



Protocol for Identification and Assistance to

Trafficked Persons and Training Kit

Anti-Slavery International 2005

The Police Academy in the Netherlands, On The Road (Italy), Eaves Housing for Women (UK) & STV (NL)

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A NOTE: This manual is by no means a last word in identification of trafficked people. On the contrary—we hope that it will inspire discussions and brainstorming in your professional groups and that you will find numerous ways to amend, improve and make more effective the information provided. Therefore the material is not a book but a loose-leaf file, which we hope will be added to by your own experiences, notes and materials.

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Anti-Slavery International

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WHAT is this?

This is a manual on identification of trafficked people in practice. It aims to provide basic information to those most likely to encounter trafficked persons and help to make the difficult task of identification easier.

WHO is the manual for?

The manual was created in co-operation with and for practitioners. Those who come into contact with trafficked person in their everyday work should use it: front-line police and immigration officers, detention centre workers and service providers.

WHY should I read it?

In many cases, trafficked people have irregular immigration status and are identified as 'undocumented' or 'illegal migrants' or, those trafficked into prostitution, simply as 'prostitutes'. In most of the destination countries those who are not recognised as possibly having been trafficked, face swift deportation and/or possibly detention in immigration facilities. As a direct outcome of not being identified, the trafficked persons are unaware of their rights and do not have access to assistance measures, which, according to law, exist to support and assist them. The simple truth is that as long as the crime is not recognised, it cannot be investigated and prosecuted.

HOW can I use this in practice?

The resource can use in 4 different ways:

- As background information about existing international instruments and their relevance to law enforcement work (Chapter 1).
- As a practical tool with a list of indicators, check-lists and recommended questions for interviewing trafficked persons (Chapter 2).
- As training material to introduce issues of identification of trafficked people (Chapter 3).
- As a resource on national legislation, the possibility of referrals and recommended assistance to trafficked people (Chapter 4).

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Defining the problem - International Law for National Law Enforcement

I. Introduction

The following part of the handbook offers a brief overview of international law on trafficking in persons. Its main aim is to place the issue of trafficking in the context of human rights and explore where, as crucial agents, law enforcement agencies are positioned, in terms of protecting the fundamental rights and freedoms of trafficked persons.

This resource is primarily an introduction into trafficking issues and key problematic areas directly relating to the work of law enforcement agencies. It is by no means exhaustive, but as a resource, it can be used in several ways:

- As an introduction to the issue for interested professionals
- As a basic background for educational materials
- As a reference point, for further exploration of issues around trafficking in persons

As the title suggests, this part of the handbook answers the question of how trafficking in persons, forced labour, slavery and slavery-like practices, are defined. The text gives several examples of what trafficking means from the perspective of the victim** and explores how it can be recognised in practice. The document also addresses questions such as what is the difference between trafficking in persons and migration, why trafficking in persons continues to be a high-profit, low-risk crime and, what role and opportunities law enforcement agencies play in changing the status quo.

II. What is trafficking in persons?

The term 'trafficking' was used as early as the end of the 19th century. However, since then there has been persistent confusion about the exact meaning of trafficking, ie which practices should be combated. This lack of clarity has been reflected in various - sometimes contradictory - concepts and definitions which have been used in national legislation and international instruments.

** Please see p.12 for an extended definition of this term. The term 'victim' is viewed in a number of ways. For the purposes of this Protocol, the term is used throughout.

The different elements of human rights violations which occur during the process of trafficking are addressed in numerous international treaties. Particularly relevant is the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Slavery Convention (1926), the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), the ILO Forced Labour Conventions 29 and 105, the Convention on the Protection of All Migrant Workers and their Families and the Convention on the Elimination of All Forms of Discrimination Against Women (1979).

The most recent and comprehensive international treaty that focuses specifically on trafficking is the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000). The 'Trafficking Protocol' (or 'Palermo Protocol') is one of the two Protocols attached to the Organised Crime Convention. The other focuses on smuggling in persons. Separating these two Protocols is important because it reflects the difference between smuggling and trafficking.

Article 3 of the above mentioned Palermo Protocol defines trafficking in persons as follows:

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

This definition was used by Anti-Slavery International and its partners in the course of the preparation of this document.

Even though the definition of trafficking has a long history, it is now accepted that it covers three elements, which are:

- Recruitment, transportation, transferring, harbouring or receipt of person
- Means of threat, use of force, coercion, abduction, fraud, deception, etc
- Purpose or act of exploitation, including sexual exploitation, forced labour, slavery and slavery-like practices.

III. What are slavery, slavery-like practices and forced labour?

Trafficking in persons is a concept closely linked with slavery, slavery-like practices and forced labour. It is therefore necessary to define those terms.

Although the Palermo Protocol does not offer a detailed description of what is meant under the terms of forced labour or services, slavery or practices similar to slavery, the use of forced labour has been condemned by the international community as a practice similar to, but distinct from, slavery. The League of Nations and the United Nations have made a distinction between slavery and forced or compulsory labour and the International Labour Organization (ILO) was given principal responsibility for the abolition of the latter.¹

The ILO Forced Labour Convention No. 29 (1930), defines forced labour as: "all work or services, which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". The existence of an element of coercion is a useful indicator of forced labour. Coercion itself though, is a broad and open concept. Rigorous implementation of the legal definition of forced labour – and by extension trafficking – requires being able to assess any given situation. It has been suggested, with reference to the 'travaux préparatoires' of the Palermo Protocol, that coercion exists in "any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved".² Experiencing loss of control over one's life is a general indicator of coercion and forced labour.

The following list of indicators can be used for identifying forced labour:³

- Threats or actual physical harm to the worker.
- Restriction of movement and confinement to the workplace or to a limited area.
- Debt bondage: where the person works to pay off a debt or loan, and is not paid for his or her services. The employer may provide food and accommodation at such inflated prices that the worker cannot escape the debt.
- Withholding of wages or excessive wage reductions that violate previously made agreements.
- Retention of passports and identity documents, so that the worker cannot leave or prove his/her identity and/or status.
- Threat of denunciation to the authorities where the worker has an irregular immigration status.

These practices impose a degree of restriction on an individual's freedom, which is often achieved through violent means. However, the definition of forced labour does not incorporate the concept of ownership as is the case for the two Slavery Conventions:

The League of Nations Slavery Convention (1926) defines slavery as: "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised" (atr.1 (1)).⁴

The Supplementary Convention on Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956) also includes in its definition "debt bondage, serfdom, certain institutions and practices related to marriages of women without the right to refuse, any exploitation of children's labour by people other than their parents etc, which are collectively referred to as the "servile status".

The difference between forced labour and slavery is therefore related to the concept of ownership. Nevertheless, when referring to trafficking, the key issue is that in both cases, people face exploitative situations.

¹ Weissbrodt, D & Anti-Slavery International, Abolishing Slavery and its Contemporary Forms, Working paper, Office of the United Nations High Commissioner for Human Rights, New York, 2002.

² General Assembly, Travaux Préparatoires, A/55/383/Add.1, at para. 63, quoted in Weissbrodt, D & Anti-Slavery International, Abolishing Slavery and its Contemporary Forms, Working paper, Office of the United Nations High Commissioner for Human Rights, New York, 2002. *supra* note 11, at footnote 109.

³ See the Special Action Programme to Combat Forced Labour, Human Trafficking and Forced Labour Exploitation - Guidance to Legislation and Law Enforcement, ILO, Geneva, 2005.

⁴ Weissbrodt, D & Anti-Slavery International, Abolishing Slavery and its Contemporary Forms, Working paper, Office of the United Nations High Commissioner for Human Rights, New York, 2002.

The definition of forced labour is not based on the concept of ownership as is the case for the two Slavery Conventions.

However, forced labour imposes a degree of restriction on individual's freedom which is often achieved through violent means.

An integral component of trafficking in persons is usually slavery/slavery-like practices or forced labour.

IV. What is the difference between migration, trafficking and smuggling?

Another clarification needed in relation to trafficking, is the distinction between migration, trafficking and smuggling. The fundamental difference between smuggling and trafficking is that when people are smuggled, at the end of their journey they are free and are not tied to the person who has smuggled them. When a person is trafficked, at the end of their journey, they are not free from their trafficker and are tied to him/her usually for the exploitation of their labour or services.

Migration may take place though regular or irregular channels and may be freely chosen or forced upon the migrant as a means of survival. The phenomenon of migration covers:⁵

- Permanent immigrants - documented migrants admitted for permanent resettlement in the host country.
- Temporary migrant workers - admitted by a country other than their own for the explicit purpose of exercising an economic activity. They can be seasonal migrant workers, project-tied migrant workers, contract migrant workers
- Refugees – “any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country”.⁶
- Irregular or undocumented migrant workers—those who do not comply with the conditions necessary to be authorised to enter, to stay and to engage in a remunerative activity in the country of employment. They can be:
 1. Those who enter the country legally but whose stay or employment contravene the law (for example visa expiry);
 2. Those whose stay and entry are lawful but who do not have the right to work and are engaged in illegal or illicit employment;
 3. Those who enter the country illegally and who seek to change their status after arrival to find legitimate employment;
 4. Those who have entered the country illegally, whose stay is unlawful and whose employment is illegal.

If the method of migration is irregular, then a smuggler may assist the migrant by facilitating illegal entry into a country, for a fee. The fee may be exorbitant and may expose the migrant to serious dangers in the course of the journey. On arrival at his/her destination, the migrant is free to make his/her own way and usually does not see the smuggler again.

For trafficked people, it is often only once they arrive in the country of destination that their real problems begin. They have often been promised a job that does not exist, and instead they are forced to work in jobs or conditions that they did not agree to. What makes trafficking identifiable and distinct, is not the movement of a person from one place to another, or the site of work per se, but the brokering, lack of consent and the exploitative conditions of work.

Trafficking, smuggling and migration are different but inter-related issues.

- In all cases, movement is involved.
- When a person migrates or is smuggled, at the end of their journey, he/she is free to make his/her own choices.
- On the contrary, on arrival, a trafficked person is forced into conditions of work that he/she has not agreed to.

⁵ Categorisation based on Bilsborrow R.E., Hugo G., Oberai A.S and Zlotnik H., International Migration Statistics Guidelines for Improving Data Collection Systems, ILO/UNFPA, Geneva, 1997.

⁶ United Nations, Convention Relating to the Status of Refugees, 1951.

V. What is trafficking in persons in practice?

Trafficking in persons has been described as "structural," as opposed to "episodic," meaning that it affects thousands of individuals world-wide and often requires complex interactions between individual traffickers, international criminal networks and state structures.

The core element of the above definition of trafficking can be broken down into:

- a) Movement from one place to another
- b) With deception or coercion, abuse of power or of a position of vulnerability etc.
- c) Into conditions of exploitation (slavery, servitude, forced labour)

The following elements of the Palermo Protocol determine whether or not a person has been trafficked:⁷

a) Movement from one place to another

- acts or attempted acts:

The acts or attempted acts of trafficking are characterised by the coercive and abusive conditions into which the trafficker intends to place his/her victim.

- recruitment:

The recruitment process can take place in both formal and informal ways. Many trafficking cases involve a process of recruitment through registered or illegal agencies that organise and "facilitate" the process of travel from one country to another. A community member, family member, or any other intermediary however, can arrange the recruitment as well.

- transportation within and across borders:

Some form of physical movement or transportation is needed for trafficking to occur. The movement often occurs between different countries, but can occur without crossing international borders. In either case, the victims are moved to an unfamiliar place, far from home and under the control of the traffickers.

- through legal or illegal channels of migration:

Trafficking can occur whether people are moved by legal or illegal means. Trafficking can happen to migrants with legitimate visas or work permits, who entered a country legally, but were deceived/forced/threatened and had not agreed on the conditions of work. Irregular migrants are more at risk of being subjected to forced labour and exploitation, but regular migrants are also routinely denied both their human and labour rights. A recent study on "Forced Labour and Migration to the UK", cites the example of South Asian workers who entered the UK on legal permits in the manufacturing industry. They were threatened with violence and deportation if they refused to accept working 12 hour shifts from Monday to Friday and 9 hour shifts on weekends, followed every day by cleaning their employer's residence.⁸ The study also mentions a Filipina nurse who, having a legal status, felt obliged to stay and work because of fears that her employer would remove her work permit.⁹

b) With deception or coercion, abuse of power or of a position of vulnerability etc.

- purchase, sale, transfer, receipt or harbouring of a person:

Traffickers use one or more of these actions when they move the trafficked person from the place of origin to the place of destination.

⁷ (based on Global Alliance Against Trafficking in Women, Human Rights and trafficking in Persons: A Handbook, Bangkok, 2001.)

⁸ Anderson B. Rogaly B., Forced Labour and Migration to the UK, TUC/Compass, London, 2004.

⁹ "You are a slave, you can't go, even if you want to... If I knew beforehand, obviously I wouldn't get into that situation... but when you are in the situation, the work permit holds you". Quote from Anderson B. Rogaly B., Forced Labour and Migration to the UK, TUC/Compass, London, 2004.

- deception:

Trafficked persons are usually deceived into their vulnerable situation. People may be offered further education, marriage or a well-paid job and end up in forced labour or a forced marriage. If a woman is trafficked into prostitution, she may know she is going to work in the sex industry, but not that she is going to be deprived of her liberty or her earnings. This is trafficking. In most cases traffickers deceive people about the conditions under which they will be forced to live and/or work.

- coercion (including the use of threat of force or the abuse of authority):

Some traffickers may use force to abduct a victim and others use violence or blackmail to keep a trafficked person under their control. Trafficked persons are dependent upon their traffickers for food, clothing and housing and are made to submit to the demands of their captors. Traffickers usually restrict a victim's freedom of movement or prohibit victims from leaving the workplace without an escort. Coercion may also be psychological. Abuse of authority involves situations of dependency in which one person who has power over another (such as a relative or employer), denies the rights of the dependent person. In the context of trafficking, victims are often moved into foreign communities (although this does not always mean across borders). They are isolated from their families and sometimes their language and, therefore rendered even more dependent upon their traffickers for food, shelter, information and "protection" from authorities.

- or debt bondage:

Many trafficked persons are forced into a debt-bondage situation. Once at the destination they are told they will have to work to pay back a large and increasing sum of money for travel expenses, housing, clothing, medical and/or food expenses. Traffickers have full control over their employee's movement and their income. The victim is never able to pay back the extraordinarily high debt, but the trafficker tells him/her that the debt will be paid off "soon". Trafficked persons, who are anxious to start earning money believe the lie, and continue to submit to their conditions in the hope that the debt will soon be paid off and they will start earning money. However, traffickers usually find new (and fictitious) expenses to charge and the pay-off date continues to be postponed.

c) Into conditions of exploitation (slavery, servitude, forced labour)

- servitude (domestic, sexual or reproductive), in forced or bonded labour, or in slavery-like conditions:

Many people are trafficked into situations not strictly involving forced labour or slavery (by legal definition). In some cases women are trafficked into forced or servile marriages where no money changes hands. In other cases, people are held as household servants or they may simply be held captive. Forced labour, servitude and slavery are all crimes prohibited as human rights violations under international law. They cover all situations into which people are trafficked. The kind of business or service into which a person is trafficked does not dictate whether or not trafficking occurred. People are trafficked into many types of situations, such as domestic, manual or industrial work in formal or informal sectors or marriage or other kinds of relationships. Coercive conditions/relations in these situations constitute acts or attempted acts of trafficking.

Trafficking involves many different elements, including:

- recruitment,
- transportation within/or across borders,
- through legal or illegal channels of migration,
- purchase, sale, transfer, receipt or harbouring of a person,
- using deception,
- coercion,
- debt bondage,
- servitude in forced or bonded labour, or in slavery-like conditions,
- into a community other than the one in which the person lived at the time of the original deception, coercion or debt bondage.

VI. Why is trafficking a high-profit, low-risk crime?

A lot has been said about the ever-growing number of people who are trafficked annually. Much can be said about the abuse and suffering it causes. The simple truth is that as long as the crime is not recognised, it cannot be investigated and prosecuted.

Trafficking is described as a low-risk, high-reward enterprise. Harvey¹⁰ suggests that this is caused by:

- The principal or key figures not being arrested
- The vulnerability of victims
- The fact that many investigations into trafficking networks are still based on the victim's complaint
- The difficulties faced by prosecutors in gathering evidence and presenting cases
- The response from law enforcement generally

In an attempt to address the problem at the EU level, the EU Framework decision¹¹ on Combating Trafficking in Human Beings as well as the Council Directive¹² on the residence permit issued to third-country nationals, who are victims of trafficking in human beings, were drafted. These legal instruments are an opportunity for the destination countries to ensure that the rights of trafficked persons will be addressed. The EU Council Framework Decision obliged all EU Member States to harmonise their domestic criminal legislation on trafficking by 2004, including the adoption of a common definition of trafficking consistent with the Protocol to prevent, suppress and punish trafficking in persons, especially women and children.

However, although EU countries have adopted new laws which criminalise trafficking in persons and protect the victims, implementation has been fragmented. One of the key problems remaining is the lack of identification of trafficked persons as such. The processes of identifying trafficked persons and referral mechanisms in most countries, are still ad hoc and arbitrary. Access to services and appropriate support can vary enormously depending on where a trafficked person is first encountered, which agency first works with the person, whether or not the staff member involved has any prior knowledge of trafficking and even whether they 'believe' the person's experiences.¹³ In many cases, trafficked people have irregular immigration status and are identified as 'undocumented' or 'illegal migrants' or, those trafficked into prostitution, simply as 'prostitutes'. In most of the destination countries those who are not recognised as possibly having been trafficked, face swift deportation and/or possibly detention in immigration facilities. As a direct outcome of not being identified, trafficked persons are unaware of their rights and do not have access to assistance measures, which, according to law, exist to support and assist them.

Four out of the five reasons above as to why trafficking is considered to be a low-risk crime, point to the difficulty in identifying and protecting victims. The trafficking Protocol outlines in Articles 6,7 and 8, the core protection and assistance measures which should be available to trafficked people. These include:¹⁴

- Temporary or permanent residence permit
- Appropriate housing
- Information and counselling, in particular about their legal rights
- Medical, psychological and material assistance
- Employment, education and training opportunities
- Opportunities for legal redress and compensation; and
- Due regard being given to a person's safety when carrying out return, which should preferably be voluntary

¹⁰ Harvey S., Trafficking in Human Beings for sexual exploitation; Europol, Trafficking in human beings group, 2005.

¹¹ European Council, Council Framework Decision on combating trafficking in human beings, 2002.

¹² Council of Europe, 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, 2004.

¹³ Marshall, D, UK Country paper, AGIS project JAI/2003/AGIS/083.

¹⁴ Kaye, M., The Migration-Trafficking Nexus, Anti-Slavery International, London, 2003.

The importance of the protection and assistance measures is echoed in the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking, which under Guideline 5 on adequate law enforcement response, recommends the following:

- Implementing measures to ensure that “rescue” operations do not further harm the rights and dignity of trafficked persons. Such operations should only take place once appropriate and adequate procedures for responding to the needs of trafficked persons released in this way, have been put in place;
- Making appropriate efforts to protect individual trafficked persons during the investigation and trial process and any subsequent period when the safety of the trafficked person so requires. Appropriate protection programmes may include some or all of the following elements: identification of a safe place in the country of destination; access to independent legal counsel; protection of identity during legal proceedings; identification of options for continued stay; resettlement or repatriation;
- Encouraging law enforcement authorities to work in partnership with non-governmental agencies in order to ensure that trafficked persons receive necessary support and assistance.

However, for example the research of UNICEF, UNOHCHR and OSCE-ODIHR¹⁵ conducted in 2002, established that 65% of trafficked women and girls are not assisted. The research indicated the following reasons:

- Focus on the return of trafficked persons and their legal status as irregular migrants, instead of their status as victims of trafficking;
- Restricted access to shelters - no safe place or assistance to victims unwilling to return to country of origin;
- Lack of special services and treatment for children under 18;
- Lack of legal framework for assistance;
- Lack of engagement of local NGOs in assistance work;
- Inadequate security and lack of witness protection;
- No alternatives to return.

As it is clear that the lack of identification and protection encourages trafficking in people, it is crucial to enforce the law in these two areas.

Trafficking, because of its hidden nature and because it is not recognised, is not investigated and prosecuted and remains a high-profit, low-risk crime.

Some of the reasons for this are attributed to identification and protection deficits.

Therefore, these areas in particular, need appropriate law enforcement.

¹⁵ UNICEF, UNOHCHR and OSCE-ODIHR, Trafficking in Human Beings in Southeastern Europe, Belgrade, UNICEF, June 2002, p.144.

VII. We know the law. Do we use it to protect rights, or....?

Over the course of the project, Anti-Slavery International looked at various trafficking identification models, as well as referral mechanisms and assistance measures existing both in the countries of origin and destination.

Although it is generally understood that the Trafficking Protocol definition of trafficking in persons is observed by States and professionals, institutional and individual understanding of what trafficking actually is in practice and who the victim is, varies considerably. The confusion between trafficking in persons and migration (regular or irregular), is a persistent practical problem.

In the Netherlands for example, research shows that the five nationalities most represented amongst the 1000 women held as illegal migrants in detention centres in 2003, are the same as those recorded for women identified as having been trafficked into the Netherlands. It could therefore be concluded, that there is some confusion between illegal migrants and trafficked women who have not been considered as such.¹⁶

However, it is equally problematic to assume that every migrant is a victim of trafficking, or that "men migrate, women are trafficked".¹⁷ For example in Albania, all women who were found at irregular collecting points on their way to Italy, were referred to a shelter by local police, and labelled as 'trafficked'.

Access to assistance is often dependent on the victim's willingness to co-operate and his/her 'usefulness' for the criminal proceedings. For example in 2003 the UK Home Office established criteria for trafficked persons to be referred to special services. This included that: (the person) has been working as a prostitute for the last 30 days (in the UK); (the person) has come forward to the authorities, (the person) is willing to co-operate with the authorities.

The criteria to access assistance in destination countries can be very selective, gender discriminatory and often not in line with the definition of trafficking (and subsequently the definition of a trafficked person) as outlined by the Trafficking Protocol.

Human rights are often neither central to nor an integral part of identification, referral and assistance processes. Often the same shelter is used both to accommodate the trafficked person, and as a base for the police to carry out their questioning. During the course of the project we came across many practices which aimed to enhance victim's wellbeing and/or security but which however, did not respect basic human rights and dignity of the trafficked people. In several cases in both the countries of origin and destination, these included: mandatory medical check ups and HIV testing, compulsory counselling, restriction of victim's freedom of movement, using the victim's personal data, contacting the victim's family and informing officials in his/her country of origin about them without prior consent.¹⁸

After two years of research, Anti-Slavery International¹⁹ found that the current models of protection offered to trafficked persons, prioritise law enforcement requirements over the rights of trafficked persons. The report's findings indicate that law enforcement officials have tended to be most successful in securing convictions when trafficked persons' rights have been respected. In the successful cases, there have been committed teams of law enforcement officials, prosecutors, lawyers and service providers, who all responded sensitively to the needs and rights of trafficked persons in each case. However, in the vast majority of cases, the trafficked person, if recognised, is seen primarily as a witness, and as a tool of law enforcement. The report warns that if this continues to be the case, the victim's right to justice will continue to be denied, and prosecution of traffickers will fail because trafficked persons will be neither willing nor able to testify. It is therefore necessary to be able to identify victims of trafficking, and following their identification, to respect their human rights, in particular their right to access justice.

¹⁶ White, A.G., Human Rights and Trafficked Women in Enforced Prostitution: A Case of Civic Stratification in the Netherlands, Dissertation Research project; Human Rights Centre, University of Essex.

¹⁷ Gender Promotion Programme, Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers, An information guide, ILO, Geneva, 2003. Booklet No 6, Trafficking of Women and Girls.

¹⁸ Trafficking in Human Beings, Report of the EU, Experts Group, Brussels, 2004.

¹⁹ Pearson E., Human Traffic Human Rights: Redefining Victim Protection, Anti-Slavery International, London, 2003.

Even though jurisdictions have clear definitions, in practise, confusion between trafficking in persons, smuggling and migration persists.

This leads to an over-generalisation or to the mis-conception that every migrant is a victim of trafficking, or that there are only very few 'genuine' victims.

Other problems in identification include:

- Access to assistance is restricted because it is often selective, gender discriminatory and dependent upon the victim's willingness to co-operate.
- Sometimes, the human rights of trafficked persons are not respected during the process of identification and assistance.

VIII. Access to justice is a fundamental right

The role of law enforcement agencies in protecting the human rights of trafficked persons is recognised as instrumental in a number of international documents. Namely, the United Nations Code of Conduct for Law Enforcement Officials,²⁰ the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power²¹ and the European Code of Police Ethics,²² set out the protection and respect of individual's fundamental rights and freedoms,²³ as one of the key objectives of law enforcement.

The Universal Declaration of Human Rights (UDHR) contains a number of articles which are particularly relevant to law enforcement work, such as the right to life, liberty and security of person,²⁴ equality before the law and entitlement without discrimination, to equal protection of the law.²⁵ Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which they have had all the guarantees necessary for their defence.²⁶

Under the UN Declaration of Basic Principles of Justice,²⁷ victims of crime are entitled to access justice, legal redress and compensation.

Nonetheless, it is not an easy task to define the precise meaning of the term 'victim'. Many service providers and people who have been trafficked, do not wish to either use or be labelled 'victims' at all, preferring terms such as 'survivor' or trafficked person.

Even if they are willing to use the term 'victim', victimologists and victim assistance practitioners recognise that "the definition varies considerably and is influenced by the context (sociological, legal, geographical, practical) within which the term is used."²⁸

The legally binding EU definition states that, as a minimum, 'victim' shall mean "a natural person who has suffered harm, including physical or mental injury, emotional suffering or economic loss, directly caused by acts of omission, that are under criminal law of a member State (of EU)."²⁹

²⁰ adopted by the General Assembly in its resolution 34/169 of 17 December 1979.

²¹ adopted at the 96th plenary meeting on 29 November 1985.

²² adopted by the Committee of Ministers of the Council of Europe on 19 September 2001.

²³ including but not limited to The European Convention on Human Rights (ECHR), 1950; the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), The Convention on the Elimination of All forms of Discrimination against Women (1979), the Convention against Torture and other Cruel, Inhuman or Degrading Treatment (1984), the Convention on the Rights of the Child (1989), the Convention on the Protection of the Rights of All Migrant Workers and their Families (1990).

²⁴ (Article 3, UDHR).

²⁵ (Article 7, UDHR).

²⁶ (Article 11(1), UDHR).

²⁷ UN Declaration of basic Principles of Justice for Victims of Crime and Abuse of Power.

²⁸ What victims want to know, Sue Moody, Paper submitted for the Xith International Symposium on Victimology, Stellenbosch, South Africa.

²⁹ Council Framework Decision on the standing of victims in criminal proceedings (2001/220/JHA), Article 1, para 1.

However, within certain categories of crime including trafficking in persons, the impact reaches far beyond the immediate victim. The specific approach to how a 'victim' is defined, may exclude family members or caregivers who also suffer from the crime and/or its consequences. The definition of 'victim' in the Declaration of Basic Principles of Justice for Victims of Crime addresses this problem: a person can be considered as a victim "regardless of whether the perpetrator is identified, apprehended, prosecuted or convinced and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimisation.³⁰

The States and their authorities are responsible for ensuring that all victims have access to the justice system as well as supporting them through the justice process, which should be designed to minimise the obstacles that victims may face in seeking justice. The EU Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings³¹ outlines the core rights of victims of crime. These include the right to be treated with respect for their dignity, the right to provide and receive information, the right to understand and be understood and the right to be protected at the various stages of procedure.

1. Treatment of victims with respect and recognition

Granting the victim basic human respect reassures the victim of the condemnation of the crime, and of the community's interest in seeking justice: This is the basis of building communication and co-operation. Treating victims with respect often contributes to greater willingness on their behalf to assist with the investigation and juridical process.³² The States and their law enforcement bodies continue to make every effort to ensure that victims are treated with due respect and dignity during proceedings, recognising the rights and legitimate interests of the victims with particular reference to criminal proceedings.³³

2. Right to hearing, provision of evidence and right to receive information

Informing victims of their rights and responsibilities: Various jurisdictions have taken different approaches in consideration of the victim's views. Police experience demonstrates that successful communication depends on the extent to which the victim has been informed and understands his/her rights and responsibilities. The information can be delivered in many forms, including publications and leaflets in the language of the victim. The victim, from their first contact with law enforcement agencies, should have access to and, be able to understand at least the following information:

- (a) the types of services and organisations which they can use for support;
- (b) the types of support which they can access;
- (c) where and how they can report the offence;
- (d) procedures following such a report and their role in connection with such procedures;
- (e) how and under what conditions they can seek protection;
- (f) to what extent and on what terms they have access to:
 - (i) legal services
 - (ii) legal aid, or
 - (iii) other services

And if they are entitled to (i) and (ii):

- (g) requirements entitling them to compensation;
- (h) if they are resident in another State, any special arrangements which are available to them in order to protect their interests.³⁴

³⁰ UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

³¹ Council Framework Decision 2001/220/JHA of March 2001 on the standing of victims in criminal proceedings.

³² Handbook on Justice for Victims (On the use and application of the Declaration of Basic principles of Justice for Victims of Crime and Abuse of Power); United Nations Office for Drug Control and Crime Prevention, Centre for International Crime Prevention, New York, 1999.

³³ Council Framework Decision on the standing of victims in criminal proceedings (2001/220/JHA), Article 2.

³⁴ the list of information: Council Framework Decision on the standing of victims in criminal proceedings (2001/220/JHA), Article 4, para 1.

The information provided should be as clear as possible. Information provision should take into account the possible effects of severe psychological trauma on people's cognitive abilities. For example, victims who have been seriously traumatised may find it difficult to assimilate and understand information, to separate out the most essential information and to communicate their concerns about the support and assistance they receive.³⁵

Keeping the victim informed:

If the victim wishes to be kept informed about developments of their case, all necessary measures should be taken to ensure this. In particular they should be informed if decisions are taken about: the outcome of their complaints, how they might stay informed in the case of someone being prosecuted for crimes concerning them and the court sentence.³⁶

In addition, all necessary measures should be taken to ensure that at least in cases where there might be danger to the victim, when the person prosecuted or sentenced for an offence is released, that a decision may be taken to notify the victim.³⁷

The victim as witness:

The victim is generally in the best position to provide the investigating authorities, the prosecutor and the court with information on various aspects of the crime. Research shows that victims who are treated well, are more willing to co-operate and will therefore be better witnesses.³⁸ The victim/witness should be fully informed about the relevant steps in proceedings and the consequences of these. The risk of intimidation, which is usually at its greatest during a court hearing, is addressed in a number of countries by jurisdictions seeking to protect the victim's privacy and safety, for example by gathering evidence through video or closed circuit television.

3. Right to protection from harm and access to assistance

It should be ensured that victims who are particularly vulnerable can benefit from specific treatment best suited to their circumstances.³⁹ In particular, it should be ensured that the victim is protected from risk of reprisals and/or intrusion on his/her privacy. It is often the case that traffickers or others involved, intimidate the victims in order to keep them quiet, to prevent them from seeking help or justice. Once the complaint is brought to court, they may harass the victim and violently abuse them for having reported the crime to the police. This is often worse when there is a close relationship between the offender and the victim (i.e. members of family or co-workers).

It is crucial to set up conditions that prevent secondary victimisation and which avoid putting victims under unnecessary pressure. This shall apply particularly as regards proper initial reception of victims.⁴⁰ At police stations and courts, the victim should be protected by providing where possible, separate waiting facilities so that he/she does not come into contact unnecessarily with the suspect or with family members of the suspect.⁴¹

States and their bodies shall ensure that victims have access to a victim support system, which should include: providing victims with information; assisting victims according to their immediate needs, accompanying victims, if necessary and possibly during criminal proceedings and assisting victims, at their request, after criminal proceedings have ended.⁴²

³⁵ (Luirigio, 1987 in What victims want to know: Information needs and the right to information (Sue Moody, Director, Victim Information and Advice, Paper submitted for the Xith International Symposium on Victimology, 13-18 July 2003, Stellenbosch, South Africa).

³⁶ Council Framework Decision on the standing of victims in criminal proceedings (2001/220/JHA), Article 4, para 2.

³⁷ ibid.

³⁸ Handbook on Justice for Victims (On the use and application of the Declaration of Basic principles of Justice for Victims of Crime and Abuse of Power): United Nations Office for Drug Control and Crime Prevention, Centre for International Crime Prevention, New York, 1999.

³⁹ Council Framework Decision on the standing of victims in criminal proceedings (2001/220/JHA), Article 2, para 2

⁴⁰ ibid, (Article 15, para 1).

⁴¹ ibid, see also Article 8, para 3.

⁴² ibid, Article 13, para 1, para 2.

A victim support system should be available to the person, regardless of his/her decision to report the crime. Whether through the provision of specially trained personnel within the public services or through recognition and funding victim support organisations, at a minimum the following should be guaranteed:

- (a) providing victims with information;
- (b) assisting victims according to their immediate needs;
- (c) accompanying victims if necessary and possibly during criminal proceedings;
- (d) assisting victims, at their request, after criminal proceedings have ended.⁴³

Law enforcement agencies should ensure that all victims have access to justice and that their fundamental rights are respected during the process.

The States and their authorities are responsible for ensuring that all victims have access to the justice system. The core rights of crime victims which must be recognised include:

- Right to be treated with respect and recognition
- Right to a hearing, provision of evidence and right to receive information
- Right to protection from harm and access to assistance

⁴³ Council Framework Decision on the standing of victims in criminal proceedings (2001/220/JHA), Article 13, paras 1 & 2

IX. Sources used

Research documents:

Anderson B. Rogaly B., Forced Labour and Migration to the UK, TUC/Compass, London, 2004.

Associazione On the Road, Article 18: Protection of victims of trafficking and fight against crime (Italy and the European Scenarios), Research Report, On the Road Edizioni, Martinsicuro, 2002.

Bilsborrow R.E., Hugo G., Oberai A.S and Zlotnik H., International Migration Statistics Guidelines for Improving Data Collection Systems, ILO/UNFPA, Geneva, 1997.

Centre for International Crime prevention, Guide for Policy-Makers on the implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UNODCCP, New York, 1999.

Centre for International Crime prevention, Handbook on Justice for Victims On the use and Application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UNODCCP, New York, 1999.

Dutch National Rapporteur , Trafficking in Human Beings: Third Report, Bureau NRM, Den Haag, 2005.

Gender Promotion Programme, Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers, An information guide, ILO, Geneva, 2003.

Global Alliance Against Trafficking in Women, Human Rights and Trafficking in Persons: A Handbook, Bangkok, 2001.

Harvey S., Trafficking in Human Beings for sexual exploitation; Europol, Trafficking in human beings group, 2005.

Kaye M., The migration-trafficking nexus, Anti-Slavery International, London, 2003.

Kelly L. & Reagan L., Stopping Traffic: Exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK, Home Office, Police Research Series Paper 125, Crown Copyright, London, 2000.

Kelly L., Vision, innovation and professionalism in policing violence against women and children, VIP Guide, Council of Europe, Strasbourg, 2003.

Kroeger T., Malkoc J.& B.H. Uhl National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook, OSCE/ODIHR, Warsaw, 2004.

Marshall, D., UK Country paper, AGIS project JAI/2003/AGIS/083
Ministerial Council OSCE, OSCE Action Plan to Combat Trafficking in Human Beings, Maastricht, 2003.
http://www.osce.org/documents/mcs/2003/12/4161_en.pdf

Moody, S., What victims want to know: Information needs and the right to information, paper submitted for the XIth International Symposium on Victimology, Stellenbosch, 2003.

Pearson E, Human Traffic Human Rights: Redefining victim protection, Anti-Slavery International, London, 2002.

UNICEF, UNOHCHR and OSCE-ODIHR, Trafficking in Human Beings in South-eastern Europe, Belgrade, UNICEF, June 2002.

Weissbrodt, D & Anti-Slavery International, Abolishing Slavery and its Contemporary Forms, Working paper, Office of the United Nations High Commissioner for Human Rights, New York, 2002.

White, A.G., Human Rights and Trafficked Women in Enforced Prostitution: A Case of Civic Stratification in the Netherlands, Dissertation Research project; Human Rights Centre, University of Essex.

Wijers M., Lap-Chew L., Trafficking in Women Forced Labour and Slavery-Like Practices in Marriage, Domestic Labour and Prostitution, Dutch Foundation Against Trafficking in Women/ Global Alliance Against Trafficking in Women, Bangkok, 1997.

Training Materials:

Amnesty International 10 Basic Human Rights Standards for Law Enforcement Officials, Amnesty International, International Secretariat, London, 1998.

Crime Reduction Toolkits, Trafficking of People, Home Office, UK.
<http://www.crimereduction.gov.uk/toolkits/tp020503.htm>

International Centre for Migration Policy Development, Draft Core Training Material (open version), in collaboration with BMI Austria, IMP, Seci Center Bucharest, IOM, Stability Pact for South Eastern Europe, Task Force on Trafficking in Human Beings, Vienna, 2002.

National Police Agency, Guidelines on Prostitution and Trafficking in Human Beings, The Netherlands, 2003.

Minnesota Advocates for Human Rights, Training materials made available on UNIFEM website, Stop violence against women, 2003. http://www.stopvaw.org/Trafficking__Training__Materials.html

OSCE/ODIRH, National Referral Mechanisms, Joining Efforts to Protect the Rights of Trafficked Persons, A Practical Handbook, Warsaw, 2004.

Office of the UN High Commissioner for Human Rights, Human Rights and Law Enforcement: A Manual on Human Rights Training for the Police, Professional Training Series, No. 5, United Nations, Geneva, 1997.

Special Action Programme to Combat Forced Labour, Human Trafficking and Forced Labour Exploitation - Guidance to Legislation and Law Enforcement, ILO, Geneva, 2005.

http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=4977

United Nations Economic and Social Council, Recommended Principles and Guidelines on Human Rights and Human Trafficking, Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council, New York, 2002.

[http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.2002.68.Add.1.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/E.2002.68.Add.1.En?Opendocument)

University Human Resources, Professional Development Program, The Basics of effective Communication.
<http://uhr.rutgers.edu/profdev/>

Legal Sources

Committee of Ministers of the EU, Recommendation (2001) 10 and Explanatory memorandum, 2001.
<http://www.eupol-proxima.org/1%20Mission/EUpoliceethicscode.htm>

Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, 2003.

Council of EU, Council Framework Decision on combating trafficking in human beings, 2002.
<http://europa.eu.int/scadplus/leg/en/lvb/l33137.htm>
<http://www.echr.coe.int/Convention/webConvenENG.pdf>

Council of EU, Council Framework Decision on the standing of victims in criminal proceedings, 2001.

Council of 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, 2004.

Council of Europe; European Convention on Action Against Trafficking in Human Beings, 2005.

General Assembly of the United Nations, Universal Declaration of Human Rights, 1948:
<http://www.un.org/Overview/rights.html>

United Nations, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985.

United Nations, Convention Relating to the Status of Refugees, 1951.



Identification Protocol

I. Introduction

This part of the handbook focuses on the practical aspect of the identification of trafficked persons. In Chapter I, we raised the issue of the lack of recognition of trafficked persons. One of the direct outcomes is that if a person is not recognised as a victim of trafficking, he/she does not have the opportunity to access the justice system, which is a fundamental human right. Also, given that most investigations into trafficking and prosecutions of traffickers are still reliant on a victim's evidence, often the crime goes unrecognised and unpunished.

The following section does not focus on what should be done, but on how it can be done. It is a simple guide for readers, through the three main stages of communication with victims of trafficking, which are:

- Recognising the signs/indicators of trafficking
- Conducting the first interview - establishing whether a person has been trafficked or not
- Co-operating with the victim of trafficking on gathering information for a formal statement

This is by no means exhaustive or definitive material. Its intention is rather, to offer and share useful ideas based on the experiences of law enforcement officials, who have worked on trafficking cases for many years. It includes several check-lists, which can be used as practical tools for those who are not in regular contact with victims of trafficking. We also hope it will encourage further debate on how to practically improve work both with and for, trafficked persons.

II. Principles in practice

The existing codes of conduct for law enforcement agencies extensively cover the general ethical principles of good policing.⁴⁴ During the preparation of this resource we consulted law enforcement officers experienced in dealing with trafficking cases. They established that the following 5 principles are key to successfully gathering evidence:

Truthfulness
Respect
Competence
Pragmatism
Responsibility

Please also see Chapter 3 (Training Kit) for more detailed information on how to put these values into practice.

III. Chronology of identification, first contact and initial interview

It is a difficult task to establish if the case is one of trafficking, and law enforcement officers may be in contact with possible victims** of trafficking in many different ways.

Initial information or referrals may come from a variety of sources including NGOs, community or faith-based organisations, trade unions, social workers, labour inspectors, embassies, tax inspectors, gang-masters, recruitment agencies, intermediaries or individuals, all of whom may have been in contact somehow with a possible victim of trafficking.

However, many trafficked people do not see themselves as 'victims' but rather as people who have had 'bad luck'. In these instances, an intervention by a police officer may be seen more as an oppressive interference than as a rescue from an exploitative situation (for example a young girl who is still under the spell of her 'lover', or a worker who firmly believes that once he/she has re-paid their ever-increasing debt, then he/she will be free to begin to earn money for him/herself).

Trafficking takes place in many different sectors and industries, for example it may occur in (this list is not exhaustive): the agricultural sector, the sex industry, domestic work, sweat shops and in the garment sector. More generally it may occur in construction, in the food industry, and nursing.

The law enforcement agencies likely to be in contact with a trafficked person include front-line police officers, immigration services, detention centre workers and specialised police units (for instance in domestic violence). In many countries, there are special police units which deal specifically with trafficking cases, although this does not mean that specialists will necessarily be the first professionals to have contact with people who have possibly been trafficked. An effective system of referrals is important but more crucial is the ability of the front-line law enforcers, to identify a possible victim of trafficking.

The chronology of the identification process can be roughly divided into three parts:

- First contact (which includes observations);
- Initial interview (which should help to ascertain whether a person has been trafficked);
- First formal interview (which can result in a victim's statement).

** Possible victim of trafficking - this term describes a person, or rather situation of a person, where there are reasonable grounds to believe that this person might have been trafficked and a process of identification shall follow in order to ascertain whether or not this person is a victim of trafficking. It refers to a situation before the identification process has been completed.

⁴⁴ For more details see Chapter 1, p.13.

III.i What is useful to take into account before the identification starts

Before beginning the interview, it is important to be aware of potential communication barriers. Understanding what role different factors can play such as gender, immigration status, fear of reprisals, cultural background and individual circumstances and reactions, is necessary for a successful first interview.

Gender:

The lack of power and control over one's own situation is a general characteristic of trafficking into any sector. For women, this can be intensified by the weak social status they held in their home society and/or the fact that the crime committed against them, may be considered in their home culture as their own shame and a crime against their family honour. Additionally, as a result of previous experiences within their home culture, many migrant women do not trust the police. For these reasons it is essential that the interviewer pays attention to gender related needs, enabling women to regain some control over their situation. Otherwise said, gender specific problems require gender specific responses.

Immigration status:

One of the major barriers that immigrant crime victims face when seeking access to the criminal justice system, is fear of detention and/or deportation. Not only may deportation expose them to the risk of reprisals upon return, but it may also mean permanent separation from family members, including children. In numerous countries where prostitution is illegal, women who are trafficked into the sex industry, justifiably fear forced medical check-ups, forced re-socialisation and/or imprisonment upon return. It also happens frequently that traffickers, owners, gang-masters and pimps discourage migrants from contacting the police by telling them that the authorities are complicit, will harm, arrest and detain them, and prevent them from ever returning home. These fears prevent many immigrant crime victims from seeking police protection, shelter, medical care and other social services. Recognition that immigrant communities are extremely vulnerable to victimisation because of the fear of deportation, is a necessary precondition for a successful interview with a possible victim of trafficking.

Fear of reprisals:

As mentioned above, in order to discourage contact with the authorities or others who can help, agents and employers may intimidate the trafficked persons. Frequently, the punishment for not obeying rules is physical or financial. Sometimes working hours are increased, or 'privileges' such as time off, sleep, food and amenities, are removed. Abuse and penalties do not only punish the alleged transgressor, but they also serve as a warning to others.

It should not be assumed that once a person is no longer in his/her work situation or in the country of destination, that he/she is free from reprisals. In most trafficking situations, agents know or can easily discover personal information about the victim, his/her home, family and friends. It is very common for agents and employers to use threats against their family, especially children, in order to manipulate and control the person.

Relationship to the trafficker:

The relationship between trafficked persons and the trafficker may be very complex. Sometimes victims believe that after a period of abuse, they will eventually be able to pay off a debt and earn money for themselves. Some think that their trafficker is the only person who can help them. Others blame themselves for being naïve, for making a bad decision in the first place or think that their situation could be worse. They may be afraid that they will be stigmatised or seen as "failures" if they return home empty-handed, or that they will be rejected by their families if they have been prostituted. Traffickers are also very smart in deftly changing their behaviours as fast as countries change their laws to criminalise trafficking. To side-step new laws, traffickers may become less physically aggressive or when the trafficked person is a woman, they may become romantically 'involved', marry them in order to legalise their status, or provide her with small sums of money.⁴⁵

⁴⁵ Gender Promotion Programme, Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers, An information guide, Booklet No 6, Trafficking of Women and Girls, ILO, Geneva, 2003.

Cultural background:

Many migrants and members of minority communities do not trust the police. They may perceive law enforcement as a further threat rather than a potential help. As mentioned already, there are many reasons for such concerns—possible corruption and particular attitudes of law enforcement agents in their country of origin, or the fear that they will be rejected or punished by their own community for bringing ‘trouble’ and shame. Many victims also fear that law enforcement agents will not understand or respect their religion, culture or beliefs. For example, faith in traditional values and practices such as voodoo, juju, marabou and ‘witchdoctors’ are an important part of life in some west African cultures. Thousands of women and girls seeking transport to Europe—sometimes with false promises of legal work—undergo powerful rituals obliging them to obey the rules set out by the trafficker and make enough money to repay their ‘debts’. However, the power which some cultural practices have over individuals are often under-estimated or ignored altogether by the law enforcement officers when interviewing the victim.

Individual circumstances and reactions:

Before starting the first interview, it is impossible to know the individual circumstances and experiences of the possible victim. However, these will play a key role in his/her willingness to talk. There are no givens in how trafficked people act or react. The circumstances in which trafficked people find themselves and their reactions to it will differ. People may suffer from severe post-traumatic stress disorder or they may be addicted to drugs. Some may be very collaborative, others numb and unwilling to communicate at all. Some will be aggressive and others passive. It is important to remember that there is not a single right or wrong way to respond to trafficking. What is needed is a simple, generic set of guidelines to use when interviewing victims and which can be adapted to suit the individual’s specific circumstances.

III.ii How it is useful to act during the initial interview

Based on the principles of Truthfulness, Respect, Competence, Pragmatism and Responsibility, the law enforcement officers consulted during our research, offered four tips to police officers or investigators coming into contact with potential victims of trafficking:

Be professional and approachable:

Make sure to be aware of appropriate national legislation, professional guidelines and contacts, including shelters and NGOs for possible referral.

Bear in mind potential gender barriers. Police officers should always speak to victims in pairs. It is preferable that one of the officers is female if the victim is a woman. However, this depends on circumstances.

In cases where the person was previously a sex-worker in his/her home country, the interviewer should first ask themselves the following questions:

What is your opinion about that?

How will you describe this in your police report?

If you include such information, will this have any (negative) consequences for the victim?

It is important to note that finding out the truth is the main objective and it is not essential to know details of all the sexual experiences of the victim. It is a priority for the interviewer to avoid any kind of stigmatisation and to be unprejudiced.

Potential cultural and language barriers should be thought about in advance, and where possible cultural mediators or experienced interpreters should be involved. Teaching aids in different languages could also be used.

Show Respect:

The victim should always be treated with respect and listened to carefully. The interviewer should not make judgements about what they have done, or their views.

The victim may have been through traumatic events, which may be difficult and upsetting for them to recount. The interviewer should do their best to minimise any additional trauma or harm to the victim caused by this process. Future actions and steps should be agreed with the victim rather than imposed.

Be clear:

The victim should be told the most important and relevant information early on and the interviewer should make clear what is possible and what is not, particularly the role and the limitations of the police. Unrealistic or false promises should not be made under any circumstances.

Be aware of the safety implications:

The interviewer should try to speak to the person when he/she is alone and should bear in mind the potential risks for the person of giving an interview.

Business cards should not be given to victims of trafficking, suspects, their lawyers, etc. Law enforcement officer's business cards are being found in possession of traffickers all over the world.

The interviewer should not stamp or mark a victim's passport as this can be the basis for prosecution in his/her home country.

Be there for the victim:

It is important to ensure that the possible victim knows what is happening step by step, what will happen next, and also that he/she has a say and can regain control of his/her situation

The following check-list outlines 7 steps that should be taken when interviewing possible trafficked persons. It should be used in line with the training kit in Chapter 3, which provides a detailed explanation of each step in the first interview.

III.iii First contact

In such diverse circumstances and with so many actors involved, how can one assess whether or not it is a trafficking case? The following list of indicators is based on various police investigations into trafficking in persons and could play a role in identification. Not all of the given indicators are present or obvious in every case. Equally, each of these indicators on its own does not always equal a trafficking case. It is however the combination of indicators, which will help determine whether a person has been trafficked or not.

If you can tick one or more statements in each section, it is reasonable to suspect that this might be a trafficking case.

Check-list Number 1

a) Recruitment

A third party arranged the travel and work documents.

The fees and/or interest rates charged by the recruiter(s) are excessive.

The person is in debt and the family and/or loved ones back in the country of origin have been guaranteed re-payment of the debts.

False, inaccurate or misleading information was provided by the recruiter or by the employer to the worker.

b) Personal documents and belongings

The person's passport and/or other travel or identity documents were confiscated.

The person's personal belongings were confiscated.

The person has a false identity, work and/or travel documents.

The person is prohibited from possessing and/or transferring earnings and savings.

c) Freedom of movement

The person is not allowed to move freely without permission and/or control.

The person is physically confined to his/her place of work or his/her location.

The person has not been allowed to choose his/her place of residence.

The person is subjected to arbitrary or unlawful interference with his/her right to privacy, family, home etc.

d) Violence or threat of violence

The person faced psychological abuse (this includes verbal abuse).

The person shows fear or signs of depression.

The person faced physical abuse, including beatings and/or forced drug consumption (he/she has bruises or other signs of physical abuse).

Sexual abuse and/or harassment, including rape.

The person faced threats of violence or abuse, including threats to others, for example family at home.

e) Working conditions

The terms of the employment contract or verbal agreement are not respected by the employer or the person was forced to sign a new contract upon arrival in the receiving country.

The person is forced to perform tasks for which he/she was not recruited and/or which are not stipulated in the employment contract.

The person is working excessive or irregular hours. The person is given no/insufficient leisure time.

The person is exposed to occupational risks which compromise his/her health and safety. The worker is not provided with protective gear or equipment.

The person is not provided with occupational health and safety information or training in his/her own language. The information and training provided are inadequate.

The person is not paid for the work they do or the payment is delayed.

The person is underpaid compared to wages promised or to the national minimum wage, where applicable.

Significant deductions are made from the salary (i.e. to pay for placement fees or in the form of 'compulsory savings').

The person is denied benefits which he/she is entitled to (i.e. paid holiday, sick leave, maternity leave).

Medical care is not provided or is inadequate (health care information and services are inaccessible or do not meet the person's needs).

Mandatory medical testing, pregnancy tests, forced abortion have been performed on the person/ contraceptives were given by force.

The person was dismissed without cause, notice and/or benefits.

The person is accommodated in the same place as he/she works against his/her will.

f) Living conditions

The person is denied the right to choose or change his/her place of residence.

The person pays an excessive amount of money for substandard accommodation.

The person is denied the right to freedom of thought, conscience and religion/expression.

The person is denied the freedom to seek and receive impartial information and ideas of all kinds.

Once the police officer establishes that he/she is in contact with a possible victim, it is necessary to arrange an interview to ascertain whether there are reasonable grounds to believe that the person has been trafficked. Once this has been established, other rights and actions follow, including:

- Provision of appropriate assistance measures
- Ensuring the safety of the trafficked person
- Beginning to gather evidence for law enforcement purposes (but not necessarily at the first interview).

III.iv Initial interview

The primary goal during the first interview is to ascertain whether there are reasonable grounds to believe that the person has been trafficked and to obtain enough information from the person in order to be able to identify whether or not a crime has been committed. It is equally important to provide the person interviewed with all relevant information that will enable them to obtain appropriate support and assistance measures, and to make an informed decision about what future actions they may wish to take (including, if relevant, the availability of a reflection delay, and the possibility of assisting law enforcement). Finally, but most importantly, law enforcement officials must ascertain whether there are any immediate safety risks for the individual, or for others.

STEP 1: Opening the interview

The intention is to establish a situation in which the potential victim feels safe enough to express themselves and to tell their story. The opening of the interview can be divided into two parts:

- Introduction
 - Who you are.
 - The position you hold.
 - That you are experienced in this kind of work.
 - That you have met people in a similar situation already and more than once.
- Explain the here and now situation
 - Check their basic needs (pain, thirst, hunger, if feeling cold).
 - Explain what exactly is happening here and now.

The focus on the 'here and now' situation should enable the victim to understand what is happening and the situation he/she is in at that moment. If that is unclear to the person, it will be difficult to establish communication.

STEP 2: Providing information

Usually the best way to successfully open an interview is to make very clear exactly what you are doing and what he/she can expect:

- Explain the purpose of the interview
 - Explain the purpose of the interview and what you are trying to achieve.
 - Later the person needs to be able to consciously decide what further steps to take (i.e. whether to report the crime, apply for a permit to stay, remain in this country or return to their home country etc). He/she should be informed about the options which are likely to be available to them, at this early stage of the interview. They will need to know how their statement will be used - if he/she agrees to make one - including who might have access to it.
- Explain the transfer to the police station if the interview takes place there
 - Explain the reasons and procedure promptly after their arrival at the police station.
 - Explore any steps that can be taken to assist privacy.
 - Explain (if relevant) that they may at any time postpone or terminate their statement, and leave the police station.

- Explain the structure and the proceedings of the interview
 - Explain how the interview will proceed step-by-step.
- Explain the role of an interpreter or cultural mediator if there is one
 - What can be expected from an interpreter and what cannot?
 - If a cultural mediator or confidante is involved, explain clearly to everyone what their roles are, and what to expect.

STEP 3: Gathering information

This step is to determine whether there are sufficient grounds to believe that the person is a victim of trafficking, and to determine what immediate support and assistance measures are needed:

- Look at the problematic situation
 - Let the person clarify his/her story by answering your questions.
 - Look for inconsistencies or vagueness in their story and ask him/her to explain in more detail if needed.
 - See if you can detect a call for help or fear of reprisals.
- Find out who the person interviewed is
 - Let him/her tell you who he/she is - just a short history - and how he/she ended up here.
 - Pay attention to the person and demonstrate a true interest in their story. Make sure that you reflect the emotional state of the person and, if necessary, name the emotions you observe if you think they might stand in the way.
- Find out how he/she got into this situation
 - Pay attention to exact time and space indicators.
 - Try to find out if there are witnesses to individual facts or parts of their story.
- Find out what the situation is now
 - What situation is he/she in at the moment and what will it be like in the next few days, especially after speaking to the police?
- Find out what he/she wants and expects?
 - What does he/she want at this moment?
 - Look again for a possible call for help and make it concrete.
 - What are the person's worries now?
 - What worries him/her the most?
 - Let the person know what you can do to help, when exactly this can be done, as well as what you cannot do. Let it rest for a while if necessary, but make sure you explain the options.
- Point out (possible signs of) trafficking
 - Listen carefully to what the victim is telling you.
 - Use the guiding questions from the check-list when you think it is appropriate.
 - Use the check-list provided or create your own check-list of indicators, which will help guide you through the case.

When asking the questions, consider:

- How much information do you need to gather at this stage?

Important: Pay attention to the person's reactions and emotions during this phase.

Telling you their story can make the person anxious, angry or aggressive. You may notice signs of post-traumatic stress disorder. Are you prepared enough to respond to that?

STEP 4: Updating the information

The aim of providing information at this stage is similar to earlier stages. It is to make sure that the possible victim is safe, and to build a relationship of trust with them so that you can both work together.

- Explain to the person what his/her actual situation is (after checking)
 - After you have heard their story, you should be in a better position to offer more precise information about the options available to them.
 - Briefly explain what the situation is if the person is an irregular migrant and is at the police station.
 - Be honest about the consequences of being an irregular migrant, whether the person is co-operating or not.
- Explain the relevant national policies
 - Explain exactly how this policy affects him/her.
 - If relevant, explain at this stage that you suspect the person may be a victim of trafficking and explain what this means.
- Explain the permit to stay
 - If there is a possibility of obtaining a permit to stay in the country (short-term or otherwise), you are obliged to explain this to the person.
 - Make sure that you explain the policy in simple, understandable words.
 - Do not forget to mention other possibilities and limitations.
- Explain the criminal law
 - Explain to him/her how the criminal law works in the country. Mention the possibilities, but also the consequences of criminal proceedings.
- Explain the civil law
 - Explain clearly that, apart from criminal proceedings, the person has other options, such as civil or humanitarian channels.

Explain the risks, and the other opportunities for assistance that may exist. Be honest and realistic as to what the options may involve.

STEP 5: Jointly deciding what further steps to take

- Look into other as yet unexplored possibilities
 - Clarify any possible inconsistencies and vagueness in his/her story. Look for points you may be able to use.
 - Consider whether it is necessary to find out more information now, or whether this can be obtained at a later stage. Do you have enough for an initial assessment?
- Develop the desired scenario
 - Jointly develop the desired scenarios: application for a permit to stay, making a statement, going back to their home country, etc.
 - Define realistic and achievable goals. (What are the elements? What criminal offence was committed against him/her?)
 - Identify what is needed for constructive change (Any additional information, help or service at this stage?).
- Define a joint approach
 - Discuss possibilities and consequences and let the person decide if they want to report the crime, or if they would rather leave this decision to a later stage.
 - Repeat the information about all other available options (criminal/humanitarian procedures) and let the person decide whether he/she will use them.
 - Develop a concrete plan
 - Agree a timeline, and next steps

After the exchange of information, it is crucial to evaluate. The detective will need to go through the possibilities and consequences for the victim once more. If necessary, make a list of pros and cons so the victim can see clearly what their options are. It is a good idea to let the victim rest and consider their options if a 'reflection delay' procedure is available.

STEP 6: Taking further steps

The highest priority is to ensure that the person is safe and that his/her health, physical, mental and social needs are taken care of.

- Arrange a shelter
 - Refugee or migrant's centre.
 - Starting the asylum procedure.
 - Custody (this should only be used when there are no other options available. Remember that the person is a victim of crime).

- Arrange short term permit to stay
 - Who starts the procedure? Is this well-organised in your region?
 - Fill in the necessary forms to support the victim's claims.
 - Register the procedure and make contact with relevant stakeholders.
 - Notify the public prosecutor where relevant.

- Guarantee safety
 - Discuss in detail with the victim how his/her safety might be secured. The victim plays an important role in maintaining their own safety.
 - Explain any safety arrangements step by step.
 - Arrange for the victim to be referred outside of the region in case of any danger.
 - Make it clear if any personal information will be shared if he/she reports the crime, and with who (chief of detectives, public prosecutor, etc).
 - Consider the safety of others, for example the victim's close friends and family.

- Arrange aid and assistance
 - Is there an aid and assistance co-ordinator in this region?
 - Could this person arrange for the victim to be placed within or outside of the region?
 - When police matters are finished, will the co-ordinator pick up and accompany the victim (to different service providers)?
 - Will the co-ordinator arrange all necessary assistance and communicate with relevant bodies? (health, registration for benefits, personal documents, etc).
 - Close co-operation between the service providers, NGO's and police is recommendable.

STEP 7: Closing the first interview

Gather feedback from the victim and make a clear agreement about the follow-up.

Before you close the first interview, let the victim feedback to you about the following:

- Ask what he/she thinks about the situation here and now?
 - What emotional state is he/she in?
 - Is there anything that should have been said but was not?
- Come to an agreement about how you will stay in contact:
 - How can he/she contact you and what can they expect from you?
 - How can you contact him/her?
- Follow-up
 - Set specific dates with them for follow-up interviews and phone calls.
 - Agree next steps.
- Make clear and specific agreements on any other relevant matters

Check-list Number 2

7 STEPS:

1. Opening

Introduction

Explain the here and now situation

2. Providing information

Explain the purpose of the interview

Explain the transfer to the police station, if the interview takes place there

Explain the structure and the proceedings of the interview

Explain the role of an interpreter or cultural mediator if there is one

3. Gathering information

Gather information about the different elements of the situation

Know who the person being interviewed is (broadly)

Know how he/she got into this situation

Know what the situation is now

Know what he/she wants, expects and needs

Point out (possible signs of) trafficking

4. Updating the information

Explain to the person his/her actual situation, their rights and options

Explain the relevant national policies

Explain the permit to stay

Explain the criminal law

Explain the civil law

5. Joint deciding what further steps to take

Look into the problems of the situation and un-explored possibilities

Develop the desired scenario

Define a joint approach

6. Taking further steps

Undertake and agree an assessment of needs and risks

Arrange shelter

Do what you can to ensure the person's safety

Arrange a short term permit to stay

Arrange aid and assistance

Arrange contact with local assistance service providers

7. Closing

Ask what he/she thinks about the situation here and now

Come to an agreement about how you will stay in contact

Follow-up

Make clear and specific agreements on any other relevant matters

III.v Useful questions

The following questions, which can be useful to ask on first contact, as well as during the initial interview and when the victim is making their statement, can be divided into 8 key areas:

1. The situation prior to and on entry into the country or situation (if internal trafficking), and the individual's expectations.
2. Their working conditions.
3. Their living conditions.
4. How the person got out of the situation (if he/she did) and what help is needed now.
5. Threats and coercion.
6. How the person concerned sees his/her situation.
7. What his/her plans and expectations are for the future. If assistance/help/services were provided, what was useful and what was not? Why?
8. Risk assessment. Immediate and long term risks and needs. How to meet them.

Recommended list of guiding questions

Area 1

- Was the person abducted/forced/coerced to leave the place? If yes, how?
- What was the person thinking/expecting before leaving the place of origin?
- Was there any third party arranging their travel/documents/work? If yes, what was the relation based on? (professional agency/member of family/ friend/member of community, etc.)
- What were the promised arrangements e.g. contract/owing money or favours/visa arrangements etc? Did the person fully understand what it would mean for him/her?
- Was his/her family informed on their departure?
- How was the person trafficked? Was he/she taken out covertly or overtly? By what form of transport and who with, etc?
- What was the person's immigration status upon arrival?
- Were any personal documents/belongings taken away from him/her?
- Did the person pay the recruiter for their travel? If yes, how much?

Area 2

- What work was expected? Subcontracted or otherwise? What exactly did they have to do?
- Were the terms of the contract/agreement respected? Was the person forced to sign a new contract?
- What was his/her relationship like with their employer? (was it a personal or a community relationship? Do they know if there was any collusion between the recruiters and employers?)
- What were the working conditions like? (working hours, health and safety, transport, supervision etc.)
- Were any wages paid? How? How much? Was he/she underpaid?
- Did he/she have free use of their earnings/belongings/documents?
- Was there any money deducted from their salaries to repay 'debts'? If yes, how much?
- Is his/her family dependent on his/her earnings?
- Were their rights to free time, paid holiday etc respected?
- Were they provided with adequate information on health and safety and training in his/her own language?
- Does the person know others who are in the same situation or a similar one?

Area 3

- What type of accommodation was provided, if any? Housing conditions (heating, running water etc)
- Was the person allowed to choose/change their accommodation freely?
- Do they have to pay an excessive amount for his/her accommodation?
- Was the person allowed to have social contacts?
- Does the person have control over his/her privacy and possessions?
- Was the person allowed to move freely?
- Do they have access to information, health care?

Area 4

- Were their relatives subjected to any form of psychological, physical or sexual abuse (including beatings, verbal abuse, threats or forced drug consumption)?
- Were they forced to undergo any medical tests, pregnancy tests or abortions? Were any contraceptives given by force?
- Was the person denied the right to freedom of thought, conscience and religious beliefs?
- Why did the individual remain in this situation or feel unable to leave it?

Area 5

- Was the person able to leave the situation?
- If the person is still in the situation, does he/she want to leave? If yes, what prevents him/her from doing so? If not, what makes him/her stay?
- If the person has been able to leave, how did that happen?
- Were social workers, any law enforcement agencies, advice centres or other institutions involved?
- Was a friend or a community member involved? Does the person maintain social contacts with other workers/community members etc?

Area 6

- Has the person received any information/help so far?
- Does he/she understand the information? Who provided the information? Was it useful? If yes, why? If not, what was missing?
- Who provided the help? What kind of help was it? Was it useful? If yes, why? If not, why? What would have been more helpful?
- What help is needed now?
- Has the person been in contact with any institutions? Was that helpful?

Area 7

- What does the person think will happen now?
- Does he/she want to go back home? If yes, why? If no, why not?
- If he/she stays in the destination country, what will happen?
- If he/she goes back to the country of origin, what will happen?
- Is the person willing to help with law enforcement? If so, how?

Area 8

- What are the immediate risks faced by the person, and/or their close friends or family?
- What are the longer term risks?
- How can these be avoided in the short term and in the longer term? Will this change over time? Why and how?
- What are the immediate needs, eg shelter, clothing, money?
- What are their longer term needs?

Once the police officer finishes the interview, it is important to take further action as agreed with the victim. The first step should be to arrange a referral.

The next steps in terms of interaction between the victim and the law enforcement officer will be to collect information for a detailed statement from the victim, if they agree to this.

IV. First formal interview and personal statement of the victim

At the first formal interview with the victim it should be agreed if and when the process of taking a statement can begin. The victim's statement plays an important role in the prosecution of suspected traffickers. The statement should be balanced. It should contain not only details of the personal circumstances of the victim, but also a description of the elements of the crime.

The timing of taking the statement is important. Law enforcement officers will be anxious not to miss any opportunities for the investigation. But victims may be very traumatised, distrustful, and less able or willing to assist law enforcement on initial contact. Research on the use of the Article 18 system in Italy has shown that generally the longer victims are given to make a decision about whether to cooperate with law enforcement, the better the evidence they ultimately give.

Depending on national laws, law enforcement officers should consult with victims and service providers that are providing assistance to victims, as to when the best time to take a statement from the victim is. The statement can be taken over several sessions, as it may be a very demanding process for the victim. If national laws allow, it should be made clear that the victim is free to leave, postpone or terminate the interview at any time. Therefore the statement should be written detailing events in chronological order. It is helpful to divide the statement into several paragraphs with standard titles. (see Check-list No 3). Each title should reflect the content of the paragraph. Working in paragraphs is helpful when adding new information into the text later on. A well-structured statement helps the lawyer, judge and public prosecutor to gain detailed insight into the crime and the role of the trafficker and the victim.

Bear in mind that recounting abuse may be traumatic for victims who may be confused, not have all the information, be unwilling or unable to give information, or have a different interpretation of facts and what happened. There is a risk of subsequent contradictory information as victims become more secure or perceive issues differently. This does not necessarily mean a victim is unreliable or lying. It is important to be clear in the initial statement or interview, but also to be aware of the difficulties the victim may face when giving a statement.

Forensic evidence

In many cases, physical violence has been involved. In cases where a physical assault occurred recently, if it is necessary for the investigation, an immediate examination should be considered.⁴⁶

The examination must be carried out with the written consent of the victim. A forensic examination is likely to be distressing to the victim so at all times the victim must be treated with respect and their privacy assured. A forensic examination should only be carried out when it is necessary for the investigation.

The aim of a forensic examination is to collect any evidence that may be useful in a court case, for eg samples of semen, blood, hair etc, and to record any visible injuries.

The following elements are important to remember for forensic examinations:

The victim should be able to choose the gender of the forensic examiner.

The examiner should be experienced and accredited.

Where the victim is a child, if possible consent should be obtained prior to the examination from the child's parents or from others with parental responsibilities of the child.

The forensic examination is not a medical examination for pregnancy or infections. This should be arranged separately.

Cross-contamination should be avoided.

All medical records should be kept anonymously.

There should be a protocol and an examination kit for forensic medical examinations which include:

- Photographs of any bruising;
- A means of recording injuries;
- Swabs and samples.

⁴⁶ Kelly L., Vision, innovation and professionalism in policing violence against women and children, VIP Guide, Council of Europe, Strasbourg, 2003., pg 57

Before the interview

Check with the individual that they are willing to be interviewed, and that they know (if appropriate) that they can postpone or terminate the interview at any time.

Explain the purpose of the interview, what will be done with the interview, who will have access to it and any issues regarding privacy.

Discuss any assistance measures which can be provided, for example conducting a video interview or having a relevant person (eg an NGO worker) present during the interview.

Revisit the risk assessment

Discuss any changes to the risk assessment that the statement may bring about. Agree any changes that will be needed.

Outline what will happen after the interview and the next steps in the process.

Reliability

In order to avoid possible future doubts about the reliability of the statement, it is recommendable to:

- Use standard checks and sentences in the statements, for example:

"I feel physically well and mentally prepared to make a statement".

Victims of trafficking may suffer from post-traumatic stress disorder, may be tired, have a disability or disease, or they may be addicted to narcotics. This sentence makes it clear that the police officer has considered the situation of the victim and the quality of their statement. Regular checks of the victim and keeping a record of these will also help to avoid any future doubts about the victim's reliability.

"I will do my best to answer all your questions, but if it might cause me damage, I will not answer".

Victims of trafficking may be detained as illegal immigrants, for having false documents, committing a criminal offence etc. This should be discussed with the victim during the first interview. You may face a situation where the victim is also a possible suspect. In most of the EU member states, a suspect does not have to co-operate with his/her own prosecution.

"During the interview the victim's statement was translated by an interpreter. The interpreter is fluent both in the language of this statement and the mother tongue of the victim."

The victim must be interviewed in his/her own language.

Structure

Use a fixed structure that will help guide the case. The following check-list will help to structure the report. The guiding questions on p 30 may be useful in obtaining sufficient details for the statement.

Check List Number 3

For further details on all the following points, see guiding questions on p 30

Socialisation

This part of the statement should describe the victim's life up to the interview. This paragraph in the statement reflects the background, life experience and personal circumstances of the victim. This "course of life" paragraph is essential to explore why they became a victim of exploitation.

Threats

Penal codes of the different member states contain punishable acts like trafficking in human beings (THB). The description of the THB offence sums up the criteria of the offence like act of violence, threats, misleading and coercion, forcing them to perform sexual activities with others etc. In this paragraph of the statement, the elements of the crime must be clear. All the activities must be written down in order to fully list the details of exploitation of the victim. This paragraph should clarify why he/she was not able to avoid/escape the exploitation.

Recruitment

A key part of the trafficking offence is the victim's "recruitment" (e.g. kidnapping, false promises or coercive recruiting with the intention of exploiting someone for their labour, services, forced marriage or for performing forced sexual activities with others). It is necessary to know how the victim was approached or recruited in the country of origin. Questions about the wider network of recruiters should be included in the paragraph, with information about assistance/support the trafficker got from others (drivers, hotel and club owners, suppliers of documents etc).

Payment of resources

In this paragraph, the victim should explain how much he/she paid for their transport and travel documents, their passport, rent of the working place or working tools etc. These costs and associated interest rates can force the victim into a debt bondage situation. An element of coercion in this situation is often significant.

The travel

In this paragraph, the victim should detail their itinerary from their home country to the destination, day-by-day. This reveals the legal and illegal border crossings, and should include the day of arrival and their first working day. This part of the statement details the travel routes and therefore the Modus Operandi of the traffickers.

Arrival in the destination country

The victims should describe in detail their day of arrival including accommodation, which reveals information about the living conditions of the victim. This may help to clarify who is involved in the trafficking network in the place of destination, and how it was organised.

Start of activity in forced prostitution

In cases involving prostitution, the victim should try to explain accurately when she started being forced to work as a prostitute. It is important to note that not all work in prostitution is trafficking—the victim may have initially agreed to be involved in some form of sex work or prostitution, but subsequently the nature of the conditions under which she worked changed, whereby it became forced prostitution (an example would be having no choice about numbers of clients). She should also explain who is involved in these activities, try to list the safe addresses and possible other places where she has been. She should also provide information about her first earnings and describe, if possible, exact dates and times of working. It is also possible that rape occurred so it is important to be particularly sensitive to this.

Sexual services

If you are working on a case dealing with prostitution, you should answer the following questions: What kind of sexual services was the victim obliged to do or forced into? Could he/she refuse any sexual services to the clients? What were the working hours? Answers to these questions should clarify the incidences of threats and coercion.

Work relationships

In order to prove the level of exploitation, it is important to explain the relationship between the victim and the trafficker, gang-master, employer or pimp (was it a personal and community relationship, was there any collusion between recruiters and employers, etc?). The victims should explain what exactly he/she had to do, whether the work was subcontracted or if she/he worked for one specific employer, and what were the working conditions.

Earnings

In this paragraph the victim explains whether he/she received any wages. He/she should provide information on whether any deductions were made from the salary, for example for food, accommodation, for the rent of the working place, rent of working tools and any other costs. It is important to record by whom and in what way the deductions were made.

In cases of trafficking into the sex industry, record how many clients (on average) he/she saw a day and how much money they paid for the sexual services and to whom the clients paid (to the victim, to the traffickers, intermediaries etc). This provides information about how much the exploiter was involved and profiting from trafficking. Furthermore, this information has implications for the tax services.

Be mindful that the victim may be unclear about details. Money may not have been properly accounted for and victims may not know how much they were paid, or how many clients they saw. Lack of precise detail may not mean that the victim is unreliable, but may in fact be an indicator of trafficking.

Other criminal offences

In this paragraph, the victim should explain whether any violence, such as physical abuse, beating, mistreatment, rape, hostage taking or imprisonment for debt, were used.

Remaining subjects

In this paragraph the victim should provide additional information which has not been mentioned before. This could include for example, whether he/she knows any other victims, whether he/she remembers how many other victims were at the workplace, whether he/she noticed any minors in the work environment etc.

End of the interview:

It is recommendable to end the victim's statement with a statement by the interpreter which notes that he/she has translated the victim's statement word for word.

The victim should also confirm that he/she has given the statement of his/her own free will.

After the interview

Explain to the victim what will be done with the interview, and what the next steps might be.

Agree next steps with the victim, including future contact.

Update the needs and risk assessment.

Summary:

Once the interview is over, it is a good idea for the police officer to write an accurate and detailed statement based on the victim's explanation and what the police officer has done, said and heard.



Training Kit

Part A

I. Introduction

The following part of the handbook is a training kit, which offers practical ideas for developing new skills in communicating with trafficked persons.

The main aim of the training kit is to provide basic information and identification skills for people who are likely to come into contact with a trafficked person.

The kit is divided into two sections:

Part A focuses on communication with trafficked people.

Part B puts those skills into a procedural framework for the interview.

By the end of **Part A**, you should:

- Have gained basic information about verbal and non-verbal communication with victims of trafficking
- Be able to use this information in practical exercises
- Be able to send clear messages/provide clear information to a trafficked person
- Be able to listen actively
- Be able to reflect your own and other people's behaviour

By the end of *Part B*, you should:

- Have gained basic information about individual steps in the first interview with a possible trafficked person
- Be able to use this information practically
- Be able to provide potential victims with all necessary information
- Be able to ask relevant questions
- Be able to identify whether or not a person has been trafficked

Part A

II. Test your knowledge about trafficking

Opening Session:

Purpose: The “Test Your Knowledge About Trafficking”⁴⁷ section can be used to introduce training on trafficking. It should be used to identify gaps in participants’ general knowledge about trafficking and as a means of modifying subsequent training sessions.

Steps:

1. The facilitator distributes copies of Handout A: Trafficking Awareness Survey and allows participants ten minutes to answer the questions.
2. The facilitator reviews each question in the survey and leads a discussion on participants’ responses. The debate is very important so participants should not be given the answers until after they have had the chance to debate with each other. Handout B: Trafficking Awareness Answers, contains detailed information about the answers.
3. The facilitator distributes copies of Handout B: Trafficking Awareness Answers and allows participants time to check their responses against the answers and discuss the differences.
4. Summary and closing: The facilitator asks participants to share how they feel about this exercise and about exploring trafficking at a deeper level.

⁴⁷ This exercise uses material developed by the Minnesota Advocates for Human Rights, Training materials, made available on UNIFEM website, Stop violence against women, 2003
http://www.stopvaw.org/Trafficking__Training_Materials.html

HANDOUT A

TRAFFICKING AWARENESS SURVEY

1. When I think of the term 'trafficking in persons':

- I'm not sure what it is.
- The definition is confusing and unclear to me.
- I'm not sure about the difference between trafficking and forced migration.
- I think of trafficking in persons as synonymous with smuggling.
- I understand the act it defines.

2. Trafficking in persons can involve the following (tick all that apply):

- Voluntary migration with deception or coercion.
- Exploitation.
- Abuse of power or of a position of vulnerability.
- Transfer or reception of people by force or threat.
- Crossing of international borders.
- Consent to be taken across borders.
- Movement within borders
- Voluntary labour migration for sex work.
- Forced labour/forced prostitution.
- Debt bondage (i.e. when a person is forced to work as a means of "repayment" of a loan, or fees for services. Generally, the fee is increased, making it impossible to pay, or the value of the labour exceeds the original debt).
- Restriction of personal freedom.
- Confiscation of legal identity.
- Involuntary servitude or slavery-like conditions.
- Violence or threat of violence.

3. The "typical" recruiter is (tick all that apply):

- Female
- Male
- Both, male and female
- Acquaintance
- Stranger
- Friend
- Partner
- Neighbour/family friend
- Relative
- Spouse
- Child
- Private companies

4. People are recruited into trafficking by (tick all that apply):

- Kidnapping
- False job promises (e.g. through advertisements in newspapers)
- False invitation abroad
- False travel arrangements
- False promise of marriage
- Genuine promise of legal employment opportunities

5. Once victims find themselves in the middle of the trafficking process (tick all that apply):

- It is easy to control it and escape when they choose to do so.
- They experience lack of control over their movement.
- They are treated kindly and with respect.
- Their personal belongings, passport and money are taken away.
- In most cases, they experience mental abuse.
- Many female victims are sexually abused by their trafficker/exploiter or by friends of their trafficker/exploiter.
- They are often forced to live in unhygienic shared accommodation and have limited access to food.
- They are often kept locked in their accommodation during the day and are forced into prostitution at night.
- They are never forced to have unprotected sex with clients.
- They are almost never physically abused.

True or false (circle one):

- T F 1. Trafficked people often make a conscious decision to go abroad hoping to find a better life.
- T F 2. Trafficked women are sometimes partly or fully aware of the possibility of being involved in commercial sex work.
- T F 3. Trafficked people expect to be held captive for a while and do not assume they will be choosing their working conditions.
- T F 4. Trafficked people most often want to go abroad to find a job.
- T F 5. Trafficked people receive good payments for their services and enjoy generous benefits.
- T F 6. Most trafficked women receive medical care on an emergency basis only, especially when the symptoms could affect their "performance."
- T F 7. Trafficked women are mostly young, naïve and uneducated women from rural areas.
- T F 8. Trafficked people may accept some abusive conditions in the belief that eventually the conditions will improve and they will be able to change their situation and earn good money.

HANDOUT B

TRAFFICKING AWARENESS ANSWERS

1. This question is intended to help people think about their knowledge of trafficking in persons. Facilitators should expand on the comparison between trafficking and smuggling. There is a fundamental difference between trafficking and smuggling - smuggling can be defined as voluntary labour migration which is illegally facilitated and involves taking a person across a border for a fee. Trafficking involves the movement of a person across or within borders, forced or voluntarily, with deception and coercion, into a situation of forced labour, servitude or slavery-like practices.
2. The only answer that is not part of the definition of trafficking is "voluntary labour migration for sex work." All other statements can constitute, or are part of, trafficking in persons.
3. The only answer that does not apply in this case is "child."
4. The only answer that does not apply here is "genuine promise of legal employment opportunities." Recruitment for trafficking always involves deception or coercion, so promises are never genuine.
5. The answers that do not apply are:

- It is easy to control it and escape it when they choose to do so.

It is extremely difficult for people who have been trafficked to have control over the trafficking process. Usually, their personal belongings/documents and money are seized and victims are put under constant psychological and physical pressure and abuse. They are also usually completely dependent on their traffickers.

- They are treated kindly and with respect.

The victims' human rights are violated and they are deprived of personal freedoms.

- They are never forced to have unprotected sex with clients.

Many female victims are forced to have unprotected sex. Medical care is normally given on an emergency basis only.

- They are almost never physically abused.

Trafficked people are commonly physically abused. A number of abuses are perpetrated during the trafficking process. These abuses can include work-related injuries, physical harm and even death on the job, through physical and sexual violence.

True or False

1. True. Unemployment and poverty in the victims' home countries and higher income and living standards in the destination countries, often act as powerful factors in a person's decision to work abroad. Tempting offers or seemingly legitimate job advertisements then lead the victim into the hands of the traffickers.
2. True. According to the IOM report, 22.6% of the assisted trafficked victims were partially or fully aware of the possibility of being involved in commercial sex work.
3. False. No one expects to be held as slaves and all victims assume they will choose their working conditions.
4. True. Most international migration is for labour (see Chapter 1, iv).
5. False. As the IOM report states, trafficked victims usually receive neither profits, nor other work-related benefits. Only 4% of the assisted women reported receiving regular payment for their work. Some of the women received occasional modest allowances (49.1%), which they generally had to spend on rent, food and clothes.
6. True. Medical care is normally given to trafficked victims on an emergency basis only.
7. False. According to the IOM report cited above, assisted victims come from all age groups, 52.17% from urban areas, and some are university graduates.
8. True. Many trafficked people may not identify themselves as being trafficked or as victims, but as having made a bad decision. Some believe that their conditions will improve.

Part A

III. How to build a relationship: Values in practice

Session 1:

Purpose: This session is intended to be a facilitated debate on ethical policing and trafficking in persons.

Steps:

1. The facilitator writes up the 5 core values on a flipchart: Truthfulness – Respect – Competence – Pragmatism – Responsibility, and then asks participants to:
 - A) discuss these values in the context of law enforcement
 - B) suggest how they are manifested in practice
2. The facilitator records the points on the flipchart and allows participants time to reflect on them, debate with each other and discuss the differences.
3. Summary and closing. The facilitator closes the session by summarising the key points which the group reached consensus on. These may include (but are not limited to):

What is truthfulness?

- Avoiding over-emphasising one's role
- Being spontaneous
- Avoiding aggressive or defensive attitudes
- Being open ("What you see is what you get. No hidden agenda")

What does this mean in practice for law enforcement officials?

- being able to tell others directly and frankly how he/she feels at that moment
- being able to communicate without distorting one's own message
- being able to listen to others without distorting their message
- being able to be spontaneous with others and not having to follow the usual and planned-out strategies
- being able to immediately respond to the needs or emotional state of others instead of waiting for the right moment or the right words
- being able to show your own vulnerability and, showing what moves you emotionally
- being able to live in today's world and communicate about it
- striving for mutual dependency instead of one-sided dependency or even independency in the relationship with victims
- being concrete in conversations

What is respect?

- Seeing yourself and others as equal human beings
- Appreciating people simply because they are human
- Acting with consideration for the rights, values, beliefs and property of others

What does this mean in practice for law enforcement officials?

- appreciating diversity
- treating each victim as an individual
- avoiding criticising victims (you are there to provide support and to investigate, not to make judgements)
- having victims understand that you are there to help
- being there for victims during and after interviews
- putting to one side the idea that victims must behave in certain way, be of good will and want to co-operate
- being sympathetic towards victims within reasonable limits
- keeping victims' interests in mind
- helping victims to deal with their pain
- avoiding making judgements about victims behaviour, views or opinions

What is competence?

- An ability to make informed choices
- An ability to change a situation
- Skill, for example the required ability to perform tasks

What does this mean in practice for law enforcement officials?

- becoming professional at interviewing victims (gain more in-depth knowledge about your work and the victims you are dealing with)
- on-going learning (the learning process does not end with this training)
- being the way you would like others to be (if you would like the victim to be frank and straightforward with you, you should be like that yourself)
- being assertive
- being able to self-reflect and make decisions for yourself (you should know whether you are competent or incompetent by looking at the results of your work)
- being honest and clear about process, what can and cannot be provided

What is pragmatism?

- Seeing value in practical results
- Looking for the connection between life and action
- Planning actions to make real practical differences
- Considering all elements of a given situation

What does this mean in practice for law enforcement officials?

- staying focused on the every-day reality
- remaining flexible (go along with the victim as much as possible and adapt the process to suit their needs)
- showing readiness to take action (be prepared to act as you promised)
- doing what is necessary
- being and remaining realistic

What is responsibility?

- Being accountable for one's own actions

What does this mean in practice for law enforcement officials?

- understanding that both the officer and the victim can bring about changes if they really want to
- helping victims to discover and use their own potential
- avoiding over-estimation of the psychological vulnerability of victims
- helping victims to bring about changes to improve their situation

Part A

IV. Communication - Introduction

Session 2:

Purpose: To introduce that communication is a complex process. Whether the officer is following identification guidelines or not, face to face communication will encourage or discourage the potential victim to co-operate with him/her.

Steps:

1. The facilitator explains why the introduction to communication is crucial not only for law enforcement officials, but for all professionals dealing with victims of crime.
2. The facilitator uses a variety of training techniques depending on his/her capacity, including role plays and group feedback (see example). It is recommendable to use a variety of equipment including video recorder, video screening, voice recorder etc.
3. Summary and closing: The facilitator closes the session by summarising the basic message, which should at a minimum include the following:

What is communication?

- Communication can be defined as the interchange of thoughts, opinions and information through shared symbols, including: language, words and phrases. Communication is composed of the following:

Sender
Receiver
Information
Behaviour

- Communication can be described in a simple model: Sender ----- Receiver

The sender is the person trying to communicate a message

The receiver is the person who the message is directed at

A message is sent to convey information

Information is intended to change behaviour

Communication is both verbal and non-verbal

- Verbal communication means using words. Non-verbal communication, or body language, includes facial expressions, posture, focus of the eyes, personal space, tone of voice etc. Both are used to deliver a message.
- Usually it is easier to train and control verbal expression than non-verbal communication.
In general terms, verbal communication gives you more choices than non-verbal communication.

You can choose to speak or not, decide on topics and select what you do and do not want to talk about.

- Non-verbal communication offers you less or no choices at all. Most of the time you may not even be aware of the non-verbal signs that you are sending to others. Non-verbal communication does not necessarily correspond to verbal communication. Sometimes the non-verbal negates or exceeds the verbal and therefore, messages may be completely misunderstood.

Human communication evolves around 3 basic principles:

- It is impossible NOT to communicate.
- Each type of behaviour conveys information. Even silence is a message. It is impossible NOT to send a message when you are trying to avoid communication.
- Communication does not begin with words, but starts from the moment two people interact with each other. Research shows that any message is received as a mixture of verbal and non-verbal signals:
Words are 7% of a message
Voice is 38% of a message
Non-verbal expression is 55% of a message

Note: Non-verbal communication speaks louder than words.

- Each form of communication has 2 aspects: the content of the message itself and the way it is sent, says a lot about the relationship between sender and recipient.
- The content aspect indicates what we are saying and how the recipient is meant to interpret the message, i.e. as a joke, an order or a request etc.
- However, how we say things often determines how the recipient interprets the message. We usually do not express verbally how we see the other person. Instead we use non-verbal signs such as posture, gestures, volume of voice, tone of voice, intonation and facial expressions. Many breakdowns in human communication occur because people are not aware of these aspects of communication. They can be broken down into three elements:
 - How the sender of the message sees himself/herself
 - How the sender of the message sees the other person
 - How the sender of the message sees his/her relationship with the other person

Note: Arguments often start at the content level, while conflict is often caused by the way the sender/receiver relate with each other.

- Communication is always symmetrical or complementary

The way in which two people approach each other and their attitudes, are means of exchanging messages.

- In complementary communication, the position of one person is dominant, while the other one is submissive. This form of communication can only be successful only when the people communicating reach an agreement about the nature of the relationship between them. If there is no agreement, the communication will clash and create conflict.
- Symmetrical communication is based on equality, where one person's behaviour is the same as the other's.

Practical exercise: How do you send your message

SHARE MODEL*

(Role-play, feedback from actors, feedback from group)

One person will play the role of a law enforcement official. Another will play the worker.

1. Theme: A group of workers is getting out of a van. They are very silent but seem exhausted and distressed. Approach one person and introduce yourself. Your role is to give clear information about who you are and why you are approaching them.

SHARE model:

State the main point of your message

Highlight the other important points

Assure the receiver's understanding

React to how receiver responds

Emphasise/summarise your message/main point

2. The facilitator will use a flipchart to record and summarise:

a) First get feedback from the 'worker getting out of the van'. How did he/she feel about the officer's body language? What did he/she think about the information provided? What was good and what was not?

b) Then get feedback from the 'law enforcement official'. How did she/he feel? What did she/he think? What was difficult and what was not?

3. Invite the rest of the group to input. What do they think worked about the role play and what did not?

* credit: University Human Resources, Professional Development Program, The Basics of effective Communications, <http://ehr.rutgers.edu/profdev/>

Part A

V. Communication skills

Session 3:

Purpose: To introduce basic communication skills as a tool for a successful interview with a potential victim of trafficking. To be trained in the skills through two practical exercises.

Steps:

1. The facilitator explains the types of professional skills that the session will focus on and identifies how many breaks will be needed. He/she involves all group members in the practical exercises.
2. The facilitator uses a variety of training techniques depending on his/her capacity, including role plays and group feedback (see example). He/she could also use of variety of equipment including a video recorder, video screening, voice recorder etc.
3. Summary and closing: The facilitator closes by summarising the lesson's basic messages, which should at minimum include:

Communicating skills = Being there for the victim

Paying attention and listening actively. Understanding non-verbal communication. Showing social emotional presence.

- Paying attention means that you are prepared and focused on the client/victim.
- Try to organise the space and time. Eliminate distractions in the place of interview, so that you can focus on the person. Set aside enough time to listen so that you do not feel rushed.
- Be skilful with your communication: Establish appropriate eye contact. Lack of eye contact can make you appear not interested or not trustworthy. However, too much eye contact can make people feel uncomfortable. Use your body as a form of expression and be open - do not cross your arms or legs. Show interest and commitment. In terms of body language, lean towards the person occasionally but make sure to respect his/her space and keep your body straight but relaxed.

Note: The above mentioned communication skills are particularly relevant to western cultures. Therefore, they are not necessarily guidelines to be used with people from different cultural backgrounds and will need to be adapted appropriately.

Active listening

Active listening is a combination of listening to and understanding verbal messages and non-verbal behaviour, understanding the context of a victim's situation and having a good sense of reality.

- Listening to and understanding verbal messages

Even a problematic situation can be addressed by the officer, when he/she has access to a full description of experiences, behaviour, emotions and moods. It is the interviewer's responsibility to ensure that the victim's situation is clear to him/her.

The type of question posed determines the type of response:

- Closed question: Limits the answer to 'yes' or 'no'
- Open question: Allows total freedom to answer
- Direct question: Limits answers to brief statements of fact
- Probing question: Follow up with other questions to elicit additional information
- Hypothetical question: Presents a theoretical situation for the listener to respond to
- Listening to victims and understanding the context

There is more to people than just the sum of their verbal and non-verbal messages.

The essential part of listening to clients/victims is taking into account where they come from and the context in which they live.

- Listening with a good sense of reality

The way victims perceive and feel about themselves, others and the world around them is real and must be understood. However, perceptions can sometimes be distorted. Listening to victims with a good sense of reality will also involve finding inconsistencies, twists and discords which could be part of a victim's reality.

The drawbacks to listening to victims/clients:

- Being easily distracted and not listening carefully enough.
- Judgmental listening - judging the value of what the person is saying when you have not yet heard the full story. Making judgements in terms of good and bad, right or wrong, acceptable or unacceptable, relevant or irrelevant, etc.
- Filtered listening - listening according to own socialisation which distorts what the victim is saying.
- Misperception through labelling - mistaking a theory for reality or pigeonholing.
- Listening for the facts instead of to the victim - listening is dominated by the urge to find facts or elements to use for further investigation.
- Inner rehearsal - worrying about how to respond to the victim's questions and rehearsing the answers, instead of fully listening to the victim. This happens quite a lot in cases where people lack prior experience with these issues.
- Becoming too emotionally involved - heightened sympathy and compassion can cause distortions to occur.
- Interrupting the victim - this can impede listening. People who interrupt others often say what they have rehearsed.

Understanding non-verbal communication

- Human beings send out many different kinds of messages. Sometimes, the victim's facial expressions, the tone of their voice and their physiological responses, can speak more than their words. Equally, the listener's body language sends out signals and attention should be paid to that (e.g: "I feel that my muscles are tensed while I am talking to a person. That person makes me feel uneasy. What is causing this reaction? What message does my body send to that person?"). It is important not to under or over-estimate the power of body language and the messages it sends out.

The following is an overview of key aspects of non-verbal behaviour:

- Figure - including posture, gestures, demeanour
- Facial expressions - including smiling or not, frowning, raised eyebrows, compressed lips, tilt of the head
- Use of voice - including timbre, pitch, volume, intensity, intonation, intervals between words, emphasis, silence, speaking in fluid or interrupted sentences
- Noticeable physiological responses - including accelerated breathing, emerging red blotches on the face, flushes, blushing, turning pale, dilating pupils
- Physical elements - including state of health, size, weight, complexion
- General appearance including - external care, clothes and accessories

Non-verbal behaviour - accentuating verbal messages

In addition to the fact that non-verbal behaviour is a source of communication in itself, this type of behaviour, for example someone's facial expression or tone of voice, often accentuates verbal messages. In written language it could be compared to punctuation such as a full stop or a question mark, an exclamation mark or an underlined word:

- Confirmation or agreement, such as brightening of the eyes, leaning forward, nodding, etc.
- Denial or confusion, such as trembling of the upper lip, sounding hesitant, etc.
- Confirmation or emphasis, such as covering eyes with hands, collapsing in a chair etc.
- Control or regulation, such as focusing on a single person when speaking to a group of people, etc.

Note: The above mentioned communication skills are particularly relevant to western cultures. Therefore, they are not necessarily guidelines to be used with people from different cultural backgrounds and will need to be adapted appropriately.

non-verbal behaviour is a communication channel!

Social emotional presence

Social emotional presence is the quality of presence as a whole for the victim.

Both verbal and non-verbal communication need to clearly show readiness to co-operate with the victim and there must be a balance between the two.

Practical exercise: How actively do you listen?

FOCUS model*

(Role-play, feedback from actors, feedback from group).

Step 1: Theme

Option a): You are dealing with a person who was probably trafficked and is working in a food processing factory. You need to know whether or not the person is paid any wages and if so, how much, whether this is what he/she was originally promised and whether or not any debt repayment is involved.

Option b): You are dealing with a woman who was probably trafficked into the sex industry. You need to know how much money she was earning for the trafficker, how many clients she saw each day, and whether she was allowed to keep any earnings.

Option c): You are dealing with a person who was possibly trafficked and he/she has mentioned the threat of reprisals for talking to police. You need to find out exactly what this means and whether he/she feels safe.

Step 2: Set aside 5 minutes for preparation and 10 minutes for the role-play using the following model:

FOCUS model

Focus the discussion on the specific information you need

Open-ended questions to expand the discussion

Close-ended questions to get specifics

Use active listening and body language skills to understand what you are hearing

Summarise and close the discussion

Step 3: The facilitator should use a flipchart to record and summarise the following:

- c) Feedback from the role of 'victim' first. How did she/he feel about the conversation? What did she/he think about the questions? What was good and what was not?
- d) Feedback from the role of 'law enforcement official'. How did he/she feel? What did he/she think? What was difficult and what was not?

Step 4: The facilitator should open up the floor to the rest of the group for feedback. They should discuss what worked and what did not.

Communicating skills = Being able to understand a victim's behaviour

In order to be able to understand a victim's behaviour, it is necessary to be professional, self-reflecting and respectful. Try to answer the following questions:

1. What kind of behaviour is he or she showing? What do I want to achieve?
2. What do I have to offer?

You should also be aware of the influence strategy (see below), and of the 7 key behavioural communication patterns (also below).

- Influence strategy at the relationship level:

The 'Leary's Rose' working model is useful for mapping relationships and interactions between people and offers a way of understanding and influencing people's behaviour. It focuses on the process, not the content, of communication. It is a dynamic model of behaviour and communication based on the principle that human

* credit: University Human Resources, Professional Development Program, The Basics of effective Communications, <http://ehr.rutgers.edu/profdev/>

communication and behaviour patterns are constantly changing and operating in two dimensions:

Complementary (above-below) behavioural modes

The 'above' behavioural mode: active, initiative, influencing, dominating

The 'below' behavioural mode: passive, dependent, submissive, compliant

In complementary relationship/communication the 'above' behaviour is answered by 'below' behavioural patterns and vice versa. In other words, aggressive behaviour is answered by defensive behaviour and vice versa, leading behaviour is answered by compliant or passive behaviour, etc.

• Symmetrical (together-opposite) behavioural modes:

The 'together' behavioural mode: pleasant, sympathetic, co-operative

The 'opposite' behavioural mode: unpleasant, distrustful, intolerant

In a symmetrical communication the 'together' behaviour is answered by 'together' behaviour and 'opposite' behaviour is answered by 'opposite' behaviour. The 'together' behavioural mode is the one that you should reach.

'behaviour is answered with behaviour'

• 7 Key behavioural patterns and reactions, on which to reflect and self-reflect for a successful interview with a victim:

• Leading: organising things, taking the initiative.

Sometimes also: authoritative.

Verbal: giving advice, influencing, convincing, arranging, demonstrating, etc.

Non verbal: energetic, leaning forward, loud voice.

Answering behaviour: obedience, dependency, or competition.

• Supportive: supporting, encouraging.

Sometimes also: interfering.

Verbal: encouraging, serving, co-operating, compromising, understanding.

Non verbal: friendly looking, making a lot of eye contact, touching, laughing.

Answering behaviour: adjustment, acceptance or irritation.

• Adjusting: friendly, indulgent, co-operative.

Sometimes also: over-friendly.

Verbal: agreeing, flattering, admiring, defending, respectful to superiors.

Non verbal: looking polite, smiling a lot, nodding, serving.

Answering behaviour: supportiveness, acceptance or irritation.

• Dependent: passive, expecting help from others.

Sometimes also: helpless, anxious.

Verbal: asking for advice, presenting problems to someone, asking for approval.

Non verbal: speaking softly, sighing, looking away.

Answering behaviour: leading, helping or rejection.

• Distrustful: distant, suspicious, individualistic.

Sometimes also: shy, insecure.

Verbal: self-reproaching, putting oneself down, complaining, nagging, being non-talkative.

Non verbal: looking away, not sitting straight (crouching), looking sad, crying, sitting quietly in the background/corner, showing rigid behaviour.

Answering behaviour: keeping a distance, aggression, disapproval.

- Rebellious: distrustful, protesting.

Sometimes also: cynical, bitter.

Verbal: asking critical questions, pretending disbelief, being cynical, provoking conflict, rejecting or making someone get angry.

Non verbal: looking sharp and angry, being moody, shaking of head when someone else is talking.

Answering behaviour: aggression, irritation, authoritative behaviour.

- Aggressive: hostile, negative.

Sometimes also: fighting.

Verbal: punishing, threatening, scaring others, laughing at others, humiliating, calling names.

Non verbal: speaking loudly, screaming, hitting, looking menacing, clenching fists.

Answering behaviour: aggression, authoritative behaviour or fear, submissiveness.

- Competitive: full of self-confidence, being a ringleader.

Sometimes also: arrogant, boastful.

Verbal: commanding, ignoring others, criticising, putting other leaders down, making sharp remarks.

Non verbal: arrogant, posturing proudly, having a severe look.

Answering behaviour: competitiveness, aggression or submission, adoration.

Note: The above mentioned communication skills are particularly relevant to western cultures. Therefore, they are not necessarily guidelines to be used with people from different cultural backgrounds and will need to be adapted appropriately.

Practical exercise: How do you reflect and influence other people's behaviour?

STATE model*

(Role-play, feedback from actors, feedback from group).

Step 1: Theme

Option a): You are dealing with a person who was probably trafficked. He/she is distressed, seems to be tired and is distrustful, hostile and aggressive to you. He/she keeps repeating "I told you everything. You cannot understand. You know nothing". You need to know whether a family member was involved in their trafficking. Your role is to address their behaviour in a constructive way and return to your original question.

Option b): You are dealing with a person who is probably a victim of trafficking. They appear friendly and approachable and they smile and nod to most of your questions. But he/she is obviously telling lies. You need to know whether any debt is involved in the case. Your role is to address their behaviour in a constructive way and return to your original question.

Option c): You are dealing with a person who gives very uncertain answers, offers three different versions of one event, is contradicting him/herself and in general gives an impression of shyness and insecurity. You need to know whether any act of physical violence occurred. Your role is to address their behaviour in a constructive way and return to your original question.

Step 2: Set aside 5 minutes for preparation and 10 minutes for the role-play using the following model:

STATE model:

State the constructive purpose of your feedback

Tell specifically what you have observed

Address and describe your reactions

Tender specific suggestions on how to deal with it

Express your support and respect for the person

Step 3: The facilitator should use a flipchart to record and summarise:

- Feedback from the 'victim' first. How did she/he feel about the 'officers' behaviour? What did he/she think about the information provided? What was good and what was not?
- Feedback from the 'law enforcement official'. How did he/she feel? What did he/she think? What was difficult and what was not?

Step 4: The facilitator should open up the floor to the rest of the group for feedback. They should discuss what worked and what did not.

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credit: University Human Resources, Professional Development Program, The Basics of effective Communications, <http://ehr.rutgers.edu/profdev/>

Part A

VI. Cultural aspects of communication

Session 4:

Purpose: To raise and discuss issues around cultural aspects of communication and what impact this has on communication with victims of trafficking.

Steps:

1. The facilitator invites the members of the working group to share their views and experiences of cross-cultural communication. The facilitator uses a flipchart to record some 'successful' and 'unsuccessful' practices.
2. The facilitator introduces the two basic theories of cross-cultural communication and links them with the experiences shared by the group members, and encourages further debate.
3. Summary and closing: The facilitator closes by summarising the tips and ideas, which the group members identified as useful and successful.

Theory of cultural differences (Hofstede)

When preparing for an interview it is very important to consider how you will interact with people from different cultural backgrounds to your own. It may not be easy to know how to begin a conversation with someone from a different cultural background and there are things which you must take into consideration to ensure as far as possible, a positive encounter.

One aspect to be aware of, is the fact that both public and private life differ in individual cultures and societies:

The differences between societies might be assessed through the following: power distance, individualism, masculinity/femininity, and avoidance of uncertainty.

- Power distance

This focuses on the degree to which a culture accepts and expects inequality of power. In the case of a high power distance, inequality of power between people is both expected and desired. In the case of low power distance culture, inequality of power between people should be minimised.

To understand the distinction between high and low power distance, ask yourself this question:

- In my every day discussions, do I expect any behaviour which distinguishes me from the person I am talking to in terms of power?

- Individualism (versus collectivism)

This focuses on the degree to which a culture expects individuals to be able to take care of themselves or fellow members of their group. Western cultures generally value the identity of individuals and therefore reinforce the individual's personal feelings of guilt and loss of self respect. In 'collectivism' it reinforces feelings of guilt not only for the individual concerned, but also for his/her wider group.

To understand this distinction, ask yourself the following questions:

- Do I think that the way I live impacts on members of my family and wider community? Do I agree that "I am the only one responsible for my achievements and failures?"

- Masculinity/femininity (versus equality)

Masculinity focuses on the degree to which a culture accepts and expects gender differentiation: the traditional male and female role models and behaviours.

A masculine culture reinforces the traditional role model of male achievement, control and power. Men are expected to be assertive, ambitious and tough. In such cultures, the women are expected to fulfil the female role model of taking care of others and their environment and being modest.

To understand these distinctions ask yourself these questions:

- Do I perform any tasks simply because I believe it is a woman/man's duty? Do I expect people to behave in a specific way according to their gender?
- Uncertainty avoidance

Uncertainty avoidance focuses on the level of tolerance for uncertainty and ambiguity, such as unstructured situations within a culture, and the degree it seeks to reduce the amount of uncertainty by instituting laws, rules and regulations. High uncertainty avoidance reinforces a rule-oriented culture which tries to control the amount of uncertainty, even though it is a basic fact of life. Low uncertainty avoidance reinforces a culture which considers uncertainty and ambiguity to be a basic fact of life and more readily accepts change, and takes more and greater risks.

To understand the distinction between high-context and low-context communication, ask yourself these questions:

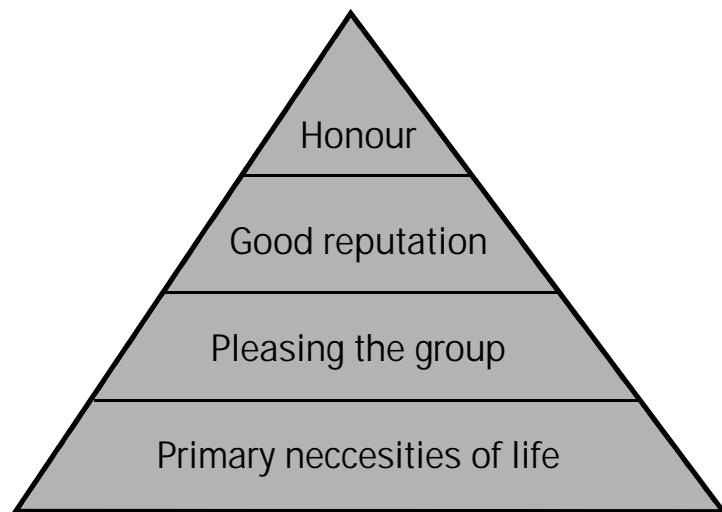
- Do I tend to 'let my words speak for themselves', or do I prefer to be less direct and rely on what is implied by my communication? Do I prefer indirect messages from others?

Basic introduction to two ways of structuring cultural values (Pinto)

- F-cultures

F-cultures are usually not western, 'fine structured cultures': Detailed rules of conduct for almost every situation exist.

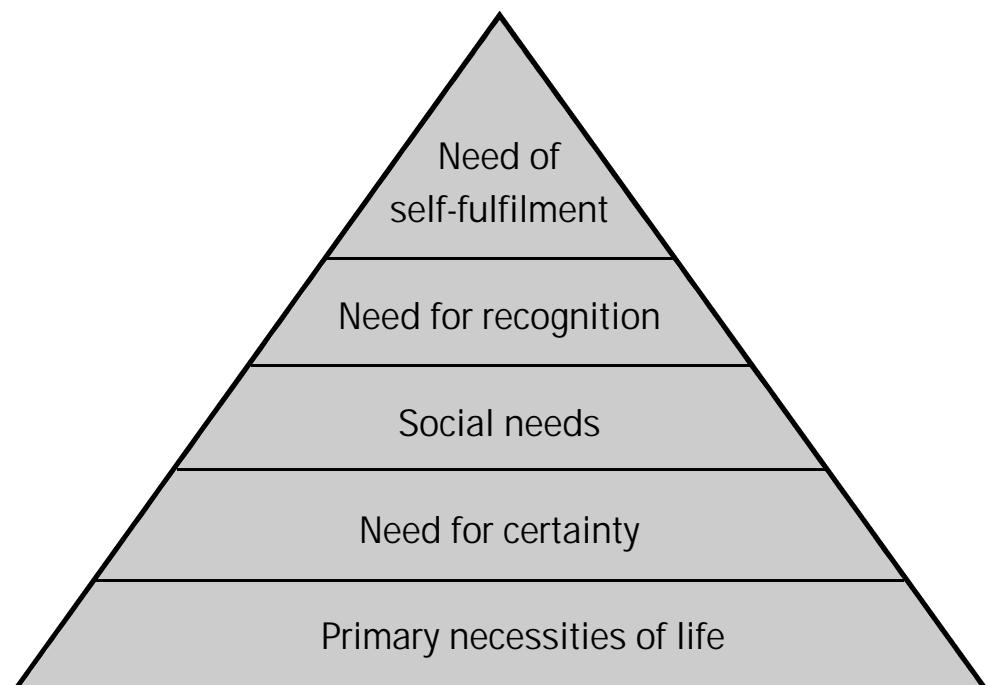
The identities of individuals in F-cultures are derived from the group that they are part of – e.g. their family or tribe. The identity of each group member is derived from his/her role, duty or behaviour within that group.



- G-cultures

G-cultures are modern, usually western, 'rough structured' cultures: Individuals are free to choose the rules of conduct for all kinds of situations.

The identity of individuals in G-cultures is derived from their own achievements and skills.



Practical exercise: What is your positive and negative experience with cross-cultural communication? (Facilitated discussion)

Step 1: The facilitator invites the members of the working group to share their views and experiences with cross-cultural communication. The facilitator should use a flipchart to record the 'successful' and 'unsuccessful' practices.

Step 2: After listing the positive and negative experiences, the facilitator should ask the second question: How can we ensure more positive and less negative experiences?

Step 3: The facilitator should use a flipchart to record and summarise. The practical suggestions should include, but not be limited to:

- Incorporating explicit anti-discriminatory measures into identification procedures
- Having more training and education on the issues of cross-cultural communication
- Co-operating with cultural mediators
- Communicating with NGOs working with particular cultural/ethnic groups

Part B

I. First interview

Opening Session:

Purpose:

To introduce the interview model. *Part B* consists of 7 sessions covering in detail the individual steps of a first interview with a possible victim of trafficking. The steps taken by the facilitator in each session will be the same, and therefore the instructions will not be repeated under each session heading.

Steps:

1. The facilitator should hand out the interview check-list (see p 29) and explain the procedure. The group is expected to brainstorm the key elements of each step on the first interview and draw conclusions, which should always fulfil the 3 following criteria as a minimum:
 - A) Any action recommended must comply with human rights
 - B) Any action recommended must not harm the trafficked person and/or expose him/her to further risks
 - C) Any action recommended must comply with the five rules of good policing
2. The facilitator should record the answers on the flipchart and allow participants time to reflect on the replies, debate with each other and discuss the differences.
3. Summary and closing: The facilitator should close by summarising the key points that the group has reached a consensus on. This material (Part B of the Training Kit) contains what should be included as a minimum, however the participant's answers do not need to be limited to that.

Check-list

1. Opening the interview

Introduction

Explain the here and now situation

2. Providing information

Explain the purpose of the interview

Explain the transfer to the police station, if the interview is taking place there

Explain the structure and the proceedings of the interview

Explain the role of an interpreter or cultural mediator if there is one

3. Gathering information

Look at the problematic situation

Know who the person interviewed is (broadly)

Know how he/she got into this situation

Know what the situation is now

Know what he/she wants, expects and needs

Point out (possible signs of) trafficking

4. Updating the information

Explain to the person the actual situation he/she is in, their rights and options

Explain relevant national policies

Explain permit to stay

Explain criminal law

Explain civil law

5. Jointly deciding what further steps to take

Look into the problematic situation and un-tapped possibilities

Develop the desired scenarios

Define a joint approach

6. Taking further steps

Arrange a shelter

Arrange short term permit to stay

Ensure safety

Arrange aid and assistance

7. Closing the first interview

Ask what he/she thinks about the situation here and now

Agree on ways to stay in contact

Follow-up

Make contact with local assistance service providers

Make clear and specific agreements on any other relevant matters.

II. STEP 1: Opening the interview

Purpose: Whether you encountered the person who is possibly a victim of trafficking in a public space, in a night-club, or at a police station, your goal is to build a relationship of trust, so that you can communicate with them. The first interview is extremely important. The intention is to create a situation where the person feels safe enough to express him/herself and to tell their story. As he/she will not know exactly what is going to happen, it can seem a threatening situation to them. He/she might be hesitant to discuss their situation, or may be distressed, tired, ill, hungry, feel cold or afraid.

The opening of the interview can be divided into two steps:

- Introduction
 - Let him/her know who you are.
 - Let him/her know the position you hold.
 - Let him/her know that you are experienced in this kind of work.
 - Let him/her know that you have met people in a similar situation before, and more than once.
- Explain the here and now situation
 - Pay attention to the posture of the person.
 - What emotions does he/she show: distrust, anger, anxiety? Name them.
 - Let the person tell you how he/she feels.
 - It is important to name the emotions first and then talk about them, otherwise he/she is unlikely to be able to listen to you or to fully understand the information you will share.
 - Make sure that the person is not in pain, thirsty, hungry or cold before you proceed any further.
 - Check how he/she views the police.
 - How can you create a situation where he or she is willing to listen to what you say?

The focus on the here and now situation should enable the victim to understand what is taking place and the situation he/she is in at that moment. If that is unclear, you will not be able to establish communication. In order to help him/her understand the here and now situation, you should provide the person with sufficient information.

It is up to you to decide whether you will provide information first, as described below. If the person urgently wants to talk, let him/her talk. Take him/her very seriously, listen very carefully and pay attention to their non-verbal behaviour.

In any other case, you should introduce the person to the here and now situation and enable him/her to regain some control before providing information.

Practical exercise: Test yourself

Describe the key aspects of non-verbal communication (body language)

See Part A, Session 3 (p 48)

III. STEP 2: Providing information

Purpose: It is very likely that the victim will not trust the police. Usually the best way to successfully open an interview is to make very clear what you are doing and what he/she can expect, ie:

- Explain the purpose of the interview
 - Explain why this interview is taking place and what you are trying to achieve with his/her help.

- Later the person needs to be able to make decisions about what further steps to take (eg report the crime or not, apply for a permit to stay, stay here or return to home country etc). He/she should be informed about the options which are likely to be available at this early stage of the interview. Explain clearly how their statement will be used, including who may have access to it.
- Explain the transfer to the police station if the interview is taking place there
 - Many victims are overwhelmed when they are taken to the police station. Keep them informed and let them know that you will explain the whole situation once they are at the police station.
 - Explain the reasons and procedure promptly after arrival at the police station.
 - Explore with them any steps that can be taken to assist privacy and taking their statement (eg using video or having someone with them).
 - Explain (if relevant) that they are able at any time to postpone or terminate making their statement and leave the police station.
- Explain the structure and the proceedings of the interview
 - Explain how the interview will proceed step by step.
 - This will empower him/her to gain some control over the situation and will also inspire trust. This approach works well with victims who are angry, anxious or distrusting.
- Explain the role of an interpreter or cultural mediator if there is one
 - When using an interpreter, explain to the victim that you will only use them to translate the proceedings. Be clear about this: What can be expected from an interpreter and what cannot? (perhaps an interpreter was used at an earlier stage in which case an explanation of their role should have been given then).
 - If a cultural mediator or confidante is involved, explain clearly to all involved what their roles are, and what can and cannot be expected.

Practical exercise: Test yourself:

Describe the steps of the SHARE model of giving good information: share, highlight, assure, react, emphasise

See Part A, Session 2 (p 45)

IV. STEP 3: Gathering information

Purpose: Your goal is to determine whether you have sufficient reason to believe that the person is a victim of trafficking, and to determine what immediate support and assistance measures are needed.

- Look at the problematic situation
 - Let the person clarify their story by answering your questions.
 - Look for inconsistencies or vagueness in their story and ask him/her to explain where necessary.
 - Determine if you can detect a call for help or fear of reprisals.
- Know who the person interviewed is
 - Allow the person to tell you who he/she is (a short history), and how he/she ended up here. Think about the cultural differences.
 - Pay attention to the person, express a true interest in their story. Make sure that you reflect the emotional state of the person and, if necessary, name the emotions you observe if you think they will stand in the way.
- Know how he/she got into this situation
 - Pay attention to time and space indicators.
 - Try to find out if there are potential witnesses to key parts of their story.

- Know what the situation is now
 - What situation is he/she in at that moment and how is it likely to unfold in the next few days, especially after talking to the police?
- Know what he/she wants, expects and needs
 - What does he/she want at this moment?
 - Look again for a possible call for help and make it concrete.
 - What are the person's worries now?
 - What worries him/her the most?
 - Let the person know what you can do to help, when you can do this and what you cannot do. You do not have to say this immediately but make sure you explain all the options.
- Point out (possible signs of) trafficking
 - Listen carefully to what the victim is telling you.
 - Use the guiding questions from the Check-list number 1 (p 23) or create your own check-list of indicators which will help guide you through the case.

When asking the questions consider:

- How much information do you need to gather at this stage?

Important: Pay attention to the person's reactions and emotions during this phase.

Telling you their story can make the person anxious, angry or aggressive. You may notice signs of post-traumatic stress disorder. Are you prepared to respond to that?

Practical exercise: Test yourself:

Describe the steps of the FOCUS model: Focus, Open-ended, Close-ended, Use, Summarise

See p.51

V. STEP 4: Updating the information

Purpose: The aim here is again to make sure that the possible victim is safe and to build a relationship of trust, so that you can both work together.

Information provision and gathering has already started, but you may need to raise the following points to ensure that the person fully understands his/her own situation, possibilities and limitations.

- Explain to the person his/her actual situation (after checking)
 - After you have heard their story, you should be able to offer better and more precise information about the options available to them.
 - Briefly explain the situation if the person is an irregular migrant and is at the police station.
 - Be honest about the consequences of being an irregular migrant, whether the person is co-operating or not.
- Explain the relevant national policies
 - Explain exactly how policies affect him/her.
 - If appropriate, explain at this stage that you suspect the person to be a victim of trafficking and explain what this means.

- Explain the permit to stay
 - If there is a possibility of obtaining a permit to stay in the country (short-term or otherwise), you are obliged to explain this to the person.
 - Make sure that you use plain and understandable language.
 - Do not forget to mention other possibilities and limitations.
- Explain criminal law
 - Explain to him/her how criminal law works in your country.
 - Explain what is possible through criminal procedures and also the possible consequences.
- Explain civil law
 - Explain clearly that, apart from criminal procedures, the person has other options such as civil or humanitarian routes.
 - Explain the risks and other opportunities for assistance that may exist. Be honest and realistic as to what the options may involve.

VI. STEP 5: Jointly deciding what further steps to take

Purpose: Identify further options and make a joint decision. Decide what further steps to take.

- Look into the problematic situation and untapped possibilities
 - Clarify any possible inconsistencies and vagueness in his/her story. Look for points you can use.
 - Consider whether it is necessary to elicit more information now, or whether this can be obtained at a later stage. Do you have enough information for the initial assessment?
- Develop the desired scenarios
 - Jointly develop the desired scenarios: application for a permit to stay, making a statement, going back to home country, etc.
 - Define realistic and achievable goals (what are the elements, what criminal offence was committed against him/her etc)
 - Identify what is needed for constructive change (i.e. any additional information, help or service at this stage).
- Define a joint approach
 - Discuss all possibilities and consequences and let the person decide whether to report the crime or not, or whether to leave this decision to a later stage.
 - Repeat the information about all other available options (criminal or humanitarian procedures) and let the person decide whether he/she will use them.
 - Turn a strategy into a concrete plan.
 - Agree a timeline, and next steps.

After the exchange of information it is crucial to evaluate. The officer needs to go through the possibilities and consequences for the victim once more. If necessary, make a list of pros and cons so that the victim can see clearly what their options are. It is a good idea to give the victim time to rest and think about the options when a 'reflection delay' procedure is available.

Practical exercise: Test yourself

Describe the steps of the STATE model - State, Tell, Address, Tender, Express

See P 54

VII. STEP 6: Taking further steps

Purpose: To ensure that the person is safe and that his/her health and physical, mental and social needs are taken care of.

- Arrange shelter
 - Refugee or migrant centre.
 - Starting the asylum procedure.
 - Custody (this should only be used in clearly defined circumstances. It is important to remember you are likely to be dealing with a victim of crime).

It is a key responsibility for the law enforcement officer to ensure that the person's safety is not at risk and that they are not punished for the consequences of the crime committed against them. It is recommendable to refer them to a shelter or self-support centre.

- Arrange a short term permit to stay
 - Determine who starts the procedure? Is this well-organised in your region?
 - Fill in the necessary forms to support the victim's claim.
 - Record the procedure and make contact with relevant stakeholders.
 - Notify the public prosecutor where appropriate.
- Ensure safety
 - Discuss in detail with the victim how their safety can be ensured. The victim plays an important role in maintaining their own safety.
 - Explain any safety arrangements step by step.
 - Arrange for the victim to be referred outside of the region in case of danger.
 - Make it clear whether or not any personal information will be shared if she/he reports the crime, and with who (chief of detectives, public prosecutor, etc).
 - Consider the safety of others, for example the victim's close friends and family.
- Arrange aid and assistance
 - Is there an aid and assistance co-ordinator in your region?
 - Can this person arrange for the victim to be placed inside or outside the region?
 - When police matters are finished, will the co-ordinator pick up and accompany the victim?
 - Will the co-ordinator arrange all necessary assistance and communicate with the relevant bodies? (health, registering for benefits, personal documents, etc).
 - Close co-operation between the service providers, NGOs, and police is recommendable.

VIII. STEP 7: Closing the first interview

Purpose: Getting feedback from the victim and making a clear agreement about the follow-up.

Before you close the first interview, let the victim give you some feedback:

- Ask what he/she thinks about the situation here and now
 - What emotional state is he/she in?
 - Has anything been left unsaid?
- Make an agreement about how to stay in contact:
 - How can she/he contact you and what can be expected from you?
 - How can you contact him/her?
- Follow-up
 - Set specific dates with him/her for follow-up interviews and phone calls.
 - Agree next steps. Make clear and specific agreements on any other relevant matters.



4

Annexes

I. Country Report: UK

Towards a Standard Protocol for the Identification and Assistance of Trafficked Women Country Report - United Kingdom

When attempting to provide a background to the rise of trafficking into the United Kingdom, we are severely hampered by the fact that until approximately 1998/1999 there was very little knowledge of trafficking into the country. In 1999, Dr Liz Kelly and Linda Regan of the Child and Woman Abuse Studies Unit produced a report⁴⁸ on behalf of the Home Office which looked at the sex industry in Soho, central London. Their findings indicated that between 140 and 1420 trafficked women were working in 'off street' prostitution at that time. Unfortunately the scope of the project did not allow any exploration of trafficking into prostitution outside of Soho and although agencies were contacted who may have been working directly with trafficked women there was an almost total lack of awareness and accurate identification. As with other destination countries, we are certain that there has been an increase in the numbers of women trafficked into the UK over the last five years. The POPPY Project mapping report 'Sex in the City' (published in August 2004) clearly shows evidence of 'off street' prostitution in all of the 33 London boroughs, with an estimated 80% of non British nationals working in brothels, saunas and massage parlours. Whilst not all of the women working in these establishments will have been trafficked, it is our experience that a large percentage will have been and will meet the definition of trafficking as set down in the Palermo protocol.

In recent years there have been some developments around the issues of trafficking into the United Kingdom. A number of statutory and voluntary agencies are now more aware of the issue of trafficking and the need to provide services for victims. Since March 2003 the Home Office has funded the POPPY Project to work with women who have been trafficked into prostitution and this has enabled POPPY to provide accommodation and support for up to 25 women at any one time. The key support needs of trafficked women are identified below and women using the scheme are able to access them as required:-

⁴⁸ Stopping Traffic: Exploring the Extent of, and Response to, Trafficking in Women for Sexual Exploitation in the UK (Kelly and Regan Home Office, 2000)

- Safe accommodation, food and subsistence allowance
- Interpretation and translation services
- Physical, sexual and mental health assessment and services, including counselling if desired
- General support and advocacy
- Legal information and advice – including regarding asylum
- Educational opportunities
- Advocacy and liaison with police and immigration, including information about the implications of assisting the authorities
- Detailed information about the options for returning to their home countries and exploration of services available within that country
- In court support, protection and legal assistance

However, even when trafficked women are recognised as victims they are only allowed to access the scheme on the basis that they will co-operate with UK law enforcement. When working with women on the POPPY Project this particular restriction causes the most concern to women and has undoubtedly led to a number of other women feeling unable to access services at all. Furthermore, the POPPY Project remains the only group in the UK funded to work with trafficked women and there is currently no provision available outside of London. When we consider that the 'off street' sex industry in Birmingham is now estimated to comprise 70% non British nationals, it is clear that there is an urgent need for further development of resources and safe accommodation.

Since the development of the POPPY Project we have mainly worked with women trafficked from Eastern Europe and South East Asia with a small percentage of women from Africa. The average age of women we have worked with has been between 20–26 years, although a large percentage of women have reported to us that they were first trafficked under the age of 18.

Legislative Framework

Trafficking for the purposes of sexual exploitation was first criminalised in the UK under the Nationality, Immigration and Asylum Act 2002. This has now been superseded by the Sexual Offences Act 2003. Under s57(2), S58(2) and S59(2) of this act the maximum sentence available at Crown Court is 14 years and at Magistrates Court there is a maximum sentence of 6 months.

Trafficking for other forms of exploitation is not currently an offence in the UK, although this is due to change shortly. Parliament is considering the Asylum and Immigration (Treatment of Claimants) Bill, which sets out a new offence of trafficking for exploitation around forced labour, slavery and the trafficking of organs. Given the previous lack of legislation it is not possible for this report to provide any assessment of services, identification accuracy or appropriate developmental models for future provision.

Until now all trafficking cases in the UK have been prosecuted under different legislation, including false imprisonment, controlling prostitution, procuring women for prostitution, living on the earnings of prostitution, rape, assault, incitement to rape, and immigration offences. Unfortunately, given the reluctance of the Criminal Prosecution Service to test the anti-trafficking legislation, it is not possible to make any assessment of its impact on trafficking.

Finally, although the UK signed the Transnational Organised Crime Convention and Palermo Protocol in 2000, it has not yet ratified the treaty by formally giving it effect in British Law.

Identification of Trafficked Persons

The process of identifying trafficked persons in the UK is ad hoc and arbitrary. Access to services and appropriate support can vary enormously depending on where a trafficked person is first encountered, which agency first works with the person, whether or not the staff member involved has any knowledge of trafficking and even whether they 'believe' the person's experiences. Given the lack of cohesion and willingness to engage it is very difficult to provide a more positive assessment of statutory response and future development.

The actors who first come into contact with trafficked persons in the UK, are most likely to be amongst the following five groups:

1. Immigration

Women who are identified as being trafficked will not receive services if they are stopped by immigration officers at UK ports of entry. The UK Immigration Service is of the view that the women have not been trafficked onto UK soil and therefore are not entitled to any services. In these cases women are routinely returned to their countries of origin, or returned to the country from which they have travelled.

Women who are identified as trafficked whilst staying in the UK will receive a variety of responses from immigration officers. Some immigration officers will recognise the act of trafficking and will acknowledge the right the women have to receive services, whilst others choose to interpret the trafficked woman as an 'illegal migrant' and will facilitate deportation as a matter of course. In the past year Immigration Services have, in conjunction with the Metropolitan Police (CO14 Clubs and Vice Unit), carried out a number of visits under 'Operation Kontiki'. This initiative aimed to identify those women working in 'off street' prostitution who may have been trafficked, in order to thwart traffickers and offer women exits out of prostitution. However, whilst Kontiki has identified a number of women working illegally and has encountered trafficked women, this has not translated into any significant increase in women referred to the POPPY Project.

2. Police

The Metropolitan Police Central Clubs and Vice Unit (CO14) is currently charged with the responsibility for monitoring 'London's prostitution industry in order to protect the most vulnerable adult and child prostitute victims and to seek to investigate and prosecute those who exploit them'.⁴⁹ This remit has led to CO14 being perceived as the contact point within the Police Service for all cases of trafficking and the POPPY Project has worked closely with CO14 on several cases. But although the unit deals with victims of trafficking, it is not an anti-trafficking unit and does not deal with the transnational aspects of trafficking and historically has been developed to monitor and police the central London vice market in areas such as Soho and Shepherds Market. The unit does work closely with a limited number of victims of trafficking and has provided an excellent service in some cases, but the officers are not necessarily trained to work with victims and the unit is also hampered by a staff team of less than twenty officers to cover the UK.

Operation Maxim is the transnational arm of the Metropolitan Police, working to combat organised crime and which also carries out anti trafficking activities. This unit is responsible for providing advice to other UK police forces around the area of trafficking. This unit does not appear to work with victims of trafficking and the POPPY Project has not developed any working protocol with them.

'Sapphire' is the Metropolitan Police specialist unit charged with the investigation of rape and sexual assault across London. Each unit is attached to a police station, although Sapphire is managed centrally through the Territorial Support Group and the officers working on the 'front line' do not usually work with Sapphire Officers from other units. In terms of anti-trafficking work, this means that the expertise one officer or unit may gain whilst working on a particular case, is not necessarily cascaded to other officers who could benefit. Whilst the primary role of the Sapphire teams is to investigate crime, the developed culture is one of victim focus and the provision of support through the use of SOIT (Sexual Offences Investigation Techniques) Officers who are thoroughly trained to work sensitively and effectively with the victims of crime. The Sapphire Units also work closely with other partner agencies such as sexual health agencies, rape crisis units etc to ensure that victims are offered a more holistic package that will meet many of their needs. The Poppy Project has worked with different Sapphire teams on a number of occasions and it is our experience that the response to trafficking and working with victims of trafficking has been very dependent on the individual staff members concerned. For example when working with police officers involved with the case against trafficker Luan Plackici in the autumn of 2003, it was our experience that the Sapphire Officers were fully committed to understanding the complexities of trafficking and were extremely concerned to provide a service to the women that was sensitive and caring. However, we have also worked with other Sapphire Units who have been reluctant to get involved with the 'trafficking' aspects of cases, and who have assumed that because the women concerned were involved in prostitution, that this has weakened the claims of rape or sexual assault.

The majority of Community Police officers in the UK have scant knowledge of trafficking, have received no training and are very likely to mistake the victims of trafficking for 'illegal migrants' and thereby refer them immediately to immigration services.

⁴⁹Communication from CO14 – Dec 2003

3. Detention Centres

Currently there are no formal procedures in place if a victim of trafficking is identified within UK detention centres. Some NGO's who provide assistance to detainees have sought to make referrals to the POPPY Project and the success of this has depended heavily on the willingness of immigration services and the police. As a result the services have been patchy.

4. NGO's/Voluntary Sector

Information and awareness around the issues of trafficking in UK agencies is poor. Whist many of the larger 'international' agencies will have knowledge, this has not necessarily cascaded down to agencies that might come into contact with victims. In addition to this the issues of trafficking within sex worker projects have become rather subsumed in the debate around the legalisation/decriminalisation of prostitution which has polarised the sector for many years. There has been very little work done around the identification of victims and apart from the POPPY project there are no agencies offering accommodation throughout the UK.

5. General Public

Since the setting up of the POPPY Project we have been contacted on a number of occasions by members of the public wishing to make referrals to the scheme. Those contacting us have included brothel maids, customers, other women involved in the sex industry and neighbours of brothels etc. Given the current lack of public awareness the percentage of callers is small, but we do expect this to increase in line with increased understanding.

Final Comments

When looking at the statutory response to trafficking into the UK it is clear that there is much work to be done. The development of a protocol for the identification of victims of trafficking is a much needed tool and will prove invaluable to all of the stakeholders involved – as they will come to understand!

II. Country Report: Italy⁵⁰

This section was elaborated by the organisation On the Road.

Background

Italy's change from being a country of the origin of migrants to one of transit or destination started in the 70s and reached its peak in the 90s. The fall of the Berlin wall knocked down the boundaries that until then were believed to be very strong, and the Italian peninsula started to become the landing and crossing point for thousands of migrants coming from many different countries. Indeed, the fall of the Berlin wall has simply given a stronger drive to a process which had already been triggered some time ago, caused by a range of factors, among which were: the development of the so-called informal economy in Western Europe, the collapse of the economies in the countries of origin, gender discrimination, the feminisation of poverty, the tightening of the control policies on European borders. To overcome these obstacles and accomplish their own migration project, an increasing number of undocumented people have started to turn to illegal ways which might ensure their arrival in Italy.

Starting from the first half of the 90s the phenomena of human trafficking and smuggling became a fully-fledged "industry" that over time has specialised in, and created segments of services managed and offered by different types of criminal networks. Once in Italy, the migrants either continue their travel to reach another European country (mainly Germany, France, Belgium, the Netherlands and Britain), or sometimes they travel on to the United States or Canada and others stay on Italian soil.

Regardless of where they finally reside, the illegal migrants are likely to be exposed to exploitation by the same organisation that favoured their illegal entry, by an interconnected one or by locals. The main sectors of the Italian job market involved in this exploitative mechanism are: agriculture, construction, garment, catering, trucking, entertainment, retail commerce, services, domestic help, aged assistance, baby sitting and the sex industry. A certain percentage of trafficked people are also employed in illicit activities linked mainly to the markets of drugs, product counterfeiting, street vending, windscreen cleaning, prostitution, entertainment, pornography and begging. The main victims exploited in the latter sectors are in particular women and children, who are sometimes forced to simultaneously perform several activities (i.e. some children work as windscreen cleaners or flower sellers by day and as prostitutes at night. Some women work as dancers and occasionally as drug dealers).

Forced prostitution is a major area of exploitation which trafficked women find themselves in once they arrive in Italy. Such phenomenon, which began in the early 90s, now presents the dimensions of a real industry divided into departments and managed by different criminal groups. In the last ten years, this form of exploitation has gone through several structural and logistical changes, hence becoming highly sophisticated and operative machinery, involving a series of actors in its various stages and in the different countries of trafficking and exploitation.

Undoubtedly, the phenomenon of trafficking for sexual exploitation is most visible on the street. It is estimated that between 75 and 80% of women trafficked for prostitution in Italy end up in this form of prostitution. Nevertheless, in recent times, a "mixed" form of prostitution is taking place, forcing women to work in several settings at the same time as opposed to only in one.

The estimates of this phenomenon are difficult to quantify. Many figures have been proposed in these years by various agencies but they are so diverse that they prove the difficulty in really defining the boundaries and the numbers of the phenomenon. As a matter of fact in Italy, there are no current existing official databases on victims of human trafficking. This is the result of a series of shortcomings within the Italian legislative, investigative and judicial systems. In fact, no comprehensive data collection system has been used so far and, therefore, no national detailed information is available on the phenomenon of trafficking and on the main actors involved. This includes namely the victims, traffickers, exploiters, and all those who are partially involved at different stages of the process of trafficking and exploitation.

Victims trafficked to Italy mainly come from the Balkan area, specifically from Albania and countries of former Yugoslavia; from Africa, in particular Nigeria, and to a lesser extent Ghana, Liberia, Sierra Leone, Morocco, Tunisia; from Eastern Europe, in particular from countries of the former Soviet Union bloc such as Russia, Moldova, Ukraine, Romania, Hungary, Bulgaria (15-20%); a small percentage from Latin America and China.

⁵⁰ Parts of this paper are based on an updated version of excerpts from 'Country Report: Italy, in Research based on case studies of victims of trafficking in human beings in 3 EU Member States, i.e. Belgium, Italy and The Netherlands (2003) funded by the European Commission and developed by Payoke (Belgium), Associazione On the Road (Italy) and De Rode Draad (The Netherlands) within the Hippocrates Programme (JAI/2001/HIP/023).

THB measures and state of play

Legislative framework

Since 11 August 2003, Italy has had its first law to specifically punish the offence of human trafficking in compliance with the tenets envisaged in the UN Protocol: law no. 228/2003 "Measures against trafficking in persons". Before the enactment of this provision, the legal responses to human trafficking were not uniform with law enforcement officials and public prosecutors who used different rules to punish traffickers and actors involved. In fact, given the lack of a distinct and comprehensive law that clearly defined and punished trafficking, other legal provisions of the Criminal Code were used in order to investigate and prosecute this crime.

The new law is thus a great improvement to the existing system. It finally includes the specific crime of trafficking in persons in the Penal Code and provides a new definition of how it constitutes slavery. It covers all forms of trafficking, slavery and servitude and includes different elements of the crime such as violence, abuse of authority, profiting from a situation in which the other person is treated as physically or psychologically inferior. It also covers internal and cross-border trafficking. The law makes provision for the compulsory confiscation of profits derived from trafficking and the set up of a "Fund for anti-trafficking measures", that will increase the funds allocated for the Programme of Social Protection and Assistance of victims of trafficking, through the Legislative Decree no. 286/1998 (Immigration Law).

However, due to its recent implementation, it is not currently possible to assess the impact and evaluate the results of this anti-trafficking law, both at the judicial and social level.⁵¹ While waiting to verify the effectiveness of the law no. 228/2003 "Measures against trafficking in persons", the most effective tool implemented so far in Italy to fight human trafficking is probably Art. 18 of the Legislative Decree no. 286 of 1998. This law has proved to be an effective instrument to support victims of trafficking, investigate the phenomenon, and punish the traffickers. Most of all, it has acknowledged that thousands of migrant people - women in particular - are victims of trafficking and has provided them with special assistance, protection and a permit to stay on humanitarian grounds.

Practices

The enactment of Legislative Decree no. 286/98 (in particular of Article 18) has represented a milestone both in the fields of social policies and the fight against the trafficking in human beings. Through financial support provided by the new law, the Italian Government has started to promote, on the one hand, the social inclusion of trafficked people, and on the other, the struggle against trafficking. Therefore, they have been able to set up the first coordinated and structured programme of social protection of victims of human trafficking, and have strengthened the fight against traffickers and exploiters.

This law has provided for the implementation of the Programme of Social Assistance and Integration and a set of actions, all managed by the Interministerial Committee for the Implementation of Art. 18, the managing body of the Programme.⁵² The call for the submission of project proposals is launched yearly by the Department for Equal Opportunities, which technically and financially runs the Programme.⁵³ It is important to highlight that each grant – by law – is co-financed by the Department for Equal Opportunities (70% of the eligible costs) and by a local authority (30%). NGOs, associations and local authorities (Municipalities, Provinces and Regions) submit their project proposal on a yearly basis to the Department for Equal Opportunities. The NGOs applying for the funding must involve a local authority as project partner. In order to qualify for the funding, the NGO or association must be registered on the list of organisations eligible to deliver assistance to migrants which was set up by the Executory Regulation of the Legislative Decree no. 286/98, at the Presidency of the Council of Ministers.

⁵¹ It is also important to underline that other two laws will have a large effect on the phenomenon of human trafficking in Italy. These are the recently approved Immigration law no. 189/2002 "Change of the discipline concerning immigration and asylum" (known as "Bossi-Fini", named after the politicians who proposed it) and, if this is voted in by Parliament, the law "Provisions concerning prostitution" (known as "Bossi-Fini-Prestigiacomo").

⁵² The Committee comprises representatives of the Department for Equal Opportunities, the Ministry of Justice, the Ministry of Welfare, and the Ministry of the Interior. Its purpose is to propose policies, evaluate, fund and supervise social assistance and integration projects that target victims of trafficking.

⁵³ Since its inception, the Programme has funded 222 projects throughout the country. Most projects have been funded in all four rounds.

The Article 18 permit applies to foreign citizens in situations of abuse or severe exploitation where their safety is seen to be endangered as a consequence of attempts to escape the conditioning of a criminal organisation or as a result of pursuing criminal action against the traffickers. People granted the Article 18 permit are obliged to participate in a social assistance and integration programme offered by various local NGOs and local public authorities funded by the above-mentioned Interministerial Committee. They are also able to access board and lodging, free legal assistance, health and social services, psychological counselling, social activities, educational and training activities, Italian language classes, vocational guidance and the employment market. In some cases a person may be offered aspects of their programme by different projects in different regions of Italy.

There are two ways of obtaining a residence permit. The first is a judicial procedure ("judicial path"), in which the Public Prosecutor has an important role to play. The second is a social procedure ("social path"), involving the local authorities, associations and NGOs as main reference points. The "judicial path" assumes that the victim will cooperate with the police and the prosecutor. They will be instrumental in bringing charges against the perpetrator by filing a complaint. The "social path" does not require a formal report to be made to the 'Questura', but instead the submission of a "statement" (containing provable key information), by an accredited Article 18 agency or by the public social services of a City Council on behalf of the victim.⁵⁴ This is because some victims do not have relevant information about the criminal organisation, or the criminals have already been prosecuted, or because they were too afraid initially for their own or their relatives' safety, to press charges. Nonetheless, these factors do not diminish their "victim status" and the need for them to receive help and support. In the Italian experience, many women who began through the social path, decided finally to file a complaint against their traffickers and/or exploiters. This is usually because they felt re-assured and had gained trust in institutions and legal procedures.

Both methods lead in the end, to a residence permit for education or for work, allowing the person to remain in Italy within the regulations that govern the presence of the non-European Community. This is an important starting point because it places the main emphasis on protection of victims and on providing a means of escape from exploitation, whether sexual or labour. It also helps to gain the trust of an exploited individual and provides him/her with an opportunity to start a new life in Italy. This is the first step towards overcoming fear and addressing threats of vengeance by traffickers, distrust towards institutions and fear of deportation, which are often factors that prevent the victim from reporting his/her exploiters. The Article 18 permit is renewable, and it does not oblige the person to go back home once the programme is over. In fact, if the person has a regular job at the end of the programme, they can remain in Italy according to their contractual conditions of work and, eventually, they can also apply for permanent residency.

Victims of trafficking can directly access a programme of social assistance and integration or they can be referred to an agency running an Art. 18 project through several channels and/or with the support of different actors such as: law enforcers, social service providers, voluntary organisations, acquaintances, friends, clients, partners, Numero Verde Nazionale contro la Tratta, outreach units, drop-in centres and so on. Not every project necessarily provides all types of services directly. In several cases, the wide range of activities and services is assured by the projects' network.⁵⁵

⁵⁴ It is possible that, due to the statutory obligation of accusation on the part of the Questura when a 'notitia criminis' is found, also a person within the social path is asked to testify, usually through a special evidence pre-trial hearing (*incidente probatorio*). A victim or the prosecutor can also request the '*incidente probatorio*' when there are specific conditions that may jeopardize the trafficked person's safety or the evidence.

⁵⁵ In four rounds of funding 222 projects have been funded: 48 in the first round (2000-2001); 47 in the second round (2001-2002); 58 in the third round (2002-2003); and 69 in the fourth round (2003-2004). It is important to highlight that the budget allocated for this programme slightly changed after each round of funding. Therefore, despite the fact that in the last round a higher number of projects were funded, many of them were given only a small grant.

Another important tool in this framework of governmental and non-governmental actions to combat trafficking in human beings is the *Numero Verde Nazionale contro la Tratta* 800-290.290 (toll free number against trafficking). This is a national hotline for victims of trafficking, clients, social and law enforcement agencies and the population at large. Financed by the Interministerial Committee for the Implementation of Art. 18, the *Numero Verde* comprises a single central headquarters that filters calls, and includes 14 territorial branches located in 14 regional or interregional areas throughout Italy. In most cases, the territorial branches of the *Numero Verde* are managed by the same NGOs and public institutions responsible for the implementation of projects funded within the Art. 18 Programme. The type of information requested includes: *Numero Verde*, Programme of Social Protection and Assistance, legal advice, socio-sanitary services and addresses etc. Information is provided in the languages spoken by the target groups, including English, Albanian, Russian, French, Spanish, Rumanian and Bulgarian.⁵⁶

Since the implementation of the Social Assistance and Integration Programme, the Interministerial Commission has also funded other initiatives, called "azioni di sistema", which includes:

- Printing and distribution of stickers advertising the toll free number in the main languages spoken by the target groups. This included several Nigerian dialects;
- Public awareness campaign to publicise the *Numero Verde* through radio and TV commercials;
- National seminars aimed at social operators working in agencies running Art. 18 projects;
- Research on trafficking and smuggling in persons for the purpose of exploitation carried out by the Research Centre on Transnational Crime of the University of Trento in collaboration with the Ministry of Justice;
- The "Voluntary Repatriation Programme" run by the Italian branch office of the International Organisation for Migration (IOM) in collaboration with the Ministry of the Interior.

Identification of trafficked persons

The identification of trafficked persons in Italy is not based on standardised procedures. In fact, despite the innovative system of assistance and protection set up to assist victims of trafficking, as yet no standard or coordinated routines to identify trafficked persons have been established.

The actors who first come into contact with trafficked persons are:

- *Border police*

During regular checks of foreign citizens entering Italian territories through the border posts located throughout Italy, at airports and ports. They may initially identify trafficked persons through administrative procedures such as passport control or inspection of the means of transportation (car, bus, lorry, ship). Border inspectors may also find trafficked persons trying to illegally enter the country when patrolling the frontiers.

- *Law enforcement agencies: Police officers* (Patrolling units, Criminal units, Immigration office), Carabinieri, Guardia di Finanza, and Municipal Police.

These agencies usually identify trafficked persons when on patrol and during their investigations. Women who are trafficked for the purpose of sexual exploitation, are often contacted through raids and checks. Sometimes though, victims of trafficking are identified as smuggled persons and, as such, repatriated without being duly informed about their right to access a programme of social protection. Identification seems not to be a standardised procedure but, in several cases, the result of personal sensitivity and expertise developed through regular contact with the phenomenon of trafficking (mainly women for sexual exploitation). The main criteria used to identify victims seem to be: country of origin, age, length of stay in Italy, type or lack of documents or Italian language proficiency. Identification does however take place, especially when cases are investigated.

⁵⁶ From July 2000 to September 2002, the *Numero Verde* received 446.026 calls: 155.745 (34.92%) were "good calls", the rest were "calls external to the target group", "interrupted calls", and "wrong numbers". The majority of calls were by citizens (61%), followed by victims of trafficking (11%), relatives (9%), clients (8%), police (7%), exploited sex workers (3%) and suspected persons (1%). These figures are estimates as people do not always fit clearly within the given categories. For instance, the distinction between a citizen and a client is not always clear as a person usually prefers to present him/herself as "a citizen" rather than "a client".

Victims that we interviewed stressed that, in several cases, they were treated unfairly by the police who failed to identify them as victims of trafficking. In fact, the application of Art. 18 is not fully implemented throughout Italy. Some Police Headquarters (Questure) apply only the "judicial path" and, in some cases, they do so only if it is "judicially useful". Thus on the one hand, this means that the law is not entirely respected and it significantly diminishes the effectiveness of the system. Most importantly it does not respect the victims' rights and needs. Sometimes, the option of joining a social protection scheme is not adequately explained and is instead used as a sort of "reward" in exchange for information. This establishes a "do ut des" mechanism that is set out in law. At times, insufficient information on the function and the rules of the social assistance and integration programme are provided, and the programme is often presented in not enough detail ("we can give you a permit to stay and a job") without giving a detailed explanation of the duties and rights included in the programme.

Conversely, it is important to stress that within each Questura (usually within the Immigration Office), the Ministry of the Interior has appointed an "unique referent" officer who is responsible for the "Art. 18 cases of human trafficking". Unfortunately, not all Questure have assigned this task to an officer that has played a significant role between all relevant actors involved (law enforcement agencies, NGOs, local and national authorities, Numero Verde contro la Tratta and, of course, victims). In the areas where there is good collaboration between law enforcement agencies and social organisations and which has been established and strengthened through the implementation of the Art. 18 system, the identification of trafficked persons seems to be more effective, even if no standardised procedures are in place.

Collaboration amongst different law enforcement agencies is seriously lacking. In the last few years, international police cooperation has been enhanced. Italy has signed more than 60 agreements with 40 countries in order to exchange knowledge and information to help counter illegal immigration and human trafficking. The agreement signed with the Albanian government (1997) and the Nigerian government (2000) are particularly relevant, resulting in all Albanian or Nigerian citizens, who are found to be illegally staying in Italy, being immediately deported. These measures are sometimes misused and, among the deported undocumented migrants, some trafficked persons may be found.

- *Public Prosecutors' Offices*

Prosecutors come into contact with trafficked persons after they have been identified as such by the law enforcement agencies. Sometimes however, they may directly identify victims of trafficking during the course of their crime investigations. No specific procedures to interrogate victims have been identified.

- *Prisons*

Trafficked persons are likely to be found amongst foreign nationals held in Italian prisons, not having been identified as such by social workers or prison guards. Appropriate assistance in these cases is only very occasionally provided. This is clearly an area of work to be explored by the project and special attention must be paid to minors.

- *Labour Inspection Office*

During their ordinary checks, labour inspectors may find foreign citizens trafficked into Italy to be exploited in labour sectors such as the garment, agriculture or construction industries, as domestic helps or providing assistance to the elderly.

- *Detention centres ("Centro di permanenza temporanea e assistenza per cittadini stranieri" - Centre for temporary residence and assistance for foreign citizens)*

Undocumented foreign nationals who illegally entered Italy and who are caught by the police, are temporarily sheltered in one of the detention centres located in different regions of Italy for a maximum of 60 days. The police must then identify the person and, according to the information collected, decide whether to deport him/her or allow him/her to stay in the country. If a person is suspected to be a victim of trafficking, they should be informed about the possibility of accessing a social protection programme. However this does not always happen and people are often sent back to their home countries (as is often the case for Albanian and Nigerian women). No standardised procedures for the identification of trafficked persons are in place. Nevertheless, some centres are regularly visited by social workers who are experienced in working with this target group.

- *Third sector*

Since the early 1990s (in some areas even earlier), different types of agencies have been active in the field of social inclusion of trafficked people including NGOs, religious institutions, women's groups, voluntary organisations, social co-operatives and advocacy groups.⁵⁷ In the course of their activities (mainly their outreach work, legal and social counselling, health accompaniments), they may identify victims of trafficking who report themselves as such. No common specific criteria for identification are used by the above-mentioned agencies, who mainly provide their services to victims of trafficking for the purpose of sexual exploitation. However, general criteria used include lack of documentation, illegal stay, nationality, signs of use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or lack of freedom of movement.

- *Local authorities* (Regions, Provinces, Municipalities, Local Health Districts)

In order to identify victims of trafficking, local authorities generally use the criteria adopted by the agencies of the so-called third sector. It is important to highlight that they represent key players in the implementation of policies both against human trafficking and for harm reduction in prostitution. Public institutions both provide financial support and services to victims of trafficking and their involvement in the anti-trafficking field, has mainly been fostered by the enactment of Art. 18.

- *Numeri Verde Nazionale contro la Tratta 800-290.290* (toll free number against trafficking)

The 14 territorial branches of the national hotline play an important role in the identification of victims of trafficking who, in a small percentage, directly contact the operators. Clients, social and law enforcement agencies and the population at large are the main users of this important means of supporting trafficked persons, mostly those who are sexually exploited. The success of the hotline is directly connected with its advertising strategies.

- *Citizens*

Italian citizens may come into contact directly with trafficked persons who are considered to be illegal migrants and who are severely exploited and in need of help. They may then be referred to a private organisation or to law enforcement agencies.

III. Some remarks

According to the law enforcement officers and social workers we interviewed, the development of a model protocol for the identification of trafficked persons is much needed in Italy. They also agreed to contribute proposals and feedback to the protocol that will be developed. Particularly significant is our collaboration with the Anti-Mafia Investigation Department, a highly recognised agency that fights some of the most serious crimes, which has recently been appointed as the main counter-trafficking actor in Italy (law no. 228/03). It works at local level through the Procure Distrettuali Anti-Mafia (Anti-Mafia District Prosecutors' Offices).

The following are some of the elements which should be taken into consideration when drafting the model Protocol and training kit:

- Detailed and correct information must be provided to victims of trafficking in order to allow them to make decisions on a fully informed basis. Clarity of expectations and obligations must be clearly defined;
- Victims need time to identify themselves as such and decide whether to join a social protection programme and/or cooperate with the relevant authorities;
- Any type of assistance must be provided in a non discriminatory and non judgemental manner (especially in regard to victims who have been exploited in the sex market). It must comply with human rights principles and be gender and multi-culturally sensitive;
- The distinct roles of the different actors providing assistance and support to victims must be clearly defined, acknowledged and respected;

⁵⁷ These groups have pioneered different methodologies, practices and key actors during the process of drafting and developing Art. 18.

- There must be coordination between the distinct agencies involved in the anti-trafficking field, especially among the different law enforcement agencies at local, national and international levels;
- Multidisciplinary local assistance teams of different professionals (social workers, outreach workers, doctors, psychologists, lawyers, public officers, law enforcement officers etc) should be set up at local level and should be coordinated through a specialised steering committee;
- Training and refresher courses should be regularly organised for all actors involved in counter-trafficking activities, to update them on changes in legislation and practices. Training measures should include intercultural competence to fully and correctly understand a trafficked person according to his/her individual cultural background;
- Interpreters and cultural mediators should be crucial co-workers to gain the persons' confidence and build a trusting relationship;
- Constant updating on the changes occurring in the field of trafficking and related exploitative sectors is a priority, in order to promptly address the victims' needs and fight organised crime;
- Identification procedures and assistance practices must be implemented for victims of trafficking of all types of exploitation;
- Proper settings which respect the victims' privacy and safety must be set up at police headquarters and in court rooms;
- International cooperation must be included in the ordinary practices;
- Both the Protocol model and training kit must be very practical and not a new re-arranged list of well-known recommendations.

III. Country Report: The Netherlands

This section was elaborated by the organisation STV.

Laws on Trafficking in Human Beings

I International treaties

The Netherlands have signed or ratified the following international treaties on migration in general, and the identification of trafficking in human beings, safe return and social inclusion for victims of trafficking, in particular.

- ILO Convention No.29 on Forced Labour, 1930, ratified 31/3/1933
- ILO Abolition of Forced Labour Convention, 1957, ratified 18/2/1957
- ILO Convention No.97 on Migration for Employment, 1949, ratified 20/5/1952
- UN Convention Relating to the Status of Refugees, 1951, signed 28/7/1951, ratified 23/3/1953
- UN Convention against Transnational Crime, signed 12/12/2000, ratified 26/5/2004
- UN Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, Especially Women and Children, supplementing the UN Convention against Transnational Crime (Palermo Protocol), signed 12/12/2000, ratified end 2004
- UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified 22/8/1991

II Bilateral/Regional agreements

European Union

- Charter of Fundamental Rights of the European Union, d.d. 7/12/2000 (Nice)

CHAPTER I

DIGNITY

Article 5

Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. Trafficking in human beings is prohibited.

- Treaty on the European Union, Art. 29, Title VI Provisions on Police and Judicial Cooperation in Criminal Matters, d.d. 7/2/1992 (Maastricht)

Article 29 (ex Article K.1) Without prejudice to the powers of the European Community, the Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters and by preventing and combating racism and xenophobia. That objective shall be achieved by preventing and combating crime, organised or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud, through:

- closer cooperation between police forces, customs authorities and other competent authorities in the Member States, both directly and through the European Police Office (Europol), in accordance with the provisions of Articles 30 and 32;
- closer cooperation between judicial and other competent authorities of the Member States in accordance with the provisions of Articles 31(a) to (d) and 32;
- approximation, where necessary, of rules on criminal matters in the Member States, in accordance with the provisions of Article 31(e).

- Framework Decision on Combating Trafficking in Human Beings, d.d. 19/7/2002; effective from 1/8/2002 (EU Member States (MS) had to adjust national legislation before 1/8/2004)

"EU Member States have to assure that THB is included in the penal code, following the definition of Palermo (EU signed UN Convention against Transnational Crime in Dec 2000). Maximum sanctions should not be less than 8 years in prison. MS have competence when THB is committed on its territory, when the perpetrator is a citizen of the MS or when the crime is committed in favour of a legal person resident in the MS. The second criterium is important for those MS who refuse to extradict their own citizens, because it obliges them to prosecute this perpetrator themselves for crimes committed on foreign territory."

- Proposal for a Directive on the Short-Term Residence Permit issued to Victims of Action to Facilitate Illegal Migration or Trafficking in Human Beings who Cooperate with the Competent Authorities, d.d. 11/2/2002 (EU Member States had to adjust national legislation before 30/6/2003). (accepted by the Dutch Senate on 27/4/2004; unknown when it will be effective)

The main elements contain the States' duty to inform victims of the possibility to obtain a temporary residence permit, a 30-day reflection period, a 6 month temporary residence permit upon pressing charges which is renewable every 6 months if the victim cooperates with authorities and severs all ties with the perpetrator. The victim's presence is to be relevant to the State. The victim is assured the right to health care, shelter, free legal aid, free interpretation and translation services, social welfare if the victim is without funds, access to vocational training, education and work.

The Commission will report on the implementation of the Directive in Member States in 2007.

- Resolution on the protection of witnesses in the fight against international organized crime, D.d. 23/11/1995

A. Calls on the Member States to guarantee proper protection of witnesses taking account of the following guidelines:

1. for the purposes of this Resolution, 'witness' means any person, whatever his legal status, who possesses intelligence or information regarded by the competent authority as being material to criminal proceedings and liable to endanger that person if divulged;
2. such witnesses should be protected against all forms of direct or indirect threat, pressure or intimidation;
3. Member States must ensure proper and effective protection of witnesses before, during and after trials, where the competent authorities deem this necessary;
4. such protection must also be extended to the parents, children and other close relatives of witnesses if necessary in order to avoid any form of indirect pressure;
5. when this protection is instituted, each case will have to be examined individually to determine whether the agreement of the witness and his relatives should be sought;
6. the competent authorities should be able to decide, of their own accord or at a witness's request, that the address and identifying particulars (1) of the witness should be known only to those authorities;
7. if the threat is extremely serious, a change of identity for the witness and, if necessary, for members of his immediate family, may be allowed;
8. one of the forms of protection to be envisaged is the possibility of giving evidence in a place other than that in which the person being prosecuted is situated through the use, if necessary, of audiovisual methods, subject to observance of the adversary principle as interpreted in the case law of the European Court of Human Rights;

B. Calls on Member States to facilitate judicial assistance in this field, even in the absence of any such provisions in the legislation of the State to which the request is addressed, save where compliance with the request for assistance would be contrary to the general principles of that State's law. In order to facilitate the use of audiovisual methods, the following points, in particular, should be taken into consideration:

1. In principle, it should be envisaged that the hearing may be conducted under the legal and practical conditions of the requesting State only;

2. If the legislation of either State allows for the witness to be assisted by an adviser during the hearing, it should be possible for such assistance to be arranged in the territory of the State in which the witness is situated;
3. Translation costs and the cost of using audiovisual methods should be borne by the requesting State, unless otherwise arranged with the State to which the request is addressed.
- C. Calls on Member States to carry out an assessment of the implementation of this Resolution in practice and instructed the appropriate bodies to report to it by the end of 1996 at the latest.

III National legislation

- Art. 273A Penal Code on Trafficking in Human Beings, January 2005

By the end of 2004, Art. 273A of the Penal Code came into force and replaced Art. 205A dealing only with prostitution. Art. 273A also covers other forms of THB in accordance with the Palermo Protocol.

Un-official translation of Article 273A, Penal Code:

Article 273A Penal Code

Paragraph 1. As guilty of THB will be punished with imprisonment of a maximum of 6 years or a fine of the 5th category any person who:

1. by coercion, force or other physical act, by threats of violence or of any other physical act, by extortion, fraud, deception, by abuse of power or abuse of a position of vulnerability, by the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, recruits, transports, transfers, harbours or receives another person for the purpose of exploitation or the removal of organs;
2. recruits, transports, transfers, harbours or receives another person, for the purpose of exploitation or the removal of organs while the other person is younger than 18 years of age;
3. recruits, takes with him/her or abducts a person with a view to inducing that person to make him/herself available in another country for performing sexual acts with a third party for remuneration;
4. by means mentioned under paragraph 1 forces or induces another person to make him/herself available for the performance of labour or services or removal of organs or, under the said circumstances, takes any action which he or she knows or may reasonably be expected to know will result in that other person's making him/herself available for performing those acts or removal of organs;
5. induces another person to make him/herself available for performing sexual acts with or for a third party for remuneration or to make him/herself available for removal of organs for remuneration, or who takes any action which he or she knows or may reasonably be expected to know will result in that other person making him/herself available for performing those acts or removal of organs while the other person is younger than 18 years of age;
6. wilfully profits from the exploitation of another person;
7. wilfully profits from the removal of organs of another person when he or she knows or may reasonably be expected to know that these organs were removed under the circumstances mentioned under paragraph 1;
8. wilfully profits from sexual acts of another person with or for a third party for remuneration or from the removal of organs, while he or she knows or must reasonably assume that the other person is younger than 18 years of age;
9. forces or induces another person by means mentioned under paragraph 1 to benefit him or her from the proceeds of his or her sexual acts with or for a third party or from the proceeds of the removal of his or her organs.

Paragraph 2. Exploitation shall include, at a minimum, the exploitation of the prostitution of others, other forms of sexual exploitation, forced or compulsory labour or services, slavery or practices similar to slavery and servitude.

Paragraph 3. The guilty party shall be liable to a term of imprisonment not exceeding eight years or a fifth category fine, if:

1. the acts, as described in paragraph 1, are committed by two or more persons acting in concert;
2. the person against whom these acts are committed is under the age of sixteen.

Paragraph 4. The acts, as described in paragraph 1 who are committed by two or more persons acting in concert against a person who is under the age of sixteen shall be liable to a term of imprisonment not exceeding ten years or a fifth category fine.

Paragraph 5. If the circumstances mentioned under paragraph 1 result in severe physical harm or mortal danger of the other person, the guilty person shall be liable to a term of imprisonment not exceeding twelve years or a fifth category fine.

Paragraph 6. If the circumstances mentioned under paragraph 1 result in the death of the other person, the guilty person shall be liable to a term of imprisonment not exceeding fifteen years or a fifth category fine.

- Immigration Circular B9 re Victims of Trafficking in Women

Enacted On: November 23, 2000 (updated version - this policy has existed in the NL since 1988)

By: Ministry of Justice

Legislative Update: June 2005

Explanation of the law: The law applies to both victims of THB and witness-informers (women or men who have not become victims of trafficking, but who have vital information relating to a particular crime of THB).

At the least indication of person being a victim of trafficking, their removal from the country should be suspended for three months. This 'reflection period' enables the person to decide whether or not to file charges. During this period victims may:

- a. Receive medical and psychological care, shelter, access to legal aid and interpreters/translators. If the person is without funds, they will receive social welfare benefit.
- b. Report the crime to the police.
- c. Consult a lawyer about bringing civil proceedings against the traffickers.

The 'reflection period' does not apply to witness informers. They can however apply for a temporary residence permit when they press charges. If their presence in the Netherlands is necessary, residency will be permitted.

After the 'reflection period', a victim of trafficking is eligible for a temporary residence permit if they have pressed charges concerning the violation of Art.273a of the Penal Code, and is considered necessary for the investigation and prosecution of the case. In both cases, the residence permit is granted only to ensure that the witness remains for the period of the investigation, the prosecution, trial and any appeal.

Under the above mentioned conditions, the residence permit is granted unless there is an objection to the person's stay because of a threat to public peace, order or national safety. Contrary to general immigration policy, the lack of sufficient means of support cannot be used as an objection.

The temporary residence permit is granted for a year and is renewable. During their stay, the trafficking victim is entitled to accommodation, medical and psychological help, legal aid, interpreters/translation, vocational training and education, as well as a social welfare benefit, if necessary. Since June 2005, the trafficking victim is also entitled to work, vocational training and education.

The residence permit is linked to the report or trial of a case, therefore residence is only permitted for the duration of the investigation, the prosecution, and the trial in the first instance and any appeal. After proceedings have ended, the victim is obliged to leave the country, unless he/she is entitled to a residence permit for other reasons (e.g. stay with partner, humanitarian grounds etc.).

If the victim applies for a permanent residence permit on humanitarian grounds, Immigration Circular B9 (see below) stipulates that the following aspects should be taken into consideration:

- Risk of reprisals against the victim and/or her family, and the level of protection that the authorities in the country of origin can and are willing to provide, if necessary;
- Risk of persecution in country of origin, e.g. for prostitution;
- Possibilities of social reintegration in country of origin, taking into account specific cultural background. Also where relevant, coercion into prostitution as well as permanent breakdown of family relations, public opinion on prostitution and national policies regarding prostitution and THB;

The Immigration Circular B9 explicitly details the obligations of STV and the police:

- The police should report all cases of THB to STV, even if victims are not in need of shelter.
- STV should organise and coordinate social assistance to all victims of THB who have been reported to the organisation. In order to fulfill this obligation, STV has instigated regional support networks including case managers to which clients are referred. In the absence of regional networks/case manager, STV will assume responsibility for the social assistance provided to the client.

Furthermore, the Dutch government has:

- Appointed a National Rapporteur on trafficking in human beings (THB).
- Appointed a national coordinating public prosecutor in trafficking in human beings.
- Established a special Dutch Police Project on Prostitution and THB. Every police force has appointed a special contact person on THB. Several working groups have been established on specific topics and several specialised police teams on prostitution and THB have been formed.
- Set up specialised training carried out by the Dutch Training School for Police Officers, for local law enforcement officials/teams that deal with prostitution and THB.
- Organised specialised prosecutors and specialists in the immigration office.
- Provided federal funding to social service providers.
- Appointed a coordinating civil servant in the Ministry of Foreign Affairs on policy regarding THB. The issue of THB is also covered by the Ministry of Justice.
- Drawn up a national action plan on THB (June 2004), to monitor the progress on anti-trafficking measures and cooperation between organisations. Implementation is evaluated each year.
- Identification of THB

The Procurators-General have set up guidelines relating to investigations and prosecution of THB (1987, 1989, 1995). The most recent was published in 1999 "Instruction of approach to trafficking in human beings and other forms of exploitation in prostitution" (aanwijzing aanpak mensenhandel en andere vormen van uitbuiting in de prostitutie). An annex to these guidelines includes a list of criteria/indicators of THB such as: lack of proper documents, illegal stay in the country of origin, not having paid for the journey oneself, not possessing own travel documents, being forced to hand over the largest percentage of income, having to work under all circumstances and for disproportionately long hours, blackmail or threat to family in country of origin, and threat or use of violence.

The Dutch 'Police Project on Prostitution and THB' (1999–2004) drew up a supplementary list of criteria/indicators following the ban on brothels and the new laws on prostitution such as: working under the authority of a third party, earnings far below market value, a combination of factors such as non EU member married to a Dutch citizen and working as a (legal) prostitute and the lack of housing/accommodation in the Netherlands.

Information about STV

Stichting tegen Vrouwenhandel (Dutch Foundation against Trafficking in Women, STV)

Task: STV is the national reporting centre on THB. Its Help Desk has four main tasks:

- 1) to arrange shelter for victims;
- 2) to maintain contact with and offer expertise to other professionals working with victims;
- 3) to maintain regional networks of support to victims of THB and set up new networks;
- 4) to record data on victims of THB who are reported to STV. STV provides this information to the National Rapporteur on THB and other interested parties.

STV does not run its own shelter, but cooperates with the services mentioned below. After STV has arranged shelter, clients are referred to regional networks who each have their own case managers who will take over responsibility for the client. All services provided to clients are then carried out by organisations (shelter, case manager, lawyers, etc) in the network. If there is no network available, the client falls under the responsibility of STV.

Services are provided from the moment a person is taken out of/leaves the trafficking situation to the moment of return to their home country. We have hardly any knowledge of what happens to people once they have returned, except for some cases referred to the La Strada network.

Apart from the Help Desk, STV also provides:

- 5) coordination of the La Strada Program;
- 6) lobby & advocacy on the issue of THB on national and international levels;
- 7) training, information and consultation to other parties, e.g. media, on national and international level.

Services provided:	During first 3 months	After 3 months
Example service	Yes	no
Medical help	Yes	Yes
Psychological help	Yes	Yes
Legal aid	Yes	Yes
Legal documents for travelling	Yes	Yes
Establish contact with family/friends	Yes	Yes
Financial means for first survival	Yes	Yes
Accommodation	Yes	Yes
Vocational training	Yes	Yes
Employment		
Buddy project		
Other		

STV cooperates with: BlinN, Rode Draad, Atalantas, Mr. A. de Graaff Stichting, TAMPEP, Religieuzen tegen Vrouwenhandel, GGGD Amsterdam, Clara Wichmann Stichting, BNRM, IOM, IND, public prosecutors, lawyers (see p83 for further details).

STV also cooperates with shelters throughout the NL, police, Project Prostitutie en Mensenhandel van de Nederlandse Politie, lawyers, local and national government.

Cooperation is generally positive both with NGOs and GOs, although there are sometimes difficulties with finding shelter for clients and with police who do not report to STV. The kind of cooperation includes working with victims (coordination of social assistance) or with support groups (such as the Experts Group of the European Commission and the Dutch EU presidency in 2004) and others which meet regularly. There is also a monitoring group for the B9 implementation, a monitoring platform on prostitution legislation and regular meetings in the regional relief networks.

Cooperation involves:

BlinN, Rode Draad, Atalantas, TAMPEP, GGGD Amsterdam, Clara Wichmann Stichting, IOM: Referral of clients, information exchange and joint actions.

Religiezen tegen Vrouwenhandel, Mr. De Graaff Stichting: Information exchange and joint actions.

BNRM: Information exchange, STV transfers collected data to BNRM.

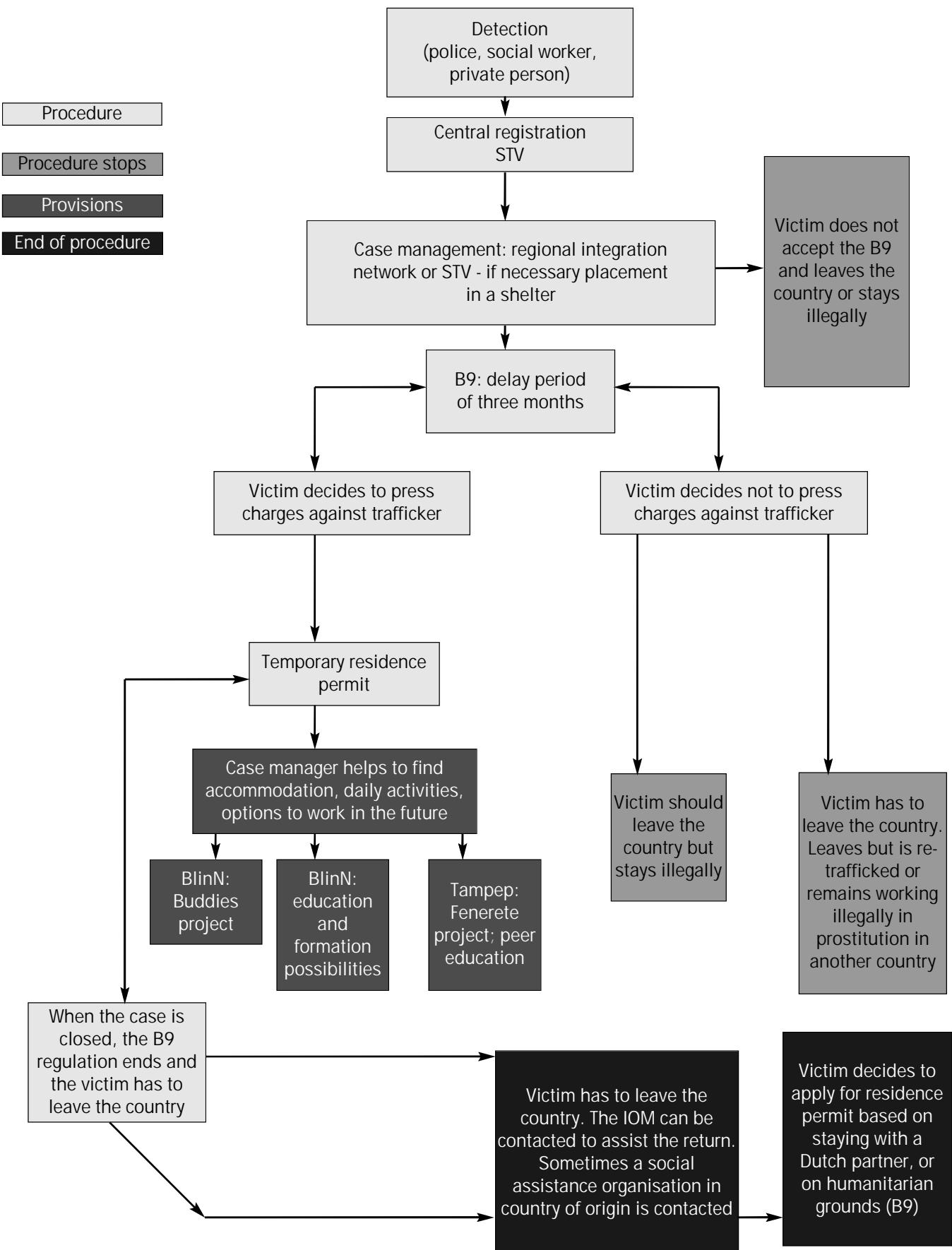
IND, public prosecutors, lawyers, local government: Hardly any direct cooperation but sometimes requests for additional information.

Shelters: Referral of clients, provision of expertise by STV. Problems include lack of beds and sometimes refusal/reluctance to accept victims of THB. Also sometimes expertise is lacking within shelters on the issue of THB.

Police: Research carried out in 2002 found that 30-35% of victims of THB between 2000-2002 who were reported to the police, were also reported to STV. This low % was partly due to the lack of access to the Help Desk in this period.

National government: Information exchange and provision of expertise by STV.

What happens when a victim is identified in the Netherlands?



The Trafficking in Women (TIW) Help Desk

The Foundation against Trafficking in Women maintains its function as the national centre of expertise. Some of the core activities are restructured in the TIW Help Desk:

- National reporting centre for (possible) cases of TIW
- National co-ordination of complete and coherent support for victims of TIW
- Registration of data concerning reports of TIW and support programs offered

Help Desk procedures:

The first report of (possible) cases of TIW is usually completed by professional groups involved in identifying TIW (*casefinding*). Based on this report, information regarding the specific situation is gathered in order to determine the problem areas (*assessment*). An appropriate plan of action is then put together highlighting the urgent need for support (*planning*). In most cases safe shelter/accommodation for the (possible) victim is required, as is medical and emotional support (trauma counselling) as well as judicial and material support (guidance through criminal proceedings, protection of their position and interest and provision of basic needs). The professional groups which need to be involved in this individual support program, are selected and linked to the (individual) case and to each other (*linking*). If the case can be transferred/referred to a regional relief network (professional structure), the regional case manager will be informed and will take over. Otherwise, the Foundation against Trafficking in Women will act as case manager.

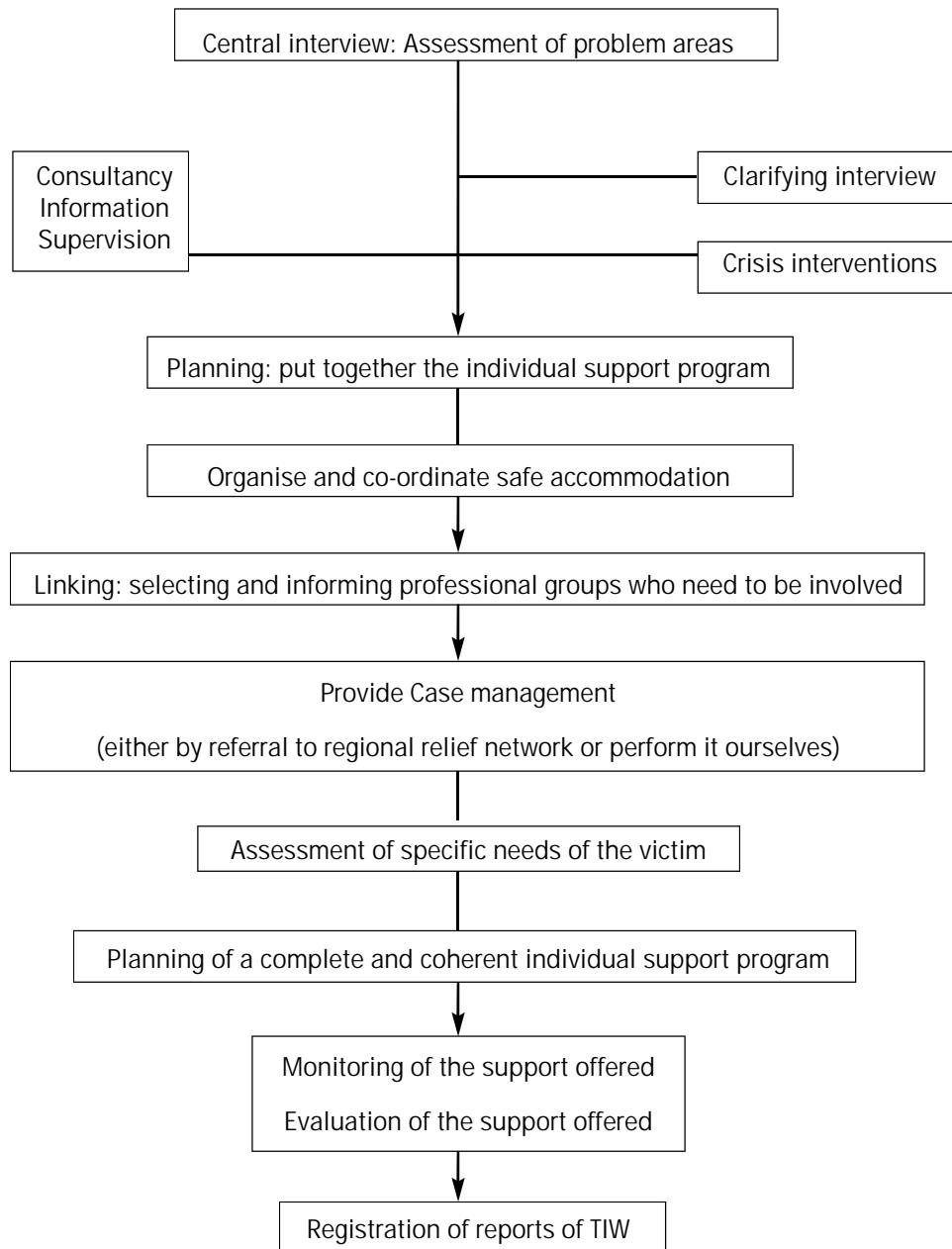
When the (possible) victim of TIW has been accommodated, an interview will take place to determine their specific needs. Based on these, a complete and coherent support program can be developed to best suit the needs of the person and the situation.

In some reported cases, a complete support program is not needed and all that is required for example, is information and consultation, or other elements of the support program. In some cases, only information and consultancy is requested and given. As the national centre of expertise, the Foundation against Trafficking in Women aims to provide both (possible) victims of TIW, and the professional groups involved in identifying and offering support to trafficked women, with proper and expert advise.

All the reported cases are being registered, and if requested, they can remain anonymous. Relevant data is then used to help develop policies, methodology, support programs, prevention programs, training programs etc. All personal data regarding the victims identity or specific situation are anonymous in order to ensure the safety of the women involved and to comply with Dutch legislation on confidential information of private persons.

Note: *Organisations and individuals report possible cases of trafficking voluntarily. Therefore, the registrations made by the Foundation against Trafficking in Women depend on the active effort of both organisations and individuals and is never absolute or complete.*

Flowchart of the Help Desk procedures:



Anti-Slavery International, founded in 1839, is committed to eliminating all forms of slavery throughout the world. Slavery, servitude and forced labour are violations of individual freedoms, which deny millions of people their basic dignity and fundamental human rights. Anti-Slavery International works to end these abuses by exposing current cases of slavery, campaigning for its eradication, supporting the initiatives of local organisations to release people, and pressing for more effective implementation of international laws against slavery. For further information see: www.antislavery.org

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