/trainer for this session. <p>Topic 8.6 The Child as Witness</p> <ul style="list-style-type: none"> - Facilitate class discussion on what needs to be done differently, what special measures and approaches are required when dealing with child witnesses; - Ask what creative techniques are participants aware of for communicating with children; - Highlight the specific requirements of the UN Convention on the Rights of the Child; - Summarize and wrap-up. <p>Closure</p>
<p>Handouts</p>	<p>Handout 8.1. Personal Responsibility of the Victim-Witness</p> <p>Handout 8.2. Example 1</p> <p>Handout 8.3. Example 2</p>



This section gives best-practice guidance concerning the treatment of a victim who has been removed from immediate danger. The victim has also agreed to provide a statement and give testimony during the trial process.

It is very important to create the optimum conditions from which a victim can provide his/her evidence and give his/her testimony. These conditions must focus on minimising the likely trauma the process may entail. The investigator should embrace this principle not only as a matter of professional duty, with respect to the needs and human rights of the victim, but also because such treatment will maximise the potential for the victim to give his/her account during a trial, and thereby help convict the perpetrators.



(Cross reference with unit 3)

8.2. Witness Protection Programmes

There are two types of witness protection arrangements most commonly found in trafficking investigations:

- A) The full witness protection programme, which is controlled and managed by the State.
- B) Composite schemes that consist of support and assistance provided on a joint basis by law enforcement officers and IGO-NGO co-operation.

Subject to local circumstances, day-to-day security and safety issues may be delegated, for example, to colleagues that manage the witness protection programme or to the staff of an IGO-NGO victim shelter. However, it must be remembered that **it remains the investigator's responsibility to ensure that all security and safety measures, in respect of the victim-witness, are viable and proportionate to the assessed risk level posed to the victim.**

8.2.1. Full witness protection programme – controlled and managed by the State

This programme will only be required in its fullest form in the most serious cases. This is where the risk of reprisals against the victim-witness and/or his/her family is so grave that the implementation of the full range of protection measures is essential if the victim is going to be allowed to testify.

Entry Criteria

Where a law enforcement agency witness protection programme exists, the first issue to be addressed is whether the victim qualifies for entry into the scheme.

Most programmes will have a set of entry criteria covering factors such as:

- The gravity of the crime to which the victim will testify;
- The indispensability of her/his testimony;
- The level of risk posed to her/him as a result of her decision to co-operate with the judicial process.

In most standard programmes, trafficked victims would normally not qualify for entry because they are usually not able to provide indispensable evidence against the major players in a criminal organisation. This issue will need to be addressed by the counter-trafficking investigator. This is because the ability and willingness of the State to protect a trafficking victim is one of the most crucial factors in a victim's decision of whether or not to co-operate.

Where the victim qualifies for entry, the programme officers, in accordance with the regulations and practices of the programme concerned, will normally take all further protective measures. This will range from the victim being protected by programme officers 24 hours a day, to arrangements where the victim's protection is addressed through the provision of mobile phones and emergency contact numbers.

An assessment should also be made on the likely impact the programme will have on the victim. This aspect is often forgotten. By their very nature, witness protection programmes are restrictive and the victim will not be allowed complete freedom in regard to movement or making decisions. It is also important to remember that the victim will have recently been rescued from a situation that was similarly restrictive. This may have a negative effect upon his/her ability to cope within the programme's security constraints.

8.3. Principles of Victim Treatment

The following guidance deals specifically with the protection and assistance provided by the IGO-NGO sector.

Investigators have to take into consideration that the IGO-NGO sector, whilst generally ready and willing to co-operate with law enforcement officers, has different and more distinct responsibilities when assisting clients.

The following principles should be respected during the whole trial process:

8.3.1. Victim Safety

Victims of trafficking, and their families and associates, are at risk of intimidation and retaliation in all phases preceding, during, and following the criminal case. Therefore, **the protection of trafficking victims at all stages of the case must be the primary concern** of police officers and prosecutors.

Whilst risk can never be completely neutralised, it should be remembered that the ability to provide viable **protection** for the victim **is a critical factor in the risk-assessment process. If it cannot be provided, the victim should not be allowed to co-operate.** It is not possible to provide guidance on every scenario and it is a matter of professional judgement, on the part of the investigator and prosecutor, to assess the risk level and implement the appropriate protection measures.

Providing for the victim's safety also entails that victims are informed what to expect during the criminal case and beyond. This is specifically in respect to potential dangers, should they agree to testify against traffickers.

It must be ensured that the traffickers will not be able to trace, harm, and/or intimidate the victim. This underlines the importance of close **co-operation** between the judiciary, the police and the victim support agencies.

All in all, treating the victim with care and convincing her/him that s/he is in a safe position to provide evidence against the defendant is the best means of enabling and encouraging her/him to testify and, in turn, fostering the effective prosecution of the perpetrators.

8.3.2. Written Consent

In all instances where the victim is required to express consent, it is suggested that this is recorded in written form.

It may be useful to set out these principles in a formal document to be signed by the victim to indicate her/his agreement to the terms. This would not only serve to reinforce her/his rights in these matters, but also protect the investigator and the agency in respect to confidentiality and data protection issues. Written consent, however, should only be sought after the victim receives thorough counselling/expert advice.

8.3.3. Continuity – the Specially Assigned Investigator

Wherever possible, the interviewer should be assigned to the victim for the duration of the case because s/he has a key role to play throughout the judicial co-operation process irrespective of

whether or not NGO support for the victim exists. Where it does not, the assigned officer will become even more important in identifying, providing and monitoring the support.

As highlighted, the investigator should be assigned to the victim from the outset and become the link between the victim and the criminal justice system. The relationship of trust between the two is critical to the prosecution's success.

8.3.4. Records of Contact

From the outset, the investigator should maintain a record of all contacts, both face-to-face or by telephone, with both the victim and other agencies involved in the case. IGO-NGOs and other specialist support agencies will normally maintain their own detailed records of correspondence with the victim.

The investigator should make sure they record any specific instructions given to the victim, such as security measures, record of expenditure, prohibition on discussing the evidence, etc.

It is extremely important to record all details in these areas, because these are likely to be challenged in judicial proceedings.

Expenditures for the victim should be closely monitored and supervised at every stage.

8.3.5. Issues of Integrity

The assigned investigator should keep a detailed record of any spontaneous discussion of evidence, any expenses incurred whilst with the victim, as well as any applications for accommodation, financial support, etc. made on his/her behalf. It is important to remember that defence lawyers may make unscrupulous attacks on the victim and the investigation team at the trial. Thus, it is critical to maintain accurate records of all dealings between the officer(s) and the victim.

The record not only serves to protect the integrity of the officer and the victim, but will also help rebut any such allegations of impropriety that may be levelled at the trial stage.

For this reason, the assigned officer should, wherever possible, be a female officer. On any occasion where a male officer meets a (female) victim, a colleague must accompany him at all times to prevent any allegations of impropriety being made. This rule is designed to protect the officers against malicious and/or false allegations.

The contact book should be regularly inspected and countersigned by the prosecutor overseeing the whole investigation.

8.3.6. Co-operation with Other Institutions

Leading up to the trial, the victim-witness may be allowed to remain in the country of destination particularly if personal safety cannot be guaranteed in the country of origin. During this time, the co-operation concept⁹¹ may allow the victim-witness to be in the care of a shelter or counselling centre.

Advantages:

- The victim-witness lives in safe accommodation, e.g. in sheltered housing, and receives psychological and social counselling and support. The victim-witness's physical and psychological health is stabilised, improving the chances of the victim-witness making the decision to be a witness and face the trial;
- The victim-witness can be encouraged by counsellors to participate in language lessons or vocational training, with a focus on the post-trial period. Such measures help to stabilise and strengthen the victim-witness, from both a psychological and practical point of view;
- The victim-witness can talk to a counsellor about her/his fears and reservations, e.g. the prospect of coming face to face with the offenders in court. The counsellor has a very important role to play as s/he can discuss and help the victim-witness understand the formal sequence of trial events. This embraces preparatory steps that ensure the victim-witness is prepared to stand trial, including such measures as visiting a court;
- The victim-witness may also want to ask the counsellor to accompany her/him to appointments with her/his lawyer, witness-protection officers and investigators.

Issues:

- It should be noted that judicial authorities may perceive danger in counsellors unwittingly influencing the witness, or that this line of argumentation could be used instrumentally by the defence at the trial. In order to eliminate this, criminal investigators should inform counsellors as to what may or may not be discussed with the victim-witness;
- The question of financing the witness's stay during the pre-trial period must be clarified in the co-operation concept;

⁹¹ Some countries have institutionalised co-operation with NGOs providing services to victims. In this unit the term co-operation concept is used generically. For more specific co-operation schemes between law enforcement and other agencies, see Unit 2.

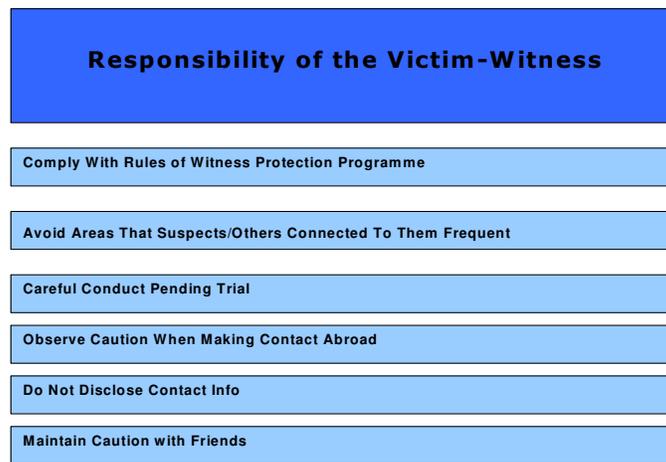
- The conditions under which the counselling centre allows the victim-witness to live must be clearly defined and understood by all parties involved, for example, the person may be forced to leave in the case of drugs or alcohol consumption, if s/he becomes violent, if s/he has contact with the offender, etc.;

From the counsellor's point of view, the victim should ideally be stabilised at the shelter so that s/he can move to her/his own accommodation. It is the aim of the counselling centre to help the victim regain her/his independence as quickly as possible.

8.3.7. Personal Responsibility of the Victim-Witness

It is vital that the victim is made aware of the importance of his/her role and responsibility in regard to his/her own security. S/he should be given clear guidance about the following issues:

Handout 8.1. Personal Responsibility of the Victim-Witness



- The duty to comply with any rules included in a State witness protection programme or by the IGO-NGO shelter is the responsibility of the victim-witness;
- Avoiding areas where the suspects and/or their associates may congregate;
- Maintaining caution in respect of her/his friendships;
- Ensuring that s/he does not disclose his/her address or contact numbers to anyone without first consulting with the investigator and/or the refuge support staff;
- Taking great care in regard to any communication with her/his family or friends in her/his home country, particularly if these communications might disclose her/his current location;

- General advice about her/his own conduct pending the trial process.

8.4. Pre-Trial Phase

8.4.1. Risk Assessment

Once a victim becomes a witness, the level of risk significantly increases and must be immediately assessed. At this stage, assessment becomes even more complex as it now also focuses on the security of other victims residing at the shelter, the shelter staff and the shelter premises.

It is important there is a formal structure in place to make this risk assessment. The system could operate in the following way:

Whenever a shelter victim has received a briefing from an investigator and agreed to co-operate, the shelter manager notifies the head of the Counter-Trafficking Unit so that an appointment can be made for the victim to provide her/his deposition;

- This notification will automatically initiate a risk assessment to be jointly conducted by the head of the Counter-Trafficking Unit and the shelter manager. This should be within 24 hours of the deposition being made to the interviewing team;
- The assessment must consider the following factors:
 - The current generic trafficking risk that exists in the country concerned – current intelligence and evidence, use or threat of reprisals, etc.;
 - The specific risk in relation to the victim –his/her vulnerability, age, family background, resilience, ability to comply with safety instructions, etc.;
 - The specific risk posed by the suspects – organised criminal gangs, intelligence or evidence of the use or threat of reprisals, capacity, numbers, etc.;
 - In the light of the two categories above, the level of risk posed to other victim residents and the shelter personnel – number of current residents and staff, visibility of the staff, security of the premises, current security measures, etc.

Once the risk level has been assessed and identified, the two parties must then pinpoint the range of protective measures that may be necessary to manage the risk.

It is not possible to cover all possible permutations, but, for example, it may become necessary for the shelter to re-locate the victim to new accommodation in order to protect other residents.

Where this occurs, the investigator will need to review and provide security to the victim at the new location.

In the most serious cases, it may be necessary to consider re-locating the victim to an address outside of the country concerned in order to ensure his/her safety and that of the shelter's residents and staff.

In some instances, it may become necessary to consider the physical protection of the shelter, but this will be a sensitive issue for the shelter manager because it may unsettle the other residents or staff and may also attract too much attention to the building itself.

8.4.2. Scheduling the Recording of Evidence

In ideal circumstances, it should be possible to allow the victim a period of time to reflect on her/his situation. S/he can then reflect on and assess all the issues, such as residence status and security risks, attached to her/his co-operation. The whole co-operation process should also be honestly and openly discussed with the investigator, at a neutral venue, and in the presence of an independent counsellor who can advise and assist the victim. S/he should be able to seek (legal) advice from an independent counsellor prior to reaching a fully informed and considered decision.

However, a potential problem exists for the investigator during the period the victim decides upon her/his course of action. The problem centres on cases that occur where there is a need to detain suspects and seize and secure evidence before the victim has had chance to reach a decision..

Urgent action by the investigator to detain the perpetrators and secure evidence such as forensic samples and documentary evidence may result in denying the victim any decision-making power in the process because the arrests will disclose to the traffickers that s/he is in the care of law enforcement officers. This, in turn, may trigger the risk of reprisals, one of the critical issues the victim needs to evaluate during the course of the decision-making process.

Equally, if the investigator delays action until the victim reaches her/his decision, the suspects may have escaped from the relevant jurisdiction and/or vital documentary evidence may be lost or destroyed. The result may make it impossible, or extremely difficult, to detain those exploiting him/her or to secure sufficient independent evidence to make a conviction possible. No specific rules can be given at this point to assist an investigator with this difficult task. Ultimately, it is a case of finding a balance between the two competing demands and each case will need to be assessed on its own merits.

Eventually, the success of any investigation will depend on the ability of the victim to provide the most detailed account of what happened to him/her and on his/her credibility as a live witness during the trial process. Therefore, obtaining evidence is a vital part of the process and demands the utmost sensitivity and professionalism on the part of the investigator if s/he wishes to secure the victim's testimony.

8.4.3. Obtaining the Testimony

Trust building

From the very first moment of contact, it is imperative, in order to build trust that the investigator is completely open and honest with the victims about every stage of the process that they will have to undergo

Reassurance and explanation are crucial when dealing with victims. Two key topics will be of great concern to them: safety and media exposure. These will need to be efficiently addressed for the victims to relax and provide detailed evidence.

Safety – victims will need to receive assurances regarding their safety and, when necessary, that of their loved ones. At this stage, they are aware of the traffickers' capabilities more than anyone else. Thus, it is important that the investigator eliminates any possible risks to security.

Media exposure – victims will be very concerned about being publicly exposed as individuals who have been involved in prostitution / illegal activities, or made wrong choices, etc. The use of pseudonyms and other means aimed at ensuring confidentiality may address the problem, but the investigator must be honest about the inherent risks.

Interview Conditions

The conditions and manner in which victims are interviewed are vitally important to the provision of the best quality evidence. The main points are as follows:

- Venue

Although a very formal setting and authoritarian approach is likely to induce compliance, it is unlikely to result in a trusting and fully co-operative relationship. The more informal the surroundings and atmosphere, the better the chance of capturing all the important details. As a matter of best practice, and where circumstances permit and/or the victim requests it, the victim should be interviewed in a neutral venue in the presence of his/her counsellor or adviser. This will reduce his/her level of suspicion and anxiety.

- Interviewer

If at all possible, the interviewer should be of the same gender as the victim, though the victim should be given the opportunity to express a preference. If possible, this should be complied with.

The interviewer should have a sound knowledge of the crime of trafficking for sexual exploitation and be well trained in the investigation of serious sexual offences as the victim is likely to have suffered such crimes. However, additional knowledge on other forms of exploitation is also desirable.

Wherever possible, the interviewing officer should be assigned to the victim for the duration of the investigation and trial, so that the trust developed can be maintained.

- Duration

The interviewer will need to extract as many facts as possible from the victim and this will obviously take time. In the case of detailed statements, this can take days and place great strain upon both the victim and interviewer. To alleviate the strain, it is recommended that a break be taken from interviewing every two hours.

The number of two-hour sessions completed in one day is a matter of judgment for the interviewer. It will depend upon the circumstances of the case, the resilience of the victim and the severity and trauma of the events being recalled.

- Translation

Well-skilled, trained and sensitive interpreters are crucial. Before an interview takes place, the investigator should fully brief the interpreter so that s/he is aware of its objective and the methodology required. It should be noted that on occasions victims might be ashamed to tell their story to an interpreter from the same country, due to the fear stigmatisation. Issues such as this should also be clarified beforehand. Interpreters should remain neutral within the interview as the victim may become more inhibited if s/he gets the impression that the interpreter gossips with others, for example, people from their home country. The victim should be given a few minutes alone with the interpreter to ensure that they understand and feel comfortable with each other.

8.4.4. Interview Methodology

It is important that the case history is set out in a logical and sequential order. This not only assists the victim in recalling events, but also makes it easier for other investigators and prosecutors to understand the events that have taken place.

This can prove challenging for an investigator, particularly with traumatized victims. It is worth spending time, however, noting the chronology of events and main points in order to gain a logical sequence of events. These “trigger notes” can then be used as the framework for the actual statement or video testimony.

The notes represent the victim’s first account and may become the subject of legal challenge. Therefore, they must be retained for production if required.

In the case of trafficking for sexual exploitation, due to the ill-founded prejudices that exist in many countries’ judicial systems, prostitute witnesses are often regarded as being incapable of telling the truth and of having limited credibility as reliable witnesses. This makes it extremely important to obtain sufficient evidence, all of which should be independently corroborated. If this is done it will be a much more straightforward process to rebut any prejudicial statements issuing from the defence.

It is therefore necessary to explore events in as much detail as possible. This includes detailed descriptions of venues, transport routes, clothing, other relevant individuals, documents, the decoration and furnishing of rooms in which victims were held/assaulted, etc.

This can be a laborious process and cause frustration to the victim. Experience has shown that when the reasons for this type of questioning are explained, i.e. that questions are designed to gain proof that a victim is credible, victims tend to co-operate fully and show little resentment towards the interviewer carrying out the task.

It is critically important to also remind the victim that it will be in his/her best interests to tell the truth at all times throughout the process.

The victim should additionally be given a clear explanation as to the necessity of a full exploration of his/her background and history. An interviewer should therefore tell him/her that the traffickers’ lawyers will undoubtedly repeat the process in any judicial proceedings that may follow

For these reasons, it is vital that s/he is aware that any lies, half-truths or deliberate omissions on her/his part will eventually be discovered and that these will undermine her/his status as a witness and jeopardise the prosecution. In some cases, a failure to tell the truth at this stage may also have a negative impact on any decision as to whether s/he should be granted some form of residence status in the country concerned. The benefits and importance of telling the truth should be explained to the victim time and again.

The chronology of events is very important in trafficking cases and yet it is often very difficult for the victim to recall them with any degree of accuracy. This is due to the fact that events may have occurred over a period of weeks or months, meaning that dates are often difficult to establish.

To address this problem, it can be helpful to focus on dates that are significant to the victim, such as his/her birthday, or some other significant anniversary, for example, the birthday of the victim's mother or child, or significant religious or cultural celebrations such as Christmas or Ramadan. As mentioned previously, investigators should explain the need for such questions and queries.

Similarly, the victim may be able to recall one or two significant dates in the process of the crime; such as the date s/he first met the trafficker or the date of transportation. The purpose is to establish a set of chronological landmarks so that other significant events can be set in the context of "before" or "after" the fixed dates.

8.4.5. Interview Objectives

The interviewer should transcribe a coherent and extremely detailed history from the victim so as to enable the investigator to achieve the following two objectives:

- Use the facts to corroborate the victim's story and establish his/her credibility as a reliable witness;
- Use the evidence to identify, arrest and successfully prosecute the traffickers.

The interviewer should, as fully as possible, reconstruct the victim's story and the modus operandi of the traffickers in each of the three phases:

- Country of origin – recruitment and export;
- Country of transit – transportation;
- Country of destination – reception and exploitation.

In addition, some questions related to origin, transit and destination should be addressed in order to reflect the different circumstances and points of interest that are likely to have arisen and may subsequently be used as evidence. For example, when interviewing a victim who has undergone the whole trafficking process of recruitment, transportation and in this instance sexual exploitation, the interview should focus on obtaining the outline of his/her story during all three stages of the process. During this process, as s/he refers to facts involving advertising, renting, transportation, communications or financial transactions, the investigator should focus on building the story in a chronological order to ensure all relevant factual details are included.

As the story unfolds, the interviewer should obtain all relevant facts about any physical, sexual and psychological abuse that may have been inflicted upon the victim at any of the stages of origin, transit and destination and which are disclosed by him/her as s/he tells it. This whole process should be repeated at each stage of the recruitment, transportation and exploitation

process so that the victim covers as many points as possible. It should be explained to the victim that the questioning might become unpleasant and intrusive. However, it should be stressed that this is very much a test run, and the defendants' lawyers will subject him/her to a more rigorous cross-examination.

In each stage of the interview, as much factual data as possible should be obtained, together with the details of any potential witnesses, so that they can be used to corroborate the victim's story.

Specific Details

Obtain a full, detailed physical description of each named and unnamed suspect together with descriptions of any vehicles and/or premises involved.

It is important to obtain as much detail as possible concerning the interior of any premises and vehicles involved in the crime, such as descriptions of entrances, locks, furnishings, ornaments or pictures or any other particular features. These may later prove important.

Victims of trafficking operations rarely know the registration numbers of vehicles they have travelled in so it is useful to obtain a detailed description of the condition of the exterior and interior of any such vehicle. This includes details such as damage, window stickers, patterns on seat covers, toys hung on the rear-view mirror, etc.

The victim should always be asked if s/he has retained any documentary evidence, such as receipts or copies of advertisements, etc. If s/he has, they should be immediately secured and sealed in evidence bags. The exhibits should be described in detail and referred to in his/her statement.

Victims should always be asked whether they have kept a diary of events – they often do. These diaries often include a detailed record of the money that has been earned through prostitution and other vital data. The interviewer should approach this sensitively. Victims may be reluctant to disclose the existence of a diary if intimate material is contained.

In cases where victims have kept a diary, it should be secured and exhibited in the usual way, but only after having been referred to in his/her statement.

8.4.6. Impact Account

As trafficking is a serious crime against the victim's basic human rights and may affect her/him both physically and psychologically, it is important to obtain information that relates to the crime's impact on him/her. This will include details of his/her reaction to the crime itself, as well as any abuse, deception, enslavement, and sexual exploitation s/he may have suffered.

The interviewer should include this “impact account” at the end of the victim’s statement. It should contain details of the physical and psychological damage s/he has suffered as a result of the crime. S/he should also be encouraged to describe the impact of the crime upon his/her quality of life and indicate any consequential feelings of fear suffered by him/her or by his/her loved ones. Additionally it should also highlight whether s/he feels able to conduct her/his life freely, whether s/he feels that s/he can return home and feel safe, and any effect on her/his self-esteem and self-worth.

If there is a significant period of time between taking the impact statement and the date of the trial, it may be worth taking a second statement immediately before the proceedings in order to ensure that the evidence is up to date.

At this stage, it may also be advisable to call in a trauma-specialist, or equally qualified professional.



(Cross reference with Unit 5)

8.4.7. Corroboration of the Evidence

Having obtained a detailed account from the victim, either filmed or in written form, the next objective is to use the established facts to ascertain his/her credibility as a reliable witness. If this can be established, it will help to refute the prejudice commonly held in many legal jurisdictions that prostitutes are incapable of telling the truth. It will also make it difficult for the traffickers’ defence lawyers to attack the victim’s honesty during the course of the trial.

In order to establish the victim’s credibility, it is necessary to obtain independent corroboration of the facts garnered in the statement. There is also a second and important benefit to be gained from this process: in addition to proving that the victim is honest, each piece of independent corroborative evidence significantly strengthens the case against the traffickers. This is because they can often be systematically linked with each piece of evidence.

Subject to the legislative procedures in the country concerned, this form of independent corroboration may also be admissible to a prosecution that has been based on a pro-active investigation. This may also be the case when the victim, who is the subject of the corroborative evidence, does not make a statement or testify.

- **Tracking the story back**

As outlined above, the victim should have provided a very detailed account of all the events that occurred during the trafficking process. In this account, there will be points at which possible corroborative facts exist. The next task is to trace the history and identify the corroborative facts and sources. The extent to which the events can be corroborated will

depend on the case circumstances and the speed and manner in which the investigators react. For example, if events are very recent and the law enforcement reaction is immediate, then the opportunities for corroborating the account will be maximised.

For example, evidence such as closed-circuit television (CCTV) at exit or arrival ports should still be available, raids at brothel addresses should confirm the victim's descriptions of furniture, bedclothes, etc., and alleged injuries to the victim and/or his/her abuser may also still be visible. Alternatively, if the allegations date from some time ago or if the statement is to be used as the basis of a pro-active investigation that may take weeks or months, then corroborative evidence will inevitably, in many cases, no longer be available.

- **Identifying the facts to be corroborated**

One of the most effective ways to start the corroboration process is to take a copy of the statement and, using a highlighter pen, pinpoint each fact, event or incident where it may be possible to obtain independent corroboration. In the case of video testimony, the same procedure can be applied to the transcript of the tape.

Once this has been completed, each such fact, event or incident, should be allocated to an investigator so that the appropriate enquiries can be carried out.

Clearly, the opportunities for corroboration will vary according to each case, but the following points should be considered:

- **Corroboration of the evidence of physical injuries**

If the victim has alleged that s/he has been the subject of physical and/or sexual violence, consider gender-sensitive and non-enforced medical and/or gynaecological examination as a means of corroboration. If the injuries are still visible, they should be photographed or video recorded and if the allegation is extremely recent, consider having forensic samples taken.

If the victim received treatment for his/her injuries at the time, the doctors and nurses who treated him/her should be identified and statements obtained. The relevant medical records should be secured. It will normally be necessary for the victim to provide his/her written consent to secure medical records and for the doctor to provide evidence of his/her diagnosis and treatment.

If it has been alleged that injuries were inflicted upon the abuser during the assaults, and s/he has been identified, then the same procedure as above should be carried out. If medical treatment has been provided, consent is not likely to be forthcoming from the suspects and it may be necessary to obtain a court order for the release of the medical records.

- **Corroboration of descriptions**

The victim will have been asked to provide a large amount of descriptive detail concerning suspects, premises and vehicles. Where these are available and can be identified, they should be videotaped to demonstrate the accuracy of his/her account. For example, if the victim has described a trafficker as having pierced ears and a tattoo of the devil on his left upper arm, the suspect should be questioned by a police medical examiner and the facts corroborated in the examiner's statement. The features should also be photographed.

If the victim has described the entrance to a safe house or a brothel as having a green door with four locks, this should be videotaped or photographed. Where s/he has been able to provide a detailed description of the interior of premises, when identified, these should be videotaped in the same way as any other major crime scene. This is particularly important in the case of abuse. Where, for example, the victim recalled the layout of the room in which s/he was raped, the pattern and colour of the bedding, as well as a description of a particular picture on the wall, once identified, the room should be videotaped. This record will add considerable weight to his/her account.

In such cases, where described items can be realistically moved, they should be seized, placed in sealed evidence bags and exhibited in the appropriate way. It is equally important to apply the same procedure to any locations where the victim was sexually exploited. Items such as the victim's clothing or any menus of sexual services or other advertisements should be videotaped *in situ* and then seized as evidence and exhibited in the appropriate way.

This type of procedure should be applied whenever there is an opportunity to obtain corroborative evidence. All premises and vehicles that the victim can recall, and which can be identified, should be searched and videotaped.

- **Documentary corroboration – primary sources**

There are a number of possible sources of documentary corroboration associated with this type of crime. The task is to identify whether evidence exists and then secure it for the trial process. Enquiries may have to be made in a number of countries.

The primary source may be the victim and s/he should be interviewed in detail. S/he may still be in possession of the original advertisement s/he replied to or able to recall the newspaper; s/he may have retained documentation relating to the visa application or the identity documents themselves; with regard to the mode of transport, s/he may have retained boarding card stubs, baggage labels on cases or receipts for purchases made whilst in transit; s/he may have correspondence relating to his/her entry or status in the country of destination.

Most importantly, s/he may have kept a diary and/or an address and contact book and may also have maintained a written record of how much s/he had earned as a prostitute and of how much of his/her debt bond s/he had paid off.

- **Documentary corroboration – secondary sources**

Secondary documentary corroboration may be obtained during each stage of the process as outlined below:

- **Country of origin**

Advertising copy, visa applications, travel and identity documents and associated payments; documents completed at the point of departure, such as customs or exit forms, purchases at the departure point or receipts from currency exchange.

- **Country of transit**

Documentation created during the entry and exit stage, such as landing cards, customs declarations, etc.; hotel or guest-house receipts and registers; receipts for purchases made while in the country of transit; documentation that may have been created during contact with authorities, such as traffic offence tickets or other checks by police officers; hospital or clinic visits, etc.

- **Country of destination**

Documents relating to the mode of travel and entry into the country, such as boarding passes, receipts for duty-free purchases, immigration landing cards, customs declarations, etc.; hotel or guest-house receipts and registers; contacts with officials; medical records; documents relating to exploitation, such as advertisements for sexual services provided by prostitutes; receipts from currency exchange and other bank transaction forms, etc.

- **Miscellaneous sources of corroboration**

In cases of sexual exploitation, a useful source of evidence that highlights the reliability of the victim can often be found in the items s/he may have been required to purchase from his/her earnings as a prostitute. There is a broad remit of possible items, ranging from motor vehicles and expensive items of jewellery and clothing, to smaller, less ostentatious articles such as car accessories, telephone cards, etc. A detailed description of the articles purchased should be given in the victim's statement.

During any arrest and search operation, close attention should be paid to locating and securing these items as evidence. For example, if a trafficker, at the time of his/her arrest, is wearing an expensive watch the victim has already mentioned purchasing from his/her earnings as a prostitute, this provides excellent corroborative evidence. It not only proves the victim's credibility as a witness, but also indicates that s/he has been exploited.

Secondary corroborative sources may also be found by examining the security procedures that existed during the various stages of the crime. The level of success will clearly depend on the time factor – the longer the interval between the events and the enquiry, the less likely it is that the evidence will still exist.

For example, if the recruitment procedure involved a visit to an agency or office premises, it should be established whether there were security checks at the entrance, if there was a CCTV system operating, whether records of the individuals who entered the building were kept and, if so, whether videotapes and records still exist. The same should process should be followed with respect to brothels, where it should additionally be determined whether there was a porter/concierge entry-control system. When CCTV is operation in areas where street prostitution takes place, it is advisable to find out which authorities are responsible for its operation.

The same questions apply in respect to any embassy visa sections, travel agents, and to the departure and entry ports in the transit and destination countries.

- **Multi-agency sources of corroboration**

Experience has shown that the more the victim's statement can be corroborated, the stronger the case against the trafficker will be. This outcome justifies the extremely detailed nature of these kind of investigations. Given the detail involved in the corroboration process, it should be noted that the process will often involve multi-agency enquiries on a national and international basis.



Handout 8.2. EXAMPLE 1

Macedonian judicial authorities recently convicted five criminals for trafficking in human beings. The criminals were sentenced to between four and five years imprisonment. F. B. (40 years old), F. B. (30), M.R. (40), M.K. (37) and M. K. (35), were previously the owners of different nightclubs in Gostivar (Former Yugoslav Republic of Macedonia).

The verdict was pronounced based on the testimony of a 20-year-old Romanian victim, who was trafficked and forced into practising prostitution in the defendants' nightclubs. The victim was identified and located by the Romanian police, in response to an assistance request sent by the Macedonian authorities through their liaison officer based at the SECI Center. The SECI Center covered the costs of the victim's travel and provided her with temporary protection under its witness-protection program⁹².

Enquiries may be necessary with any of the following agencies in those countries mentioned in the victim's statement:

⁹² Press release, SECI Regional Center, 23 February, 2005.

- All police agencies, ranging from national counter-trafficking task forces, organised crime squads, immigration, vice squads and border police, to local patrol units (in many cases, it is the local police that can provide the best corroborative evidence);
- National, regional and local intelligence police agency departments;
- International police organisations such as Interpol and Europol;
- Immigration and customs authorities, with their intelligence functions and international databases;
- Foreign ministries of each of the countries concerned so as to obtain access to visa officials and consular officers;
- Internal ministry officials dealing with residence applications and permits;
- State benefit agencies dealing with social security, housing benefits, etc.;
- Health authorities, clinics, hospitals, etc.;
- Local authorities;
- Labour ministries in respect to work or work permits;
- Airline, coach, rail and ferry companies;
- Travel agencies;
- International and governmental agencies, as well as NGOs that may have come into contact with the victims.

The various procedural considerations affecting how these types of enquiries are made will depend on the agency and country concerned.. However, the majority of agencies and organisations listed above maintain liaison officers who will be able to provide the necessary guidance. As with the majority of investigative work, the strength and breadth of the contact network is crucial. Thus, as a first step, it is advisable to establish contact on an informal basis with the relevant liaison officer. This will allow the investigator to quickly ascertain the most relevant official to talk to in respect of the evidence being sought and the conditions and procedures that will apply to the enquiry and the disclosure of evidence.

Particular caution is needed when making overseas enquiries, as very strict procedural rules apply and these vary from country to country. Once again, early contact with, and advice from the relevant liaison officer should minimise the risk of any rules being broken.



Cross-reference to Unit 6

8.4.8. Court Visits

During the pre-trial phase the victim should be given the opportunity to attend court so that s/he can familiarise himself/herself with the surroundings. As far as possible, the whole procedure should be described to him/her in detail. Whether the assigned officer does this, or the support agency, will depend on local practice. Today, some jurisdictions have witness support services available at the courthouse and these should be utilised where they exist.

8.5. Trial Phase

A number of measures must be taken at the trial to ensure that the trial process is not compromised and the case is successfully prosecuted:

8.5.1. Court Witness Protection Methods

These are generally authorised and regulated under criminal (procedural) law. Such measures aim to prevent the accused and/or his/her accomplices from violating the witness's physical integrity in the courtroom, and in some cases from revealing the witness's identity. Other measures, which include anonymous witness statements or testimonies behind screens, are not necessary in cases where the trafficker knows the identity of the witness. In other cases, however, the witness may have legitimate reasons to fear for his/her personal safety if the accused, or others present in the courtroom, are informed of his/her name and address.

Courtroom-based witness protection measures such as video-link testimonies require technical equipment, well-trained personnel and adequate financial resources. Therefore, sufficient funding must be made available to the prosecutors and the courts so that they can be used effectively.

8.5.2. Victim Support Measures

Court escorts

During the trial itself, victims should be accompanied at all times to the court and never be placed in a situation where they can be seen by, or left alone with, the defendants or any of their family or associates. The best way of achieving this is for a team of officers to be assigned to collect the victim each day from where s/he is living or from some pre-agreed meeting point. They can then accompany the victim to court and remain with him/her

throughout the hearing. The same officers should accompany the victim home at the end of each day.

Consideration should be given as to whether the specially trained officer assigned to the victim from the outset is part of the team accompanying him/her to the court building. This may be ideal from the victim's point of view, but, according to local procedures, could lead to allegations that the assigned officer is "coaching" the victim through his/her evidence. In any case, the victim should be kept informed as to which officers will provide the escort and should be introduced to them before the trial takes place.

Psycho-social counselling of the victim-witness

By the time the trial begins, the victim-witness will have begun to settle into his/her new surroundings and will have gradually stabilised with the support of a counsellor. Despite this, the opening of the trial often comes as a shock to the victim-witness and being faced with past realities can be extremely unsettling. Questioning, in particular from the defence, can be enormously destabilising.

The co-operation concept must therefore ensure that the psycho-social counselling of the victim-witness is also taken care of during this phase. This is particularly important as the victim-witness must be able to withstand the pressure of questioning from the defence that will take place throughout the trial process.

Advantages:

The counsellor assigned to look after the victim-witness for the period preceding the trial – this period can vary from a few months to several years – supports and stabilises him/her during the trial, preventing his/her re-traumatisation. This is very important as the defence's strategy often includes stigmatising the victim and attacking his/her credibility.

Issues:

Before the trial, it is necessary to establish whether the counsellor will be allowed to sit alongside the victim-witness during the trial in order to provide him/her with moral/psychological support. There may also be the chance that the counsellor is called to the witness stand by the defence. If this is the case, it should be determined whether s/he is able to refuse to testify. The victim-witness should also be made aware that this could occur.

8.6. Post-Trial Phase

At the conclusion of the trial process, there is a tendency for law enforcement officers to heave a collective sigh of relief that "it is all over". However, the victim of a trafficking crime who has

testified against his/her exploiters does not enjoy this luxury because the risks will almost certainly have increased.

The investigator's responsibility for the security and welfare of the victim does not terminate with the conclusion of the judicial process – the risk assessment process must go on.

8.6.1. Return – Repatriation

At the close of the proceedings, the victim should only return/be returned to the country of origin in the following instances:

Article 8 If s/he expresses the wish to go home

If the victim wants to return to his/her family, s/he has the right to do so. It is difficult to prevent this, even in cases where the risk level is high. If the risks are high, the victim should be fully briefed and if s/he is still determined to return s/he cannot be stopped. In these circumstances, the investigator should explore which support and protection facilities may exist to assist him/her in the country of origin. Close co-operation with the support services involved in the case may prove helpful at this point.

Law enforcement officers should be aware that in reality many victims express a wish to return, simply because of a lack of alternatives, for example, they cannot legally stay in the destination country, or because they have not been advised properly on their rights. Therefore, it is extremely important to keep victims informed about their rights in the destination country and possibly refer him/her to (recognised) specialised aid organisations that will help to reinforce them.

B) If the risk assessment shows it is safe for the person to return home

This situation is very difficult. It is hard to envisage how a victim who has been assessed as being at risk prior to giving evidence could possibly be any less at risk after s/he has testified in court.

In either case, the investigator should seek permission to establish contact with a support agency in the country of origin to facilitate the repatriation process.

In these circumstances, the victim should always be granted exceptional leave to remain in the country or be given some form of extended temporary residence status. This is to have been agreed in advance of testifying.

For law enforcement agencies, there is a strategic dimension to this issue. If a victim who has testified against her exploiters is sent back against his/her wishes to face the risk of reprisals in the country of origin, the whole process for gaining such vitally important evidence would be

discredited. Indeed fewer victims than ever would be prepared to come forward and assist in catching the perpetrators.

8.6.2. De-briefing the Victim

In any event, during the post-trial phase, contact with the victim and the support agency should be maintained and all appropriate security measures should remain in place and be subjected to regular review.

The investigator should de-brief the victim once the case is over so that s/he has a full understanding of what has occurred throughout the investigation. In the case where an appeal period is available, the de-briefing should be delayed; it is possible the victim will have to testify a second time and any discussion of the case may compromise appeal proceedings.

8.7. The Child as Witness⁹³

Basic Recommendations on Interviewing Children

In addition to the general guidelines – ensuring safety, informed consent, and confidentiality – some additional principles and techniques for providing information to and interviewing children should be highlighted:

- Find out as much as possible about the child's case prior to the interview and make clear and friendly introductions. Being able to talk about something the child knows and understands helps to establish a positive relationship;
- Create a space that is safe, comfortable and child-friendly for conversation. This might include toys, books, games, drawing materials, etc. to help develop rapport;
- Dedicate adequate time for discussions. Remember do not rush;
- Use appropriate child-friendly language, this might include copying the terms the child uses;
- Explain in ways that the child can easily comprehend and use visual aids wherever possible;
- Keep the atmosphere simple and informal, so that the child does not feel they are being interrogated or pressured for responses;

⁹³ For further detailed best practice examples on interviewing child victims, see IOM, Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking, 2006, pp. 119–155.

- Begin with open-ended questions, allowing the child to give his/her own account. Avoid leading questions;
- Do not pursue additional details when it seems the child has told all s/he knows. However, at the same time recognise that children will often omit information if the right question is not asked. They can also give answers that they believe the interviewer wants to hear;
- Close the interview in a way that reassures the child that s/he has done well, and that you will be available whenever s/he needs to talk again.

Methods to be used to develop an atmosphere of trust include playing games and using visual techniques:

- While playing games it can be easier for children to share their thoughts. It also gives a chance for children who usually remain silent to participate and express themselves. A game like “Let’s pretend” with the use of different toys, dolls, puppets, monsters, can allow children to let the props talk about their experiences, rather than themselves.
- A cartoon character is another tool that will help form a relaxed atmosphere, allowing children to generalise their experiences.



Handout 8.3. Example 2

In Macedonia, NGOs use a storybook with a cartoon character named Splodge. Splodge is a visiting alien curious about life on Earth. Splodge asks a lot of questions to the children s/he meets.

At the start of the session interviewers can ask the child whether s/he thinks Splodge is a boy or a girl. How s/he travelled to Earth and also talk about his/her strange appearance. Splodge can then ask questions. These questions should not focus on specifics related to the child, but on what happens to children in general, for example, why do children get smacked on Earth? This allows the child to generalise or to draw on personal experiences as appropriate. Splodge takes the spotlight away from adults asking questions and makes children feel comfortable.

Visual techniques such as drawing and modelling can be used for children with low literacy. Children can be asked to draw, map or model something and tell a story about the drawing. Questions to be asked could be as follows: Where do you feel safe/unsafe? What does your family look like? What does your bedroom look like? This technique could also be combined with a game or cartoon character.

Article 8 of the **United Nations Convention on the Rights of the Child**⁹⁴ deals specifically with the special needs of children and the duty upon States to address their special needs as witnesses. This includes their rights to be informed about the criminal justice process, to express their own views, needs and concerns, and to receive appropriate support services.

The Article underlines the importance of protecting the child's identity in criminal proceedings, providing safety for them and their families, and ensuring that there is no unnecessary delay in disposing of cases involving child witnesses.

The Article further points out that any uncertainty about the actual age of the victim should not prevent the initiation of criminal proceedings, including investigations aimed at establishing the age of the child.

As regards the age of a child, Article 6, paragraph 4 of the UN Trafficking Protocol⁹⁵ provides that each State Party shall take into account the special needs of child victims. If the age of a victim is uncertain and there are reasons to believe that the victim is a child, State Parties should treat the victim as a child in accordance with the Convention on the Rights of the Child until his or her age is verified.

Finally, the Convention unequivocally states that the best interests of the child should be the primary consideration in the treatment of child victims by the criminal justice system.

State Parties should also take measures to ensure that appropriate training is in place, in particular legal and psychological training, for individuals who work with child victims.

Closure

⁹⁴ UN, Convention on the Rights of the Child, 1989.

⁹⁵ UN, Convention against Transnational Organized Crime and its Supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), 2000.



National Teams:

Specify the Witness Protection procedures in your country.

UNIT 9



UNIT 9: TEACHING METHODS

“I hear, and I forget; I see, and I remember; I do, and I understand.”

9.1. INTRODUCTION

This manual is designed to provide participants with a broad-based understanding and a range of competencies that will permit them to effectively carry out their law enforcement responsibilities in counter trafficking in human beings (THB).

These are complex, sensitive and sometimes contentious issues. It is important for the trainer/facilitator to be not only well-prepared in the contents but to be prepared for the exacting role of managing the process and ensuring the best possible learning environment for the participants.

Role of the Trainer/Facilitator

- As a trainer you **ARE** responsible for the planning and design of a training programme that suits the identified needs of the participant group;
- As a trainer you **ARE** responsible for determining the most appropriate form and methods for the training, using the most effective techniques and methodology;
- As a facilitator you **ARE** responsible for establishing a collaborative relationship with participants and an atmosphere of trust and openness;
- As a facilitator you **ARE** responsible for providing the structure for learning – including setting and observing timing, opening and closing sessions, keeping to an agenda – and doing the ‘housekeeping’ like preparing materials, planning the learning space and completing preparations;
- As a facilitator you are **NOT** a member of the group. You may offer ideas and insights, but never judgments;
- Your goal is to help people learn from their experience through careful observation and questioning, by leading constructive debrief sessions and through other elicitive approaches;
- You will fill multiple roles – at different times in response to group needs and group composition. You will administer and manage logistics and group organization and give

instructions for activities. You will question, guide and observe. You will carefully manage group dynamics;

- Participants will be encouraged to debate and solve problems, analyze and interpret data and reflect on their experience and their learning. Your job is to help them through this process;
- Remember it is during the process that the learning happens, not in completing the task.

Look at it like this⁹⁶

TEACHER	FACILITATOR/TRAINER
The teachers are the experts. They have all the power and information, the “ <i>sage on a stage</i> ” approach	The participants are the experts. Information and power are shared.
Students are like empty ‘pots’ waiting to be filled up with knowledge they receive	Everyone is both a student and a teacher, sharing his/her learning and experience.
We learn by recording and memorizing and repeating the gifts of knowledge from the teacher	We learn by looking at different situations or issues and working through them together.
There is only one right answer to the questions – and the teacher has it/knows it	There are many good answers to most questions. No one ‘owns’ the right answer.

9.2. PRINCIPLES OF ADULT LEARNING

Specialised trainers of adults have elaborated a number of general points from their experience of training adults. Some of these basic points are:

- adults have experience and like to use it (the trainer should use the participants’ experience)
- adults can make choices (they like to be able to control their learning)

⁹⁶ Modified from CARE International: Human Rights Initiative: Basic Introduction to Human Rights and Rights-Based Programming, Facilitator’s Guidebook

- adults need to see the relevance of learning
- adults are motivated to learn something (they have the intention to learn)
- adults need to be actively involved in their own learning process

Adults are aware of their abilities and require involvement in the learning process. The learner needs to be actively involved, not a passive recipient of information. A trainer should never merely demonstrate or lecture, but involve the learner in the task. No matter what the subject, learning involves the emotions as well as the intellect – this is especially true when dealing with sensitive subjects. It is, therefore, especially true that participants need to practice, to discuss, and to take an active role in resolving problems.

The purpose of training is to change knowledge, skills, and attitudes, and THB specifically is concerned not only with acquiring knowledge but is related to the formation of new skills and attitudes by the trainee.

Knowledge: Concepts, ideas, facts, data etc. need to be presented clearly as information in manageable-sized pieces for the participant to digest and discuss. The techniques used to communicate information must ensure an opportunity for the learner to give and receive feedback to test and verify their understanding of the information, to seek clarification and analysis. Short lectures with question and answer sessions, quizzes, specialist guest speakers, background readings and websites, slide presentations, films and video with appropriate briefing and analysis are effective methods of delivering, exploring and testing knowledge.

Behaviour/Skills: This learning is more challenging to deal with as it ultimately requires a change in the way learners act/perform. This requires courage, a willingness to take risks and a readiness to treat failure, or less than optimal results, as a learning experience – and to try again. Bringing about such change requires guided practice with feedback on the results. Some group-focused facilitation skills, such as keeping a discussion on the topic, can be learned through practice. On the other hand, while it is possible to learn about driving a car by reading a book, the actual driving can only be learned by doing, by seeing the results, and doing it again. Methods using video or audio tape recording and playback are helpful for improving skills in group behaviour. Intermittent process analysis, use of group observers, coaching sessions, critiques and role-plays are also useful, as is any method involving immediate analysis of the effectiveness of behaviour.

Attitude: This is the most difficult learning, because it requires not only changes to how something is done but to the actual belief that is the foundation for why something is done in a certain way. Adults have a well-developed set of attitudes they believe about what is right, or

correct, or moral, based on their personal belief system. Expecting them to change can mean, in some cases, challenging an aspect of their identity. Adults need to be convinced before changing their attitude. This is particularly true when dealing with topics such as THB that may challenge long-held attitudes about guilt and innocence and right and wrong.

It is important to use training methods that are non-threatening, where participants feel secure and respected. Small, informal, open-ended, expertly facilitated discussion groups can be effective, as well as observed interviews and role-playing.

Unlike children, adults have their life experience to draw on and are able to reflect on how that experience matches, supports, or contests what they are taught. Using that past experience they absorb new ideas, information and skills and ultimately change their attitudes and behaviour because they can see the relevance and make connections between what they are learning and previous experience.

By the same token, an audience's attention span is limited to 20 minutes, unless they are themselves actively engaged in an activity. One of the most important factors in maintaining student involvement in their learning lies in understanding each student's learning style preferences. Adults have strong preferences in their learning styles, so there is a constant need for balance and alternation between different ways of learning (audio, visual and practical) in order to satisfy those different needs and to apply and practice in order to learn.

Remember:

When communicating a message:

60% is received through non-verbal communication

25% is received through tone of voice

Only 15% is received from the verbal content

"Experiential learning" is a phrase often heard in the educational world. The model is especially useful for skills training because most of its techniques are active and designed to directly involve the participants. The design of an experiential learning session needs to take into account seven steps:

i) Climate-setting:

- Stimulates interest, curiosity, and enables participants to begin thinking about the subject at hand;

- iii) Provides rationale for why the subject is important to the participants and how it will be useful to them; and**
- iv) Links the training session to previous ones and places it into the overall framework of the workshop.**

ii) Goal clarification:

- Presents statements to the participants that describe the intent, aim or purpose of the training activity; and
- Provides an opportunity for participants to get a clear understanding of the goals of the session, and allows them to explore additional issues or raise specific concerns.

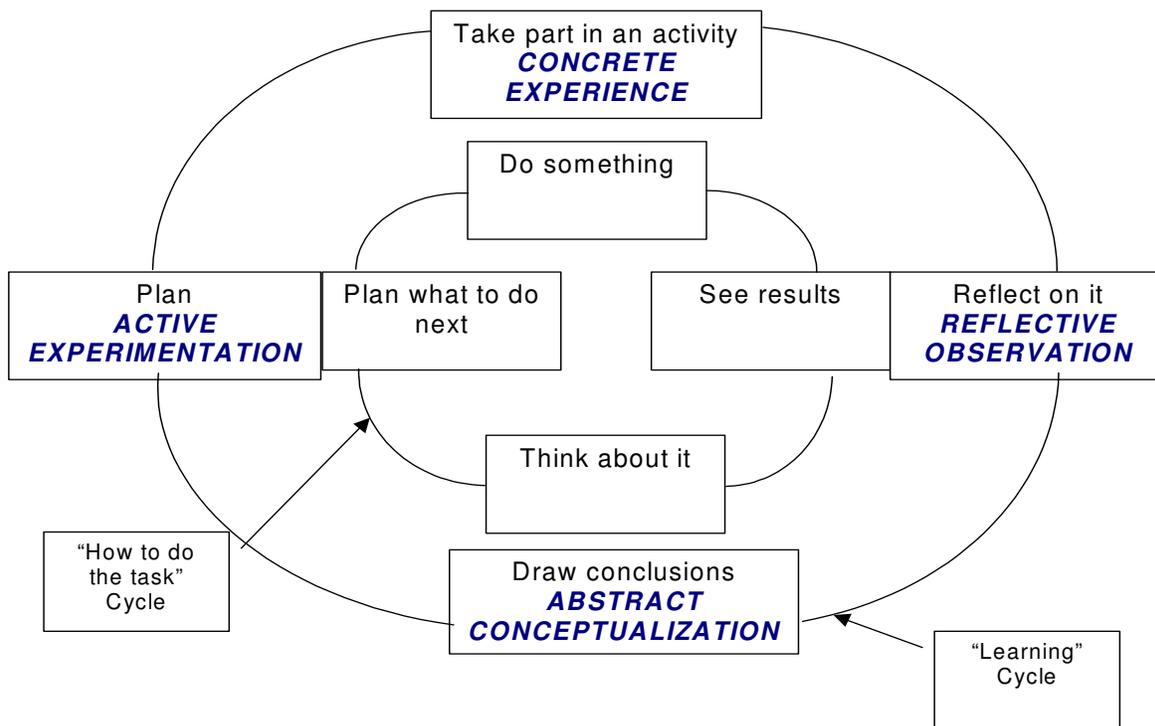
iii) Experience:

- An activity in which the group engages that will provide an opportunity for them to "experience" a situation relevant to the goals of the training session;
- This "experience" then becomes the data-producing event from which participants can extract and analyse as they complete the learning cycle; and
- Common "experiences" are role-plays, case studies, self-diagnostic instruments, games, simulations, etc.

iv) Processing:

- Participants share individual experiences and their reactions to these experiences;
- The group analyses and thoughtfully reflects on the experience of each participant; and
- The trainer guides and manages the processing of information.

Figure 1. THE LEARNING CYCLE



v) Generalisation:

- Participants determine how the patterns that evolved during the experience phase of the learning cycle relate to the experiences of everyday life; and
- Participants seek to identify key generalisations that could be derived from the experience.

vi) Application:

- Using the insights and conclusions gained from the previous steps, the participants identify and share how they plan to use the new insights in their everyday life; and
- Participants answer the questions ‘Now what?’ and ‘How can I use what I have learned?’

vii) Closure:

- Briefly summarises the events of the training session;
- Provides a link to the original goals of the session and seeks to determine if the goals have been met;
- Wraps up the training session and gives a sense of completion; and

- Provides an opportunity to link the session to the rest of the programme, especially the next training activity.

9.3. THE TRAINING PROCESS

Like any process, training has to develop the subject logically and chronologically and to use certain premises and tools in order to reach its objectives.

Training Process **ADDIE**: This is a model containing all the stages that should be followed to develop a quality educational experience.

Assessment

Formal/informal needs assessment by

- a) *assessing* who are the participants,**
- b) *assessing* their level of knowledge,**
- c) *determining* what they should know, i.e. goals and objectives, and**
- d) *identifying* gaps, i.e. the training needs**

Design

Determine the content

Determine delivery method(s)

Determine premises

Development

Create the materials

Implement

Deliver the content

Evaluation

Results based on objectives

9.3.1. Assessment Methods

By conducting a *Training Needs Analysis* (TNA) you can identify the training and educational requirements and design a programme that suits the audience's needs best. The TNA will identify:

- Skills and knowledge areas, including the anticipation of future requirements; and
- Individual requirements for training and a logical sequence for addressing deficiencies.

This is ideal. In reality TNA are often not carried out because of time pressure, unavailability of learner group or disregard for the importance of the activity. At best, trainers will often only receive a description of the position, rank and function of the participants. Training modules are often prescribed for a particular unit or group and there is little opportunity for a sound assessment.

However, the trainer should use all possible means to make some kind of assessment, however cursory. Instead of a formal TNA, it might be possible to conduct an informal TNA with some representative members of the group to be trained. If direct personal contact is not possible, use the telephone, or failing that, email.

TIPS

- Choose a subgroup if unable to survey everyone
- Contact those most relevant to the training first
- Be careful not to bias input
- Focus on participant outcomes after training
- Do a mini needs assessment before each training

Informal Assessment:

Informal assessment is usually done without a written structure and directly by the trainer.

Observation:

The trainer can observe future participants in their working environment and make a direct assessment of their capabilities in certain knowledge areas, skills sets, or show certain behaviour characteristics. This is a very efficient method as long as the trainer can observe each individual or some small groups in order to take detailed notes;

- Pre-class surveys: a test and/or questionnaire, applied before training. When applied randomly to part of the future training group, it can offer clues to the trainer regarding

the opinions and/or knowledge of the participants. This can be considered informal, a kind of transcript of the previous method; and

- Group discussions: the trainer, within a small group of future participants, can launch a subject for debate or discussion in order to assess overall knowledge or to test the group's values regarding a specific subject. The method can also be used to observe group interactions, communication flows, leaders and other aspects of teamwork.

Formal Assessment:

Formal assessment follows a structure, is applied to all participants and is part of an overall formal evaluation process. The same structure of assessment is implemented at the end of the training process and offers a good basis for the evaluation of the training process.

Interviews:

One-to-one structured interview sessions in order to address the same issues with each individual participant. The trainer needs good listening and analytical skills in order to compare and to synthesise information. A given structure of five to six questions is appropriate;

Task analysis:

Each individual receives a practical task and the execution is observed and analysed by the trainer; and

Surveys:

A test and/or questionnaire, applied before the training, in a formal setting. All participants answer the same questionnaire in the same amount of time, which creates a level playing field for pre-course assessment. The questionnaires can also test skills (writing, intelligence, analytical skills, etc.) and address attitudinal issues.

9.3.2. Design

Planning is a determining part for the success of the teaching process. The main planning process steps are:

- **Setting objectives:** In this manual, each chapter has its own learning objectives. They provide the basis for the learning outcomes. It is important to ensure the objectives match the participant expectations.
- **“The Learning Cycle”:** The matrix presented in the introduction provides information on how to use various parts of the manual for different audience groups based on their respective learning objectives.
- **Identifying content:** Use the course package as much as possible, as a foundation of basic materials to be used and the skeleton for customized design. Contextualized materials and relevant methodologies will be developed based on the needs assessment. This will result in a combination of the manual contents together with relevant references and personal experience.
- **Organising:** Analyse what kind of infrastructure is needed – visual aids, technology, environment (light, heating/cooling systems, furniture, smoking/non-smoking, meal and refreshment breaks, other equipment, etc.). Identify support structures (e.g. IT technicians, library resources). Identify needs for signage, transport and other administrative back-up.
- **Timing:** Timing of sessions and their internal structure is dependant on the time allowed for training. Trainers often feel insufficient time is allocated, but it is the trainer who ultimately has the responsibility to use the time to maximum effect. How sessions are timed must allow adequate, regular stretch and refreshment breaks. Dependant on participant’s prior knowledge and their functional demands it may be necessary to select between ensuring a sound basic grasp of material or an in-depth understanding and competency in a particular subject. Effective trainers systematically and carefully plan for productive use of instructional time.
- **Methodology:** choosing the training method:
 - depends on *objective factors* (objectives, content);
 - depends on *subjective factors* (personalities of trainer and trainees)
 - creative capacity of trainer(s);
 - time available

The training session plan is an essential, but little-liked, part of the planning process. Nevertheless it provides an effective guide in managing the learning environment and is critical if a substitute trainer is to take over.

Figure 2. TRAINING PLAN

STAGE 1	PRE-TRAINING PLAN “What shall we do”
Topic	Considerations and Questions
Goals	<p><i>This is the ‘Big Picture’</i></p> <p>How does the training conform with and support the greater national/institutional mission?</p> <p>Where does it fit in with other training?</p>
Content	<p><i>What is needed for this group?</i></p> <p>What level?</p> <p>How many days?</p> <p>Is a pre-training assignment/preparation required?</p>
Participant group	<p><i>Who are they?</i></p> <p>Where do they come from?</p> <p>What level of knowledge do they have?</p> <p>Is it a homogeneous group in terms of:</p> <ul style="list-style-type: none"> a) rank level b) experience c) education <p>Is it a group of men and women?</p> <p>How many total? How many of each?</p> <p>Do any of them know each other?</p> <p>Have any of them had training in THB before?</p> <p>Will supervising officers be present?</p> <p>Will supervisors participate or observe?</p>
STAGE 2	TRAINING PLANNING AND IMPLEMENTATION “What we are doing”

<p>Unit title</p>	<p>What is the name of the training?</p> <p>Take care to be clear and specific; Title must accurately reflect the contents.</p>
<p>Instructional goal</p>	<p>This is the ‘bigger picture’ specific to this training session</p> <p>What, in broad, concrete terms will participants be able to do after the training that they could not do before?</p>
<p>Objectives</p>	<p>These are specific to the knowledge, skills and attitudes that will be developed/attained during the course. They must be described by clear, active verbs.</p> <p>Objectives include:</p> <ul style="list-style-type: none"> i) The demonstrable knowledge that will have been acquired ii) The observable behaviour/skills required at the end of the training iii) The attitudes/beliefs expressed during the training <p>Objectives should be SMART:</p> <p>Specific – state the desired result</p> <p>Measurable – able to be observed, demonstrated</p> <p>Achievable - realistic</p> <p>Relevant – of value and significance to trainees</p> <p>Time-bound – appropriate to the time available</p>
<p>Rationale</p>	<p>Why is this training being conducted?</p> <p>What is the mandate? Who wants it done? For what purpose?</p>
<p>Content</p>	<p>What are the essential ingredients of the training?</p> <p>This includes all the ‘building blocks,’ the separate but inter-connected modules or sessions which together constitute a</p>

	<p>complete package;</p> <p>It includes both generic and specific topics;</p> <p>It must be contextualised and made appropriate to the trainee group by inclusion of local, national, regional and international examples.</p>
<p>Methodology</p>	<p><i>How is the training to be delivered?</i></p> <p>This includes decisions on the use of:</p> <ul style="list-style-type: none"> i) pre-course assignment; ii) visual aids; iii) material delivery style; iv) case studies and exercises; v) group and individual activities; vi) role-plays, interviews and demonstrations; vii) diaries and mapping; viii) homework assignments.
<p>Evaluation Process</p>	<p><i>What means and measures will be used to judge the success of the training?</i></p> <p>Qualitative and/or quantitative methods?</p> <p>How will the trainer know what ongoing adjustments need to be made during training?</p> <p>Will a daily assessment be conducted?</p> <p>Are participants to be evaluated?</p> <p>Is material and methodology to be evaluated?</p> <p>Is the trainer to be evaluated?</p> <p>What are the key questions to ask on the course evaluation?</p>
<p>Materials</p>	<p><i>What does the trainer need to prepare?</i></p> <p>Consider reading and research that needs to be done prior to the preparation of materials;</p> <p>Does material need to be translated?</p>

	<p>What handouts are to be used?</p> <p>Is copyright clearance required/</p> <p>Are they clearly labelled by day and session?</p> <p>Are titles of handouts in accordance with the session titles/names etc.?</p> <p>Are instructions for exercises given on handouts?</p> <p>Do they conform with Trainer Instruction Notes?</p> <p><i>[Check out with a colleague that they fully understand instructions before printing; nothing sends an activity off track quicker than unclear instructions]</i></p> <p>Ensure adequate copies are printed;</p> <p>Who needs to receive the materials (participants, observers, supervisors, interpreters)?</p> <p>Ensure plentiful supply of flipchart paper, markers, rough paper, pens etc;</p> <p>Are audio and visual aids properly cued?</p> <p>Know how to work the electronic equipment, do a 'dry run' and know how to get help;</p> <p>Other?</p>
<p>STAGE 3</p>	<p>EVALUATION AND POST-TRAINING ACTIVITIES</p> <p>“What did we do?”</p>
<p><i>Session evaluation</i></p>	<p><i>How successful was the training in achieving its objectives?</i></p> <p>Post-training reflection needs to consider the evaluation by all parties involved to determine if objectives and expectations were met;</p> <p>This should be a collaborative, constructive exercise involving feedback and suggestions for improvement.</p>
<p><i>Next time</i></p>	<p><i>What needs to be modified for the next delivery?</i></p>
	<p>Consider both content and style; and</p>

	Make recommendations.
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9.3.3. Development

This is the process of creating the appropriate package of materials for the training. It will take into consideration all that has been learned about the group to be trained, the requirements provided about the level and length of training and the subsequent decisions about how it is to be delivered. The materials created, regardless of the degree of dependency on this manual, must be appropriate to the needs of the participants.

Do not be afraid to experiment with new material and methods or to challenge participants to take the initiative and engage in their own learning.

During this preparation time, look at other manuals, find out what others have done and why and find out if it worked.

Discuss ideas with colleagues and ‘test drive’ any new materials with them to confirm that a good idea is understood by others and is applicable to the training.

It will be necessary to create a body of materials that make sense to the trainer with full instruction for anyone else to use; clear, logical progression of steps in the lesson plan; and a plentiful supply of options and alternatives.

Prepare a complete set of materials for both the trainer and the participants and confirm that all titles, numbering, and instructions are consistent.

9.3.4. Implementation

Icebreakers – facilitating introductions

An icebreaker is a short activity (maximum 10–15 minutes) that allows participants learn each other’s names, connect names and faces, introduce or focus on a topic, and encourage people to share and relate their own experiences. A carefully selected ice breaker sets the climate and tone for the training and can serve to create a relaxed, comfortable, and positive learning environment. If facilitating more than one session, choose a few icebreakers – use one to get people chatting and exchanging personal information, another to help memorise or review names, and another one during a stretch break.

Topic lead-ins

Sometimes a group meets for a workshop on a specific topic and participants already know each other well. In these situations use an icebreaker that leads into the content. A **topic lead-in** can have a number of functions. It can:

- generate interest in the topic of the meeting or training;
- activate participants' prior knowledge of the subject;
- help the facilitator and participants to identify individual learning needs and goals;
- encourage the sharing of information and resources; and
- bring resistance to discussion or learning to the surface.

Topic lead-in questions can be answered collectively or individually. A few examples are:

- i) Word tree: Ask participants to give you words related to e.g. trafficking, victim, assistance, co-operation, investigation, intelligence. Write down all words on the board and introduce essential terms;
- ii) True/False quiz;
- iii) Individual lead-in questions: Ask each participant to answer one (sensitive) question appropriate to THB in the area/region.

Worksheets/surveys

Sometimes, when it is necessary to make short demonstrations and/or to use group results in order to prove/test the theoretical input, it is a good idea to introduce a worksheet or survey. The questionnaire should be short enough to avoid using up too much time. If the questionnaire is long, it is better to distribute it in advance and only use the results to introduce the topic.

The advantage of worksheets and surveys is that they allow people to think for themselves without being influenced by others. Individual thoughts can then be shared in a larger group.

The facilitator has to prepare handouts and must also be ready for a quick explanation and interpretation of the results.

Seating arrangements

One important aspect that influences the attainment of the learning objectives is the learning environment. Trainers need to take into account the means that will help students achieve better and faster results. The seating can be done in one of the following arrangements depending on the size of the group and the intended level of interaction between trainer and participants.

Conference tables: Use round or square tables.

PLUS: Removes the emphasis from the role of the leader and stresses importance of the participants.

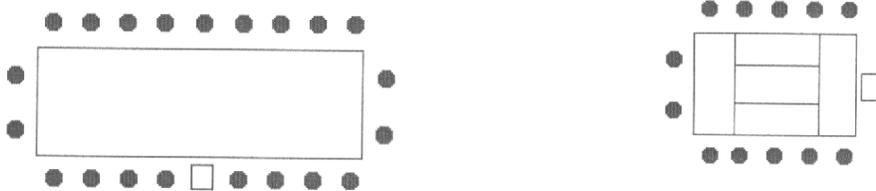
MINUS: Risk of becoming 'rooted' to the spot. Does not encourage movement.



Long rectangular table:

PLUS: Use only for formal introductory or closing sessions.

MINUS: Creates a formal atmosphere, especially if the moderator sits in as if chairing a meeting.



The "U":

PLUS: Useful when there is a presentation. Ideal set-up for a quick distribution of handouts.

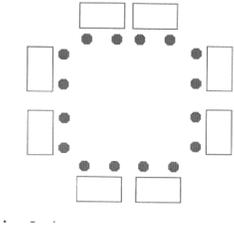
MINUS: Participants have backs to each other, so no visual engagement. Difficulty of seeing and hearing others. Contributes to a formal atmosphere and low energy.



Circles:

PLUS: If tables are grouped in a circle with participants on the inside there can be good face-to-face interaction. Ideal set-up for group debates.

MINUS: Limits movement.



Teamwork:

PLUS: This type of arrangement allows team-work with groups of any size. It is the best layout for encouraging inter-activity. It encourages collaboration and ‘bonding’ by the small groups and inspires them to manage their own learning. Trainer is available but at some distance

MINUS: Very demanding of trainer who needs to move between working groups, maintain attention and relinquish some control.



Visual Aids

The use of visual aids is intended to:

- Facilitate trainee learning, arouse and maintain interest;
- Support verbal instruction;
- Accelerate learning and aid retention;
- Ensure consistency in repeated presentations;
- Allow other presenters to see what has already been covered; and
- Make the presentation more enjoyable.

Types of aids: Transparencies for overhead projector, videos, whiteboards, flipcharts/posters, handouts, cassette recordings, slides, PowerPoint presentation.

TIPS

Become familiar with the use of different visual aids. Proficiency= professionalism.

Information presented through visual aids should:

- Be easy to understand
- Stress essential points
- Be legible and visible to all
 - Be interesting
 - Be relevant
- Have eye-catching colours and spacing
- Involve participants in activity

Overhead projector (NB acetates = transparencies = foils):

- Make sure the room is not too light;
- Projector in focus;
- Transparency right way round;
- Have transparencies in the right order;
- Lettering is large enough (24 point minimum if using a computer);
- Everyone should be able to view the screen
- Do you need a pointer?
- Have a sheet of paper for revealing bits at a time; and
- Check where the spare bulb is kept.

If you have photocopied your acetates, why not add colour to the black and white with colour pens. If you use a sheet of paper to disclose bits of information at a time, try putting the paper underneath the transparency. This allows you to see what is written without sliding the paper too far and helps to avoid giving more information away than required.

Video/Music CD and cassettes:

- Preview and cue before the session;
- Use appropriate low-volume music as background when participants are engaged in 'busy' work (*Bach stimulates brain activity!*);

- Rewind all tapes when finished; and
- Be familiar with the video equipment.

Whiteboards/Flipcharts:

- **Make sure it is visible to all;**
- Write LARGE and legibly;
- To avoid dried out markers, replace cap on the marker when finished;
- Use a mixture of colours to add 'spice';
- Do not overload the page; and
- When finished, remove all unwanted material presented so that it does not distract the group, but post on walls and windows any valuable sheets that track the participant's progress or that will be referred to later.

Handouts:

- **To avoid distraction distribute handouts at the end of the session, NOT at the beginning; and**
- Tell participants at the beginning that they will get a handout and that they do not have to start jotting things down. They can then give you their undivided attention.

Group Formation

Groups tend to follow a consistent pattern of development and formation. During an extended training period this can be monitored and responded to effectively. In a one-day course the group will pass through some or all of these stages quite rapidly. This is exhausting for both trainer and participants.

These stages of development have nothing to do with the biological age of the participants. They can best be described as passing from infancy, through adolescence and young adulthood to maturity with all the attendant characteristics of identification, assertion, rebellion, questioning, separation and hopefully, arrival at a point of cooperation, acceptance and creative collaboration.

At each step of the way, the group will be testing themselves in relation to each other and to the trainer, who at some point they may isolate, antagonize and reject.

The key for the trainer is to remain patient, not take the behaviour personally, to be open, accessible and encouraging and maintain a sense of humour.

Closure

If a training course is scheduled to take place over a number of days, each day requires time allocated for closure. This should include:

- Summary of the day's progress, a revisit of the daily Agenda, with the links/connections between different segments re-enforced;
- A brief introduction to the following day's activities and how they will build on material already covered;
- Homework assignment (if necessary);
- Reflection time (15-20 minutes), where participants answer the following three questions in small groups and report-back their consolidated answers;
 - ***What was the most significant learning element/feature? List up to three***
 - ***What changes would you recommend to the training? List up to three. (Consider: content, style, process)***
 - ***In what ways do you think this training will affect/influence/impact your future work?***
- Ensure participants are thanked for their contributions to the training.

9.3.5. Evaluation

There can be various expectations regarding Evaluation:

- Specific institutional requirements may require:
 - i) trainer to evaluate participant performance;
 - ii) assessment and final progress report for participants;
 - iii) an action plan that aims to reinforce, practise and implement learning in the workplace;

- The training course content must be evaluated to determine to what extent training/learning needs were met and the scale of revision of material/methodology;
- Participants should be encouraged to conduct a self-evaluation to assess both their accomplishments and areas requiring improvement; and
- The trainer may choose to conduct a self-evaluation.

For **effective training and evaluation**, the principal significant questions should be:

- To what extent were the identified training needs objectives achieved by the programme?
- To what extent were the students' objectives achieved?
- What specifically did the students learn or revise?
- What commitments have the students made regarding the ways they will apply their training in the workplace?

Figure 3. SELF-REFLECTION TOOL

Upon reflection, how did this class go?	Next time, I might...
1. Were my class outcomes met?	
2. Did I complete the content within the allotted time?	
3. Did I have the necessary materials, supplies, and resources?	
4. Did I begin the class with a clear introduction and plan for the class?	
5. Did I create a safe and respectful climate/environment?	
6. Did I use a variety of instructional formats to meet the needs of all learners (i.e. those who learn by seeing, doing, observing, or hearing)?	
7. Did I adapt the class according to the needs,	

<p>interests, and experiences of the students and their responses to the class content?</p>	
<p>8. Did I actively engage and involve all the students?</p>	
<p>9. Did I provide opportunities for students to apply what they learned through problem-solving activities, homework, or on-site practice or group projects?</p>	
<p>10. Was I attuned to the comfort and attentiveness of the group? Was there off-task activity, and if so, how did I reconnect the students?</p>	
<p>11. Did I have a clear closing using recaps, highlights, announcements, and good-byes?</p>	
<p>12. What were the strengths of this class?</p>	
<p>13. What would I change?</p>	

9.4. TRAINING TOOLS

There are a variety of methods or tools that can be used in delivering training. Some common examples are described here, and many of these can be applied when using this manual. Many training methods can be combined in order to achieve one particular learning objective.

Brainstorm

This is a processing strategy used to generate a lot of information in a short period of time. The brainstorming task's function is to get participant input and generate ideas for strategies or solutions.

To structure this process, the instructor:

- provides the directions and rules for brainstorming (no criticism, hitchhiking/sparking off others ideas is welcome, 'freewheeling' or 'thinking outside the box' is welcome, quantity is the goal),
- leads the discussion,
- records responses, (Unless it is a repetition),
- ensures airtime for everyone,
- does not edit or change participant responses,
- asks for clarification where necessary.

As an alternative, to support participants who may be more reflective and less inclined to actively participate, instructors may want to provide a brief time for silent brainstorming, asking participants to jot down their ideas on a post-it note. Once these ideas are generated, participants can post their notes, and the instructor can review and proceed with the large group brainstorming.

ADVANTAGES	DISADVANTAGES
Effective energizer.	Can be unfocused.
Simple, creative and lively way to get ideas out for discussion and to organize thoughts	Some participants may find it difficult to let their mind freely 'wander'

through grouping and ranking	
Everyone contributes.	If not well facilitated, criticism and judgements might be made.
Draws on group's knowledge and experience.	Needs strict time limitation of 5-10 minutes.

Reading a text

The trainer may ask participants to read through a piece of text in order for participants to familiarise themselves with certain information. **This is useful where the information is easily absorbed and does not require detailed explanation.** It is important to monitor participants' progress in reading and allow everyone sufficient time to complete the text. The trainer may take questions from participants in order to ensure that all of the information has been clearly understood. The trainer may then wish to use the information in the text to highlight certain learning objectives, or to build on this information when using another training tool. This should be followed by exercises that support application of the information, rather than it being used as a test of memory.

ADVANTAGES	DISADVANTAGES
Must be reinforced by activity to ensure its value.	Might be memorized, but not understood.
Useful if small group discussion among participants follows individual reading so that they support each other in learning. Group can collect questions for trainer.	People read and understand/absorb at different rates.

Lecture

This is a presentation by the trainer for the purpose of transmitting information or knowledge. **Effective lectures are not delivered by reading from a paper but have been prepared in advance** and allow the trainer to speak while looking at the participants. Research shows that the working memory contains about 7 items of information. When the information is more

technical and unfamiliar, less content and more processing time should be the rule.⁹⁷ Consider presenting no more than 5 important facts before having participants' process the information.

A lecture can be improved by inclusion of the following:

- **Pose a problem or hypothesis at the beginning:** Tell participants to think about solutions based on lecture content;
- **Provide a relevant anecdote, fictional story, cartoon, or graphic that captures the audience's attention;**
- **Test question:** Ask participants a question (even if they have little prior knowledge) so that they will be motivated to listen to your lecture for the answer;
- **Visual backup:** Use flipcharts, transparencies, brief handouts, and demonstrations that enable participants to see as well as hear what is being said;
- **Spot challenges:** Interrupt the lecture periodically and challenge participants to give examples of the concepts presented thus far or to answer spot quiz questions;
- **Illuminating activities:** Throughout the presentation, intersperse brief activities that illuminate the points you are making.

Plan processing time at regular intervals. For example; discuss or lecture no more than 20 minutes and then follow with a processing opportunity. Questions can be taken either during or after a lecture, depending on what the trainer's preference and comfort. Taking questions is a good way to identify the audience's level of understanding and can allow the trainer to clarify, illustrate or otherwise elaborate on a topic beyond the basic contents of the lecture.

ADVANTAGES	DISADVANTAGES
Simple, uncomplicated way of delivering information, specific facts and basic skills.	Used extensively is the most ineffective way to deliver training.
Used early in training allows participants a	Risks creating dependency by participants

⁹⁷ References for the strategies used: Bloom, P. J. (2000). *Workshop essentials: Planning and presenting dynamic workshops*. Lake Forest, IL: New HorizonsEllis, S. S., & Whalen, S.F. (1990). *Cooperative Learning: Getting started*. Jefferson City, MO: Scholastic, Inc. Griffin, A. (1992). *Heart Start: The emotional foundation of school readiness: A guide to planning effective training events*. Washington, DC: Zero to Three. Kagan, S. (1994). *Cooperative Learning*. San Clemente, CA: Resources for Teachers, Inc.

chance to get acquainted with trainer's voice while they 'settle in'.	and power imbalance in classroom.
Allows for insertion of personal experience and therefore adds credibility.	High risk of 'boredom' and inactivity
Very specific learning targets.	Risk of 'information overload'.
	Stifles trainer creativity.

Facilitated discussion

This is a discussion among the participants that is led by the trainer. It is a good way to engage participants' own experiences in achieving the learning objective. Typically, such a discussion is opened by a question from the trainer. As opinions and points of view are expressed the trainer can expand the discussion by asking relevant follow-up questions, always keeping the learning objectives in mind. It is important that the trainer does not express judgements about participants' opinions. If a participant expresses an opinion that is cause for concern, a useful tactic is to ask the other participants what they think about it.

The most effective questions are those questions that are open-ended and do not have an obviously correct or incorrect answer. Such questions begin with *What, How, Why* etcetera.

ADVANTAGES	DISADVANTAGES
Provokes participant contributions.	Needs skilled handling, particularly of contentious/emotional topics.
Useful for larger groups	Time constraints can limit discussion and lead to frustration.
Everyone can participate in an active process.	Subject experts may not be good lecturers or facilitators.
Helps participants use their own experience as a basis for learning and sharing.	Can get off track if not well-facilitated and focused.

Case-study

A case-study or similar exercise allows participants to practice using what they have learned in a hypothetical situation. Typically, a case study will provide a story (either based on factual circumstances or an amalgam of factors) illustrating a problem. Participants will be asked to apply a set of rules in order to reach a solution for the problem in the story. Case-studies are most effective when participants have an opportunity to struggle with the problem individually or in small groups, and then to discuss their answers collectively in a facilitated discussion by the trainer. **Often the most effective case-studies are those where the problem in the story does not have one single outcome, but several alternative outcomes are feasible.**

ADVANTAGES	DISADVANTAGES
Effective method for testing/applying knowledge/theory against 'reality'/practice.	If conducted in a small group, risk of not everyone participating.
Encourages teamwork and allows everyone to contribute from their experience.	Participants expect to get the 'right' answer whereas solutions might be confusing and ambiguous.
Provides an opportunity to develop key communication, presentation and problem-solving skills.	Participants need to see the relevance to their own situation.

Jigsaw

A jigsaw is a cooperative learning strategy used as an alternative to lecturing or as a way to read articles and materials and to share knowledge with others. It gives participants an opportunity to learn a particular subject or strategy, become "expert learners," and teach others this information. The advantage of using this strategy is to provide participants with the opportunity to direct their own learning and to reinforce their learning by teaching others new information. This approach divides the class into cooperative learning teams and then into expert teams within those learning teams. The expert teams are provided specific reading materials or information. After reviewing and discussing the materials, the "experts" return to their learning groups and teach this new information to the other members. This approach can

be helpful to participants by providing a template for gathering and sharing information while reviewing the readings and working in teams.⁹⁸

ADVANTAGES	DISADVANTAGES
Builds cooperative and collaborative learning style.	Can be disconcerting for those who prefer to 'receive' knowledge from an 'expert'.
Helps balance knowledge inequities in the group	

Videotapes

This is an enjoyable and powerful training tool, but requires specific introduction and debriefing in order to achieve the maximum results. As a general guideline the trainer needs to:

- Use video that connects the problems and issues of the students' professional lives to the activities of the classroom;
- Put the video into a continuum of skills learning and skills application by using other activities such as role-playing;
- Give learners individualised control over elements of the video via individual and small group work. Schedule regular small group work during class time in order to lower the profile of the instructor and give students more opportunities to use their experience or to work collaboratively to discover meaning;
- Select materials and activities that have equal components of entertainment and edification;
- Identify excerpts/segments of the video that are brief enough to eliminate memory problems and allow students to work intensively with the focused tasks;
- Use video segments that highlight differences in culture or values to stimulate lively discussion;
- Focus student attention on key elements; and
- Highlight significant content.

⁹⁸ See: www.ccids.umaine.edu/publications

ADVANTAGES	DISADVANTAGES
Provides an alternative method for those who favour a visual learning style.	Requires significant editing and preparation by trainer.
Allows for a wealth of resources to be used that can raise issues/questions which there is no time to introduce elsewhere.	Can raise more questions than are adequately dealt with in a focused discussion.
Material can be re-shown and referred to repeatedly and at different times.	Technological dependency.

Role-play

In a role-play exercise participants have an opportunity to experience a situation, question or problem from the perspective of another person. The role-play can be very effective at illustrating the practical reality of a situation or problem, as well as providing profound insight into a problem by exposing participants to points of view and experiences entirely different from their own. Typically, a role-play will be based around a simple hypothetical situation provided by the trainer, and either all participants will be given a role to play with other participants or they will observe others playing a role. Frequently an observer can be added to the role-play.

Role-plays are not games or performances. They are processes based on invented scenarios and roles for testing out different behaviours and their effects, both internal and external. They offer the opportunity for taking risks, trying new approaches and making mistakes in a way, which would be impossible in 'real' situations. Role-plays engage participants at every level: physical, intellectual, and emotional. They offer participants an opportunity, in a safe space, to practice and gain confidence using new skills.

Engaging in role-plays, trying new behaviours, exploring new ideas involve a great deal of risk. Facilitators must create a positive, safe environment by reminding the group that the workshop is a laboratory for learning, a place where people are expected to be challenged and make mistakes.

Participants may be sceptical, or reluctant, or both. However, the more they are able to immerse themselves in their given role, the more they and others will learn. At the same time, if they like their role too much and cannot keep a simultaneous watching eye on themselves,

they may overplay it and obstruct the group's learning. **If role-play is something new for participants, all this needs to be explained to them.**

A role-play should not go on for too long (20 to 40 minutes) and should be concluded with a discussion between the players as to what they learned from the experience. Subsequently, a collective discussion of the role-play experience can be conducted by the trainer, in order to reinforce the learning objectives and build on the experiences and perceptions of the participants.

Participants may be asked to play 'themselves' within the given scenario or they may be asked to play someone other than oneself – different, possibly hostile, uncommunicative, frustrated, etc.; behaving realistically from within an imagined personality as well as an imagined role. A great deal can be learned from the experience of playing either kind of role, but they are very different. This, too, needs to be understood by participants. It is the second kind of role that carries the danger of overplaying. If this task is not well understood, it can instead produce caricatures and the reinforcement of stereotypes. On the other hand, if the player is unable or unwilling to give their allotted or chosen character any life, or enter into the feelings of the imagined person, he or she will contribute little and learn less.

Role-plays are opportunities to learn about what works and what does not. It can be useful to have observers who give feedback to the players when the role-play has been concluded. They may notice things that have escaped those who were involved. The facilitator may 'freeze' a role-play so that its dynamics can be discussed and new approaches tried after discussion. Alternatively, the trainer may call a break for players to 'caucus' with those they represent in the role-play.

It is important to allow enough time to discuss the role-play or the learning will be lost. There is also a danger that negative feelings may be carried over into the rest of the workshop, without a process of detachment from the role-play. The facilitator should ask participants in the role-play to stay in role for a moment, inviting each to describe briefly how they were feeling at that moment when the role-play was stopped. Invite them to leave their role behind – maybe change seats as a sign that they have done so or say their real name aloud or shake hands with one another, or eat some 'magic pill' (candy) provided by the trainer – and reflect on what they noticed in the course of the role-play. When they have all spoken, ask observers for their comments and finally add the facilitator's comments.

De-briefing time is an essential ingredient and needs to be factored into the timing. The same time should be allowed for **de-briefing** as is spent on the role-play to ensure that the participants have identified what they have learned from the experience.

A role-play can last as little as two minutes or twenty minutes because its purpose is not to complete a task but to test some process, so it can be stopped at any time without it being a sign either of failure on the part of the players or impatience on the part of the facilitator.

ADVANTAGES	DISADVANTAGES
Provides an opportunity to get 'in someone else's shoes' and experience a different perspective	Risk of over-acting or not taking the task seriously (particularly difficult where cross-gender roles are involved)
Playing different roles in a number of situations really broadens understanding	Negative 'hangover' is possible
Ample and clear instruction is vital, as is adequate debriefing time – where everyone can participate, whether player or observer	Demanding and tiring for everyone (is this a disadvantage?)



Fishbowl

A fishbowl is a demonstration provided to the participants illustrating a situation or problem. Participants will be asked to observe the demonstration and to take note of particular events, statements or behaviours during the demonstration. A fishbowl exercise can also be done as a role-play between two or more participants which is observed by the others.

Typically, a fishbowl demonstration will be based on a simple hypothetical situation and illustrates the behaviour of two or more individuals in that situation. A variation can be introduced by permitting the participants who are observing to change place with one or both of the two sitting 'in the bowl' by a simple tap on the shoulder, after an agreed period of time. This introduces an element of healthy competition while allowing participants to learn together and build on success.

Following the exercise, the trainer will lead a discussion of what participants have observed. This may include gathering the impressions of the role-players in the fishbowl demonstration. The discussion serves to reinforce the learning objectives and build on the experiences and perceptions of the participants.

ADVANTAGES	DISADVANTAGES
A convincing demonstration can provide plentiful material for discussion	Not everyone likes being in the 'fishbowl', it can be intimidating
Post-activity facilitated discussion is essential	Not all participants will actively participate
A demonstration can allow participants to witness emotion at some distance without necessarily being involved in it	Can be time-consuming

9.5. EFFECTIVE FACILITATION

Figure 4. ROLE OF THE TRAINER

Initiating	Getting the group started on the task. Offering new suggestions, topics for discussion, plans, etc.
Clarifying	Probing for meaning; defining terms; clearing up confusion. Asking a question or rephrasing a point to make it clear to all participants.
Explaining	Giving practical examples to clarify a point.
Reaching task agreement	Discussing and deciding the best way to proceed given the time constraints; agreeing on time/task management process.
Focusing	Staying on target; avoiding topic jumping or going off on tangents.
Seeking useful information	Asking for facts, opinions or beliefs; feelings or values. Drawing out resources from the group and identifying information that needs to be found from elsewhere.
Giving useful information	Offering facts or opinions; stating beliefs or ideas; making feelings known appropriately; making suggestions, sharing relevant experiences.
Summarising	Summarising briefly the main points when appropriate.
Checking consensus	Seeing if everyone, especially the quieter participants, agree on a point.
Moving towards action	Reviewing and bringing related ideas together; restating - suggestions and positions; checking if group is ready to make a decision and suggesting a means for the decision-making process.

Other important roles of the trainer in maintaining group efficiency:

Gate keeping	Inviting others to talk; suggesting time limits or other procedures to encourage greater participation; keeping the discussion flowing; avoiding domination by one person.
Mediating	Harmonising; conciliating differences in points of view, suggesting compromises; disagreeing in a tactful manner.
Listening	Following the group; being a good listener; demonstrating that the statements of others are heard; avoiding inappropriate interruptions.
Diagnosing difficulties	Addressing a lack of information so that a decision can be made.
Harmonising	Helping those in conflict to understand each other's views.
Evaluating	Creating an opportunity for people to express feelings and reactions in group work.
Encouraging	Being friendly, warm, responsive through words or facial expressions; being supportive even when disagreeing; building on suggestions made by others; showing acceptance and appreciation of others and their ideas.
Relieving tension	Using humour; asking for a "cooling-off" period; making a well-timed joke; bringing a problem out into the open.

Co-facilitation: **If at all possible, always co-facilitate. There are practical advantages – two people share the responsibility of responding to participant needs, of confirming instructions, and of generally guiding and supporting the learning process. When there are two facilitators, they can take it in turns to lead, while the other takes more of a back seat, and is freed to observe in a broader way what is going on in the group, in terms of both task and maintenance. Sharing the facilitator role and power in this way not only allows for the pooling of skills and different areas of expertise and experience, it models power-sharing and helps to create an ethos of co-operation. It is also less tiring than doing everything alone – and perhaps most significantly – two heads are better than one and the ideas and questions start to spark. It is easier to alter the pace and rhythm and**

each facilitator can work to their strength rather than one carrying the full burden. If things do not go as planned there is someone there for moral support, and someone with whom to debrief and adjust perspectives on reaching better decisions on how to proceed.

Facilitating discussion: Ensure everyone in the group can participate. Use words, expressions and language common to the group and explain words if necessary. Do everything possible to make everyone feel included. Ask participants specifically by name in order to invite them to offer opinions, but do not humiliate those who are reticent, shy – or uncooperative. Constantly observe the group and manage the dynamics. It is likely there will be some who do not fully participate. You are responsible only to ensure the classroom activities are positive, stimulating and relevant. Ultimately, those who choose not to learn are responsible for that choice. Do not waste energy on them that you can apply to a positive experience for everyone else.

Debriefing and Evaluation: Allow time to complete an activity and if necessary, come out of role before discussing what happened and what was learned.

It is the trainer's role to help draw out learning points of **how a task was handled/an activity conducted**. Debriefing is essentially simple and comprises the careful questions asked in a specific order:

1. What went well? ***From answers to this, develop strengths built on a positive experience***
2. What could be improved? ***Review weaknesses in this performance with a view to using the information for better results in the future***
3. What, if anything would you improve next time? ***Specific opportunity to identify concrete action for future planning and implementation.***

When **debriefing after a film or video**, make sure that the specific tasks assigned to participants at the beginning, such as questions to answer, actions to observe, are dealt with fully. Use the opportunity also for a generalized discussion, or Q&A session. Visual imagery, particularly of subjects such as THB can be disturbing and arouse deep emotional responses. Make sure this is dealt with before participants leave the classroom – and that an opportunity is provided for individual debriefing/consultation if necessary.

Spend time at the end of each activity talking over **what was learned** and how participants see it relating to their own work. Adults need to reflect in order to learn from experience. Ensure

the schedule allows time for reflection and it is not too tight and constantly packed with activity. End the day early, take adequate breaks especially at lunch to ensure 'down time', whatever is needed for a particular group of participants to maximize the time in the classroom. This will also help with energy levels throughout the day.

Feedback: This is a comment on something someone has said or done. **Giving and receiving feedback is an essential facilitation skill.** It is important to respect the other person, to focus on what they said or did and give specific reasons for your comments. Feedback should be immediate, concrete and constructive. Otherwise it is a waste of time. It is essential that you, as facilitator, give feedback in a supportive way.

For example:

- start with a positive statement
- do not make derogatory remarks
- focus on behaviour, (something that can be changed), not the person
- give a reason for what you say
- take responsibility for what you say by using "I" statements
- discuss possibilities or improvement, be constructive
- try this strategy: what went well/what worked? What didn't go well/didn't work? What could be done differently next time?

Listen:

- Actively listen to participants.
- Respond to what is being said, not how it is said.
- Allow individuals to fully express themselves before responding.
- Avoid ethnocentric reaction (i.e. anger, shock, laughter) that may convey disapproval of a participant's views.
- Stay confident, relaxed and open to all information.

Evaluate:

- Hold back on any reactions or judgments until you understand the message that is being sent.

- Ask open-ended questions (i.e. questions that cannot be answered with a simple “yes” or “no”), as the answers to these questions will give you valuable information.

Consult:

- Agree with the participant’s right to their opinion.
- Explain your perspective without being defensive.
- Find out what the participant hopes to accomplish.
- Acknowledge similarities and differences in your perspective and that of the participant.
- Offer options.
- Do not isolate a participant who has divergent ideas or perspective.
- Commit to being available to discuss further.
- Thank the participant for their contribution.

A good trainer needs:

- specific skills such as technical expertise in THB;
- the ability to design effective training sessions based on carefully prepared materials – but at the same time, the flexibility to change as necessary;
- superior organizational skills to produce and prepare all course materials and technical aids
- the warmth and humour to develop trust and collaboration with the participants.

From the outset, it must be evident that the trainer is confident, relaxed and knowledgeable about the subject matter. Credibility is always important for particularly when it is a subject, which is complex, disturbing and even subject to resistance. At the same time, a trainer should have the honesty and humility to admit what they do not know – and be prepared to work with the participants to find out the answers.

Poor quality training materials that a trainer somehow inherits and is compelled to use can be devastating, but a skilled, experienced trainer can make even poor material work and provide a quality learning experience.

Conditions are rarely perfect, and it is wise to anticipate potential difficulties and have contingency plans, but the noise of traffic and construction, wavering electrical supplies, rudely persistent supervisors who extract participants from training, late arrival of coffee supplies – these can happen to the best and most prepared of trainers – and are out of their control. Smile!

There is a fine line for each trainer to discover that lies between remaining principled, not compromising beliefs or values, while not permitting difficult, aggressive or ill-informed participants to hold the floor, distract others or unsettle the trainer.

It is impossible for everyone to listen, read, talk, process, understand and respond in the same way, or as effectively as the trainer would like. Some participants will remain beyond reach, but there is always the majority who are keen to learn, value the trainer's efforts and who will go away having learned because of mutual commitment to the learning process.

You are a guide through the learning process.

It is often more productive for a team to fail spectacularly and really learn something about themselves than to complete the task with the trainer's help.

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ANNEX 1



Annex 1 - PARTICIPANT HANDOUT - UNIT 1

Handout 1.1. “Quick Quiz”

In your own words, write a definition for each of these words/phrases.

1. PROSTITUTION
2. TRAFFICKING IN HUMAN BEINGS
3. SLAVERY
4. PROSTITUTION
5. IRREGULAR MIGRATION
6. SMUGGLING HUMAN BEINGS/PERSONS
7. TRAFFICKER
8. ORGAN HARVESTING

Handout 2.1. INTERNATIONAL INSTRUMENTS

A number of international conventions and treaties deal with or refer to human trafficking and require countries to criminalise it. 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 national legislation to comply with international commitments. The agreements listed here in chronological order are a sample of the many international treaties dealing with this subject:

1958 Discrimination (Employment and Occupation) Convention (No. 111)

http://www.unhchr.ch/html/menu3/b/d_ilo111.htm

1966 International Covenant on Civil and Political Rights

http://www.unhchr.ch/html/menu3/b/a_ccpr.htm

1979 International Convention on the Elimination of All Forms of Racial Discrimination

http://www.unhchr.ch/html/menu3/b/d_icerd.htm

1979 Convention on the Elimination of All Forms of Discrimination against Women

<http://www.unhchr.ch/html/menu3/b/e1cedaw.htm>

1989 Convention on the Rights of the Child

<http://www.unhchr.ch/html/menu2/6/crc/treaties/crc.htm>

1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

http://www.unhchr.ch/html/menu3/b/m_mwctoc.htm

1999 Worst Forms of Child Labour Convention, 1957 Abolition of Forced Labour Convention, 1930 Forced Labour Convention

<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

<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

<http://www.unhchr.ch/html/menu3/b/92.htm>

2002 EU Council Framework Decision on Trafficking in Human Beings

http://europa.eu.int/eurlex/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

<http://europa.eu.int/scadplus/leg/en/lvb/l23034.htm>

2005 Council of Europe Convention on Action Against Trafficking in Human Beings

http://www.coe.int/T/E/human_rights/trafficking/

It is important to stress that the norms foreseen by international treaties are binding for States that ratify them, and the ratification status of each Convention can be seen at the reported website links. The adoption of new international instruments on the part of governments in the last few years is an indicator of increased international awareness that trafficking represents a serious threat and that responses need to be strengthened and co-ordinated.

Handout 1.4 THE UN PROTOCOL

The primary international legal instrument dealing with human trafficking is the UN Convention against Trans-national Organised Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol). The Convention was adopted by the UN General Assembly in November 2000 and entered into force December 2003⁹⁹.

The United Nations Convention against Trans-national Organised Crime is a legally binding instrument committing States that ratify it to taking a series of measures against trans-national organised crime. States party to the Convention are required to establish in their domestic laws four criminal offences: participation in an organised criminal group, money laundering, corruption and obstruction of justice.

The Convention also determines how countries can improve co-operation through extradition, mutual legal assistance, transfer of proceedings and joint investigations. Moreover it includes provisions on victim and witness protection and the protection of legal markets from infiltration by organised criminal groups. Parties to the treaty would also have to provide technical assistance to developing countries.

According to its Art. 2, the basic purpose of the UN Trafficking Protocol is

- to prevent and combat trafficking;
- to protect and assist victims, with full respect of their human rights; and
- to promote international co-operation.

According to the Palermo Protocol (Art. 3) trafficking is defined as follows:

- (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.

This definition is inclusive of all trafficking practices and it reflects the reality of current trafficking mechanisms:

It recognises all forms of trafficking and does not restrict the phenomenon to sexual exploitation, but permits to take into account the conditions of forced labour, servitude, slavery-like practices and slavery, each of which are defined by international law;

It does not focus on women only, recognising that men are also victims of the crime;

⁹⁹ During the writing of this manual, 84 States have ratified the convention and 33 have signed it and are awaiting ratification. Updates on the ratification process can be found at: http://www.unodc.org/unodc/en/crime_cicp_signatures.html.

It does not imply that victims 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;

With the exceptions of persons under the age of eighteen years, trafficking requires some form of distortion of the victim's free and informed will, be it by means of force, deception or abuse of power.

The definition respects the ability of adult persons to make self-determined decisions about their lives. At the same time, because deception is sufficient for a trafficking case, force or coercion not being necessary elements to constitute the crime, it correctly protects individuals whose free will has been abused.¹⁰⁰

It is useful to break down the definition into its several components and analyse them in detail. The definition of the crime of trafficking includes three different elements that help to identify trafficking cases. They are, respectively, acts, means and purposes:

1) Acts such as:

Recruitment – offering work abroad or in-country (generally low-paid jobs, such as cleaners, waitresses, domestic workers, dancers, construction workers, agricultural workers, workers in the textile and garment industry, tourism and catering services etc.). Several methods are used to legally or illegally recruit persons who will be later heavily exploited. Jobs are either advertised in the media, offered through employment agencies or through family members, friends and acquaintances, or individuals well known to the victim.

Transfer, transportation of trafficked persons – organisation of the transfer of persons to be trafficked from one place to another, within the country or across the country borders and/or facilitation of illegal border crossing and organisation of illegal stay in the country of transit/destination. After the persons have agreed to the job offer traffickers then facilitate migration or the transfer to other locations within the country. Usually high prices are charged for organising the travel as well as documentation such as visas, work permission etc. If the trafficked persons have illegal status in the country of transit/destination, this circumstance is used by traffickers to foster dependence and to fuel the victim's fear of being arrested and deported by local authorities, as opposed to the possibility of seeking or receiving help. In cases where victims leave their country legally, traffickers organise transportation and provide funds and accommodation, possibly setting the conditions for a debt-bondage scheme (see definitions).

Harbouring, receipt of persons – restricting freedom of movement, seizing documents, organising accommodation, etc. In the majority of cases trafficked persons realise that they have been trafficked only when they are confronted with the demands of traffickers/employers i.e. when they arrive at the destination. Victims might be sold by the persons who transported them and bought by persons who will exploit them in legal/illegal labour markets or activities.

2) Means are always the threat or use of force, deception, coercion, abduction, abuse of power, with the exception of child trafficking (see below). It must be kept in mind that the control of individuals can be achieved through many means, without necessarily reverting to force at all stages. 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 usually 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 migrants, especially if they do not have valid documents and/or visas to emigrate. 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 to initiate the trafficking process, especially where trans-national transport is foreseen (legal or illegal).

¹⁰⁰ICMPD, Regional Standard for Anti-trafficking Police Training in SEE, 2003, p. 37.

According to the UN definition of trafficking, in all cases in which children are involved (i.e. persons under 18 years of age) those who transport or transfer children for the purpose of exploitation commit the crime of trafficking even if threat or use of force, deception, coercion, abduction, abuse of power are not present.

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 original consent of the victim becomes irrelevant. 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, no matter if prostitution is legal or illegal in the country of origin or destination.

3) Purpose – Trafficking in human beings always involves the purpose of exploiting persons' labour or services in legal as well as illegal sectors, such as in the sex industry, the construction industry, catering services, private households, for begging, stealing, drug smuggling or removal of organs etc. Through exploitation traffickers gain their profits. Typically victims realise that they have been cheated upon and trapped by the traffickers only after arrival at their new work place, when the purpose of the exploitation of labour or services is revealed to them. At this point it is extremely difficult for the victims to get out of the situation.

It is of outmost importance to stress that when the three elements – acts, means and purpose – are in place, the committed crime can be identified as the crime of trafficking in human beings.

Handout 1.4. Case Study: Trafficking for Labour Exploitation

Corneliu is a Romanian construction worker, aged 34. During most of his professional life he worked in Bucharest, without really making enough for a living. When he heard that he could make more money working on construction sites in Italy, he contacted the Romanian National Office for recruitment and Employment Abroad but did not succeed in obtaining a work permit. A private recruitment agency offered him a contract where he would be able to circumvent the bureaucratic hurdles. Corneliu signed the contract, paid a fee of US\$ 3000 to the agency and left for Italy. When he arrived at the work site in Italy, he found that the accommodation was very bad and that he had to work longer hours than indicated in his contract. After one month, Corneliu demanded his monthly salary as agreed, but the employer put him off from day to day. As he had no valid work permit for Italy, Corneliu did not dare to report to the police.¹⁰¹

QUESTIONS:

1. What are the factors in Corneliu's situation that makes him to leave Romania?
2. As far as you can tell from the text, what options exist for Corneliu if he reports to the police?
3. In what ways do you think that Corneliu falls under the definition of trafficking?

¹⁰¹ Adapted from: ILO, Trafficking for Forced Labour. How to monitor the recruitment of migrant workers, Training Manual, Geneva, 2004, p.71

Handout 1.5. Case Study: Trafficking in Children

A 15 year old girl currently housed in a shelter for trafficked persons told a counsellor how she was initially pushed into prostitution in Romania, after she had run away from home because of the continuous and violent fighting between her parents, who made her life at home impossible.

When she was 14 she got her identification papers and a passport. At that time a woman who had offered to help her told her she had found a very good job for her in Turkey, as au pair in the family of a Romanian diplomat living in Turkey. In reality the child was sent into forced prostitution. Arrested and sent back to her country, the same “mistress” awaited her upon her return.

Shortly afterwards the child was sent abroad again, this time to Spain. By the time she was 15 years old, she had been forced into prostitution in three different countries and had undergone violence and abuse from many exploiters. When she was rescued and assisted by the police, with the support of specialised services provided by an NGO in France, she appeared badly traumatised and needed serious health and psychological assistance.

QUESTIONS:

1. Identify elements of the case that configure the crime of trafficking in human beings as defined by the UN Palermo Protocol. (Use the terminology: acts, means, purpose)
2. Describe any differences of definition in the meaning of ‘child’ between your national law and the UN Protocol.

Handout 1.6. Case Study: Trafficking for Sexual Exploitation

A 25 year-old Macedonian woman, Anita, dated a Macedonian man, Goran, for three weeks. Goran told Anita that he is in love with her and intends to marry her. To Anita, this is a dream come true because her family is very poor and cannot provide very much for her. Anita has been out of work for a year.

Goran proposed to take Anita to Italy to celebrate their love. Anita was at first reluctant because she had never been out of the country and did not speak Italian. Goran promised to take care of her. Goran refused to tell Anita where they were going because he said it should be a surprise. Once they arrived in Italy, he took her documents and forced her to work as a prostitute. Goran threatened that if she tried to leave he would take her sister in her place. Goran also threatened to tell Anita's family, and the village, that she had been prostituting herself voluntarily.

QUESTIONS:

1. What means did Goran use to recruit Anita?
2. How were deceit and coercion used?
3. What are the implications of the threats used against Anita?

Handout 1.7. Crimes Related to Trafficking in Human Beings

Related Crimes to Trafficking in Human Beings



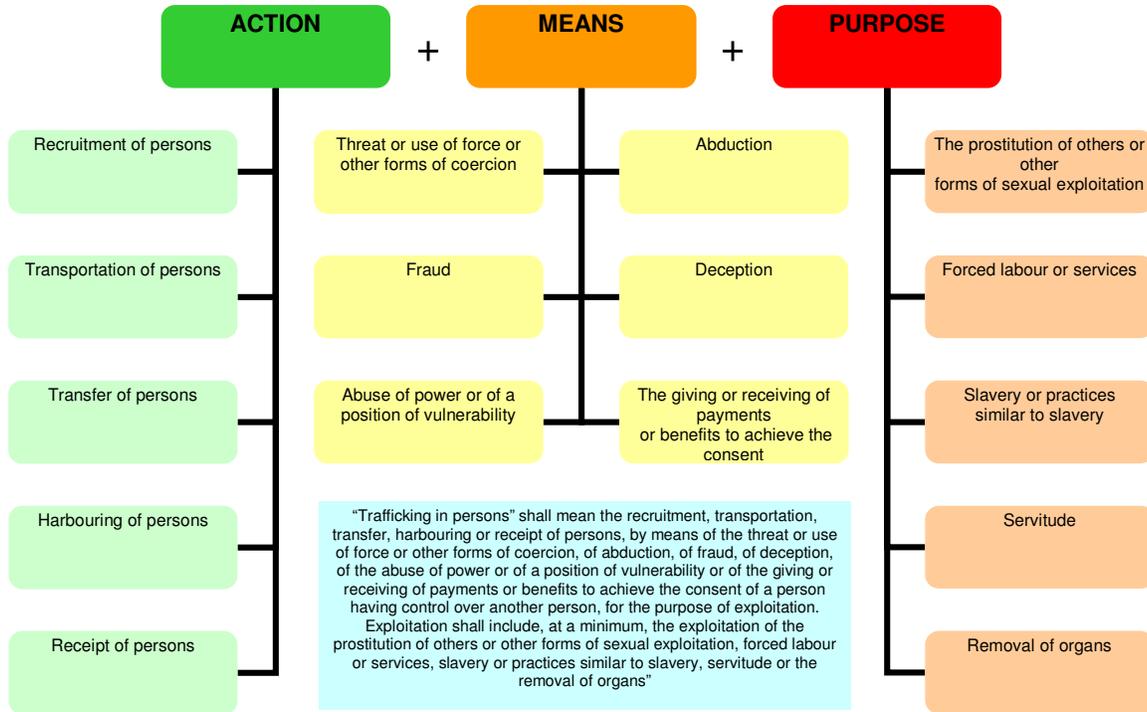
ANNEX 2



Annex 2 - PARTICIPANT HANDOUT - UNIT 2

Handout 2.1. Elements of the Palermo Protocol’s definition of trafficking

Trafficking in Persons



Handout 2.2. Case Outlines

1. Nicoleta is a 18 year old student from Moldova. She responded to a newspaper add for a babysitter in Italy, but found herself working as a strip-dancer in a village in Kosovo, often providing sexual services. Nicoleta is often subjected to inhumane treatment. She is a:
 - i) Prostitute
 - ii) Victim of trafficking

2. Aleksandra agreed to a work as a waitress in Croatia knowing that the work might include sexual services. She was instead brought to a village near Mostar to motivate the visitors to consume more drinks, was not paid for her work, was not allowed to move freely, and was at times abused.
 - iii) Aleksandra accepted commercial sex work and therefore surrendered certain human rights.
 - iv) Aleksandra is a victim of trafficking deceived by false promises for work.

3. Dmitri was illicitly moved through the Greek border and then forced to work in an orange plantation to pay the debt of his immigration. Is he a VoT?
 - iii) No. Only women are victims of trafficking
 - iv) Yes, he is a VoT because he was exploited and his basic migrant's rights were violated.

4. Marija is a 16 year old girl who was sent by her aunt to work for the summer as a strip-dancer and prostitute in Bitola. Her aunt was being financially compensated from the services that Marija was coerced to do. Is she a VoT?
 - iii) No, because she knew her aunt and did not object to work in Bitola
 - iv) Yes, because minors sometimes cannot make the right decisions for their lives.

5. Maja is a Macedonian belly dancer who was recruited by a friend of the family to work in a bar in Gostivar. Her boss then forced her to work in a different bar in Struga in order to pay his debts. Is Maja a victim of trafficking?
 - v) No. Trafficking occurs only when international borders are crossed
 - vi) Yes. Trafficking can happen even within national borders.

6. Ivana decided to work as a prostitute in Belgium. She was smuggled and worked as a prostitute but was then forced to work under threats and violence, and with limited choice in the matters of partner or protection. Is she a victim of trafficking?
- iii) No, because she chose to be smuggled and she chose to be a prostitute
 - iv) Yes, because she is no longer a prostitute; she has been enslaved.
7. Nikola (11) came from a very poor family and was recruited by his uncle to work as a street beggar. The money earned from Nikola's begging was collected by his uncle. Is Nikola a victim of trafficking in human beings?
- iii) Yes. Trafficking in human beings includes exploitation of minors
 - iv) No, because Nikola was not asked to provide sexual services and trafficking in human beings always involves some form of sexual exploitation.
8. Manika is a Romanian girl who was sold by a previous employer to work as an entertainer in a bar in Kochani. Is she a victim of trafficking?
- iii) No, Trafficking is no longer present in Bosnia
 - iv) Maybe. Trafficking in human beings can happen irrespective of location
9. Snezana lived in a Serbian enclave in Kosovo. As a result of poverty and poor prospects she agreed to be recruited to work in Belgrade as a hostess in a bar. She has been physically abused, her freedom of movement limited and forced to provide sexual services to customers at the bar. Is she a victim of trafficking?
- iii) No, she went to the job in Belgrade willingly
 - iv) Yes, she did went to work as a hostess not as a prostitute
10. Omar is a young Turkish man who replied to a job advertisement for construction workers in Portugal. He had a passport and the construction company took care of the necessary visas and work permits. When he arrived in Portugal he went to work at the site, but was not allowed to leave it. He was accommodated in a room in a shack on site, was not paid the money he was promised and his passport and other documents were kept by the company. Is he a victim of trafficking?

- iii) No. He went to Portugal willingly and legally
- iv) Yes his labour is being exploited and his freedom of movement denied.

Handout 2.3. EXAMPLE 1

A young 19-year-old mother, who lived in a small town near a bigger industrial city in Serbia, could not find a job because of the generally bad economic situation. She lived with her father who was an alcoholic. After a fight with her father she decided to look for jobs not only in her hometown, but also in the nearby city. She applied for a job as waitress in a cafe, got the job and moved to the city.

The owner of the cafe never paid her the agreed salary, treated her in a very rude manner and sexually harassed her. Due to these circumstances she was taken in by a man (later she discovered he was her boss's friend) who offered her a job as a sex worker in a famous Italian tourist resort working with famous clients. She agreed to work for a salary of € 1,000. With the assistance of a Croatian friend the man who recruited her provided her with a false passport and transported her to Northern Italy. As soon as she got there, all her documents were taken away and the head of the criminal gang forced her to work as a street prostitute between Trevizo and Mestre (11km). In this area, Serbian, Albanian and Russian mafias operated and organised the sex market.

When the young woman refused to work as a prostitute, she was beaten and raped for three days and nights, as were the others who resisted. After this traumatic experience she gave in and walked the street, but planned to run away as soon as she had the chance. At the time she earned € 800 per night, but had to hand over the money to the trafficking gang. After 10 days she escaped with the help of an Italian client. She managed to reach the Serbian border and reported the entire case to the border police. Most of the gang were arrested and the case has since gone before the special court for organised crime in Belgrade. Although the victim received professional assistance and care in a shelter and hospital she tried to commit suicide twice. After further stabilisation efforts by professionals she successfully testified and was then transferred to a third country to ensure her safety. A verdict on the case has not been reached yet.

Handout 2.4. CASE STUDY 1

K.P. is a 30-year-old Ukrainian woman with higher education, who works as an engineer in a privately owned company in her home town. K. is intelligent, serious, ambitious, and fully aware that with her skills she could have a better life and a successful career if she went abroad. K. is well-off within her circle of friends and acquaintances, she earns money, has a flat, can afford a good standard of living. But K. knows that in her home town and in her country a talented person will only reach limited success as the opportunities are limited.

To have a brighter future K. would like to move to another country, where standards of living are higher and real career opportunities are accessible. K. knows about what trafficking in human beings. She is a well informed person, who is aware that thousands of persons end up exploited and enslaved by criminals. K. considers herself beyond the target group of those criminals. She believes that only ignorant, poor people end up trapped in trafficking schemes. What she does not know is that increasing numbers of well-educated, talented people like her are also targeted by traffickers.

When an acquaintance tells her that in Sweden there are shortages of professionals with her qualifications and puts her in touch with a recruitment agency, she sends her Curriculum Vitae and starts preparing for the recruitment process. K. speaks English and French. Determined to succeed, she plans to start learning Swedish as soon as possible. K. is interviewed by a woman of the recruitment agency, who contacts her one week after the interview to tell her that she is one of the five selected people to get a job in Sweden for this year. She will have very similar responsibilities to the ones she has in her current job, but greater career opportunities. The start salary she is offered is 24,000 Crowns (equivalent of € 2500 approx.).

When K. asks when will she sign her contract, she is reassured that she will sign the contract as soon as she starts her new job. The employer will take care of contractual formalities. When she objects to this, and asks about visa and work permits, she is told that employers request a probation period to test the real qualifications of the recruited staff. K. will therefore at first enter the country as a tourist. After the probation period, she will be given a proper contract and work permit. When she insists on having a paper agreement with the agency, K. is given a pre-contract. (She will discover later that this piece of paper has no validity and that the recruitment agency appearing on it is not registered).

K is reassured that there is no other way to get good jobs in European countries and it is explained to her that the system works as follows: The company advances the necessary amount of money to the recruited candidates through the agency so that they are able to cover travel costs, enter the country and face the first expenses to settle in. The amount due is then gradually taken out of the salary for the first 12 months of work until the debt is extinguished. K. is also informed that the agency charges a fee from the company and a smaller fee from the selected candidates for the services rendered (equivalent of € 1500). Those who cannot pay the fee to the recruitment agency, in total or in part, can gradually pay the due amount back through the same system of gradual reimbursement once they are in their new job.

K. accepts the terms, knowing that it is indeed very difficult to get good jobs in European countries and leaves by plane, alone, with a tourist visa and cash in her purse. At her arrival, a driver of the company picks her up and brings her to her accommodation. She is told that this is going to be her apartment for the probation period. If she is good in the job, she will then decide whether she wants to move out and change apartment or stay. A man who is introduced as the landlord of the apartment and who lives next door requests that she pays the first three months in advance.

From the following morning on, K. will realise there is no proper job waiting for her. She will remain in that apartment for eight months, forced into prostitution and exploited by her traffickers. Of the money customers will give her, she will be allowed to retain very little and very rarely.

QUESTIONS FOR STUDENTS:

Analyse the trafficking process:

1. Focus on the recruitment method,
2. Focus on transport/transfer and transit
3. Focus on exploitation

Handout 2.5. EXAMPLE 2

A Romanian Non-governmental Organisation (NGO) reports how trafficking networks abuse existing legal systems in countries of destination to exploit children: 'In the region of Paris over 300 cases of unaccompanied minors (UAM) were reported only for the first months of 2005, out of which 40% are Romanians. I had the chance to work with specialized French NGOs, to meet and see the children in their environment, where they live and are kept as well as where they have to "perform". Under the pretext of protection, criminal groups exploit them in various fields such as: (male) prostitution, child pornography, shop lifting, parking meters theft, beggary, commanded theft from museums, etc.

The French legislation offers all children regardless of their nationality the possibility of receiving legal status and a residence permit. Attached to that are specialised social care programs for minors. Both exploiters and children know very well the French legislation, thus the children are used to committing crimes they cannot be held liable for because they are under a certain age. Being captured, incrimination is difficult because the children usually have no identity documents (IDs) (these are well kept by the criminal networks). Finding out their identity is a complex procedure for the authorities in both countries and requires time and money. Accompanying such children, I found that the vast majority has created a shield that leaves no room for someone to see the great suffering they endure. Often they suffer from trauma and have suicidal thoughts. Still they decline revealing their identities and do not agree with repatriation because they consider their situation at home worse. In case they should leave France, each of them already has a backup plan where he/she could emigrate.'¹⁰²

¹⁰²Lenuta Angalita, Executive Director, Conexiuni Foundation, Romania.

Handout 2.6. CASE STUDY 2**Compare the two cases described below**

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

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

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

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

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

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

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

Amira unknowingly crosses several borders until she reaches Germany. She spends several days hidden in the car, without food and only a little water. Upon getting out of the car, Amira asks how long it will take

to get to the U.S. Henrik hits Amira to the ground and tells her not to ask so many questions. She is told to go into a house in a wealthy neighbourhood. Nadim and Henrik accompany her into the house, where the two men are given money by a third man, Alvin. Before leaving, Nadim tells Amira to do whatever Alvin asks or he will severely beat her daughter. He tells Amira that in order to pay for her food and housing, she will have to prostitute herself.

QUESTIONS

[8.1.](#) Is Maryam an illegally smuggled migrant or a victim of trafficking? Explain why.

[9.2.](#) Is Amira an illegally smuggled migrant or a victim of trafficking? Explain why.

[10.3.](#) Can a victim of trafficking also be an irregular migrant?

[11.4.](#) What possibilities do the women have to leave their situation?

[12.5.](#) How does national and international law apply differently to each woman?

[13.6.](#) If trafficking is present in either case, what means, activities and exploitive situations exist?

Handout 2.7.Differences between smuggling and trafficking

ELEMENT	SMUGGLING	TRAFFICKING
Type of crime	Crime against the State Violation of immigration laws/public order The crime of smuggling by itself does not include crimes which might be committed against the smuggled migrants	Crime against an individual Violation of human rights The individual is a victim of coercion and exploitation. The State is therefore obliged to treat the individual as a victim of a crime and whose human rights have been violated
Why do we fight it?	To protect the sovereignty of the state	To protect the human rights of individuals The State is obliged to provide adequate protection to its citizens ¹⁰³
Relationship smuggler/smuggled migrant and trafficker/victim	Commercial relationship between smuggler and migrant ends after illegal border crossing achieved and fee paid	Exploitative relationship between trafficker and victim continues in order to maximise economic and/or other gains from exploitation
Rationale	Organised movement of persons for profit	Organised recruitment/transport and (continuous) exploitation of the victim for profit
Illegal border crossing	Illegal border crossing is a defining element	Neither illegal border crossing nor any border crossing required
Consent	Migrant's consent to illegal border crossing	Either no consent or initial consent made irrelevant because of use of force or coercion at any stage of the process

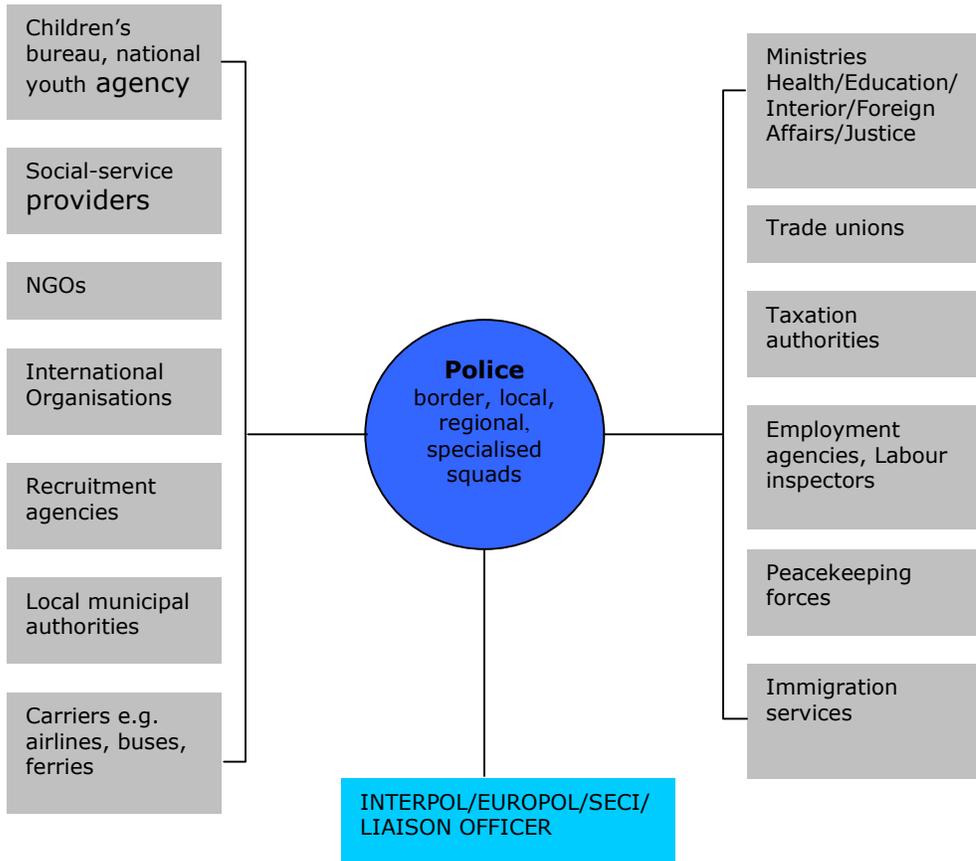
¹⁰³ Regarding the State's positive obligation, see the Case of the European Court of Human Rights *Siliadin v. France*, application n°. 73316/01, 26/07/2005, 'The Court considered that Article 4 [No one shall be held in slavery or servitude] of the Convention enshrined one of the fundamental values of the democratic societies which make up the Council of Europe. It was one of those Convention provisions with regard to which the fact that a State had refrained from infringing the guaranteed rights did not suffice to conclude that it had complied with its obligations; it gave rise to positive obligations on States, consisting in the adoption and effective implementation of criminal-law provisions making the practices set out in Article 4 a punishable offence.'

ANNEX 3



Annex 3 - PARTICIPANT HANDOUT - UNIT 3

Handout 3.1. Key Multi Agency Actors



Handout 3.2. Flora's Shopping Trip¹⁰⁴

Flora's neighbour invited her to accompany her on a shopping trip across the border to a neighbouring country. Flora is a 55 year old widow. As her son and his wife were expecting a baby very soon, she thought this would be a good opportunity to buy them a special gift.

Her neighbour's husband drove the car. Flora used her passport to cross the border, and continued in the car with her neighbours until they reached the capital city. When they arrived, her neighbour's husband said that there were a lot of crooks in the city so he would keep all their passports safe in one place. Flora gave him her passport.

The neighbour said they would go and visit a friend who lived outside of the city in a small village. They went there in a taxi as they were not sure of the way. When they arrived Flora was introduced to the friend. She saw the friend giving money to Flora's neighbour.

The neighbours left in the taxi after telling Flora she must stay with this man as he had bought her to be his new wife. Flora had left her luggage in the taxi when it drove off. She recorded the licence plate of the taxi.

For one week the man tried to force Flora to be his wife. She refused to do anything, so he beat her. She refused to be a wife in any way. He introduced her to his family as his wife, but she still refused to work. He told her she must help him on his farm because he was too old to do all the work himself and needed a strong woman to help him.

She refused. Finally Flora was able to run away and went to the nearest police detachment and told her story.

QUESTIONS:

5-1. If you were the first point of contact for Flora what would you do next?

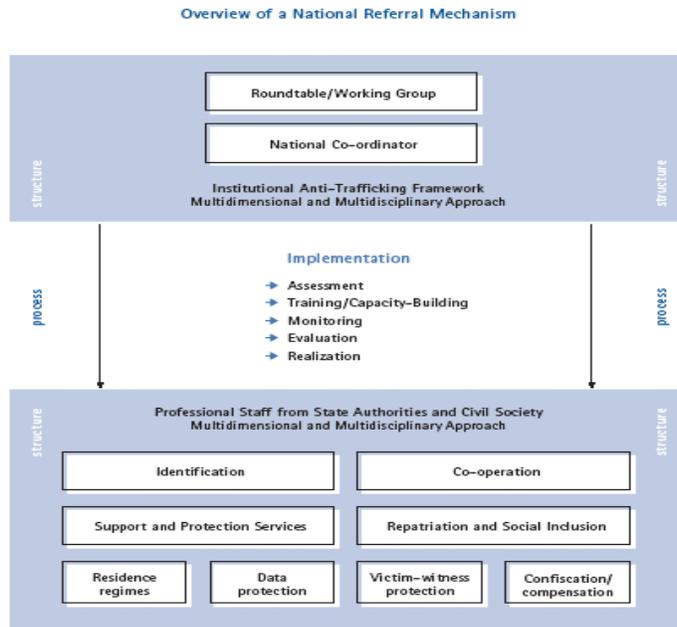
6-2. Who/which units/organisations would you inform?

7-3. Have you encountered a situation like this in the past?

8-4. Explain the lessons learned from your experience.

¹⁰⁴ Based on a case from IOM Kosovo

Handout 3.3. Overview of a National Referral Mechanism



Handout 3.4. EXAMPLE 1

Bulgarian police officials received information from the Romanian Embassy about a trafficking case involving three Romanian females, including two minors. A Romanian national had deceived them with an offer to work as dancers and waitresses and had organised transportation from Romania to Bulgaria. In Bulgaria, they were locked in an apartment and forced to work as prostitutes. At night, clients were brought to them by the Romanian pimp and his Bulgarian girlfriend and all money from clients was kept by the pimp. Police officers raided the apartment where the victims, were kept, took them to safety and found enough evidence to pursue the Romanian trafficker and his Bulgarian associate, which eventually led to a charge of trafficking. IOM Bulgaria took care of the mental and physical rehabilitation of the woman and girls, which included shelter, medical treatment and psychosocial assistance. The victims also decided to co-operate with the prosecution and testified against the defendants in court. As a result of the joint action between police and NGOs, the two accused were eventually sent for trial.

ANNEX 4



Annex 4 - PARTICIPANT HANDOUT - UNIT 4

Handout 4.1. Role Play

Objectives:

- To assess communication skills with a victim of human trafficking;
- To examine sensitivity and attitude towards a female victim of trafficking;
- To confirm knowledge of the law with regard to assault;
- To test knowledge of law and procedures regarding powers of arrest;
- To judge ability to resolve conflict.

Preparation of Role Play

Two options:

- a) for victim identification
- b) for first contact and interview with victims

a) Notes for the Victim

Your name is _____, you are _____ years old, single and from a poor family. You are from Moldova. As times were very hard and no-one in the family had a job, three weeks ago you answered an advertisement in a newspaper. The advertisement was for waitresses to work in Italy. You applied for the job. You were interviewed and accepted, but part of the deal was that you had to borrow your fare to Italy from the man who interviewed you and pay it back from your first month's pay, but you were assured that you would earn so much money that this would not be a problem.

You were taken by a respectable looking man in a black Mercedes to a town in the south. There your passport and ID card were taken from you as well as all of your clothing and possessions. You were kept in a locked room and not allowed out or to telephone anyone. You were then taken hidden in a van on a long journey of several days and you did not know where you were. You have been told that you must work as a prostitute to pay back the money that was loaned to you to pay for your fare and when you refused you were beaten. You were also told that if the local police find you, you will be raped and beaten by them because you are a foreigner, before being given back to the man who took you as he is the Chief of Police in the area where you are now. If you tried to escape you were told that your family would have to pay for the debt and may be killed or beaten as well.

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

React to how the police treat you.

b) Notes for the Police Officer

You are an officer in your own country. You have found a girl/young woman in a park with a bruise on her eye. She has not said anything to you and has no possessions. She is obviously very frightened.

How would you deal with the situation?

Alternative

You have brought the young woman to the police station and have taken her to an investigator. Explain to the investigator what you know

c) Notes for the Investigator

You are an investigator in your own country. A supposedly trafficked girl/young woman is brought in for you to interview.

How would you deal with the situation?

Handout 4.2. Guidelines: Essential steps to be taken on initial contact with presumed victim

1. Do no harm

Treat each (potentially) trafficked person and the situation as if the potential for harm is 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.

2. Know your subject and assess the risks

Learn the risks associated with trafficking and each person's case before undertaking an interview.

3. Prepare referral information – do not make promises that you cannot keep

Be prepared to provide information both in the individual's native language and the local language (if different) regarding appropriate legal, medical, and social support. Information on accommodation/shelter and security services should also be provided. Assist with referral, if requested.

4. Select and brief interpreters and co-workers with care

Weigh the risks and benefits associated with employing interpreters and co-workers. Develop adequate methods for interviewing.

5. Ensure anonymity and confidentiality

Protect a respondent's identity and treat his/her case confidentially throughout the interview process. This applies from initial contact and until the details of his/her case are made public.

6. Get informed consent

Make certain that each respondent clearly understands the content and purpose of the interview; the intended use of the information; his/her right not to answer questions, to terminate the interview at any time, and to put restrictions on how the information is used.

7. Listen to and respect each person's assessment of his/her situation and risks to his/her safety

Recognise that each person will have different concerns, and that the way s/he views them may be different from how others might assess them.

8. Do not re-traumatise the victim

Do not ask questions intended to provoke an emotionally charged response. Be prepared to respond to the victim's distress sensitively and in a constructive manner.

9. Be prepared for emergency intervention

If the victim believes s/he is in imminent danger, respond appropriately.

10. Put information collected to good use

The information should be applied in a way that benefits the victim or advances the development of good policies/intervention for other future victims of trafficking.¹⁰⁵

¹⁰⁵ WHO, Ethical and Safety Recommendations for Interviewing Trafficked Women, 2003.

Handout 4.3. Example 1

Following a joint international and local police investigation, twelve girls were rescued from a bar. When asked if they were victims of trafficking, all said they were not. When interviewed separately, each admitted to having been held hostage and forced to work as a prostitute. They had not been able to admit this when interviewed in a group because one of the girls had been the madam and was second in command to the man who had trafficked them. After identifying them as victims of trafficking, they were questioned further by local police and referred for assistance and repatriation.¹⁰⁶

The example above shows how the complexity of trafficked victims circumstances makes it difficult for law enforcement officers to approach them, gain their trust, and to fully comprehend their decisions and reactions.

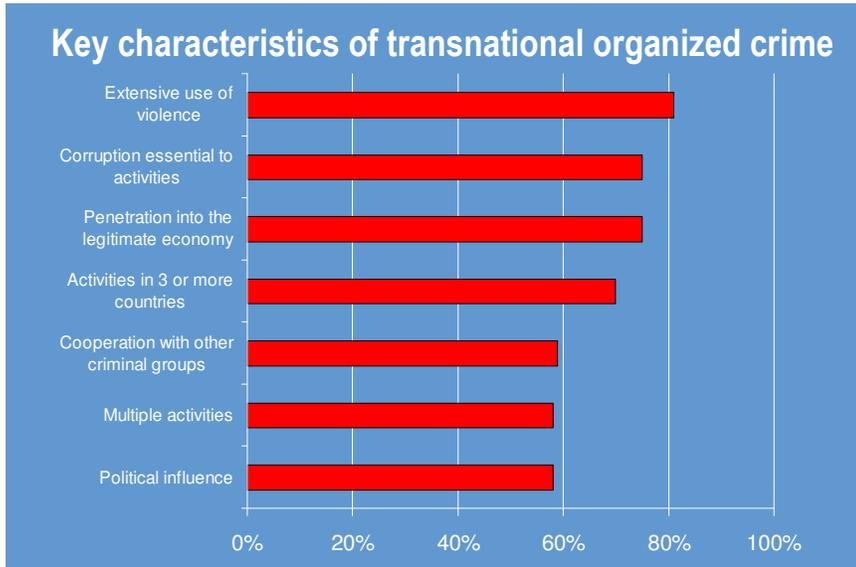
¹⁰⁶ NATO, [A Threat to Security and Stability](#), Module for Military Commanders and Civilian Leaders, Module 2, 2005.

Handout 4.4. Key Characteristics of transnational organised crime

Traffickers often display the following characteristics/behaviour:

- Have criminal records for smuggling migrants, pimping, falsifying documents, illegally possessing weapons, human trafficking, possessing receipts for undeclared money transfers through companies/banks;
- Advertise escort services, saunas or brothels;
- Appear to have no job/income but own expensive cars, jewellery etc., and frequently travel abroad;
- Are discovered with another individual's documents and cannot give a plausible explanation on being questioned why;
- Collect the rent for apartments/hotel rooms where presumed victims have been sited;
- Seen escorting the victims as s/he goes about daily business (this is often the case with traffickers dealing in sexual exploitation);
- Has the role of "controller", which is to accompany the victim wherever s/he goes so s/he cannot escape and/or seek help. (During border checks or raids it is good practice to separate groups/pairs).
- Usually have all victims mobile telephone numbers who work for the same organisation, even if they work in different areas or cities. Making a cross-check of the victim's and suspect's numbers during police operations can lead to good investigative results.

Handout 4.5. Indicators for identification of traffickers



Handout 4.6. Contacts of specialised anti-trafficking police units (to non-specialised, front-line officers)

ANNEX 5



Annex 5 - PARTICIPANT HANDOUT - UNIT 5

Handout 5.1. Resource Centre to Combat Human Trafficking, Romania

Based on Art.4 and Art. 9, para. 1 and 2 in Law 678/2001¹⁰⁷ on the prevention and combat of human traffic, the Resource Centre to Combat (or 'to fight against') Human Trafficking was founded in Romania within the Ministry of Administration and Interior. The Centre's objective is to create a database that centralises all data and statistical information on human trafficking.

The Centre has so far conducted several evaluations on how to combat human trafficking, which have been shared with national and international partners. The main task of the Centre's officers is to ensure there is a permanent exchange – with other law enforcement agencies – of human trafficking data and information and the trends behind it, as well as the means to deal with it through national, regional and international co-operation efforts.

In mid-2004, an application was developed that allowed for the processing of identification data referring to victims of human trafficking and traffickers, as well as other relevant data. The database application which is based on the unique registration identity number of citizens (CNP) allows for a better accounting of the real number of victims. According to Romanian law, only persons who have been identified by a law enforcement officer can be recognised as trafficked persons.

The Centre has developed co-operation with the Border Police, the General Prosecutor Office and the Ministry of Justice, from which it obtains statistical data on a quarterly basis. This is then analysed and shared with partners. Furthermore, the Centre co-operates with NGOs active in the field, and international organisations present in Bucharest (e.g. UNICEF, IOM, ILO, UNDP). It also compiles reports for countries and organisations on the phenomenon of human trafficking (e.g. annual report for the US State Department, quarterly reports to the EU, etc.). (www.politiaromana.ro)

¹⁰⁷ Art.4. The Ministry of Foreign Affairs, the Ministry of Labour and Social Solidarity, the Ministry of Public Administration, the Ministry of Education and Research, the Ministry of Health and Family, the National Authority for Child Protection and Adoption, the Ministry of Interior, the Ministry of Justice as well as other governmental agencies with jurisdiction in the combat of trafficking in human beings, shall take the necessary steps to elaborate and enforce, within their own jurisdiction, the National Action Plan for Combat of Trafficking in Human Beings.

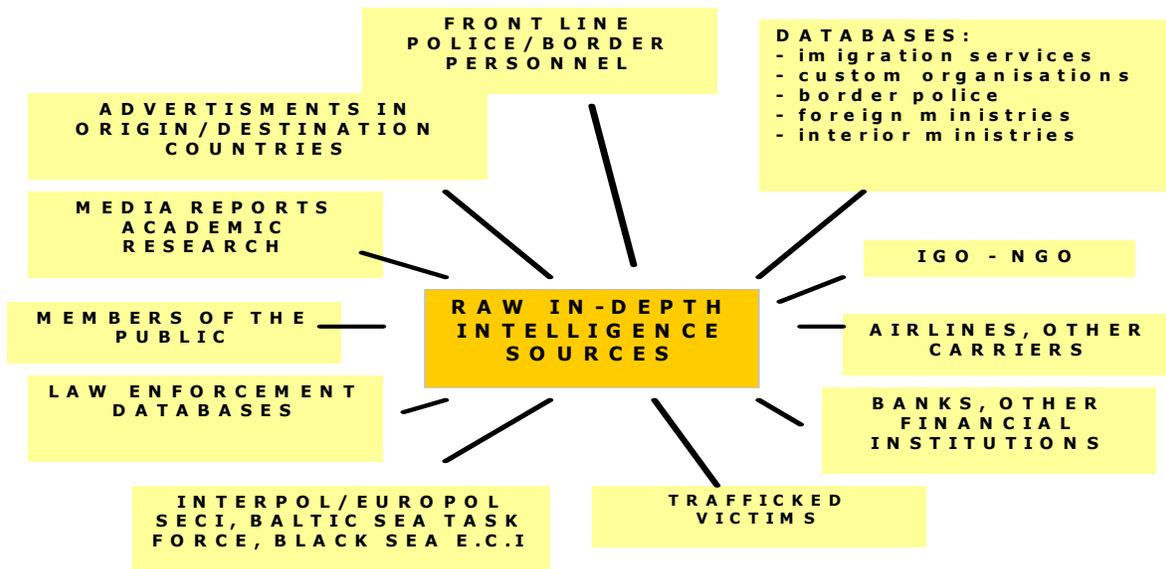
Art.9. (1) The Ministry of the Interior, through its specialised structures and with support from other ministries, shall compile and update the database on the phenomenon of trafficking in human beings, shall monitor and make a periodical assessment of this phenomenon that shall include both the trafficker and the trafficking victims, as well as the legal entities involved in trafficking in human beings.

(2) Publishing statistical information and assessment reports shall be the biannual task of the General Police Inspectorate, under the endorsement of the Minister of the Interior.

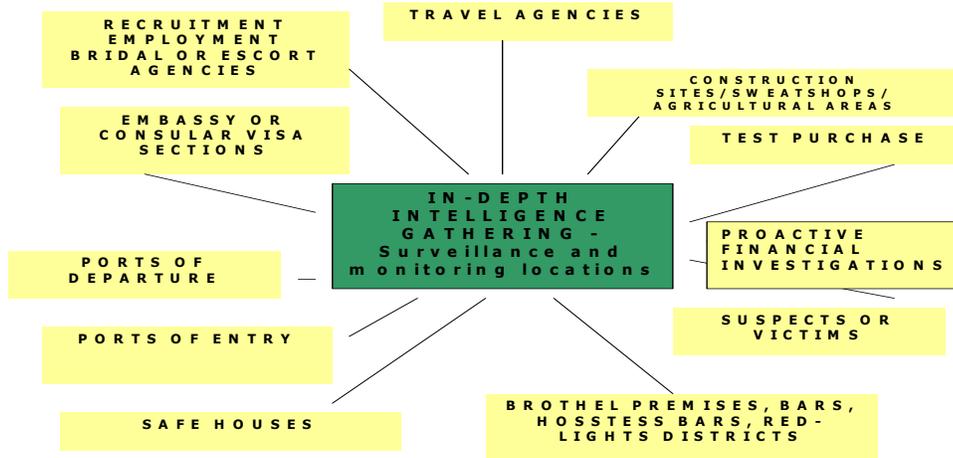
Handout 5.2. Key Tactical Level Areas



Handout 5.3. Raw Intelligence Sources



Handout 5.4. Surveillance and Monitoring Locations



ANNEX 6



Annex 6 - PARTICIPANT HANDOUT - UNIT 6

Handout 6.1. Example Operation Mirage



Understanding the human rights threat posed by human trafficking, in 2000, the SECI Center invested significant resources to establish a specialised Task-Force focused on this problem. Since its creation, the Task-Force has achieved some remarkable successes and is continually extending its co-operation network. Since 2002, the SECI Center has on an annual basis co-ordinated large regional operations specifically targeting the trafficking of human beings. The US Government – particularly the Federal Bureau of Investigation – has supported these operations since their inception.

The successful results of the first operation in the summer of 2002, codenamed **MIRAGE**, led to the formulation of future initiatives. For example, between September 2003 and June 2004, participants in Operation Mirage focused on dismantling human trafficking networks by arresting human traffickers, while at the same time identifying and assisting victims of trafficking. The participants also sought to specifically gather intelligence that helped target human trafficking organisations that regularly recruited, transported and exploited women and children in the region and beyond. The basic principle of Operation Mirage is to connect and share nationally developed intelligence among all participating South-East European countries. This helps facilitate a co-ordinated regional response to human trafficking.

Law enforcement authorities – police, customs and prosecutors – and related NGOs from SECI Member States took part in the operation. Additionally, Ukraine, the US (through the US Department of State, the US Department of Justice and the Department of Homeland Security) and the IOM anticipated as SECI observers. Each country co-operated within the framework of its national legislation. The 2003 and 2004 Mirage Operations led to the exchange of a large amount of criminal intelligence throughout South-Eastern Europe, which in turn improved practical co-operation among regional law enforcement agencies and NGOs.

Operation Mirage 2004 resulted in the identification of 601 victims, with 98 receiving assistance from NGOs, such as medical assistance, psychological counselling, and shelter, and 138 being repatriated by IOM. Operation Mirage 2004 showed a marked improvement when compared to the same 2003 indicators, 463, 70 and 62 respectively. Also noteworthy was an increase in the number of traffickers charged, from 207 in 2003 to 302 in 2004. The numbers of suspected traffickers identified remained high in both operations, 595 in 2003, 545 in 2004.

Romania and Turkey took an important step towards the further specialisation of co-operation methods during Operation Mirage 2004 when the SECI Center, with financial support from the US, sent one prosecutor and one police official from Romania to Turkey to conduct interviews and co-ordinate the investigative efforts of the two nations. This co-operation, which continued in the judicial stages of the investigations, resulted in the two countries smashing a significant trafficking network engaged in the

sexual exploitation of women, with three defendants being under investigation for trafficking in Romania, and three in Turkey.

On 22 and 23 September 2004, over 150 law enforcement officials, including prosecutors from participating countries, met in Poiana Brasov, Romania, to review and analyse the results and conclusions of Operation Mirage 2004. The assessment was enhanced by the participation of NGOs and liaison officers from Germany, Portugal, the UK, and the US.

At the meeting, Members States pledged to enhance future co-operation, shifting their co-operation to focus on important human trafficking and human smuggling networks. This new approach to Operation Mirage is expected to result in more successes like the one enjoyed by Romania and Turkey¹⁰⁸.

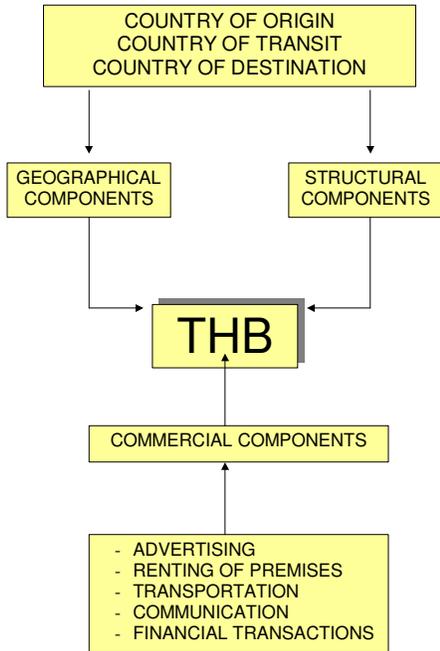
¹⁰⁸ Press release and evaluation of Operation Mirage, 27 September 2004.

ANNEX 7

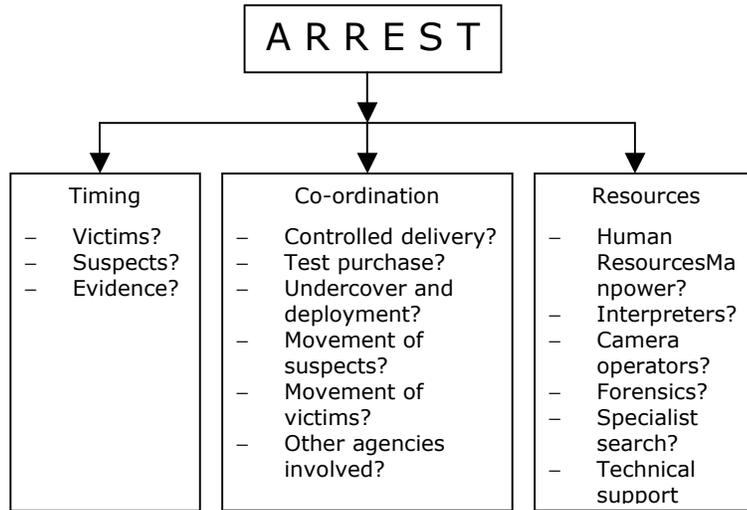


Annex 7 - PARTICIPANT HANDOUT - UNIT 7

Handout 7.1. Investigative principles



Handout 7.2. The Operation Phase



Handout 7.3: Case Study, Counter Trafficking Investigation

Case Study 1: Counter Trafficking Investigation

In 2002, in connection with the steady expansion of the Chinese population, and in parallel with a very fast increase in business activities (restaurants and small -scalertextile factories), law enforcement agencies decided to carry out a series of random checks within the Chinese community of the town. It was suspected that behind the strong and lucrative expansion of apparently legal businesses there was a criminal organisation attempting to maximise profits through the labour exploitation of Chinese citizens.

The investigation was police-led and had a strong intelligence component. Elements leading to the investigation were assembled through monitoring and information gathering. Therefore the operation relied on a thorough analysis of what appeared as an abnormal business growth in the area, on the observation of the territory and a group of suspects, and on various random checks within the community, which in turn generated additional elements that supported continuing investigation.

Police checks exclusively targeted regularly registered Chinese citizens/workers and were carried out for an extensive period of time. The mobile phones of two suspects were put under surveillance. The same two men were also being investigated for weapons smuggling. Investigators suspected that in addition to the weapons business (which in the specific case was very minor) the two suspects were members of a group that trafficked persons. They decided to attempt an investigative line focusing on possible human trafficking operations.

Through the monitoring of the suspect's mobile phones a number of links with other individuals started emerging and also the mechanisms through which the organisation worked. Additional surveillance measures, in addition to photographic documentation produced during the operation, made it possible to identify the members of the network, understand the modus operandi of the organisation, and establish the role of each identified member within the group.

It emerged that the organisation was strongly structured and included numerous sub-groups, partly inter-linked with each other through family ties. Their main operational base was located in two towns within the destination country and had numerous recruitment points within the country of origin, China. In addition to human trafficking for labour exploitation, the investigation revealed that the organisation was involved in drug trafficking, and had carried out a number of kidnappings and extortion. They appeared to be strongly rooted and feared within the Chinese community, and to rely heavily on intimidation and coercion methods – fearing no rebellion on the part of the community.

The modus operandi - victims were recruited in China through person to person contacts with the promise of a good job. The organisation would first put together a considerable number of persons to be transported

out of the country, asking them to pay 60 to 70% of the estimated total costs (averaging between 10,000 and 15,000 Euro for those with legal documents, but more where false documents were required). The remainder of the money due would generate a debt-bondage for each person with the organisation, i.e. the obligation to work for the organisation to repay the money, mostly in abusive conditions.

A person "guaranteeing" for each person trafficked was foreseen in this scheme. The guarantor would have to pay a certain amount to the organisation in China, while the trafficked person would, however, be exploited in the destination country. Very often the guarantor would be the family of the individual. Threats and violence were used against the trafficked persons to force the guarantors to pay their part as soon as possible.

QUESTIONS

[4.1.](#) Analyse and identify all investigative elements, phases and steps of the operation that appeared in the case.

[5.2.](#) Identify and list other elements, phases, steps of the operation that you believe were necessary but are not described in the case.

[6.3.](#) Imagine you have received initial intelligence on this case. Make a written plan on how you would conduct the investigation.

Handout 7.4. Kosovo's Off-limits Policy

In order to prevent corruption and to combat trafficking of persons in Kosovo, an off-limits policy was introduced for UNMIK as well as the Kosovo Police Service (KPS). This policy prohibits police officers from visiting establishments, except when on official duty, where it is suspected that human trafficking takes place. The names of the establishments and their locations are cited on an "off-limits" list which is published monthly by UNMIK.

Once evidence has been established that trafficking activities are occurring at a specific location, the establishment involved is added to the list. Intelligence is gathered in a variety of ways, such as inspections of work contracts and residence permits, interviews of potential victims, and during raids and surveillance operations.

The anti-trafficking unit regularly monitors each establishment on the list and investigates who manages its business operations and who is employed there. Where possible, undercover investigations are conducted in order to obtain further evidence. If illegal activities are proven, the premises can be closed down, the suspects detained and the victims referred to local NGOs for shelter and assistance.

The establishment is then removed from the list. If the business operation of a particular establishment shifts its operations to legal working practices, it may also be removed from the list.

The police have the final decision with regard to the removal of businesses from the list. Any changes must be reported by the police officer responsible for the operation.

The off-limits policy is observed by other organisations including the OSCE and the Kosovo Force (KFOR), international NGOs and other organizations. If an anti-trafficking officer identifies any employee from one of these organisations at an off-limits establishment, disciplinary measures have to be taken by the organisation concerned. It is possible for personnel of International Organisations to be detained if they are found to be involved in criminal activities.

ANNEX 8



Annex 8 - PARTICIPANT HANDOUT - UNIT 8

Handout 8.1. Personal Responsibility of the Victim-Witness

Responsibility of the Victim-Witness

Comply With Rules of Witness Protection Programme

Avoid Areas That Suspects/Others Connected To Them Frequent

Careful Conduct Pending Trial

Observe Caution When Making Contact Abroad

Do Not Disclose Contact Info

Maintain Caution with Friends

Handout 8.2. EXAMPLE 1

Macedonian judicial authorities recently convicted five criminals for trafficking in human beings. The criminals were sentenced to between four and five years imprisonment. F. B. (40 years old), F. B. (30), M.R. (40), M.K. (37) and M. K. (35), were previously the owners of different nightclubs in Gostivar (Former Yugoslav Republic of Macedonia).

The verdict was pronounced based on the testimony of a 20-year-old Romanian victim, who was trafficked and forced into practising prostitution in the defendants' nightclubs. The victim was identified and located by the Romanian police, in response to an assistance request sent by the Macedonian authorities through their liaison officer based at the SECI Center. The SECI Center covered the costs of the victim's travel and provided her with temporary protection under its witness-protection program¹⁰⁹.

¹⁰⁹ Press release, SECI Regional Center, 23 February, 2005.

Handout 8.3. EXAMPLE 2

In Macedonia, NGOs use a storybook with a cartoon character named Splodge. Splodge is a visiting alien curious about life on Earth. Splodge asks a lot of questions to the children s/he meets.

At the start of the session interviewers can ask the child whether s/he thinks Splodge is a boy or a girl. how s/he travelled to Earth and also talk about his/her strange appearance. Splodge can then ask questions. These questions should not focus on specifics related to the child, but on what happens to children in general, for example, why do children get smacked on Earth? This allows the child to generalise or to draw on personal experiences as appropriate. Splodge takes the spotlight away from adults asking questions and makes children feel comfortable.

ANNEX 9



Annex 9 - PARTICIPANT HANDOUT - Evaluation Form

Evaluation Form

Dear participants,

Please take your time and answer the questions below as accurately as possible. Please be honest! There are no right or wrong answers, for all information provided by you will improve future trainings.

The answers you give will remain anonymous. Your questionnaires will not be seen by anyone but the trainer.

Thank you very much for your co-operation!

1. Sex (Please tick the appropriate box)

male female

2. Age (Please tick the appropriate box)

under 20 years 20 – 29 years
 30 – 39 years 40 – 49 years
 50 – 59 years 60 years or older

3. Have you ever attended an Anti-trafficking Training Workshop before?

(Please tick the appropriate box)

Yes No

4. Please indicate your agreement with the following statements by ticking the appropriate number:

The workshop ...	Strongly Disagree	Disagree	Agree	Strongly Agree
Expanded my understanding of Trafficking in Human Beings.	1	2	3	4
Helped me to gain greater insight into what I already knew.	1	2	3	4
Challenged me to rethink the situation of victims of trafficking.	1	2	3	4
Refocused my attention on the topic.	1	2	3	4
Clarified some things that I had heard about Trafficking in Human beings before.	1	2	3	4

(Please tick for each statement only ONE number)

5. In the course of the training workshop different topics were addressed. Please list the two topics that you found most interesting:

1. _____
 2. _____

6. In your everyday work, what will you do differently as a result of this training?

7. How much of the content of this training did you already know? (Please tick the appropriate box)

- Nothing A little Quite a bit Most of it

8. How would you rate the Training workshop overall? (Please tick the appropriate box)

- Unsatisfactory OK Good Excellent

9. Please circle the appropriate number to indicate your degree of understanding/ knowledge of the listed topics BEFORE the training and AFTER the training.

How much did you know about...	Your understanding/ knowledge							
	Before the seminar				After the training (=now)			
	Very Little	Some	Quite a Bit	A Lot	Very Little	Some	Quite a Bit	A Lot
The definition of Trafficking in Human Beings.	1	2	3	4	1	2	3	4
The Trafficking Process	1	2	3	4	1	2	3	4
The Multi-Agency Approach to Trafficking	1	2	3	4	1	2	3	4
Identification – Profiles of Trafficked Persons and Traffickers	1	2	3	4	1	2	3	4
Intelligence Gathering and Exchange	1	2	3	4	1	2	3	4
International Co-operation	1	2	3	4	1	2	3	4
Investigating Anti-Trafficking Cases	1	2	3	4	1	2	3	4
The Victim as Witness	1	2	3	4	1	2	3	4

10. In the course of the training workshop different teaching methods were used. Which of them did you like best?

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

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

13. Any other comments on the training:

THANK YOU VERY MUCH!

ANNEX 10



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