

Investigating Human Trafficking Cases Using a Victim-centred Approach:

A Trainer's Manual on Combating Trafficking in Persons for Capacity-building of Law Enforcement Officers in Antigua and Barbuda, Belize, Jamaica, and Trinidad and Tobago



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Publisher: International Organization for Migration (IOM)
Mission in Jamaica
6th Floor, The Towers
25 Dominica Drive
Kingston 5
Jamaica
Tel.: +876 968 0569
Fax: +1 876 920 4261
Email: iomkingston@iom.int
Website: www.iom.int

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PREFACE

This *Trainer's Manual on Trafficking in Persons for Law Enforcement Officers* was created as a result of the project "Strengthening the Institutional Capacity of Criminal Justice Actors in the Caribbean to Counter Trafficking in Persons Using a Victim-centred Approach", which was funded by the United States Department of State Office to Monitor and Combat Trafficking in Persons and implemented by the International Organization for Migration (IOM). The project aimed to position criminal justice officials in Antigua and Barbuda, Belize, Jamaica, and Trinidad and Tobago to lead the fight against trafficking in persons (TiP) using a victim-centred approach to: identify victims of trafficking; and investigate, prosecute and adjudicate TiP cases. To ensure sustainability of the project goal and training programmes, this *Manual* was conceptualized and developed to be incorporated into the different training programmes of relevant stakeholders responsible for providing institutional training to law enforcement agencies. This *Trainer's Manual* was therefore designed as a guide to trainers and migration experts on how to deliver a comprehensive, interactive, flexible and practical training on TiP to members of the law enforcement fraternity in, at minimum, the four benefitting countries of the J/TIP project.

Grateful acknowledgement goes to several individuals whose invaluable contributions made it possible for this *Trainer's Manual* to reach its present form. They are:

Ms Keisha Livermore, Head of Office, IOM Mission in Jamaica	Content contributor (all modules)
Mrs Rukiya Brown, Programme Coordinator, IOM Mission in Jamaica	Content contributor (all modules)
Mrs Shanica James-Brown, Client Service Assistant, IOM Mission in Jamaica	Content contributor (Modules 3 and 4)
DSP Carl Berry, Head, Jamaica Constabulary Force Anti-Trafficking in Persons Unit	Content contributor (Module 7)
Working Group to Develop TiP Manual for Law Enforcement Officers ¹	Content review and validation
United States Department of State Office to Monitor and Combat Trafficking in Persons	Project donor

Much of the information contained herein came from international best practices, and also reflects the specific context of the project countries. As such, it is our hope that trainers and experts will find this *Trainer's Manual* resourceful in their training programmes and the participants will be encouraged to interact. Each module is also supported by a separate PowerPoint presentation and all annexes/materials can be found on the flash drive accompanying this *Manual*.

¹ Working Group members include Henrietta Black, Rodney Ellis, Marvin Hall, Alverna Inniss, Aisha Price, Tricia Hudlin-Cooper, Jerome Ramdular, Arlene Flores, Ismael Westby, Bernita Lawrence, Paul Bolt, Sheron Hartley-Betancourt, Howard Palmer, Mollie Plummer, Aisha Price, Rilys Adams, Debra Baptist-Estrada, Dirk John, Farmala Jacobs, Maxine Lewis, Mario Arzu, Janelle Tillet, Osbourne Bailey, Kelly-Ann Boyne, Steve Vernon, Devon Watkiss, Dawn Hector, Janelle Sebastien and Mauricia Joseph.

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LIST OF ACRONYMS

APoV	Abuse of power or a position of vulnerability
NRM	National Referral Mechanism
TiP	Trafficking in persons
UN TiP Protocol	United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
UNTOC	United Nations Convention against Transnational Organized Crime
UNODC	United Nations Office on Drugs and Crime
UNDHR	Universal Declaration of Human Rights
VoT	Victim of trafficking

MODULE 1: BASIC CONCEPTS

1.1. Definition of Trafficking in Persons

Trafficking in persons (TiP) is a crime under international law and many national and regional legal systems. Given the complexities of the issue, it is therefore necessary that the definition of the concept is first explored for there to be any measure of comprehension of the crime. In this regard, the definition of TiP is put forth and dissected in this module.

Trafficking in persons = a violation of human rights

TiP is often termed a violation of human rights. Prior to reviewing the definition, it is important that the participants fully understand the concept of human rights, as a rights-based approach must be taken when dealing with victims of human trafficking.

Note to facilitator: Advise the participants that as law enforcement officers, their dealings with victims of trafficking (VoTs) must always take into account the rights of these victims.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights was proclaimed by the United Nations General Assembly in 1948.² There are 30 articles outlining inalienable human rights which are included in the Declaration. Article 4 specifically states “no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”³

In addition to Article 4, trafficking is also a violation of various other human rights, such as:

- Freedom of movement (Article 13);
- Free choice of employment (Article 23);
- The right to rest from work (Article 24); and
- Adequate standard of living (Article 25).

Note to facilitator: Tell the participants that not only is the State a party to this declaration but several of these rights are outlined in the country’s constitution. Specific references to the participants’ national constitutions should therefore be made to ensure that participants are fully aware of these inalienable rights.

²United Nations, The Universal Declaration of Human Rights (1948). Available from www.un.org/en/universal-declaration-human-rights. A list of all 30 human rights for easy reference can however be found in Annex I.

³ Ibid.

Activity 1.1: What Human Rights Would You Give Up?

Objective: To introduce the concept of human rights and how it is related to TiP

Duration: 10 minutes

Materials needed: Flash cards on which the human rights in Annex II are printed; printed copies of the situation in number 3

Instructions:

1. Divide the participants into small groups of four or five members.
2. Distribute to each group the flash cards on which the human rights listed in Annex II are printed.
3. Have the participants read this situation (you may have this printed):

In an effort to spread the “word” and ensure that its religious laws are respected, Boko Haram/ISIS has moved west. The group’s efforts at global domination have resulted in the members seeking to reach the United States as the Government in the group’s home country has been a constant thorn on its side and the group believes this must be stopped. Over the last few months, a few islands close to where you live have been taken over by Boko Haram/ISIS. You have heard (from reliable sources) that the group will be in your country within a week. After careful consideration, you have decided to make a run for it. You have found a reputable man who can take you and your family (not on the same boat) to Florida in the United States. This move essentially means giving up a few things. These may be the home that you have worked so hard to buy. You may also need to leave behind members of your family who cannot afford the journey due to illness and old age, among other factors.

4. Once the groups have read the scenario above, ask them to decide as a group which two human rights (indicated on the flash cards) they are willing to give up to run away from the threat from the militant group mentioned. Let the participants know that they have only five minutes to decide or they will lose all their rights.
5. At the end of the five-minute time limit, take the two cards the groups would like to give up as well as additional two to three cards that the participants wanted to hold on to.
6. Once you have taken these cards from all the groups, lead a brief discussion exploring how participants felt during the exercise. Explain that Boko Haram/ISIS had a representative on the boat and it turned out that instead of escaping, they went right into the hands of those they were running away from. Note that your removing their rights without a choice is similar to what trafficking victims experience. VoTs often do not fully understand what they are getting into. Often, their plight begins with what they perceive as an opportunity that turns into a nightmare.

What Is Trafficking in Persons?⁴

TiP is more than simply moving someone from one location to another against his/her will and more than forcing someone to work in poor conditions. Though the international community developed a definition of TiP in the year 2000, understanding what qualifies as trafficking can be confusing, and misconceptions are common.

Before looking at the definition of TiP in more detail, it is helpful to understand how TiP happens and what someone who is trafficked might experience.

REMEMBER
TiP does not require movement as individuals can be born into servitude.

Although TiP occurs in several different ways, depending on the level of crime, the legal structure and the local context, trafficking occurs in three different phases, which are often referred to as the mandatory elements of TiP. These are:

- **Activity** – WHAT is done?
- **Means** – HOW is it done?
- **Purpose** – WHY is it done?

These will be reviewed further as we examine the definition.

Activity 1.2: Broken Dreamers

Objective: To introduce and lead discussions on the definition of TiP

Duration: 20 minutes

Materials needed: A flip chart; video titled “Broken Dreamers”

Instructions:

1. Ask the participants what they understand from the terms “human trafficking” and “trafficking in persons”. Write their responses on a flip chart.
2. Ask the participants to watch the short video titled “Broken Dreamers” (this can be found on your flash drives or on YouTube at www.youtube.com/watch?v=gH6j-QLVXv0&t=24s).
3. After watching the video, ask the participants if they would like to modify the definition they have learned.
4. Write their responses on a flip chart using the three elements of TiP (i.e. activity, means and purpose).
5. Consider asking questions such as: What happened to Julie? How did this happen? What did the trafficker wish to achieve?
6. Once you have finished the discussion, kindly refer to the definition as outlined by the UN TiP Protocol.

Definition

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also referred to as the UN TiP Protocol, is one of three supplemental protocols to the United Nations Convention against Transnational Organized Crime (UNTOC). It was adopted by the United Nations General Assembly and came into force on 25 December 2003. As of May 2018, it has 117 signatories and has been ratified by 173 parties. In the Caribbean, 14 countries have ratified the Protocol. For more details on which countries have ratified this convention and the dates of ratification, refer to: https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18&lang=en.

Ratifying States commit to:

- Prevent and combat TiP, paying particular attention to women and children;
- Protect and assist the victims of such trafficking, with full respect for their human rights; and
- Promote cooperation among States Parties in order to meet those objectives.

⁴ This section is taken from the *IOM Counter Trafficking Training Modules Direct Assistance* (Geneva, 2006).

Article 3a of the UN TiP Protocol puts forth the following as the definition of “trafficking in persons”:

“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.

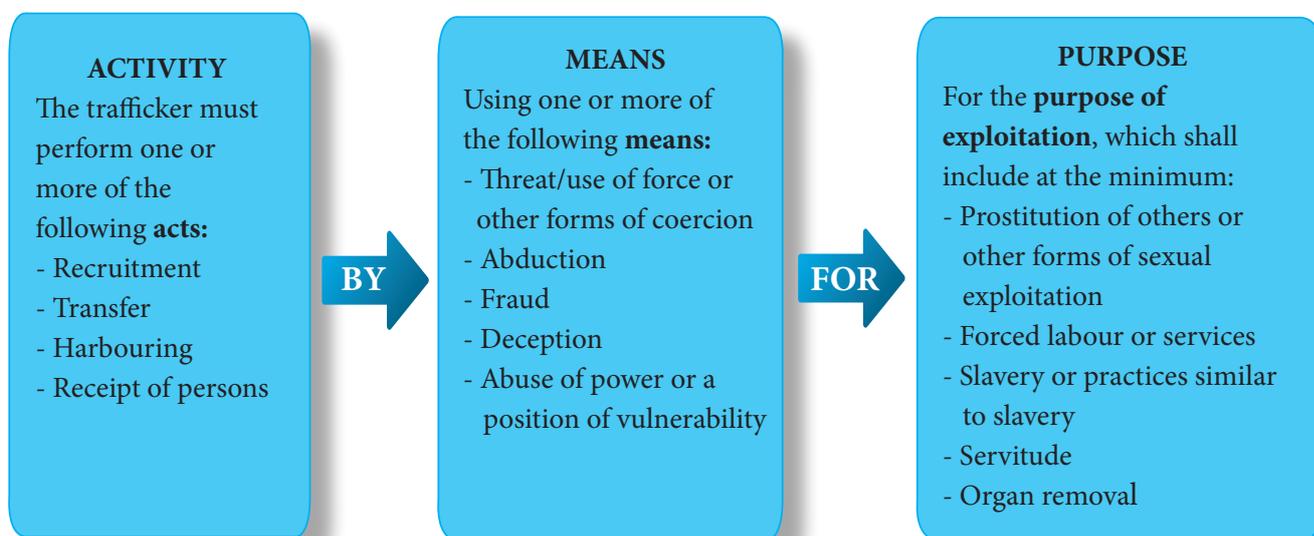
This definition can then be broken down into the three elements mentioned earlier. That is, for TiP to occur, all three elements must be present and interconnected. The trafficker must therefore:

- Commit at least one **act** against another person, such as recruiting;
- Use at least one **means**, such as violence;
- Do the act for the **purpose** of exploiting the other person for financial gain or material benefit.

Article 3 of the UN TiP Protocol further states that:

b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

Figure 1: Definiton of Trafficking in Persons



1.2. Child Trafficking

Recognizing that children are in need of special protection, the UN TiP Protocol amended the definition set forward in subparagraph (a) and offers a special definition for child trafficking by removing the need for the use of threat or use of force or any other form of coercion, abduction, fraud, deception, or abuse of power or of a position of vulnerability (APoV) for trafficking to occur. This definition is set forth in subparagraph (c) and reads:

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.

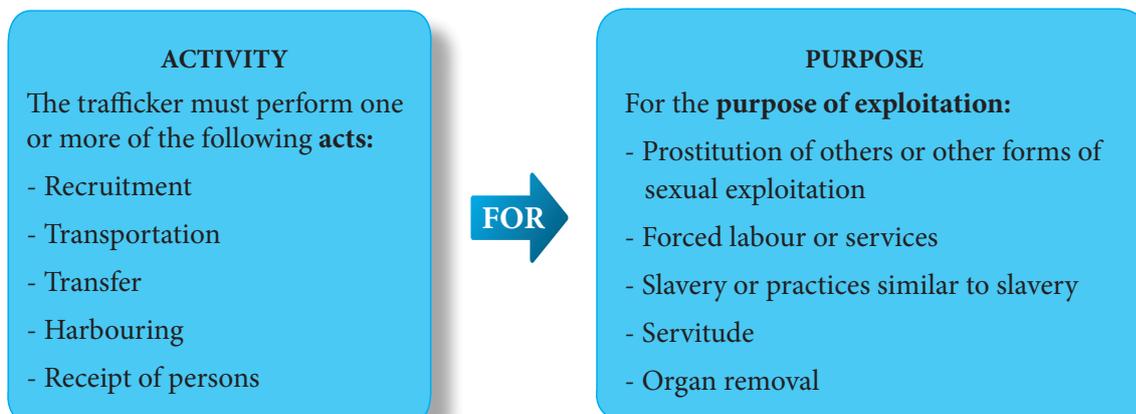
Important

For child trafficking, there is NO need to identify any of the means set forth in Article 3a of the UNTiP Protocol. For adults, consent becomes irrelevant if any of the means set forth in subparagraph (a) are present.

Depending on local customs and laws, it might be somewhat challenging to determine child trafficking cases. Often, children are asked to perform chores in the home. The type of chores will be somewhat dependent upon cultural norms as well as the profession of the parents or guardians. A child who is being raised on a farm may be required to perform duties related to caring for animals, while a child being raised in the city in an apartment building may only be required to make his/her bed. It is therefore important that law enforcement officers are able to differentiate between the terms “child work”, “child labour” and “child trafficking”.

- a) **Child work** involves light work around the home. This work should not be dangerous nor negatively impact the child. Often, children are asked to perform chores.
- b) **Child labour** involves hazardous work that places a child's right to survival, protection and/or development at risk. This type of work violates the rights of the child and is against national labour laws.
- c) **Child trafficking** is the recruitment, transportation, transfer, harbouring or receipt of a child (anyone under the age of 18) for the purpose of exploitation.

Figure 2: Definition of Child Trafficking



Understanding the Definition

In an effort to fully understand the definition and to be able to recognize the crime of TiP, it is important to have a more in-depth look at the three elements that form the definition.

Note to facilitator: Ask the participants to review their country's national anti-trafficking legislation for definitions applied to the different elements of TiP.

TiP often begins with an **activity**. This can happen through recruitment, which can be done formally or informally – that is, through newspaper advertisements, e-advertisements, word of mouth, personal contacts, trusted/loved ones, or even via social and networking websites. It may or may not include transportation, which can be done via land, air or sea. For cross-border trafficking, it is important to note that the trafficking may have happened in multiple countries (origin, transit and/or destination). Victims are also transported using several different methods (regular or irregular). As noted earlier, however, movement – whether internal or international (cross-border) – is not a requirement for the crime of TiP to occur. Individuals can be born into a situation where they are harboured by one of the means set forth in the definition for the purpose of exploitation.

These activities are often conducted through **means** such as deceit, which can be partial or full. Partial deception occurs when the person being recruited is fully aware of the job he/she is to perform but has been deceived about the conditions under which he/she will work (e.g. working conditions, salary, occupational safety and health hazards, and so forth). Some traffickers also forcibly recruit their victims by abduction.

Other forms of means utilized by traffickers are discussed in the section on coercion and control mechanisms.

At the heart of the trafficking process is the **purpose**, which is the exploitation of the victim for financial gain or material benefit. The UN TiP Protocol offers a selection of exploitative activities that are most often utilized by traffickers.

Note to facilitator: Emphasize in the training session that criminals are ingenious, and this list of exploitative activities is not exhaustive.

1.3. Types of Exploitation

The most common forms of exploitation identified in the Caribbean include sexual exploitation, forced labour and domestic servitude. Recently, there have been an increasing number of reports of children, the elderly and individuals with physical disabilities being forced to beg.

Sexual exploitation: Sex trafficking is the exploitation of women, men and children for the purposes of forced/exploitative activities including sex slavery, prostitution, pornography, or other forms of sexual exploitation (e.g. exotic dancing) for the material or financial benefit of the trafficker. Typically, women and children are targeted for sexual exploitation, but there have been cases of men being trafficked for sexual exploitation as well.

Some sex trafficking is highly visible, such as within street prostitution and/or brothels, but it also takes place in more covert locations such as shops, snack shops, bars, homes, massage parlours, saunas, spas and so forth.

Forced labour: This type of exploitation takes place in several different industries. The most common of these include agriculture, fishery, construction, mining, garment-making and manufacturing. While the majority of individuals identified as being trafficked for labour exploitation are men, women and children are also targeted for specific jobs in different industries. While men are more likely to be trafficked to work in the agriculture or construction industry, women are more likely to be trafficked for exploitation in food processing and/or garment-making. Similarly, in Ghana, children are targeted to work on fishing boats as well as for sporting events in the Middle East (e.g. camel jockeying). In the Democratic Republic of the Congo, where a number of children are trafficked to mine cobalt to be used in mobile phones, laptops and other electronics, neither gender nor age plays a factor in the recruitment of victims. Victims as young as four (4) years old have been identified.

DID YOU KNOW

Adult women make up the largest group of sex trafficking victims, followed by girl children, although a small percentage of men and boys are trafficked into sexual exploitation as well.

- a) *Domestic servitude* – Domestic servitude falls under the category of forced labour. This type of forced labour is, however, the most difficult to identify as it happens within the confines of private homes. Domestic workers, such as housekeepers, caregivers and so forth, are often forced to work as slaves in private homes, performing household chores and caring for the sick and/or the elderly.
- b) *Forced begging* – Recently, there have been several reports of children, the elderly and individuals with physical disabilities being forced to beg in the Caribbean. This often takes place on the street, in markets, or close to supermarkets and restaurants. While gender does not necessarily play a role in who is targeted for this type of exploitation, physical appearance does as traffickers are hoping to cash in on the social conscience of the public.

I.4. Trafficking versus Smuggling

Migrant Smuggling

The United Nations Protocol against Smuggling of Migrants by Land, Sea and Air (hereinafter referred to as the UN Smuggling Protocol) is one of three supplemental protocols to the UNTOC and was adopted by the United Nations General Assembly in the year 2000. The UN Smuggling Protocol, which entered into force on 28 January 2004, defines “migrant smuggling” as follows:

“Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national or a permanent resident;

“Illegal entry” shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving state.

The description “*in order to obtain, directly or indirectly, a financial or other material benefit*” should be understood broadly. This includes, for example, the receipt of monetary payments, bribes, advantage (e.g. the offering or provision of favours), privilege or service (including sexual service), property, motor vehicles and so forth. It, however, does not include activities of individuals and organizations that provide support services to migrants for humanitarian reason or on the basis of close family ties.

Migrant smuggling occurs when an individual enters into a contract with a smuggler in order to gain entry into a foreign territory. Recognizing that people who are smuggled are often vulnerable and at times fleeing violence in their home countries, and that criminalizing these migrants often exacerbates these vulnerabilities, the UN Smuggling Protocol aims to protect the rights of migrants. Article 5 of the UN Smuggling Protocol states that “*Migrants shall not become liable to criminal prosecution under this Protocol for the fact of having been the object of conduct set forth in [A]rticle 6 this Protocol.*”⁵

IMPORTANT
While smuggled persons are vulnerable to becoming victims of human trafficking, not all smuggled persons are victims of TiP.

Note to facilitator: Smuggled persons can be exceedingly vulnerable to abuse and crimes including human trafficking. This vulnerability to human trafficking is increased due to their irregular status in a foreign country.

⁵ For further reading, the United Nations Protocol against Smuggling of Migrants by Land, Sea and Air (UN Smuggling Protocol) may be accessed at: www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM_Protocol_English.pdf

Similarities and Differences

Very often, TiP and migrant smuggling are confused by policymakers, law enforcement officers, immigration officers and civil society organizations due to their overlap. While both are crimes that affect human beings and involve criminal networks, there are distinct differences between them. It is important that law enforcement officers have a good grasp of both crimes as this may impact successful policing. A fulsome understanding of both crimes includes reviewing both the similarities and differences between the two.

Similarities

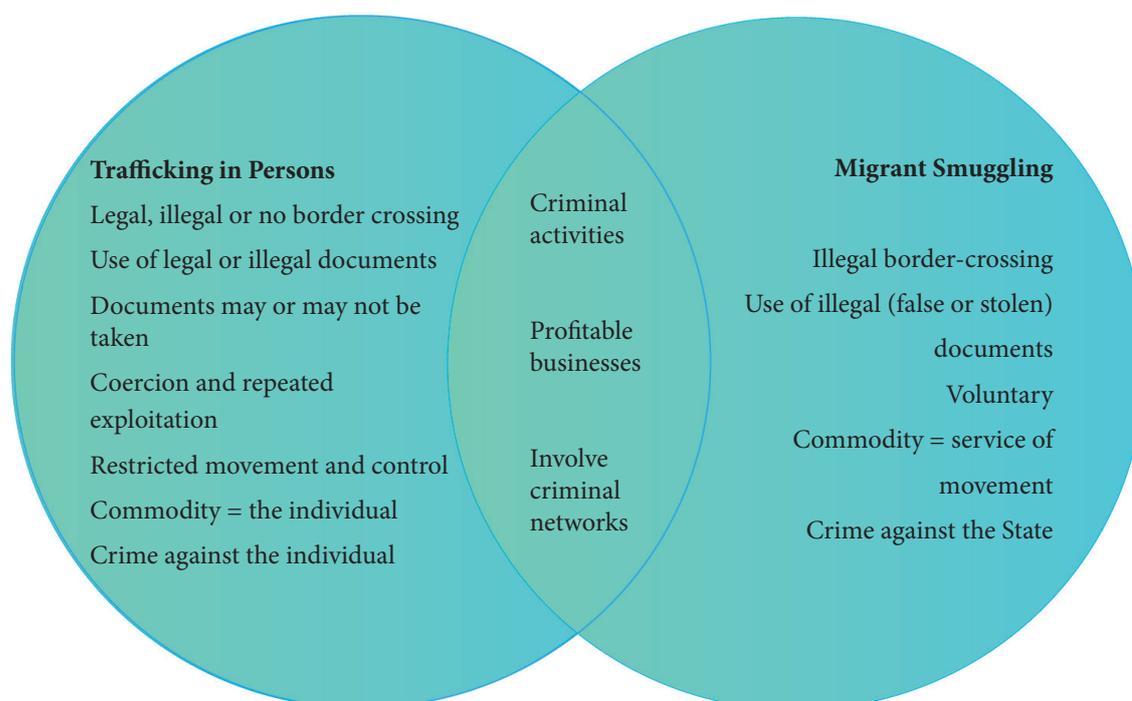
Both TiP and migrant smuggling are **criminal activities**. Both are **profitable businesses** that involve **criminal networks**, but this is where the similarities end.

Differences

For migrant smuggling to occur, there must be the **illegal crossing of an international border**. This might be through legal ports of entry using illegal documentation (false or stolen) or unofficial ports/points of entry. As mentioned earlier, the individuals being smuggled **knowingly/voluntarily enter into a contract or an agreement** for the provision of this service. The commodity in this crime is the service of movement, and, finally, migrant smuggling is **a crime against the State**, as it is a direct violation of immigration laws.

For TiP, however, **there is no need for movement to occur**. While TiP might involve the crossing of international borders this crime can also take place within a country and does not require movement, as a person can be born into servitude. If border-crossing is part of the trafficking process, either legal or illegal documents may be used. As a control mechanism, traffickers often take these travel documents from trafficked persons in order to limit their movements. VoTs are **often duped and do not willingly enter this situation**, which results in coercion and control. It involves the repeated exploitation of these victims who are essentially the commodity. This is therefore **a crime against the individual**, as this is a direct violation of their human rights. The Venn diagram below details these similarities and differences.

Figure 3: Similarities and Differences between Trafficking in Persons and Migrant Smuggling



The distinction between migrant smuggling and TiP may become complicated when an act that begins as smuggling turns into trafficking. In a smuggling case, once the service of movement (illegal border-crossing) has been provided, both parties usually go their separate ways. It should be noted, however, that an individual that had consented to being smuggled into another country may be exploited for labour and or sexual services either during the provision of transportation services or after they have been transported to their final destination through the use of one of the means set forth in the UN TiP Protocol. These individuals would therefore be TiP victims.

Activity 1.3: Case Study – Petrolandian Migrants A

Objective: To accurately identify and differentiate between TiP and smuggling cases

Duration: 20 minutes

Materials needed: A flip chart; printed copies of “Case Study: Petrolandian Migrants A”; printed copies of the Participants’ Instruction Sheet

Instructions:

1. Divide the participants into small groups.
2. Distribute the printed copies of “Case Study: Petrolandian Migrants A” (see Annex III) to the participants.
3. Ask the participants to read the case study carefully and discuss their responses to the questions below in their groups. Have the participants report in a plenary discussion. Record their answers on a flip chart.
 - a. Is this a case of trafficking in persons or migrant smuggling?
 - b. Why or why not? Use the definition to support your response.
 - c. After the raid, what next step/action would you recommend?

I.5. Root Causes and Consequences

Root Causes

TiP is demand driven. As the third most highly grossing crime globally, only behind drug and arms trafficking, TiP is a direct response to the persistent demand for inexpensive labour, services and products in both the formal and informal sectors.

TiP is rooted in poverty and lack of opportunities (e.g. employment and education) and is often exacerbated by social and political conflicts (e.g. conflict in Yemen and the Rohingya crisis), social and cultural practices (e.g. camel jockeying and the *restavec* system), intolerance, discrimination, normalized exploitation, gender inequalities, social exclusion and irregular migration.

Strict immigration and labour policies sometimes also play a role. Over the last decade, most governments have tightened their immigration policies, which has resulted in an increase of illegal entries and other irregular routes. The more stringent the immigration requirements are, the less likely it is for the vast majority of individuals to meet them.

In destination countries, there remains a persistent demand for various categories of labour in both formal and informal sectors. Combined, these factors have resulted in a sharp rise in the level of irregular migration and TiP.

Consequences of Trafficking in Persons

When a person falls prey to a trafficker, the consequences for the individual are often long term and may result in physical, emotional and/or mental harm. During the trafficking process, a victim’s basic human rights are repeatedly violated. Trafficked persons may be raped, threatened, beaten, mentally violated and, in some cases, do not survive.

While under the control of traffickers, victims often do not know where to go for assistance and/or are too scared to ask for help. Sometimes victims who do escape traffickers are revictimized by authorities who do not identify them as victims but as violators of national laws. Victims who are not properly identified are often deported due to their irregular migratory status.

After rescue and removal from the exploitative situation, the physical and psychological consequences related to the abuse and trauma victims experienced continue to affect their well-being. Stigmatization is also one of the frequent consequences of human trafficking, as victims are often ashamed of what they have been forced to do and do not want their families, friends or members of their communities to know what they have been through. At times, families may reject returning victims, jeopardizing or preventing their reintegration into their home communities as well as exacerbating the emotional and mental trauma already inflicted.

In addition to the consequences faced by the individual, the countries of origin, transit and destination are also affected. If a victim is found in a country, it usually means that there are one or more criminal groups that are operating in that country and are exploiting individuals. These organizations are often linked to criminal activity, including arms and drug trafficking and money laundering. Consequently, this may mean that corruption is present among officials to facilitate the illicit activities of traffickers. Destabilization of the economy and the public sector through corruption can have serious consequences for countries. Public confidence in the government can also be negatively impacted.

Activity 1.4: The Problem Tree

Objective: To identify the various causes and consequences of TiP using push and pull factors for migration

Duration: 15 minutes

Materials needed: Sheets of paper; colour markers

Instructions:

1. Divide the participants into small groups of four or five members.
2. In their small groups, ask the participants to discuss some of the causes of TiP (push and pull factors). Advise them that push factors are factors in an individual's community/country that might make him/her vulnerable to being trafficked and that pull factors are perceived opportunities in another community/country.
3. Ask the participants to use their knowledge, experiences and what you have discussed so far during this session to identify the possible consequences of TiP as well as some of the possible solutions to counteract the push and pull factors that they have identified.
4. Distribute sheets of paper and colour markers to the participants. Ask them to draw a tree by group. On the roots of the tree, ask them to write the push and pull factors. Ask them to use a different colour marker for each type of factor (i.e. push or pull). Advise that on the bark of the tree they should write the possible consequences and on the branches the possible solutions.



1.6. Coercion and Control Mechanisms

Traffickers use a range of coercive mechanisms to control victims. Given that the fundamental aim of traffickers is to profit from the exploitation of victims, it is essential that they protect their investment by making sure that the victims will work as instructed and not try to escape. Thus, traffickers need to ensure continuous control over the victims. Different mechanisms are used to control VoTs. Each mechanism may be used in isolation from the others or in combination, depending upon the type of exploitation involved.

Debt Bonding

Traffickers exploit the fact that the majority of trafficked victims do not have the money to purchase documents and tickets by agreeing to loan them the funds in advance. It is understood that the victims will repay the debt from the money that will be earned in the destination country. This creates the "debt bond" that the traffickers then use as a coercive measure to ensure that victims engage in the planned activity. Alternatively, victims are not made aware that they will need to repay the costs associated with their travel (e.g. visa fees, procurement of travel documents, flight costs and so on) and are only made aware of this when they get to their destination and/or have refused to participate in the exploitative activity.

A debt bond is usually a high figure amounting to thousands of dollars that in no way relates to the actual expenditure incurred by the traffickers. Traffickers often add their “fees” as well as the general living costs to the travel costs to create an even larger debt bond. These excessive fees generate profit for traffickers and serve as a mechanism by which to control the victims. Trafficked victims may also find themselves subjected to a debt bond as a result of their sale to third parties where they are responsible for repaying their own purchase price. Even in cases where victims have been forcibly abducted and transported, they may find themselves coerced into exploitative activities against their will in order to repay the money spent by one trafficker in purchasing them from the original abductor.

Isolation — Removal of Identity and/or Travel Document

Traffickers often confiscate the identity and travel documents of their victims, usually after arrival at the final destination. This robs victims of their official identity, and, in many cases, results in an illegal migratory status, making it very difficult for them to seek help or to escape. Because many victims come from countries where law enforcement officers are viewed as a source of oppression, rather than a means of assistance, they may be unwilling to contact law enforcement officials for help. Trafficker often reinforce this perception by telling the victims that they are free to go to law enforcement officers if they wish but that they will be immediately deported. Unfortunately, traffickers are often correct in this assertion because most trafficked victims that come to the notice of law enforcement officials in destination countries are likely to be immediately deported rather than treated as victims of serious crimes. Traffickers may also tell the victims that there is no point in seeking assistance from law enforcement officers or other authorities because they are corrupt and paid by traffickers. Traffickers exploit the lack of documents combined with fear of law enforcement officers in order to make it highly unlikely that victims will seek to escape or lodge official complaints.

Isolation — Linguistic and Social

As a further measure to reinforce control through isolation, victims will often be kept in conditions where they are deliberately prevented from being able to communicate in their mother tongue or have any form of social contact with persons from similar backgrounds. VoTs are often prevented from having any form of communication outside of their trafficking situation (that is, they cannot receive or send letters nor receive or make phone calls).

Use of Violence and Fear

Traffickers also make full use of violence and the threat of violence as an effective means of control. Victims are frequently beaten and raped, confined, kept in long periods of isolation, deprived of food and water, drugged and/or tortured in order to maintain obedience. These abuses may be inflicted as punishment or may be designed to serve as a warning to victims to ensure that they are fully aware of the consequences of any transgression. Sometimes traffickers will abuse or even take the life of one victim in front of others. In cases of sexual exploitation, shame is another powerful mechanism of control. Traffickers may threaten to reveal to victims’ families that they are prostitutes, for example. Photographs are often taken while the victims are being raped and used as blackmail to ensure their strict compliance with the trafficker’s orders. Traffickers will threaten to send the pictures to the families of the victims if they do not comply. With victims from some cultures, specific psychological coercion is also effective. For example, with certain cultural groups, rituals or other symbolic gestures (e.g. voodoo) can impose terrible fear and allow traffickers to have more control. Also, traffickers may also instill a fear of authorities in victims to dissuade them from making reports or cooperating with law enforcement.

Use and Threat of Reprisals against Victims’ Families

One of the most effective and problematic threats is the threat of violent reprisals against the victims and their loved ones (often still in the country or region of origin). In many cases, traffickers will ensure that they know details about a victim’s family circumstances, such as a nickname or the address of a close family member. Regardless of the actual amount of information possessed by a trafficker, the threat is very effective, as victims are often unwilling to put their loved ones at risk by resisting or trying to escape.

Disorientation

In an effort to have full control of victims, traffickers often restrict their movement; that is, victims are often not allowed to move freely or to interact with the general public. When they are forced to interact with the general public, victims are often not allowed to answer questions directed at them. When they are allowed to move, this movement is controlled as they are always accompanied. There is often a strict schedule employed in relation to daily activities, which results in punishment if the schedule is not adhered to. In addition, victims are often moved from place to place with no real opportunity to become familiar with their surroundings. These practices result in the victim becoming disoriented, increasing the level of vulnerability of the victim while minimizing possible attempts to escape or to employ other forms of rebellion.

I.7. Global Regional and National Trends

TiP is known as one of the third highest grossing international crimes worldwide behind illegal drugs and arms trafficking, with an estimated revenue of 32 billion US dollars annually.⁶ Due to the clandestine nature of the crime, it is hard to truly determine the number of victims globally.

GLOBAL DATA

Comprehensive data on TiP is available on the Counter-Trafficking Data Collaborative (CDTC) website (www.ctdatacollaborative.org). The data provides a profile of victims including gender, age range, marital status, education level and relationship to the recruiter.

Global Trends

However, there have been estimates indicating that there are 40 million trafficking victims worldwide and 152 million children in child labour.⁷ TiP is a constantly evolving crime, that is, perpetrators often change their modus operandi once they have realized that law enforcement officers might be looking at these as possible indicators of the crime. It is therefore important that law enforcement officers keep abreast of global, regional and national trends in order to fully understand its scourge on society and to put the situation into context.

The following global trends are outlined in the most recent United Nations Office on Drugs and Crime (UNODC) *Global Report on Trafficking in Persons 2016*:⁸

- Sexual exploitation and labour exploitation are the most common forms of trafficking worldwide.
- There is low conviction rate; this may be due to most countries only enacting TiP legislation within the last decade.
- Seventy-nine per cent of all identified victims are women (51%) and children (28%).
- Trafficking is not just a crime across borders, with 42 per cent of victims being trafficked within their home countries in 2012–2014.
- Traffickers and victims usually come from the same cultural background or country of origin. This commonality is used to lure victims, providing them with a false sense of security.
- Most traffickers are men, at 63 per cent, versus 37 per cent women. Convicted women are usually involved in the trafficking of other women or children.

Note to facilitator: The summary section of the most recent biennial UNODC report should be reviewed to update this information when necessary.

Regional and National Trends

The Caribbean⁹ is often marketed as the ideal destination for sun, sea and sand. It is an idyllic getaway reminiscent of heaven on earth. It is therefore quite problematic for some nationals and/or residents of the Caribbean to come to terms with the idea that this heinous crime takes place in the Caribbean. This is even more complicated when one considers the history of slavery and indentured labour. Ten years ago, governments in the Caribbean were reticent to even consider the possibility that any form of slavery could be happening on their shores. In recent years, however, several Caribbean islands have come to terms with this and are making strides towards combating TiP, identifying and protecting victims and prosecuting the perpetrators.

⁶ Based on data gathered from the United Nations Office on Drugs and Crime (UNODC).

⁷ Based on data from Alliance 8.7. See www.alliance87.org/

⁸ UNODC, *Global Report on Trafficking in Persons 2016* (Vienna, UNODC; New York, United Nations, 2016).

⁹ Caribbean here is used to mean the English-speaking Caribbean territories.

The cases identified in the Caribbean have clearly proven to the sceptics that despite the history of the region and the beauty of its landscape, people are still being enslaved in the region. Within the Caribbean, trafficking cases identified have primarily involved sexual exploitation and labour exploitation. Although a high percentage of the victims identified in the English-speaking Caribbean are young women, there have been a few cases that included a large number of men. These cases involved labour exploitation in Jamaica, Trinidad and Tobago, and St. Lucia.¹⁰ Law enforcement officers in the Caribbean have also identified children that have fallen prey to traffickers.

Trends in the Caribbean indicate that most trafficking victims are either trafficked domestically or within the region. However, there have been cases of Caribbean nationals being trafficked to other continents.¹¹ Similarly, there have also been victims identified within the Caribbean from India, Indonesia, Myanmar and Nepal. When trafficking occurs across borders, the victims have mainly entered the country using their own travel documents though legal ports of entry. It is therefore critical for both immigration officers and, to some extent, customs officers to be sufficiently trained in victim identification and screening.

Traffickers of victims identified in the Caribbean have successfully recruited their victims using a number of different ways. These include television and radio advertisements, social media and personal contact. Several victims reported that they had been recruited by someone they knew. While some victims were aware of the intended type of work, they did not agree to the conditions of the job and often received no pay as they had to repay travel costs and were charged for rent, food and so forth that were provided by the trafficker, which ultimately led to debt bondage. This bondage is further complicated by the withholding of travel documents, which victims are told will only be released once the debt has been fully repaid. Often, victims are not told how much the actual debt is, which leaves them in a state of mental distress as they have no idea when or how they might be able to pay off this debt. The majority of victims identified, however, were completely duped about the type of job they were being recruited to perform. These victims also ended up in debt bondage and found it impossible to leave due to the large sum they had to repay in order to leave the exploitative situation.

Many of the victims identified in the Caribbean and/or Caribbean victims identified externally perceive themselves to be poor. A large majority of the women were single mothers, and all felt obligated to find opportunities in order to take care of their families (including children, parents, younger siblings and the like). Many of these victims advised that they had a debt to repay prior to being trafficked. This obligation, their perception of their financial standings as well as being in debt resulted in their vulnerability to being trafficked. Once in the situation, those who were trafficked across international borders were then threatened with possible deportation, saddled with a heavy debt, threatened, had their documents confiscated and movements restricted as well as found themselves in contravention of immigration laws due to visa expiration. For those trafficked internally (within national borders), similar control mechanisms were utilized including superstition and *obeah* or voodoo.

Note to facilitator: Inform the participants that up-to-date information on TiP trends within their country can be obtained from the ministry, department or agency (MDA) responsible for counter-trafficking and the United States Department of State *Trafficking in Persons Report* published annually.¹²

¹⁰ Jamaica and Trinidad and Tobago cases involved labour exploitation for fishing. In 2012, 23 suspected Honduran victims were identified on board vessels operating in the Jamaican waters and 200 mainly Indonesian suspected victims identified on five fishing vessels in Trinidad and Tobago waters. The case known in St. Lucia in 2015 involved a sham vocational college where nine students were forced to provide labour as part of a non-genuine hospitality internship (see Country Narrative for St. Lucia in the United States Department of State *Trafficking in Persons Report June 2017*).

¹¹ In 2010, a Jamaican male was identified as a VoT in Zambia where he was trafficked for labour exploitation. In 2016, a Jamaican female was identified in Cambodia.

¹² Up-date reports can be found on the US Department of State's website www.state.gov/j/tip/rls/tiprpt/index.htm. Kindly read the latest report on your country prior to conducting the training.

MODULE 2: LEGAL FRAMEWORK

2.1. International Legal Instruments

The enslavement of human beings for profit is not a new concept, neither are international conventions, protocols and treaties aimed at protecting the rights of human beings. In fact, the first international convention aimed at suppressing the white slave trade was signed in 1904 and was ratified by 26 countries. Interestingly, this treaty did not advocate the punishment of perpetrators. Since then, the international community has signed several agreements aimed at preventing enslavement. These include the following:

- 1910 – International Convention for the Suppression of the White Slave Traffic;
- 1921 – International Convention for the Suppression of the Traffic in Women and Children;
- 1933 – International Convention for the Suppression of the Traffic in Women of the Full Age; and
- 1949 – Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

In the year 2000, the United Nations adopted the TiP Protocol. This is one of three Palermo protocols supplementing the UNTOC. The UNODC is considered to be the “guardian” of the UNTOC and, along with other international partners, including IOM, supports States to implement the UNTOC and its Protocols. The UNTiP Protocol advocates the criminalization of traffickers and also makes special provisions for victim protection, children and other elements of a counter-trafficking response. Below is an outline of the different articles.

Note to facilitator: Most countries have aligned their national anti-trafficking legislations with the UN TiP Protocol, so it is important that participants have a good understanding of it.

- A. **Article 3 subparagraph (a)** provides the definition of trafficking (see Module 1: Basic Concepts).
- B. **Article 3 subparagraph (b)** explains the irrelevance of consent (see Module 1: Basic Concepts).
- C. **Article 3 subparagraphs (c) and (d)** provide the definition of child trafficking (see Module 1: Basic Concepts).
- D. **Article 5** speaks to mandatory criminalization and mandates States to adopt relevant legislation in order to hold perpetrators accountable.
1. *Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.*
 2. *Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:*
 - a) *Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;*
 - b) *Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and*
 - c) *Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.*
- E. **Articles 6–8** outline protection measures that should be put in place as well as assistance to be provided to victims to ensure agency as well as mental and physical recovery. It speaks to the provision of basic needs, as well as putting measures in place that will ultimately reduce the likelihood of the individual being re-trafficked. Article 6 reminds States parties of the importance of the privacy of the victims. States protect victims' privacy by ensuring that the law assures as far as reasonably practical that the identity of victims remain confidential. It acknowledges that the court and administrative proceedings may be complex and so requires that States Parties ensure that:
1. *In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.*
 2. *Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:*
 - a) *Information on relevant court and administrative proceedings;*
 - b) *Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.*
 3. *Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:*
 - a) *Appropriate housing;*
 - b) *Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;*
 - c) *Medical, psychological and material assistance; and*
 - d) *Employment, educational and training opportunities.*

4. *Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.*
 5. *Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.*
 6. *Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.*
- F. **Articles 7 and 8** speak to States' obligations post trafficking in relation to repatriation and reintegration.
- G. **Article 9** deals with the prevention of TiP through the implementation of policies, programmes, cooperation, awareness-raising efforts and so on.
1. *States Parties shall establish comprehensive policies, programmes and other measures:*
 - a) *To prevent and combat trafficking in persons; and*
 - b) *To protect victims of trafficking in persons, especially women and children, from revictimization.*
 2. *States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.*
 3. *Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.*
 4. *States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.*
 5. *States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that children that leads to trafficking.*

Other International Conventions

There are however numerous other international conventions relevant to TiP and/or violations that occur during the trafficking process. Some of these are briefly outlined below:

- Slavery Convention (1926) and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)
- United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention on the Rights of the Child (1989)
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000)
- International Labour Organization (ILO) Convention 29: Forced Labour (1930)
- ILO Protocol of 2014 to the Forced Labour Convention
- ILO Convention 105: Abolition of Forced Labour (1957)
- ILO Convention 182: Elimination of the Worst Forms of Child Labour (1999)
- ILO Convention 189: Domestic Workers (2011)

Note to facilitator: It is not necessary to provide the participants with the details of each convention. However, it is important to highlight that certain provisions on combating TiP are also included in other international conventions.

2.2. National Legislation

Activity 2.1: National Legislation Review

Objective: To review the national TiP legislation including relevant amendments in order for participants to understand key definitions, offences, penalties and victim rights in accordance with national laws

Duration: 1 hour

Materials needed: Copies of the national TiP legislation of the country where the training is being held

Instructions:

1. Develop six to eight questions prior to the activity regarding the national legislation in the participants' countries. Sample questions include:
 - What is the offence of TiP?
 - What does the law say about victim immunity?
 - What are the legal definitions of “coercion”, “exploitation”, and “child”?
 - According to the national legislation, who may be charged and what are the penalties? What evidence do you think would help to substantiate this charge?
 - What does the law say about assistance to victims?
 - What does the law say about confidentiality?
 - What is debt bondage? Does the law speak to debt bondage? Is it perceived as an offence?
 - Does the law only focus on the recruiter or can other persons involved in the trafficking process be charged?
 - Can a corporate body be prosecuted according to the legislation in your country?
 - If the crime was committed partly in your jurisdiction and partly in another, would the court in your jurisdiction be able to try the case?
 - Does the police always require a warrant to search or seize property? If so, under what conditions or circumstances can they search or seize without a warrant?
 - In your country's national legislation, what is considered non-defence?
2. Divide the participants into small groups.
3. Provide each group with a copy of the national TiP legislation of the country where the training is being held. Give the groups 20 minutes to review the legislation and respond to the questions.
4. Have the participants share feedback in a plenary discussion. Ask each group to inform the other participants of their responses to at least one to two questions.

Note to facilitator: This activity can be omitted from the training session if time is an issue. However, an overview of the legislation provisions should be presented in lieu of the activity.

Note to facilitator: The national anti-trafficking laws in the Caribbean are aligned with the UN TiP Protocol. The best way, however, for participants to become familiar with their respective legislation is by reviewing the legislation.

Overview

National legislation in Antigua and Barbuda, Belize, Jamaica, and Trinidad and Tobago defines TiP in line with the UN TiP Protocol (2000) (refer to Module 1: Basic Concepts for definition). Each country's national legislation also stipulates that a child is considered to be anyone under the age of 18. This indicates that the national age of consent is not applicable to trafficking offences related to sexual exploitation.

Maximum Penalties

Maximum penalties for persons convicted of trafficking offences are highlighted in the table below:

Table 1: Maximum Penalties for Offenders of Trafficking in Persons in Four Countries

Country	Maximum Penalty
Antigua and Barbuda	<ul style="list-style-type: none">• EC\$ 400,000 fine and 20 years' imprisonment
Belize	<ul style="list-style-type: none">• 8 and 12 years' imprisonment for trafficking of adults and children, respectively
Jamaica	<ul style="list-style-type: none">• Fine and 20 years' imprisonment• Additional 10 years if there is the presence of aggravated circumstances
Trinidad and Tobago	<ul style="list-style-type: none">• TT\$ 1 million fine and 20 years' imprisonment for trafficking of a child• TT\$ 500,000 and 15 years' imprisonment for trafficking of an adult• Additional 15 years' imprisonment may be imposed if there is the presence of aggravated circumstances

Legislative Right of Victims of Trafficking

The national legislation for the abovementioned countries sets out specific rights VoTs may be granted. All four countries have the following provisions:

- Access to shelter;
- Access to an interpreter;
- Compensation or restitution;
- In-camera court proceedings; and
- Immunity from prosecution for crimes committed due to trafficking (e.g. immigration offences and prostitution).

If national legislation permits, consideration should also be given to allow for using screens or video links when victims give testimony within court proceedings.

Other Criminal Offences

It is important to note that during the execution of activities linked to specific TiP legislation, there will usually be other criminal offences for which the trafficker may be charged or prosecuted. Examples include crimes related to sexual offences, forgery, proceeds of crime, child protection and summary offences. TiP may also lead to offences under the common law, for example, perverting the course of public justice.

Note to facilitator: Participants should be advised that there is also supporting legislation relating to the procedural aspects. The participants as law enforcement officers should already be familiar with the relevant legislation such as the DNA legislation, Evidence Act, Children's Act, Summary Courts Act (Magistrate/Parish Courts), Criminal Procedure Act, Indictment Act, Immigration Act and Police Service Act. Officers should also adhere to Judges' Rules when applicable to aid in the proper apprehension and prosecution of the accused.

Table 2: Key Legislative Terms Concerning Trafficking in Persons

Key Term	Definition
In camera court proceedings	These are court proceedings held in the absence of members of the public and press.
Paper committals	<p>These are written statements that establish a prima facie case, sworn to by the maker in the presence of appropriate person (e.g. justice of the peace and police officers), and are then submitted to the Supreme/High Court for trial.</p> <p>In Trinidad and Tobago, paper committals are statements sworn to by the maker (which establishes a prima facie case) in the presence of the appropriate person. The witnesses may then be called for cross-examination and thereafter the matter is submitted to the High Court (Assize Court) to stand trial.</p>
Abuse of a position of vulnerability	<p>Defined by UNODC as occurring:</p> <p><i>“...when an individual’s personal, situational or circumstantial vulnerability is intentionally used or otherwise taken advantage of, to recruit, transport, transfer, harbour or receive that person for the purpose of exploiting him or her, such that the person believes that submitting to the will of the abuser is the only real or acceptable option available to him or her, and that belief is reasonable in light of the victim’s situation. In determining whether the victim’s belief that he or she has no real or acceptable option is reasonable, the personal characteristics and circumstances of the victim should be taken into account.”</i>¹³</p>
Police and Commission Rules	These rules set out administrative procedures and guidelines which police/constabulary forces should adhere to at all times.
Judges’ Rules	These are administrative guidelines on how police should interact with suspects.

¹³ UNODC, “Guidance Note on ‘abuse of a position of vulnerability’ as a means of trafficking in persons in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime” (2012). Available from www.unodc.org/documents/human-trafficking/2012/UNODC_2012_Guidance_Note_-_Abuse_of_a_Position_of_Vulnerability_E.pdf

MODULE 3: VICTIM IDENTIFICATION AND SCREENING

3.1. Victim Identification

The determination as to whether an individual is possibly trafficked is contained within the process of **victim identification**. As a result of victim identification, appropriate measures therefore can be taken to assist VoTs.

Activity 1.3: Discussion

Objective: To identify the benefits of victim identification for the individual as well as society

Duration: 15 minutes

Materials needed: A flip chart; printed copies of the Participants' Instruction Sheet

Instructions:

1. Begin the session by asking the participants why they think it might be beneficial to identify victims.
2. Use the following questions to guide the discussion and write their responses on a flip chart:
 - What are the benefits of victim identification for the victims?
 - What are the benefits of victim identification for law enforcement officers, prosecutors and society in general?
 - How does this impact the morale of stakeholders working to combat TiP?
 - With these benefits in mind, how should law enforcement officers treat victims of human trafficking?

3.2. Indicators

Identifying trafficked individuals is a task most often borne by law enforcement agencies though it may be done by different actors, ranging from the citizenry to non-governmental organizations (NGOs) and international organizations. Victims rarely self-identify, which exacerbates the challenge of establishing that a crime has occurred. As such, it is pivotal for law enforcement to proactively seek out victims, keeping in mind the various indicators of TiP.

Knowing and being able to identify indicators of human trafficking is essential prior to identifying that a person is a victim of trafficking, as well as after a victim has been identified. It is important to identify victims because:

- They are potentially victims of organized crime and may have serious security concerns not only to their persons but there may also be security risks to their family members.
- Victims may also have vital information about criminal groups that they are willing to share, and this information may positively impact regional and international law enforcement operations.
- The nature of the assistance and protection needed by other categories of people seeking assistance is likely to be different from what is needed by trafficked individuals.
- VoTs may have urgent health needs, including acute psychological, physical, and sexual and reproductive health needs, and may require specialized treatment and care.
- It is important to build case data for policy and programming purposes as well as provide data for trend analysis.
- The country may face sanctions due to failure of identifying victims, which may be reflected in the annual US Department of State *Trafficking in Persons Report*. A tier ranking may result in loss of much needed support, grants and the like.
- Failure to identify victims may negatively impact relations between countries, especially if it is believed that nationals from a specific country are being targeted.

NOTE

Data collection is important. Trafficking routes will always reflect one consistent factor: victims will be routed to where demand exists for their services, where potential profit of their exploitation is highest.

The indicators of trafficking in human beings may be **direct** or **indirect**:

- **Direct indicators** confirm any of the elements of the definition of TiP (adopted within jurisdictions); that is, one should be able to clearly identify the activity, the means and the purpose.
- **Indirect indicators** are based on practical data and social research on real human trafficking cases. This is the overall average social and psychological profile of a trafficked person and the environment that surrounds the potential victim.¹⁴ Trend analysis is a good source of indirect data.

Direct and indirect indicators can be found in each of the three groupings that are in accordance with a location's classification as a: (a) source/country of origin; (b) transit point; and/or (c) destination or place of exploitation during the process of trafficking.

Note to facilitator: The indicators below are intended to assist in the overall assessment process and are generalizations, and that exceptions exist in relation to all of them. Local circumstances and experience may indicate the need for additional indicators or adaptation of the indicators. All indicators should be considered cumulatively, as none will provide the answer on its own.

Activity 1.3: “Street Corner” Indicators

Objective: To identify indicators of TiP

Duration: 20 minutes

Materials needed: A flip chart; video titled “Street Corner” (available on the flash drive that accompanies this *Manual*)

Instructions:

1. Ask the participants to watch the video “Street Corner” provided on the flash drive that accompanies this *Training Manual*. Share with the participants that the video was produced by the Government of the United States to raise awareness among law enforcement officers in an effort to improve victim identification.
2. Have the participants identify the indicators presented in the video. Write their responses on a flip chart. Some of the indicators are listed below:

- The girls are minors involved in prostitution.
- There is a pimp involved.
- The victims afraid and are runaways.
- The girls are being physically abused.

- The victims are addicted to drugs.
- Drugs are used to control the victims.
- The victims have no choice as to whether or not to use protection.

¹⁴IOM, *Investigating and Prosecuting Trafficking in Persons: Manual for Law Enforcement Structures in Georgia* (Tbilisi, 2008).

Source and Transit Locations

TiP indicators in source countries and transit locations are classified into various aspects of the process of human trafficking, which include recruitment, advertising, premises, transportation, communication and finances. Within each process of trafficking, indicators include the following:¹⁵

Table 3: Trafficking in Persons Indicators in Each Stage of the Trafficking Process in Source Locations and Places of Transit

	Source/Country of Origin	Place of Transit
Recruitment	<ul style="list-style-type: none"> • Deceptive stories about jobs and attainable wealth that seem “too good to be true” or too good to ignore. • People who have left a district unexpectedly. • Visible injuries or threats being made may suggest force or coercion to “recruit” a person. • Deformities in children that do not appear to be naturally occurring. In some source countries, children are deliberately mutilated for the purpose of begging. • Children being “indentured” for a fee. • Missing persons who have been gone for an extended period of time. These are more likely to be children. • Promises of love – individuals meet and find the love of their lives online but appear to know very little about their partners. 	Not applicable
Advertising	<ul style="list-style-type: none"> • Offering migration opportunities, particularly where migration to the location(s) is restricted or when implying that there will be no cost to the person migrating. In trafficking cases, it is rare that money is paid before leaving; more commonly traffickers will tell the victims that they can pay the money back when they get to the destination. • Use of social media to recruit for jobs in hotels. • Offering jobs for a particular gender or only for young people. • Any evidence of cold calling or unsolicited approaches to people offering work in another location. • Gifts to children and young people by adults for no apparent reason. • Travel agencies that offer employment without a contract and prepay the costs incurred by the employees. 	No indicators
Premises	<ul style="list-style-type: none"> • Brothels that include women who have migrated to other areas. • Anything that suggests a child or a young person was approached by older people trying to “befriend” them at or near an orphanage, school or any other place where vulnerable young people congregate. • People offering work at locations where potential migrants gather, such as bus stations. • The presence of unregulated labour agencies recruiting for work in another location. 	<ul style="list-style-type: none"> • Accommodation for a group paid for by one person. This may indicate that other members of the group do not have access to money. • Hotspot destinations (e.g. hotels/motels) known for criminal activities/suspicious hotels.

¹⁵These indicators were adapted from: P.D. Newton, *Human Trafficking – How to Investigate It: Training Manual for Law Enforcement Officers* (Vienna, International Centre for Migration Policy Development (ICMPD), 2015).

	Source/Country of Origin	Place of Transit
Transportation	<ul style="list-style-type: none"> • Any evidence of escorts or control over movement. • Children travelling in the company of people who are not their parents or relatives. • Groups of children travelling with one adult (who, like the above instance, may be a “recruiter”). • Use of elaborate routes or routes that avoid high-security screening. 	<ul style="list-style-type: none"> • People in a group where one person is in possession of all the documents. • Groups travelling with no common language or a limited understanding of a common language. • Routes used by people from an area associated with human trafficking by intelligence or previous investigations. • Children travelling in the company of people who are not their parents or relatives, and/or with one adult. • Walk-in, last-minute purchase of tickets, particularly in the case of airline tickets. • Stopping near borders or checkpoints to change modes of transportation (e.g. exiting a vehicle to continue on foot). • One person speaking on behalf of the group. • Distractions when passengers from specific countries are being processed.
Communication	<ul style="list-style-type: none"> • Letters, telephone calls, emails and so forth sent back to a source location that indicate that a person who migrated is not allowed freedom of movement and/or other human rights at a destination location. 	<ul style="list-style-type: none"> • Regular telephone calls, especially international calls, to the same destinations. • Not knowing the receiver’s/contact person’s name, only the number.
Finances	<ul style="list-style-type: none"> • Money paid to parents or guardians to take a child as an “indentured” labourer or similar. • Information or intelligence that suggests attempts have been made to recover debt bonds from relatives or others. This type of recovery may come at a considerable time after the person left the country of origin. • Remittances received from migrants, particularly when the money has been sent to the relative of a migrant by someone else. Some traffickers send back money to relatives in order to increase victims’ complicity, reduce their chances of escape and build a defence in case of arrest. While remittances from trafficking are difficult to distinguish from other types of remittances, control of the process by third parties may be an indicator that the remittance is related to a trafficking situation. 	<ul style="list-style-type: none"> • One person having money in his/her possession when the other members of the travelling party do not have any. • One person having local currency when others in the group do not. • Money found from a passenger does not match the country of origin or travel history of the passenger (pay attention to coins). • Funds availability does not match the job/career of the passenger.

Destination Countries

Regarding destination countries, indicators of human trafficking are classified into general indicators, indicators for children and indicators based on the type of exploitation.¹⁶

Table 4: Trafficking in Persons Indicators in Each Stage of the Trafficking Process in Destination Countries

General Indicators	Children	Types of Exploitation			
		Sexual Exploitation	Labour Exploitation	Domestic Servitude	Illicit Activity
<ul style="list-style-type: none"> • Inability to negotiate working conditions • Inability to stop working • Expression of fear or anxiety • Restricted communication and social interaction with others • Unfamiliarity with language • Distrust of authorities • No or very little payment • Excessive number of working hours/days • Injuries apparently from controlling measures or as a result of assault • Poor or substandard living conditions • Loyalty to trafficker • Lack of trust • Memory loss • Forced marriage as a tool for regularization • Same person as the receiver/contact person for suspicious premises • Security vulnerabilities associated with communication devices that might facilitate collusion • Persons not familiar with the surroundings 	<ul style="list-style-type: none"> • Separate accommodation and eating separately from other members of the family/household • Child-sized work or “sexual” clothing • Travelling unaccompanied by adults • Travelling with groups of people who are not related to them • No access to education • No friends of their own age outside of work and so on • Intimidated expression or behaviour that does not correspond to that child’s age • Toys, beds and children’s clothing at inappropriate locations, such as brothels 	<ul style="list-style-type: none"> • Age • Tattoos or other marks indicating “ownership” by exploiters • Women who are always escorted to and from work, shops and other places • Limited number of clothing and the clothing they do have is “sexual” • No ID • Only knowing words related to sex in local language • Working odd and long hours with few or no days off 	<ul style="list-style-type: none"> • Inability to produce required documentation for work • Inability to provide records of wages paid to workers • Poor or non-existent health and safety equipment • No labour contract • Security measures designed to keep people inside the premises • Working excessive number of hours • Restricted movement and imposed accommodation • Dependence of the employee on the employer for the different elements of their life (e.g. work, transport, accommodation) • Lack of basic training, certification and/or licences 	<ul style="list-style-type: none"> • Living with a family • Not eating with the family • Not having a private space • Rarely or never leaving the house for social reasons • Always being accompanied by the employer • Subjected to insults, abuse, threats or violence 	<ul style="list-style-type: none"> • Begging passively or actively in public spaces • One adult being guardian to numerous children • Children living with people who are not their parents • Large groups of vulnerable individuals travelling/moving with a small number of adults • Physical impairments or marks suggesting violence or abuse • Tattoos or other marks suggesting “ownership” by exploiters

¹⁶ Ibid.

Note to facilitator: Inform the participants that the highest level of visibility is established in the exploitation phase of human trafficking, and, as such, proactive victim identification should be particularly evident in destination countries. This of course is notwithstanding the need for proactive identification in source and transit countries. Indicators of trafficking are at times elusive and can be carefully disguised by experienced traffickers.

General Indicators

Whenever someone has been identified as potentially being a trafficked person, he/she should be **moved to an appropriate, safe and secure environment based on his/her needs**. Once in a “safe space”, it is much easier to conduct an initial screening interview to determine whether the individual is a VoT.

Note to facilitator: Inform the participants that the topics “victim screening” and “victim protection/assistance” will be expounded later in the training.

There are seven “**prima facie**” indicators that should always be considered in any likely trafficking situation. It is these indicators that will establish whether an individual is potentially a VoT and will therefore require further screening. They are:¹⁷

- **Age:** All available indicators point to growth in the trafficking of children and very young adults. Generally speaking, therefore, the older the individual, the less likely the case is to involve trafficking, though there are situations in which elderly persons are targeted for specific kinds of exploitation.
- **Nationality/Ethnicity:** Certain nationalities are more likely to become victims in specific contexts. Advise the participants that it is important that their national TiP database be consulted, as this can provide information on which nationalities have mostly been trafficked to their country in the past. Additionally, it is far less likely that a VoT identified in the Caribbean will originate from a wealthy industrialized country.
- **Documents:** The geographical extent of the trafficking process will have an impact on the use and relevance of documents. In the case of internal trafficking, possession of identity documents may not have the same significance as in external trafficking cases. The significance of documents during the trafficking process is however more prevalent in the case of international trafficking versus regional trafficking and involves the use of real and/or falsified documents.
- **Context:** It is important to carefully examine the context in which victims are found. It is a myth that all victims are abducted. Though some are forcibly taken, many victims are actually lured into accompanying someone willingly, but often under false pretences.
- **Sex:** Traffickers exploit existing inequalities, including those based upon sex and gender. Women and young girls make up the majority of identified victims globally and are therefore seen as the most vulnerable to being trafficked, particularly for sexual exploitation. However, male victims are also identified in sexual exploitation, including adults and children. Men, women and children are also found in many types of labour exploitation. The role and importance of sex in trafficking depends on the opportunities for exploitation in any one setting and are often linked
- **Signs of abuse:** Characteristically, traffickers subject their victims to persistent physical and psychological abuse. Signs may be visible and invisible (psychological), and, in some instances, may even be self-inflicted.
- **Last location:** The victim’s last exploitative location will always be an important indicator. Questions concerning this indicator include: Where was the victim before being found in the current situation? What were the circumstances of them leaving and how did they leave?

Note to facilitator: Highlight that the presence of one or more indicators **DOES NOT** confirm that an individual is a VoT. It simply means that additional screening will be required.

¹⁷ This section was adapted from: IOM, *Tanzanian Police Force Anti-Trafficking in Persons Act 2008: Trainers Manual – Investigations and Interview of Human Trafficking Offences* (Dar es Salaam, IOM and United Nations Development Assistance Plan (UNDAP), 2014), p. 38.

Activity 3.3: I Spy a Victim of Trafficking (Case Study – Petrolandian Migrants B)

Objective: To appropriately identify a case of trafficking versus smuggling and a potential trafficking victim

Duration: 45 minutes

Materials needed: A flip chart; printed copies of “Case Study: Petrolandian Migrants B”; printed copies of the Participants’ Instruction Sheet

Instructions:

1. Ask the participants how law enforcement officers might come across/come in contact with VoTs. List their responses on a flip chart. Be sure to discuss points that they may have left out.
2. Ask the participants the following questions:
 - a. How can you tell if a person might be a victim of human trafficking?
 - b. What face-value clues and/or indicators might be used as a first step to determine vulnerability or that the individual might be a victim of human trafficking (a presumed victim)?
3. Let the participants work in small groups. Ask them to read “Case Study: Petrolandian Migrants B” (see Annex IV) and answer the following questions:
 - a. Is this a possible case of human trafficking or migrant smuggling?
 - b. Why or why not? Use the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the national trafficking in persons legislation in your country to support your response.
 - c. What are the relevant indicators outlined in the case study?
 - d. What next steps would you recommend that the law enforcement officers take?

3.3. Special Considerations

The overwhelming majority of identified VoTs are either women or children.¹⁸ In this regard, there is a need for gender sensitivity, giving consideration to gender equality principles and rights when dealing with TiP matters. Cases involving children should be handled in line with the children’s rights international legal framework and national child protection legislation. Both gender and children’s rights must be considered during investigation and provision of assistance to victims.

GLOBAL DATA

Seventy-one per cent of all identified victims are women and 20 per cent of all identified victims are children.

Gender Considerations

A gender-sensitive approach should be taken while handling all TiP cases with all victims regardless of gender being treated equitably. It is best practice to ask VoTs whether they have a preference regarding the gender of investigating officers responsible for interviewing them as well as the service providers directly assisting the victims.¹⁹ It should not be assumed that victims must be assigned persons of the same gender. Of note is the fact that some women victims have indicated that they feel uncomfortable interacting with other women due to their traffickers also being women. The victim’s preference should always be considered whenever possible. Assigned personnel should have ideally received TiP training, which includes a gender-sensitive approach.²⁰

Some types of exploitation that form a part of the trafficking process are considered to be gender-based violence. It is therefore important that the Convention on the Elimination All Forms of Discrimination against Women (CEDAW)²¹ be considered, in particular Part I (Articles 1–6), which looks at non-discrimination, sex stereotypes and sex trafficking.

¹⁸ See www.ctdatacollaborative.org/story/human-trafficking-and-gender-differences-similarities-and-trends

¹⁹ See: IOM, *The IOM Handbook on Direct Assistance for Victims of Trafficking* (Geneva, 2007), Chapter V. Available from http://publications.iom.int/system/files/pdf/iom_handbook_assistance.pdf

²⁰ Inter-Agency Coordination Group against Trafficking in Persons, “The gender dimensions of human trafficking”, *Issue Brief*, 4:1–3. Available from <http://icat.network/sites/default/files/publications/documents/ICAT-IB-04-V.1.pdf>

²¹ Kindly review the CEDAW convention prior to conducting the session. The convention can be found at www.un.org/womenwatch/daw/cedaw/cedaw.htm

Child Rights Considerations

Like adults, child VoTs will likely have experienced trauma during the trafficking situation. However, the impact on children may also have age-specific implications to their well-being and recovery. Although law enforcement officers are responsible for bringing the traffickers to justice, they also have a role in working with child protection and other stakeholders to ensure that their rights are upheld. Cases should be handled in line with the following guiding principles included in the Convention on the Rights of the Child (CRC):²²

- Non-discrimination (Article 2);
- Best interests of the child (Article 3);
- Right to life, survival and development (Article 6);
- Respect for views of the child (Article 12).

Special consideration should also be given to how child victims are interviewed (see session 4.3: Interviewing Child Victims in Module 4) and assisted/supported. Based on their special circumstances, personnel working with child victims should be sufficiently trained to respond to the children's specific needs.

Once identified, all child victims should be assigned a temporary legal guardian. The guardian should act as advocate for the child to ensure that the victim's best interests are being taken into account. Prior to the child's parent/ordinary legal guardian being informed of the case, it is important to determine that the guardian was not previously abusive or complicit in the child being trafficked.²³

The "golden rules" to be applied when dealing with child VoTs are as follows:

- The best interests of the child shall remain the **paramount** consideration at all times.
- All cases involving child victims are sensitive and require very special levels of care.
- As soon as a child is identified as a VoT, the first duty of the practitioner is to arrange for the immediate removal of the child to a place of safety.
- The MDAs within respective jurisdictions must be notified of the situation without delay.
- The safety and needs of child victims will **always** take priority over the needs of the investigation.
- No child victim is to be left alone while in the care and protection of law enforcement officers.

REMINDER

Whenever there is doubt as to whether a victim is a child (under the age of 18), he/she should be treated as such until his/her age is ascertained.

Note to facilitator: Ask the participants to give examples of steps they may take during the investigation and prosecutorial process to ensure that the child does not suffer further hurt or trauma.

²² Convention on the Rights of the Child (1989).

²³ For further guidance, see: IOM, *The IOM Handbook on Direct Assistance for Victims of Trafficking* (Geneva, 2007). Available from http://publications.iom.int/system/files/pdf/iom_handbook_assistance.pdf

Activity 3.4: Group Discussion – Case of Rustam

Duration: 10 minutes

Materials needed: An LCD projector

Instructions:

1. Display the case study below on the screen and ask for a volunteer to read it out loud.

Rustam was 14 years old when his mother lost her job and his father abandoned the family. Rustam's uncle had a plan. "Rustam, you are already a real man," he said. "You have to work." He brought Rustam to a tobacco plantation. Rustam worked 10 hours a day. He never received any money; instead, his uncle collected his salary. His uncle said that he was supporting Rustam's mother and his relatives.

Rustam thought he was treated well and was happy to receive some pocket money from his uncle who was very proud of him. When the school year started, Rustam wanted to quit. The work was very tiring and he wanted to continue his education. However, his uncle insisted he should stay on the farm and forget schooling until the harvest finished. The manager of the farm promised to increase his salary.

2. Ask the participants to respond to the following questions in a plenary discussion. Have them reference the TiP definition and their national legislation to support their answers.
 - Was Rustam trafficked?
 - If so, what was the exploitation and activity?
 - Who was part of the trafficking network?
 - What special measures would you put in place if you were to handle this case?

3.4. Role of Immigration

With approximately 80 per cent of VoTs crossing international borders;²⁴ immigration officers have an important role to play in combating TiP. More specifically their role involves the following:

- Prevention and disruption;
- Interdiction, screening, identifying victims and reporting suspected cases;
- Providing VoTs with relevant immigration status;
- Participating in prosecutorial efforts.

Surveillance

At all ports of entry, immigration officers can assist with identifying possible VoTs by looking for red flags/indicators, reviewing interview responses, examining passports and doing surveillance.

Immigration officers can utilize surveillance during the pre-interview stage at points of entry/exit. Analysis should focus on general information such as flight route and assessing the passenger. It is therefore important that immigration officers are knowledgeable of the different interviewing techniques that can result in gaining relevant information and allow for the identification of vulnerable migrants and potential VoTs. Also of importance is the sensitization of airport and airline personnel who can identify possible indicators prior to the potential victim talking with the immigration officers. One best practice is the use of rovers (overt) and/or surveillance (covert) teams that are present in the arrival and departure halls with the aim of identifying red flags and/or indicators. Immigration officers may consider the indicators in Table 5 which should give rise to suspicions.²⁵

In order to conduct surveillance effectively, it is important for immigration officers to be familiar with various methods traffickers employ within the country. This would include considering the common profile of the victims (age, sex, nationality and the like). It is also important to keep up to date with the background stories VoTs have used in the past to enter the country. The profile of traffickers and their networks will also prove useful if they are accompanying the victim at the port of entry. Information gleaned from past TiP cases can be obtained from the police unit with responsibility for TiP investigations or immigration officers who processed these entries.

Table 5: Surveillance Indicators of Trafficking at Ports of Entry

Analysis of General Information at Ports of Entry	
Knowledge about the Flight/Boat	Type of Passengers Expected
<ul style="list-style-type: none"> • The passenger's origin • Transit points during journey • The quality or track record of the carrier • Track record of destination points (history of the destination points can give rise to suspicion) 	<ul style="list-style-type: none"> • Nationalities • Common reasons for entry • Usual documents presented
Previous Problems/Trends Analysis	National/International Threats
<ul style="list-style-type: none"> • Have there been any problems with passengers on that flight previously? • Have any problems been reported? 	<ul style="list-style-type: none"> • Local crime threats • International threats (e.g. organize crime)

²⁴ UNODC, *Global Report on Trafficking in Persons 2016* (Vienna, UNODC; New York, United Nations, 2016).

²⁵ Adapted from: P. Bryant, *Training Strategy: Irregular Migration, Trafficking and Smuggling of People – Training Manual* (Kingston, IOM, 2007).

Passenger Analysis	
Behaviour	Accommodation
<ul style="list-style-type: none"> • Does the person seem to be unusually nervous or stressed? • If there is a group travelling together, how do the people in the group interact with each other? 	<ul style="list-style-type: none"> • Where are they staying and why? • Has a reservation been made? • Who made the reservation and who is paying for the accommodation?
Travel Documents and Tickets	Luggage and Clothing
<ul style="list-style-type: none"> • Is the person the correct holder of the travel document? • Does the language being spoken by the individual match the country indicated on the travel document? • Does the person appear to be from the country indicated on the travel document? • Does the person appear to be the individual on the photograph? • Do the age and sex of the person correspond to the information in the passport? • What are the visa stamps in the passport? (From the visa stamps, conclusions can be drawn as to the passenger's travel history.) 	<ul style="list-style-type: none"> • Is the amount of the traveller's luggage consistent with the purpose/destination of the trip? • Does the clothing the individual is wearing or that is in his/her possession match the itinerary?

Internal Control

Immigration officers should be able to identify possible VoTs when applications are made for extension of stay or alteration of status. In these situations, throughout the usual interview process, immigration officers should be aware of indicators/red flags suggesting that the applicant may be a victim. The documents submitted by the applicant including his/her passport and other supporting documentation and information should be carefully examined, as these can build a picture of suspicious circumstances.

Screening and Reporting Suspected Cases

Once deemed appropriate, steps in line with the country's standard operating procedures should be put in place to conduct secondary interviews with potential victims in a private room. Immigration officers must always ensure that potential victims are kept in a separate location from their suspected traffickers. The interview should adapt the screening questions as necessary as outlined in session 3.5 of this *Manual*. If determined that the individual may in fact be a VoT, then the corresponding national referral mechanism (NRM) process should be activated. This process must include contacting the police and providing them with all relevant information for them to conduct a thorough investigation.

Regularizing Immigration Status

VoTs with irregular immigration status should not be placed in a detention centre or be subjected to deportation orders. A humane and sensitive approach should be taken towards potential victims at all times. Immigration officers have a duty to regularize the immigration status of victims in line with national legislation. This is to allow victims to remain in the country to assist with the investigation. Victims should also be able to seek permanent residency based on humanitarian grounds if it is deemed unsafe to return to their home countries.

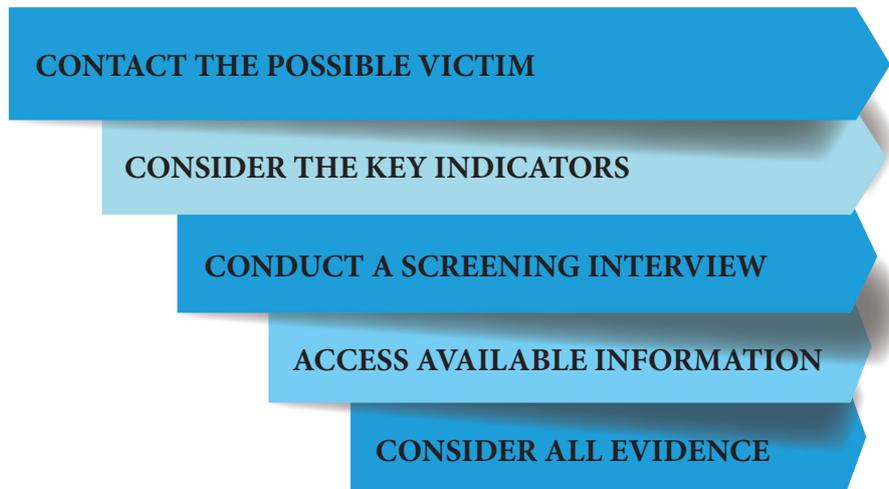
Participating in Prosecutorial Efforts

Immigration officers may be required to assist with prosecutorial efforts by providing evidence obtained and witness statements. Assistance may extend to participating in court proceedings by giving testimony when necessary.

3.5. Screening Forms and Screening Interviews

If there are any indicators of trafficking, then the process of screening can begin. This is typically a five-step process:

1. Make the initial contact with the possible victim.
2. Consider the prima facie indicators of trafficking.
3. Conduct a screening interview based on questions that may determine the presence of all three elements of TiP: (a) activity, (b) means and (c) purpose.
4. Assess all available and additional evidence/information.
5. Consider all evidence: key indicators, screening interview responses and additional evidence.



Screening is the process of identifying that there are reasonable grounds to suspect a person has been trafficked and to decide actions necessary to address the matter. The importance of screening lies in its ability to indicate whether a suspected victim is in fact a VoT and is not a smuggled, irregular migrant, or some other category of an individual in an abusive or vulnerable situation who may be in need of assistance and/or protection. Generally, screening interviews will take place after some indicators have already been identified and the national response mechanism has been activated.

Pre-interview Assessment Indicators

The screening process consists of two stages:

1. The assessment of a range of indicators that can be evaluated before interviewing the individual;
2. An interview with the individual consisting of a set of questions focusing on the recruitment, transportation and exploitation phases of the trafficking experience.

The screening and identification process begins by considering the circumstances surrounding each case before asking the person concerned specific trafficking-related questions. Information concerning the topics is likely to be available from the referring agency or, in the case of an individual who independently seeks service delivery organization assistance, can be gained through preliminary general questions.

The PEACE Model for Screening Interviews

The PEACE model is known as the standard interview best practice internationally. The acronym PEACE stands for:

- Planning and preparation
- Engaging and explaining
- Account
- Closure
- Evaluation

IMPORTANT

Though the PEACE model remains the same across interviews, the techniques used in each step vary across the types of interview being done. Here we explore the PEACE model for TiP screening interviews. The PEACE model for evidential interviews is discussed in Module 4.

Planning and Preparation

In the context of screening interviews of potential VoTs, planning and preparation is vital. This element of the model covers areas such as planning where the interview is going to be held, who is going to do it and what questions are going to be asked. Law enforcement officers can prepare themselves for both planned and unplanned encounters with potential VoTs by doing the following:

- Be aware of what human trafficking might look like in the place of work.
- Research and collect data on the types of trafficking that are prevalent within jurisdiction and the indicators that might reveal these trafficking activities.
- Be aware of the impact of trafficking on the victim, the victim's family and the community.
- Know who the law enforcement and other actors are, the role and responsibilities of each agency or department, and all options available through national TiP procedures/mechanisms.
- Plan for languages that might be encountered.
- Arrange for properly qualified and vetted interview partners and interpreters to be available. Checks should be made to assess whether there are any conflicts of interest.
- Brief the interview team and the interpreter on their roles and responsibilities and have the interpreter sign an agreement of confidentiality. It is also important that all interpreters are vetted prior to being contracted.
- Ensure that the concept of “**Do no harm**” is fully understood and practised by the interview team.

NOTE

“Do no harm” is a tool used to integrate conflict-sensitivity in all activities concerning or related to aid. It requires those providing aid to implement actions to minimize harm they may inflict during the provision of assistance.

Engaging and Explaining

Interviewers should always be aware of the need to build trust with potential trafficking victims. As front-line law enforcement officers who might come in contact with victims, interviewers are recommended to employ the following techniques:

- **Listen and respect.** Recognize that each experience is unique to that individual. Actively listen and be open.
- **Ask general questions first.** Use a normal conversation style. Though not appropriate in all cases, it helps the interviewer to engage with the person you are interviewing.
- **Do not declare or make it clear that a screening interview is being conducted.** This is different guidance to other types of PEACE interviews (see Module 4), where it is recommended that interviewees inform the potential victims of the purpose of the interview. It is often the case where many persons are not aware as to what human trafficking is or are scared to say anything if they aware of the crime. Furthermore, by declaring that a screening interview is being conducted, interviewers may be alerting traffickers.
- **Use open body language.** Law enforcers are advised that culturally appropriate signs be used to indicate they are not a threat and only wish to talk.
- **Observe.** Look for signs from the interviewees throughout the conversation. Try and identify what made them relax and use this to develop the conversation. Also, consider developing a secret sign to be used by the interviewee, for example, “clasp your hands if you are in danger”.

Account

Unlike evidential interviews, screening interviews do not always start with “free recall”, that is, where the interviewees tell their stories uninterrupted by the interviewers. This is because the time for screening is typically very short and, as such, will require the interviewer to take more control of the direction of the interview. Recounting a trafficking experience in detail can also be extremely difficult for survivors, and they may not feel safe enough to do so during the first screening interview. It is also good practice not to ask for details that are not relevant to the particular interview, to avoid doing harm, for instance by asking survivors to tell difficult stories over and over again.

Other account techniques that law enforcers may use include the following:

- **Use open questions.** Start a screening with an open question, appropriate to the situation but not directly about trafficking. For example: “What is your job?”
- **Develop the response of the interviewee.** Depending on the response, develop the interview with other questions such as: “So you work as a _____? Tell me how your day was today?”
- **Ask closed questions.** In some cases, you may decide to use a fully closed question such as: “At _____, do you work more than 12 hours each day?”
- **Try to cover various topics using open questions.** Topics covered may include where a person sleeps, eats and socializes, and whether he/she has any injuries.
- **Introduce direct TiP questions slowly.** Start by asking what is currently happening to the person and then move on to what has happened in the past.
- **Continually evaluate** the responses of the interviewee against their knowledge of what human trafficking is and the TiP process.

Closure

In a PEACE screening interview, if enough information has been produced for the interviewer to decide that there does seem to be trafficking taking place, the suspected victim should be informed of what action is going to be taken and should be provided with further information regarding the process. For law enforcement officers, explanation as to the intended action will need to be relayed to the suspected victim as he/she may interpret “come with me” to mean arrest or detention, thereby causing him/her to be uncooperative with the investigation.

In instances where enough information to take direct action is not gathered, a closing to the interview would include giving the interviewees details about what they can do to contact law enforcement or other relevant agencies if they feel they need help in the future and getting the interviewees’ contact details if possible.

Note to facilitator: Emphasize strongly that even though a law enforcement officer may feel that there is not enough information from the interviewee to confirm trafficking, there may be still be ways in which an officer may act in the situation. These include the following instances:

- If there are injuries, this could mean that an assault has taken place and could be investigated.
- There may be health and safety issues with equipment, where the person is staying or working, the food and other things; thus, law enforcement officers or people from another agency could take action.
- The person being interviewed may be a child or a suspected child. This may give the officer doing the interview powers to take the suspected victim to a place of safety or into care. The same is applicable also to an interviewee who is a vulnerable adult.

Evaluation

Very little time is available in screening interviews for evaluating the gathered information. The evaluation process can be difficult and stressful as decisions must be made while out in the field, with limited information and knowing that law enforcement officers’ contact with potential victims is probably the only chance the officers will get. During screening interviews, the proceedings must be continually evaluated. Law enforcement officers must therefore practice active listening. It is also important to note that VoTs may be suffering from trauma and have difficulties recalling events and so their account might be inconsistent. Standard operating procedures should then be employed to ensure that victims are not retraumatized. Law enforcers should always consider if the account they have been given coincides with the elements of TiP.

Screening Interviews for Minors

Screening interviews for children should always take into account child protection principles. Front-line officers should be knowledgeable of the best interests of the child and ensure that any immediate needs are met. Considerations should also be given to local child protection laws as well as international conventions and protocols on the rights of a child.

Limitations of Screening

Screening interviews are similar to many other kinds of interviews carried out by law enforcement. However, the process is not without limitations:

- The process is not and cannot be perfect and cannot guarantee against errors in the assessment of an alleged trafficking victim.
- The process framework is based on a generalized approach to human trafficking and the identification of victims and should therefore be regarded as such. The process is strengthened however through the experience and knowledge of law enforcement officers about the trafficking situation in the country concerned and their dealings with VoTs.
- The framework is a model for identification under ideal conditions. However, field experience shows that ideal circumstances are rarely found. In many cases, available data may be insufficient to evaluate the pre-interview indicators, the individual may be unwilling or unable to answer any or all of the questions, and additional corroborative material may not be available.
- The screening and identification of trafficking victims will ultimately depend on the experience and judgement of law enforcement officers in each specific situation.

Challenges faced by law enforcement officers include:

- **Limited time;**
- **Location** – screening is likely to be conducted in less than ideal locations such as roadsides, transportation hubs and workplaces;
- **Privacy** – connected to location, but also lacking because others are frequently present, including potential traffickers;
- **Indicators** – these may be present but could be very inconclusive.

IMPORTANT

If the law enforcer suspects someone may be a victim based on existing indicators, that is enough to activate a response process for further screening if possible, and if the person accepts the help being offered.

MODULE 4: INTERVIEWING VICTIMS

Once a presumed VoT has been identified, investigators will need to conduct interviews to make a determination as to whether or not the individual is in fact a victim as well as for evidentiary matters. The PEACE model for investigative interviewing will be discussed in this chapter as it is used to establish the facts of a case, obtain all relevant information and collect evidence to allow a decision to be made on whether or not to prosecute.

4.1. Pre-interview Assessment

A pre-interview assessment should be conducted prior to the interview of the trafficked victim by the interview team, with the aim of identifying the most effective interview strategy. The assessment is therefore based on all the available data regarding the following:

- Case background;
- Current condition of the victim;
- Psychoemotional²⁶ state of the victim;
- Interview environment and equipment;
- Likely direction of the investigation; and
- Timeframe and schedule of the interview.

NOTE

Where the victim has the support of a psychologist and/or a lawyer, the interview team should consult these individuals during the preparatory stages of the interview.

Once the known circumstances of the case have been established, it is important that the Office of the Director of Public Prosecution be consulted. The interview team must also identify the possible offences that may have been committed against the victim, which will guide:

- The analysis and identification of existing evidential material in relation to the identified possible crimes; and
- The preparation of a points-of-proof checklist for use during the interview.

4.2. Interview Preparation (P)

Preparation and planning (P) is a crucial first step in any interview process per the PEACE model. It is the key to a successful interview. Sufficient planning must therefore take place prior to conducting any interview. During the preparatory phase, the principle of “**Do no harm**” must guide all actions and the best interests of the victim take precedence. This means that an interview should not be conducted at a time or place that may put the victim at risk. Relevant police units should prepare as follows:

- **Select appropriate investigators for the interview.** Gender considerations and child rights (see Module 3, session 3) should be taken into account. Interviewers should also have extensive knowledge of TiP (where possible) as well as be aware of the level of sensitivity and experience required when interacting with victims.
- **Select interview partners.** Include interpreters if required. Interpreters should be appropriately vetted prior to contracting their services.
- **Analyse the information available.** Analyse the evidence, victim profile and so forth.
- **Prepare points of proof of analysis.**
- **Prepare the venue.** Ensure that the environment is safe, private, free from foreseeable distractions, secure and comfortable. If at all possible, the interview should take place in a neutral venue, especially in the initial phases when the victim may regard law enforcement premises as a threatening environment.
- **Brief the interview team.** Inform the team of the nature of the case, evidence and information on the victim.
- **Do a background research.** Ensure that the interview team is aware of any cultural practices and/or nuances that need to be taken into account to ensure that the victim is comfortable. This may also aid in building rapport with the victim.
- **Ensure enough time is set aside for the interview.** Interviewing TiP victims requires patience and understanding. Since victims are being asked to recall a traumatic experience, it is likely that it will take time for them to give their account of events. Interviews of this nature may also require regular breaks, especially when dealing with child VoTs.

SPECIAL NOTE ON INTERPRETERS

Vetting of interpreters is a critical task to be undertaken prior to contracting their services. Checks should be made to assess whether there are any possible conflicts of interest. In some situations, communities may be very small or close knit which means it will be likely that the interpreter knows the victim and/or the suspected traffickers. There may also be the possibility that the intended interpreter knows the victim's family through links in their country of origin. Once vetted, interpreters should be given strict guidelines on their role and responsibilities in writing. They should also be asked to sign a confidentiality agreement.

²⁶ This includes the physical characteristics and socio-demographics of the victim.

The Interview Team

It is crucial that proper planning and preparation is undertaken for the interview. An interview team should be established, depending on the scale of the challenge, in order to carry out an effective interview. An ideal team approach consists of two evidential interviewers and, where possible, the participation of a range of other professionals that should act in partnership with the interview officials. **While it is important to have a multisectoral approach, it is not recommended that all these partners be present in the room at the time of the interview.** Their role is to provide support and guidance prior to the actual interview as well as to participate in the post-interview debriefing ensuring that the best interest of the victim is considered while performing duties in line with the investigation.

In instances where two individuals lead the charge of interviewing the trafficking victim, their roles should be clearly divided into those of lead and secondary interviewers. The lead interviewer is responsible for building rapport and interviewing the victim, while the secondary interviewer is responsible for taking notes and providing additional support. The participation of a psychologist²⁷ is recommended especially in cases where the victim is in an emotional or mentally vulnerable state. It is important however that if a psychologist is in the room, his/her role be clearly defined to avoid misinterpretation of roles. The victim should clearly understand that the presence of the psychologist is to support the victim-witness. Whenever possible, the psychologist may observe the interview from another room. These professionals operate in the room to promote the well-being of the victim as well as the investigating process – that is, being the “eyes and ears” for the lead interviewer, by monitoring the victim’s reactions and detecting any signs of increasing stress to ensure necessary steps are taken to safeguard the well-being of the victim.

Interview Partners

The participation of external partners in the interview process DOES NOT absolve the responsibilities of the interviewing officers, who are in charge of the victim-witness’ evidential interviewing process. Best practice also dictates that partners are given clear instructions as to the nature and extent of their roles. Instructions should include:

- a) A non-disclosure or confidentiality agreement; and
- b) The terms of engagement with the victim.

4.3. Interview Techniques and Questions

This session of Module 4 deals with the applicability of letters E A C E of the PEACE model. Earlier we examined the P, which is the preparation and planning process of an evidential TIP interview, but here we will be exploring the engagement and explanation (E), account (A), closure (C) and evaluation (E) phases of the PEACE model for evidential interviews.

Engage and Explain (E)

Having taken detailed measures to prepare for the evidential interview, the next step involves:

- Engaging the victim by developing rapport;
- Explaining the role, rights and responsibilities of being a victim-witness to the VoT and seek their consent to cooperate; and
- Explaining how the interview will be conducted.

Note to facilitator: Remind the participants that it is international best practice to inform the VoTs that they are not required to participate in the interview in order to receive assistance and support.

Engagement Phase

Engagement is the first phase in step 2 of the PEACE model. The phase consists of the following:

- **Cultural briefing:** Time should be taken prior to the initial meeting to get a full briefing of any national, religious, cultural, racial or ethnic issues that should be considered. This should include any specific terms or words that would be considered inappropriate by the victim.
- **Awareness of body language:** All questions should be directed towards the victim, not the interpreter. Good eye contact should be maintained as well as a non-threatening demeanour.
- **Introduction:** All actors present during the interview should introduce themselves, state their positions/professions and roles. Similarly, the victim should be asked how he/she wishes to be referred to by the interview team.
- **Building a rapport:** Avoid delving immediately into the explanation of the interview process and case-related issues. Use background questions on current welfare, interests, accommodation, and so forth to trigger conversation, and unrelated questions to make the victim more accustomed to the environment and persons in the interview room.

²⁷ Other support personnel (e.g. social workers and case managers) charged providing support to the victim may also participate.

Account (A)

The account step of the PEACE model incorporates two distinct elements:

1. The account or “free recall”; and
2. Questioning.

Account/Free Recall

This is the key phase of the whole interview process. During this phase, victims recount their stories in their own words in an uninterrupted manner. At this point, the interview team is advised to selectively use very short prompts or words of encouragement, such as “go on” and “you are doing well”, to avoid the pauses/silence of the victims from becoming oppressive.

Note to facilitator: These pauses may be due to memory loss and/or painful memories. As such, remind the participants that care must be taken in how investigators press for more information. The well-being of the victim is of the utmost importance at all times. Underscore the principle of “Do no harm”.

Questioning

In this phase, questioning is used to expound upon evidential points recounted by the victim during the “free recall”. The questions posed by the interviewer have to be very carefully framed so as to ensure that the account provided by the victim is as accurate as possible and is not suggestive. As such, the interviewer should utilize the following four types of questions in this sequence:

1. **Open-ended questions:** These types of questions allow victims to provide more information about a particular subject without being suggestive. Examples of open-ended questions include:
 - Can you tell me more about...?
 - Can you explain that to me some more?
 - Can you recall anything else about the (*situation*)?
2. **Specific questions:** These types of questions are used to increase focus on specific events and to secure additional information or to clarify any ambiguities. Specific questions tend to start in structure with the words *where, when, what and who*. The use of “why” questions must be carefully handled, as it can imply some degree of blame or accusation, for example: “Why didn’t you escape when you had the opportunity?” Suitable alternatives to this question include:
 - What prevented you from escaping?
 - Was there anything that prevented you from leaving?
3. **Closed questions:** Where open-ended or specific questions have failed to adduce any evidential detail or clarify a specific point, closed questions are used to set out a range of fixed possible responses that the victim can give. This type of questioning is risky in that it may tempt victim-witnesses to guess an answer as they feel they are being led. This may also lead to the allegations that victims are being coached.
4. **Leading questions:** Leading questions must be avoided as much as possible and resorted to when all other types of questioning have been exhausted. A leading question is one in which the answer is implied or assumed in the text of the question, for example: “He took all of your money, didn’t he?” As such, leading questions create a real risk of suggestibility and/or inaccurate recall of events. However, the risk of leading questions may be averted to some degree if the question takes a form similar to: “Did he hurt you at any time?”

NOTE

Suggestibility occurs when the victim-witness provides answers that reflect the answers he/she thinks the interviewer wishes to hear. The risk of suggestibility should always be avoided.

While carrying out an interview, it is vital that national standard operating procedures be adhered to. Nonetheless, international best practice dictates that interviews be audio-recorded or, preferably, video-recorded. Video recording is encouraged, as it enables the interview team to assess the audio and visuals of the victim being interviewed. Through video recordings, information may be gathered regarding the demeanour of the victim-witness, which may have been unseen or overlooked by the interviewing officer. Prior to recording an interview, however, it is important that law enforcement officers advise the victim-witness of the intent to record and the reason for recording the interview, as well as the confidentiality measures that will govern the recordings.

GENERAL POINTS FOR QUESTIONING

- Pose questions one at a time.
- Questions should be short and simple.
- Avoid double negatives or other difficult grammatical constructions.
- Avoid law enforcement jargon.
- Pose questions in a supportive, reassuring and empathetic tone.
- Use professional language. Humour may be used as a means of relaxing and encouraging the victim-witness, but tread lightly to avoid impressions of levity.
- Ask victims to place specific events against chronological landmarks that are significant to them, but when not possible, ask victims to place the timing of a specific event against another.

Closure (C)

The interview process should end in a structured and timely manner; not abruptly. Summarize the key points of the victim-witness' evidence check, using the words of the victim and inviting the victim to correct any mistakes that may have been made. It is also good practice to allot time during closure for the victim to ask questions he/she may have of the interview team and for the interview team to explain in detail the plans for the next steps. It is recommended that law enforcement officers tasked with carrying out interviews have good knowledge of their government's NRM. They should be prepared to discuss this with the victim, to ensure that they fully comprehend the role and responsibilities of their case manager.

Victim-witnesses should also be asked if the interview process was acceptable to them, whether they fully understood it and whether they experienced any problems that they wish to discuss, in the closure stage of the PEACE interview model.

Evaluation (E)

In addition to evaluating the evidential materials gathered, it is pertinent that the performance of the interviewers and interview partners be evaluated. Evaluations should be done after each interview and not left until the entire interview process²⁸ is over. This will allow for the identification of immediate investigative actions to be taken as well as provide guidance on the evidential focus or structure of the next interview. Victim-witnesses should be asked if the interview process was acceptable to them, whether they fully understood it and whether they experienced any problems that they wish to discuss, in the closure stage of the PEACE interview model. The feedback received should form a part of the evaluation process.

IMPORTANT

Key evidential points should not be asked at the end of the interview. It is important that effective planning and preparation take place prior to the interview. Interviewers should agree on how to communicate the need for additional clarification during the interview prior to the actual start of the interviewing process.

²⁸ Often it takes several interviews before law enforcement officers are able to collect all relevant information.

Activity 4.1: Case Study – Petrolandian Migrants C

Duration: 20 minutes

Materials needed: Printed copies of “Case Study: Petrolandian Migrants C”

Instructions:

1. Divide the participants into small groups.
2. Have each group read the case study “Petrolandian Migrants C” (Annex V) and discuss the following questions:
 - a. Who should be at the interview and why?
 - b. Where should the interviews be conducted? What should be the ideal setting?
 - c. What skills will the interviewer(s) need?
 - d. What issues would you discuss with Dr Morrison prior to the interview?
 - e. What challenges do you foresee during the course of the interview?

Table 6: Summary of Steps to Be Taken at Each Phase of the Interview Process (The PEACE Model)²⁹

Phase	PEACE Interview
Before	<p>Planning This stage requires conscious planning based on the available information.</p>
Beginning	<p>Engage and explain This phase should give specific information about the purpose of the interview, details of the interviewers and so on, and must also conform to the social norms required to have positive, fruitful conversations.</p> <p>Conscious efforts to build and maintain relationships should be made.</p>
Middle	<p>Account Basic social norms should be followed, but turn-taking should be explicitly considered and planned.</p> <p>In particular, techniques such as slowing speech, handing control to the interviewee, initiating free recall, using appropriate probing questions and the like should be used.</p> <p>The purpose of the account should be structured according to the planning stage and information emerges as the account progresses.</p>
End	<p>Closure This phase should follow social norms. Specific information on what may happen next should be given and the interviewee must be given an opportunity to have his/her concerns addressed.</p>
After	<p>Evaluation Evaluation should be conscious and specific in order to identify which plan objectives have been achieved and what investigative opportunities are offered. This is also used as the basis for planning future interviews.</p>

The following general points should also be borne in mind at all times during the interview process:

Never leave the interview room without ensuring that the victim-witness knows what is going to happen next. Minors should never be left alone.

Partnership between victim-witnesses and the interview team should last until the trial process and beyond.

²⁹ Table adapted from: P.D. Newton, *Human Trafficking – How to Investigate It: Training Manual for Law Enforcement Officers* (Vienna, International Centre for Migration Policy Development (ICMPD), 2015).

4.4. Interviewing Child Victims

Child victims require special consideration when conducting an interview. Interviewing child victims requires specialist training; as such, the assigned investigating officers should be selected with this in mind. Whenever possible, **forensic interview**, which was developed by psychologists, social workers and child development experts to interview children, should be employed. Forensic interviews create legal evidence and testimony based on the accounts of a child. During a forensic interview, interviewers use physical and verbal cues to understand when a child is not sharing relevant details or avoiding telling the truth about a difficult or an abusive event. These might include shrugs and certain movements when questions are asked about abuse or the suspected abuser.

Whether or not a forensic interviewer is being utilized, it is important that interviewers have a basic understanding of the difference between interviewing adult and child victims and that child protection principles must be employed. Throughout the interview process, it must be ensured that the best interests of the child are considered, in line with national child protection requirements, including as regards the presence of legal guardians and other details. The PEACE model should be followed and amended accordingly. IOM advises that the following measures should be taken when dealing with child victims:³⁰

- Only staff trained in the special needs and rights of children should question child victims. Wherever possible, child victims should be questioned by staff of the same sex.
- Find out as much as possible about the history of the child prior to the interview and make clear and friendly introductions. Talking about something the child is familiar with helps to establish a rapport.
- Create a space that is safe and comfortable for conversation (include toys, books, games and so forth to help build a rapport).
- Establish a rapport by talking about or doing things that are not related to the trafficking experience for example, discuss things the child is familiar with or play games).
- Dedicate adequate time for discussions and do not rush.
- Keep the atmosphere simple and informal (for example, do not assume an air of interrogation or press for responses).
- Use appropriate and child-friendly language (pick up terms the child uses).
- Explain things in a manner the child can easily comprehend (use visual aids wherever possible).
- Questions should be adapted in order to take into consideration the age and mental capacity of the child.
- Begin with open-ended questions, allowing the child to give his/her own account. Avoid leading questions, such as “Did the person abuse you?” and use more open questions, such as “What did the person do?”
- Do not pursue and press for details when there are signs that the child has told all he/she knows. However, also bear in mind that children will leave information out if the right question is not asked and will give the answer they believe the interviewer wants to hear.
- Interviews of minors should take place in the presence of a parent. In cases where this is not possible, due to a parent not being present or in case there is suspected or known family involvement in the trafficking, interviews should be done in the presence of a trained guardian, a psychologist or a social worker.
- Close the interview in ways that reassures the child that he/she has done well and that you will be available whenever he/she needs to talk again.

It is important to allow for regular breaks during the interview process, as children are more likely to become exhausted or upset by recounting their experience. Consideration should also be given to the age range of the child when deciding on the interview approach. An example is that teenagers may require that they are spoken to in a more adult-like manner. To ensure transparency, the interview should be transcribed using the exact language and terms used by the child.³¹

Note to facilitator: Advise the participants that whenever there is doubt as to whether a victim is a child (under the age of 18) or not, the victim should be treated as such until his/her age is ascertained.

³⁰ IOM, *The IOM Handbook on Direct Assistance for Victims of Trafficking* (Geneva, 2007), Chapter 2. Available from http://publications.iom.int/system/files/pdf/iom_handbook_assistance.pdf

³¹ UNODC, *Anti-human Trafficking Manual for Criminal Justice Practitioners* (Vienna, UNODC; New York, United Nations, 2009), Module 9.

4.5. Using Interpreters

Often, due to language barriers, the use of interpreters is necessary in order to complete accurate interviews. It is important however that the interpreter fully understands his/her role, the nature of the crime, is vetted for bias and understands confidentiality issues.

The interpreter's job/role is to accurately interpret questions asked by the interviewer as well as the responses provided by the victim/witness and/or the suspect. Interpreters should understand clearly that they are not to act as social workers or counsellors to a witness or provide any form of guidance to the person being interviewed. They should be advised that their job is to accurately interpret what is being said using exact words and phrases and not making inferences or summarizing/paraphrasing.

Law enforcement officers should do their due diligence to ensure that there is no conflict of interest for the interpreter to participate in the case. This may be due to the interpreter knowing the person to be interviewed, cultural biases or issues pertaining to confidentiality. In small countries, one of the challenges with identifying interpreters has been related to the limited number of interpreters being available. Often these interpreters are nationals of the same country that the victims and/or perpetrators are from and can increase the challenges already being faced by law enforcement officers. Potential interpreters should therefore be vetted prior to them being contracted to provide support. Additionally, all interpreters should be sensitized on TIP matters and should sign a confidentiality agreement with strict penalties prior to performing relevant duties.

Interpreters should also be made aware of any possible risks that are associated with participating in this case.

Note to facilitator: Highlight that it is important to be mindful of all conversations conducted in the presence of the interviewees. Although the interviewees may not speak the language, it may be possible that they understand it.

Activity 4.2: Video Discussion on Forensic Interviewing

Duration: 30 minutes

Materials needed: Video on forensic interviewing

Instructions:

1. Ask participants to watch the video on forensic interviewing which can be found on the flash drive that accompanies this *Manual*.
2. Ask them to provide feedback on the video. To encourage their responses, you may ask the following question:
 - a. How did this interview differ from regular interviews that you might conduct as a law enforcement officer in terms of:
 - i. The room set up;
 - ii. How the questions are formulated;
 - iii. Introduction and closure?

MODULE 5: VICTIM PROTECTION AND VICTIM RIGHTS

5.1. Risk Assessment

Investigators are responsible for the ongoing process of identifying, assessing and managing risks posed to VoTs. In this context, **risk refers to the existence of a threat to the security or safety of individuals.** There are several risks that VoTs may encounter after they have been identified. These risks may especially be heightened when victims agree to assist with prosecutorial efforts. The government of the country in which the victim was identified has a duty to ensure that relevant risk assessments are undertaken so that appropriate actions can be taken to protect the victim. The safety of victims and their families and loved ones is paramount at all times and is a responsibility of the investigator and prosecutor. Article 6(5) of the UN TIP Protocol specifically states that: *“Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory”*. This obligation for protection also extends to non-national victims who wish to return to their home countries. Article 8(2) of the UN TIP Protocol notes that the return of a victim should take into account the safety of the victim. Protection measures should therefore include physical protection, anonymous relocation (witness protection) and, in some cases, relocation to a third country.³²

In an effort to ensure that appropriate protection measures are in place, a comprehensive risk assessment should be performed. This may require coordination with multiple agencies and should focus on:³³

- Who or what is at risk;
- What is the risk;
- What is the level of risk; and
- What action should be taken.

Focus should not only be on the victims' security but also their families, as the possibility of reprisals against victims and their families is often a feature of TIP. Additionally, consideration should be given to the potential risks relevant to the victims' material needs (e.g. shelter; food, clothes) as well as their mental and physical health. It is also important to liaise with the relevant authorities in the home countries of non-national victims who wish to return home. Investigators should ensure that the risks in each case are assessed from the outset and that the assessment is continuously reviewed and updated. In cases where victims have testified, the duty of care does not end with the trial.

The investigator and the prosecutor have a duty to be honest and open with the victim at all times. Victims should fully understand the relevant issues, responsibilities, and potential consequences and risks attached to any decision that they may be asked to make. They should be made aware that cooperation with prosecution may involve an element of risk to the victims and their families. Victims should therefore be made aware of all potential risks as well as protection measures in place so that they can make informed decisions.

NOTE

At the onset, the legal authority may be perceived as a threat based on what the victim may have been told and as such trust-building is paramount at this stage.

In addition to assessing the risk to the victims' physical safety, a comprehensive risk assessment must also take into account the psychological and/or physical harm that the victims suffered. A victim-centred approach is therefore required to ensure that a full range of support and care services are put in place. It is vital that victims are given access to the full range of support and care services that are in place to ensure that they have the best chance at recovery.

Categories of Victims at Risk

Law enforcement officers must ensure that the risk assessment process is comprehensive and considers the following categories of victims:

- Victims that have been identified, removed from the trafficking situation and are the subject of the risk assessment being carried out;
- Presumed victims that are still under the control of the trafficker;
- Individuals that might be in the process of being trafficked by the trafficker;
- The families and loved ones of VoTs whose safety may also be compromised or in danger of being compromised.

³²This is often quite complex and requires bilateral agreements in place. Apart from general safety concerns, third-country resettlement is also an option in cases where the victim has also been granted refugee status.

³³ UNODC, *Anti-human Trafficking Manual for Criminal Justice Practitioners* (Vienna, UNODC; New York, United Nations, 2009), Module 9.

Questions and Indicators

Questions

The risk assessment should seek to answer the following questions:

- What is the level of risk posed to the victim?
- What considerations should be made for the victims that are still being exploited? What is the level of risk to the safety and security of these individuals?
- Are there other potential victims that are about to be trafficked? If so, what stage are they in the trafficking process and what risks might be posed to them?
- What is the level of risk to the victim's family and/or loved ones?
- Is the level of risk posed to any of these identified at-risk persons high enough to require immediate intervention?

While assessing these risks, the investigator must also consider risks that might arise due to law enforcement involvement and/or actions. The assessment of these risks in totality should determine the course of action of law enforcement officers; that is, is it best to continue gathering evidence to build a case prior to launching a raid or based on imminent risk or should a raid be launched immediately? It is good practice to ask survivors themselves if they feel safe or unsafe, and why, given that they may perceive a new or changing risk that is not obvious to a law enforcement officer and that they may not share it unless asked. This might include receiving new threats or seeing someone from their trafficking ring in the area monitoring them, for example.

According to UNODC, the following questions should help law enforcement officers to determine their course of action.³⁴

- What law enforcement investigation activity is appropriate? What risks might that activity bring to victims and to any NGO, other victim service providers or law enforcement staff involved?
- Is the risk faced by current, outstanding, or potential victims and their families so high that immediate intervention is necessary?
- If immediate action is required, what actions can be taken to prevent suspected traffickers from becoming aware that law enforcement agencies are aware of the traffickers' activities?
- If immediate action is not required, can the level of risk be managed safely while proactive investigation is initiated/conducted/continued?
- If proactive investigation is not feasible, can the level of risk be managed safely to allow disruptive strategy to be initiated/continued?

Indicators

Similarly, risks may be faced by individuals identified that may be providing services to victims including law enforcement officers and prosecutors. IOM notes that a generic risk assessment should also take into account the following indicators:³⁵

- The extent and impact of trafficking in the country;
- The classification of the country concerned (i.e. if it is a country of origin, transit or destination);
- The number of trafficking victims who may be expected to seek assistance from organizations providing support and relevant services;
- The extent to which trafficking is controlled by organized criminal groups;
- The trafficker's capacity to plan and implement reprisals against the victims and/or the staff of organizations providing support and services;
- The capacity of the local law enforcement agencies;
- The extent of corruption within the country of destination and/or the country of origin and how it adds to the level of risk;
- The level of government commitment, expertise and support to combat trafficking in human beings; and
- The level of competence to assess risks.

Assessment of the risk should be divided into three levels – low, medium and high. Risks that are assessed to be low are those that are not likely to occur. Medium-level risks are more likely to occur than not; and high means the risk is very likely to occur.

³⁴ Ibid.

³⁵ Adapted from: IOM, *The IOM Handbook on Direct Assistance for Victims of Trafficking* (Geneva, 2007), Chapter 1. Available from http://publications.iom.int/system/files/pdf/iom_handbook_assistance.pdf

Voluntary Repatriation of Victims

Considerations for allowing VoTs who have been trafficked across international borders to remain in the country of destination temporarily or permanently is advocated in the UN TiP Protocol (Article 7). Article 8, on the other hand, speaks to the return of victims to their home countries and reads:

1. The state party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving state party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

2. When a state party returns a victim of trafficking in persons to a state party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving state party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.

On these occasions when victims have decided that they would like to return to their countries of origin, **criminal justice practitioners are required to evaluate risks outside their jurisdictions**. The ability for law enforcement officers to perform this task in a foreign country comes with several challenges especially because they may not have the authority to complete all the relevant tasks necessary to conduct a comprehensive assessment. Other challenges may include unfamiliarity with the culture, including the culture of the community the victim may want to return to, unfamiliarity with the language, as well as the inability to accurately assess the availability and quality of services available in the country of origin. It is recommended therefore that these assessments be done in coordination with relevant stakeholders in the country of origin, such as law enforcement agencies, national counter-trafficking committees, NGOs and/or international organizations.

It is recommended that when carrying out risk assessments in a foreign country questions about general conditions and services should be asked first. The lack of needed support will not auger well for the full recovery of the victim. Returned victims may have psychological and other medical problems that are unresolved. They may also be isolated due to stigmatization. It is therefore important that the support services available in the community of return and/or the ease of access to these services are taken into consideration in the risk assessment. Issues related to the victims' vulnerability should also be addressed. A thorough risk assessment will allow for a comprehensive analysis of not only the current risks to the victims' safety and recovery but also the services in place to mitigate these risks.

A **risk management plan** should be prepared for all VoTs, outlining each risk along with its mitigating action. The response to each risk is likely to require a multi-stakeholder approach.

5.2. Protection Measures for Victim-Witnesses

Law enforcement officers have a duty to ensure that appropriate measures are taken to protect all VoTs in line with their national legislation. Victims who agree to participate in prosecutorial efforts as witnesses are likely to require increased protection to ensure they remain safe. The recommended protection measures to be implemented by states for VoTs are outlined in Article 6 of the UNTiP Protocol. In brief, these include:³⁶

- Protecting the privacy and identity of victims;
- Providing victims with information on relevant court and administrative proceedings;
- Providing victims with appropriate reintegration assistance to aid their recovery;
- Consideration of age, gender and special needs of victims when providing assistance such as housing, education and care;
- Providing for physical safety of victims;
- National legislation should allow victims to obtain compensation for damage suffered. In most countries, there are specific legislations that speak to this. Matters of compensation are also often detailed in relevant standard operating procedures related to the rights of VoTs as well as victim care. Law enforcement officers should therefore ensure that they familiarize themselves with all relevant standard operating procedures as well as the NRM, so that victims can be advised accordingly.

Note to facilitator: When discussing the protection measures advocated by the UN TiP Protocol, kindly reference the national legislation relevant to the country where the training is being held.

Victim Rights³⁷

In addition to the Palermo Protocol, the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power also sets out the following recommendations applicable to all victims of crime:

- Right to be treated with compassion and respect;
- Entitlement to access to justice and prompt redress;
- Right to information including information about the progress of their cases and about the available assistance;
- Right to be heard and to have their views represented and considered at appropriate stages where their interests are affected;
- Right to be provided with proper assistance throughout the legal process;
- Right to protection of their privacy and to measures to ensure their safety and that of their families from intimidation and retaliation; and
- Right to remedy including compensation.

It is important for adult victims to be given autonomy by enabling them to make decisions on reintegration assistance and/or whether or not they wish to return home. Such autonomy must be extended to allowing victims to decide whether they wish to participate in prosecutorial efforts. Informed consent should always be obtained from victims when it is required for a proposed course of action.

Protection of Personal Safety

The protection measures for the personal safety of victims who agree to become witnesses will depend on the case circumstances. Risk assessments will assist with determining what actions need to be taken by law enforcement to ensure the victim's safety. Actions may include placing the victim in a shelter in a secure confidential location and providing the victim with police protection.

Note for facilitator: Depending on the risk factors determined from the risk assessment, it may be necessary for victims to be placed into witness protection programmes with their consent. This risk would normally need to be of magnitude great enough to warrant this option.

³⁶ See full text of Article 6, 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).

³⁷ Kindly refer to your national TIP legislation which details the rights afforded to victims of trafficking in persons in your country. The web address to your national legislation can be found in Annex IX. Please also refer to your country's victim rights brochure which details these rights. A copy of this brochure can be obtained from the agency within your government responsible for victim care and assistance.

Protection of Psychological Well-being

VoTs should be provided with psychological support to aid in their recovery. Support for victim-witnesses is especially important as they are at greater risk of revictimization throughout not only the investigative process but also during court proceedings. It is imperative that psychological support be provided throughout the process. UNODC notes the following methods of psychological protection to consider:³⁸

- Informing victims of what to expect in the courtroom;
- Allowing expert counsellors to accompany the witnesses to court;
- Utilizing judges, prosecutors and police who are specially trained and sensitive to the specific needs of witnesses;
- Making available a separate waiting room for witnesses at courtrooms to avoid the witnesses being confronted by the defendant or the defendant's associates out of the courtroom.

5.3. Supporting Victims during the Criminal Justice Process

VoTs will require specially tailored support throughout the investigation, pre-trial and trial processes. Support to be provided will depend on the circumstances of the victims and should consider gender and children's rights where applicable. Victims' wishes, safety and well-being should take priority at all times. Victims have a number of rights in relation to the criminal justice process as indicated in Figure 4.

Figure 4: Criminal Justice Options for Victims



The right to remain silent is an option that victims have when interacting with law enforcement officers. As such, victims should not be forced, coerced or threatened to respond to questions. Even though this could restrict investigations, it is important to develop a rapport with victims to allay any concerns they have about cooperating with investigators.

If victims decide to provide information about their case, they have the right to do so without giving a witness statement or becoming a prosecution witness. Best practice is to provide victims with a reasonable period known as a reflection period to begin their recovery and to decide whether they wish to participate in prosecutorial efforts. During this time the appropriate direct assistance (see Module 6, session 1), including psychological and legal counselling, should be provided. According to the 2004 Report of the European Experts Group on Trafficking in Human Beings, a recommended appropriate time frame for a reflection period is a minimum of three (3) months.³⁹

³⁸UNODC, *Toolkit to Combat Trafficking in Persons: Global Programme against Trafficking in Human Beings* (UNODC, Vienna; United Nations, New York, 2008), Chapter 5.
³⁹European Union, European Commission, Experts Group on Trafficking in Human Beings, *Opinion of the Expert Group on Reflection Period and Residence Permit for Victims of Trafficking in Human Beings* (European Commission, European Union, 2004).

During the investigation and prosecution phase, law enforcement should ensure that they carry out the following:

- Provide information to victims on what can be expected throughout the investigation process.
- Keep victims up-to-date on the progress of the investigation and prosecutorial efforts, including advising if bail has been granted to the trafficker/s in order to minimize trauma and revictimization.
- Follow interviewing guidelines (see Module 4), standard operating procedures and NRMs.
- Notify victims of their rights, services and support they can receive. Referral to the relevant service providers should also be made (see Module VI, session 1).
- Communicate in an open and honest way with victims so that they are aware of any issues, responsibilities and potential consequences. Language used should also be clear enough for victims to understand and an interpreter should be provided if necessary.
- Obtain full and informed consent in writing when a proposed course of action requires consent such as medical or psychological assessment.
- Put in place protection measures to ensure the victim's safety and psychological well-being (see previous session).
- Review the possible risks to victims throughout the investigative and prosecution phase that may be encountered.

The Special Case of Children

Law enforcement officers and other relevant stakeholders providing assistance to children should be guided by the International Convention on the Rights of the Child (CRC), which advocates taking the best interests of the child into account at all times.⁴⁰ This principle also applies when seeking the testimony of a child in criminal proceedings. It is important that the special needs of child victims/witnesses be taken into account and that an appropriate assessment of the competence of the child to participate in criminal proceedings be conducted. This should include an assessment of the child's level of psychosocial functioning, mental and verbal capacity, as well as anxiety level related to the case.

It is recommended that all efforts be taken to expedite criminal proceedings involving children, as lengthy procedures may not only delay recovery but may also serve to increase the level of trauma children experience. It should be taken into consideration that when the child victim transitions into adulthood, this further complicates the care protection process.

In all interactions with children, a parent or a legal guardian must be present to ensure that all principles of child rights as outlined in the CRC are taken into account. In cases where parents and/or legal guardians cannot be traced, are unavailable or are suspected of being complicit in the trafficking of the child, the State must appoint a legal guardian. **This should be treated as a matter of priority.**

⁴⁰ Please refer to Annex IX for the web address of your country's legislation relating to child rights and child protection. Kindly make direct reference to your national legislation that speak about rights and child protection. Kindly make direct reference to your national legislation during the presentation.

5.4. Direct Assistance and Referrals

Direct Assistance

Based on the nature of the crime, once identified, VoTs may require extensive support in the form of direct assistance to meet their basic needs and to respond to problems they face as a result of what they have experienced. This is due to the complex trauma that victims experience, as the trauma is usually not only the result of a single event but multiple and prolonged events.⁴¹ Assistance to be provided may include shelter/accommodation, counselling, health care, legal advice, travel expenses to return to home, reintegration grants and access to education, recreation, family interaction, employment and communication based on the results of the risk assessment. Article 6 of the UN TIP Protocol notes the importance of such assistance in order to facilitate the physical, psychological and social recovery of VoTs (see text box below).

Extract from the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons

Article 6:

3. *Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:*
 - (a) *Appropriate housing;*
 - (b) *Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;*
 - (c) *Medical, psychological and material assistance; and*
 - (d) *Employment, educational and training opportunities.*
4. *Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.*

Law enforcement officers should always assess the immediate needs of victims during the initial screening process to ensure that any urgent support is provided. The procedures set out in the NRM should be followed. An individualized care plan should be developed to determine the short-, medium- and long-term assistance that may be required. The extent of the direct assistance available to victims will differ between countries based on national legislation, policy, funding availability, and NGO and social service capacities. To facilitate the provision of the appropriate care, law enforcement officers will need to liaise with a range of relevant government stakeholders. Such engagement will depend on the nature of the support required, with stakeholders including medical professionals, counsellors, social workers and educators. Trafficked persons should give their informed consent to receive support services. However, this may be waived in cases where victims' safety is at risk and they do not have the capacity to provide consent at the time.⁴² Ensuring that victims give consent throughout the reintegration process is not only a right to be upheld but will also enable them to regain self-autonomy.

⁴¹ C. Zimmerman et al., *The Health Risks and Consequences of Trafficking in Women and Adolescents: Findings from a European Study* (London, London School of Hygiene and Tropical Medicine, 2003), p. 23.

⁴² IOM, *The IOM Handbook on Direct Assistance for Victims of Trafficking* (Geneva, 2007), Chapter 3. Available from http://publications.iom.int/system/files/pdf/iom_handbook_assistance.pdf

Activity 5.1: Determining the Needs of Victims of Trafficking (Case Study – Petrolandian Migrants C)

Objective: To identify the needs of VoTs

Duration: 10 minutes

Materials needed: Printed copies of “Case Study: Petrolandian Migrants C”; printed copies of the Participant Instruction Sheet

Instructions:

1. Ask the participants to work in small groups and review the details of “Case Study – Petrolandian Migrants C” (Annex V). Participants should use 15 minutes to review the case study and respond to the questions below:
 - a. Who may be facing risks in terms of safety and security?
 - b. What are the risks?
 - c. What is the source of the risk?
 - d. What events could increase the risk level?
 - e. Taking into consideration provisions for victim assistance and protection in your national legislation, what steps should now be taken to address the following:
 - i. Protecting those at risk;
 - ii. Offences committed by the victims that might be disclosed during the interview;
 - iii. Well-being of the victims;
 - iv. Steps that should be taken before non-national victims who want to return home can be repatriated?

Referrals⁴³

Sufficient reintegration of trafficking survivors requires a comprehensive coordinated approach between numerous government agencies and NGOs. As a result, many countries have developed an NRM to ensure victims receive the appropriate support and that their rights are upheld. An NRM outlines the specific roles and responsibilities of key stakeholders. NRMs also ensure that victims are referred to relevant support services based on their needs. To implement a more formal structure, some countries develop memoranda of understanding between government agencies and NGOs. It is important for NGOs to be part of the NRM structure as they are often able to fill gaps in services that government agencies cannot provide. When a VoT is a non-national who decides to return home, international referrals will need to be made to counterparts within the victim's country of origin.

Note to facilitator: Provide the participants with information regarding the NRM of the country where the training is being held.

⁴³ Adapted from: T. Kröger, J. Malkoc and B.H. Uhl, *National Referral Mechanisms – Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook* (Warsaw, Organization for Security and Co-operation in Europe (OSCE) and Office for Democratic Institutions and Human Rights (ODIHR), 2004).

5.5. The Role of Criminal Justice Practitioners

This session focuses on the role of criminal justice practitioners in investigation and court proceedings. Law enforcement officers do also have a role in the prevention of TiP through awareness-raising activities and intercepting attempted offences. Law enforcement officers play a critical role in terms of identifying and screening victims.

Coordination between Law Enforcement and Prosecutors

Successful management of trafficking cases requires coordination between various criminal justice practitioners. This coordination should not solely focus on securing a conviction but also on maintaining the victim's well-being. It is important for law enforcement officers to inform the Office of the Director of Public Prosecution about the case at the outset of their investigations. This will ensure that the appropriate investigative actions are taken to help increase the chances of the case going to trial and evidence being strong enough to secure a conviction.

Steps for Effective Case Management

The steps below outline the role of law enforcement and prosecutors in relation to investigation and prosecution of cases.

1. Law enforcement should protect victims' well-being by liaising with the key stakeholders such as medical practitioners, clinical psychologists, immigration officials, social services providers and victim support providers (if available). This step includes actions to:
 - a. Access direct assistance services such as counseling, shelter and medical assistance by making necessary referrals;
 - b. Work closely with immigration officials to ensure regularization of immigration status for victims who are non-nationals; regularization enables the victim to stay in the country pending trials;
 - c. Conduct a risk assessment and make arrangements for appropriate victim protection measures;
 - d. In the case of Trinidad and Tobago, prepare submissions in respect of Criminal Injuries Compensation Act.
2. Law enforcement should institute and undertake criminal proceedings by:
 - a. Providing an evidential basis for each charge;
 - b. Checking for omissions to charge;
 - c. Regularizing procedural documents (e.g. medical forms, search warrants, forensic forms, caution states and interview documents);
 - d. Ensuring all exhibits are preserved in such a way to maintain their integrity at the time of trial.
3. Prosecutors should inform law enforcement during the early stages of investigation and let them know of the possible charges. Information should be provided on:
 - a. Deficiency in the evidential basis for trial requiring enhancement through further investigation;
 - b. Additional charges which could be proffered;
 - c. Procedural documents to be regularized with advice given of the correct procedures;
 - d. The best ways to maintain the integrity of identified exhibits.

Activity 5.2: Case Study and Discussion (Case Study: Petrolandian Migrants A–C)

Objective: To identify and respond to the needs of a VoT

Duration: 30 minutes

Materials needed: Printed copies of “Case Study: Petrolandian Migrants A–C”; printed copies of the Participants’ Instruction Sheet

Instructions:

1. Ask the participants to work in small groups and review the case studies on Petrolandian migrants A, B and C.
2. Have them answer the questions below in groups:
 - a. What are the possible needs (immediate/medium- and long-term needs) of the victims?
 - b. Who is responsible for responding to these needs?
 - c. What kind of evidence would assist in this case?
 - d. Who are possible witnesses?
3. Let the participants provide feedback in a plenary discussion.

Preparation and Presentation of Cases in the Court of Law

There are three phases to preparing and presenting TiP cases in the court of law:

1. Phase 1: Pre-trial proceedings

This phase includes conducting pre-trial conferences, interviews of witnesses and examination of exhibits to determine trial strategy. At pre-trial conferences, the central issues in the case including possible defences and witnesses to be called are discussed. Victim-witnesses should also be fully informed of what to expect during court proceedings and provided with additional counselling support in anticipation.

2. Phase 2: Pre-trial proceedings

The second phase involves ensuring attendance or availability of witnesses to be called, collating legal authorities to support submissions on law, preparing responses to no case submissions and preparing a closing address before the commencement of the case.

Note to facilitator: Advise the participants that it is necessary for prosecutors to prepare a closing address before the commencement of a case to develop case theory and to ensure that the evidence is consistent with the closing address.

3. Phase 3: Post-trial proceedings

Prepare submissions in respect of restitution (e.g. expenses for psychological support). Provided that the jurisdiction makes provisions in law for restitution, prepare submissions in respect of restitution by analysing the categories under the TiP legislation and collect information on each category (e.g. expenses for psychological support).

MODULE 6: INVESTIGATION

6.1. Types and Sources of Intelligence

Obtaining evidence through various intelligence sources is the key to any successful TiP investigation. Tactical and strategic intelligence should both be utilized to implement an effective approach to combating TiP.⁴⁴ However, tactical intelligence is the approach mainly used during the investigative process for TiP cases. This type of intelligence focuses on the gathering of information on the specific activities of criminals/criminal groups.

Note to facilitator: Remind the participants that each jurisdiction has specific legislation regarding how sources of intelligence, how evidence should be gathered and what is admissible. Advise the participants that special attention should therefore be paid to this.

Intelligence can be obtained through technical means and humans:

- **Technical means:** Gathering of intelligence can be done through electronic surveillance such as wiretapping, videographing, open source and so forth.
- **Humans:** Intelligence can be sourced through direct contact with human associates of specific criminal groups and individuals.

Open-Source, Closed-Source and Classified Information

Information obtained from intelligence can be further classified into open, closed and classified:

- **Open-source information** refers to information that is publicly or internally available within a law enforcement agency. Sources of this information include public discourse on social media, newspaper advertisements, databases, as well as internal information such as police reports, witness statements, interviews and so forth.
- **Closed-source information** is collected for a specific purpose. Access to closed-source information is not available to all and the distribution of this information is limited.
- **Classified information** is acquired through covert methods such as the use of undercover operatives and wiretapping.

Types and Sources of Evidence⁴⁵

Evidence is defined as the availability of facts or information to confirm or deny an allegation or an event. Types of evidence are primary/real, secondary, hearsay and circumstantial.

- **Primary evidence:** This is an original document or item that proves the greatest certainty of the fact in question.
- **Secondary evidence:** This is documentary evidence that proves existence of unavailable primary evidence.
- **Hearsay evidence:** This is an out-of-court statement, which is offered in court to prove truth of that statement.
- **Circumstantial evidence:** This evidence relies on inference that an act has been committed, such as forensic evidence provided by an expert witness or a witness stating that he/she frequently observes a large number of different men visiting a house occupied by young women.

It is important for law enforcement officers to be familiar with their respective countries' rules or laws on admissibility of evidence and other relevant legislation.⁴⁶ This will provide further details on witness competency and evidence admissibility requirements. Table 7 indicates the kinds of evidence, sources of evidence and admissibility requirements.

⁴⁴ For other forms of intelligence see: UNODC, *Toolkit to Combat Trafficking in Persons: Global Programme against Trafficking in Human Beings* (UNODC, Vienna; United Nations, New York, 2008).

⁴⁵ Adapted from: *Manual on Law Enforcement and Prosecution of Trafficking in Persons Cases* (Philippines Inter-Agency Council Against Trafficking (IACAT), Manila; and United States Agency for International Development (USAID), Washington, D.C., n.d.).

⁴⁶ A weblink to the Evidence Act for your country can be found in Annex IX. It is recommended that this reviewed prior to conducting the training session. Special reference to this legislation should also be made during the training.

Table 7: Types and Sources of Evidence and the Conditions for Admissibility in Court

Kind	Evidence and/or Source	Admissibility
<p>Testimony or deposition of person with personal knowledge of facts to be proven (primary evidence)</p>	<ul style="list-style-type: none"> • Victims/Survivors • Families, friends, associates, neighbours and so forth • Arresting officers • Medical professionals who examined the victim • Social workers, counsellors, or psychologists providing services or assistance to the victims 	<p>Witnesses must be competent, able to perceived and capable of making their experience known, in line with existing legislation regarding privilege or mandatory reporting</p>
<p>Documentary evidence (secondary evidence)</p>	<ul style="list-style-type: none"> • Sworn statements and/or affidavits of victims/ complainants, arresting officers, families, friends and other persons who have personal knowledge • Birth certificates, school and/or employment records, driver’s licences, or any identification to establish the identities and ages of victims • Documentation relating to the recruitment process, such as copies of advertising, application letters, contracts, appointment books and so forth • Documentation of payments made by the victims to the traffickers, such as daily payment books, handwritten lists of payments, cash vouchers, money transfer forms and so forth • Documentation of financial transactions of any description, irrespective of how small the amounts • Documentation relating to identification and travel, such as birth certificates, passports, tickets, boarding cards and so forth • Documentation relating to the issuance of passports and visas, including overseas employment contracts, sponsorship letters and so forth • Documentation of daily management of the illegal business such as daily worksheets, payment schedules, sexual services “menus”, price lists and so forth • Books of accounts, business records, and other similar documentation of the employment, recruitment, promotion agency, business establishment and so forth • Documentation relating to the renting or leasing of the premises or business establishment and other links to other addresses or locations • Case reports including surveillance reports, spot reports, initial reports, progress reports, police blotters and pre-/post-operation reports • Text messages on mobile phones • Referrals or transmittals • Medical, psychological, psychiatric and dental examination reports • Receipt of payment and laboratory reports on marked money used for entrapment operations 	<p>Best evidence rule⁴⁷</p>

⁴⁷ The original document or object must be used in court unless it has been lost or destroyed.

Table 7: Types and Sources of Evidence and the Conditions for Admissibility in Court

Kind	Evidence and/or Source	Admissibility
Object evidence (real evidence)	<ul style="list-style-type: none"> • Scene of the crime through an ocular inspection • Vehicles used to transport victims • Money, credit cards and check books • Photographs, tape recordings and videotapes • DNA • Fingerprints, foot prints and palm prints • Maps, sketches and diagrams • Personal appearances of persons • Any objects relating to the provision of prostitution, pornography and other exploitative purposes such as costumes, sex aids, pornographic materials, contraceptives, medication for sexually transmitted infections, and so forth • Information technology equipment such as computers, mobile phones, fax machines, personal organizers and so forth • Experiments and demonstrations 	<ul style="list-style-type: none"> • Authenticated and shown that the object offered as evidence is the same object involved in the underlying event • Chain of custody is established
Hearsay evidence	<ul style="list-style-type: none"> • Third-party information 	Hearsay evidence rule exceptions based on national legislation
Circumstantial	<ul style="list-style-type: none"> • Evidence that relies on inference that an act has been committed, such as witnesses stating that they frequently observe a large number of different men visiting a house occupied by young women 	

Note: For additional reading, see: UNODC, *Evidential Issues in Trafficking in Persons Cases: Case Digest* (Vienna 2017). Please also refer to your country's TiP act. A list can be found in Annex IX.

6.2. Investigation Approaches

There are three types of investigation approaches used by law enforcement officers: proactive, reactive and disruptive. Each approach can successfully lead to victims being identified and protected and assisted.

- **Reactive:** This is a victim-led approach, which is reliant on victim testimony. It consistently utilizes standard police criminal investigation methods, such as corroboration, identification parade, photo array identification and so forth.
- **Proactive:** This is an intelligence-generated or police-led approach. The proactive approach does not depend solely on the victim's testimony or cooperation; rather, it relies on utilizing a combination of tools to collect evidence and build circumstances to aid prosecution. Selected sources of intelligence highlighted in the previous session are obtained from this approach.
- **Disruptive:** This is a multi-agency alternative option which is generally used in the process of stopping illegal activities of trafficking breached. It is influenced by the initial risk assessment and is aimed at ensuring victims are distinguished from criminals and rescued.

Note to facilitator: Share with the participants that a disruptive approach may be achieved or used as a result of either a reactive or a proactive approach.

Dual Investigation Approach

Although trafficking cases are more easily prosecuted when victims cooperate with law enforcement, cooperation is generally limited in TiP in comparison with the cooperation of victims of other crimes, for a variety of reasons, including the traumatic experience of trafficking, which often renders victims untrusting, incapable or unwilling to be involved, especially in the short term. It is therefore important to build a case through a proactive approach to find different sources of compelling evidence other than relying heavily on witness testimony/statements. Due to the nature of the crime, trauma experienced and fear of reprisals from traffickers, there are many cases where victims who previously cooperated with authorities decide to renege on assisting with investigative and prosecutorial efforts (see Module 5 for information on victim protection). One lesson learned is that the better the support system, protection and assistance provided to victims, the more likely they are to participate with law enforcement efforts.

In cases where victims start and continue to assist law enforcement, it is imperative that their accounts of events are corroborated with evidence. This means merging the reactive and proactive approaches to ensure the best possible outcome and reduce the ability of the defence to discredit the victim-witness.⁴⁸

Note to facilitator: Share with the participants that due to the complexity of investigating trafficking cases, many countries have established special anti-TiP units within their law enforcement agencies. Further, let them know that in circumstances where such a unit does not exist, it is important that police officers assigned to handle TiP cases have the appropriate training.

⁴⁸ P. Holmes, *Manual for Law Enforcement Officers on Detection and Investigation of Trafficking-related Crimes* (Kyiv, IOM, 2009), Chapter 4.

6.3. Evidence-gathering

To build a strong TiP case for prosecution, the evidence must be obtained in accordance with national law and the relevant chain of custody procedures should be followed to ensure admissibility within court. When collecting evidence during a TiP case investigation, the information below should be considered:

- **Understanding legal requirements:** Evidence gathered should be relevant to the elements needed to prove the crime. In any criminal investigation, liability must be proven by determining both the *actus reus* (guilty act) and the *mens rea* (guilty mind) of the suspect. To specifically prove the criminal offence of TiP, the elements related to the act, means and purpose of exploitation should be ascertained by gathering various sources of evidence.
- **Search warrants:** These can be issued by a judge, magistrate or justice of the peace once there is a reasonable ground to suspect that a crime has been committed or is about to be committed. Search warrants enable the police to obtain various sources of evidence which may include: records of financial transactions, IT equipment, identification documents, documentation relevant to the management of the illegal business (e.g. daily worksheets, payment schedules, price lists) and so forth. The strategic use of the search warrant is likely to significantly assist with evidence-gathering efforts.
- **Interviewing victims:** The appropriate interviewing method should be followed (see Module 4) with interviews being held in a suitable location and recorded in accordance with relevant guidelines.
- **Statement recording:** The statement should outline in a sequential order the events that occurred and must be signed by the witness.
- **Processing of the crime scene:** A thorough process is needed to gather all the relevant evidence to prosecute trafficking cases. This includes articles left behind by victims and suspects, documents, fingerprints and DNA opportunities.

Evidence to Be Gathered

Evidence gathered should focus on establishing the act, means and purpose of exploitation as outlined below.

Table 8: Means by and Purpose for which the Act of Trafficking in Persons Is Done

Act	Means	Purpose/Exploitation
Method of recruitment, transportation, transfer, harbouring or receipt of the victim/s	Threats or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or 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	Including but not limited to prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or similar practices, servitude, or the removal of organs

Abuse of Power or a Position of Vulnerability

Article 3 of the United Nations TiP Protocol defines TiP as constituting three elements: an act, a means and a purpose. The means of a TiP act is the “*threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, and the giving or receiving of payments or benefits to achieve consent of a person having control over another person*”. The abuse of power⁴⁹ or a position of vulnerability (APoV)⁵⁰ is therefore accepted as an integral part of the definition of trafficking and though international law does not define APoV, the UNODC confirms that APoV is to be understood as referring to “**any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved**”.⁵¹

⁴⁹ Legislation on corruption prevention in your country covers the issue of abuse of power in relation to acts committed by government officials. A web link to the Corruption Prevention Act for your country can be found in Annex IX. It is recommended that this be reviewed prior to conducting the training session.

⁵⁰ APoV, while an integral definition of TiP is not defined in most national legislations. The Belize TiP Act offers a definition, however, in practice this is left up to the interpretation of the presiding judge and so the prosecutor is responsible providing the relevant evidence and arguments to prove this mean (element of the definition).

⁵¹ UNODC, *Abuse of a Position of Vulnerability and Other “Means” within the Definition of Trafficking in Persons*, Issue paper (Vienna, UNODC; New York, United Nations, 2013).

APoV is likely the most difficult means to prove in a court of law. Prosecutors, with the support of law enforcement officers, must first establish vulnerability of the victim and that this vulnerability was abused. Vulnerability must therefore be addressed at the individual and not the group level, taking into account the victim's reality both prior to and during the trafficking process. This must be assessed at both the personal and situational levels. Situational vulnerability may relate to a person being irregular in a foreign country in which he/she is socially or linguistically isolated. Circumstantial vulnerability may relate to a person's unemployment or economic destitution.⁵² This vulnerability is considered to be abused, when it used to *recruit, transport, harbour or received for the purpose of exploitation*. This means therefore that due to the specific vulnerabilities of the victims, they believe that they have no option but to submit to the will of the traffickers. The investigators are therefore tasked with:

- a) Establishing the vulnerability (situational and/or personal) of the victim, which could have existed prior to the trafficking process or created by the trafficker (post recruitment/transfer, etc.); and
- b) Establishing that the trafficker was aware of these vulnerabilities and used them to exploit the victim.

Evidence for APoV is often less tangible than the other means utilized by traffickers. Investigators may need to utilize expert witnesses (e.g. psychologists, social workers and the like) or others with knowledge of the victim's situational and/or circumstantial vulnerability. Additionally, if the victim was trafficked across international borders, cross-border cooperation should be utilized to ensure that appropriate evidence is identified and made available for use by the prosecutor.

Achilles Heel Rule

Due to the commercial nature of TiP, certain evidence can be obtained through the components related to:

- Advertising, which is part of the recruitment or exploitation process;
- Renting of premises, such as safe houses, brothels, sweatshops, factories and so forth;
- Transportation, which involves obtaining identity and travel documents and arranging transit;
- Communication, which is used in organizing the recruitment and exploitation; and
- Financial transactions, which are applicable to all elements of TiP related to the act, the means and the purpose/exploitation.⁵³

The abovementioned commercial components are known as traffickers' "Achilles heel" because they provide an opportunity for investigators to gather crucial evidence.⁵⁴

6.4. International Cooperation and Joint Investigation Teams

International cooperation is an essential factor in combating TiP offences that involve cross-border activities. States should work together to prevent, investigate, prosecute, adjudicate and punish TiP offenders. The relevant overarching international legal framework is outlined in the UNTOC and its supplementary TiP Protocol (2000).

United Nations Convention against Transnational Organized Crime

The UNTOC establishes the relevant international legal framework for international cooperation regarding transnational organized crime. Article 1 of the UNTOC stipulates that the Convention's purpose "is to promote cooperation to prevent and combat transnational organized crime more effectively".⁵⁵ The Convention applies to the prevention, investigation and prosecution of serious crime as well as offences related to criminalization of participation in an organized criminal group, the laundering of proceeds of crime, corruption and obstruction of justice.⁵⁶ Provisions are linked to international cooperation for the purposes of confiscation (Article 13); jurisdiction (Article 15); extradition (Article 16); transfer of sentenced persons (Article 17); mutual legal assistance (Article 18); joint investigations (Article 19); special investigative techniques (Article 20); transfer of criminal proceedings (Article 21); establishment of criminal record (Article 22); law enforcement cooperation (Article 27); and collection, exchange and analysis of information on the nature of organized crime (Article 28). States Parties to the UNTOC are obligated to cooperate on these issues.⁵⁷

⁵² UNODC, "Guidance Note on 'abuse of a position of vulnerability' as a means of trafficking in persons in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime". Available from https://www.unodc.org/documents/human-trafficking/2012/UNODC_2012_Guidance_Note_-_Abuse_of_of_Vulnerability_E.pdf

⁵³ UNODC, *Toolkit to Combat Trafficking in Persons: Global Programme against Trafficking in Human Beings* (UNODC, Vienna; United Nations, New York, 2008), Tool 5.

⁵⁴ UNODC, *Assistance for the Implementation of the ECOWAS Plan of Action against Trafficking in Persons: Training Manual* (UNODC, Vienna; United Nations, New York, 2006), Section 4.

⁵⁵ Article 1, United Nations Convention Against Transnational Organized Crime (2000).

⁵⁶ Article 3, subsections 1a and 1b, UNTOC (2000).

⁵⁷ P. David et al., *ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases* (Jakarta, ASEAN, 2010).

Mutual Legal Assistance

The UNTOC can be utilized for investigating TiP cases by requesting mutual legal assistance which covers several purposes including the taking of evidence, effecting service of judicial documents, execution of searches, identification of the proceeds of crime, production of information and documentation.⁵⁸ Law enforcement officers will usually be required to follow certain procedures to make such requests.⁵⁹ These requests will need to be coordinated with the government ministry responsible for foreign affairs/external affairs or other competent authorities.

Note to facilitator: A checklist for mutual legal assistance requests is provided in the *Assistance for the Implementation of the ECOWAS Plan of Action against Trafficking in Persons: Training Manual (2006)*.⁶⁰

Joint Investigations

Article 19 of the UNTOC indicates that participating States should consider implementing bilateral or multilateral agreements/arrangements for conducting joint investigations when necessary and may set up joint investigation bodies.⁶¹ However, “in the absence of such agreements or arrangements, joint investigations may be undertaken by agreement on a case-by-case basis.”⁶² The specific factors of the case will determine in which jurisdiction prosecution will take place. Joint investigations in TiP cases can be beneficial for the following reasons:⁶³

- The crime is often committed in more than one location. VoTs are often recruited in their countries of origin by transnational networks.
- Joint operations allow for the collection of evidence in each of the jurisdictions involved in the crime.
- Traffickers tend to conceal their activities more carefully in the country of destination than in the home country. This presents opportunities for law enforcement in the country of origin to gather evidence related to the recruitment and transportation of victims. Once evidence is collected, this will greatly assist in the investigative and prosecutorial efforts in the country of destination.

United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

The UNTiP Protocol also sets out provisions for areas of international cooperation between law enforcement: (a) information exchange in Article 10; (b) border measures in Article 11; and (c) repatriation of victims in Article 8. The relevant provisions are outlined below:⁶⁴

- Article 10: Information exchange and training
 1. Law enforcement, immigration or other relevant authorities of States Parties shall, as appropriate, cooperate with one another by exchanging information, in accordance with their domestic law, to enable them to determine:
 - (a) Whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons;
 - (b) The types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons; and
 - (c) The means and methods used by organized criminal groups for the purpose of trafficking persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them.
- Article 11: Border measures
 6. Without prejudice to [A]rticle 27 of the Convention, States Parties shall consider strengthening cooperation among border control agencies by, inter alia, establishing and maintaining direct channels of communication.

⁵⁸ Article 18, subsection 3, UNTOC.

⁵⁹ G. Vaz Cabral, *International Framework for Action to Implement the Trafficking in Persons Protocol* (Vienna, UNODC, 2009).

⁶⁰ The manual is retrievable at www.unodc.org/documents/human-trafficking/ecowas_training_manual_2006.pdf (see page 95).

⁶¹ Article 19, UNTOC.

⁶² Ibid.

⁶³ UNODC, *Toolkit to Combat Trafficking in Persons: Global Programme against Trafficking in Human Beings* (UNODC, Vienna; United Nations, New York, 2008), Chapter 5.

⁶⁴ Article provisions are as outlined in the UNTiP Protocol.

- Article 8: Repatriation of victims of trafficking in persons
 1. *The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.*
 2. *When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.*
 3. *At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.*
 4. *In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.*

Note to facilitator: In relation to Article 8, remind the participants of the importance of conducting risk assessments in coordination with the country of origin prior to the VoT's return.

Informal Police-to-Police Cooperation⁶⁵

The abovementioned international legal framework in relation to mutual legal assistance under UNTOC is likely to require time-consuming processes. It is therefore sometimes necessary for an informal approach to be taken through police-to-police cooperation between States in relation to information exchange and intelligence. Informal cooperation is a beneficial mechanism that can be utilized prior to starting an official/formal investigation and judicial proceedings.⁶⁶ This approach provides more flexibility and allows for requests to be handled more expeditiously. Informal cooperation of this nature can be facilitated through contacts such as INTERPOL, the European Union Agency for Law Enforcement Cooperation (Europol) and local crime liaison officers. Requests can also be made under any relevant memorandums of understanding between States as well as any regional arrangements.

⁶⁵ This section is based on the UNODC Assistance for the Implementation of the ECOWAS Plan of Action against Trafficking in Persons: Training Manual (Vienna, UNODC; New York, United Nations, 2006).

⁶⁶ P. David et al., ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases (Jakarta, ASEAN, 2010).

Corruption⁶⁷

Corruption can be defined as using one's office for personal gain by engaging or failing to engage in activities or practices that are conducive to good governance.

Law enforcement officers and other related agency personnel can be involved in corrupt activities because of the lucrative nature of TIP. These activities may manifest themselves as offences under specific legislation. Offences may include bribery, tipping-off, conspiracy, evidence-tampering, collusion, and money-laundering. Upon conviction various penalties can be imposed, these may include but are not limited to a fine, imprisonment, property forfeiture, future disqualification of holding any public office and forfeiture of the right to claim a pension.

Issues Arising from Corruption

- Case being compromised and not being brought before the judicial system;
- Victim-witness tampering;
- Threat to life;
- Lack of trust or inability to build a rapport with victim-witness;
- Criminal network continues to prosper; emphatic tone.
- Tarnishes the reputation of the country;
- Compromises integrity of law enforcement officers;
- Lack of reporting due to perceived flaws in justice system;
- Creation of a culture of public mistrust.

It is important to maintain high-quality performance teams to ensure effective management of cases, identification of victims and protection of victims. In order to prevent law enforcement officers from engaging in corrupt practices, several countries have implemented measures to minimize corruption; some of these are listed below:

- Regular training to ensure officers are kept aware of their legitimate functions and ethical issues;
- Rotation of personnel every three to five years to prevent complacency, familiarity, and conflict of interest or other unacceptable practices;
- Putting up a mechanism for relevant tests to be conducted to ensure the integrity of the officers, including but not limited to psychometric testing; personnel to be reminded of organizational policies or procedures;
- Frequent case management review;
- Stiff legislative penalties;
- Case data shared on a need-to-know basis – only officers directly handling the case should have access to detailed information; reports shared with colleagues outside of the investigative team should use aliases for victims and not disclose the locations where victims were identified;
- Limited or minimized use of electronic communications – such as email, instant messaging, file-sharing platforms and the like – to send data, as these forms of communication may be hacked;
- Regulated reproduction of video and photo evidence.

⁶⁷ Each country has national legislation that speaks to penalties and or consequences of corruption. Kindly refer to Annex IX where a web link for your national Corruption Prevention Act can be found and reviewed. Kindly ensure that these consequences are highlighted during the presentation.

**Activity 6.1: Case Study and Discussion on Investigation of Trafficking in Persons
(Case Study: Petrolandian Migrants D1–D7)**

Objective: To identify investigation techniques and charges suitable for TiP cases

Duration: 45 minutes

Materials needed: Printed copies of “Case Study: Petrolandian Migrants A”; printed copies of the Participant Instruction Sheet; printed copies of the Charge Sheet (see Annex VIII)

Instructions:

1. Ask the participants to work in small groups and review the additional information provided in the case studies on Petrolandian migrants D1–D7 (Annex VI).
2. Assign each group an account of victim/witness. Make sure that each group has a different victim/witness account. Let them answer the following questions:
 - a. What investigative actions would you consider to take the investigation forward?
 - b. What steps would you take in order to corroborate the accounts provided by the victims during their interviews?
 - c. What evidence do you have or will you need to prove each element of the definition of trafficking in persons?
3. Have the participants complete the charge sheet (Annex VIII). Let them indicate the persons to be charged, detailing the offence, the witnesses and the related evidence that has been collected. Mention briefly how these factors will support/ provide proof for the specific elements of each offence.

MODULE 7: COURT PROCEEDINGS

7.1. Court Tips

In many instances, the court's decision to convict or acquit an accused rests with the eyewitness testimony. Empirical data has shown that the way in which the police conduct interviews with eyewitnesses has a great impact on the accuracy of their testimony. Therefore, investigators should pay attention to details in order to get the best results possible before the court.

Preparing Evidence

Law enforcement officers are to be reminded of the importance of assembling and securing the best evidence when preparing to go to court with human trafficking cases. Prior to moving forward with the case, bear in mind the following:

- Liaise with prosecutors before the interview of the victims to get a clear idea of all that may be required. This is important because sometimes too many subsequent statements may open the victim up to allegations of fabrication. It may also lend itself to re-traumatization of the victim. Law enforcement officers should therefore consult with prosecution at the earliest possible time and constant communication and consultation should be the norm.
- Devices should be retrieved in a timely manner, as the information contained therein may be deleted due to the perpetrator's perception that the police may be on their trail.
- When preparing to go before the tribunal, great care should be taken to ensure that the "evidence" is properly and legally obtained. The best way to secure a conviction is to follow procedures, which lends to the integrity of the officer and the case. When procedures are not followed, it increases the likelihood of an acquittal.
- Civilians' devices may come in handy. Pay attention to camera recordings of persons who may have evidence without knowing it.

Preparing Victims and Witnesses

While preparing victims and witnesses for trials, it is important that:

- Law enforcers check on the readiness of the victims.
- Law enforcers determine what special measures are necessary to reduce the trauma of testifying.
- Prior to the trial, law enforcers have the victims/witnesses visit the courtroom to allow for acclimatization. Visiting and seeing the physical space can assist with preparing them mentally.
- Law enforcers explain the trial process carefully to the victims/witnesses, ensuring that they fully comprehend what to expect and how things work in a court of law.
- Law enforcers ensure that safety measures are considered, relevant protocols are followed and appropriate safety measures are in place during trial.

Activity 7.1: Discussion

Objective: To identify key case details beneficial to prosecutors when developing their trial strategies

Duration: 20 minutes

Materials needed: None

Instructions:

1. Lead discussion on the topic of court proceedings within localities, starting with the questions below, which are based on information provided in the case studies reviewed throughout the training. You may add questions as the discussion progresses.
 - a. What information about the case and the witnesses not contained in the file do you believe is necessary for the prosecutor to be made aware of?
 - b. Why is this important?

Tips for Law Enforcement Officers

- Do not rush the charge.
- Trial is a battle—there are two competing versions of reality. Evidence should always coincide with version of reality expressed.
- Always maintain your credibility.
- When giving evidence, everything is important. This includes your tone of voice as well as your demeanor.
- Ensure that from the collection of the exhibits to their presentation in court, every step is accounted for and documented.
- Always speak to the prosecutor before trial in order to get their input on all issues. Point out deficiencies/challenges and gaps within the case to the prosecutors.
- Be prepared to explain why there are gaps and/or omissions in your case.
- Do not be afraid to indicate that you do not understand the question or to ask to have the question repeated. Think before you speak, as this allows you to formulate a coherent response and also allows counsel to formulate objections if necessary.
- Know your case; know your evidence and how it is linked to the rest of the case.
- Testifying is not a test of memory. Do not be afraid to refer to documents when testifying.
- Do not argue with the defence counsel in court while being cross examined.
- Minimize interaction with the accused and their families, as well as with the relatives and friends of the accused. Sometimes cases take a long time before they are tried. When law enforcement officers appear to be friendly with the accused, this leads itself to mistrust in the eyes of the victim.

CONCLUSION

The final session of the training (closure) should include an evaluation. During closure, the facilitator should make efforts to summarize the key points of the training. Based on participants' responses during the different activities that form a part of the sessions, the facilitator should be able to identify learning points that may need to be reviewed during closure. Once this has been completed, a formal evaluation should be conducted. The aim of this evaluation is not only to assess the extent to which the objectives were achieved but also to identify the appropriateness of the tools utilized during the session as well as the pertinence of the training to the participants' learning needs.

Use of close and open-ended questions are recommended, depending on the session as well as the overall aim of the evaluation. IOM has prepared a training evaluation that should be used during closure (see Annex X). The facilitators should adapt this evaluation according to the objectives and length of the session being conducted.

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ANNEXES

I. List of Human Rights

1. The right to freedom
2. The right not to be discriminated against
3. The right to a life of security
4. The right not to be enslaved
5. The right not to be tortured
6. The right to be recognized as a person
7. The right to equality before the law
8. The right not to be abused
9. The right to fair treatment
10. The right to an impartial trial
11. The right to a just punishment
12. The right to be honoured and respected
13. The right to move about freely
14. The right to asylum in other countries
15. The right to a nationality
16. The right to marriage and a family
17. The right to own property
18. The right to freedom of thought
19. The right to freedom of expression
20. The right to peaceful meetings
21. The right to co-determination
22. The right to human dignity
23. The right to work
24. The right to rest and recreation
25. The right to an adequate living standard
26. The right to an education
27. The right to a cultural life
28. The right to a surrounding world
29. The right to do one's duty
30. The right to human right

II. Select Human Rights

Rights: dignity, respect, non-discrimination, equality and equity, participation, non-violence, confidentiality

Residence: house, apartment, room

Future plans: career, children, schooling, marriage, travel

Financial security: job or employment, bank account balance, savings, investments

Loved ones: spouse, child, parent, sibling, best friend, partner

Freedom: ability to move around as desired

Favourite activity: dancing, sports, video arcade, art, music, pet

Interdependence: community support and acceptance, neighbours, family ties, friendships, social standing

Social life: relationship to lovers, friends, neighbours, co-workers, family

Note: Originally developed by CQA (Caribbean) Ltd. MNS HIV/AIDS Sensitisation Training (2012). Edited and designed by the Ministry of National Security HIV and AIDS Coordinating Unit (2014).



III. Case Study: Petrolandian Migrants A

Initial Background Details

Recently, due to social, political and economic issues in Petroland, several Caribbean countries have had to deal with an influx of Petrolandian migrants. While some have arrived through legal ports using legal documents, the immigration officials in country A have been on high alert as they have identified several nationals from Petroland that appear to have been smuggled in, as there is no record of their entry into the country.

In March 2018, immigration officials were alerted to the possibility of Petrolandians living in a house in Kingstown that is reputedly a massage parlour. It is also rumoured that the clientele, which happens to be exclusive, are offered several additional services. The head of the immigration department has contacted the Investigation Division at the police force in Country A for their intervention.

A team from the Investigation Division conducted a stakeout of the premises from 11 to 23 of March 2018 and noticed that the visitors were all male; on one or two occasions the male visitors were accompanied by a young female companion. They had an undercover female officer attempt to gain entrance, but she was told that this was a club and only members and their guests could gain entrance. The man at the door was about 6 feet and 5 inches tall and had the build of a line backer. While he was pleasant, he ensured that she could not see inside and while he was smiling he appeared to be slightly threatening. She asked for membership documents and was told that this was a male exclusive club.

The man at the door appears to live there and is called Blocker by guests. He takes up his position at the door at 6 p.m. in each evening. He left the premises twice during the stakeout. On Wednesday, 14 March, he left the premises at 7:05 a.m. and returned to the premises at 10 p.m. that night. Similarly, he left the house at 8 a.m. the following Wednesday (21 March) and did not return until 10:24 p.m. On these two days, there were no visitors.

Two women arrive each morning at 10 a.m. and leave at midnight. They appear to take a bus in the morning and are picked up by a black darkly tinted Toyota Hiace minivan (with licence plate number KL8761) each night. A third woman arrives at 6 a.m. each day and leaves at 4 p.m. This woman drives a red 2018 BMW i8 coupe (with licence plate number KL8762). Checks with the motor vehicle registration and licensing agency reveal that it is registered to Reginal Maile, who also owns the house that is currently being observed. Two other vehicles are registered to Ms Maile – a black Toyota Hiace with licence plate number KL8761 and a small private jet. While it is assumed that there are other persons living at the residence during the day, the officers have seen signs of people moving around in one of the bedrooms, but no one else has left the house during the stakeout.

At 9:45 a.m. on 23 March 2018, the officers noted that a black darkly tinted Toyota Hiace minivan with licence plate number KL8761 pulled into the yard. The driver, a burly man in his mid-forties and two young Latina females exited the vehicle. The women kept looking around nervously but were quickly ushered inside. The police officers believed that this might indeed be a smuggling ring and decided to contact the immigration department the next day, so they could carry out a joint raid.



IV. Case Study: Petrolandian Migrants B

Police Brief on the Raid of Premises at 6 Golden Grove Lane, Kingstown

24 March 2018

At approximately 9 p.m., a group of eight law enforcement officers (six police and two immigration officers) raid the premises of 6 Golden Grove Lane in Kingstown in Country A. The doorman, referred to as Blocker, is escorted inside and placed in a room with two women who are believed to be other staff members. All are guarded by a police officer who sits with them in the room. They are advised that they are not allowed to speak and that if they do they will be handcuffed and taken to a police station. The other police officers search the house which consists of 11 bedrooms downstairs (one is used as an office), three bedrooms upstairs, and a large “entertainment” room with black lights and a bar. All the bedrooms downstairs including the office have an en-suite bathroom. There is a bathroom with eight showers upstairs. The following have been identified:

- Six of the 11 bedrooms downstairs are occupied. Massages are underway in two of the six. In the other four bedrooms, the occupants are found in a compromising situation.
- One of the bedrooms upstairs appears to be occupied by a single male based on clothing and cologne present in the room. A toddler boy, about two years old, is in the room alone playing on the floor with an iPad.
- One bedroom upstairs has eight bunk beds and appears to have multiple female occupants. The windows in this room are locked, have burglar bars on them and cannot be opened. The window is made of unbreakable glass panels and one cannot see through them.
- The third bedroom is closed from the outside. Inside this room, the officers find a girl who appears to be about 16 or 17 years old. She is wearing a bra and a G-string and is sitting in the room doing her make-up. She looks very afraid once the officers open the door. They ask her where she is from, but attempts to speak with her are futile as she appears not to speak English. She keeps repeating the following: “Ayudame por favor. Quiero regresar a casa. No soy prostituta.” The officers do not believe that she does not understand English, as they have seen this ploy employed before when irregular migrants are identified.
- The entertainment room upstairs is in use – the women who arrived the night before are naked and acting as waitresses, while three women and a gentleman are performing a live show. There are 15 men in the audience enjoying the show.
- None of the rooms upstairs have a phone or a phone line, and there is a deadbolt on the outside of the room with the bunk beds.
- The office downstairs has two desks, each with a laptop. There is also a fax machine, a printer/copier and a shredder.
- There is also a kitchen downstairs that appears to have been recently cleaned. A Chinese woman is found sitting in a corner crying. She looks up when the officers enter and offer her wrists to be cuffed while sobbing loudly.



V. Case Study: Petrolandian Migrants C

Report: Possible Victims of Human Trafficking

24 March 2018, 11:30 p.m.

Due to the presumed age of one of the women living in the house, one of the police officers – Inspector Michaels – has advised that this is a possible case of human trafficking. The women appear to be traumatized and are afraid of the police officers. Inspector Michaels, who is attached to the Anti-trafficking in Persons Unit within the police force, advises that it is best to treat all 15 women as presumed victims and as such they should be taken to the shelter Women's Aid, which is managed by a non-governmental organization (NGO). The shelter manager welcomes the women and advises the officers that she will need to ensure that they are okay and mentally able to withstand the interactions with prior to the police returning to carry out interviews.

The man who was participating in the live act along with Blocker; the two women thought to be staff (identified as Veronica Machata, an irregular Petrolandian national, and Beatrice Carmen, a national of Country A), the six men who were receiving massages at the time of the raid and the 15 male audience members of the live show are detained for questioning. While the raid was ongoing, other police officers simultaneously visited the homes of Regina Maile and her brother Bernard Maile who were also taken to the police station. Previous investigations have revealed that the Mailes all have dual citizenship in Country A and Petroland.

28 March 2018

Dr Morrison calls the officers at approximately 10 a.m. and advises that, by her estimation, all the women currently in her care who arrived at Women's Aid three days ago are vulnerable and in need of the State's special protection. Her evaluation is that they have all been victimized and will need continuous care and counselling in order to increase the likelihood of recovery. She reports that the two women who arrived on the night of 23 March (Lisa Diego and Alicia Moreno) are a little bit hesitant to speak to the police, as they fear that they will be prosecuted for entering the country illegally. She further advises that only nine of the women are recommended to speak with the police; however, not all nine are likely to cooperate. She reports that the other six are in an extremely vulnerable state and participating in an interview at this time might result in irreversible damage. She then provides brief accounts of the women in her care that is recommended for interviews with the police.

Lisa Diego, 24 years old, from Canne, Petroland – Lisa was recruited in Petroland to work as an entertainer “dancer” in Country A. She was advised that this was legal and that the company she would be working for would arrange for her work permit and work visa. Due to the length of time, it would take for the visa to be processed, she agreed to take a boat at night to Country A, especially because she was assured that it would be easier for her status to be regularized once she was in the country. She was also advised that it would be easier for her work permit to be processed once she arrived in Country A. Her future employees covered all the related costs for her travel. She arrived by boat in Country A on 23 March with three other women. Only one of them was taken to the house with her the night before the police raid. They were both in the room watching the live shows along with a few “clients” when the raid took place. She was told that she would not be paid until she repaid her debt in full, but, as an option, she could offer special services to clients as way to repay her debt sooner. Even though she had not yet made a decision, she was beginning to consider the second option. Lisa indicated that Alicia, her boat companion, was really annoying and was crying all night since they came as well as during the live shows.

Alicia Moreno, 20 years old, from Merida, Petroland – At a bar in Merida, Petroland, Alicia was introduced to the man who owned and operated a boat that smuggled people into Country A. She told him of her desire to go to Country A where her sister currently resided, as things were really bad financially and she was tired of struggling, being hungry and not being able to buy toiletries as the stores were always out. He told her that he could take her to Country A for a fee of USD 100 and that the next trip was the following day. She told him that she did not have the money available and that it would take her a few weeks to put the money together. He advised her that he knew of a man in Country A who loaned people the money for the trip at a small interest rate. She agreed as she was desperate to leave and did not ask any questions. Once she arrived in Country A, she and one of the other females who were on the boat were introduced to their benefactor; Bernard. She wanted to contact her sister; but Bernard advised that she would be allowed to call the next day after they worked out the payment details for her loan. They were taken from the port in a black van and ushered to a house that smelled of smoke and men who

leered at them. The next day, Bernard informed Alicia that in order to repay her loan she would be required to participate in live shows. Alicia did not know what this meant, but a woman named Victoria took her to a room to watch as part of her orientation. She was supposed to participate in the second show, but the police officers stopped that from happening. She is afraid of going to jail.

Bianca Flores, 17 years old, from Canne, Petroland – Bianca is from a large family; she is fourth in a brood of six. Her father is not in the picture and her mother is blind as a result of untreated cataracts. Bianca heard about a job as an au pair in Country A at a career fair in her school on 15 June 2017 and applied for the job. The company contacted her in January 2018 and assisted her to get a passport and a visa for Country A. She arrived in Country A via a boat on 14 February 2018 and was advised upon arrival that her job was to be an exotic masseuse and a dancer. Bianca did not want to do it, but after a few days she gave in as this was the only way she could repay her debt and return home.

Ana Rodriguez, 16 years old, from Canne, Petroland – Ana heard about the job as an au pair in Country A at a career fair in her school on 15 June 2017 and applied for the job as it would offer the opportunity to learn English as well as some independence from her parents. The company contacted her in January 2018 and offered her the job. The employer assisted her with all the relevant documentation for her travel and even covered the airfare. Ana arrived in Country A via a boat on 14 February 2018 and was advised upon arrival that her job was to be an exotic masseuse and a dancer. At first, she did not want to do the job, but she had no choice but to perform her after a few days as she was hungry, and the traffickers threatened to tell her very religious parents that she was a prostitute and had knowingly agreed to this job before leaving Canne.

Rosa Fernandez, 23 years old, homeless, from Merida, Petroland – At 16, Rosa decided to leave her hometown on her own as she was being molested by her father and her mother refused to believe her. She started working as a prostitute five months after leaving home, because she was homeless. Working as a prostitute provided her shelter at nights. After three years working as a prostitute and living on the street, she met a man named Bernard. He told her he can get her into Country A where he operated an agency that can grant her asylum status, but in return she would have to work as a prostitute for five years. All her living expenses would be taken care of, according to Bernard. At the house where she is staying, she says that she is treated well and does not have to worry about what she will eat or where she will sleep. She wishes though that she would at least get some of the money being collected for the work she does. She is extremely annoyed by the other women who complain all the time; after all, things could be much worse.

Laura Gonzalez, 21 years old, from Canne, Petroland – Laura has been in Country A for the past three years. She was smuggled into the country in January 2015 after she paid her neighbour Juan Carlos Santacruz who smuggled people into Country A. Three days after her arrival, Laura had a meetup with Bernard, whose contact information she had received from Juan Carlos. Bernard offered her a job as a waitress. The day after meeting with Bernard, Laura took a taxi to the establishment. Once there, she wanted to leave, but she was threatened with deportation and abuse from law enforcement officers. Unlike other girls at the establishment, Laura only had to dance; this, she had been told, is a favour to Juan Carlos. Soon, however, Blocker, who had taken a liking to her, raped her several times. She got pregnant and gave birth to a baby 13 months after arriving at the house. Now she is desperate to be with her child who has been kept away from her. She is only able to see her baby for 30 minutes each day and only if she participates in the live shows.

Ping Wu, 40 years old, from Beiling, Chinta – Ping, a native of Chinta, has been living in Country A for the past 10 years. She had been working as a cook in a Chintanese restaurant since arriving in Country A; however, in June 2017, the restaurant was closed down by the authorities. Her co-workers began to blame her for this as she was “too friendly” with the locals, particularly government workers. They believed that she was the one who talked too much and caused the restaurant to be closed. Since then, Ping had been having trouble finding a job in another Chintanese-owned restaurant but was happy when Damien, who used to visit every Wednesday the restaurant where she worked, told her about a job at his workplace. Upon starting her new job, she finds out that the job is not what she expected. She is not allowed to leave nor is she paid. Ping now cooks for 11 hours a day both for the girls, guests and the staff at the brothel.

Jenna Dyson, 25 years old, from San Fernando, Panland – Jenna had always dreamed of being a successful model and had done a few minor jobs for local retail stores in Panland. She was invited to a shoot in Port of Spain in December 2017 and soon after was offered an opportunity in Country A. A few of her friends tried to dissuade her from going, but, as she thought they were just jealous, she left without even giving them any contact information. Once in Country A, she was taken to a house and told that she was really there to work as a prostitute. She refused initially, but after threats and a beating, she decided to do the job. Jenna stated that Errol Thomas, who was taken away by the police with Blocker and the other women, were in the same situation as she and the other girls were. Errol is from St. Catherine, Reggae Rock, and had been recruited for a job

opportunity in Dubai. He flew to Country A “in transit” and his documents were taken. Errol was forced to participate in the live acts at the brothel with the women and was beaten if he did not comply.

Naomi John, 22 years old, from a rural area in Country A – Naomi recently received her degree in mathematics from the University of the Westside. While trying to find a job, she is also trying to find love as most of her friends from Uni are in “serious” relationships. On 11 December 2017, she found the love of her life, Declan, on Caribbean Connect, a dating site. After communicating via telephone every day for two weeks, she shared some very risqué photos with Declan. After two months, she met Declan at a bar on Valentine’s Day, and, despite reservations, she left the bar with him. She was taken to a house where she was forced to work as a prostitute, performing any act that the client desires. She keeps asking if she can get a few of the white pills to take the edge off this experience.



VI. Case Study: Petrolandian Migrants D

Petrolandian Migrants D I

Ana Rodriguez, 16 years old, from Canne, Petroland

Ana Rodriguez lived a comfortable life in Petroland, growing up with her devout Catholic parents who owned a profitable business. Although things have become harder now that Petroland has plunged into economic and political crises, Ana cannot say that she has had a hard time. Her comfort, however, does not extend to home, as Ana believes her parents, already strict, have become overbearing since the country's troubles began. When a woman and a gentleman showed up at a career fair in her school in June 2017, she was intrigued by the opportunities offered. The woman, Regina, and her partner, Bernard, were the managers of a job recruitment agency specializing in giving teenagers fresh out of high school work experience for one year, two years or five years while they decide what they would like to pursue in the university. At first, Ana's parents – Nina and Pedro – did not like the idea of her leaving home so young, but they both eventually agreed that Country A was safer than Petroland currently and learning English could only give Ana better opportunities in life. Her parents were further persuaded when Regina and Bernard visited their house and showed them testimonials of other girls in the programme. Ana's parents withdrew enough money to cover Ana's travel costs, but they were told by Regina and Bernard that it was not necessary as the company would cover all the initial costs for the girls, as their recruitment agency receives a finder's fee from the employers in Country A.

Ana already had her passport and she received documentation via email from a lady called Beatrice Carmen, who was working in the Immigration Department in Country A, stating that they had received an application for a work permit for her. The application was made by Young and Savvy Recruitment Agency. Ana was advised that the visa would be granted upon entry into Country A. Ana received a letter stating this information and was told that she should show all her documents to the immigration officers upon arrival in Country A. Regina and Bernard visited Ana's home several times and seemed to get along well with her parents. They showed her pictures of a family that she would be working for. The family had two toddlers who looked quite energetic.

On 14 February 2018, Bernard arrived at Ana's home to take her to the airport. Her parents wanted to come with her, but she was adamant that this was not necessary. She said she needed to do this on her own. After all, she said how would she manage on her own in Country A if she could not even be allowed to go the airport on her own. Her parents agreed then and she departed with Bernard a little after 5 p.m. At the last moment, Bernard told her that he received a call from Regina and that the flight had been cancelled. As the family expected her to be ready for work the next day, they thought it best that they hired a boat so that Ana could get to Country A. She was taken to a restaurant by Bernard on Chancery Square, where they ate and waited for time to pass. Ana started to worry but convinced herself that she was just being paranoid like her parents. Later, in the dead of night, Ana was taken to a port where she saw a boat. One of her school mates, Bianca, was also there looking very nervous. She pretended to be calm and unbothered and even joked around with a few of the other passengers.

Ana and Bianca arrived in Country A in the wee hours of the morning and were surprised to find that Regina and Bernard were already at the port. They were quickly ushered to a vehicle. They later realized that Regina and Bernard had taken a plane to Country A. Regina handed them over to a woman who introduced herself as Beatrice, and, together with a man named Blocker, they told the girls what was expected of them. Ana did not really hear what was being said, as the world seemed to stop. Although she did not hear what had been said, she did not ask them to repeat, as she already knew what was going to happen. She had seen this on the television before.

They were then taken to a room with several bunk beds and introduced to a woman, Laura. Laura told them she knew exactly how they felt but she offered little in the way of comfort. Bianca sat by herself and did not acknowledge either Laura's or Ana's presence. Ana asked Laura how long she had been "working" for Regina, but Laura did not answer.

"We're not getting out, are we?" Ana asked. Laura shrugged. "Maybe if you work hard."

Ana was determined that she would not be having sex with anyone neither will she be dancing even though she was told that she would not be fed. No one in the house ate without working, Blocker had threatened. At first, Ana thought he was joking. He was not. She lasted only two days before hopelessness gnawed away at her stomach with hunger. What followed was too much for her to bear recounting. Sometimes it was only alcohol and the small, white pills Blocker always seemed to have on him that got her through the long nights of men whose faces she could barely remember.

One night Ana worked up the courage to refuse to parade naked, but Blocker informed her that he had many, many photos of her onstage and with men which he would send to her parents. He threatened to tell them that it was Ana's idea all along. Realizing now that she was well and truly trapped, Ana accepted her fate until the 24 March when there suddenly seemed to be a light at the end of the tunnel.

"Ayudame por favor," she repeated constantly when the officers entered the room where she was getting ready for the night. Ana was no longer afraid of her parents finding out and just wanted to go back to Petroland.



Petrolandian Migrants D2

Bianca Flores, 17 years old, from Canne, Petroland

Bianca's family has faced several economic hardships for as long as she can remember. Her father has never been in the picture and two years ago her mother stopped working after going blind due to untreated cataracts. She has five siblings; her two older sisters (20-year-old twins) left home right after high school. They work for minimum wage and while they provide some assistance to the family's expenses, this is not much. She also has an older brother who is 23 and lives at home. He works on a coffee farm. Her brother Manuel is burdened by the family expense. He is always tired and does not have a personal life. Her two younger siblings (boys) are 15 and 14 years old.

Bianca could not wait to graduate from school in order to get a job and contribute to her family's expenses. Jobs are however hard to come by with the downturn in the economy. When her school had a job fair on 15 June 2017, she was excited. A woman and a man representing Young and Savvy Recruitment Agency spoke to them about opportunities for young high school graduates in Country A. They introduced themselves as Regina and Bernard Maile, a married couple who started Young and Savvy Recruitment Agency five years ago. Several students flocked the Young and Savvy Recruitment Agency booth, signing up to show their interest. The information sheet asked for name, age, address and number of family members. Not only did the salary sound good, but these jobs also came with the added advantage of perfecting one's skill in speaking English. Bianca excelled in English in school.

Two days after the fair, Bianca was contacted by telephone by a woman who introduced herself as Beatrice. Beatrice advised that the company was in the process of shortlisting candidates and wanted to visit Bianca at home for a quick chat. Bianca was excited and made sure that the house was clean for the visit.

Regina, the woman from the fair, visited her house on 20 June and spoke with Bianca and her mother. The conversation was mostly about the family's finances. Bianca thought it strange that she was not asked about her grades, but then she did not know much about interviews or shortlisting candidates.

On 15 January 2018, Bianca received an email advising that she was selected for a position in Country A as an au pair. Bianca was humbled by her good fortune; her salary would allow her to really help her family. The woman, Regina, said that her company would handle all of Bianca's travelling arrangements since she did not have a passport or a visa. The next day, following instruction from Regina, Bianca met her at the passport office in order to make an application.

As promised, Regina handled everything and they did not even have to join a line. The security guard takes the document and returns an hour later with the passport. Bianca was surprised by this, as she had heard how difficult it was to get a passport. She was in awe, as she suddenly realized how important Regina must be in order to get this done so quickly. They then head to a photo studio around the corner on Lime Green Way for visa pictures. Regina advised that she would make the application for the visa and that Bianca was not required to be there.

Bianca was in constant communication with Beatrice via email over the next few weeks, advising her on what to expect and what her new job would require from her. The family she will work with has two toddlers, who looked super cute in the photos Bianca received. On 23 January, she was advised that she would be travelling to Country A on Valentine's Day.

Regina arrived at Bianca's house at 5 p.m. on February 14 and stayed for four hours talking to her mother and brother. She even brought candy and snacks for Bianca's siblings. Bianca was excited and could not wait to leave. She rode an Audi for the first time. Bianca's good feelings lasted until she realized they were not getting to Country A by legitimate means but were snuck over on a fishing boat in the dead of night. She was told that the flight had been cancelled and the family she was supposed to work with expected her to be there the next day. She still felt a bit uneasy but one of her schoolmates, Ana, was also on the boat looking as cool as a cucumber.

After arriving in Country A, they were taken to a huge house and all her hopes and dreams shattered when the woman who introduced herself as Beatrice and a young man named Blocker, who referred to Regina as "Auntie", detailed what was expected from them. She and Ana refused, but they were told they would not be fed until they did what they were asked to do.

She was told that if she really wanted to return home, she should repay the money spent to get her into Country A.

Two days later, Beatrice told Bianca that Regina was not only disappointed in her but she was also angry and was seriously considering alerting the Immigration Department to have Bianca deported. Beatrice advised Bianca that Bernard commented that if they did not recover the funds they had spent to take her to Country A, her family would pay. They knew where she lived and her mother would be an easy target as she “couldn’t see anyway”. Bianca held out for eight days before she agreed. She hates the dancing, she hates the groping and she hates the extra favours she is made to perform. She especially hates it when Blocker gets drunk, as he takes her to his room at night. Bianca is often tempted to partake of the drugs that are always laid around the house but knowing that she might not recover from addiction has kept her from indulging. She realized eight days ago that her period was late, but she was too scared to tell anyone before now.



Petrolandian Migrants D3

Jenna Dyson, 25 years old, from San Fernando, Panland

Jenna has been modelling in Panland since she was 18 years old. She believes she has the potential, despite her age, to make it as a catalogue model. She was invited to a shoot in Port of Spain in November 2017 and shortly after she received an email from an agency in Country A, wanting her to fly in to do some test shots. Jenna was terribly excited and would not listen to anyone who asked her to do further background checks and the legitimacy of the agency. Her ticket, hotel and transfers to and from the airport were already booked. She was happy and impressed when a BMW picked her up from the airport and drove her to a very large house.

The driver told her it was okay to leave her bag in the car since she was just popping in to meet the head of the agency. She was happy to do this this, as her bag was last season's and did not project the right image. Once inside, Jenna began to notice things which made the hair on the back of her neck stand up. A tall, nicely dressed woman explained to her that she would like her to work for her as a dancer. Jenna refused. The woman seemed to take this well and told her that she would be free to go if she could repay the monies spent on her travel immediately. Jenna told her she would need more time. The man who drove her from the airport came in then with her handbag and showed her that he had her passport.

"Good luck leaving without these," he said. Jenna was locked in a room and was not given anything to eat or drink for two days. The woman checked back in on her and asked her if she had changed her mind. Jenna still refused. That was when the man named Blocker came. He slapped her around and choked her until he felt like she would pass out. She could hear him muttering about it being better to kill her since she was of no use as he walked out. Jenna gave in then. She has been "working" at the establishment for several months now. She does not really speak to the other women but considers Errol, from Reggae Rock, to be a friend. The first time she was required to "perform" onstage with him, he did his best to calm the panic she felt. He told her no matter how much she might want to she should always refuse alcohol and the little white pills that Blocker said would "calm her down". She is worried about him, as she saw him once being carted away with the johns. He is really a nice guy and was only duped like she was. He thought he was heading to Dubai and was meant only to transit in Country A. He is very embarrassed, as after all he is Reggae Rockian, where men are extremely proud of their masculinity and sexual prowess. For Errol to be duped into "performing" for the entertainment of others would be frowned upon by his fellow countrymen. Blocker takes pleasure in torturing him sometimes and has even told him that some of the johns are taking a liking to him.



Petrolandian Migrants D4

Laura Gonzalez, 21 years old, from Canne, Petroland

Laura Gonzalez's life seemed to implode when the Petroland economy tanked. Her family was not rich by any means, but they were comfortable. However, soon even buying basic necessities became hard and Laura knew she had to try to find a way out. She knew that Country A was only a short three-hour boat ride away and that her neighbour Juan Carlos Santacruz regularly smuggled people there for a fee of USD 100. At 18, Laura felt that she needed to do something. She had her entire life ahead of her and she refused to sit by any longer and just waste away. With the assistance of her mother, she managed to get the money together. Her mother was wary, but Laura reminded her that she would be able to help by sending for her once she had established herself in Country A.

The boat trip over was scary and once she got there, Juan Carlos gave her the contact information of a man named Bernard who can help her out. This man had several influential friends within the government of Country A and had a company that helped Petrolandian migrants to get asylum.

Three days after arriving in Country A, she had a meetup with Bernard. He seemed nice and genuine when he told Laura he wanted to help her out because he understood how hard things were in her country. He offered her a job as a waitress in his bar and told her that he could help her with accommodation. He said if she proved to be a diligent worker he would help her regularize her status in Country A because he had a friend who worked in the Immigration Department. Laura cannot believe her luck and quickly accepted the offer. Bernard gave her the address of the place where she would live. Once she arrived there, it did not take long before things started to seem suspect.

Bernard introduced Laura to his sister Regina and his son Damien, who is more commonly known as Blocker. She realized that there was no bar and the house was actually a brothel. Bernard threatened to turn her over to the authorities if she refused to work for him after all he paid Juan Carlos good money for her. He told her that she would languish in jail and that Country A's prison officers had a fetish for young Petrolandian girls. He assured her that all she had to do was dance. This would be a favour to Juan Carlos who said she was like his little sister. Bernard was true to his word and, at first, she only danced but eventually Damien started taking an interest in her. He raped her several times, and four months after being smuggled into Country A, Laura realized her period was late. Regina arranged for an abortion, but Laura begged her to let her keep the baby. She promised she would do anything they wanted her to do if she was allowed to have her baby. She was told that she can keep her baby if she agreed to do more than just dance. A few of the men who visited the club had a liking for pregnant women and Laura wanted her baby too much to not oblige. She gave birth to a little boy 13 months after arriving at the house. She now strips and performs sex acts in the club and only gets to see her son for 30 minutes each day if she participates in live shows. She is worried that now the police are involved, she will never see her little boy again.



Petrolandian Migrants D5

Naomi John, 22 years old, from a rural area in Country A

Naomi, a recent university graduate, has a degree in mathematics and is trying to find a job teaching math in the city. She thought she had found the love of her life when on 11 December 2017 she was matched with a profile of a handsome young man on Caribbean Connect, a dating site. They spoke nightly for two weeks and they seemed to have all of the same goals in life. When “Declan” asked for photos so that she could show him “what he had to look forward to”, Naomi took a few snaps and a video of her pleasuring herself and sent them to him via a messaging application. They continued speaking and eventually agreed to meet in person for the first time on Valentine’s Day. Finally, she was in a serious relationship like all her friends from the university.

Naomi met up with Declan in a bar on Sparrow Street. She noticed that there was something about his personality which seemed a bit off, so she decided to leave but he grabbed her. He shoved large printouts on the table of the naked photos that she had sent to him. He threatened to have the photos distributed around the town and placed on social media and the video plastered on free pornography sites unless she came with him. Scared, Naomi agreed. They pulled up outside a large house and he took her to a small bedroom. There was a little boy playing on an iPad and Declan called a woman to take him outside.

Naomi was afraid that he would rape her, but he sat her down on the bed and explained that if she wanted the photos to go away she would have to join their business. She refused. He beat her and left her on the ground, telling her that she could make things easy or hard on herself. Two women, known as Beatrice and Victoria, helped to get her cleaned up. They handed her lingerie and told her she might as well do what she had been told, or her family would receive notification of her death. Victoria confided that Blocker (this is what they called Declan) was much nicer than Mr B, who was supposed to visit the next day. Victoria also told Naomi that after working for a few years they were given liberty to live in better accommodation and can eventually go on their own. Victoria slipped her several pills to calm her and told her that she once was in her position. “Look at me,” she said, “I am now a part of the management team. This could be your life in a few years.” Naomi agreed and took the pills to get her through the day. Since then, she had been taking them more often as they did not seem to be as effective as before. Sometimes, when Blocker wanted her to do things she felt uncomfortable with, he would withhold the pills until she gave in.



Petrolandian Migrants D6

Ping Wu, 40 years old, from Beijing, China

Ping moved to Country A 10 years ago and worked as a cook in various Chintanese-owned restaurants. The last restaurant she worked, in Golden Wok, had several health violations and was eventually shut down. While working in the kitchen, Ping would sometimes visit the diners and have a quick talk with them to practice her English. Her colleagues thought she was too friendly with the locals and when the restaurant was closed by the government in June 2017, everyone seemed to blame her.

Two months after the restaurant was closed, she was still unable to find a job. One day, she was in the supermarket on Barnaby Street when she ran into Damien, a young man who would visit Golden Wok every Wednesday for lunch. Damien explained that the company he worked for was trying to find a cook. Ping grabbed the opportunity because the pay seemed exceptional. It would allow her to move in to the new apartment down at Dutchman's Quay she had been dreaming of. Ping spent three weeks going over and negotiating her contract and working hours with Regina; finally, she signed a contract in front of Regina's lawyer in early September 2017.

Three days before she was due to start working, Regina asked her to transport some cooking supplies to a house in the city. When she arrived, a police officer approached her and asked to search the bag. Ping did not expect any of this to happen and handed the bag over to be searched. The police officer found cocaine! She was taken to the East Bay Police Station – a small outstation only manned by two officers. The officers took her photo and statement. She was told that she could phone her attorney, but she called Regina as she had no idea what to do. Regina arrived 10 minutes later and had a conversation with the police officer. After a short conversation, Ping was told that she was free to go. Ping did not understand how this was possible, but she gathered up her things and left.

Despite her reservations, she got into Regina's car and was driven to an unfamiliar location. Once there, Regina explained that she was looking for someone to cook and clean in her establishment, but it was not what Ping might have had in mind. With one brief look at the frightened women in the house and Ping understood what Regina's establishment was. Ping refused, but Regina reminded her of two things. The first was that she submitted her passport and other identification to them during the "hiring process" and, secondly, if she did not comply, Officer Theodore would arrest her for the drugs that were found in the bag she was carrying. Ping was scared and did what she had been told to do. She had been working for six months when a patron decided he liked the look of her and requested a lap dance. Ping refused, and Blocker beat her badly that night. She was told that she had to comply with whatever the patron requested. She has had to perform sexual favours several times since then, but Ping tries her best to stay hidden and out of sight.



Petrolandian Migrants D7

Rosa Fernandez, 23 years old, homeless, from Merida, Petroland

Rosa Fernandez knows what it means to have a hard life. When she was 16, she ran away from her abusive home and bounced around, staying in her friends' homes until she finally had nowhere to go. She ended up on the streets where she sold her body to make ends meet and drowned herself in heroin and alcohol. It was not long before she was selling her body to support her drug habit.

When the Petrolandian economy started suffering, the street became a hostile, dangerous place. Rosa could never tell if someone she picked up would take out their anger and hopelessness on her with blows to her body. She could never tell if they would pay for the sex as they agreed. So, when she met a man from Country A named Bernard, who invited her to go there for a job to dance and have sex with customers, she readily accepted. She was smuggled into the country and was taken to the residence where she would also work.

Bernard told her that he was part-owner in a company that can easily get her granted asylum in Country A. All she had to do was work for five years, and her salary will go towards her asylum application. Although she was not keen on having to share a room with potentially 15 other girls, she had her own space – it was comfortable and warm. She was fed four meals per day, had access to alcohol and never had to worry about being beaten. She just wished she was able to explore Country A more but was content with watching the television. It was better than the hell that she came from. She did not understand what half of the snivelling, whining women were complaining about. Rosa kept this to herself, but during the day she was excited when Beatrice and Victoria would come as she had people to talk to who were not whiny and snivelling all the time.

She knows that Bernard and Regina are fair, and once she proves herself trustworthy and useful, she will get more freedom. When she had a particularly good night, Blocker would bring her treats. Last week, he brought her food from a fast-food restaurant she had been pestering him with. Rosa was frightened and frustrated when the police entered the brothel and took her away. She was finally comfortable and safe. What is going to happen to her now? Dr Morrison said that the government would help her with housing and even regularize her status. She will not sign a statement until she gets this in writing.



VII. Participant Instruction Sheet – Petrolandian Migrants

General Instructions

1. In your group, designate a moderator and a note-taker/reporter for each case study activity.
2. Read the case study. (Group members should be allowed time to read the case study.)
3. Once you have finished reading the case study, answer the questions given for each exercise. (Make sure the note-taker is reporting on the group consensus.)

Activity 1.3: Case Study – Petrolandian Migrants A

Read the case study “Petrolandian Migrants A” and answer the following questions:

1. Is this a case of trafficking in persons or migrant smuggling?
2. Why or why not? Use the definition to support your response.
3. After the raid, what next step/action would you recommend?

Activity 3.3: I Spy A Victim Of Trafficking (Case Study – Petrolandian Migrants B)

Read the case study “Petrolandian Migrants B”, which details what happened during the raid of a brothel. Answer the following questions:

1. Is this a possible case of human trafficking or migrant smuggling?
2. Why or why not? Use the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the national trafficking in persons legislation in your country to support your response.
3. What are the relevant indicators as outlined in the case study?
4. What next steps would you recommend that the law enforcement officers take?

Activity 4.1: Case Study – Petrolandian Migrants C

Read the case study “Petrolandian Migrants C” and answer the following questions:

1. Who should be at the interview and why?
2. Where should the interviews be conducted? What should be ideal setting?
3. What skills will the interviewer(s) need?
4. What issues would you discuss with Dr Morrison prior to the interview?
5. What challenges do you foresee during the course of the interview?

Activity 5.1: Determining The Needs Of Victims Of Trafficking (Case Study – Petrolandian Migrants C)

Read the case study “Petrolandian Migrants C” and answer the following questions:

1. Who may be facing risks in terms of safety and security?
2. What are the risks?
3. What is the source of the risk?
4. What events could increase the risk level?
5. Taking into consideration provisions for victim assistance and protection in your national legislation, what steps should now be taken to address the following:
 - a) Protecting those at risk;
 - b) Offences committed by the victims that might be disclosed during the interview;
 - c) Well-being of the victims;
 - d) Steps that should be taken before non-national victims who want to return home can be repatriated?

Activity 5.2: Case Study And Discussion (Case Study: Petrolandian Migrants A–C)

Review the case studies on Petrolandian migrants A–C and answer the following questions:

1. What are the possible needs (immediate/medium- and long-term needs) of the victims?
2. Who is responsible for responding to these needs?
3. What kind of evidence would assist in this case?
4. Who are possible witnesses?

Activity 6.1: Case Study And Discussion On Investigation Of Trafficking In Persons (Case Study: Petrolandian Migrants D1–D7)

Review the additional information provided in the case study on Petrolandian migrants D1–D7. Note that the case study received is one of seven summary reports of interviews conducted by law enforcement officers with one of the presumed victims rescued from the brothel located at 6 Golden Grove Lane, Kingstown, Country A. Answer the following questions providing as much details as possible:

1. What investigative actions would you consider to take the investigation forward?
2. What steps would you take in order to corroborate the accounts provided by the presumed victim during the interviews?
3. What evidence do you have or will you need to procure to prove each element of the definition of trafficking in persons?

Fill in the table provided (charge sheet) for each person to be charged detailing the offence, who the witnesses are and the related evidence that has been collected. Mention briefly how these will support/provide proof for the specific elements of each offence.

Module 7: Plenary Discussion

Based on the information provided in the case studies reviewed during this training session, what information about the cases and the witnesses not contained in the file do you believe is necessary that the prosecutor be made aware of? Why is this important?



VIII. Charge Sheet

Defendant	Offences	Offence Elements	Witness	Exhibit	Other Collaborative Evidence
	1.	a.			
		b.			
		c.			
		d.			
	2.	a.			
		b.			
		c.			
		d.			



IX. List of National Legislation Applicable to Cases of Trafficking in Persons⁶⁸

Anti-corruption Legislation

Country	Legislation	URL
Antigua and Barbuda	The Prevention of Corruption Act, 2004	http://laws.gov.ag/acts/2004/a2004-21.pdf
Belize	Prevention of Corruption Act, 2007	https://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Belize_Anti-Corruption%20Law_2007_en.pdf
Jamaica	Corruption Prevention Act, 2002	http://moj.gov.jm/sites/default/files/laws/The%20Corruption%20Prevention%20Act.pdf
Trinidad and Tobago	Prevention of Corruption Act 1987 with updates to 2015	http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/11.11.pdf

Bail Legislation

Country	Legislation	URL
Antigua and Barbuda	The Bail Act, 2016	http://legalaffairs.gov.ag/pdf/bills/THE-BAIL-BILL-2016-23-11-16.pdf
Belize	Bail Reform Act, 2000	http://www.belizelaw.org/web/lawadmin/PDF%20files/cap100.pdf
Jamaica	Bail Act, 2010	http://moj.gov.jm/sites/default/files/laws/Bail%20Act_0.pdf
Trinidad and Tobago	Bail Act, 1994 with amendments to 2012	https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/4.60.pdf
	Bail (Access to Bail) (Amendment) 2017	http://www.ttparliament.org/legislations/a2017-11.pdf

Child Protection Legislation

Country	Legislation	URL
Antigua and Barbuda	Child Justice Act, 2015	http://laws.gov.ag/acts/2015/a2015-23.pdf
Belize	Commercial Sexual Exploitation of Children (Prohibition) Act, 2013	http://humandevlopment.gov.bz/wordpress/wp-content/uploads/2016/02/CSEC_Law.pdf
Jamaica	Child Care and Protection Act, 2004	http://moj.gov.jm/sites/default/files/laws/Child%20Care%20and%20Protection%20Act_0.pdf
Trinidad and Tobago	Children Act, 2012	https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/46.01.pdf

⁶⁸This list is not exhaustive. There may be other legislations which are applicable to the trafficking situation within the jurisdictions referenced in this document.

Legislation Regarding Human Rights Applicable to Victims of Trafficking

Country	Legislation	URL
Antigua and Barbuda	The Antigua and Barbuda Constitution Order 1981	http://www.ilo.org/dyn/natlex/docs/ELECTRON-IC/41556/72407/F322301278/ATG41556.pdfdf
Belize	Belize's Constitution of 1981 with Amendments through 2011	https://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Belize_Constitution_1981%20amended%202011_en.pdf
Jamaica	Jamaica (Constitution) Order in Council, 1962	http://moj.gov.jm/sites/default/files/laws/Ja%20%28Constitution%29%20Order%20in%20Council%201962.pdf
	The Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, 2011	https://www.japarliament.gov.jm/attachments/341_The%20Charter%20of%20Fundamental%20Rights%20and%20Freedoms%20(Constitutional%20Amendment)%20Act,%202011.pdf
Trinidad and Tobago	The Constitution of the Republic of Trinidad and Tobago 1976	http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/8.05.pdf
	Compensation for Injuries Act 1896 with amendments to 1997	https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/46.01.pdf

National Anti-trafficking Legislation

Country	Legislation	URL
Antigua and Barbuda	The Trafficking in Persons (Prevention) Act, 2010	http://www.ilo.org/dyn/natlex/docs/ELECTRON-IC/41556/72407/F322301278/ATG41556.pdfdf
	The Trafficking in Persons (Prevention) (Amendment) Act, 2015	http://rosanjose.iom.int/site/trafficking/Antigua-and-Barbuda
Belize	The Trafficking in Persons (Prohibition) Act, 2013	http://rosanjose.iom.int/site/trafficking/belize
Jamaica	The Trafficking in Persons (Prevention, Suppression and Punishment) Act, 2007	http://rosanjose.iom.int/site/trafficking/Jamaica
	The Trafficking in Persons (Prevention, Suppression and Punishment) (Amendment) Act, 2013	http://rosanjose.iom.int/site/trafficking/Jamaica
	The Trafficking in Persons (Prevention, Suppression and Punishment) (Amendment) Act, 2018	http://rosanjose.iom.int/site/trafficking/Jamaica
Trinidad and Tobago	Bail Act, 1994 with amendments to 2012	https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/4.60.pdf
	The Trafficking in Persons Act, Chapter 12:10	http://rosanjose.iom.int/site/trafficking/Trinidad-and-Tobago

National Evidence Acts

Country	Legislation	URL
Antigua and Barbuda	The Evidence Act	http://laws.gov.ag/acts/chapters/cap-155.pdf
	The Evidence (Special Provisions) Act, 2009	http://laws.gov.ag/acts/2009/a2009-5.pdf
Belize	The Evidence Act, 2000	https://track.unodc.org/LegalLibrary/LegalResources/Belize/Laws/Belize%20Evidence%20Act%202000.pdf
	The Evidence (Amendment) Act, 2017	https://nationalassembly.gov.bz/wp-content/uploads/2017/04/Act-No.-24-of-2017-Evidence-Amendment-Bill-2017.pdf
Jamaica	The Evidence Act	http://www.moj.gov.jm/sites/default/files/laws/Evidence%20Act.pdf
	Evidence (Amendment) Act, 2015	https://japarliament.gov.jm/attachments/article/341/The%20Evidence%20(Amendment)%20Act,%202015%20No.16.pdf
	The DNA Evidence Act, 2016	https://japarliament.gov.jm/attachments/article/341/The%20DNA%20Evidence%20Act,%202016%20No.%2011.pdf
Trinidad and Tobago	The Evidence Act	aws.gov.tt/ttdll-web/revision/download/45871?-type=act
	The Administration of Justice (Deoxyribonucleic Acid) Act, 2012	http://www.ttparliament.org/legislations/a2012-05.pdf

Proceeds of Crime Legislation

Country	Legislation	URL
Antigua and Barbuda	Proceeds of Crime Act, 1993	http://laws.gov.ag/acts/1993/a1993-13.pdf
	Proceeds of Crime (Amendment) Act, 2008	http://laws.gov.ag/acts/2008/a2008-18.pdf
Belize	Criminal Code (Amendment) (No. 2) Bill, 2013	http://d02044893.brinkster.net/belizecan/PDF/BILL101/Criminal_Code_(Amendment)_(No._2)_Bill,_2013.pdf
Jamaica	Proceeds of Crime Act, 2012	http://moj.gov.jm/sites/default/files/laws/The%20Proceeds%20of%20Crime%20Act_0.pdf
Trinidad and Tobago	Proceeds of Crime Act, 2000 with amendments to 2015	http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/11.27.pdf
	Miscellaneous Provisions (Proceeds Of Crime, Anti-Terrorism, Financial Intelligence Unit Of Trinidad And Tobago) Bill, 2014	http://www.ttparliament.org/legislations/b2014h13.pdf

Sexual Offences Legislation

Country	Legislation	URL
Antigua and Barbuda	Sexual Offences Act, 1995	http://www.laws.gov.ag/acts/1995/a1995-9.pdf
Belize	Protection Against Sexual Harassment Act 2000	https://oig.cepal.org/sites/default/files/2000_blz_protectionagainstharrassment.pdf
Jamaica	Sexual Offences Act, 2011	http://moj.gov.jm/sites/default/files/laws/Sexual%20Offences%20Act.pdf
Trinidad and Tobago	Sexual Offences Act, 1986 with amendments to 2000	http://ilo.org/dyn/natlex/docs/ELECTRONIC/96147/113541/F779547297/TTO96147.pdf



X. Evaluation Sheet

**CAPACITY-BUILDING SESSION FOR LAW ENFORCEMENT OFFICERS
EVALUATION FORM**

Please take a moment to complete this form. Its purpose is to assess the level of knowledge that you acquired from the session and to obtain your feedback for improving future sessions.

1. From this day forward, what basic steps can you take to screen for victims of human trafficking given your current work portfolio?

2. Briefly describe the major difference between *adult trafficking* and *child trafficking*.

3. Briefly describe your role in the counter-trafficking process in your country.

4. In your opinion, what is the most important next step in combating or preventing trafficking in persons in your country?

5. Overall, how were the workshop tools? Put a check mark in the box.

	Excellent	Very Good	Good	Fair	Less than Fair	Poor	Very Poor
Videos							
Handouts							
Group exercises							
Mock presentations							

Comments:

6. How was the pace of the session?

- a. The right pace for me
- b. Too fast
- c. Too slow
- d. Other (please explain below)

7. How was the content of the session?

- a. Just right (I understood it and felt comfortable)
- b. Too much (it was overwhelming and/or confusing)
- c. Too little (I was bored, and/or the content was too easy)
- d. Other (please explain below)

8. What did you like about the session?

9. What would you like to see improved for a future session?

10. Now that the session is over, what steps will you take to ensure that victim rights are respected when handling trafficking in persons cases?

11. Were your expectations for this training session fulfilled?

- a. Yes, a lot
- b. Some
- c. No, not at all
- d. Other (please explain) _____

Your feedback is much appreciated!



XI. Training Curriculum

Content Area	Counter-trafficking	Stakeholder(s)	Law Enforcement Officers and Key Partners
Objective	Law enforcement officers will obtain the necessary knowledge and skills to be actively identify and investigate cases of trafficking in persons while taking into consideration and supporting the needs of victims.		
Course Topics	Course Subtopics		
Session 1: Basic Concepts	1. Definition		
	2. Definition of child trafficking		
	3. Types of exploitation		
	4. Root causes and consequences		
	5. Coercion and control mechanisms		
	6. Trafficking versus smuggling		
	7. Global, regional and national trends		
Session 2: Legal Framework	1. International legal instruments		
	2. National legislation		
Session 3: Victim Identification and Screening	1. Indicators		
	2. Special considerations (gender and child rights)		
	3. Role of immigration		
	4. Screening forms and screening interviews		
Session 4: Interviewing Victims	1. Interview preparation		
	2. Interviewing techniques and questions		
	3. Interviewing child victims		
	4. Using interpreters		
Session 5: Victim Protection and Victim Rights	1. Risk assessment		
	2. Protection measures for victims-witnesses		
	3. Supporting victims during criminal justice process		
	4. Direct assistance and referral		
	5. Role of criminal justice practitioners		
Session 6: Investigation	1. Case planning and development		
	2. Types and sources of intelligence		
	3. Investigation approaches		
	4. Evidence-gathering		
	5. International cooperation and joint investigation teams		
Session 7: Court Proceedings	1. Court tips		

UNIT TITLE	BASIC CONCEPTS
Inquiry Questions (Engaging – Debatable)	<ol style="list-style-type: none"> 1. What is trafficking in persons? 2. Who is a victim of trafficking? 3. What rights do victims of trafficking in persons have?
Unit Strands	<ol style="list-style-type: none"> 1. Definition (adult trafficking and child trafficking) 2. Root causes and consequences 3. Coercion and control 4. Trafficking versus smuggling 5. Trends
Generalizations Participants will understand that...	Key Skills: Participants will be able to ...
Anyone can become a victim of trafficking irrespective of race, gender, social standing, education attainment and other factors	<ol style="list-style-type: none"> 1. Define trafficking in persons 2. Differentiate between trafficking in persons and smuggling of human beings 3. Comprehend the impact of trafficking in persons on the individual and society 4. Understand the root causes of trafficking in persons 5. Determine if a case is one of trafficking in persons or not 6. Identify the root causes and consequences of trafficking in persons in their country 7. Recognize control mechanisms employed in their countries
Critical Content: Participants will know...	
<ol style="list-style-type: none"> 1. What is trafficking in persons 2. What are the different elements of trafficking in persons? 3. Who are the most vulnerable in your country? 4. What are the trends and the profile of victims in your country? 	
Critical Language: This includes the academic and technical vocabularies, semantics and discourse, which are particular to and necessary for accessing a given discipline. Example: Participants should clearly understand the difference between trafficking and smuggling.	
Technical Vocabulary	<ul style="list-style-type: none"> • Activity, means, purpose • Trafficking in persons • Protocol • Smuggling of human beings
Key Definitions	<ul style="list-style-type: none"> • Trafficking in persons • Smuggling of human beings • Exploitation
UNIT TITLE	LEGAL FRAMEWORK
Unit Strands	<ol style="list-style-type: none"> 1. International legal framework 2. National legislation
Generalizations Participants will understand that...	Key Skills: Participants will be able to ...
	<ol style="list-style-type: none"> 1. Draw inferences from national and international legal instruments during investigation 2. Ensure that prosecutors are familiar with victim rights in accordance with national legislation 3. Fully comprehend their role in the prosecutorial process 4. Identify other offences that are a part of the trafficking in persons process under legislation such as laws on forgery, Proceeds of Crime Act, Summary Offences Act, Children's Act, among others 5. Identify penalties associated with the case

<p>Critical Language: This includes the academic and technical vocabularies, semantics and discourse, which are particular to and necessary for accessing a given discipline. Example: Participants should clearly understand the difference between trafficking and smuggling.</p>	
<p>Technical Vocabulary</p>	<ul style="list-style-type: none"> • Jurisdiction • In camera proceedings • Hearsay statements • Position of vulnerability • Judges Rules/Police and Commission Rules • Aggravating circumstances • Palermo Protocol
<p>Key Definitions</p>	<ul style="list-style-type: none"> • Trafficking in persons • Child • Exploitation • Confidential • Debt bondage • Forced labour
<p>UNIT TITLE</p>	<p>VICTIM IDENTIFICATION AND SCREENING</p>
<p>Unit Strands</p>	<ol style="list-style-type: none"> 1. Indicators 2. Special considerations 3. Role of immigration 4. Screening forms and screening interviews
<p>Generalizations Participants will understand that...</p>	<p>Key Skills: Participants will be able to ...</p>
	<ol style="list-style-type: none"> 1. Conduct effective surveillance at ports of entry 2. Identify possible indicators of trafficking in persons 3. Conduct victim-centred interviews utilizing the PEACE interviewing method 4. Gather evidence/Make observation
<p>Critical Language: This includes the academic and technical vocabularies, semantics and discourse, which are particular to and necessary for accessing a given discipline. Example: Participants should clearly understand the difference between trafficking and smuggling.</p>	
<p>Technical Vocabulary</p>	<ul style="list-style-type: none"> • Irregular migrant • Documented migrant • Prima facie
<p>UNIT TITLE</p>	<p>INTERVIEWING VICTIMS</p>
<p>Unit Strands</p>	<ol style="list-style-type: none"> 1. Interview preparation 2. Interview techniques and questions
<p>Generalizations Participants will understand that...</p>	<p>Key Skills: Participants will be able to ...</p>
	<ol style="list-style-type: none"> 1. Employ special considerations when interviewing victims 2. Ensure that children are not be interviewed without a parent and/or guardian present 3. Understand and utilize different techniques when interviewing adult and child victims 4. Understand the importance of effective intercultural communication 5. Implement guidelines governing the use of interpreters
<p>Critical Language: This includes the academic and technical vocabularies, semantics and discourse, which are particular to and necessary for accessing a given discipline. Example: Participants should clearly understand the difference between trafficking and smuggling.</p>	
<p>Technical Vocabulary</p>	<ul style="list-style-type: none"> • Forensic interviewing
<p>UNIT TITLE</p>	<p>VICTIM PROTECTION AND VICTIM RIGHTS</p>
<p>Unit Strands</p>	<ol style="list-style-type: none"> 1. Risk assessment 2. Protection measures for victim-witnesses 3. Supporting victims through the criminal justice process 4. Direct assistance 5. The role of criminal justice practitioners

Generalizations Participants will understand that...	Key Skills: Participants will be able to ...
Victims of trafficking may need immediate medical examination and psychosocial care and treatment	<ol style="list-style-type: none"> 1. Refer victims to key agencies for care and support 2. Articulate and apply the key terms and concepts related to victims' protection 3. Recognize the basic principles and procedures involved in victim identification and protection 4. Understand the role that law enforcement plays in response to and referral of victims of trafficking
<p>Critical Language: This includes the academic and technical vocabularies, semantics and discourse, which are particular to and necessary for accessing a given discipline. Example: Participants should clearly understand the difference between trafficking and smuggling.</p>	
Technical Vocabulary	<ul style="list-style-type: none"> • Direct assistance • Human rights • Victim-centred approach • Trauma-informed care • Guiding principles
UNIT TITLE	INVESTIGATION
Unit Strands	<ul style="list-style-type: none"> • Types and sources of intelligence • Investigative approaches • Evidence-gathering • International cooperation and joint investigation teams
Generalizations Participants will understand that...	Key Skills: Participants will be able to ...
	<ul style="list-style-type: none"> • How and when to use the different types of intelligence • Understand the key investigation approaches • Utilize the correct protocol/procedure to guide evidence-gathering • Identify evidence to prove the different elements of the definition of trafficking in persons • Employ a victim-centred approach when treating with victims • Establish the basis and protocol to guide international cooperation and joint investigations.
<p>Critical Language: This includes the academic and technical vocabularies, semantics and discourse, which are particular to and necessary for accessing a given discipline. Example: Participants should clearly understand the difference between trafficking and smuggling.</p>	
Technical Vocabulary	<ul style="list-style-type: none"> • Control deliveries • Mutual legal assistance • Investigative approach
UNIT TITLE	COURT PROCEEDINGS
Unit Strands	<ol style="list-style-type: none"> 1. Preparing evidence 2. Preparing victims and witnesses
Generalizations Participants will understand that...	Key Skills: Participants will be able to ...
Law enforcement officers have a key role to play in the successful prosecution of TiP cases. They should also ensure that they do not rush the charge.	<ol style="list-style-type: none"> 1. Assemble and secure the evidence required to prove the elements of the definition 2. Understand the importance of chain of evidence 3. Know the importance of properly briefing the prosecutor in relation to matters that might affect the case 4. Ensure that matters of safety are taken into account during the trial.
<p>Critical Language: This includes the academic and technical vocabularies, semantics and discourse, which are particular to and necessary for accessing a given discipline. Example: Participants should clearly understand the difference between trafficking and smuggling.</p>	
Technical Vocabulary	<ul style="list-style-type: none"> • Acquit • Convict • Exhibits

NOTES

NOTES

International Organization for Migration (IOM)
6th Floor, The Towers
25 Dominica Drive
Kingston 5
Jamaica



International Organization for Migration (IOM)
The UN Migration Agency

