

# INDICATORS

## Signs

[?] ⇒ differ based on forums

- people carrying
- hungry
- eating from the floor
- violence beating
- unhappy, sad girl
- exchange
- facial expression
- cuts, burns of cigarettes
- head injuries
- locked up
- women, selling the girl
- big man as exploiter
- other possibly did
- begging from foreign country
- mental disorders
- drug abuse
- taken away their passport

## Forms

- child prostitution
- child begging
- forced labor

# Root Causes

- girls as "sex objects"
- organ trafficking
- economic factors / \$
- dreams
- lack of knowledge & information
- no awareness in countries, government not doing enough
- prejudices, sort of certain nationalities, group



# Effects

- work in inhuman conditions
- deception
- violation of human rights
- lives ruined
- ruined families & threats to families
- family members increase in organized crime
- corruption

## Push factors

in country/place of origin

## Pull factors

demand in country of destination

Migration laws

# Train the trainers

Train-the-Trainer curriculum on the identification, referral and assistance of trafficked persons

# **Train the trainers**

**Enhanced Identification and Protection of  
Trafficked Persons in Turkey (IPT)**

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**Note:** The content of this curriculum has been compiled using information available in other training manuals and tools developed by the author, ICMPD or key anti-trafficking stakeholders. All documents used are duly referenced and acknowledged in the reference material section.

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International Centre for Migration Policy Development (ICMPD), 2013

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A-1010

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This publication was made possible through support provided by the United States Department of State, under the terms of Award No. S-SGTIP-11-GR-0023. The opinions expressed herein are those of the authors and do not necessarily reflect the views of the United States Department of State.

Layout by : Serdar Südor

Printed and bound by: Tarcan Matbaacılık

**ISBN: 978-3-902880-18-5 EN**

## Abbreviations

<b>DGMM</b>	Directorate General for Migration Management
<b>EC</b>	European Commission
<b>EU</b>	European Union
<b>EUROPOL</b>	European Police Office
<b>ICMPD</b>	International Centre for Migration Policy Development
<b>ILO</b>	International Labour Organization
<b>INTERPOL</b>	International Criminal Police Organization
<b>IOM</b>	International Organization for Migration
<b>NGO</b>	Non Governmental Organisation
<b>NRM / NRS</b>	National Referral Mechanism/System
<b>OHCHR</b>	Office for the Higher Commissioner for Human Rights
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>PPT</b>	Power Point Presentation
<b>SOPs</b>	Standard Operating Procedures
<b>SWOT</b>	Strengths/Weaknesses/Opportunity/Threats
<b>THB</b>	Trafficking in Human Beings
<b>TRM</b>	Transnational Referral Mechanism
<b>UN</b>	United Nations
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>VoT</b>	Victim of Trafficking

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# Introduction

This training curriculum has been elaborated within the framework of the project '*Enhanced Identification and Protection of Trafficked Persons in Turkey (IPT)*'. The aim of the project is to foster multi-agency cooperation and enhance the capacity of relevant anti-trafficking actors in Turkey to identify and protect (potential) victims of trafficking more effectively and ensure consistent involvement of NGOs in the identification process. The objectives of the IPT project are the following:

- Objective 1:** To produce an action-oriented research report assessing the present capacity of local stakeholders to identify and refer trafficked persons;
- Objective 2:** To elaborate recommendations on how to increase the capacity of national stakeholders to combat trafficking in human beings and effectively identify, refer and assist trafficked persons and to elaborate guidelines on steps ahead for the development of SOPs;
- Objective 3:** To conduct an expert meeting followed by a multi-agency workshop on the elaboration of the national draft anti-trafficking law;
- Objective 4:** To develop a tailor-made curriculum and train representatives of the institutions involved in the identification process on the concept of SOPs in two-day multi-agency training sessions;
- Objective 5:** To foster multi-agency cooperation at the national level by organising an expert meeting to discuss a set up of a comprehensive legal and institutional framework.

In line with the overall aim of the project as well as the specific objectives mentioned above, this training curriculum has been elaborated to support national anti-trafficking actors, in particular the newly established Department for Protecting Victims of Human Trafficking within the Directorate General for Migration Management (DGMM), to plan and conduct trainings in the field of anti-trafficking. This training curriculum is a tool for replication of trainings in order to ensure sustainability in terms of anti-trafficking capacity building of the relevant national actors on regular basis.

The concept took its starting point in a train-the-trainer's sessions, which aimed to equip the national anti-trafficking actors with practical tools to be able to conduct trainings to their colleagues on how to increase the knowledge on trafficking in human beings (THB), applying a human-rights-centred approach. In addition, the ToT served as a tool to familiarise the participants with the basic concept of Standard Operating Procedures (SOPs) for the identification and referral of trafficked persons. The ToT was followed by trainings, aiming at increasing the participants' knowledge of THB, trying to bridge the gap between theory and practice in victim identification. The trainings covered

a general introduction to the topic covering basic aspects, such as the definition of trafficking, the difference between trafficking and smuggling, forms of trafficking, the legal framework, victim identification and the added value of SOPs. In addition, relevant anti-trafficking actors from Turkey such as DGMM, Ministry of Foreign Affairs (MFA), Foreigners Sections of the Turkish National Police and relevant NGOs were invited to inform the participants of the trainings about the Turkish anti-trafficking response including detailed information on the legal and institutional framework.

Furthermore, the training sessions provide step-by-step guidance to the national actors on how to establish a functioning and sustainable national referral system based on SOPs for identification and referral of trafficked persons, in full compliance with human rights standards, based on a participatory and multi-disciplinary approach, involving multiple relevant institutions and stakeholders. The target group for the trainings is governmental and non-governmental anti-trafficking actors involved in the identification and referral process in different regions in Turkey that have not received prior training on the issue of THB.

# Section I: ToT: the basics

## I.1 The ToT curriculum

### The objective of this curriculum is:

- To enable users to build the capacities of their colleagues and members of relevant institutions on fighting THB and the identification and referral of potential and actual victims of trafficking.

### Trainings on Trafficking in Human Beings (THB)

Within the framework of the IPT-project, three training sessions were conducted in Ankara, Istanbul and Antalya. This ToT curriculum provides guidance for conducting similar sessions, outlining methodology to be applied, key messages to be delivered and detailing the different exercises that enable learning amongst the national anti-trafficking actors in Turkey.

### How to use the ToT curriculum

The ToT curriculum is a guide for any training or work session on THB with a focus on understanding the scope of the topic, as well as relevant issues around multi-disciplinary cooperation for successful identification and referral of victims of trafficking. The curriculum should be used by those responsible for conducting training sessions and who, ideally, have participated in the ToT training.

However, the scope of the training or work sessions to be conducted depends a lot on the needs identified, the level of knowledge among the participants and/or actors involved and which are being trained.

There are a number of possibilities to bring forward information and knowledge on THB and the related procedures of identification, referral and assistance to victims of trafficking. Depending on the need and the topics chosen, the training sessions have to be adapted to that specific context and need, herewith allowing for flexibility – but at the same time requiring more responsibility of the trainer and facilitator.

 *This curriculum is not a blueprint and sessions have to be adapted by the trainer/facilitator to the specific aim and learning objective of the specific training or work session.*

The sessions can be conducted for either a large group or a smaller group of participants, always depending on the objective of the session. A working session within one institution can be beneficial if, e.g., a clear understanding of the role and

responsibility of the particular institution and/or different departments or section is sought.

**A multidisciplinary approach**, based on inter-agency cooperation, creates the basis for the provision of adequate support for potential victims of trafficking. With clear roles and responsibilities and inter-agency cooperation, the national anti-trafficking efforts allow comprehensive identification of potential victims, support services and criminal investigation.

## **Structure of the curriculum**

The structure of the curriculum follows a sequence of sessions based on its content and is as follows:

### ***Section I: How to train***

The first section introduces the background of training, the how to train from the point of what the trainer, facilitator or expert needs to take into account and how he or she can support and stimulate learning among participants. The second part of this section covers tools that are helpful in training and different methodologies that can be applied. Useful tips and tricks and dos and don'ts are provided, rounding up the section.

### ***Section II: What is THB?***

Section II introduces the relevant training sessions with their objectives, methodology, procedure to follow in the session, key messages and supporting information for the trainer on the topic as well as handouts for the participants. It covers the following sessions: I. Introduction to THB; II. Root causes of THB; III. International legal framework and definition of THB; IV. Definition of THB – Cases; V. The difference between THB and smuggling; and VI. The trafficking process and smuggling – cases.

### ***Section III: Identification and referral of (potential) victims of trafficking***

Section III covers the identification and referral of (potential) victims of trafficking in the following sessions: I. Indicators for a possible THB situation; II. Victim identification and referral – multi-agency cooperation and SOPs; III. Guiding principles of SOPs and IV. Victim identification and referral – SWOT Analysis.

 *In addition to the sections provided above, the trainings should incorporate subsections within the regular sections aiming to provide the participants with information on the Turkish anti-trafficking response. National experts should be invited to present the Turkish legal and institutional anti-trafficking framework. Furthermore, the process of victim identification and referral in Turkey should be discussed and explained to the participants. For more information on national laws, regulations and reports related to trafficking in human beings, please see Annex IV: References, links and materials for further reading.*

## Annexes

*Annex I* is a section with background material for the trainer, which provides more in-depth information on six topics, namely 1. Historical background of THB; 2. Root causes and effects – push and pull factors for THB; 3. International legal framework relevant for THB; 4. The trafficking process; 5. National Referral Mechanisms. *Annex II* contains the glossary of terms and *Annex III* provides useful forms for the trainer or facilitator, such as the session plan and a checklist for the preparation of trainings. The curriculum concludes with a reference list of materials used for this training curriculum and links and materials for further reading in *Annex IV*.



*The order and application of the sections and sessions may vary on a case-by-case basis. Therefore they can be transmitted in a flexible manner, always considering a logical sequence.*

Each session is presented in the same structure: it introduces **learning objectives**, **methodology** to be applied with the different steps this entails and **key messages**. Sometimes, alternatives for the methodology to be used are given that either emphasize a different point, save time or introduce and use a different methodology.

**Facilitators' notes** emphasise important points for the delivery of the session and are meant as help for the trainer.

**Facilitators' help** provides help and information in terms of content. In some sections an explicit reference is made to the background material section in Annex I.

**Handouts** provide an overview or input for the participants.



*This training curriculum does not encompass all information available on THB. The facilitator/trainer should therefore also research and read other material in order to be able to answer questions.*

## Exercises and methodology

Exercises are introduced within the methodology section of each session. These are flexible and might also be applicable to another session. Additional options are given, if applicable in order to facilitate adaptation to different set-ups and objectives for the trainer/facilitator.

Several “signs” are used throughout the curriculum:

The exclamation mark points out important aspects not to be overlooked or forgotten.



Indicates how much time the session will require.



Indicates specific attention on minors/children as (presumed) victims of trafficking.

## I.II How to train: background

### Expert, Trainer and Facilitator

There are differences between the three roles and the purpose of your training or working session will determine, which role (or in which moment which role) is required to reach that purpose.

Expert	Trainer	Facilitator
Knowledge:		
<ul style="list-style-type: none"> <li>Is an expert on a subject matter</li> <li>Shares information, provides analysis and individual insight or opinion</li> </ul>	<ul style="list-style-type: none"> <li>Should have good knowledge of the subject matter (sometimes even be an expert on a subject matter)</li> <li>Expert in designing a process for learning</li> </ul>	<ul style="list-style-type: none"> <li>Does not necessarily need deep knowledge on a subject matter</li> <li>Expert in group processes</li> </ul>
Skills		
<ul style="list-style-type: none"> <li>Presentation skills</li> </ul>	<ul style="list-style-type: none"> <li>Communication, presentation and facilitation skills</li> <li>Peoples person</li> <li>High level of awareness for participants and (underlying) issues</li> </ul>	<ul style="list-style-type: none"> <li>Communication and facilitation skills</li> <li>Peoples person</li> <li>High level of awareness for participants and (underlying) issues</li> </ul>
Role		
<ul style="list-style-type: none"> <li>Delivers content, analysis etc. - increases specific knowledge</li> </ul>	<ul style="list-style-type: none"> <li>Designs and delivers a (suitable) structure and methodology for learning</li> <li>Visualizes joint outcomes and results</li> <li>Delivers input, if required</li> </ul>	<ul style="list-style-type: none"> <li>Brings structure to a process and steers / leads participants in a process to realise their aim/goal (e.g. to determine a strategy)</li> <li>Visualizes joint outcomes and results</li> </ul>

### Key competences of a trainer / facilitator

**Communication is key! What you say and How you say it...** are equally important parts of communication. They are important in presentations, trainings and facilitation of processes. Content will get lost without presentation/ communication skills and the other way around.

**Body language** might be THE most important skill as a facilitator, trainer and presenter. Communication is about **words, voice tonality** (the way we say the words) and **body language**. Body language is a (non-verbal) communication tool and makes up the most important part of the effectiveness of our communication.

## Dos and don'ts

### Do's:

- Use your hands, arms and facial expressions (body language) when interacting with your participants.
- Establish contact with your audience and participants. Try to address / look at each participant at least once (however, be cautious not to break certain cultural codes in inter-cultural contexts).
- Observe the "energy level" – and intervene if participants are too tired or bored. Adapt the session always to the needs.
- Create a good atmosphere, make your participants comfortable.
- Always open a working session or training with saying/ establishing what it is about, deliver the training and wrap it up by summarising what has been done.
- Establish some common rules if you are going to stay together for a certain period of time.
- Establish what you are going to do, give direction. The following applies to presentations but also to trainings:
  - tell them what you are going to tell them
  - tell them
  - tell them what you told them.

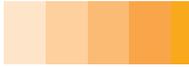
### Don'ts:

- Don't pace, move around too much
- Don't put the hands in the pockets; gestures help people to follow and understand and engage
- Don't talk too much: be aware and use the power of the pause.

## (Adult) Learning

### What is learning?

Learning relates to acquiring new knowledge, skills and attitude. What we have acquired then - with thinking it through as a process of making sense of it - translate into changes. Those changes manifest in either **what** we (are capable to) do or **how** we do it. It might also change **with whom** we are doing things differently from then on. In **doing** (the new) things we deepen our (newly acquired) competence.



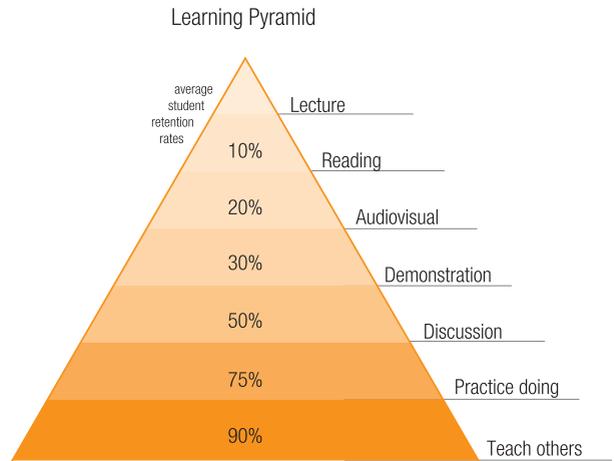
## Factors for learning

There are a number of **factors** that influence our learning process.

### a. Retention

If we train somebody or work with somebody, it is important to realise, how people retain and absorb information they have received. Retention is a crucial factor in the process of how much will actually be translated into change in knowledge, skills and attitude.

**Forms of presentation, addressing different senses** plays a crucial role, as the earlier graph illustrates.



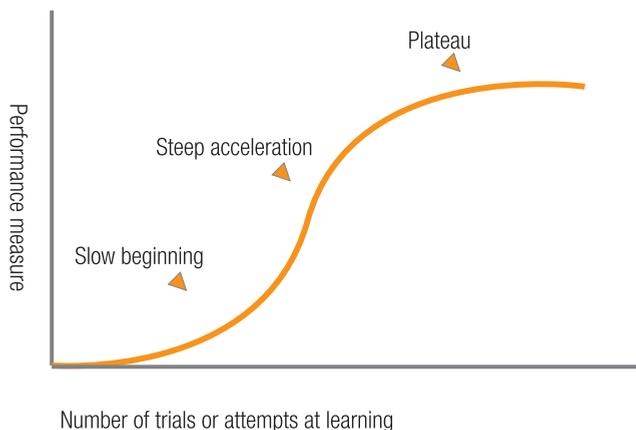
Source: National Training Laboratories, Bethel, Maine

Realising, that what we learn depends largely, on how it is presented to us, in which format and way we get to know it has fundamental consequences for training. It means that lecturing is not efficient at all.

**!** *Always think about how best to integrate different methods and get participants to discuss topics, to do it themselves and in the best scenario, to teach it to others.*

### b. Motivation

Effective learning is affected by motivation. Therefore, learning has to be designed as an active, interesting and motivating process. If participants and stakeholders can determine what is relevant for themselves and the process jointly, their learning will be more intense and create motivation for the further (implementation) process.



### c. Learning curve

Learning is a continuous process and happens in steps, deepened through repetitions and clarifications. Performance increases with attempts or repetitions and over time and often follows an S-curve, slower at the beginning (see figure, source: <http://www.intropsych.com/>).

With repetition and deepening of the implementation, the learning of all stakeholders involved will increase. However, it is not an automatic process and might require repeated sessions, discussions and clarifications.

## I.III How to train: methodology and tools

### Plan a training/working session: How to (organisational aspects & content)

A training or a working sessions needs to be planned in advance. Keep in mind the following steps:

- Plan goals - what is the purpose of the session
- Decide who attends (based on the purpose)
- Decide where & when
- Create an agenda
- Invite participants (organisational aspect)
- Prepare a session plan for a clear structure, methodology (facilitator's responsibility)
- Formulate learning objectives (what are participants able to do upon completion).



*Take into account when planning your session(s) that the average attention span lasts **1.5 hours**, not longer! Schedule in breaks accordingly.*

### Methodological tools

Be aware of the fact that the use of different methodological tools determines your outcome and the learning curve of your participants. Therefore choose and plan a mix of methods, appropriate for the sessions. This curriculum offers you a wide range of possibilities to choose from.

 *Vary the methods so that participants don't get bored. It needs to be a good mix of input (from you, also during group discussions, if you see that participants don't get it right), group work, plenary discussions and cases or even role-plays.*

Make sure to always visualise (and have participants visualise) the findings and discussions. Important considerations evolve as well around whether you want a group to find a solution or express/find a joint opinion or solution while discussing an issue or to bring out opinions of some individuals. A role-play for example is suitable for situations people would assume they know everything about. A case can help to structure a discussion and bring out specific issues.

Some important methodologies and tools to be applied in order to support the learning process are:

- Discussions (direct questions asked to participants in plenary, moderated discussions, plenary discussions)
- Buzz groups (small, quick discussion groups of 2-4)
- Documentation of joint discussions (e.g. on flipchart, whiteboard or computer via projector – in this case it needs to be somebody else writing it down than the facilitator, etc.)
- Brainstorming (in groups or in plenary)
- Audiovisuals – short movies etc.
- Group work (with debriefing to the others)
- Case studies
- Role play / Simulation
- Metacards (coloured cards. Using them can facilitate individuals expressing their opinions independently from a group. It can also help to visualize and cluster certain themes and topics)
- Presentations / input
- Mind maps
- Scenario development

 *Whenever you use a method or want your participants to do something specific, be clear about what you want them to do. Write down what they should do or questions they should discuss or distribute descriptions of cases etc.*

- **Use of material.**

Use whatever material you can get, whiteboards, pin boards etc. can be used too, but make sure to photograph so not to lose the work when wiping it. If you photograph make sure to number your flipcharts or boards. In general: be creative, there are no limits!

- **Seating arrangements.**

If you are trying to get people to work across institutions and discuss issues of common interest etc., you have to get them to mix up as people tend to sit next to the person they work with or they already know well. Depending on your goal, ask participants to change seats. The same applies if only women and men sit together, in that case, ask them to mix as evenly as possible.

- **Division of participants in groups.**

If people already sit mixed, just divide sections. If you need them to mix up again, as they have been with the same people all along, let them count out loud the number from 1-x (being the number of groups you need). Assign corners or places for each group.

- **Know what you are talking about.**

As a facilitator, you have to be familiar with the topic you are facilitating on, even if you facilitate a process and a working session. If questions arise, you will have to answer them or direct the participants in clarifying the issues they feel uncertain about.

*Close each session accordingly (this is not reflected in the curriculum at the end of each session, as it depends on whether a session is used independently or many in a sequence.) Closing a session or training means to wrap up what has been discussed.*

## **I.IV Setting the ground for a training**

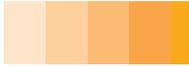
Each training needs a good start, especially if you are going to hold an interactive training with group work, discussions etc. It is therefore paramount to create a good atmosphere and an open and trustworthy working environment.

Some elements, to do this, include the following:

- **Welcome and presentation of trainer and participants**

Plan for a short welcome, either by you or someone official from e.g. the institution, which is inviting the participants. Present yourself with some basic information (Name, position, working area, expertise etc.).

Depending on the group, ask participants to shortly introduce themselves or introduce themselves to the neighbour and the neighbour then gets to introduce the other person



(this is especially relevant, if you have a training that lasts longer than a day, as you also need people to get to know each other).

- **Overview of the agenda**

Provide the planned structure of the training session or day/s on a flipchart and present it to the participants. Ask for their agreement.

- **Expectations of the participants**

Ask the participants for their expectations. You can do this in plenary by asking them to come forward and express them. However, providing them cards to write them down usually provides them more thinking time and you might get more of their real thinking, as they do not have to voice it in front of the group. Depending on the participants you can ask them to come forward and pin them down on a pin board or wall or you collect them and cluster them while putting them up yourself, reading them out loud.

This helps you as well to clarify if expectations do not match what you have prepared, fall into a different field of expertise or simply cannot be covered in the timeframe available. You will however be able to see the main focus of the participants and can, if possible and necessary, adapt your programme to it.

- **Rules**

Prepare a flipchart and either ask them to come up with rules everybody would want to be respected, such as mobiles on silent, no interruption of speech etc. or develop the rules already and present them. Ask for their contributions.



## Section II: What is THB?

### I. Introduction to THB

**Topic:** THB - opener

**Learning objective(s):**

- Participants are sensitised on THB that can affect anyone.



10-15 min

**Methodology:** Video and discussion.

**Material required:** Video, computer, screen, sound, flipchart paper, marker

**Procedure:**

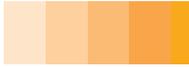
1. Video spot UN GIFT, Emma Thompson – Voices of the victims. Show the following video from YouTube: <http://www.youtube.com/watch?v=3-EYIY287LI>.
2. Ask the participants to share their feelings and observation on what they have seen. Ask them, what the spot tells about trafficking, was it only one person, one story, one form? What did they hear?
3. Document their responses on a flipchart.

**Key message(s):**

- THB is a crime committed against an individual and can happen to anyone.

**Notes for the facilitator:**

- Prepare your material beforehand (e.g. video or internet connection and sound or download the video to your computer, check its quality!).
- Create an atmosphere where participants can share their thoughts and impressions.
- Read Annex I, background material, Section 1.



## II. Root causes and effects of THB

**Topic:** Underlying causes of THB and its effects.

### **Learning objective(s):**

- Participants have identified and can name root causes and possible effects of THB, pull and push factors.



15-30 min (depending on the methodology chosen)

**Methodology:** Plenary discussion based on cards filled

**Material required:** Brown paper or glued flipchart paper, pinboard (you can also do it on a wall and use masking tape to stick the cards), coloured cards and marker.

### **Procedure:**

1. Preparation: Paint a tree with roots (root causes), a short trunk (place a card with THB on it there) and branches (effects). Allocate two different coloured cards to the roots and the branches by placing one in that area.
2. Introduce the topic by outlining that THB happens within our societies and usually has underlying reasons, root causes, as well as effects on society and the individual.
3. Distribute the two different coloured cards for causes and effects to the participants.
4. Ask them to get together with their immediate neighbour or neighbours and come up with the causes and effects.
5. Collect them and pin them or ask them to pin them on the tree.
6. While going through the cards point out the fact that there are push and pull factors involved (see background material, section 2. in Annex I) and mark them out.
7. Add, if some factors are missing.

### *Variation:*

8. To shorten time, develop a tree or matrix yourself and ask for additions. This will shorten the session to 15 minutes.

### **Key message(s):**

- Root causes for THB are based on push and pull factors in both countries of origin and destination.

- The complex causes need to be addressed by the wider policy framework in both origin and destination countries, including economic opportunities and migration laws in both countries of origin and destination.
- THB often originates in a migration issue; it however cannot be treated as a pure migration case, but is to be treated as the crime it is, including protection and assistance to the victim.

**Notes for the facilitator:**

- Make sure you keep the time during this exercise!

***Facilitator’s help:***

(See more, especially on push and pull factors in Annex I: Background, section 2.)

**Root causes**

THB is highly profitable economic crime that is based upon the principles of supply and demand and which exploits a serious of “push and pull” factors in the countries of origin and destination.

- **Within countries/places of origin**, there are numerous circumstances that literally push people to leave their homes, such as: Poverty, lack of education, lack of legitimate employment opportunities, gender discrimination, domestic violence, dysfunctional families, civil or military conflicts, Impact of transition on countries, perceived lack of opportunities or alternatives, lack of legal migration opportunities;
- **Within countries/places of destination**, the attractive living conditions and the demand for services pull people to leave their homes looking for a better life: expectations of employment and financial gain, access to better services and benefits in countries/places of destination, improved social position, perceived glamour in western societies, expectations for opportunities to support families in countries of origin.

**Concerning both countries of origin and of destination:**

- Restrictive legal migration and labour opportunities, corruption;
- Lack of awareness in countries of destination regarding the problems that migrants face;
- Migrants are often unaware of their rights in the countries of destination and their fear of state authorities makes them vulnerable to abuse and exploitation;
- Possibility for traffickers to generate huge profits by taking advantage of this “supply and demand” situation.

Though THB can be seen very much as a migration-related concern, and the root causes of trafficking correspond to a certain extent to the root causes of migration, trafficking should be regarded as a serious crime rather than a mere migration issue.



Furthermore, THB is not just a transnational phenomenon, but it also happens within the state borders. People move internally to seek better opportunities from a less developed region/place of origin to a more developed one.

### **Effects**

The effects of trafficking need to be considered on both an individual as well as on society. Victims suffer deep psychological disorders that they struggle with for the rest of their lives even if they have been rescued. In most of the cases, they struggle to gain acceptance in society from the stigma after being rescued. Furthermore, once organised human trafficking has gained a foothold within a State or a region, it will undergo rapid growth and pose serious risks to the stability of the affected countries. Main effects are: increased violence among organised crime groups with a financial stake in existing sex and labour markets; economic de-stabilisation through growth of money laundering; demographic de-stabilisation; growth of public sector corruption etc.



### III. Guiding principles of an anti-trafficking response

**Topic:** The principles should form the conceptual framework for the design and implementation of a comprehensive anti-trafficking response.

**Learning objective(s):**

- Participants / stakeholders know which principles guide an anti-trafficking response and have understood the meaning and importance of each guiding principle.



20-30 min

**Methodology:** Discuss the principles quickly in small groups (buzz groups).

**Material required:** Cards with the principles written on it.

(prepared, see principles in the handout. You can use the handout for your own reference or print it and provide it to the participants afterwards).

**Procedure:**

1. Form six small groups.
2. Hand each group one card with a guiding principle (see handout).
3. Write on a flipchart what they should discuss in relation to the principle given, e.g.:
  - What does the principle assigned to you mean for the design of an anti-trafficking response?
  - Why is it important (give specific examples of e.g. improved/different type of assistance or response if the principle is observed)?
4. Give the participants 5 minutes to discuss the questions.
5. Let each group report back to the plenary on their thoughts around the principle they were assigned (max. 2-3 min each). Document the points they are raising on a flipchart.
6. Add, where important aspects have been left out (or correct in case of misinterpretation based on the handout, which you also provide to the participants).

**Variation:**

Provide the handout to the participants and let them present the principle assigned to their group to the others, based on the handout.

**Key message(s):**

- The guiding principles apply to an anti-trafficking response guide its successful implementation.
- Everybody involved in the anti-trafficking response is responsible for their fulfilment.

**Notes for the facilitator**

- Explain the tasks, procedure and time frame clearly to the participants.
- Have all participants participated and expressed themselves?
- Ensure the participants all understand the key messages of this session.

## Handout: Guiding principles for an anti-trafficking response

An anti-trafficking response should be based on and take into account the following guiding principles:

- **Human Rights-Based Approach**

Any local, regional, national anti-trafficking response must be based on the international human rights standards to promote and protect the human rights of any potential trafficked person. Therefore, state actors and all duty bearers (i.e. law enforcement agency, the judiciary, social affairs offices) have the obligation to respect, protect, fulfil, and promote the full range of civil, cultural, economic, political, and social rights every person holds and is unconditionally entitled to enjoy. This approach must be equally adopted by non-state actors (i.e. NGOs, civil society organisations and associations, IOs) engaged in the anti-trafficking field to ensure that the services provided fully respect and promote the rights of the assisted persons. A human rights-based approach places the rights of the individual at the centre of any anti-trafficking activity and policy and it envisages:

- The observance of international human rights standards;
- The respect of the principle of non-discrimination;
- The standard setting and accountability;
- The recognition of trafficked persons as subjects and holders of rights;
- The full participation of and consultation with all concerned actors, including trafficked persons, in the development of anti-trafficking strategies and policies;
- The adoption of a gender, age, and cultural specific perspective in the counter-trafficking policies and services.



Human rights apply to children as to any other human being. In particular, States shall treat trafficked children as children first and foremost, in full adherence with their fundamental rights as enshrined primarily in the UN Convention on the Rights of the Child (1989). In particular, the core principles of the best interests of the child, non-discrimination, the right to life, survival development, and participation are particularly relevant.

- **Government Ownership**

The government has full responsibility and participation for the design and implementation of the national anti-trafficking response. As a result, local, regional and national administration actors engaged in activities to prevent and fight human trafficking and to provide support to trafficked persons must actively be involved in the local, regional, national referral mechanism or the equivalent anti-trafficking coordination structure and must regularly and promptly cooperate according to the standard operating procedures (SOPs) jointly developed and adopted with the non-state actors. Ideally, the government ownership should result in the formal adoption of the SOPs.

- **Civil Society Participation**

The competent NGOs, non-state organisations and associations are usually active contributors in the anti-trafficking response. They play a crucial role as service providers in supporting trafficked persons in the process of identification, short- and long-term assistance, social inclusion, and voluntary assisted return and during criminal and civil proceedings. They must be involved in the decision-making process by taking part in the design and implementation of the anti-trafficking strategies and policies. The civil society organisations must be free to assist trafficked persons regardless of the will of the latter to co-operate or not with the competent authorities. Their access to funding must not be dependant on the collaboration between the assisted trafficked person and the law enforcement agencies. The civil society organisations must be part of the local, regional, national referral mechanism or the equivalent anti-trafficking co-ordination structure and must regularly and promptly co-operate according to the standard operating procedures (SOPs) jointly developed and adopted with the state actors.

- **Multidisciplinary and cross-sectoral approach**

A wide range of state and non-state actors with distinct knowledge and expertise should be systematically involved in the design and implementation of all anti-trafficking services provided to trafficked persons. Clear responsibilities and mandates must be defined to work jointly according to agreed procedures and quality standards of assistance.

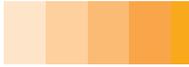
- **Best interest of the child**

These must be a primary consideration in all actions concerning potential trafficked children. An assessment of best interests must be based on the individual circumstances of each child and must consider her/his family situation, the situation in their country of origin, their particular vulnerabilities, their safety and the risks they are exposed to and their protection needs, their level of integration in the country of destination, and their mental and physical health, education and socio-economic conditions. These considerations must be set within the context of the child's nationality and their ethnic, cultural and linguistic background. The assessment of the child's best interests must be a multi-disciplinary exercise involving relevant actors and undertaken by specialists and experts who work with children.

- **Transparency and accountability**

Any referral mechanism for victims of trafficking should provide complaint procedures to effectively enable trafficked persons to raise allegations and be entitled to reparations whenever their individual and human rights have been violated at any stage of their identification and assistance process.

(Source: ICMPD 2010: TRM Guidelines)



## IV. Definition of THB and the international legal framework

**Topic:** Definition of THB and the international legal framework.

### Learning objective(s):

- Participants are aware of the international legal framework in relation to THB.
- Participants know the three elements of the THB definition.



15-20 min

**Methodology:** presentation and discussion.

**Material required:** Computer, screen, PPT-presentation on the relevant international legal framework, flipchart paper, marker.

### Procedure:

1. Ask the participants in plenary whether they know about the legal framework that defines THB, e.g. if they have heard about where it is defined. This can be the international or the national legal framework. Document their answers on a flipchart. You can also ask them to first discuss in pairs or three to four people where they think or know THB is defined internationally (and nationally). Give them five minutes and then ask them to report back to the plenary. Document what they say on the flipchart.
2. Complete the overview of the relevant international legal framework using your prepared presentation (short overview of the relevant international and national legal framework, see facilitators help and Annex, section 3 for more information and links).
3. Present and go through the definition from the Palermo Protocol and the EU Directive on preventing and combating THB and protecting victims (hereinafter referred as EU Directive on THB). Show the table on the Acts, Means and Purposes. Clarify and emphasize, that all three elements have to be present in a case of trafficking. Explain, that the definition of the Directive is based on the Palermo Protocol but it adopts a broader concept of what should be considered THB and includes additional forms of exploitation.
4. *Addition or variation:* If your participants are knowledgeable about the national legal framework and the THB definition you can engage them in a further guided discussion on differences and similarities of the international and the national definition of THB.

**Key message(s):**

- A case only qualifies as trafficking, if all three elements, acts, means and purpose, are present.
- Most of the definitions adapted in national legal frameworks follow the Palermo Protocol definition.
- Consent is a crucial issue in the identification process of human trafficking cases. Not all human trafficking happens without initial consent; however, all trafficking in human beings is undertaken without valid consent (as defined in paragraph b. of the THB definition).

**Notes for the facilitator:**

- Refer to the background material in Annex I, section 3, links to the international legal frameworks relevant to THB, in case you need a refresher.
- Try to get people engaged, as definitions are usually difficult to grasp. Balance the existing knowledge in the group, if some are very knowledgeable, for example in law texts, use their knowledge and input, but let the others still learn and participate and raise their questions and concerns.

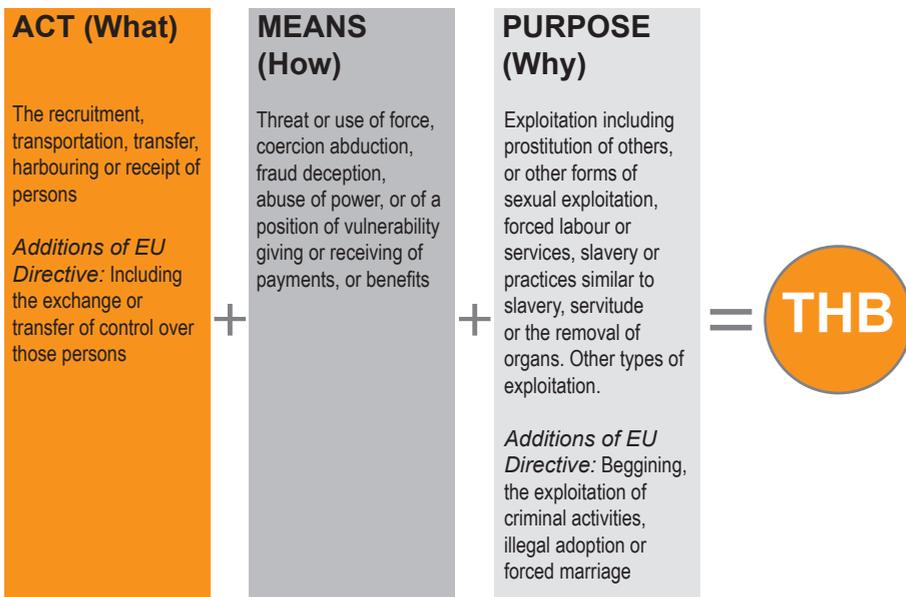
***Facilitators’ help:***

**Trafficking definition in the Palermo Protocol:**

- (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) “Child” shall mean any person under eighteen years of age.” (Art. 3)

## Trafficking definition in the EU Directive on THB (2011)

1. Member States shall take the necessary measures to ensure that the following intentional acts are punishable:
2. The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those 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.
3. A position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.
4. Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs.
5. The consent of a victim of trafficking in human beings to the exploitation, whether intended or actual, shall be irrelevant where any of the means set forth in paragraph 1 has been used.
6. When the conduct referred to in paragraph 1 involves a child, it shall be a punishable offence of trafficking in human beings even if none of the means set forth in paragraph 1 has been used.
7. For the purpose of this Directive, 'child' shall mean any person below 18 years of age.



## V. Definition of THB - Cases

**Topic:** Identification of cases of THB, based on the definition (in relation to session III).

### Learning objective(s):

- Participants are able to identify a case of THB based on the definition priority discussed and analyse and recognise the elements.



45-60 min (depending on the number of groups and cases = presentation time)

**Methodology:** Group work with cases.

**Material required:** Trafficking process on PPT or flipchart, printed cases (handout), flipchart paper for the groups, marker.

### Procedure:

1. Present the trafficking process to the participants (PPT or on a flipchart with explanations, see facilitators help and Annex, section 4).
2. Thereafter ask the participants to form groups (number is depending on the number of participants you have. If it is a small group you can also ask 1 person to work on a case, but you should not have more than 5 participants in a group).
3. Distribute the cases among the groups.
4. Write down their task on a flipchart (see following bullets) and send them to work. Give them 10-15 minutes to complete the task:
  - Read the case carefully
  - Identify the three elements **Acts, Means, Purpose** throughout the case and document them on a flipchart. (Encourage them to use the format of the table of acts, means and purpose and to identify the different elements in the case therein)
  - Identify, based on your analysis, if it is a THB case and/or what type of trafficking/exploitation it is (e.g. for sexual exploitation, labour exploitation, domestic servitude, child trafficking for x purpose etc.)
  - Name a presenter in your group
  - Present your findings to the group (5 min per group)
5. Have the groups present their results. Keep their timing.
6. Clarify any misinterpretation or questions from the groups and add relevant information or explanations, where adequate and necessary.

### Key message(s):

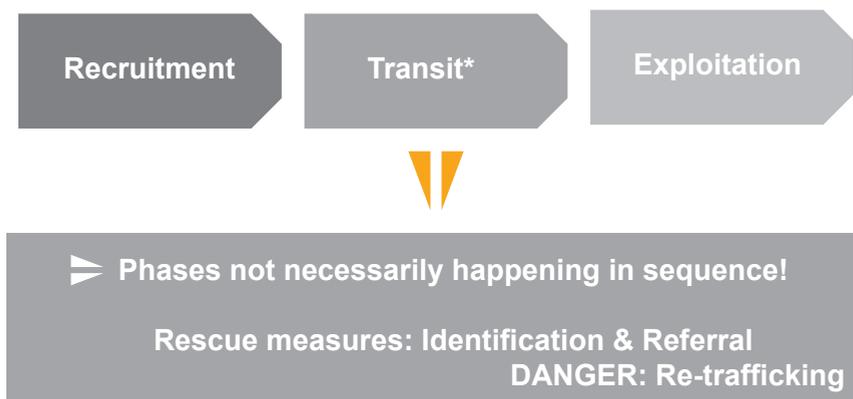
- We must be aware that the elements are not immediately visible at the first contact with the victim!

- THB has to be understood as a criminal process rather than as a criminal action. A case only qualifies as trafficking, if all three elements are present. However, this is not always clear-cut and easy to determine. In real life it will require adequate investigation and information gathering on how it actually happened and what happened to the victim throughout the process!
- If a minor is involved (below the age of 18), it automatically qualifies as a child trafficking case - even in the absence of the “means”.
- A labour exploitation case does NOT automatically qualify as a trafficking case, therefore thorough analysis of the elements present and the context is required!

### Notes for the facilitator:

- Ensure that the definition and the three elements are clear to all participants!
- Clear up any misinterpretations in the analysis of the cases!

*Facilitator's help:* The trafficking process and analysis of trafficking cases



\*The example being used involves transit/transportation; however this is not a required element for trafficking to occur.

Use this picture on a power point slide (copy it from adobe reader using the snapshot tool).

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

The phases can overlap or happen several times.

Whenever a victim is identified, rescued and referred, the danger for the victim of being re-trafficked is eminent and has to be avoided at all costs by the institutions and services involved. This includes being aware that an apparent friend or relative could be the trafficker, male or female!

## Trafficking in Human Beings Training – Case I

Krasimir lives in Eastern Europe and is 10 years old. He lives with his parents, two older brothers, one younger sister and his grandparents. His father, Nikolay, is unemployed and an alcoholic. His mother is sick and also unable to work. Krasimir's older brothers are also unemployed. The family has constant struggles with money and their father beats Krasimir and his siblings regularly.

One day, Nikolay's old army friend, Iliya, comes over. He **promises Nikolay € 150 a month if he will “rent” Krasimir to him to beg** *[Act, recruitment; for the purpose of begging, exploitation]* in a Western European capital city. Iliya promises to pay for Krasimir's accommodation and food and promises to take care of him. **Nikolay agrees.**

One week later, **Iliya comes to pick up Krasimir and gives his father 100€ in cash** *[Iliya: Act, recruitment and Means, giving payment; Father: receiving payment]*. There are three other boys in the van with Krasimir. First they **stop to get passports from the passport authority**. With the passports, **they cross the border** *[Act, transportation]*, but the border guards don't stop Iliya, they just wave him through with a smile. The next morning, the five of them arrive at their destination. Iliya takes them to an **apartment where the three boys share one room** *[Act, harbouring]* and Iliya has another room. Iliya **gives the boys each a copy of their passports and holds onto the originals** *[Means, abuse of power]*. The next morning they “start work.” Each day, they go to a different place to beg, Iliya tells them where and escorts them there. They have to beg from 9am to 6pm every day and then find their ways home. **If they earn less than € 40 per day, they get beaten by Iliya** *[Means, threat and use of force, coercion; Purpose, exploitation and forced child labour]*. They are given enough food by Iliya and there is no sexual abuse.

Krasimir is not allowed to phone his family and does not know how long he must stay. Iliya tells them if they are picked up by police to say that they are tourists and waiting for their father. Iliya **threatens that if they gave any information to the police, he would injure the whole family** *[Means, threat]*. (Source: case from UNODC 2009: 16f)

*This is a child-trafficking case, Krasimir is 10 years old. All three elements are present. Iliya pays the father, and gives him money, beats the children or threatens to beat them and threatens to injure the whole family – all of them are MEANS. However, even if he would NOT do that, it is still a trafficking case as in child-trafficking the MEANS are not a necessary prerequisite.*

## Trafficking in Human Beings Training – Case II

An advert is placed by a recruitment agency in a local newspaper in a town. It **promises good wages for cleaners and domestic servants in another country. All visa and other migration requirements will be taken care of.** *[Recruitment instrument – part of the Act]* A young woman applies. She is worried because she thinks she may have to pay a fee. **She is told not to worry because all fees will be taken care of when she arrives at the destination.** *[Act, recruitment and the Means, fraud and deception]*

Reassured, she agrees to be flown to the developed country for the promised work. She is **taken to the airport, provided with a passport and given instructions that she will be met at the other end by the agency's staff.** *[Act, transfer]*

When she arrives *[Act, transportation, implicit]*, she is met by a man and a woman. She is told she must hand over her passport as security *[part of the Means, abuse of power]*. She is driven to a large house where she is told she must work as a servant. **Money is exchanged between the "staff" from the "agency" and her new "employer".** *[Means, giving or receiving of payments]*

Before they leave, she asks the "agency staff" about her wages. She is told she will be paid a wage but will have to pay for accommodation and food. She asks about when she will get her passport back. She is told she will get her passport back once she has reimbursed the employer for the costs of recruitment. She is further told it will be possible to save money from her wages to pay back the fee the "employer" has paid and the transport costs. *[Purpose, exploitation, forced labour]*

As the weeks go by the amount "owed" increases because she is paid little and the cost of food and accommodation is high. *[Means, debt bondage]* For every small mistake she receives a slap. *[Means, use of force, abuse of power]* She has no alternative but to work for 14 hours per day, seven days per week. *[Purpose, exploitation through practices similar to slavery]* (Source: UNODC 2009: 14)

*This is a domestic servitude trafficking case. All three elements are present. There is debt bondage and she cannot move freely, her passport is being withheld etc.*

### Trafficking in Human Beings Training – Case III

A group of 60 workers had been recruited by a local employment agency in Tajikistan to work for a well-known construction company *[Act, recruitment]* in Poland.

Once in Poland the workers were told to perform different work *[Means, fraud, deception]* than that which they had been hired for and were not told what their salary would be. **They were able to move around freely.**

When they demanded their salaries after a month of work, the **Polish company told them, the Tajik employment agency had to pay them. The Tajik agency said the Polish company would pay.** *[Purpose, exploitation – but NOT forced labor or slavery-like conditions!!!]*

Those workers who were able returned home by their own means *[workers were able to go and leave, even if on their own means]*, some stayed in Poland, others left for the Russian Federation and were detained there for illegally crossing the border.

(Source: case adapted from Madler 2010: 5)

*This looks very much like a trafficking case for labour exploitation. However, the way the case is told, there is no exploitation in slavery like conditions or forced*

*labour involved. It rather could be a labour exploitation case that involves fraud and deception, but the worker can leave and move around freely! Depending on different legislations, interpretation and reading, some agencies would however treat it as a trafficking case.*

## Trafficking in Human Beings Training – Case IV

A 25 year-old Macedonian woman, Anita, has been dating a Macedonian man, Goran, for three weeks. **He has told Anita that he is in love with her and wants to marry her.** *[Act, recruitment as part of the Purpose, for exploitation; Means, deception]*

To Anita, this is a dream come true because her family is very poor and cannot provide very much for her. Anita has been out of work for a year.

Goran proposes to take Anita to Italy to celebrate their engagement. Anita is at first reluctant because she has never been out of the country and does not speak Italian. **Goran promises to take care of her. He refuses to tell Anita where they are going because he says it should be a surprise.** *[Means, deception]*

Once they arrive in Italy, **he takes her documents and forces her to work as a prostitute.** *[Means, takes documents, force; Purpose, exploitation, prostitution of others]*

If she tries to leave, **Goran threatens to take her sister in her place** *[Means, threat]*. He also **threatens to tell Anita’s family, and the village, that she has been prostituting herself voluntarily.** *[Means, threat]*.

(Source: case from ICMPD 2006: Anti-Trafficking Training for Judges and Prosecutors - Curriculum and Handbook)

*This is a trafficking case for sexual exploitation, prostitution purposes. All three elements are present.*

## Trafficking in Human Beings Training – Case V

A young woman went to the market in Bishkek to seek employment. **She was told there was a job as a nanny in a house in the outskirts of the city and that she should go there to apply for the job.** *[Act, recruitment and transfer]*.

When she went there to see the family and present herself for the job, **she was locked up for months and forced to have sex with clients brought to the house.** *[Means, use of force, abduction; Purpose, exploitation, prostitution of others]*. After becoming pregnant, she was finally able to escape with another girl who was similarly imprisoned.

(Source: case from HRC Report 2012: 10)

*This is an INTERNAL trafficking case. All three elements are present. No border crossing is required for it to qualify as a trafficking case.*

## Handout: Trafficking in Human Beings Training – Case I and elements of definition

Krasimir lives in Eastern Europe and is 10 years old. He lives with his parents, two older brothers, one younger sister and his grandparents. His father, Nikolay, is unemployed and an alcoholic. His mother is sick and also unable to work. Krasimir's older brothers are also unemployed. The family has constant struggles with money and their father beats Krasimir and his siblings regularly.

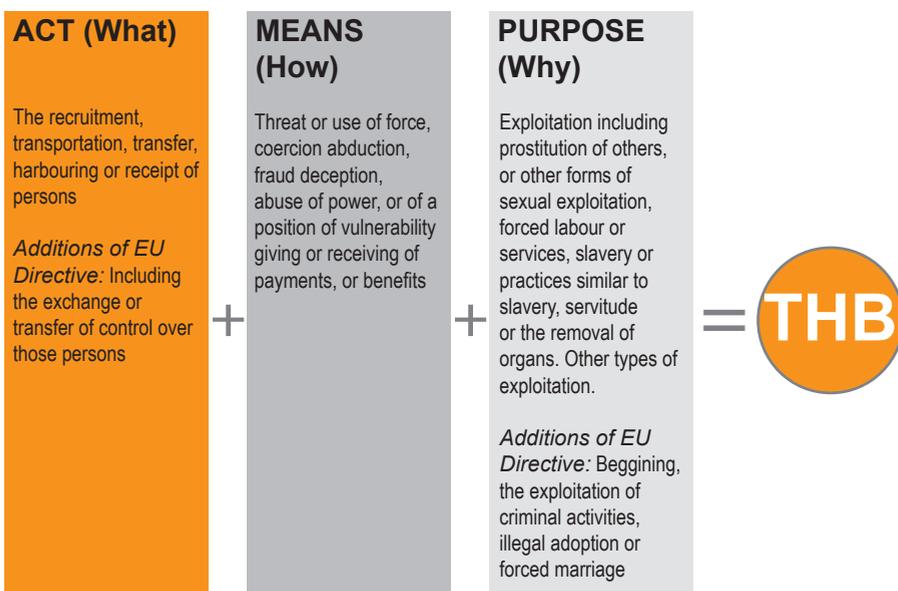
One day, Nikolay's old army friend, Iliya, comes over. He promises Nikolay € 150 a month if he will "rent" Krasimir to him to beg in a Western European capital city. Iliya promises to pay for Krasimir's accommodation and food and promises to take care of him. Nikolay agrees.

One week later, Iliya comes to pick up Krasimir and gives his father 100€ in cash. There are three other boys in the van with Krasimir. First they stop to get passports from the passport authority. With the passports, they cross the border, but the border guards don't stop Iliya, they just wave him through with a smile. The next morning, the five of them arrive at their destination. Iliya takes them to an apartment where the three boys share one room and Iliya has another room. Iliya gives the boys each a copy of their passports and holds onto the originals. The next morning they "start work." Each day, they go to a different place to beg, Iliya tells them where and escorts them there. They have to beg from 9am to 6pm every day and then find their ways home. If they earn less than € 40 per day, they get beaten by Iliya. They are given enough food by Iliya and there is no sexual abuse.

Krasimir is not allowed to phone his family and does not know how long he must stay. Iliya tells them if they are picked up by police to say that they are tourists and waiting for their father. Iliya threatens that if they gave any information to the police, he would injure the whole family. (Source: UNODC 2009: 16f)

### Task:

1. Determine in your group: Is this a trafficking case, yes or no? Justify your answer by identifying the elements, using the table below. Should it be a THB case, what type of trafficking is it?
2. Identify the trafficking phases within this case – recruitment, transportation and transit, exploitation.



## Handout: Trafficking in Human Beings Training – Case II and elements of definition

An advert is placed by a recruitment agency in a local newspaper in a town. It promises good wages for cleaners and domestic servants in another country. All visa and other migration requirements will be taken care of. A young woman applies. She is worried because she thinks she may have to pay a fee. She is told not to worry because all fees will be taken care of when she arrives at the destination.

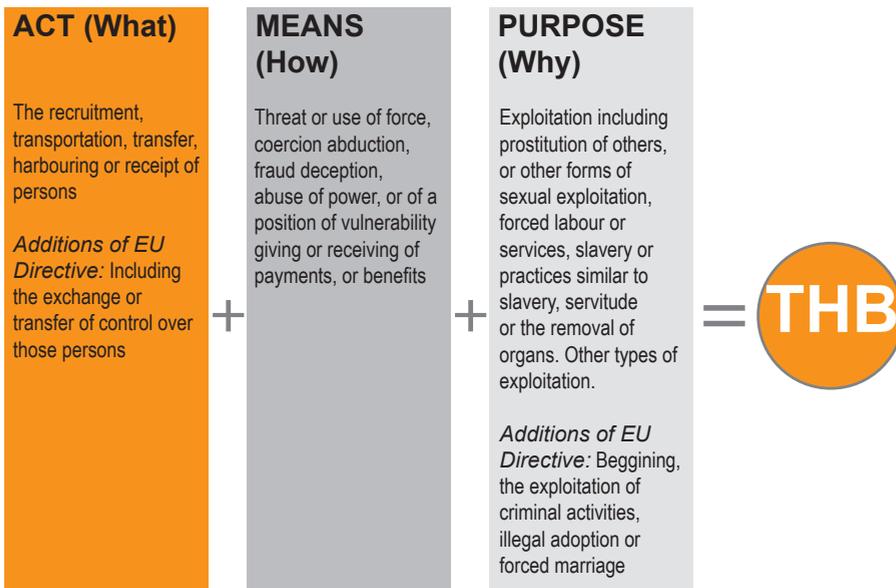
Reassured, she agrees to be flown to the developed country for the promised work. She is taken to the airport, provided with a passport and given instructions that she will be met at the other end by the agency's staff.

When she arrives, she is met by a man and a woman. She is told she must hand over her passport as security. She is driven to a large house where she is told she must work as a servant. Money is exchanged between the "staff" from the "agency" and her new "employer".

Before they leave, she asks the "agency staff" about her wages. She is told she will be paid a wage but will have to pay for accommodation and food. She asks about when she will get her passport back. She is told she will get her passport back once she has reimbursed the employer for the costs of recruitment. She is further told it will be possible to save money from her wages to pay back the fee the "employer" has paid and the transport costs. As the weeks go by the amount "owed" increases because she is paid little and the cost of food and accommodation is high. For every small mistake she receives a slap. She has no alternative but to work for 14 hours per day, seven days per week. (Source: UNODC 2009: 14)

### Task:

1. Determine in your group: Is this a trafficking case, yes or no? Justify your answer by identifying the elements, using the table below. Should it be a THB case, what type of trafficking is it?
2. Identify the trafficking phases within this case – recruitment, transportation and transit, exploitation.



## Handout: Trafficking in Human Beings Training – Case III and elements of definition

A group of 60 workers had been recruited by a local employment agency in Tajikistan to work for a well-known construction company in Poland.

Once in Poland the workers were told to perform different work than that which they had been hired for and were not told what their salary would be. They were able to move around freely.

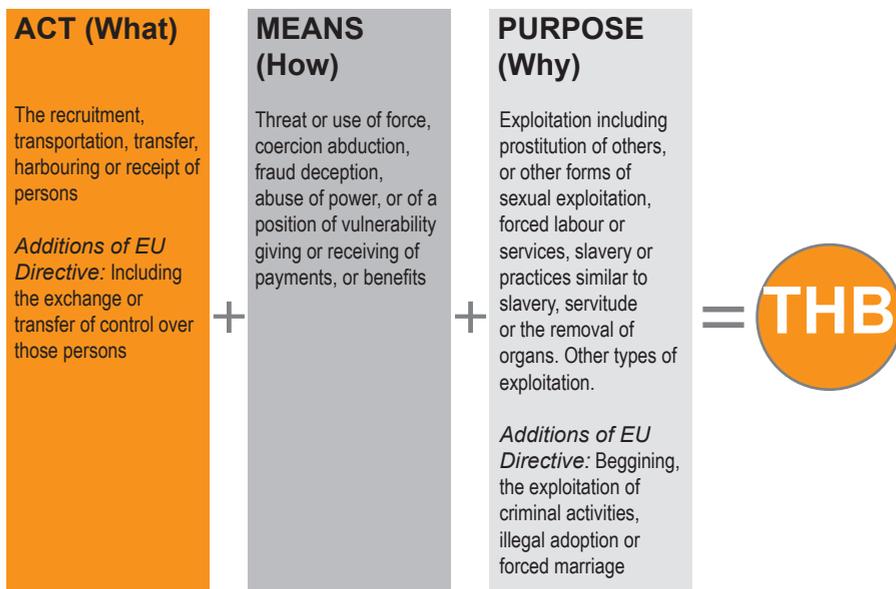
When they demanded their salaries after a month of work, the Polish company told them, the Tajik employment agency had to pay them. The Tajik agency said the Polish company would pay.

Those workers who were able returned home by their own means, some stayed in Poland, others left for the Russian Federation and were detained there for illegally crossing the border.

(Source: adapted from Madler 2010: 5)

### Task:

1. Determine in your group: Is this a trafficking case, yes or no? Justify your answer by identifying the elements, using the table below. Should it be a THB case, what type of trafficking is it?
2. Identify the trafficking phases within this case – recruitment, transportation and transit, exploitation.



## Handout: Trafficking in Human Beings Training – Case IV and elements of definition

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

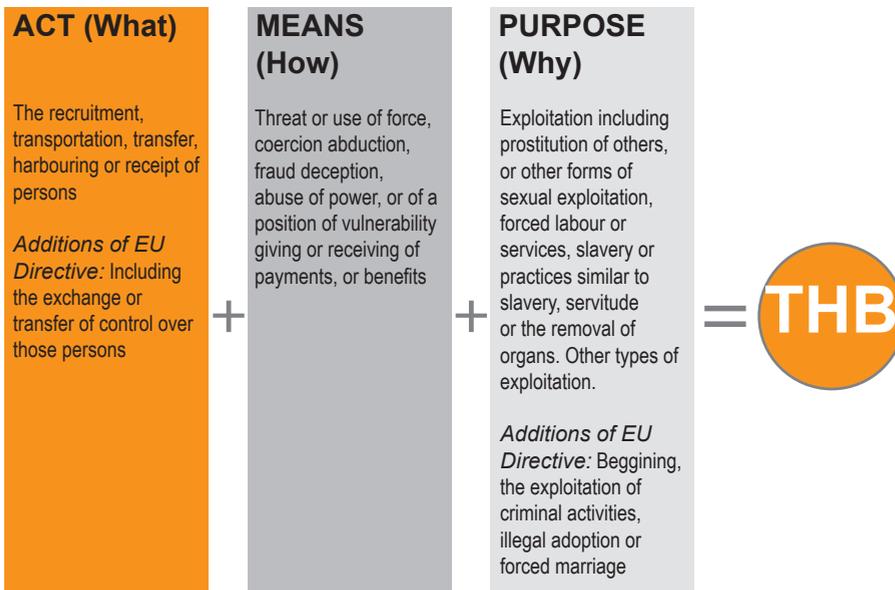
Goran proposes to take Anita to Italy to celebrate their engagement. Anita is at first reluctant because she has never been out of the country and does not speak Italian. Goran promises to take care of her. He refuses to tell Anita where they are going because he says it should be a surprise.

Once they arrive in Italy, he takes her documents and forces her to work as a prostitute. If she tries to leave, Goran threatens to take her sister in her place. He also threatens to tell Anita’s family, and the village, that she has been prostituting herself voluntarily.

(Source ICMPD 2006: Anti-Trafficking Training for Judges and Prosecutors - Curriculum and Handbook)

### Task:

1. Determine in your group: Is this a trafficking case, yes or no? Justify your answer by identifying the elements, using the table below. Should it be a THB case, what type of trafficking is it?
2. Identify the trafficking phases within this case – recruitment, transportation and transit, exploitation.



## Handout: Trafficking in Human Beings Training – Case V and elements of definition

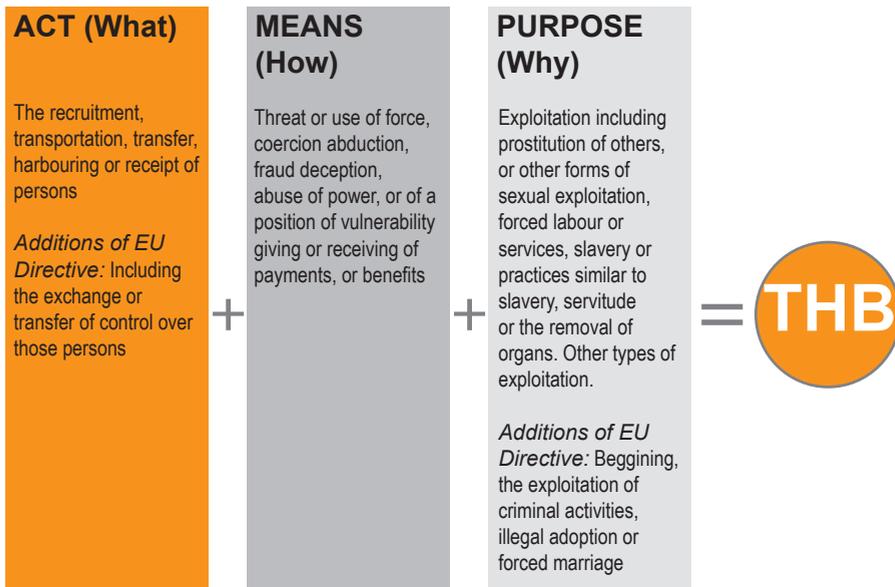
A young woman went to the market in Bishkek to seek employment. She was told there was a job as a nanny in a house in the outskirts of the city and that she should go there to apply for the job.

When she went there to see the family and present herself for the job, she was locked up for months and forced to have sex with clients brought to the house. After becoming pregnant, she was finally able to escape with another girl who was similarly imprisoned.

(Source: HRC Report 2012: 10)

### Task:

1. Determine in your group: Is this a trafficking case, yes or no? Justify your answer by identifying the elements, using the table below. Should it be a THB case, what type of trafficking is it?
2. Identify the trafficking phases within this case – recruitment, transportation and transit, exploitation.



## VI. The difference between THB and smuggling of migrants

**Topic:** Clarify the difference between THB and smuggling of migrants.

### Learning objective(s):

- Participants are able to name and identify the differences between THB and smuggling of migrants.



15-20 min

**Methodology:** Plenary discussion with table and cards or small groups.

**Material required:** Flipchart paper, markers, prepared table on a flipchart and written cards (with only 1-2 key words on it) to be pinned or glued (or table on PPT and/or printed handout).

### Procedure:

1. Introduce the topic shortly: smuggling of migrants and trafficking in human beings are different types of crimes and it is important to distinguish between them in order to render the right services to the victims and avoid re-traumatisation.
2. Show the prepared table on the flipchart. *Variation:* use the handout on a PPT and/or distribute it to the participants (see handout).
3. Fill the table in plenary. With the flipchart table, pin down the corresponding card after the participants have come up with the answer. In general there are different ways of doing it:
  - Ask them to bring the information/what they think forward, discuss it in plenary, put down the corresponding card (see facilitators help for a picture of the filled table).
  - Or: ask them to discuss it shortly with their neighbour or in groups of three.
4. If you feel the answers do not hit it to the point, add where necessary to the flipchart table with the cards, or show the filled table on a PPT and shortly go through it, outlining the points missing in the discussion.

### *Variation:*

If you want you can make a group work of this: groups have to fill in the table. You can have one or two groups fill the smuggling, the other the trafficking columns. You can also distribute the 6 topics to different groups. In case of group work you need to allocate more time to the session, calculating the time they need to work on it and present it.

## Key message(s):

- Smuggling of migrants is a crime against the State. Trafficking in human beings is a violation of the human rights of an individual.
- Smuggling can still result in people being trafficked; therefore smuggling can be part of a trafficking case and process.
- The relationship between the smuggler and migrant ends in principle once the individual arrives in the new country. Nonetheless, people smugglers often (continue to) exploit illegal migrants (through threats and demands for additional fees etc.) and they might collaborate with traffickers and hand people over to traffickers.

## Notes for the facilitator:

- Ensure the concept and difference between smuggling of migrants and THB and the consequences, especially for a victim, are clarified.

## Facilitator's help: Smuggling vs. Trafficking

It is widely recognized that THB is a crime, which is often confused with other crimes such as smuggling of migrants. The consequences of confusing these two crimes can have a serious impact on the welfare of the victims, e.g. when victims of trafficking are confused with illegal migrants or foreigners without regular residence permits.

- It is often difficult to distinguish between smuggling of migrants and trafficking in human beings. The UN Protocols make a distinction between trafficked persons and smuggled migrants.<sup>1</sup> “Smuggling of Migrants” 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 migrants constitutes an illegal border crossing, and is therefore a violation of the integrity of the State. **Smuggling is a crime against the State.** In contrast, **trafficking in human beings is a violation of the rights of the individual and the victims of the crime are the trafficked persons themselves.**

Important differences between smuggling and trafficking include:

- **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<sup>1</sup>. 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

<sup>1</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children” and “Protocol against the Smuggling of Migrants by Land, Sea and Air”. Art. 3a. For the text of the UN Convention against Transnational Organized Crime and the Protocols Thereto see: [www.uncjin.org/Documents/Conventions](http://www.uncjin.org/Documents/Conventions).

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 on-going exploitation of the victims in some manner to generate illicit profits for the traffickers.
- **Transnationality:** Smuggling is always transnational, whereas trafficking may not be. Trafficking can occur in the same country of origin as the victim, or in a different one.

Element	Human Smuggling	THB <sup>13</sup>
Crime	against the State	against individual & human rights
Fight	to protect the state/laws	to protect human rights
Relationship	Commercial - ends	exploitative - continues...
Border crossing	Illegal border crossing: defining element	Border crossing - not necessary
Consent	Consent given	No consent or irrelevant

*Example of the table on a flipchart.*

*Prepare the cards beforehand but only stick them (with masking tape), when the participants have said their answer. Use two different colours as in the picture.*

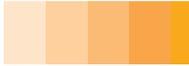
*Introduce the “element” by asking a question, for example, what type of crime is it and against who?, why do we fight it? What type of relationship (between the smuggler and the migrant) is prevalent in smuggling, what is the relationship in trafficking?... etc.*

## Completed table (can be used in a power point)

Element	Smuggling of Migrants	Trafficking in Human Beings
Type of crime	Crime against the State	Crime against an individual Violation of human rights
Why do we fight it?	To protect the sovereignty of the state	To protect the human rights of individuals
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	Border crossing (legal or illegal) not required/part of the definition
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 <sup>1</sup>

**Handout: Trafficking or smuggling – table to fill**

Element	Smuggling of Migrants	Trafficking in Human Beings
Type of crime (against whom?)		
Why do we fight it? (To...)		
Relationship smuggler/smuggled migrant and trafficker/victim (what type of relationship, based on what?)		
Rationale (What is it and to what purpose?)		
Illegal border crossing (is illegal border crossing involved/required?)		
Consent (Consent given?)		



## VII. Cases of THB and smuggling of migrants and the trafficking process

**Topic:** Clarify the difference between THB and smuggling of migrants and the phases of a trafficking process based on cases.

### Learning objective(s):

- Participants are able to identify the differences between THB and smuggling of migrants based on a case.



30-45 min

**Methodology:** Group work based on cases, presentations of results and discussion.

**Material required:** Flipchart paper, markers, printed cases

### Procedure:

1. Divide the participants into groups of 4-6 participants.
2. Distribute and assign the two cases from the handouts: Smuggling or trafficking?. Should you have 4 groups, assign the two cases twice. Give them 10-15 minutes time to work on the case.
3. Write their task on a flipchart:
  - Read the case carefully
  - Analyse, if the case is a smuggling or trafficking case. State your reasons!
4. Have the groups present their results, max. 5 minutes per group.
5. Add and/or correct, where necessary.

### Key message(s):

- Smuggling can happen as part of trafficking, however it can also happen solely as a crime against the state. Nonetheless, the vulnerable situation of smuggled people as illegal migrants facilitates their exploitation by traffickers.
- A case therefore needs to be properly assessed and analysed, taking into account the differences learned in the previous session.

**Facilitators' help:** Analysis of cases

## Handout: Smuggling of migrants or THB? – Case 1 - Smuggling

An advert is placed in a local paper that says that an agency can arrange travel to another country where there are good opportunities for agricultural labourers, factory workers, waiters and chefs. A man sees this advert and makes contact. He is told the fee will be \$US 10,000. He will be transported by truck to a neighbouring country from where he will be flown directly to the destination country. All immigration documents will be provided. He takes loans from his family, works hard at three jobs and after 18 months gets the money together. He pays this to the agency and sets off on his journey.

Travelling by truck with ten other people at first, he is surprised to find they go to a seaport and not an airport. He and the rest of the group are told to leave the truck and hide in scrubland at the edge of the port until someone comes for them. Two days later, having lived on scraps of food from trash bins, a man contacts them and they are smuggled aboard a ship. Over the next 12 months similar methods of transport are used. The group stays together, but one man dies and has to be left at the roadside in country they pass through.

Eventually, the group is in a truck, when it stops. The back doors are opened and they see they are in the middle of a city. They are told they have arrived and must get out. The man asks about the passport he was promised. He is told not to make trouble and he now has to find his own way. The truck leaves, and the group disperses quickly into the city.

Three days later, together with two other men from the group, he finds work picking potatoes. He is allowed to live in farm buildings with other workers. He is paid very low wages by the standard of the destination country.

### Questions:

Is this a case of THB or smuggling? State your reasons.

**This case is not a trafficking case, but a smuggling case.** “The back doors are opened and they see they are in the middle of a city. They are told they have arrived and must get out. The man asks about the passport he was promised. He is told not to make trouble and he now has to find his own way. The truck leaves, and the group disperses quickly into the city.” **The people are free to go. There is obviously some fraud in this case, as they are not given the passports as promised, the route is not as promised etc. However, they are free to go and are not being kept or exploited in slavery-like conditions after their arrival. The work the man finds is not well paid etc., which might also be based on the fact that he does not possess the necessary paperwork and can therefore be easier exploited. But it is not being kept, not being sold into exploitative work.**

## Handout: Smuggling of Migrants or THB? – Case 2 – Trafficking in human beings

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

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

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

### Questions:

Is this a case of THB or smuggling? State your reasons.

**This is a THB case. All three elements (act = recruitment and transportation for the purpose of exploitation of the prostitution of others; means = deception, fraud, threat, debt bondage; purpose = exploitation for prostitution) according to the trafficking definition are present. Ana is being smuggled into the country by her traffickers, but she is a victim of trafficking and is therefore not committing a crime against the state but needs adequate attention and support. She wanted to go and work in another country and pays for everything to be arranged (transportation, travel documents).**

**She is promised different work, she is deceived, money is being exchanged for her, she has to prostitute herself and is kept in debt-bondage and the physical integrity of her daughter is being threatened.**

## Handout: Smuggling of Migrants or THB? – Case 1

An advert is placed in a local paper that says that an agency can arrange travel to another country where there are good opportunities for agricultural labourers, factory workers, waiters and chefs. A man sees this advert and makes contact. He is told the fee will be \$US 10,000. He will be transported by truck to a neighbouring country from where he will be flown directly to the destination country. All immigration documents will be provided. He takes loans from his family, works hard at three jobs and after 18 months gets the money together. He pays this to the agency and sets off on his journey.

Travelling by truck with ten other people at first, he is surprised to find they go to a seaport and not an airport. He and the rest of the group are told to leave the truck and hide in scrubland at the edge of the port until someone comes for them. Two days later, having lived on scraps of food from trash bins, a man contacts them and they are smuggled aboard a ship. Over the next 12 months similar methods of transport are used. The group stays together, but one man dies and has to be left at the roadside in country they pass through.

Eventually, the group is in a truck, when it stops. The back doors are opened and they see they are in the middle of a city. They are told they have arrived and must get out. The man asks about the passport he was promised. He is told not to make trouble and he now has to find his own way. The truck leaves, and the group disperses quickly into the city.

Three days later, together with two other men from the group, he finds work picking potatoes. He is allowed to live in farm buildings with other workers. He is paid very low wages by the standard of the destination country.

### Questions:

Is this a case of THB or smuggling? State your reasons.

## Handout: Smuggling of Migrants or THB? – Case 2

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

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

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

### Questions:

Is this a case of THB or smuggling? State your reasons.

## Section III: Identification and referral of (potential) victims of trafficking

### VIII. Indicators for a possible THB situation

**Topic:** Indicators for a possible THB situation.

**Learning objective(s):**

- Participants can name indicators for a possible THB situation.



15-30 min, depending on methodology chosen and depth applied.

**Methodology:** Video, PPT-presentation, discussion in plenary or small groups and plenary

**Material required:** Computer, screen, sound, PPT-presentation on indicators, flipchart paper, markers, cards

**Procedure:**

1. Show the movie spot UN GIFT - 'Open your eyes' [http://www.ungift.org/knowledgehub/multimedia.html?vf=/doc/knowledgehub/resource-centre/Multimedia/UNGIFT\\_Open\\_Your\\_Eyes\\_60sec.flv](http://www.ungift.org/knowledgehub/multimedia.html?vf=/doc/knowledgehub/resource-centre/Multimedia/UNGIFT_Open_Your_Eyes_60sec.flv)
2. Present information from the PPT-presentation (use information from ILO indicators and the facilitators help).
3. Ask the participants in plenary, what signs of THB they could detect in the movie spot. Ask them to distinguish between labour exploitation and sexual exploitation and adults and children. Document their responses on a flipchart.

**Variation:** You can also ask them to turn to their immediate neighbour/neighbours and shortly discuss it with them. Distribute cards, so that they write down their observations. Put them up in the matrix. This will require a bit more time than plenary, but you might get them more involved.

4. Add to those named based on the handout, if important aspects have been left out.
5. Discuss in plenary, how to react in case of a suspicion, where to go, turn to, what to do etc. (document what is said on a flipchart). Are the participants aware of the first point of notification? Are they aware that different agencies are required to cooperate? Clarify these points to them!

**Key message(s):**

- There is no precise or general profile of a potential trafficked person. Profiles of people traffickers are not fixed or uniform either but vary and change depending of the demand and the sectors involved.
- There are a number of very different indicators, some of them very apparent, some rather hidden. Therefore there is need for proper assessment, based on the observations of the human rights of the victim, avoiding re-traumatization by all means and ensuring the personal safety of the potential victim.
- General indicators are to be taken as starting points, potentially relevant in certain circumstances and in combination with other more specific indicators. Look beneath the surface carefully and try to discover if enough signs are present to suspect that the person is involved in a trafficking case! Look beyond what is immediately apparent!

Highlight the need that actors and civilians know what to do in case of a suspicion, where to turn (e.g., first point of notification etc.).

**Notes for the facilitator:**

- Ensure the participants all understand the key messages of this session.
- Distribute the handout with indicators for participants' further referral. Outline that other compilation of indicators exist as well, e.g. by the UN.

***Facilitators help:***

The wide range of services and sectors entails that individuals of different ages and of both sexes are exploitable and trafficked. Therefore, profiles are not fixed or uniform but vary and change over time.

ILO together with the European Commission implemented a project to establish operational indicators of human trafficking because key terms used in the Palermo Protocol require further elaboration to explain what is meant by the following terms: "deception", "fraud", "abuse of power or of a position of vulnerability", "control over another person" and "exploitation". Without further clarification there is a risk that interpretations of these terms may continue to diverge widely from one country to another or even within countries, from one researcher or practitioner to another. As a result of the above-mentioned project, sets of operational indicators for adult and child victims of trafficking for labour and sexual exploitation were developed. Each set is a structured list of indicators relevant to the following dimensions of the trafficking definition:

- Deceptive recruitment (or deception during recruitment, transfer and transportation): 10 indicators

- Coercive recruitment (or coercion during recruitment, transfer and transportation): 10 indicators
- Recruitment by abuse of vulnerability: 16 indicators
- Exploitative conditions of work: 9 indicators
- Coercion at destination: 15 indicators
- Abuse of vulnerability at destination: 7 indicators

Within each set, each indicator is qualified as either **strong**, **medium** or **weak**. However, a single indicator can be strong for children and at the same time be medium for adults, or strong for sex exploitation and weak for labour exploitation.

However, in presence of general indicators, it is necessary to look beneath the surface carefully and try to discover if enough signs are present to suspect that the person is involved in a trafficking case. The general indicators are to be taken as starting points, potentially relevant in certain circumstances and in combination with other more specific indicators.

Please see below a full list of indicators for each dimension of the trafficking definition. For more information on the indicators, please visit the website: [www.ilo.org/forcedlabour](http://www.ilo.org/forcedlabour)

# Handout: ILO indicators on trafficking for labour exploitation and sexual exploitation

## Indicators of trafficking of adults for labour exploitation

<p><b>INDICATORS OF DECEPTIVE RECRUITMENT</b> <i>Strong Indicator</i> Deceived about the nature of the job, location or employer</p> <p><b>Medium Indicators</b> Deceived about conditions of work Deceived about content or legality of work contract Deceived about family reunification Deceived about housing and living conditions Deceived about legal documentation or obtaining legal migration status Deceived about travel and recruitment conditions Deceived about wages/earnings Deceived through promises of marriage or adoption</p> <p><b>Weak Indicator</b> Deceived about access to education opportunities</p>	<p><b>INDICATORS OF EXPLOITATION</b> <i>Strong Indicator</i> Excessive working days or hours</p> <p><b>Medium Indicators</b> Bad living conditions Hazardous work Low or no salary No respect of labour laws or contract signed No social protection (contract, social insurance, etc.) Very bad working conditions Wage manipulation</p> <p><b>Weak Indicators</b> No access to education</p>
<p><b>INDICATORS OF COERCIVE RECRUITMENT</b> <i>Strong Indicator</i> Violence on victims</p> <p><b>Medium Indicators</b> Abduction, forced marriage, forced adoption or selling of victim Confiscation of documents Debt bondage Isolation, confinement or surveillance Threat of denunciation to authorities Threats of violence against victim Threats to inform family, community or public Violence on family (threats or effective) Withholding of money</p>	<p><b>INDICATORS OF COERCION AT DESTINATION</b> <i>Strong Indicators</i> Confiscation of documents Debt bondage Isolation, confinement or surveillance Violence on victims</p> <p><b>Medium Indicators</b> Forced into illicit/criminal activities Forced tasks or clients Forced to act against peers Forced to lie to authorities, family, etc. Threat of denunciation to authorities Threat to impose even worse working conditions Threats of violence against victim Under strong influence Violence on family (threats or effective) Withholding of wages</p> <p><b>Weak Indicator</b> Threats to inform family, community or public</p>

**INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY**

**Medium Indicators**

Abuse of difficult family situation  
 Abuse of illegal status  
 Abuse of lack of education (language)  
 Abuse of lack of information  
 Control of exploiters  
 Economic reasons  
 False information about law, attitude of authorities  
 False information about successful migration  
 Family situation  
 Personal situation  
 Psychological and emotional dependency  
 Relationship with authorities/legal status

**Weak Indicators**

Abuse of cultural/religious beliefs  
 General context  
 Difficulties in the past  
 Difficulty to organise the travel

**INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION**

**Medium Indicators**

Dependency on exploiters  
 Difficulty to live in an unknown area  
 Economic reasons  
 Family situation  
 Relationship with authorities/legal status

**Weak Indicators**

Difficulties in the past  
 Personal characteristics

**Indicators of trafficking of adults for sexual exploitation**

**INDICATORS OF DECEPTIVE RECRUITMENT**

**Strong Indicator**

Deceived about the nature of the job or location  
 Medium Indicators  
 Deceived about conditions of prostitution  
 Deceived about content or legality of work contract  
 Deceived about family reunification  
 Deceived about housing and living conditions  
 Deceived about legal documentation or obtaining legal migration status  
 Deceived about travel and recruitment conditions  
 Deceived about wages/earnings  
 Deceived through promises of marriage or adoption

**Weak Indicator**

Deceived about access to education opportunities

**INDICATORS OF EXPLOITATION**

**Medium Indicators**

Bad living conditions  
 Excessive working days or hours  
 Hazardous work  
 Low or no salary  
 No respect of labour laws or contract signed  
 No social protection (contract, social insurance, etc.)  
 Very bad working conditions  
 Wage manipulation

**INDICATORS OF COERCIVE RECRUITMENT**

**Strong Indicators**

Abduction, forced marriage, forced adoption or selling of a victim  
 Debt bondage  
 Threats of violence against victim  
 Violence on victims

**Medium Indicators**

Confiscation of documents  
 Isolation, confinement or surveillance  
 Threat of denunciation to authorities  
 Threats to inform family, community or public  
 Violence on family (threats or effective)  
 Withholding of money

**INDICATORS OF COERCION AT DESTINATION**

**Strong Indicators**

Confiscation of documents  
 Debt bondage  
 Forced tasks or clients  
 Isolation, confinement or surveillance  
 Threats of violence against victim  
 Violence on victims

**Medium Indicators**

Forced into illicit/criminal activities  
 Forced to act against peers  
 Forced to lie to authorities, family, etc.  
 Threat of denunciation to authorities  
 Threat to impose even worse working conditions  
 Threats to inform family, community or public  
 Under strong influence  
 Violence on family (threats or effective)  
 Withholding of wages



<p><b>INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY</b></p> <p><b>Medium Indicators</b></p> <ul style="list-style-type: none"> <li>Abuse of difficult family situation</li> <li>Abuse of illegal status</li> <li>Abuse of lack of education (language)</li> <li>Abuse of lack of information</li> <li>Control of exploiters</li> <li>Difficulties in the past</li> <li>Difficulty to organise the travel</li> <li>Economic reasons</li> <li>False information about law, attitude of authorities</li> <li>False information about successful migration</li> <li>Family situation</li> <li>General context</li> <li>Personal situation</li> <li>Psychological and emotional dependency</li> <li>Relationship with authorities/legal status</li> </ul> <p><b>Weak Indicator</b></p> <ul style="list-style-type: none"> <li>Abuse of cultural/religious beliefs</li> </ul>	<p><b>Indicators of abuse of vulnerability at destination</b></p> <p><b>Medium Indicators</b></p> <ul style="list-style-type: none"> <li>Dependency on exploiters</li> <li>Difficulty to live in an unknown area</li> <li>Economic reasons</li> <li>Family situation</li> <li>Personal characteristics</li> <li>Relationship with authorities/legal status</li> </ul> <p><b>Weak Indicator</b></p> <ul style="list-style-type: none"> <li>Difficulties in the past</li> </ul>
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**Indicators of trafficking of children for labour exploitation**

The Palermo Protocol specifically states that, in the case of children under 18, there is no need to prove “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” in order to establish the crime of trafficking. Nevertheless, it was decided to retain indicators of deception, coercion and abuse of vulnerability in order to analyse trafficking in children with harmonised tools within Europe.

<p><b>INDICATORS OF DECEPTIVE RECRUITMENT</b></p> <p><b>Strong Indicator</b></p> <ul style="list-style-type: none"> <li>Deceived about access to education opportunities</li> <li>Deceived about the nature of the job, location or employer</li> </ul> <p><b>Medium Indicators</b></p> <ul style="list-style-type: none"> <li>Deceived about conditions of work</li> <li>Deceived about content or legality of work contract</li> <li>Deceived about family reunification</li> <li>Deceived about housing and living conditions</li> <li>Deceived about legal documentation or obtaining legal migration status</li> <li>Deceived about travel and recruitment conditions</li> <li>Deceived about wages/earnings</li> <li>Deceived through promises of marriage or adoption</li> </ul>	<p><b>INDICATORS OF EXPLOITATION</b></p> <p><b>Strong Indicators</b></p> <ul style="list-style-type: none"> <li>Excessive working days or hours</li> <li>Medium Indicators</li> <li>Bad living conditions</li> <li>Hazardous work</li> <li>Low or no salary</li> <li>No access to education</li> <li>No respect of labour laws or contract signed</li> <li>Very bad working conditions</li> <li>Wage manipulation</li> </ul>
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<p><b>INDICATORS OF COERCIVE RECRUITMENT</b></p> <p><b><i>Strong Indicators</i></b>          Abduction, forced marriage, forced adoption or selling of a victim          Debt bondage          Threats of violence against victim          Violence on victims</p> <p><b><i>Medium Indicators</i></b>          Confiscation of documents          Isolation, confinement or surveillance          Threat of denunciation to authorities          Threats to inform family, community or public          Violence on family (threats or effective)          Withholding of money</p>	<p><b>INDICATORS OF COERCION AT DESTINATION</b></p> <p><b><i>Strong Indicators</i></b>          Confiscation of documents          Debt bondage          Forced into illicit/criminal activities          Forced tasks or clients          Isolation, confinement or surveillance          Threats of violence against victim          Under strong influence          Violence on victims</p> <p><b><i>Medium Indicators</i></b>          Forced to act against peers          Forced to lie to authorities, family, etc.          Threat of denunciation to authorities          Threat to impose even worse working conditions          Threats to inform family, community or public          Violence on family (threats or effective)          Withholding of wages</p>
<p><b>INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY</b></p> <p><b><i>Medium Indicators</i></b>          Abuse of cultural/religious beliefs          Abuse of difficult family situation          Abuse of illegal status          Abuse of lack of education (language)          Abuse of lack of information          Control of exploiters          Difficulties in the past          Difficulty to organise the travel          Economic reasons          False information about successful migration          Family situation          General context          Personal situation          Psychological and emotional dependency          Relationship with authorities/legal status</p>	<p><b>INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION</b></p> <p><b><i>Medium Indicators</i></b>          Dependency on exploiters          Difficulties in the past          Difficulty to live in an unknown area          Economic reasons          Family situation          Personal characteristics          Relationship with authorities/legal status</p>

**Indicators of trafficking of children for sexual exploitation**

Exploitation is inherent to the situation of children under 18 used or offered for prostitution or pornography and there is no need for indicators to prove it. The indicators of additional exploitation below are given to characterize other elements of exploitation children may suffer. In addition, the Palermo Protocol specifically states that, in the case of children, there is no need to prove “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” in order to establish the crime of trafficking. Nevertheless, it was decided to retain indicators of deception, coercion and abuse of vulnerability in order to analyse trafficking in children with harmonised tools within Europe.

<p><b>INDICATORS OF DECEPTIVE RECRUITMENT</b></p> <p><b><i>Strong Indicator</i></b> Deceived about the nature of the job or location</p> <p><b><i>Medium Indicators</i></b> Deceived about access to education opportunities Deceived about conditions of prostitution Deceived about content or legality of work contract Deceived about family reunification Deceived about housing and living conditions Deceived about legal documentation or obtaining legal migration status Deceived about travel and recruitment conditions Deceived about wages/earnings Deceived through promises of marriage or adoption</p>	<p><b>INDICATORS OF ADDITIONAL EXPLOITATION</b></p> <p><b><i>Strong Indicator</i></b> Hazardous work</p> <p><b><i>Medium Indicators</i></b> Bad living conditions Excessive working days or hours Low or no salary No social protection (contract, social insurance, etc.) Very bad working conditions Wage manipulation</p>
<p><b>INDICATORS OF COERCIVE RECRUITMENT</b></p> <p><b><i>Strong Indicators</i></b> Abduction, forced marriage, forced adoption or selling of a victim Debt bondage Isolation, confinement or surveillance Threats of violence against victim Violence on victims</p> <p><b><i>Medium Indicators</i></b> Confiscation of documents Threat of denunciation to authorities Threats to inform family, community or public Violence on family (threats or effective) Withholding of money</p>	<p><b>INDICATORS OF COERCION AT DESTINATION</b></p> <p><b><i>Strong Indicators</i></b> Confiscation of documents Debt bondage Forced into illicit/criminal activities Forced tasks or clients Isolation, confinement or surveillance Threats of violence against victim Under strong influence Violence on victims</p> <p><b><i>Medium Indicators</i></b> Forced to act against peers Forced to lie to authorities, family, etc. Threat of denunciation to authorities Threat to impose even worse working conditions Threats to inform family, community or public Violence on family (threats or effective) Withholding of wages</p>
<p><b>INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY</b></p> <p><b><i>Medium Indicators</i></b> Abuse of cultural/religious beliefs Abuse of difficult family situation Abuse of illegal status Abuse of lack of education (language) Abuse of lack of information Control of exploiters Difficulties in the past Difficulty to organise the travel Economic reasons False information about law, attitude of authorities False information about successful migration Family situation General context Personal situation Psychological and emotional dependency Relationship with authorities/legal status</p>	<p><b>INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION</b></p> <p><b><i>Strong Indicator</i></b> Dependency on exploiters</p> <p><b><i>Medium Indicators</i></b> Difficulties in the past Difficulty to live in an unknown area Economic reasons Family situation Personal characteristics Relationship with authorities/legal status</p>

## IX. Victim identification and referral – the added value of multi-agency cooperation and standard operating procedures (SOP)

*Should you not be familiar with SOPs and multi-agency cooperation, you need to thoroughly study the approach and examples before you can deliver this session. Study the EU/TRM document, which you can download as a pdf file from the following page: <http://www.icmpd.org/Guidelines-for-the-Development-of-a-Transnational-Referral-Mechanism-for-Trafficked-Persons-in-Europ.1846.0.html>*

*Based on these guidelines and a thorough understanding you can then develop a PPT as an input, based on the needs, the level of knowledge of your group of participants.*

**Topic:** Multi-agency cooperation and SOPs for improved and clarified identification and referral of VoTs.

### Learning objective(s):

- Participants are aware of the need to establish SOPs in order to ensure comprehensive identification and referral of trafficked persons.



45-60 min

**Methodology:** Plenary introduction (presentation or with flipchart), group work and presentations

**Material required:** flipchart, marker, handouts, PPT prepared

### Procedure:

1. Ask the participants what National Referral Mechanisms (NRM) and Transnational Referral Mechanisms are. If it is unclear, explain (see EU/TRM document, the facilitators help and Annex I: 5. NRM).
2. Explain what SOPs and a multi-agency approach are. Present the What, Who and How from the facilitators' notes in plenary (either with a PPT or using a flipchart, going through the What, Who and How).
3. Form 5 groups and distribute one SOP to each group (handout). Ask the groups to read their SOP, quickly discuss it in their group (10 minutes) and thereafter to present the SOP to the other participants in plenary (max. 5 min each).
4. Invite questions and answers and add to the presentations if an important point was not covered.



### Key message(s):

- Establishment of institutionalised cooperative frameworks, NRM/TRM, including all state and non-state actors are indispensable in order to ensure comprehensive and effective assistance and protection to trafficked persons.
- NRM and TRM do not offer a one-off comprehensive solution to the issue of trafficking. They are to be seen as a process in which all involved actors continue to work in coordination with their national and international counterparts.
- Standard Operating Procedures are a practical tool that focus on the process management of individual trafficking cases and cover the entire sequence of case measures, from identification, assistance and protection, participation in and support during legal proceedings and legal redress, to return/resettlement and/or social inclusion of the victims in their destination-, origin- or third country SOPs need to be normatively based on international human rights standards and operationally directed to promoting and protecting victims rights. When applying the SOPs always keep in mind the specific needs of the individual trafficked persons!

### Notes for the facilitator:

- Remind the groups of the 5 min. max for their presentations and keep the time.
- Ensure you add missing information.

**Facilitator's help:** Standard Operating Procedures for the identification and referral of VoT

### What is an NRM?

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.

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.<sup>2</sup> 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.

### What is a TRM?

In a concise definition,<sup>3</sup> a Transnational Referral Mechanism (TRM) refers to mechanisms and the associated procedures designed for the comprehensive assistance and transnational support of trafficked persons. Transnational referral mechanisms integrate the process of referral from initial identification, through return and assistance between countries of transit, destination and origin and involve cooperation between different government institutions and non-governmental actors.

### NRM and TRMs – the difference and relationship

NRMs and TRMs are both developed based on the same principles and, however an NRM covers the identification and referral of (potential) victims of trafficking within a country, the national system and mechanism, whereas the TRM covers the transnational mechanism. As a matter of fact, a TRM is most effective, when build on existing and effective NRMs with clarified roles and procedures in place through standard operating procedures (SOPs).

### What are SOPs?

In your expert input, follow the general structure used in the SOPs by clarifying:

#### WHAT are the SOPs?

- Guidelines for the identification and referral of victims of trafficking, which should be elaborated in a multidisciplinary approach among the relevant government and non-governmental actors active in the anti-trafficking response of the country.
- There are five SOPs: I: Identification, II: First assistance and protection, III: Long-term assistance and Social Inclusion, IV: Returning home and social inclusion, V. Criminal and Civil Proceedings.
- They specify responsibilities and procedures for different stages in the process, which are specified in measures. SOPs set a protocol and determine, e.g. the first point of notification in case of a suspected case of THB.

<sup>2</sup> OSCE/ODIHR, National Referral Mechanisms, 2004, p. 15.

<sup>3</sup> Guidelines for the Development of Transnational Referral Mechanism (TRM)for Trafficked Persons in South-Eastern Europe, ICMPD, June 2008.

- The SOPs and the measures guide the different actors on what should be done in which way in the process of identification and referral of victims of trafficking.
- They outline, based on discussions between the different stakeholders, the specific responsibilities, and procedures and care necessary for adult victims and also clarify the special situation and care necessary in case of minor victims of trafficking.

## WHO are the SOPs for, who is involved?

**SOPs support implementers (anti-trafficking actors) in their fight against THB by observing human rights standards and putting the rights of the victims at the centre of the approach.**

**The SOPs determine their roles, responsibilities and degree of involvement:**

- Government entities: law enforcement, judiciary, relevant Ministries (e.g. the Asylum and Migration Bureau, Police, different Ministries, such as Ministry of Foreign Affairs, Ministry of Interior, Ministry of Justice, Ministry of Family and Social Policies, Ministry of Labour, Judges, Prosecutors, Law Associations, service providers, etc.)
- Non-governmental/Civil Society organisations and associations and service providers.

The **victims of THB** themselves **benefit from the SOPs**, as they are to receive improved and targeted services, procedures and care.

## HOW are the SOPs implemented?

The SOPs are implemented in a **multidisciplinary approach**, where **cooperation** among different institutions and actors is paramount. Adequate services and attention to (presumed) victims of THB requires a victim-centred and human rights based approach in order to avoid re-traumatisation and re-victimisation. Cross-sectoral linkages are therefore very important. A whole measure within the SOPs deals with **the cross-cutting issues** that need to be well applied in the implementation of the SOPs, relating to:

- Information exchange
- Safety and Security
- Data Protection
- Human and Financial Resources
- Interpretation
- Monitoring and Evaluation.

## Handout: Overview of Standard Operating Procedures

### Overview of SOP I - Identification<sup>4</sup>

The *identification stage* is the first phase of a national and transnational referral system. This stage can be divided in two main parts: the *preliminary identification* and the *formal identification*.

A person presumed to have been trafficked shall be considered and treated as a victim as soon as the competent authorities have the slightest indication that s/he has been subject to the crime of trafficking.

<b>IDENTIFICATION</b>	<b>Preliminary</b>	<b>Measure 1</b>	<b>INITIAL SCREENING AND REFERRAL</b> <ul style="list-style-type: none"> <li>Referring the presumed trafficked person to the first point of notification</li> <li>Conducting the first identification screening</li> <li>Assessing whether the presumed trafficked person is a child</li> <li>Appointing a guardian if the presumed victim is/assumed to be a child</li> </ul>
		<b>Measure 2</b>	<b>ACCESS TO BASIC NEEDS AND INFORMATION</b> <ul style="list-style-type: none"> <li>Explaining to the presumed trafficked person the rights/responsibilities &amp; available assistance</li> <li>Assessing imminent problems</li> <li>Assessing urgent needs</li> <li>Determining safety measures</li> </ul>
		<b>Measure 3</b>	<b>EARLY RISK ASSESSMENT</b> <ul style="list-style-type: none"> <li>Assessing imminent risks and determining safety and well-being measures</li> <li>Addressing urgent needs/requests of the presumed trafficked person</li> </ul>
		<b>Measure 4</b>	<b>LANGUAGE INTERPRETATION AND CULTURAL MEDIATION</b> <ul style="list-style-type: none"> <li>Providing translation/interpretation between assistance providers/police and the presumed trafficked person</li> <li>Informing interpreters/cultural mediators regarding their roles</li> <li>Informing the presumed trafficked person regarding her/his rights and the role of the interpreter/cultural mediator</li> </ul>
		<b>Measure 5</b>	<b>RECOVERY AND REFLECTION PERIOD</b> <ul style="list-style-type: none"> <li>Offering a time period for the presumed trafficked person to recover &amp; stabilise</li> <li>Informing the presumed trafficked person about available options</li> <li>Providing safe accommodation</li> <li>Providing basic services</li> <li>Providing access to residence permits</li> </ul>
	<b>Formal</b>	<b>Measure 6</b>	<b>IDENTIFICATION</b> <ul style="list-style-type: none"> <li>Determining whether the individual is a trafficked person by formal procedures</li> <li>Contacting relevant country authorities in the country of origin/transit/destination, when necessary</li> <li>Establishing trafficked person's identity</li> <li>Establishing jurisdiction if the trafficked person is a child</li> <li>Explaining relevant information following the identification to the identified trafficked person.</li> </ul>

<sup>4</sup> The SOPs integrated in the following are taken from the ICMPD TRM guidelines. They are equally applicable for NRM, however, each country determines the scope and content of their SOPs in a participatory, consultative and multi-agency process.

## Overview: SOP II: First Assistance and Protection

The first assistance and protection stage is crucial for a trafficked person who is provided with accurate information about the available social and legal options for her/his future and is granted basic needs assistance.

A risk assessment on her/his safety is also performed to check if any imminent situation can endanger her/his life. The final aim of the first assistance is to support and protect the assisted trafficked person while helping her/him to consider available options and take full-informed decisions for her/his future life.

FIRST ASSISTANCE AND PROTECTION	Measure 1	<p><b>INFORMATION ON ASSISTANCE OPTIONS AND CONDITIONS</b></p> <ul style="list-style-type: none"> <li>Providing the trafficked person with information on available services and obligations/ conditions</li> </ul>
	Measure 2	<p><b>INFORMATION ON LEGAL OPTIONS AND CONDITIONS</b></p> <ul style="list-style-type: none"> <li>Providing the trafficked person with information on legal opportunities and obligations/ conditions</li> </ul>
	Measure 3	<p><b>INTAKE &amp; nEEDS aSSESSMENT</b></p> <ul style="list-style-type: none"> <li>Informing the trafficked person on the purpose of the intake procedure, and on rights and obligations</li> <li>Explaining who will and will not have access to the gathered information</li> <li>Informing the trafficked persons of her/his legal rights when subjected to police interrogation or summoned to go to trial in a court of law (e.g. right to be silent)</li> </ul>
	Measure 4	<p><b>ASSISTANCE AND PROTECTION PROVISION</b></p> <ul style="list-style-type: none"> <li>Providing assistance measures identified and agreed upon</li> <li>Ensuring protection measures</li> </ul>

## Overview of SOP III – Long-term assistance and Social Inclusion

Long-term assistance is provided to national and foreign trafficked persons who have agreed to accept assistance and/or join a support programme in the hosting place/country or in the origin country or in a third country. During the long-term assistance and social inclusion phase, the assisted person is supported by or referred to professional and trained service providers who are, at minimum, responsible to:

- Ensure safety;
- Assist the individual in regaining sense of control and self-determination;
- Foster the individual’s psychological stability;
- Avoid secondary victimization;
- Foster empowerment;
- Assess the risk of social stigmatization;
- Facilitate social inclusion;
- Employ a multi-agency and holistic approach.

The final aim of long-term assistance and social inclusion is to ensure that the assisted persons, by fully participating in the decision-making process, have access to their fundamental rights and to the opportunities and resources necessary to participate in economic and social life, securing a standard of living that is considered acceptable in the society in which they live<sup>5</sup>.

<b>LONG-TERM ASSISTANCE AND SOCIAL INCLUSION</b>	<b>Measure 1</b>	<p><b>JOINT Development of THE INDIVIDUAL Assistance Plan (IAP)</b></p> <ul style="list-style-type: none"> <li>▪ Discussing the case with the assisted person and her/his support team</li> <li>▪ Inquiring, assessing and addressing the urgent needs/requests of the trafficked person</li> <li>▪ Formulating the plan according to the trafficked person’s needs and wishes.</li> </ul>
	<b>Measure 2</b>	<p><b>Consent Procedure to Implement THE IAP</b></p> <ul style="list-style-type: none"> <li>▪ Providing translation/interpretation of the IAP to the foreign trafficked person (if needed)</li> <li>▪ Signing of the IAP by assisted trafficked person and assisting organisation</li> </ul>
<b>LONG-TERM ASSISTANCE AND SOCIAL INCLUSION</b>	<b>Measure 3</b>	<p><b>ADJUSTMENT AND SOCIAL INCLUSION ASSISTANCE</b></p> <ul style="list-style-type: none"> <li>▪ Providing access to social inclusion services</li> <li>▪ Assessing the implementation of the IAP and its update</li> <li>▪ Providing case monitoring and evaluation</li> <li>▪ Developing and providing access to the complaint procedures</li> </ul>
	<b>Measure 4</b>	<p><b>LEGAL SUPPORT AND ASSISTANCE</b></p> <ul style="list-style-type: none"> <li>▪ Providing support for legal related matters</li> <li>▪ Implementation for procedures for legal stay, compensation claims, etc.</li> </ul>

<sup>5</sup> See: [http://ec.europa.eu/employment\\_social/spsi/poverty\\_social\\_exclusion\\_en.htm](http://ec.europa.eu/employment_social/spsi/poverty_social_exclusion_en.htm) and Joint Report by the Commission and the Council on social inclusion (2003) [http://europa.eu.int/comm/employment\\_social/soc-prot/socncl/final\\_joint\\_inclusion\\_report\\_2003\\_en.pdf](http://europa.eu.int/comm/employment_social/soc-prot/socncl/final_joint_inclusion_report_2003_en.pdf).

## Overview of SOP IV – Return and social inclusion

Returning home is often a difficult process for trafficked persons, who may have to face many social, family, health, legal, and financial problems and run the risk of going back to the same social and economic conditions they tried to escape by leaving home. To avoid this re-victimizing situation, return and social inclusion programmes should be available to all trafficked persons who wish to go back to their place of origin or need to be resettled in a third place or country. The programmes should aim for the long-term recovery, empowerment and social inclusion of the trafficked persons and they should prevent the risks of re-victimisation and re-trafficking.

RETURN AND SOCIAL INCLUSION	Measure 1	<b>INFORMED Decision to Return</b> <ul style="list-style-type: none"> <li>▪ Providing the trafficked person with relevant information on legal and social aspects of return</li> <li>▪ Obtaining written consent on voluntary and informed decision of the trafficked person to return</li> </ul>
	Measure 2	<b>Risk and Social Inclusion ASSESSMENT</b> <ul style="list-style-type: none"> <li>▪ Inquiring about the trafficked person's perception of risks and security</li> <li>▪ Conducting risk assessment/questions with various individuals/organisations from the country/ place of origin</li> </ul>
	Measure 3	<b>Risk Management Plan</b> <ul style="list-style-type: none"> <li>▪ Outlining the possible risk and security scenarios and possible solutions</li> <li>▪ Informing the trafficked person on potential risks and available measures for protection</li> </ul>
	Measure 4	<b>Family Tracing</b> <ul style="list-style-type: none"> <li>▪ Identifying the relevant NGO/IO networks or competent government authorities in the place/ country of origin</li> <li>▪ Initiating tracing process</li> </ul>
	Measure 5	<b>Documentation</b> <ul style="list-style-type: none"> <li>▪ Contacting relevant embassies/consulates to facilitate voluntary return</li> <li>▪ Ensuring accuracy of the travel documents</li> <li>▪ Ensuring the confidentiality and restricted access to the trafficked person's file</li> </ul>
	Measure 6	<b>PRE-DEPARTURE INDIVIDUAL ASSISTANCE PLAN</b> <ul style="list-style-type: none"> <li>▪ Informing the trafficked person of the risk &amp; security and social inclusion assessment outcome</li> <li>▪ Contacting the service provider in the country of origin to exchange information and co-ordinate the return process</li> <li>▪ Informing the trafficked person on identity status; travel/transfer process; available assistance in the country of origin and reintegration plan</li> <li>▪ Obtaining confirmation that the trafficked person will be received and assisted</li> </ul>
	Measure 7	<b>SAFE TRANSPORT/TRANSFER AND ARRIVAL ASSISTANCE</b> <ul style="list-style-type: none"> <li>▪ Informing the institution/organisation of the place/country of origin that will meet the assisted person</li> <li>▪ Providing the trafficked person with necessary travel documents/items/ information</li> <li>▪ Ensuring accompanied transfer of minors</li> <li>▪ Ensuring that the trafficked person is received/met by the service provider at the border/airport/ harbour of the country of origin</li> <li>▪ Providing preliminary orientation and assistance to the trafficked person</li> <li>▪ Confirming/obtaining confirmation on the safe arrival of the trafficked person</li> </ul>

## Overview of SOP V – Criminal and Civil Proceedings

All States should grant access to justice and fair treatment to trafficked persons, who should be fully informed and supported once involved in civil or criminal proceedings. Access to full and clear information is crucial to enable victims to participate actively in any proceedings, to reduce their psychological stress, and to enforce their rights<sup>6</sup>.

Legal representation and assistance should be part of any victim protection programme. Formalised protocols between the law enforcement agencies and the service providers assisting the trafficked persons are an effective means to fully protect the rights of the assisted persons at any stage of the legal proceedings.

In some cases, the victim may need to be protected from possible retaliations and harm from perpetrators and related parties. The protection of a victim as witness to a crime (i.e. trafficking and related crimes) requires tailor-made solutions to be implemented by the law enforcement agencies, prosecutors, judges and support agencies that must work in very close cooperation.

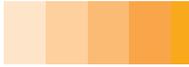
A risk assessment is carried out to evaluate if the physical safety of victims (and of her/his significant others) is endangered and – when necessary – special resources are allocated to ensure her/his protection (and that of her/his significant others).

No detention, prosecution or penalties should be imposed on trafficked persons for their illegal stay in the country or for their participation in unlawful activities as a result of their trafficking experience.<sup>7</sup> In conformity with the national criminal legislation, it would then be necessary to consider the applicability of non-punishment clauses for the crimes committed as a result of the coercion suffered during the trafficking experience.

<b>CRIMINAL &amp; CIVIL PROCEEDINGS</b>	<b>Measure 1</b>	<p><b>INVESTIGATION AND Evidence Gathering</b></p> <ul style="list-style-type: none"> <li>▪ Informing the trafficked person regarding the rights/obligation in case of co-operation with the law enforcement agencies and/or participation in the trials</li> <li>▪ Consulting the case manager/service providers on psychological conditions of the trafficked person</li> <li>▪ In the event that the trafficked person refuses to co-operate, ensure that the methods of investigation and evidence gathering activities are not detrimental to her/his safety.</li> </ul>
	<b>Measure 2</b>	<p><b>Victim-Witness Support before the Trial</b></p> <ul style="list-style-type: none"> <li>▪ Providing information on victim's role in the criminal proceeding as well as timely updates on the case;</li> <li>▪ Providing guidance and advice regarding the trial process.</li> </ul>
	<b>Measure 3</b>	<p><b>Victim-Witness Support during the Trial</b></p> <ul style="list-style-type: none"> <li>▪ Providing physical protection and privacy</li> <li>▪ Arranging all necessary measures for full protection (e.g. video testimony, closed door hearings, special waiting areas, interpretation...).</li> </ul>
	<b>Measure 4</b>	<p><b>Victim-Witness Support after the Trial</b></p> <ul style="list-style-type: none"> <li>▪ Informing the victim about different risks/options related to a return to the place/country of origin, to stay in the country of destination, to be resettled to a third country.</li> </ul>
	<b>Measure 5</b>	<p><b>Support FOR The Compensation CLAIMS</b></p> <ul style="list-style-type: none"> <li>▪ Informing the victim about her/his rights to compensation and related legal procedures</li> <li>▪ Providing free legal assistance during the legal procedures.</li> </ul>

<sup>6</sup> Art. 26, Council of Europe, *Convention on Action Against Trafficking in Human Beings*, CETS no. 197, 16 May 2005.

<sup>7</sup> idem.



## X. Victim identification and referral – SWOT analysis

**Topic:** Analysis of strength, weaknesses, opportunities and threats of the existing multi-agency cooperation for identification and referral of victims.

### Learning objective(s):

- Participants analyse the existing multi-agency cooperation for victim identification and referral and realise opportunities to improve it.



60 min

**Methodology:** Group work, presentation of results, discussion.

**Material required:** flipchart papers (best would be brown paper or glued flipcharts with SWOT matrix), markers.

### Procedure:

1. Introduce the advantages of a SWOT analysis to the group and that the session will be about developing a SWOT analysis of the multi-agency cooperation for identification and referral of victims
2. Divide the participants into groups of max 6 participants. Ask them to assign a moderator, documenter, timekeeper and presenter.
3. Ask them to analyse the strengths, and weaknesses of the multi-agency cooperation for identification and referral of victims at present. Then ask them to focus on opportunities to improve the identification and referral and to always keep in mind the rights of the victim. If you are running short of time you can also tell them to disregard the threats (usually external or political factors).
4. Ask the groups to present. To cut on time you can also ask only one group to present and the others for additions to what has been named.
5. Wrap up by outlining the opportunities as the things that could be addressed in the future.
6. If possible and/or required you could use this as a basis for a short action plan or work plan on the topic.

**Key message(s):**

- The SWOT Analysis is an opportunity to discuss and analyse what works and what could be improved in the existing system.
- The opportunities could be the basis for a way forward to be defined by all stakeholders present.

**Notes for the facilitator:**

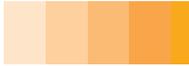
- Encourage exchange between the stakeholders present and solutions that favour involvement and participation of multiple stakeholders.
- Incite the participants to agree on a way forward to work on the identified opportunities!

**Facilitator’s help: SWOT Analysis**

On a big sheet of brown paper or two glued flipchart papers, draw a table:

***Please note: the examples in the boxes are fictitious examples and are not based on any information or judgement of the Turkish anti-trafficking system!***

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>▪ Inter-ministerial working group on THB exists</li> <li>▪ National Action Plan against THB exists and is being implemented</li> </ul>	<ul style="list-style-type: none"> <li>▪ Group does not meet regularly</li> <li>▪ Procedures and responsibilities are not clear between government agencies</li> <li>▪ Weak cooperation between government and NGOs</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>▪ Clarify and discuss procedures and assign responsibilities (multi-stakeholder approach)</li> <li>▪ Communicate responsibilities widely to all stakeholders - through a government circular/memo with defined protocol and responsibilities</li> <li>▪ Enhance cooperation with NGOs (mechanism?)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Government focus shifts from THB to other</li> <li>▪ No budget or low budgetary allocations to implement NAP or build capacities.</li> </ul>



# Annex I: Detailed background material for the Trainer/Facilitator

## 1. Historical background

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. Findings from the UNODC Global Report<sup>8</sup> published in December 2012 show that:

- “Women account for 55-60 per cent of all trafficking victims detected globally; women and girls together account for about 75 per cent.
- Twenty-seven per cent of all victims detected globally are children. Of every three child victims, two are girls and one is a boy.
- In general, traffickers tend to be adult males and nationals of the country in which they operate, but more women and foreign nationals are involved in THB than in most other crimes.
- Women traffickers are often involved in the trafficking of girls and tend to be used for low-ranking activities that have a higher risk of detection.
- Trafficking for sexual exploitation is more common in Europe, Central Asia and the Americas. Trafficking for forced labour is more frequently detected in Africa and the Middle East, as well as in South and East Asia and the Pacific.
- Trafficking for the purpose of sexual exploitation accounts for 58 per cent of all trafficking cases detected globally, while trafficking for forced labour accounts for 36 per cent. The share of detected cases of trafficking for forced labour has doubled over the past four years.
- Victims trafficked for begging account for about 1.5 per cent of the victims detected globally. Trafficking for the removal of organs has been detected in 16 countries in all regions of the world.
- Victims of 136 different nationalities were detected in 118 countries worldwide between 2007 and 2010.
- Approximately 460 different trafficking flows were identified between 2007 and 2010.
- Between 2007 and 2010, almost half of victims detected worldwide were trafficked across borders within their region of origin. Some 24 per cent were trafficked inter-regionally (i.e. to a different region).
- Domestic trafficking accounts for 27 per cent of all detected cases of THB worldwide.

<sup>8</sup> UNODC: Global Report on Trafficking in Persons 2012, Vienna, 2012, p. 7.

- The Middle East is the region reporting the greatest proportion of victims trafficked from other regions (70 per cent). Victims from the largest number of origin countries were detected in Western and Central Europe.
- The trafficking flow originating in East Asia remains the most prominent transnational flow globally. East Asian victims were detected in large numbers in many countries worldwide.
- Victims from Eastern Europe, Central Asia and South America were detected in a wide range of countries within and outside their region of origin, although in comparatively lower numbers outside their region of origin.
- Almost all human trafficking flows originating in Africa are either intraregional (with Africa and the Middle East as their destination) or directed towards Western Europe.
- One hundred and thirty-four countries and territories worldwide have criminalized trafficking by means of a specific offence in line with the THB Protocol.
- The number of convictions for THB is in general very low. Notably, of the 132 countries covered, 16 per cent did not record a single conviction between 2007 and 2010.”

A wide range of estimates exists on the scope and magnitude of human trafficking. The ILO 2012 report,<sup>9</sup> puts the total number of persons in forced labour at 20.9 million worldwide for the period of 2002-2011. This means that around three out of every 1,000 persons were in forced labour at any given point in time over this ten-year period. Of these, 18.7 million (90%) are exploited in the private economy either for sexual (4.5 million or 22 %) or for labour exploitation (14.2 million or 68%). The remaining 2.2 million (10%) are in state-imposed forms of forced labour (for example in prison under conditions which contravene ILO standards on the subject, or in work imposed by the state military or by rebel armed forces. According to the ILO, women and girls represent the greater share of total forced labour (11.4 million victims or 55%, as compared to 9.5 million or 45% men and boys). 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.

Currently intelligence sources indicate THB 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 an 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. The 2009 ILO report provided a global estimate of the profits generated by the labour exploitation of trafficked women, children and men at US\$32 billion each year. Furthermore, the report

<sup>9</sup> ILO, Global Estimate of Forced labour: results and methodology, Special Action Programme to Combat Forced Labour (SAP-FL), Geneva, 2012, p. 2.

reveals new figures that focus on the cost of coercion to victims of forced labour and estimates that the total amount of unpaid wages to people in forced labour amounts to approximately US\$ 19.6 billion. In addition, trafficked victims have been observed to pay recruitment costs, which vary from US\$150 in poor regions to an average of more than US\$5,000 for securing a job in industrial countries. When multiplied by the number of trafficking victims in each region, this represents a global sum of more than US\$1.4 billion. When added to the lost income due to unpaid wages, ILO estimates that the total cost of coercion to workers amounts to a benchmark figure of about US\$21 billion.<sup>10</sup>

In contrast to other kinds of illegal business, trafficking in human beings relies basically on practices of violation of the human rights of the victimised persons, and it leads to the denial of their human dignity. Trafficking practices commercialise human beings: all 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, 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 transnational crime, familiarity with national and international legislation on human trafficking is essential in order to deal with the complexities posed by trafficking cases.

<sup>10</sup> 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, 2009, p. 32.

## 2. Root causes and effects – push and pull factors

### Push Factors

There are numerous circumstances that literally push people to leave their homes. The most commonly identified factor pressing people to migrate and to accept risky offers is poverty or at least a lower standard of living compared with the situation in more affluent countries of destination. However, it is not poverty of itself that causes trafficking and victims of trafficking do not automatically come from the poorest backgrounds: a lack of opportunities on the labour market, discrimination as well as difficult and challenging family circumstances can encourage people to migrate, accepting precarious conditions. Cultural stereotypes and limited political interest in enforcing guaranteed rights often contribute to the acceptance of exploitative labour conditions, especially concerning women and children.

Political instability may also contribute to the development of trafficking in human beings, as conflicts, post-conflict situations and political transition have a major political, social and cultural as well as economic impact. Many of the countries from which victims are trafficked are going through phases of reconstruction occasioned by war or political and social change. Such change is often accompanied by unemployment and the breakup of family structures.

Trafficking in human beings has a strong gender dimension: the legal and social inequality of women and girls is a driving force behind the development of trafficking. Evidence shows that in forced economic exploitation women and girls represent 56 percent of the victims, and regarding forced commercial and sexual exploitation, an overwhelming majority of 98 percent are women and girls.<sup>11</sup> Girls are often left without the prospect of further education and instead are forced to stay at home and carry out domestic or other “invisible” work. They remain unskilled and uneducated and are also often abused within their own family, such that violence and harsh working conditions appear normal to them. For many, migrating or seeking jobs outside their community is not just an economic decision and a means to support their families: it may be a quest to find personal freedom and better general living conditions. Women are often specially burdened by a difficult socio-economic situation in that they are usually more affected by unemployment, levels of lower education and payment than men, while being at the same time very much constrained to provide for their families. Thus even well educated women and girls are in danger of falling prey to the promises of traffickers, since there are no future prospects at all for them.

The fact that children are often seen as additional breadwinners may push families to send their children to dangerous and exploitative workplaces and to work abroad. Other reasons for the phenomenon of trafficking in children is that many children from poor(er) countries have to grow up without parents, who may have lost their lives in armed conflicts or as a result of severe disease, or who may have gone abroad for work or for other reasons cannot be with their children. Such children may have to live with distant relatives who have weaker family ties, or in orphanages, which leaves them less protected and more vulnerable to trafficking. Some countries do not even have

<sup>11</sup> ILO, Trafficking for Forced Labour, How to monitor the recruitment of migrant workers, Training Manual, 2005, p.21.

a register of births, which makes new-borns and children an easy prey for traffickers. However, it should not be overlooked that men are also exposed to the danger of being trafficked, for economic, discriminatory, political and other reasons.

## **Pull Factors**

Attractive living conditions in the countries of destination constitute pull factors. The ever growing demand for exploitative, undeclared labour and services in countries of destination also fuels the trafficking business, which results in forced labour exploitation, sexual exploitation, forced or arranged marriages, exploitation of small-time criminals, slavery and slavery-like practices and other forms of exploitation. Many trafficked victims initially have high expectations concerning a stable economic situation, better job opportunities, social security and political stability and strongly believe in the opportunity to improve their own and their families' lives. Success stories of those who "have made it" abroad, not mentioning any of the problems that many migrants are facing, may increase those expectations. At the same time, persons who are underprivileged and used to exploitative conditions of work can often not be discouraged by the prospect of unfair conditions in the country of destination, yet it is the hope for improvement and independence that attracts most people to working abroad.

There is an enormous demand for workers in the unskilled and often unregulated sector. In the skilled sector shortages are most often met through managed migration. Skilled migrant workers are in a strong legal position to negotiate their terms and conditions, and are unlikely to face exploitation. Moreover, governments face little risk that the public perceives skilled migrant workers as a threat to national resources. On the other hand, the demand for workers in unskilled occupations such as domestic service, agriculture or the entertainment sectors is commonly filled by migrant workers, as national workers tend to abandon unskilled and low-paid labour. In the unskilled sectors there is usually little regulation or organisation and the occupations in question are often, by their nature, isolated and not conducive to organisation and collective negotiation. Many previously formal sectors, such as construction, agriculture or transport, are becoming increasingly informalised; the organisation of workers and definition or enforcement of labour standards is more and more difficult. Such labour is cheap, expendable and exploitable, and thus highly susceptible to trafficking.

## **Restrictive Migration and Labour Regulations**

The European Commission has recommended that a realistic approach be adopted in order to facilitate legal and fair migration possibilities for third-country nationals, considering economic and demographic necessities within the EU. Many governments, however, continue to respond with a restrictive approach to migration and immigration and with policies that have not decreased migration, but have rather left migrants more vulnerable to trafficking and labour exploitation. In effect, trafficking for purposes of forced labour may be ascribed in the main to disparities between labour supply and the availability of legal work in the country of destination. Restrictions

with regard to labour markets also exist, resulting in trafficking flows from less to more affluent countries even within the EU. Many governments have sought political advantage by promoting more restrictive immigration policies, regardless of the fact that such policies reduce the opportunities for regular migration, thereby providing greater opportunities for traffickers to operate. Until now governments in developed countries have often been reluctant to publicly recognise their dependency on both skilled and unskilled migrant labour.

### Effects of trafficking on society<sup>12</sup>

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

1. **Increased violence among organised crime groups with a financial stake in existing sex and labour markets:** As trafficked victims are removed from or introduced to illegal sex and labour markets, this comprises the potential for violent “turf wars” as the traffickers confront local criminal elements for the control of these lucrative forms of human exploitation. This is especially the case in trafficking for sexual exploitation, as the financial stakes involved are very high. The sex markets provided with trafficking victims are partially controlled by local criminals who act in co-operation with the major trafficking groups able to supply the women;
2. **Growth and diversification of organised crime:** Organised trafficking crime does not occur in hermetically sealed isolation. Once established, the trafficking networks will quickly diversify and develop mutually beneficial affiliations with existing organised criminal organisations that operate in other spheres, such as terrorism, drugs and weapons trafficking;
3. **Economic de-stabilisation through growth of money laundering:** The financial profitability of trafficking will quickly lead to sophisticated forms of internal and external money laundering, which may undermine financial and commercial market conditions and trigger economic de-stabilisation. Current estimates place the global profitability of human trafficking at almost a trillion dollars, which is more than the entire GDP of some smaller states;
4. **Demographic de-stabilisation:** Trafficking of human beings on a significant scale can de-stabilise populations on the micro and macro level, whether in respect of the number of victims being trafficked out of a country of origin or in respect of the numbers of a particular ethnic or national group that are trafficked into a specific area or market in the destination country;
5. **Growth of public sector corruption:** The trafficking crime and corruption could have been designed for each other. The multi-layered nature of the crime creates numerous opportunities for the corruption of officials of various agencies and the daily supply of cash provides the means to under mine the entire counter-trafficking

<sup>12</sup> The part on Effects of trafficking is extracted from, ICMPD, Anti-trafficking Training for Frontline Law Enforcement Officers, Background Reader, 2004

law enforcement effort. Indeed, the trafficking crime and its relationship with corrupt practices can be said to threaten the capability of the criminal justice system and the confidence of civil society in it;

- 6. Political corruption and purchase of influence:** In a similar fashion, the wealth generated for the traffickers from their criminal activities may allow them to purchase political influence and corrupt the political system to their personal advantage. Another feature may be their ability to corrupt the political process by means of blackmailing politicians who utilise the services of trafficked prostitute victims;
- 7. De-stabilisation of economic inward investment:** This threat may occur as a cumulative product of one or more of the other strategic risks. For example, where the presence of organised trafficking crime has led to endemic money laundering and public sector corruption to the extent that it undermines confidence in the basic economic system, it may have a negative impact upon the inward investment strategies of the big global conglomerates (ICMPD 2003).

### 3. International legal framework

You can find all relevant information and legal texts plus some additional information consulting the following links provided in the following:

- 1. UN Convention against Transnational Organized Crime and the protocols thereto – Palermo Protocol (1999):** <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>
- 2. UN Convention on the Rights of the Child (1989):** <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
  - Factsheet UNICEF – a summary of the rights under the Convention on the Rights of the Child: [http://www.unicef.org/crc/files/Rights\\_overview.pdf](http://www.unicef.org/crc/files/Rights_overview.pdf)
- 3. Council of Europe Convention on Action against Trafficking in Human Beings (2005):** <http://conventions.coe.int/Treaty/en/Treaties/Html/197.htm>
  - Further information, Explanatory report to the Council of Europe Convention on Action against Trafficking in Human Beings; <http://conventions.coe.int/Treaty/EN/Reports/Html/197.htm>
  - Further information, GRETA: [http://www.coe.int/t/dghl/monitoring/trafficking/default\\_en.asp](http://www.coe.int/t/dghl/monitoring/trafficking/default_en.asp)
- 4. EU Directive on preventing and combating THB and protecting its victims (2011):** <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

- This Directive is also relevant to Turkey. Turkey has started its accession process to the EU officially on 3 October 2005. Within the negotiation process, developments in the field of Turkey's THB efforts are monitored closely. The EU Directives are not only relevant to EU MS but also to accession and candidate countries. More specifically, the harmonization processes with the EU Acquis regarding the fight against THB are implemented in accordance with the Turkish National program for the adoption of the Acquis.
- EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016): [http://ec.europa.eu/anti-trafficking/EU+Policy/New\\_European\\_Strategy](http://ec.europa.eu/anti-trafficking/EU+Policy/New_European_Strategy)
- Other and further general information: <http://ec.europa.eu/anti-trafficking/>
- 5. **ILO Convention 105, Abolition of Forced Labour Convention (1957):** [http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100\\_ILO\\_CODE:C105](http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C105)
- Other and further information: <http://www.ilo.org/global/topics/forced-labour/lang-en/index.htm>
- 6. **ILO Convention 182, Worst Forms of Child Labour Convention (1999):** [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C182](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182)

#### 4. The trafficking process

**The trafficking process happens in phases, which include recruitment, transport and transit and exploitation:**

**Recruitment.** The **methods** to recruit people vary considerably and can range from:

1. Coercion (through kidnapping, 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 Protocol<sup>13</sup>. 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.<sup>14</sup>

**Transport and Transit.** Transit/transportation is not a required element for trafficking to occur. However 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.

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.

**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.<sup>15</sup> 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 a loan when the value of their work greatly exceeds the value of the loan.<sup>16</sup> 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.<sup>17</sup>

<sup>13</sup> UN Convention against Transnational Organised Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2003.

<sup>14</sup> 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.

<sup>15</sup> 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.

<sup>16</sup> Debt bondage and others forms of “servile status” are defined and prohibited by the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956.

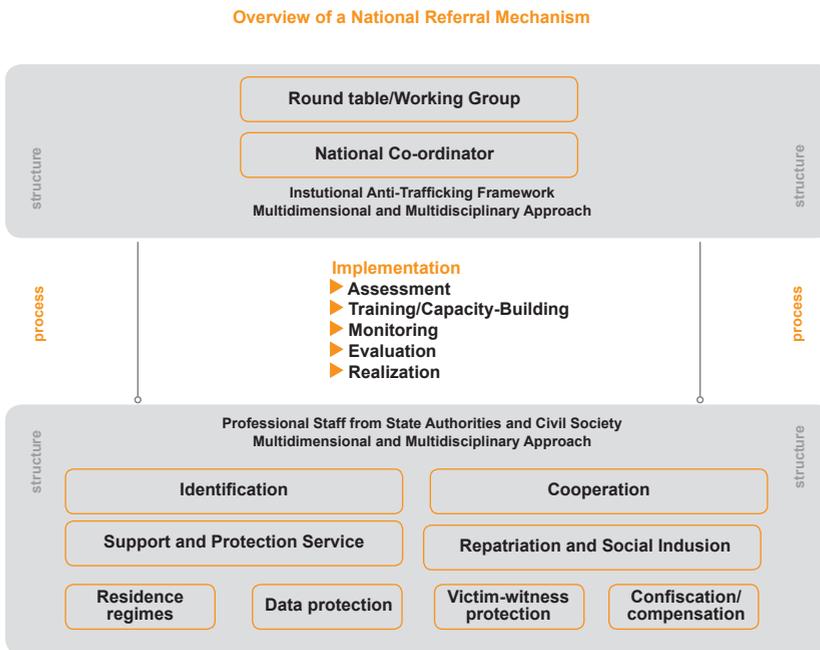
<sup>17</sup> The World Health Assembly adopted guidelines in 1991 which prohibit trafficking in human organs for commercial gain. See WHO, Human Organ Transplantation, A Report on Developments under the Auspices of WHO (1987-1991). The UN Palermo Protocol, also in the case of the

While being exploited, trafficked persons 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.

## 5. National Referral Mechanism

The OSCE has outlined how such a national referral mechanism could be created and what it should look like.<sup>18</sup>

### 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.

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.

<sup>18</sup> 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.<sup>19</sup> 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.

## Referral of Children

When defining models of co-operation, specific procedures need to be attentively considered for **dealing with a child victim**. In line with guidelines from UNICEF<sup>20</sup>, 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 responsible entities for appointing a guardian as soon as a child is identified as a possible victim of trafficking. The necessary contact details of the responsible entity should be made available at every law enforcement station. The trained guardian should accompany the child through the entire process. 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

<sup>19</sup> OSCE/ODIHR, National Referral Mechanisms, 2004, p. 15.

<sup>20</sup> UNICEF, Guidelines for Protection of the Rights of Children Victims Trafficking in South Eastern Europe, 2003, p. 3-4.

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 law enforcement officers question the child. 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 the guardian, the social services/NGOs, the responsible government entity, e.g. Ministry of Interior, and eventually representatives from the embassy of the child's country of origin.

Even if law enforcement 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.

SOPs, if following the guiding principles set out, integrate specific child measures throughout the definition of the SOPs, outlining responsibilities and protocol for (potential) child victims as part of the anti-trafficking response, identification and referral of the (potential) victim.

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 is now working on establishing **national referral mechanisms (NRMs)**; standardised operational procedures that link different service providers in order to ensure victim protection at any stage<sup>21</sup>. 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. Furthermore, as the majority of human trafficking cases are transnational, it is crucial that not only national, but also cross-border referral, assistance and support mechanisms are in place. Complementing and building upon the NRMs, the **transnational referral mechanism (TRM)**<sup>22</sup> covers the entire sequence of case measures, from identification, assistance and protection, participation and support during legal proceedings and legal redress, to return/resettlement and/or social inclusion of the victims in their destination, origin or third country.

<sup>21</sup> OSCE, Action Plan to Combat Trafficking in Human Beings, adopted by Permanent Council on 24 July 2003.

<sup>22</sup> ICMPD, Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons: South-Eastern Europe, 2009, p. 9.

## Annex II: Glossary of Terms<sup>23</sup>

**Assistance:** Measures, programmes and services aimed at the recovery of trafficked persons that might include, but are not limited to, appropriate housing; medical, psychological and material assistance; educational, training and employment opportunities; legal counselling and assistance. Assistance may be offered by non-governmental, governmental or international (or other relevant *organisation*) organisations in countries of destination, transit and origin and they may involve one or multiple services.

**Child:** A person under 18 years of age (also sometimes referred to as a “minor”).

**Country of destination:** The country that is the ultimate destination of a trafficked person (also referred to as “receiving country”).

**Country of origin:** The country a trafficked person comes from (also referred to as “source country”).

**Country of transit:** The country a trafficked person travels through to reach his/her final destination.

**Debt bondage:** “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined”.<sup>24</sup>

**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’.<sup>25</sup>

**Informed consent:** Any free, voluntary permission or approval to something proposed or requested based on full exposure of all facts to make fully informed decisions, including awareness of any risks involved (to the extent they can be known) and any available options. Information sharing is an essential component of “informed consent”.

**National referral mechanism or system (NRM or NRS):** “It is a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society. The basic aims of an NRM are to ensure that the human rights of trafficked persons are respected and provide an effective way to refer trafficked persons to services. In addition, NRMs can work to help to improve national policy and procedures on a broad range of victim-related issues such as residence and return regulations, victim compensation, and witness protection. NRMs can establish national plans of action and can set benchmarks to assess whether goals are being met. The structure of an NRM will vary in each country; however, NRMs should be designed to

<sup>23</sup> ICMPD, Anti-trafficking Training Handbook for the Training Course on 12-13 April 2010 in Soesterberg, the Netherlands, p. 9-11

<sup>24</sup> Article 1a. of the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery (1956).

<sup>25</sup> Article 2.1. of the ILO Forced Labour Convention No.29 (1930).

formalise co-operation among government agencies and non-governmental groups dealing with trafficked persons.<sup>26</sup>

**Potential victim of trafficking:** An individual identified before being exploited that shows strong signs of being in the trafficking process. This differs from a presumed victim, the definition for which appears below (also referred to as “potential trafficked person”).

**Presumed victim of trafficking:** A person who is presumed to be a victim of trafficking but who has not been formally identified by the relevant authorities or has declined to be formally or legally identified (also referred to as “presumed trafficked person”). Presumed victims are entitled to the same treatment as identified victims from the beginning of the identification process. In some countries, this category of persons is referred to as “potential victim”; however, in this document, potential victim has a different meaning. Please see its definition above.<sup>27</sup>

**Protection:** It is an essential component of any assistance scheme both for ensuring the trafficked person’s physical safety but also for safeguarding his/her prospects of social inclusion in the country of origin, destination or in a third country.

**Recovery:** The process by which trafficked persons are stabilised and their well-being restored psychologically, socially and physically.

**Reflection period:** A sound period of time to allow the presumed trafficked person to recover, escape the influence of traffickers/exploiters and take an informed decision about her/his future in full compliance with the respect of the human rights regulations. No expulsion order should be enforced against the presumed trafficked person during this period. The length of the reflection period varies from country to country and is subject to definition by national legislation.

**Service providers:** Organisations and individuals that provide one or more of the support and assistance measures supplied to trafficked persons. These may include social workers, psychologists, shelter staff, medical personnel or legal professionals from NGOs, IOs and GOs.

**Servitude:** “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”.<sup>28</sup>

**Shelter/residential facilities:** Premises where trafficked persons are hosted. Shelters may be open or closed; offer short- or long-term stay; provide round-the-clock, part-time or no in-house assistance. Qualified and specifically trained staff should run shelters. In the case of children, the accommodation has to be appropriate in terms of their specific needs.

<sup>26</sup> T. Kröger, J. Malkoc, B.H. Uhl, National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook, Osce-Odihr, Warsaw, 2004, p. 15.

<sup>27</sup> Each country in the region has different terminology for trafficked persons, particularly those considered ‘at-risk’ of trafficking and those considered to be trafficked but not formally identified as such by authorities. In addition, different organisations also often employ different terms for these categories. In the context of this study, we use the terminologies of ‘potential victim’ and ‘presumed victim’ as outlined in the definitions above and not in conformity with any one country’s or organisation’s terminology.

<sup>28</sup> Article 1b. of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956).

**Slavery:** “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”<sup>29</sup>. 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).

**Smuggling of migrants:** “(...) the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”<sup>30</sup>. In popular language, smuggling and trafficking are often used interchangeably which should be avoided by all means.

**Trafficker:** A person committing or being complicit in or directing another person to commit the trafficking of another human being (or human beings) for any form of exploitation.

**Trafficking in human beings:** “(...) the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”<sup>31</sup>.

**Transnational referral mechanism:** The mechanisms and systems designed for the comprehensive assistance and transnational support and protection of trafficked persons. Transnational referral mechanisms link the full process of referral from initial identification, through return and assistance between countries of transit, destination and origin and involve co-operation between different government institutions and non-governmental actors. They may involve one or all of the steps in the process.

<sup>29</sup> Article 1 of the UN Slavery Convention (1926).

<sup>30</sup> Art. 3 of Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing The United Nations Convention against Transnational Organized Crime, (2000).

<sup>31</sup> Art. 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (also known as the “Palermo Protocol”), 2000.

## Annex III: Forms

### Session plan (template for a day)

Don't forget: schedule time for welcome, introduction, objective and expectations and (coffee and lunch) breaks.

Date / time	Topic of the session	Learning objective	Training method and time (xx')	Material needed /needed to prepare	Comment / responsible
	Welcome etc.				
	Break				
	Lunch				
	Break				
	Closing				

### Session plan (template for a short session)

Date / time	Topic of the session	Learning objective	Training method and time (xx')	Material needed / needed to prepare	Comment / responsible

## Checklist: facilitating a training session

The following list is a step-by step guide to run a (training) session on the SOPs from the start to after the training. The list focuses on preparing the session as a facilitator. It does not focus on the organisational aspects related to a training or a working session.

<b>Step one</b>		<ul style="list-style-type: none"> <li>Prepare handouts and any other photocopies</li> </ul>
<ul style="list-style-type: none"> <li>Assess the learning needs for SOPs (SOPs as a whole or separate measures that are relevant)</li> </ul>		<ul style="list-style-type: none"> <li>Prepare workshop materials such as reference documents and DVD clips</li> </ul>
<ul style="list-style-type: none"> <li>Decide on the type of session needed based on the learning needs identified (inter-institutional participants, participants from the own institutions, size of the group)</li> </ul>		<ul style="list-style-type: none"> <li>Prepare evaluation form (if applicable and decided for one)</li> </ul>
<b>Step two</b>		<b>At the training</b>
<ul style="list-style-type: none"> <li>Decide on what exactly to cover based on the participants and the needs identified</li> </ul>		<ul style="list-style-type: none"> <li>Deliver training / facilitate session</li> </ul>
<ul style="list-style-type: none"> <li>Formulate the objective of the session</li> </ul>		<ul style="list-style-type: none"> <li>Document outputs from group work, visualize main points from discussions</li> </ul>
<ul style="list-style-type: none"> <li>Decide on what methodology and material to use (equipment &amp; material needed)</li> </ul>		<ul style="list-style-type: none"> <li>Plan a way forward, where to take the process from there (if applicable)</li> </ul>
<ul style="list-style-type: none"> <li>Prepare your session in all detail and fill your session plan</li> </ul>		<ul style="list-style-type: none"> <li>Evaluate (with evaluation form, orally or through a tool)</li> </ul>
<ul style="list-style-type: none"> <li>Ensure the availability of the material you need and re-confirm participants</li> </ul>	<b>After the training</b>	
<b>Step three</b>		<ul style="list-style-type: none"> <li>Write a report or memo (if applicable)</li> </ul>
<ul style="list-style-type: none"> <li>Prepare an agenda based on your session plan</li> </ul>		<ul style="list-style-type: none"> <li>Follow-up on agreements and/or actions planned, prepare or take the next step</li> </ul>
<ul style="list-style-type: none"> <li>Discuss with or brief co-trainers or organisers on timing and content</li> </ul>		<ul style="list-style-type: none"> <li>Relax!</li> </ul>

## Annex IV: References, links and materials for further reading

**Asylum Law**, available at [www.asylumlaw.org](http://www.asylumlaw.org)

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

**European Commission**, Brussels

- (2005): Council of Europe Convention on Action Against Trafficking in Human Beings.
- (2004): Report of the Experts Group on Trafficking in Human Beings, Brussels.

**EUROPOL** (2011): European Organised Crime Threat Assessment 2011 (OCTA)

**Human Rights Council (HRC) 2010**. Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Mission to Kyrgyzstan, fourteenth session.

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

- (2006) Law Enforcement Manual for Combating Trafficking in Human Beings, in partnership with UNDP Romania.
- (2006) Anti-Trafficking Training for Judges and Prosecutors - Curriculum and Handbook.
- (2006) Anti-Trafficking Training for Frontline Law Enforcement Officers, Training Guide for Police, Border Guards and Customs Officials in EU Member States, Accession and Candidate Countries'.
- (2009) Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons: South-Eastern Europe.
- (2010) Anti-trafficking Training Handbook for the Training Course on 12-13 April 2010 in Soesterberg, the Netherlands.
- (2010) Guidelines for the Development of a Transnational Referral Mechanism for trafficked persons in Europe: TRM-EU.
- (2010) Monitoring and Evaluation Handbook for National Action Plans against Trafficking in Human Beings.
- (2013) Gaps and Needs Assessment for TELAE Project.
- (2013) Standard Operating Procedures for Identification and Referral of Victims of Trafficking in Lebanon.
- (2013) ICMPD PR material, available at: <http://www.icmpd.org>.

**International Organization for Migration (IOM)**

- (2007) Direct Assistance for Victims of Trafficking, Geneva.

**International Labour Organisation (ILO)**

- (2004) A Global Alliance Against Trafficking.
- (2004) Trafficking for Forced Labour, How to Monitor the Recruitment of Migrant Workers, Training Manual, Geneva.
- (2005) A Global Alliance Against Forced Labour, Report of the Director-general, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, available at: [www.ilo.org/declaration](http://www.ilo.org/declaration)

- (2005) Human Trafficking and Forced Labour Exploitation. Guidelines for Legislators and Law Enforcement.
- (2006) Trafficking for Forced Labour: How to Monitor the Recruitment of Migrant Workers, Geneva.
- (2007) Private Employment Agencies: Regulation, Monitoring and Enforcement, Geneva.
- (2008) Forced Labour and Human Trafficking, Handbook for Labour Inspectors.
- (2009) A Global Alliance Against Forced Labor, Global report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.
- (2009) Forced Labour Global Report, The Cost of Coercion.
- (2010) OSCE, Combating Trafficking as Modern-Day Slavery: A Matter of Rights, Freedoms and Security.

**NATO** (2005): Anti-trafficking training material. NATO, A threat to Security and Stability, Module for Military Commanders and Civilian Leaders, Module 2.

### **Organization for Security and Co-operation in Europe**

- (2010) OSCE, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude.
- (2008) OSCE, Office for Democratic Institutions and Human Rights (ODIHR) Compensation for Trafficked and Exploited Persons in the OSCE Region.
- (2004) National Referral Mechanisms, Joining Efforts to Protect the Rights of Trafficked Persons - a Practical Handbook, Warsaw.
- (2003) Action Plan to Combat Trafficking in Human Beings.

### **London School of Hygiene & Tropical Medicine**

- (2009): UN.Gift, IOM, Caring for Trafficked Persons. Guidance for Health Providers, Geneva.
- (2006): Stolen smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe, Zimmermann, C. et al. under the EC Daphne Programme and IOM, London.

### **Office of the United Nations High Commissioner for Human Rights**

- (2010) UN OHCHR commentary on Recommended Principles and Guidelines on Human Right and Human Trafficking.
- (2002) Recommended Principles and Guidelines on Human Rights and Human Trafficking (corollary to the UN Trafficking Protocol).

### **Office of the United Nations High Commissioner for Refugees**

- (2009) Human Trafficking and Refugee Protection: UNHCR's Perspective.
- (2009) Considerations on the Issue of Human Trafficking from the Perspective of International Refugee Law and UNHCR's Mandate.
- (2006) Guidelines on international protection No. 7: The application of article 1A(2) of the 1951 Convention and/or the 1967 Protocol.
- (2001): Working Paper: J. Morrison, B. Crosland, The Trafficking and Smuggling of Refugees: the End Game in European Asylum Policy?, April 2001 (No. 39).

### **United Nations Office on Drugs and Crime**

- (2013) Global Report on Trafficking in Persons.

- (2010) Trafficking in Persons to Europe for Sexual Exploitation.
- (2009) Trafficking in Persons - Analysis on Europe.
- (2009) International Framework for Action - To Implement the Trafficking in Persons Protocol.
- (2008) Toolkit to Combat Trafficking in Persons, Vienna.
- (2009) Anti-human trafficking manual for criminal justice practitioners. (with UN.Gift)

**US Department of State (2012):** Trafficking in Persons Report, Office to Monitor and Combat Trafficking in Persons. Available at: <http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm>

**World Health Organisation (WHO) (2003a):** Ethical and Safety Regulations for Interviewing Trafficked Women (Cathy Zimmermann & Charlotte Watts); in Co-operation with the London School of Hygiene and Tropical Medicine und Daphne Programme of the European Commission, Geneva.

### International conventions and legal instruments

- 1926 UN Slavery Convention
- 1946 UN Convention for the Suppression of the Traffic in persons and of the Exploitation of the Prostitution of others
- 1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery
- 1966 International Covenant on Civil and Political Rights, available at: [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)
- 1979 Convention on the Elimination of All Forms of Discrimination against Women, available at: [http://www.unhchr.ch/html/menu3/b/e1\\_cedaw.htm](http://www.unhchr.ch/html/menu3/b/e1_cedaw.htm)
- 1981 Council of European Convention for the protection of individuals with regard to automatic processing of personal data
- 1989 Convention on the Rights of the Child, available at: [http://en.wikipedia.org/wiki/Convention\\_on\\_the\\_Rights\\_of\\_the\\_Child](http://en.wikipedia.org/wiki/Convention_on_the_Rights_of_the_Child)
- 1999 Worst Forms of Child Labour Convention, 1957 Abolition of Forced Labour Convention, 1930 Forced Labour Convention, available at: [http://en.wikipedia.org/wiki/Worst\\_Forms\\_of\\_Child\\_Labour\\_Convention](http://en.wikipedia.org/wiki/Worst_Forms_of_Child_Labour_Convention)
- 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, available at: <http://www.unhchr.ch/html/menu2/6/crc/treaties/opac.htm>
- 2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, available at: <http://www.unhchr.ch/html/menu3/b/92.htm>
- 2000 Convention against Transnational Organized Crime and its Supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), available at: <http://www.unodc.org/unodc/en/treaties/CTOC/index.html#Fulltext>
- 2000 Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, available at: <http://www.unodc.org/unodc/en/treaties/CTOC/index.html#Fulltext>

- EU Council Directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, available at: <http://europa.eu.int/scadplus/leg/en/lvb/l33187.htm>
- Council of Europe Convention on Action Against Trafficking in Human Beings, available at: [http://www.coe.int/T/E/human\\_rights/trafficking/](http://www.coe.int/T/E/human_rights/trafficking/)

**Turkey specific materials for reading:**

**Ariadne Network (2007)**

- Combating Human Trafficking, Problems and Prospects – Turkey, online: <http://www.ariadnet.net/pdfs/12.Turkey.pdf>

**Arslan (2006)**

- Combating Trafficking in Turkey: A Strategic Approach to Law Enforcement. IOM, Ankara, online: <http://www.countertrafficking.org/default.html>

**Circular 74 (2006), Turkey**

**Kartusch / Reiter / Uhl (2006)**

- Assessment on Victim Assistance and Support. An analysis of the National Referral Mechanism in Turkey, Ludwig Boltzmann Institute of Human Rights, Vienna Mandated Body, Vienna, online: [http://bim.lbg.ac.at/files/sites/bim/Assessment%20Report%20on%20Victim%20Assistance%20and%20Support\\_0.pdf](http://bim.lbg.ac.at/files/sites/bim/Assessment%20Report%20on%20Victim%20Assistance%20and%20Support_0.pdf)

**Law on Foreigners and International Protection (2013), Turkey**

**Ministry for EU Affairs (2008)**

- National Programme of Turkey for the Adoption of the EU Acquis, <http://www.abgs.gov.tr/index.php?p=42260&l=2>

**Ministry for EU Affairs (2008)**

- National Programme of Turkey for the Adoption of the EU Acquis, Chapter 24: Justice, Freedom and Security, online: [http://www.abgs.gov.tr/files/Muktesebat\\_Uyum\\_Programi/En/Chapter\\_24.pdf](http://www.abgs.gov.tr/files/Muktesebat_Uyum_Programi/En/Chapter_24.pdf)

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- Accession Policy Directorate, Current Situation of Accession Negotiations, online: <http://www.abgs.gov.tr/index.php?p=65&l=2>

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**Toktas/ Selimoglu (2012)**

- Smuggling and trafficking in Turkey: An Analysis of EU – Turkey Cooperation in Combating Transnational Crime. In: Journal of Balkan and Near eastern Studies, online: <http://www.tandfonline.com/doi/pdf/10.1080/19448953.2012.656970>

# Train the trainers

## Train-the-Trainer curriculum on the identification, referral and assistance of trafficked persons

The Train-the-Trainer (ToT) curriculum on the identification, referral and assistance of trafficked persons was developed in the framework of the project *Enhanced Identification and Protection of Trafficked Persons in Turkey (IPT)*, implemented by the International Centre for Migration Policy Development (ICMPD) and financially supported by the United States Department of State, Office to Monitor and Combat Trafficking in Persons. The objective of this curriculum is to enable users to build the capacities of their colleagues and members of relevant institutions on fighting THB and the identification and referral of potential and actual victims of trafficking.

The ToT curriculum is a guide for any training or work session on THB with a focus on understanding the scope of the topic, as well as relevant issues around multi-disciplinary cooperation for successful identification and referral of victims of trafficking. Furthermore, the training sessions provide step-by-step guidance to the national actors on how to establish a functioning and sustainable national referral system based on SOPs for identification and referral of trafficked persons, in full compliance with human rights standards, based on a participatory and multi-disciplinary approach, involving multiple relevant institutions and stakeholders. The target group for the trainings is governmental and non-governmental anti-trafficking actors involved in the identification and referral process in different regions in Turkey that have not received prior training on the issue of THB.

ISBN: 978-3-902880-18-5 EN



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