

Trafficking in Human Beings: Identification of Potential and Presumed Victims

A Community Policing Approach

SPMU Publication Series Vol. 10

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List of Acronyms

ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EUPM	European Police Mission in Bosnia and Herzegovina
ICAO	International Civil Aviation Organization
ICT	information and communication technologies
ILO	International Labour Organization
IOM	International Organization for Migration
LEFÖ-IBF	Interventionsstelle für Migrantinnen/ Interventionsstelle für Betroffene von Frauenhandel [Intervention Center for Migrant Women/Intervention Center for Trafficked Women]
NGO	Non-Governmental Organization
NRM	National Referral Mechanism
ODIHR	Office of Democratic Institutions and Human Rights
OECD	Organisation for Economic Co-operation and Development
OMIK	OSCE Mission in Kosovo
OSCE	Organization for Security and Co-operation in Europe
PAMECA	Police Assistance Mission of the European Union to Albania
PAT	Problem Analysis Triangle
SARA	Scanning, Analysis, Response and Assessment
SPMU	Strategic Police Matters Unit
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIPTF	United Nations International Police Task Force
UNODC	United Nations Office on Drugs and Crime

Clarification of Terms

Abuse of a position of vulnerability is understood as taking advantage of the vulnerable position a person is placed in as a result of: having entered the country illegally or without proper documentation; pregnancy or any physical disease or disability, including addiction to the use of any substance; reduced capacity to form judgements by virtue of being a child or due to illness, infirmity or physical or mental disability; promises made or sums of money or other advantages given to those having authority over the person; or being in a precarious situation from the standpoint of social survival or other relevant factors.¹

Child exploitation includes: procuring or offering a child for illicit or criminal activities (including the trafficking or production of drugs and begging); using children in armed conflict; work that by its nature or the circumstances in which it is carried out is likely to harm the health or safety of children, as determined by the national legislation or authority; the employment or use for work of a child who has not yet reached the applicable minimum working age for the said employment or work; other forms of exploitation; and illegal adoption.²

Community policing³ is usually defined as a philosophy and organizational strategy that promote a partnership-based, collaborative effort between the police and the community to improve the quality of life for everyone by more effectively and efficiently identifying, preventing and solving problems of crime, eliminating fear of crime, reducing physical and social disorder, enhancing safety and security, preventing neighbourhood decay and fostering community wellness.⁴

Coercion is understood as the use or threat of the use of force, including some forms of non-violent or psychological force. People may be coerced into prostitution, forced labour, etc., through abduction or kidnapping. Coercion can also include: threats of harm or physical restraint against a person; any scheme, plan or pattern intended to

¹ Interpretative notes for the official records of the negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, para. 63.

² Cf. European Commission - DG Justice, Freedom and Security (JLS). *Recommendations on Identification and Referral to Services of Victims of Trafficking in Human Beings*, Brussels, 2007, p. 5.

³ The terms "community policing" and "police-public partnership" are used interchangeably in this text.

⁴ Cf. OSCE, *Good Practice in Building Police-Public Partnerships by the Senior Police Adviser to the OSCE Secretary General*, SPMU Publication Series Vol. 4, Vienna, May 2008, p. 5.

cause a person to believe that failure to perform an act will result in serious harm or physical restraint; abuse or any threat linked to the legal status of a person; psychological pressure, etc.⁵

Debt bondage refers to a system by which a person is kept in bondage by making it impossible for him or her to pay off actual or imagined debts.⁶

Deception is understood as misleading a person by words or conduct about the nature of work or services to be provided (i.e., promises of legitimate work), the conditions of work, the extent to which the person will be free to leave his or her place of residence, or other circumstances involving exploitation of the person.⁷

Exploitation includes: the prostitution of others or other forms of sexual exploitation; forced or coerced labour or services (including bonded labour and debt bondage); slavery or practices similar to slavery; servitude; the removal of organs; and other forms of exploitation defined in national law.⁸

Exploitation of prostitution of others means the unlawful obtaining of financial or other material benefit from the prostitution of another person.⁹

Forced labour or services means any work or service that is exacted from any person under the threat of any penalty and for which the person concerned has not offered him- or herself voluntarily.¹⁰

Forced or servile marriage refers to any institution or practice in which a woman or a child without the right to refuse is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; in which the husband of a woman, his family, or his clan has the right to transfer her

⁵ Cf. United Nations Office on Drugs and Crime, *Model Law against Trafficking in Persons*, Vienna, 2009, p. 13.

⁶ Cf. United Nations, *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*, Treaty Series, vol. 266, No. 3822, 7 September 1956.

⁷ Cf. United Nations Office on Drugs and Crime, *Model Law against Trafficking in Persons*, (op.cit. note 5), p. 12.

⁸ Ibid., p. 35.

⁹ Ibid., p. 15.

¹⁰ Cf. International Labour Organization, *Convention concerning Forced or Compulsory Labour*, 1930 (Convention No. 29) art. 2, paras. 1 and 25; and United Nations Office on Drugs and Crime, *Model Law against Trafficking in Persons*, (op.cit. note 5), p. 14.

to another person for value received or otherwise; or a woman on the death of her husband is liable to be inherited by another person.¹¹

Indicators of crime are signs that suggest the possibility of a crime and can be discovered through events associated with criminal activity, statements from the victim or signs of harm associated with trafficking.¹²

National Referral Mechanism (NRM) is defined as a co-operative framework through which State actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society.¹³

Personal data are defined as any information relating to an identified or identifiable natural person (data subject); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.¹⁴

Practices similar to slavery means the economic exploitation of another person on the basis of an actual relationship of dependency or coercion, in combination with a serious and far-reaching deprivation of fundamental civil rights, and includes debt bondage, servile marriage, the exploitation of children and adolescents.¹⁵

Processing of personal data means any operation or set of operations performed upon personal data, whether or not by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.¹⁶

¹¹ Cf. Dutch National Rapporteur. *Trafficking in Human Beings: Seventh Report of the Dutch National Rapporteur*. Bureau NRM, The Hague, 2009, p. 301.

¹² Cf. United Nations Global Initiative to Fight Human Trafficking (UN.GIFT). *Criminal justice responses to human trafficking. Background Paper*, Vienna Forum to Fight Human Trafficking, 13–15 February 2008.

¹³ Cf. OSCE Office for Democratic Institutions and Human Rights, *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons, A Practical Handbook*, Warsaw, 2004, pp. 15–16.

¹⁴ Cf. Council of Europe/European Parliament, Directive 95/46/EC, on the *Protection of Individuals with regard to the Processing of Personal Data and on the Free Movement of Such Data*, Official Journal of the European Communities, L 281, 23 November 1995.

¹⁵ Cf. United Nations Office on Drugs and Crime, *Model Law against Trafficking in Persons* (op.cit. note 5), p. 18.

¹⁶ Cf. Council of Europe/European Parliament, Directive 95/46/EC (op.cit. note 14).

Servitude can be defined as an obligation to provide one's services that is imposed by the use of coercion, and is sometimes linked to the concept of slavery.¹⁷

Sexual exploitation means the obtaining of financial or other benefits through the involvement of another person in prostitution, sexual servitude or other kinds of sexual services, including pornographic acts or the production of pornographic materials.¹⁸

Slavery means the status or condition of a person over whom control is exercised to the extent that the person is treated like a property. Placement or maintenance in a position of slavery occurs when use is made of violence, threat, deceit or abuse of power; or when anyone takes advantage of a situation of physical or mental inferiority and poverty; or when money is promised, payments are made or any kinds of benefits are promised to those who are responsible for the person in question.¹⁹

Trafficking in human beings is understood as the recruitment, transportation, transfer, harbouring or receipt of persons for the purpose of exploitation through the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person. Exploitation includes, 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.²⁰

Victims of crime are persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws, including those laws proscribing criminal abuse of power.²¹

¹⁷ Cf. European Court of Human Rights, *Siliadin vs. France*, Application 73316/01, (26 July 2005).

¹⁸ Cf. United Nations Interregional Crime and Justice Research Institute, *Training Manual on Trafficking in Human Beings and Peace Support Operations*, Turin, 2006, p. 153.

¹⁹ Cf. Penal Code of Italy, art. 600.

²⁰ Cf. United Nations General Assembly, Res. 55/25, annex II, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, Treaty Series, vol. 2237, No. 39574, 15 November 2000.

²¹ Cf. United Nations General Assembly, Res. 40/34, annex, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse*, 29 November 1985, p. 1.

Victim of trafficking shall mean any natural person who has been subject to trafficking in persons, or who the competent authorities, including the designated non-governmental organizations where applicable, reasonably believe is a victim of trafficking in persons, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted.²²

Unaccompanied minors are foreign nationals (or in the case of the European Union, third-country nationals) or stateless persons under the age of 18 who arrive on the territory of a State unaccompanied by an adult who is responsible for them by law or custom, for as long as they are not effectively taken into the care of such a person; it also includes such minors who are left unaccompanied after they have entered the territory of the State.²³

²² Cf. United Nations Office on Drugs and Crime, *Model Law against Trafficking in Persons*, (op.cit. note 5), p. 22.

²³ See also definition in: European Migration Network, *Asylum and Migration Glossary*, January 2010, p. 110.

Preface

For several years it has been recognized that trafficking in human beings for various exploitative purposes occurs on a massive scale, that victim identification is a necessary element in addressing this crime, and that police play a crucial role in the identification of victims. At the same time, police are regularly criticized for not effectively identifying victims, who subsequently end up detained or deported as irregular migrants.

The OSCE Action Plan to Combat Trafficking in Human Beings²⁴ and other Ministerial Council decisions and declarations mandate the OSCE Strategic Police Matters Unit (SPMU) to address trafficking in human beings.

To contribute to improved victim identification, the SPMU has prepared this guidebook for law enforcement officers on early identification of both potential and presumed victims of trafficking in human beings.²⁵ It builds on previous community policing activities, particularly the publication *Good Practices in Building Police-Public Partnerships*.²⁶

The guidebook aims to:

- Provide readers with clear **guidance for the identification of trafficked persons**;

²⁴ Cf. OSCE, Ministerial Council Decision No. 2/03, *Combating Trafficking in Human Beings*, Annex, MC.DEC/2/03, Maastricht, 1 and 2 December 2003. According to the OSCE Action Plan, the OSCE Strategic Police Matters Unit should:

- further promote the concept of community policing;
- facilitate the exchange of information between participating States on best practices to be used by relevant investigating units to check the possibly criminal and trafficking related origin of suspicious assets (together with the Office of the OSCE Co-ordinator of Economic and Environmental Activities); and
- continue to develop training materials targeted at law enforcement authorities on trafficking and sex crimes investigation (together with the ODIHR).

According to Ministerial Council Decision No. 9/07, *Combating Sexual Exploitation of Children on the Internet*, Madrid, 30 November 2007, the SPMU should set up within the POLIS website a multilingual section devoted to combating sexual exploitation of children on the Internet.

²⁵ The term "potential victims" is used to denote individuals from vulnerable groups who may become victims of trafficking in human beings, while the term "presumed victims" is used to indicate individuals who already manifest symptoms of victimization. In this text we use the terms "trafficked persons" and "victims of human trafficking" interchangeably.

²⁶ Cf. OSCE, *Good Practice in Building Police-Public Partnerships* (op.cit. note 4).

- Serve as a basis for **multiagency co-operation** among law enforcement agencies, non-governmental organizations (NGOs) and other public institutions in identifying potential and presumed victims of trafficking in human beings;
- Provide **police management** with guidance on how community policing tools can be used to help identify both potential victims of trafficking in human beings (in order to prevent this crime), and presumed victims (in order to refer them to appropriate services);
- Provide **police practitioners** (front-line police officers) with practical information on how to use community policing tools for practical identification of both potential and presumed victims; how to recognize cases of trafficking in human beings based on agreed indicators; where to forward information on suspected cases and where to refer presumed victims; and
- Serve as a resource for developing **training manuals** that reflect national specificities in legislation, policing, trafficking situations, priorities, etc.



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Executive Summary

Victim identification is crucial to the successful investigation of trafficking in human beings. It is increasingly recognized that if victim identification procedures are not in place or do not reach the target group, the crime of human trafficking will not be documented or prosecuted. Thus the OSCE and all other key anti-trafficking players place a high value on referring victims to appropriate assistance and restoring their rights. Nevertheless, in far too many situations, the lack of common identification criteria and approaches to identification and referral often hamper both the effective prosecution of perpetrators and the protection and restoration of the rights of trafficked persons. This guidebook contributes to closing this gap.

Identification of victims is usually based on the definition of trafficking in human beings as stated in national legislation, which varies from country to country. Meanwhile, various actors involved in victim identification have different agendas and tend to interpret the definition differently. A criminal law-based approach to victim identification usually provides a narrower scope for identifying trafficked persons than the approach used by NGOs, which is based on a presumed trafficking situation and/or on a presumed victim, and even if the trustworthiness of the person's story is doubted, service providers usually advocate for the person to be considered a victim of trafficking.

This guidebook calls for a new **community policing approach to victim identification** that would provide a solid platform for the broader involvement of various public institutions, civil society groups and community representatives in the identification of trafficked persons.

Effective community policing means building meaningful and productive relationships between police officers and individuals within communities so as to develop trust and confidence in the police within those communities. When such trust has been achieved, people will be more willing to come forward to report suspicious activity and concerns. The community itself is the largest single source of potential intelligence and its value should not be underestimated. In order to harness community intelligence to combat trafficking in human beings (or any other crime), police officers must first invest time and effort in building relationships with the community. Establishing such relationships will make any attempts to enlist the support of the community far more effective.

Community policing practitioners often have detailed knowledge of their communities. If they are familiar with indicators of trafficking in persons and know how to apply them, they can prevent trafficking situations from arising or curb them at an early stage.

Community-based police officers can also make valuable contributions to the prosecution of trafficking cases. For example, they can share information on trafficking in human beings in their communities (e.g., recruitment and exploitation processes) with relevant investigative and prosecuting authorities. They can also play an important role in ensuring the safety and security of victims before, during and after the prosecution of traffickers. And they can help to preserve the crime scene.

Victim identification through community policing has the potential to increase sensitivity to signs of trafficking in human beings among uniformed police, officials from public institutions that deal with health and social services and members of certain communities. It can also enhance their readiness to respond to these signals.

Several types of community policing approaches can contribute to the identification of potential and presumed victims of human trafficking, including application of the SARA problem analysis model and specific tools such as municipal council meetings or citizen advisory groups. These can be used to disseminate awareness-raising materials among groups who are vulnerable to trafficking, and also among trafficked persons who have already been exploited to enhance their capacities for self-identification.

I. Introduction

The timely and proper identification of presumed victims of human trafficking is of paramount importance to ensuring that victims receive the assistance to which they are entitled. It is also crucial to the effective prosecution of the crime. The identification of potential victims can disrupt the trafficking process before it even starts and thus prevent the exploitation of vulnerable individuals.

Authorities, including police officers, are usually familiar with the basic characteristics of victims of transborder trafficking in human beings for the purpose of sexual exploitation. However, they tend to have limited experience with the identification of trafficking victims who have been exposed to other forms of exploitation, such as domestic servitude or forced labour in the construction, agriculture or garment industries.

As a rule, identifying a trafficked person is a complex and time-consuming process. Sometimes it takes weeks or months for a trafficked person to overcome post-traumatic stress disorder and develop enough trust in the authorities to be able to speak out. However, because identifying trafficked persons grants them access to necessary assistance, it should be carried out quickly and accurately, irrespective of the criminal prosecution process.

Various manuals, lists of indicators and checklists²⁷ for victim identification have been prepared by State institutions and international and non-governmental organizations for use by professionals in different spheres. Nevertheless, practical experience shows that the mere existence of indicators and checklists does not lead to effective victim identification. The relevant authorities often need additional guidance on how to apply these tools. And in many cases, policy documents containing such indicators are not distributed beyond the central offices that have the unique mandate to identify victims while local law enforcement agencies, whose officers are on the front lines, are not familiar with them.

There are pros and cons with respect to the use of checklists and indicators. Indicators can provide greatly sought-after guidance, but if they are applied rigidly, they can be rather limiting. To fulfil their role—to provide guidance that is relevant but not too rigid—indicators need to

²⁷ See Annexes I and II.

be reassessed and revised on a regular basis to take into account new information and trends. Profiling potential and presumed victims should not lead to unsubstantiated generalizations and discriminatory policing approaches and attitudes.

It can be challenging to avoid discrimination and maintain the integrity of guidelines and other measures for victim identification used by law enforcement authorities. Even guidelines that are designed with the best of intentions may eventually be implemented without due consideration for integrity when they are interpreted and used by police officers in their daily work.

It is possible to improve identification of victims of human trafficking by introducing common indicators acceptable to all relevant actors, including the police. Police officers are confronted every day with a variety of offences, but they must be able to detect suspected cases of human trafficking among all other crimes. Even though they do not specialize in human trafficking, they must be able to recognize the most important indicators of the crime, identify victims and refer them to relevant authorities. When a front-line officer has doubts about a trafficking case, he or she should immediately contact specialized police units, specialized public prosecution offices or specialized NGOs.

The challenge for all actors involved in identification of presumed victims of human trafficking is where to set the threshold. When performing initial identification, the threshold must be lower than that set out in the criminal code. The police in various OSCE participating States have been criticized for interpreting the definition of presumed victims too narrowly and not treating persons in situations where there were slight indications of trafficking as presumed victims.²⁸

The community policing tools provided in this guidebook should help to address the challenges of preliminary identification of presumed and potential trafficking victims.

The guidebook is divided into eight chapters. Chapter One underlines the necessity of developing a common list of indicators to provide a basis for multi-agency co-operation in victim identification. Chapter Two establishes a link between victim identification and the legal definition

²⁸ Cf. Maria-Grazia Giammarinaro, OSCE Special Representative and Co-ordinator on Combating Human Trafficking, opening speech at the expert meeting held in Vienna on 19 November 2010.

of human trafficking and focuses on the main principles that have to be taken into consideration when approaching the problem. Chapter Three addresses different aspects of the community policing approach to victim identification. Chapter Four focuses on characteristics of victims and difficulties faced by those who deal with identification of potential and presumed victims. Chapters Five and Six divide the trafficking process into pre-exploitation and exploitation phases and provide lists of certain indicators that refer to victims in these respective phases. These two chapters also provide guidance for community police officers on how to identify signs of trafficking situations and how to respond to these situations. Chapter Seven provides recommendations for law enforcement capacity development in the area of victim identification. Chapter Eight emphasizes that community policing can provide a more nuanced and comprehensive approach to victim identification than those used separately by the police and their partners. As a result, they will be able to identify, reach out to and assist more victims and potential victims of trafficking in persons.

II. Approaches to Victim Identification and Main Principles

II.1 Why Is Victim Identification Important?

Precise and careful identification of presumed victims of trafficking in human beings²⁹ is above all necessary to protect their physical safety and their rights and to ensure that they receive access to vital services. It should also ensure access to justice for those who are victims of crime. Proper identification of trafficked persons can also lead to more criminal investigations and may help disclose other crimes.

An essential principle of protecting the rights of trafficked persons is that they must not be prosecuted or punished for committing crimes during the period of their victimization or as a consequence of trafficking.³⁰

Very frequently trafficked persons are treated as criminals rather than victims. In countries of transit and destination, they may be prosecuted, detained or deported on grounds of irregular migration,³¹ labour status or involvement in illegal labour practices. After return to their country of origin, they may be subjected to prosecution for using false documents, having left the country illegally, or for having worked in the sex industry. In all these cases, criminalization limits their access to justice and needed services and decreases the likelihood that they will report their victimization to the authorities.³²

In no circumstances should trafficked persons be held in immigration detention or other forms of custody. They should be able to exercise their right to submit asylum claims in accordance with international refugee law.³³

²⁹ The terms “victims of trafficking in human beings” and “trafficked persons” are used interchangeably in this text. This is also the case for the terms “trafficking in human beings” and “human trafficking”.

³⁰ This also applies to victims of trafficking in persons for the purpose of sexual exploitation regardless of whether prostitution is legal or not.

³¹ Cf. International Organization for Migration, *IOM Handbook on Direct Assistance for Victims of Trafficking*, Geneva, 2007, chap. 2.

³² Cf. United Nations Office on Drugs and Crime, *Toolkit to Combat Trafficking in Persons*, first ed., Vienna/New York, 2006, Tool 6.1, p. 271.

³³ Cf. “Guideline 6: Protection and Support for Trafficked Persons”, in: United Nations Economic and Social Council, *Recommended Principles and Guidelines on Human Rights*

Timely identification of potential victims of human trafficking is also an effective preventive measure against this crime. Awareness-raising activities targeting groups at risk can prevent them from ending up in situations of sexual or other types of exploitation.³⁴ This not only prevents individuals from being victimized, but also protects the interests of society as a whole.

Many Governments and Government agencies have approached human trafficking primarily as a form of transnational organized crime in line with the Palermo Protocols supplementing the United Nations Convention against Transnational Organized Crime. However, this approach is becoming problematic because today trafficking in persons is frequently carried out by small-time, disorganized, unsophisticated and only loosely networked groups, as well as individuals acting alone. Moreover, internal trafficking is on the rise in many countries. Recruiting domestic victims enables traffickers to cut costs and to avoid risks posed by stepped-up law enforcement counter-measures.³⁵

The removal and relaxation of internal borders within the European Union has significantly reduced opportunities for many law enforcement agencies to intercept traffickers and identify victims of trafficking. Before the establishment of the Schengen Area, only the most sophisticated criminal groups could operate at a cross-border level. The present absence of physical border controls provides significant opportunities for small or mid-sized groups and individuals to operate in more than one country. In addition, many former “markets” and source countries for victims are now part of the European Union.³⁶

and Human Trafficking: Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council, E/2002/68.Add 1 (2002).

³⁴ Cf. Dutch National Rapporteur, *Trafficking in Human Beings*, (op.cit. note 11), p. 300.

³⁵ Cf. Friesendorf, Cornelius, *Strategies Against Human Trafficking: The Role of the Security Sector*. Vienna and Geneva: National Defence Academy and Austrian Ministry of Defence and Sports in co-operation with the Geneva Centre for the Democratic Control of Armed Forces, September 2009, pp. 26, 487–488; and Hančilová, Blanka/Massey, Camille, *Legislation and the Situation concerning Trafficking in Human Beings for the Purpose of Sexual Exploitation in EU Member States*, Vienna: International Centre for Migration Policy Development, 2009, pp. 27-30.

³⁶ Cf. EUROPOL, *Trafficking in Human Beings in the European Union: a EUROPOL Perspective*, December 2009, p. 2.

II.2 Complexity of the Definition of Trafficking in Human Beings

The identification of victims of human trafficking is usually based on attempts to link victims' characteristics with constituent parts of the definition of human trafficking. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) supplementing the United Nations Convention against Transnational Organized Crime (also known as the Palermo Protocol) has defined human trafficking as:

"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."

"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;"

"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;"

"'Child' shall mean any person less than eighteen years of age."

The definition states that to qualify as a violation of the article, the following three features must be present:

ACTIVITY	recruitment transportation transfer harbouring of persons receipt of persons
MEANS	threat of force or other forms of coercion use of force or other forms of coercion abduction fraud deception abuse of power or a position of vulnerability the giving or receiving of payments or benefits to achieve the consent of a person having control over another person
PURPOSE	exploitation within one of the exploitative forms specified in the definition

In other words, each of the three stages of human trafficking must be present and linked to each other for the crime to be completed. The activity must be achieved by one of the specified means and both must be linked to achieving the exploitative purpose. In the case of child trafficking, however, means do not have to be present.³⁷

It is worth highlighting that many OSCE participating States still do not recognize the relevance of the Protocol's clause on the victim's consent or realize that the trafficking definition is different for children.

The Palermo Protocol's definition is comprehensive, yet it contains many terms that can be interpreted differently in national legislations.³⁸ Even in countries where it has been directly transcribed, uncertainty

³⁷ Cf. International Centre for Migration Policy Development/Austrian Ministry of Interior. *Regional Standard for Anti-Trafficking Police Training in SEE.*, ICMPD, Vienna, 2003, p.59.

³⁸ For a detailed analysis of the situation in 17 EU Member States, see Hančilová/Massey, *Legislation and the Situation concerning Trafficking in Human Beings for the Purpose of Sexual Exploitation in EU Member States* (op.cit. note 35).

about its application in practice remains. Efforts by States to create their own definitions have also been problematic.³⁹

In 2008, an attempt was made within the context of a joint project of the European Commission and the International Labour Organisation (ILO) to apply the “Delphi methodology”⁴⁰ to develop harmonized definitions and associated indicators for trafficking in human beings. This initiative produced four separate lists of operational indicators of trafficking for adults and children in situations of labour and sexual exploitation. These lists can be used to assess the situation of victims with respect to each of the six main elements of the Palermo Protocol’s definition of trafficking in human beings: deceptive recruitment (including transfer and transport); coercive recruitment; recruitment by abuse of vulnerability; exploitation; coercion at destination; and abuse of vulnerability at destination.⁴¹

The initiative recommended translating the final set of indicators into a practical assessment guide for organizations that have contact with potential victims and into questionnaires for researchers and designers of surveys on human trafficking.

II.3 Human Rights and a Victim-Centred Approach

Trafficking in human beings should not be reduced to a problem of migration, public order or organized crime; it is first of all a violation of the human rights of persons who have been trafficked. Human rights violations are both a cause and a consequence of trafficking in persons.

According to the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking, safeguarding the human rights of trafficked persons should be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims.⁴² Anti-trafficking measures should not adversely affect the

³⁹ Cf. Friesendorf, *Strategies against Human Trafficking* (op.cit. note 35), p. 23.

⁴⁰ The objective of the Delphi methodology (originally developed in the 1950s) was to produce results based on consensus among experts from 27 EU Member States representing police, Governments, academic and research institutes, NGOs, international organizations, labour inspectorates, trade unions and judiciaries that took part in a two-round study.

⁴¹ For explanations of indicators of trafficking for sexual and labour exploitation, see: <http://www.ilo.org>.

⁴² Cf. United Nations Economic and Social Council, *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (op.cit. note 33), para. 1.

human rights and dignity of persons who have been trafficked, migrants, internally displaced persons, refugees or asylum-seekers.⁴³

Acts of violence, coercion and exploitation by traffickers violate the human rights of trafficking victims. Their rights should not be further violated by State authorities. Secondary victimization can occur if institutions and individuals do not respond to the victim with appropriate sensitivity.⁴⁴ Thus when dealing with victims in the recovery phase it is critically important to avoid treating them or speaking to them in a judgemental manner.

A human rights approach requires early identification of and assistance to trafficking victims. Because trafficking in persons is such a complex phenomenon, the process of making a final identification of victims can be prolonged; thus initial identification of presumed victims is crucial. Failure to identify victims at an early stage can result in inadequate protection of victims and the violation of their rights, which in turn may obstruct effective prosecution of the crime.

The needs and rights of victims of trafficking in human beings should be considered throughout the entire course of criminal proceedings. Law enforcement officers have an obligation to ensure that measures to prevent and combat human trafficking do not have an adverse impact on the rights and dignity of trafficking victims, even in cases in which the victims do not become witnesses in criminal proceedings or do not provide sufficient evidence.⁴⁵

A victim-centred human rights approach also calls for informing victims about their human rights. Some victims may not even realize that their human rights may have been violated. If victims have been raised in abusive families in which they or their mothers were not treated with dignity and respect, they may not consider beatings and/or other forms of mistreatment to be abusive. This may also be the case if such treatment is the norm in their country of origin.

All agencies and institutions dealing with victims of human trafficking should protect the privacy and identity of victims. Victims' personal data

⁴³ Ibid., "Guideline 1: Promotion and protection of human rights".

⁴⁴ Cf. United Nations Office on Drugs and Crime, *Toolkit to Combat Trafficking in Persons* (op.cit. note 32), p. 103; International Organization for Migration, *Caring for Trafficked Persons: Guidance for Health Providers*, Geneva, 2009, chaps. 2 and 3, action sheet 1; and OSCE, *Guidebook on Democratic Policing by the Senior Police Adviser to the OSCE Secretary General*, SPMU Publication Series Vol. 1, 2nd Edition, Vienna, May 2008, p. 30.

⁴⁵ Cf. Friesendorf, *Strategies Against Human Trafficking* (op.cit. note 35), p. 79.

should be stored and used in conformity with the conditions set out in the relevant international instruments.⁴⁶ Confidentiality should be taken into account in police reports, especially when they are distributed to other stakeholders. To ensure more accurate reporting, however, it might be necessary to share personal data in the operative stage.

Placing the victim at the centre of the response to trafficking means considering, at each and every stage, the impact that a law, policy, practice or measure may have on persons who have been trafficked or who are vulnerable to being trafficked. Trafficked persons must not be subjected to discriminatory treatment. All measures must be applied without discrimination, particularly with respect to gender, ethnicity, social status, immigration status and/or the fact that a trafficked person has been trafficked previously or has participated in the sex industry or illicit activities.⁴⁷

In practice, a victim-centred approach focuses on developing a relationship of trust with (presumed) victims of trafficking, referring them to appropriate services and providing information about their rights. Each identified victim or presumed victim should be provided with full information on:

- The rights and obligations of a presumed trafficked person;
- The function of the recovery and reflection period;
- Services available (accommodation, counselling, etc.);
- Investigative and prosecutorial steps (time, length, rights and obligations during the criminal process, entitlement, possible reparations, etc.);
- Current security concerns and functions of the witness protection system;⁴⁸ and
- Possible next steps of referral.

The provision of information is a key component of the referral process that should decrease the presumed victim's anxiety and uncertainty about the future and help the individual to progressively regain control

⁴⁶ Cf. Council of Europe, *Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data*, Strasbourg, 1981, with Amendments thereto, 1999.

⁴⁷ Cf. European Commission, *Report of the Experts Group on Trafficking in Human Beings*. Brussels, 22 December 2004, p. 139.

⁴⁸ Witness protection is a delicate, lengthy and difficult matter and should only be explained if the person may eventually agree to let his or her case be pursued.

over his or her life. It is also the first step to build a relationship of trust between the assisted person and the service provider/agency.⁴⁹

Before a presumed trafficked person is accepted into any assistance, support or criminal follow-up scheme, she or he must give written and informed consent. In the case of criminal follow-up, presumed trafficked persons should take a conscious decision to pursue this course and not be persuaded by law enforcement to do so.

II.4 Victim Identification and Protection of Personal Data

Police-public partnerships in dealing with presumed victims of trafficking in persons can help develop trust in the police among members of the community and especially among civil society representatives. When it comes to individual cases, however, sharing information among different stakeholders has to be done carefully and sensitively in order to protect personal information from misuse and prevent potential harm to trafficked persons.⁵⁰

Any disclosure of personal data to non-authorized individuals increases the risk to victims, members of their families or any other people who are in contact with them (e.g., service providers).

A leak of personal data could compromise the re-integration of victims in their original community, decrease their trust in authorities and complicate or even preclude the prosecution of traffickers.

Many victims of trafficking in persons do not want to co-operate with the authorities or do not report abuse because they do not want their personal data or the fact that they have been trafficked to become public during the prosecution or trial of the perpetrators.

This underscores the critical importance of the first contact with the victim, which can affect the entire prosecution process. The smaller the original community is, the greater the pressure on both the victim and the community police officer. The officer who identifies victims within the community has a huge responsibility and should be aware that his or her actions should be taken with maximum confidentiality. This issue

⁴⁹ Cf. International Centre for Migration Policy Development, *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons: South-Eastern Europe*, ICMPD, Vienna, 2009, p. 39.

⁵⁰ Cf. European Commission, *Report of the Expert Group on Trafficking in Human Beings* (op.cit. note 47), p. 23.

is even more sensitive in the case of victims who have been sexually exploited. If their privacy is not maintained, victims will have to permanently live with the shame and fear of stigma and rejection.

Protection of and processing of personal data are usually strictly regulated by national legislation that interpret the relevant international instruments.⁵¹

Personal data are defined as any information relating to an identified or identifiable natural person (data subject); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.⁵²

Processing of personal data means any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.⁵³

Data are considered personal when someone is able to link the information to a person, even if the person holding the data cannot make this link. Some examples of personal data include: home address, credit card number, bank statements, criminal record, etc.

Processing of personal data is usually subject to the following rules:

- Data subjects should be given notice when their data is being collected;
- Data should only be used for the stated purpose and no others;
- Data should not be disclosed without the data subject's consent;

⁵¹ See also: Council of Europe, *Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data*, (op.cit. note 46); Council of Europe/European Parliament, Directive 95/46/EC (op.cit. note 14); and Council of Europe/European Parliament, Directive 2002/58/EC, concerning the *Processing of Personal Data and the Protection of Privacy in the Electronic Communications Sector*, Official Journal of the European Communities, L 201/37, 31 July 2002.

⁵² Cf. Council of Europe/European Parliament, Directive 95/46/EC (op.cit. note 14), art. 2 a.

⁵³ Ibid., art. 2 lit. b.

- Collected data should be kept secure from any potential abuses;
- Data subjects should be informed who is collecting their data;
- Data subjects should be allowed to access their data and correct any inaccuracies; and
- Data subjects should have a means to hold data collectors accountable to following the above principles.⁵⁴

To avoid any intentional or unintentional breach of these principles, it is recommended to use depersonalized data on victims of human trafficking as much as possible. If there is a real and justifiable need for personal data, the victim's written consent is required to allow others to process her or his personal data.

II.5 The Need for Special Attention to Trafficked Children

According to available estimates, children account for between 40 and 50 per cent of all victims of human trafficking globally. Children are one of the groups most vulnerable to exploitation by traffickers since considerably less sophistication is required in the recruiting process, especially in cases when parents are accomplices in the crime.⁵⁵

It is crucial to identify child victims and refer them to appropriate services to ensure that they are given access to the special protection measures to which they are entitled under international law and as victims of human rights violations. Any measures dealing with trafficked children should be based on the principles set out in the Convention on the Rights of the Child and the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.⁵⁶ The best interests of the child must always be a primary consideration, and the child's views must be taken into account in all matters affecting him or her. All measures dealing with trafficked children should also be linked to and

⁵⁴ Cf. Organisation for Co-operation and Development, *Recommendations of the Council Concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data*, Paris, 23 September 1980.

⁵⁵ Cf. EUROPOL, *Trafficking in Human beings in the European Union: a EUROPOL Perspective* (op.cit. note 36), p. 3.

⁵⁶ Cf. United Nations General Assembly, Res. 44/25, annex 20, *Convention on the Rights of the Child*, Treaty Series, Vol. 1577, No. 27531, 20 November 1989, in accordance with: United Nations Economic and Social Council, Res. 2005/20, *United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime*, 22 July 2005, article 49.

co-ordinated with the existing safeguarding/child protection system in the given country.⁵⁷

In both cross-border and internal trafficking situations, child victims should be treated fairly and equally, regardless of their own, their parents' or their guardian's race, skin colour, religion, belief, age, family status, culture, language, ethnicity, national and or social origin, citizenship, gender, sexual orientation, political or other opinion, disability, property, birth, immigration status, the fact that the child has been trafficked or has participated in the sex industry, or any other status.⁵⁸

Within the OSCE area, children have been identified as victims of both cross-border and internal trafficking for different purposes. They have also been identified among detainees and in specialized detention/rehabilitation centres for juveniles.

CASE STUDY: KAZAKHSTAN

A human trafficking victim identification project was implemented in police detention centres and specialized isolation/rehabilitation centres for juveniles in Almaty from April through July 2010. Altogether 390 individuals were questioned, including 290 adults and 100 children. Among them 36 persons were identified as presumed victims of human trafficking, including seven children.

This monitoring showed that children at risk (e.g., from dysfunctional families, truants and escapees from children's homes) are more likely to fall victim to human trafficking.

Orphans and children with mental health issues are particularly vulnerable to exploitation.

Nevertheless, children from affluent families can also be exploited. In one district of the South Kazakhstan region, 25 per cent of school-age children were forced to pick cotton during the 2009 harvest.

⁵⁷ Cf. International Organization for Migration/Austrian Federal Ministry of Interior, *Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking*, Vienna, 2006.

⁵⁸ Cf. United Nations Office on Drugs and Crime, *Model Law against Trafficking in Persons* (op.cit. note 5), p. 7.

III. Community Policing Approach to Addressing Trafficking in Human Beings and Victim identification

Specialized police units usually deal with trafficking in human beings as a form of serious and often organized crime. Fighting organized crime, however, should not automatically exclude the role of community policing, police patrols or uniformed police in addressing human trafficking.

Over the more than 20 years since the community policing approach was first elaborated, it has developed skills and strategies that can directly support anti-trafficking efforts. These include: a systematic approach to problem-solving, environmental scanning, effective communications with the public, fear reduction and community mobilization.

Police officers who are engaged in community policing build close and productive relationships with residents of the communities they serve. Such relationships foster reliable information-sharing between the police and the community.⁵⁹

III.1 What is Community Policing

Community policing is usually defined as a philosophy and organizational strategy that promotes a partnership-based, collaborative effort between the police and the community to more effectively and efficiently identify, prevent and solve problems of crime, the fear of crime, physical and social disorder, safety and security, and neighbourhood decay/community wellness in order to improve the quality of life for everyone.⁶⁰

⁵⁹ Cf. Carter, David L., *Law Enforcement Intelligence: A Guide for State, Local, and Tribal Law Enforcement Agencies*. East Lansing, Michigan: Michigan State University, School of Criminal Justice, Michigan, November 2004, p. 40.

⁶⁰ Cf. OSCE, *Good Practice in Building Police-Public Partnerships* (op.cit. note 4), p. 5.

Community policing consists of two complementary core components: **community partnership and problem-solving.**

To develop a **community partnership**, police must develop positive relationships with the community, involve the community in the quest for better crime control and prevention, and pool their resources with those of the community to address the most urgent concerns of community members. Most officers who undertake community policing spend most of their time interacting with the community through dialogue, listening to concerns, advising, giving feedback, reporting crimes and problems back to their organizations and being visible within the community through patrolling. In addition to maintaining individual contacts, the police should facilitate events, forums and community meetings where they can exchange views with the community on issues of mutual concern.⁶¹ Collaborative partnerships between law enforcement agencies and community organizations and individuals help to develop solutions to problems and increase public trust in the police.

Problem-solving is the process through which the specific concerns of communities are identified and the most appropriate remedies to abate these problems are found.⁶² Problem-solving is more than the elimination and prevention of crimes. It is based on the assumption that underlying conditions create problems. These conditions might include the characteristics of the people involved, the social setting in which these people interact, the physical environment and the way the public deals with these conditions. Problem-solving can be characterized as the proactive and systematic examination of identified problems to develop effective responses.

Efficient implementation of community policing requires the **transformation of the entire police organization.**⁶³ Patrol officers are the primary providers of police services in the community and have the most extensive contact with community members. They receive assistance from their immediate supervisors, other police units and appropriate government and social agencies. Effective community policing depends on optimizing positive contact between patrol officers and community members. Patrol cars can be supplemented with foot,

⁶¹ Ibid., p. 27.

⁶² Cf. United States Department of Justice Bureau of Justice Assistance, *Understanding Community Policing: A Framework for Action*, Washington, DC, August 2004, p. 3.

⁶³ This comprehensive transformation encompasses the organizational structure (geographic assignment and de-specialization of officers, reallocation of resources and finances), personnel (recruitment, hiring and selection, supervision, evaluation, training) and information systems (communication, access to data, quality and accuracy of data).

bicycle, scooter and horseback patrols, as well as mini-stations that bring police closer to the community.⁶⁴

In order to have **a common understanding of community policing** for the purpose of this guidebook, the following points must be understood:

- Community policing is much broader than neighbourhood policing. Neighbourhood policing is just one possible organizational method of delivering police services to neighbourhood communities.
- Community policing is not a specialized unit or an assignment. It is a concept that permeates the entire organization from the top down and is practiced by every police officer regardless of his or her level and position.
- The term “community” not only refers to people living in a certain geographic area (neighbourhood), but also people who share a common culture, religion, ethnicity, values, norms and concerns. This term may encompass worksites, schools, churches, governmental and non-governmental organizations, social groups, health care sites, etc.
- The concept of community policing can be implemented by specialized community policing units, but also by other police units undertaking similar roles within communities.

III.2 Approaches to Community Policing in the OSCE Participating States and Implications for Preventing and Combating Trafficking in Human Beings

Implementation of the concept of community policing varies from country to country. In some OSCE participating States (e.g., the United Kingdom and the United States), the concept has been implemented comprehensively and community policing is now a routine component of policing. Other States only make use of elements of community policing without changing the organizational structure of the police; they usually approach the concept through the implementation of small projects.

In post-conflict regions, the sense of community is rather weak, with groups divided by ethnicity and/or religion. As a result, community

⁶⁴ Cf. United States Department of Justice Bureau of Justice Assistance, *Understanding Community Policing* (op.cit. note 62), p. 14.

policing tools are less effective. Front-line police officers serving these communities face the frustration of not being accepted as members of the community, and they have to work very hard to gain the community's trust and support in order to control crime, reduce fear and encourage community members to bring problems to the attention of the police.

The role of community police officers in preventing and combating human trafficking also differs from country to country.

In countries where community policing is considered a constituent part of routine policing, Safer Neighbourhood Teams or similar structures are expected to know what is happening within their community and where to look for indicators of trafficking in persons. They should also be familiar with the basic procedures and minimum standards for investigating human trafficking cases, such as preservation of the crime scene and other forensics, evidence gathering, seizure of telephones and computers and arrest of suspects, as well as victim identification and referral.

In other countries, community police officers are obliged to inform specialized police units about human trafficking indicators and are not allowed to initiate an investigation themselves. They may interview victims only based on the permission and supervision of specialized units (e.g., when large groups of victims are identified and specialized units do not have the capacity to interview them all).

III.3 Community Policing and National Referral Mechanisms

The OSCE put forward the concept of a National Referral Mechanism in response to the need for more formalized and institutionalized co-operation to combat trafficking in human beings.

A National Referral Mechanism (NRM) is defined as a co-operative framework through which State actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society. The basic aim of an NRM is to ensure that the human rights of trafficked persons are respected and to provide an effective way to refer victims of trafficking to needed services. At the core of every NRM is the process of locating and identifying likely victims of trafficking who are generally known as “presumed trafficked persons”. This process includes all the different organizations involved in an NRM, which should co-operate to ensure that victims are offered assistance through referral to specialized services.⁶⁵

A number of OSCE participating States have introduced National Referral Mechanisms. They usually function most efficiently at the centralized, national level from which they are administered since they tend to lack sufficient capacity and sustainability to deal with local issues.

Community policing can complement the National Referral Mechanism since it operates at the level of communities where the concept of police-public partnerships was initially introduced and has been accepted.⁶⁶

⁶⁵ Cf. OSCE Office for Democratic Institutions and Human Rights (ODIHR), *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons* (op.cit. note 13), pp. 15–16.

⁶⁶ The OSCE introduced community policing programmes in Armenia, Azerbaijan, Croatia, Kazakhstan, Kosovo, Kyrgyzstan, Montenegro, Serbia and the former Yugoslav Republic of Macedonia. In Albania, community policing was introduced by the United Nations Development Programme (UNDP) (the OSCE Mission in Kosovo assisted UNDP by providing several training courses to so-called Problem Solving Groups) and by the Police Assistance Mission of the European Community to Albania (PAMECA). In Bosnia and Herzegovina, attempts were made to introduce community policing by the United Nations International Police Task Force (IPTF) and later, by the European Union Police Mission (EUPM). In many countries, the concept of police-public partnerships and/or its components (e.g., neighbourhood policing, various community safety forums) already exist

III.4 Three Organizational Levels of Community Policing and Victim Identification

While identification of potential victims of human trafficking is a regular part of prevention strategies, identification of presumed victims can be seen as a gateway to specialized services. Identifying agencies should know in advance what to do with victims, what their needs are, what specialized services are available, etc. To be fully effective, all victim identification strategies must be linked to other prevention and intervention strategies.

Within community policing, identification of trafficked persons should be facilitated at three organizational levels:



At the **strategic level**, an increase in institutional capacity for early identification of potential and/or presumed victims is usually part of a National Action Plan or a National Strategy.

Police-public partnerships are usually initiated at the **managerial level**, and especially at the middle management level. Managers at this level usually set up standard operating procedures for anti-trafficking efforts (including victim identification) to comply with National Action Plan requirements, align with the police-public agreements and train their staff.

At the **operational level**, front-line police officers make the practical identification of potential and presumed victims. They should be familiar with the most common indicators of human trafficking and a

to a certain extent without a formal introduction as community policing (e.g., in the Russian Federation and other former Soviet republics).

mechanism for immediate referral to victim services. They need to be briefed regularly; intelligence must be collated, prioritized and fed back to operational-level officers to keep them well informed. Examples of the kind of intelligence front-line officers need include: the typical profile of a trafficked person in their area; information to help them identify trafficked persons; what areas may be destinations for trafficked persons; what parts of their patrol area might be a recruiting site for trafficking, etc.

A concise, comprehensive and prioritized list of indicators that takes into account a strategic analysis of the current situation and trends should be developed for each community. Source communities and communities or neighbourhoods where exploitation takes place should receive separate lists of indicators tailored to their specific situations.

III.5 Police-Public Partnerships in Preventing and Combating Trafficking in Human Beings

Close co-operation between police and different segments of communities is crucial to the prevention of human trafficking, the timely identification of victims and the referral of victims to appropriate services. Public forums established within the framework of community policing can be used for sharing information on human trafficking, facilitating focused awareness-raising campaigns and motivating community members to share their concerns and suspicions about signs of human trafficking. Community problem-solving groups can design and implement projects to help identify potential and presumed victims and provide assistance to them.⁶⁷

A clear network should be set up at each community level and every front-line police officer should have an updated list of contacts for a specialized anti-trafficking police unit, NGOs and shelters, social protection services, health services, etc. All agencies and stakeholders that deal with trafficked persons should co-ordinate their efforts.

Faith-based groups and churches can also play a significant role in victim identification. Diaspora organizations and churches are also places where migrants who are victims or potential victims of human trafficking can meet compatriots and get information and help.

⁶⁷ See, for instance, Croydon Community Against Trafficking website, at: <http://theccat.com/home.html>.

CASE STUDY: UNITED KINGDOM

Active Communities against Trafficking

This initiative, which is based on the assumption that the best way to fight human trafficking is through community awareness and action, is being implemented in London, Bristol and Manchester as part of the Stop the Traffik⁶⁸ global alliance.

Human trafficking-free communities should:

- know the signs of trafficking and how to report it;
- become advocates for those who are hidden or vulnerable;
- raise awareness and educate others about human trafficking, how it affects them and what they can do about it;
- campaign and lobby for local, national and international change; and
- network with local people and organizations in each city, from concerned community members to professional agencies.

III.6 Forms of Police-Public Co-operation in Preventing and Combating Trafficking in Human Beings

The various stakeholders involved in police-public partnerships to prevent and combat human trafficking can co-operate in the following ways:

Observation. Observation can be done directly in the field. For example, patrols in problematic areas or checkups of suspected recruitment sites can be carried out by joint specialized street-level teams that include police officers, relevant specialists (social workers, educators, psychologists, psychiatrists, etc.) and, potentially, community volunteers. Observation can also be carried out through research and analysis of information from social service providers. It also includes the creation and maintenance of joint databases on cases.

⁶⁸ Stop the Traffik, established in 2006, is a growing global movement of individuals, communities and organizations fighting to prevent the sale of people, protect the trafficked and prosecute the traffickers. See: <http://www.stopthetraffik.org/ourwork/act/>.

Consultation. This can be done by organizing, facilitating and participating in community meetings, conferences, seminars, thematic joint working groups and various community safety forums (community advisory groups, local community safety councils, etc.) established at the local, regional and national levels. Consultation of this sort can maximize co-operation between social services and law enforcement to ensure their continuous dialogue.

Policy-making. This can include participation in drafting the legal framework (laws, regulations, policies and procedures, inter-institutional and international agreements, etc.) for identification, reception, healthcare, psychological support and guardianship of victims of human trafficking. It can also include signing memoranda of understanding or protocols on co-operation between law enforcement agencies and other stakeholders.

Planning. Stakeholders can partner in designing local, regional, national and international anti-trafficking projects, action plans and strategies. National action plans are more effective if they are translated into local/community action plans.

Awareness-raising. A host of materials utilizing various media can be used to raise public awareness about human trafficking, including: bulletins, brochures, television broadcasts, documentary films, music festivals, concerts, etc. Specific target audiences could include potential and actual victims, witnesses and people who use the services (e.g., labour, sex) that trafficked persons provide. Police should participate in awareness-raising campaigns in co-operation with other stakeholders and civil society organizations; they can provide potential victims with information about the operating methods of traffickers as well as about their own rights. It is recommended that the impact of all preventive measures should be measured.

Identification and Referral. The police should support mechanisms that enable a trafficked person to voluntarily ask for assistance from a civil society organization, a specialized centre or another service provider. Front-line police officers and relevant civil society organizations should co-operate in making the first contact with presumed trafficked persons to ensure they receive counselling (legal, psychological) and that they are referred to appropriate services through established National Referral Mechanisms (see above).

Protection, assistance and integration of victims of trafficking. This can be accomplished by setting up a social support network of

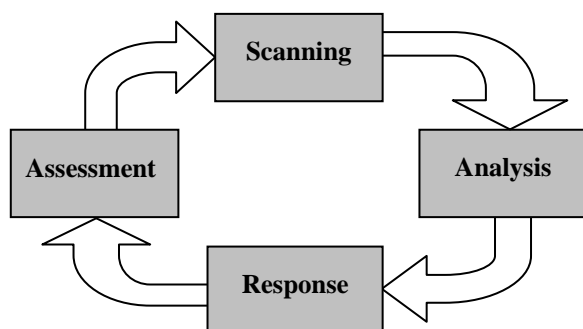
safe houses and shelters and by providing long-term assistance with socio-economical integration to victims.

Training. Specific and regular training and refresher courses for front-line police officers can improve procedures and interventions involved in victim contact, safety, protection and support, as well as co-operation between victims and the judiciary.

III.7 Community Based Problem Solving to Tackle Trafficking in Human Beings

Solving community problems involves all relevant government agencies, non-governmental entities, community leaders and other community members. In the case of trafficking in human beings, the relevant stakeholders may include: local departments of social work or health services, hospitals and clinics, licensing authorities, labour offices and inspectorates, and consulates and embassies. Close co-operation with local specialized NGOs is critical, especially those providing assistance and counselling programmes and support or SOS hotlines.⁶⁹ Information-sharing protocols can help organizations and agencies to work together efficiently and share relevant information.

The problem-solving model most commonly used in community policing is SARA (Scanning, Analysis, Response and Assessment). SARA helps to ensure that a crime-related problem is effectively identified and tackled.



⁶⁹ The Serbian anti-trafficking NGO Astra, together with the OSCE Mission to Serbia, created a handbook based on Astra's eight-year experience in running an SOS hotline. Astra developed a valuable methodology as well as a handbook that presents the experiences and reflections of other partner organizations, including Incest Trauma Center Belgrade, La Strada Moldova, Open Gate – La Strada Macedonia and La Strada International. See: <http://www.astra.org.rs/eng/wp-content/uploads/2008/07/ASTRA-SOS-Manual.pdf>.

Scanning: Identifying and prioritizing problems.

Analysis: Researching what is known about the problems.

Response: Developing solutions.

Assessment: Evaluating the success of the responses.

In analysing the problem, community policing recommends making use of the Problem Analysis Triangle (PAT)⁷⁰ that breaks problems down into three constituent elements: location, victim and offender.



The SARA problem-solving model, including the Problem Analysis Triangle, can be applied proactively and systematically to human trafficking and used to design counter-strategies.

When analysing the problem, community policing practitioners should seek answers to the following questions about victims, offenders and locations:

- Who are the victims/offenders?
- How can the victims/locations/offenders be identified?
- What behaviours or characteristics make them victims/problem locations/offenders?
- What negative factors cause them to behave or to have characteristics like this?
- What can be done to eliminate or reduce these negative factors?
- Who can eliminate or reduce these negative factors?

Problem analysis worksheets, which can be used to record the analysis and can also serve as a resource to prepare an action plan, can be found in Annex IV.

⁷⁰ Cf. Cohen, Lawrence/Felson, Marcus, *Social Change and Crime Rate Trends: a Routine Activity Approach*, American Sociological Review Vol. 44, No. 4 (1979), pp. 588-608.

III.8 Community Policing Tools to Address Trafficking in Human Beings

Designing an effective strategy for tackling human trafficking first requires a thorough and systematic analysis of the problem. The strategy may include the implementation of such joint police-public activities as:

- Signing local memoranda or protocols of understanding on co-operation;
- Creating working groups and operational subgroups;
- Organizing co-ordination meetings with relevant stakeholders;
- Identifying gaps in co-ordination and protection of victims;
- Jointly developing (police/social service providers) standard operating procedures;
- Jointly developing and maintaining databases;
- Providing training in victim identification for law enforcement agencies (police, courts, prosecutors) by relevant social service providers (social workers, NGOs, etc.), and vice versa;
- Training journalists to cover the issue;
- Using community safety forums to increase public awareness, obtain information and design joint actions;
- Mobilizing the community to gather information through observation and local knowledge to fill gaps in understanding of the problem;
- Carrying out joint awareness campaigns;
- Publishing and distributing bulletins, brochures and other informational materials;
- Applying the concept of the vicinity police officer;
- Conducting joint actions (patrols in problematic areas, checkups of suspected sites);
- Conducting outreach activities;
- Establishing hotlines; and
- Instituting inter-agency information-sharing protocols.

IV. Victim Identification – General Issues

IV.1 Who are Victims of Trafficking?

A general definition of victims of crime states that victims are persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws, including those laws proscribing criminal abuse of power.⁷¹

A victim of human trafficking is any natural person who has been subject to trafficking in persons, or who the competent authorities, including the designated non-governmental organizations where applicable, reasonably believe is a victim of trafficking in persons, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted.⁷²

In this guidebook we distinguish between potential victims (those who are at risk of being trafficked) and presumed victims (those who show signs that they might have been trafficked).

Commonly held stereotypes of human trafficking victims as innocent young girls from foreign countries who are manipulated, lied to and often kidnapped and forced into prostitution prevent people from realizing that being a victim may also encompass a broad range of other situations.

Victims of trafficking in persons may certainly share common characteristics that make them vulnerable to traffickers. They may come from countries or communities with high rates of crime, poverty and corruption where they lacked educational opportunities and family support. They may be found among homeless people or persons living in socially excluded communities; among ethnic minorities, immigrants and refugees; among persons with mental and/or physical disabilities; among victims of domestic violence and other crime victims; and

⁷¹ Cf. United Nations General Assembly, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse* (op.cit. note 21), p. 1.

⁷² Cf. United Nations Office on Drugs and Crime, *Model Law against Trafficking in Person* (op.cit. note 5), p. 22.

among people dependent on addictive substances. These are groups who traffickers target because of their adverse personal circumstances.

But there are countless numbers of individuals who do not fit this stereotypical background of adversity. Individuals with higher education, including university qualifications and second and third languages, who are employed and in stable relationships are now considered to be almost as vulnerable as those noted above. (A Ukrainian NGO reports that 14 per cent of Ukrainian victims are university graduates, 44 per cent are graduates from colleges and technical schools, and that after being reintegrated the majority of victims are either employed or have returned to their studies, with only very few remaining unemployed due to drug addiction.) Greater freedom of movement and travel, low-cost international transport and global communication links, previously unavailable opportunities to work overseas, as well as self-confidence, are all contributory factors in the recruitment of persons who would not normally be thought of as vulnerable to human trafficking.

The common factor that leads people from diverse backgrounds to fall victim to human trafficking is deceit. Typically they are offered the promise of employment, good working conditions and a salary that does not exist.⁷³

Misperceptions of who is likely to be a victim, how victims should behave and where they come from can all hinder victim identification.

Common Myths about Victims

- They do not take opportunities to escape and therefore there was no coercion.
- If they say they have a better life than previously, then they have not been trafficked.
- They are not victims when they reject help.

These myths and false perceptions do not consider that victims may have legitimate reasons for choosing not to escape or to reject assistance (e.g., fear of reprisals, vulnerability, lack of knowledge of the environment). Even if their life in their country of origin might have been

⁷³ Cf. EUROPOL, *Trafficking in Human Beings in the European Union: A EUROPOL Perspective* (op.cit. note 36), p. 3.

worse than their trafficking experience, that still does not mean that they have not been trafficked.

IV.2 Who Can Identify Victims of Trafficking?

The range of people and institutions that can identify trafficked persons is rather broad, particularly if they are trained and if a system of referral is in place. They include: law enforcement and government actors, NGOs, local social welfare organizations, hospital staff and psycho-social medical specialists, labour unions, labour inspections and other labour-related agencies, as well as embassy officials.⁷⁴

Law enforcement as a group has relatively good chances of identifying trafficking victims. Nevertheless, not all victims identified by the police are identified as a result of an investigation of a trafficking case. Quite often, victims are identified through the investigation of other crimes associated with human trafficking, such as kidnapping, prostitution, assault, domestic violence, murder, fraud, pimping, violation of labour laws, begging, robbery, petty crime and violation of medical procedures (transplantation).

Police officers can gain information about human trafficking by supervising certain problematic sectors (e.g., agriculture, construction, manufacturing), during regular patrolling, through anonymous reports and from community members. Individuals who could report suspicions of human trafficking to the police include: co-workers, parents or friends of victims, neighbours, clients of sexual services who suspect abuse, as well as sources of an entirely different nature, such as consular offices staff. Unfortunately the level of involvement of labour inspections, other labour-related authorities and medical and educational institutions in victim identification is still rather low. There is a clear need for training and development of new methods of identification for use by these groups.

Preliminary identification should support the conclusion that there is a reasonable assumption that a person might have been trafficked. This assumption should be based on the presence of relevant indicators.

Indicators are signs that suggest the possibility of human trafficking. They can be discovered through incidents associated with criminal

⁷⁴ Cf. European Commission, *Report of the Experts Group on Trafficking in Human Beings* (op.cit. note 47), p. 103.

activity, statements from the victim or signs of harm associated with trafficking. Some indicators are obvious, others are not.⁷⁵

Victim identification is a complex and time-consuming process that may involve the following stages (but not necessarily all of them):

- Preliminary identification of presumed victims by non-specialized police in partnership with community members;
- Identification by specialized police units for the purpose of deciding whether the crime of human trafficking was committed;
- Procedural identification, when the victim is already part of a criminal justice process as witness or injured party (usually done by public prosecution);⁷⁶ and
- Judicial identification (done by court decision) that gives a victim the right to ask for or receive compensation.

Preliminary identification should go hand in hand with:

1. **Initial referral:** the presumed victim is referred or self-refers to a body responsible for initial referral; the responsible body will vary depending on the country's legislation and policies.
2. **Access to basic needs and information:** providing basic information to and enquiring about the urgent needs of a presumed victim; responding to expressed concerns and/or emergency needs.
3. **Early risk assessment:** reviewing possible risks and securing the immediate safety of the presumed trafficked person.
4. **Language and interpretation:** ensuring communication in a language the victim understands.
5. **Recovery and reflection period:** providing presumed victims with the time and resources to ensure that they can make sound decisions about next steps.

⁷⁵ Cf. United Nations Global Initiative to Fight Human Trafficking (UN.GIFT). *Criminal justice responses to human trafficking* (op.cit. note 12).

⁷⁶ In some cases, victims are not assisted if they lose the legal status of victim under national law, which can happen for various reasons (e.g., lack of evidence; the trafficker could not be identified or died; the victim changed her or his statement).

Information collected during the preliminary identification, together with evidence collected on the spot (if available), should be immediately forwarded to specialized police units. They can analyse this information for evidence of illegal actions committed against the victim, compare elements of the crime committed with elements of the definition of trafficking in persons, and conclude whether the crime of human trafficking was committed.⁷⁷

IV.3 Difficulties in Victim Identification

Identification of trafficked persons is often time-consuming because of the complexity of the crime and the networks of individuals involved. The most common and obvious challenge in identifying victims of human trafficking is the hidden nature of the crime.

Victims are usually unaware of their rights as victims, do not understand the laws of the country and often do not speak the local language⁷⁸ — all of which help traffickers to control their victims and keep both the crime and its victims hidden. Traffickers control victims' contact with the outside world, which is often limited to persons working for the trafficker, other victims or clients. All of these factors conspire to frustrate and demoralize victims, destroy their self-confidence and leave them feeling powerless.

The complexity and variety of relationships involved in human trafficking complicates the identification of the victim by external actors, including social workers and the police. The interaction between the trafficker and the victim is multifaceted because in many cases the perpetrator is also “protecting” the victim from the authorities if the victim has irregular residence or work-related status. The victim may feel dependent on, and bound to, the trafficker (e.g., by debts). In many cases, a trafficker uses the negotiation of the terms of the victim's exploitative conditions (e.g., sharing the victim's earnings) as a strategy to strengthen the victim's sense of indebtedness to the trafficker and/or to make the victim feel complicit in his or her own exploitation.

Methods of controlling victims do not necessarily involve physical violence. Sophisticated forms of psychological violence, pressure and

⁷⁷ Cf. La Strada, *Identification of trafficked persons*, La Strada Express, No. 2 (March 2006), p. 10.

⁷⁸ VITA Tool on Victim Translation Assistance, available at the UN.GIFT website: www.ungift.org.

manipulation are increasingly common in trafficking cases. In many situations they have completely replaced physical violence. One of the most effective and problematic threats that makes the investigation of human trafficking crimes uniquely difficult is the threat of violent reprisals against the victim's loved ones back in the country of origin. To achieve this kind of power over the victim, traffickers make sure that they know a range of details about the victim's family circumstances.⁷⁹

In cases of both sexual and labour exploitation, shame is another powerful mechanism of control. The trafficker may threaten to reveal to the victim's family that she has been working as a prostitute. Gender-related stereotypes are currently one of the key barriers to addressing trafficking in men. Since human trafficking is widely associated with women and the sex business, men are not willing to be "part of the story". Victims feel ashamed for "being so naive or weak", or they may hope that their entrapment in a human trafficking situation is some kind of misunderstanding and that they will get paid if they comply with the traffickers' requirements.

Law enforcement agencies often lack personnel and appropriate infrastructure—including specialized interpreters—to conduct proper interviews with presumed trafficked persons. Even when they speak the same language, police and victims may not understand each other since they use a completely different vocabulary and style.

Victims of human trafficking may manifest symptoms of post-traumatic stress disorder that make their identification even more difficult. Traumatized victims may deny that they have been trafficked; they may experience difficulty in remembering what actually happened; they may fill in the blanks in their memory by making up plausible elements of the traumatic situation; and they may refuse to co-operate with or even be hostile towards the police.

Criminal justice practitioners are often confused and frustrated when they hear that victims of trafficking do not want to co-operate with law enforcement agencies. They do not realize that presumed victims may be afraid of the police, assuming that the police co-operate with the traffickers, are corrupt, etc.

Another impediment to victim identification may arise if the authorities do not fully realize that each victim has her or his own individual needs.

⁷⁹ Cf. International Centre for Migration Policy Development/Austrian Ministry of Interior. *Regional Standard for Anti-Trafficking Police Training in SEE* (op.cit. note 37), p. 24.

Authorities try to identify victims of crime, but they do not offer them individualized solutions that take into account such factors as gender, immigration status, fear of reprisals, language barriers and cultural background. Commonly, victims are told that if they co-operate with law enforcement and provide evidence against their traffickers, then they might be assisted and might be allowed stay in the host country for some period of time before being sent home — which means returning to the misery they tried to escape. This can be another reason individuals choose not to identify themselves as victims of human trafficking.⁸⁰

Given the complexity of both victim identification and the crime of human trafficking, authorities should give the benefit of the doubt to a person claiming to have been subjected to exploitation possibly related to trafficking. A person presumed to have been trafficked should be considered and treated as a victim as soon as the competent authorities have the slightest indication that she or he has been subject to the crime of trafficking.⁸¹ Thus it is recommended that countries introduce a recovery and reflection period of at least 30 days when there are reasonable grounds to believe that the person concerned is a victim. This period will give the individual a chance to recover and to escape the influence of traffickers and/or to make an informed decision on co-operating with the authorities. During this period it should not be possible to enforce any expulsion order against the individual.⁸²

⁸⁰ Cf. Global Alliance against Traffic in Women (GAATW), *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights around the World*, Bangkok, 2007), p. viii.

⁸¹ Cf. International Centre for Migration Policy Development, *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons: South-Eastern Europe* (op.cit. note 49), p. 34.

⁸² Cf. Council of Europe, *Convention on Action against Trafficking in Human Beings*, Warsaw, 16 May 2005, Article 13 - Recovery and reflection period.

V. How to Identify Victims before Exploitation Has Taken Place

V.1 Recruitment

During the first phase of the trafficking process, commonly referred to as the recruitment phase, traffickers target and acquire potential victims in order to ensnare them in the trafficking scheme. The term “recruitment” is understood in a broad sense, and refers to the fact that victims are usually recruited to perform normal work but end up in exploitative conditions. Therefore the definition of trafficking in persons emphasizes that victims’ consent is irrelevant: victims may have agreed to perform normal jobs, but they did not agree to exploitation. The inclusion of fraud, deception, the abuse of power and the abuse of a position of vulnerability in the definition recognizes that human trafficking can occur without the use of overt physical force. The same refers to recruitment.

Methods of recruitment vary greatly and depend on the modus operandi and level of organization of the traffickers. Methods range from individual recruiters looking for individual men and women in bars, cafes, clubs and discos, to recruitment via informal networks. Recruitment by relatives, friends or other familiar individuals or groups is also becoming rather common. Girls may be recruited into sexual exploitation by “lover boys” who make them fall in love. Advertisements offering work or study abroad or agencies (both formal and informal) or individuals offering work, study, marriage or travel abroad are also common methods of recruitment. The Internet provides an ideal forum for anonymously recruiting people into all kinds of trafficking situations.

In order to evade the influence of massive awareness-raising campaigns, traffickers may shift their activities to small towns and rural areas.

Victims are not only recruited in their country of origin. Recent migrants, particularly smuggled migrants who may have already experienced some form of exploitation during their journey, are frequently targeted for recruitment.

Many victims are willing to accept difficult conditions because they want to go to another country to find a job and a better life and hope to send money to their family. When they are recruited, they might suspect that they will be obliged to work very hard or even provide sexual services, but they may think that these conditions are acceptable for some period of time and that it's worth enduring harsh conditions to earn good money which they can use to pay off debts or cover family expenses. These are some of the reasons why victims may provide consent in the recruitment stage. But law enforcement officers should understand that during the recruitment stage potential victims are usually subject to deceit and other underhanded recruitment methods. The promises

PUSH and PULL Factors

The most frequently reported PUSH and PULL factors that may influence potential victims in their decision to accept recruitment offers include:

PUSH factors:

- High unemployment;
- Labour market not open to women and gender discrimination;
- Lack of opportunity to improve quality of life;
- Sexual or ethnic discrimination;
- Poverty;
- Escaping persecution, violence or abuse;
- Escaping human rights violations;
- Collapse of social infrastructure; and
- Other environmental conditions including conflict and war.

PULL factors:

- Improved standard and quality of life;
- Better access to higher education;
- Less discrimination or abuse;
- Enforcement of minimum standards and individual rights;
- Better employment opportunities;
- Demand for cheap labour;
- Demand for commercial sexual services;
- Higher salaries and better working conditions;
- Demand for workers within the sex industry and higher earnings; and
- Established migrant communities/diasporas.⁸³

⁸³ Cf. EUROPOL, *Trafficking in Human Beings in the European Union: A EUROPOL*

traffickers make feed their desire to improve their lives.

Communities can play an important preventative role in the recruitment phase. Communities are usually vigilant and notice suspicious movements, new arrivals and recruitment of people with promises of jobs, etc. They oversee local marriages with foreigners, marriages without registration, as well as child marriages. Properly implemented community policing that includes effective information-sharing about community developments can help stop trafficking cases at an early stage.

V.2 Transfer

Trafficking usually involves the movement of victims in some way, but it does not necessarily involve the crossing of international borders. Traffickers move victims away from their communities, families and friends and keep them isolated in locations where the traffickers can control them and keep them dependent.⁸⁴

In cases of cross-border trafficking, victims may be transported in vehicles, containers, trains, ferries or on foot; they may enter the destination country by presenting stolen or forged documents to border authorities. Between 2000 and 2005, it was very common to use authentic travel documents that belonged to other people. In such cases, victims had to learn by heart the details of their false documents and rehearse a possible interrogation by immigration and/or customs authorities.

Victims may also present bona fide documents that provide false visa entitlements to enter a country, such as tourist or student visas. In these cases it is quite common that victims misinterpret the purpose for which they are entering the country. They may believe that they are entering for tourism, studies, legitimate work or legitimate marriage.⁸⁵

During this phase of human trafficking it is difficult to prove that the trafficker intended to exploit the victim because victims themselves are unaware of the conditions to which they will be subjected when they arrive at the destination. Direct indicators related to exploitation are not

Perspective (op.cit. note 36), p. 4.

⁸⁴ Cf. International Centre for Migration Policy Development/Austrian Ministry of Interior. *Regional Standard for Anti-Trafficking Police Training in SEE* (op.cit. note 37), p. 18.

⁸⁵ *Ibid.*, p. 21.

available yet. Identification is, therefore, mainly based on indirect indicators based on current trends, available data, information from other trafficking cases, research, etc.

- **Direct indicators** correspond to some part of the definition of human trafficking.
- **Indirect indicators** are based on current trends, data derived from real cases, research, etc.⁸⁶

Trafficking activities prior to the exploitation phase can be detected and proved by applying proactive investigative techniques.

CASE STUDY: SERBIA

In 2006, the Organized Crime Department of the Belgrade District Court in the Republic of Serbia convicted a group of traffickers before exploitation had taken place. Serbian law enforcement intervened when two potential victims were being transported from their country of origin (Ukraine) to the country of destination (Italy) via Serbia. Using extensive wiretaps, the Public Prosecutor was able to substantiate the true intention of the defendants towards the potential victims.

Even though the crime of human trafficking has not yet been completed during the transfer phase (the victims have not been transferred to the place of exploitation), individuals recruited by traffickers through different means of deception, coercion or abuse of vulnerability are already victims and should be treated appropriately.

Helping victims to identify risks and to self-identify as victims in the recruitment and transfer phases is crucial to preventing human trafficking. Victims in these stages often tell community policing practitioners, “that might happen to other people, but it won’t happen to me”. Even if victims have the feeling that something is going wrong, they do not know that they can get help.

⁸⁶ Cf. Kutáľková Petra, *Praktické doporučení pro postup při identifikování obchodovaných osob* [The narrow gateway to human rights: identification of trafficked persons in the Czech Republic], La Strada, Prague, 2007.

V.3 Victim Identification Indicators to Use in the Pre-Exploitation Phase (Recruitment and Transfer)

Deception, coercion and abuse of vulnerability⁸⁷ in combination with activities listed in the definition of human trafficking are means of control that traffickers can use on victims in all phases of trafficking. In child trafficking situations these means do not have to be present but should still be considered as trafficking.

Community policing practitioners may use different lists of indicators when identifying victims of human trafficking during the recruitment and transfer phases. These lists should be regularly revised and validated at the national, regional and community level. Their prioritization always depends on local conditions and the current situation.⁸⁸

Indicators developed in the Delphi research project could serve as a reference and provide guidance or examples of the most recent activity in this area.

According to the Delphi research, the following 10 indicators may point to recruitment (including transfer and transportation) by **deception**.⁸⁹ The victim may be deceived about:

- The nature of the job, location or employer;
- Working conditions;
- The content or legality of a labour contract;
- Family reunification;
- Housing and living conditions;
- Legal documentation or obtaining legal migration status;
- Travel and recruitment conditions;
- Wages/earnings;
- Promises of marriage or adoption; and
- Access to education opportunities.

⁸⁷ For explanations of these terms, see Clarification of Terms.

⁸⁸ Cf. United Nations Office on Drugs and Crime, *Toolkit to Combat Trafficking in Persons* (op.cit. note 32), Tool 6.3: Guidelines on Victim Identification; International Organization for Migration, *Identification and Protection Schemes for Victims of Trafficking in Persons in Europe: Tools and Best Practices*, Brussels, 2005; International Association of Chiefs of Police, *The Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation*, Alexandria, Virginia, 2006; La Strada, *Identification of trafficked persons* (op.cit. note 77); and Moosy, Robert, *Sex trafficking: identifying cases and victims*, National Institute of Justice Journal No.262 (March 2009).

⁸⁹ Cf. International Labour Organization/European Commission, *Operational indicators of trafficking in human beings: Results from a Delphi survey*, March 2009.

The following 10 indicators may point to recruitment (including transfer and transportation) by **coercion**:

- Violence against victims;
- Abduction, forced marriage, forced adoption or selling of the victim;
- Confiscation of documents;
- Debt bondage;
- Isolation, confinement or surveillance;
- Threat of denunciation to authorities;
- Threat of violence against the victim;
- Threats to inform the victim's family, community or public about the victim's situation;
- Violence or threat of violence against the victim's family; and
- Withholding of money.

The following 16 indicators may point to recruitment (including transfer and transportation) by **abuse of vulnerability**:

- Abuse of a difficult family situation;
- Abuse of illegal status;
- Abuse of lack of education (or local language);
- Abuse of lack of information;
- Control by exploiters;
- Economic reasons;
- Inaccurate information about the law and/or attitude of authorities;
- Family situation;
- Personal situation;
- Fragile psychological and emotional situation;
- Relationship with authorities and/or legal status;
- Abuse of cultural and/or religious beliefs;
- General context;
- Difficulties in the past; and
- Difficulty organizing travel.

The hierarchy of indicators should remain flexible and be prioritized based on the local situation and current trends but also according to the form of human trafficking in question and the age of the victim. The relevance of indicators differs for adult victims and children and also for sexual or labour exploitation.

V.4 Special Attention to Child Victims in the Pre-Exploitation Phase

In its definition of trafficking in persons, the Palermo Protocol states that: “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 [coercive] means set forth in subparagraph (a) of this article.”⁹⁰

V.4.1 Travelling Minors

Both potential and presumed victims of child trafficking can be identified among travelling minors. They are usually between 6 and 17 years of age; some flee their country for political, economic or family reasons (minor refugees); others are sent abroad by their families to earn money or to ensure a better future for the whole family (migrant minors).⁹¹

Travelling minors may be accompanied, un-accompanied or separated (those who start their journey with a parent or guardian, but at some stage of the journey they become separated).⁹² Accompanied minors may be travelling with one or both parents or with a person who claims to be a guardian responsible for the child. It can be difficult to detect whether an adult accompanying a child is acting with good intentions or not. Travelling minors may be documented or undocumented; their documents may be somehow falsified (e.g., replacement of photos).

The identification of travelling minors is also challenging because of practical difficulties in establishing the age of the child. Age assessments should take into account physical, psychological and cultural factors and should be carried out by independent professionals with appropriate expertise. When the age of a trafficked person is uncertain due to the absence of identity papers or false papers, and the individual claims to be under 18 years of age, the presumption should be that he or she is a child and should be treated as such.⁹³

⁹⁰ United Nations General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (op.cit. note 19).

⁹¹ Cf. Singer, Sandra. *Trafficking in Unaccompanied Minors in EU Member States: UK Country Report*, International Organisation for Migration, London, 2003, p. 27.

⁹² Cf. Hančilová, Blanka/Knauder, Bernadette, *Unaccompanied and Separated Minors in Europe: Facts, Figures, Issues and Good Practices*, December 2010.

⁹³ Cf. European Commission, *Report of the Experts Group on Trafficking in Human Beings* (op.cit. note 47), pp. 169-170.

"One Passport, One Person"

In the late 1980s the International Civil Aviation Organization (ICAO), custodian of the Chicago Convention on International Civil Aviation, recommended that States refrain from issuing a joint passport to two spouses and that States should endeavour, within a reasonable period of time, to issue passports to children under the age of 16. In 2002, ICAO adopted a new Annex 9 Standard to the Convention that requires States to issue a separate passport to each person, regardless of age. The benefits of this requirement are clearly applicable in preventing the trafficking of children:

- *Child trafficking/abduction.* A personalized passport helps to prevent photo substitution, which is a widely used practice in child trafficking.
- *Undocumented children.* It is not in a child's best interest to be included in the parent's passport. If during international travel the parent has to continue the trip alone, this will render the child undocumented, which could facilitate trafficking. This could also happen to a spouse when both spouses share one passport.
- *Nationality and identity rights of a child.* Article 15 of the 1948 Universal Declaration of Human Rights states that everyone has the right to a nationality, and Article 7 of the Convention on the Rights of the Child declares that a child shall have the right from birth to acquire a nationality. Article 8 declares that States must respect the right of the child to preserve his or her identity and nationality. It has long been recognized in national and international law that the passport is a travel document issued by the "competent authority showing the bearer's origin, identity and nationality." Thus it is possible that a child who does not possess his or her own travel document might be deprived of these rights. Moreover, these rights are a useful tool prevent child trafficking.
- *Biometrics in passports.* ICAO specifications now provide for the optional inclusion of an encoded biometric to confirm the holder's identity or other data to verify the document's authenticity. This makes possible an unprecedented level of document security, offering border control authorities a high

level of confidence in the validity of travel documents and the identity of the bearer. A biometric in a machine-readable passport should only contain information about the passport holder and no other person. This can provide a powerful law enforcement tool when cross-checked with watch lists of missing and abducted children.

- *Other arguments.* If each person has his or her own machine-readable passport, this enhances utilization (reduction of manual data entry) and facilitates unambiguous identification of persons travelling on a passport. Machine recording of data, as far as national legislation allows it, is a powerful intelligence resource for backtracking the movements of missing and abducted children.

However, relying solely on border control authorities to deal with international child trafficking has limited effectiveness for two reasons: first, because of the difficulty of establishing the precise relationship between the child and accompanying adult (if the child is accompanied); and second and most important, because in many cases the exploitative nature of the relationship between the adult and the child becomes evident only in the country of destination.

Risk assessment should not only consider the person who arrives with the child (if not the real parent or guardian), but also the person who meets the child on arrival and the people who live at the address to which the child states he or she is going. Even when children are transferred to a reception centre after their arrival in the destination country, they frequently disappear from these centres and face the risk of coming into contact with traffickers who might sexually or economically exploit them.⁹⁴

All services and institutions working with unaccompanied minor refugees and/or migrant minors, such as reception centres, migration authorities and guardians as well as youth welfare authorities, should be made aware of their important role in the detection of possible trafficking situations. They should know each other's role and position in order to improve information-sharing and notify responsible actors

⁹⁴ Cf. Derluyn, Ilse et.al, *Minors travelling alone: a risk group for human trafficking?* In: *International Migration*, vol. 48, No. 4 (2010).

whenever necessary.⁹⁵ Community policing forums can be used to discuss these cases, analyse the situation and design and implement appropriate countermeasures.

V.4.2 Children on the Streets

The second major group of children at risk of being trafficked are children on the streets. Community policing enables immediate detection of geographic areas where this phenomenon occurs and provides an opportunity to approach these children, to out about their situation and refer them to services. Discovering a child's true story may be challenging because people to whom the child is emotionally attached (parents, family members or family friends) may be involved in abusing the child.

Community policing practitioners should concentrate on identifying potential victims among children at risk in the following three situations using relevant methods of community policing:

Children on the streets

Indicators of children at risk:

- Children living in problematic families;
- Children skipping or dropping out of school for economic or transportation reasons;
- Children skipping or dropping out of school for other reasons;
- Children who are working in the streets: selling goods (cigarettes, newspapers, chewing gum, drinks, toys, flowers, etc.), cleaning windshields at traffic lights, begging (quite often they are accompanied by adults/parents who observe them, provide them with goods to sell and take money from them);
- Children inhaling toxic substances, drinking alcohol or using illicit substances;
- Children involved in prostitution or delinquency; and
- Children in contact with known criminals, drug dealers, etc.

Identification methods used by community police officers:

- Officers' personal observations;

⁹⁵ Cf. International Organization for Migration, *Exchange of Information and Best Practices on First Reception, Protection and Treatment of Unaccompanied Minors: Manual of Best Practices and Recommendations*, Brussels, 2008.

- Preventive police patrols;
- Joint patrols with volunteers, social workers, NGOs;
- Gathering information from citizens, neighbourhood watch groups, local business owners, other relevant institutions;
- Convening and participating in community meetings; and
- Maintaining a database on identified juveniles.

Children with their families

Indicators of children at risk:

- Children living in problematic families;
- Neglected and abused children; and
- Missing children (runaways, children who have been sent by parents/guardians to work on the streets, and children who have been recruited, abducted or sold by parents/guardians to traffickers).

Identification methods used by community police officers:

- Making direct contact with neighbours and community members;
- Reviewing patrol reports on responding calls for service in domestic violence and family/neighbourhood disputes;
- Visiting identified problematic families, meeting with parents and children;
- Maintaining a database on families whose children are involved in offences and anti-social behaviour or have run away from home;
- Monitoring problematic families together with social workers;
- Cooperating with juvenile court and social service institutions;
- Reviewing information on missing children; and
- Identifying missing children (in cases that have not been reported by parents or guardians).

Children at school

Indicators of children at risk:

- Involvement in school truancy cases;
- Involvement in anti-social behaviour; and
- Neglected and abused children.

Identification methods used by community police officers:

- Maintaining regular contacts with school authorities; and

- Making contact with parental and pupils' councils.

CASE STUDY: RUSSIAN FEDERATION

In the course of a routine conversation with community members, a community police officer learned of their concerns about a particular family. A single mother with five children regularly abused alcohol and her neighbours noticed that one of her children, a five-year-old boy, had not been seen for a long time. The mother explained to the community police officer that she had sent her son to stay with her parents for the summer in another region of the country. This seemed suspicious to the officer, so the officer sent a request to the police station in the area where the child was reported to be staying to verify the information. After receiving a negative response, the officer opened a missing child case. During the investigation, the mother admitted that she had sold her son to a group of beggars at the local railway station to get money to buy alcohol. A police search operation eventually located the boy and took him away from the exploiters who had used him for forced street begging.

CASE STUDY: UKRAINE

A young woman in a village in Ukraine reported to a community police inspector that a man from the village had stolen her money and mobile phone. When verifying the information, the community police officer found out that the mobile phone and money had been taken from her as repayment for the costs of her transportation abroad. Several months earlier, the woman was unemployed and the man offered to help her get a well-paid job abroad. She agreed and went abroad with him. Upon arrival at the destination, he took her to an apartment and sold her to another person who forced her to provide sexual services. Later she managed to escape.

Back in the village she was told that she had to pay the man for his help in getting her employment abroad.

Recognizing this as a trafficking situation, the precinct police inspector contacted the specialized regional anti-trafficking unit. Further investigation confirmed that the trafficker was involved in trafficking groups of men for labour exploitation. The efforts of the police resulted in prosecution of the trafficker.

V.5 Identification of Trafficking Situations in the Pre-Exploitation Phase

The previous chapters provided an overview of indicators that might be used to help identify potential and presumed victims of human trafficking during the recruitment and transfer phases. Police officers should be aware that not all of the indicators might be evident when they meet victims of human trafficking. It is helpful to take into consideration the whole situation that can lead to human trafficking rather than concentrate on specific indicators related to a victim. Seeing somebody in a certain situation may indicate human trafficking.

In practice, the identification of a trafficked person often depends on attentiveness and an alertness to minor signs of a potential or presumed trafficking situation. This means that if police officers note at least one of the above-mentioned indicators, they should pay close attention to the case and try to get more information by communicating with a potential or presumed victim of trafficking or by checking the suspected locations. These efforts might reveal other indicators of a trafficking situation.

V.5.1 Recruitment

The presence of certain indicators of the recruitment stage of human trafficking depends on the location of recruitment. If recruitment takes place in the potential victim's country of origin, traffickers tend to use deceit and abuse of vulnerability to convince the individual to accept their offers. Coercion in such situations is more risky because a potential victim might seek help from the community and local law enforcement. In addition, recruitment by relatives, friends or another familiar individual or group is becoming more common.

Abuse of a vulnerable situation in the country of origin may include: a difficult family situation, lack of information, economic reasons (recruitment through artificial debt bondage), personal situation, psychological and emotional situation, cultural/religious beliefs, etc.

Community police officers should therefore pay attention to people in difficult social and/or economic situations and if appropriate, share information about their situation with social services or employment authorities. Holding information sessions or awareness-raising campaigns on the dangers of human trafficking and how traffickers recruit people at risk is highly recommended. Awareness-raising events

and discussions should also provide information on the demand side of human trafficking, i.e., the customers or clients in countries of destination or domestically in cases of internal trafficking.

Special attention should be paid to community members who are actively looking for jobs. Unemployment or the desire to find a higher-paying job makes people more responsive to the deceptive promises of traffickers. School graduates looking for their first job are one of the groups at highest risk. High expectations, lack of adequate information about labour laws and regulations abroad, together with reluctance of employers in the countries of origin to provide job opportunities for young people with no professional experience, make recent graduates extremely vulnerable to human trafficking.

Recruitment of victims does not have to be carried out in the country of origin. Recruitment of recent migrants is also quite common. Traffickers may use any means of coercion or abuse the vulnerable position of migrants.

Both formal and informal agencies as well as individuals offering or arranging employment merit attention from community policing practitioners both in countries of origin and destination. In countries of origin, community police officers should pay close attention to smaller towns and rural areas. Traffickers may shift their activities to these locations to evade the influence of massive awareness-raising campaigns.

V.5.2 Transfer

To identify the transfer phase of a human trafficking situation, community police practitioners should pay attention to the arrival in the community of persons without permanent residence or from other regions. Special notice should be taken of (often accompanied) homogeneous groups of travellers. Typically these are groups of middle-aged men or groups of young girls. When talking to these people, police officers should focus on identifying the aim of their arrival or presence in the community, which might provide a basis for further screening of the case.

To prevent re-victimization, attention should be paid to individuals applying for new documents to replace ones they claim to have lost. Some of these could be people who are being re-trafficked.

CASE STUDY: ROMANIA

Two Romanian young women were queuing to get their passports. They were accompanied by a foreigner and his girlfriend. Suddenly all of them started to argue and the community police were asked to restore public order. At the police station the two young women stated that they wanted to go to the Netherlands because they had been offered a job in a restaurant belonging to the foreigner and his girlfriend. Since the whole situation seemed suspicious, the police contacted the special anti-trafficking unit. Through co-operation with the Dutch police it was discovered that the man did not own a restaurant, but was a known "escort driver". His girlfriend was a known prostitute. In the course of preliminary interrogation, the girlfriend admitted that she was helping her boyfriend to recruit young women into prostitution. Both of them were convicted of human trafficking.

VI. How to Identify Victims in the Exploitation Phase and Afterwards

VI.1 Means of Control over Victims in the Exploitation Phase

The fundamental aim of traffickers is to profit through the long-term exploitation of their victims. To do so, they must protect their investment, i.e., ensure that victims will continue to work as instructed and not try to escape. Traffickers therefore need to maintain continuous control over their victims. They use many different means to control their victims during the exploitation phase. Each method may be used in isolation, but in most cases, traffickers use them together to create conditions of actual or psychological imprisonment of their victims.⁹⁶

Violence and physical abuse are an effective means of control. To maintain the obedience of their victims, traffickers in human beings may resort to frequent beatings, rape, confinement, long periods of isolation, deprivation of water, drugging and/or torture with knives and cigarettes. These abuses may be inflicted as punishment for some form of disobedience or they may be intended to serve as a warning to ensure that the victims are fully aware of what the consequences of any transgression will be. In some cases, physical and sexual violence reflect the sexual sadism of the trafficker. However, since cruel forms of violence are easier to prove, most traffickers currently try to avoid these methods.

Other means of controlling trafficked persons include: the confiscation of travel or identity papers, economic penalties linked to debts, control over the victim's bank account and finances, non-payment of wages and the loss of wages accompanied by threats of dismissal if workers refuse to work overtime in contradiction to their contract or national law.

In debt bondage the victim is required to repay the exaggerated costs allegedly incurred by the trafficker for bringing the victim into the destination country. Exorbitant and cumulative interest rates are usually attached to these costs. In the case of sexual exploitation, for example, these debts are further supplemented by the requirement to pay vastly

⁹⁶ Cf. International Centre for Migration Policy Development/Austrian Ministry of Interior. *Regional Standard for Anti-Trafficking Police Training in SEE* (op.cit. note 37), p. 22.

inflated prices for residential and brothel accommodation, advertisements of sexual services and transportation costs, all of which add to an ever-mounting fabricated debt bond that becomes effectively impossible for the victim to pay off. Frequently fines are also imposed for infractions like wasting time, smoking, rudeness, etc.⁹⁷ Traffickers may also impose medical check-ups on their victims, but at very high cost and only through their own arrangements. Victims may be allowed to shop for food, clothes, cigarettes and personal items, but their choices may be limited to an overpriced “shop” that is brought to them. Traffickers may also force victims to take out credit, which imposes additional debts. Later, it is practically impossible to convince financial institutions when the victims are out of the trafficking situation that the debts should have been paid by the traffickers.

Methods of control over victims do not necessarily have to be connected with physical violence. It is critical to understand that an individual does not need to be beaten or physically restrained to be a victim; the use of threats and psychological pressure can be as efficient as, or even more efficient than, physical violence. Sophisticated forms of psychological violence, pressure and manipulation are increasingly common in human trafficking cases.

VI.2 Forms of Exploitation that May Constitute the Crime of Trafficking in Human Beings

Exploitation of the victim begins upon arrival at the destination, which fulfils the definition of the crime of trafficking in human beings.

According to the Palermo Protocol’s definition of trafficking in persons, exploitation includes:

- The exploitation of the prostitution of others or other forms of sexual exploitation;
- Forced or coerced labour or services (including bonded labour and debt bondage);
- Slavery or practices similar to slavery;
- Servitude;
- The removal of organs; and
- Other forms of exploitation defined in national law.⁹⁸

⁹⁷ Ibid., pp. 10-11.

⁹⁸ See also Council of Europe, *Convention on Action against Trafficking in Human Beings* (op.cit. note 82).

Other forms of exploitation that may appear in national legislation include:

- Forced or servile marriage;
- Forced or coerced begging;
- Use in illicit or criminal activities (including trafficking in or production of drugs);
- Use in armed conflict;
- Ritual or customary servitude (any form of forced labour related to customary ritual);
- Exploitative and abusive religious or cultural practices that dehumanize, degrade or cause physical or psychological harm;
- The use of women as surrogate mothers;
- Forced pregnancy; and
- Illicit conduct or biomedical research on a person.⁹⁹

For an explanation of these terms, please see the Clarification of Terms on pages 6 through 10.

VI.2.1 Labour Exploitation

Recent studies indicate that labour exploitation in particular is becoming a huge problem. Poorly skilled people who go abroad to work are often exposed to abuse and exploitation because workplaces are relatively unregulated and are often outside any labour inspection regime.¹⁰⁰ Internal trafficking for the purpose of labour exploitation is also common.

The most common industries and sectors in which victims are trafficked for labour exploitation include: agriculture and forestry; construction; hotels, restaurants and catering; manufacturing; and household services.

⁹⁹ Cf. United Nations Office on Drugs and Crime, *Model Law against Trafficking in Persons* (op.cit. note 5), p. 35.

¹⁰⁰ Cf. Shelley, Louise, *Human Trafficking: A Global Perspective*. Cambridge: Cambridge University Press, 2010; and EUROPOL, *Trafficking in Human beings in the European Union: A EUROPOL Perspective* (op.cit. note 36), p. 8.

The International Labour Organization has identified the following five major indicators of forced labour:

- Physical or sexual violence or the threat thereof; this may also include emotional violence (e.g., blackmail, condemnation, abusive language);
- Restriction of movement and/or confinement to the workplace or to a limited area;
- Debt bondage or bonded labour; withholding of wages or refusal of payment;
- Retention of passport or identity papers so that the worker cannot leave or prove his or her identity and status; and
- Threat of denunciation to the authorities.¹⁰¹

In forced labour situations, law enforcement should take into account that even if a worker voluntarily agreed to work, he or she may have been manipulated or may not have made an informed decision. Moreover, initial recruitment for forced labour can be voluntary, and coercive means may only come into play later.

Additional indicators of forced or compulsory labour may include:

- Workers are provided with false information about labour law and their employment rights;
- Excessive working hours imposed by the employer;
- Hazardous working conditions imposed by the employer;
- Workers are not provided with safety equipment and clothing, and/or they are charged for equipment that is essential to perform the work;
- Unwarranted and perhaps unexplained deductions from wages;
- The employer intentionally does not pay the full tax or national insurance contributions for the worker;
- Poor accommodation provided by the employer;
- Intentionally poor or misleading information about the nature of the employment (e.g., about the location or nature of the work);
- Workers are isolated from contact with others; and
- Money having been exchanged with other employers/traffickers for the person's services in an arrangement that has not been

¹⁰¹ Cf. International Labour Organization, *Global Report 2005*, Geneva, 2005, pp. 5-6; and International Labour Organization, *Eradication of Forced Labour*, Geneva, 2007, p. 20.

agreed to by the person concerned or which is not reflected in his or her remuneration.¹⁰²

Not every situation of forced labour qualifies as trafficking of human beings for the purpose of labour exploitation; nevertheless, people who are being exploited deserve the attention of the authorities and should be provided with assistance if needed.

International legislation makes no distinction between human trafficking for sexual exploitation and human trafficking for other forms of exploitation. Nevertheless, in practice, situations involving other forms of exploitation are still dealt with differently. Indications of other forms of exploitation frequently are not recognized, reported or followed up. The smaller number of prosecutions for other forms of exploitation still contrasts sharply to the number of prosecutions for sexual exploitation. Victims of other forms of exploitation are not always recognized as victims, not always informed of their rights and rather seldom offered a period of reflection. These discrepancies stem from differences in perceptions of sexual and other forms of exploitation.

The identification of labour exploitation may fall within the scope of the responsibilities of the immigration authorities¹⁰³ because they are involved in inspections of businesses to search for irregular migrants in sectors where there is a risk of human trafficking (e.g., construction, the hospitality industry, manufacturing, agriculture or horticulture).¹⁰⁴ These inspections are often implemented jointly with labour offices and labour inspectorates.

Community policing practitioners could assist these inspections by identifying locations where exploitation may occur. The detection of exploitation outside the sex industry can be improved by involving a broad range of stakeholders who may come into contact with people who may have been trafficked for forced labour or other purposes.

Cases of trafficking for forced labour are difficult to identify in part because exploited workers are often reluctant to identify themselves as

¹⁰² Cf. United Kingdom Ministry of Justice. *Slavery, servitude and forced or compulsory labour: implementation of section 71 of the Coroners and Justice Act 2009*, Circular 2010/07, para. 12; or

Association of Labour Providers, *Identifying Migrant Worker Maltreatment*, Member Brief No. 77 (September 2010), pp. 11-12.

¹⁰³ In some countries these inspections are performed by labour inspectors assigned by the Ministry of Labour.

¹⁰⁴ Cf. Dutch National Rapporteur, *Trafficking in Human Beings: Seventh Report of the Dutch National Rapporteur* (op.cit. note 11), p. 478.

ack of a definition of the degree of exploitation serious enough to constitute a crime can also hinder identification of victims.¹⁰⁵

CASE STUDY: BELARUS **IOM Minsk: Labour exploitation**

By the end of 2010, the IOM Minsk in collaboration with local NGOs had provided assistance to 1997 victims of human trafficking, among them 1,448 women and 549 men. Men, who are usually victims of labour exploitation, accounted for one-third of all assisted victims. The Rehabilitation Centre at IOM Minsk introduced “male shifts” to ensure equal access to rehabilitation and reintegration to individuals of both sexes. Self-identified victims of labour exploitation found their way to the Centre through word of mouth while other victims were referred to the Centre by law enforcement. No suits have been filed on labour exploitation because of the difficulty of collecting evidence.

VI.2.2 Other Forms of Exploitation that May Constitute the Crime of Trafficking in Human Beings

Forced or servile marriage. Although the practice of arranging to marry someone from another country is not necessarily trafficking, some traffickers hide their operations by posing as international marriage brokerage companies. Trafficking has taken place if the “bride”, after arriving in the country of destination, is held in a condition of servitude through the use of force, fraud or coercion for the purposes of forced labour or commercial sexual exploitation.¹⁰⁶

Removal of organs. The illicit market in human organs is driven by supply and demand; those in need of an organ transplant purchase organs from poor people or from “brokers” who forcibly or deceptively obtain organs. Most of the identified cases have been connected with kidneys supplied by live “donors” from underdeveloped countries for

¹⁰⁵ Cf. EUROPOL, *Trafficking in Human Beings in the European Union: A EUROPOL Perspective* (op.cit. note 36), p. 9.

¹⁰⁶ Cf. Dutch National Rapporteur, *Trafficking in Human Beings: Seventh Report of the Dutch National Rapporteur* (op.cit. note 11), p. 301.

transplants in people from developed countries.¹⁰⁷ Trafficking in persons for organ removal is often connected with “transplant tourism”. Issues of consent and exploitation related to organ trafficking are complicated by the fact that often victims agree to the removal of their organs, and may even receive an agreed payment for them. However, the provision of this “service” is driven by extreme poverty.¹⁰⁸ More frequently, “donors” are deceived about the amount of payment they will receive for the organ or there is no payment at all. In addition, they may not be fully informed about the nature of the procedure, recovery and the impact of the organ removal on their health. Alternatively, consent may be obtained through varying degrees of coercion or abuse of vulnerability. Organ “brokers” are not the only ones involved in this crime or profit from it; others may include doctors at transplant hospitals, other healthcare practitioners, ambulance drivers and mortuary workers. Financial gain from human organs is illegal in most countries. However, surgeons and organ brokers, buyers and sellers are rarely pursued by law enforcement.¹⁰⁹

VI.3 Exploitation of Children and Adolescents

According to the Palermo Protocol, **child exploitation** includes:

- Using a child (procuring or offering the child) for illicit or criminal activities (including drug trafficking or production and begging);
- Using children in armed conflict;
- Engaging children in work that by its nature or by the circumstances in which it is carried out is likely to harm their health or safety, as determined by national legislation or authority;
- The employment or use in work of a child who has not reached the applicable minimum working age for the type of employment or work;
- Other forms of exploitation; and
- Illegal adoption.¹¹⁰

¹⁰⁷ Cf. United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), *Human trafficking for the removal of organs and body parts. Background Paper*, Vienna Forum to Fight Human Trafficking, 13–15 February 2008), p. 2.

¹⁰⁸ Ibid., p. 4.

¹⁰⁹ Cf. Schepers-Hughes, Nancy, “Illegal organ trade: global justice and the traffic in human organs”, in: Rainer Grussner/Enrico Bendetti (eds.), *Living Donor Organ Transplants*, New York, McGraw-Hill, 2008.

¹¹⁰ Cf. European Commission, *Recommendations on Identification and Referral to Services of Victims of Trafficking in Human Beings* (op.cit. note 2), p. 5.

In national legislation the forms of exploitation listed as specific to children is usually based on the internationally accepted understanding of **child labour** and may include:

- All forms of slavery or practices similar to slavery, such as the sale and trafficking in children, debt bondage, serfdom and forced and compulsory labour.

The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances.¹¹¹

Recent trends indicate an increase in the trafficking of children for the purpose of **committing street crime offences** (e.g., begging, pick-pocketing, selling small items, street theft and robbery), and in involving children in the **production, manufacture and supply of controlled drugs**. These activities generate massive profits and very often the victim's parents or other members of the family network are complicit in the trafficking of the child.

Human traffickers and criminal groups prefer minors to adults because children are easier to control and their relatively small stature gives them an advantage in committing crimes such as burglary or shoplifting.¹¹² With limited information about what happens to trafficked children, experts maintain that economic exploitation of children may shift to sexual exploitation roughly when they reach the age of twelve.

Within Roma communities, **informal marriage** at a very early age is rather common. Sometimes an informal marriage hides a trafficking case in which the under-aged "wife" is exploited in different ways.

Illegal adoption of children as a form of human trafficking has become another highly profitable activity for organized crime groups, private child adoption firms and Government officials around the world. It is driven partly by demand for international adoption, particularly in Europe and the United States. Trafficking children for illicit adoption occurs both internationally and domestically. Criminals use various means, including abduction and falsification of adoption permits, to take advantage of shortcomings in legislation, law enforcement, birth registration and social welfare systems.¹¹³

¹¹¹ Cf. International Labour Organization, *Convention on Worst Forms of Child Labour*, art.3, Geneva, 1999.

¹¹² Cf. Friesendorf, *Strategies Against Human Trafficking: The Role of the Security Sector* (op.cit. note 35), pp. 54 and 80.

¹¹³ Ibid., p. 54.

Illegal declaration of paternity is another method of hiding child trafficking cases. No paternity test is required when a man declares himself the father of a child. There have been situations in which mothers sold their babies to men who were not the biological fathers but stated that they were.

A particularly serious form of crime committed against children is the **production and online dissemination of child abuse images**. The Internet facilitates the distribution of images depicting the sexual exploitation of children, and the anonymity that the Internet provides makes it difficult to successfully locate and identify the offenders and to save victims from further exploitation. To combat this dangerous phenomenon requires an effective partnership among law enforcement agencies, judicial authorities, the information and communication technology industry, Internet service providers, the banking sector and non-governmental organizations. Official hotlines that receive tips about Internet child sexual exploitation also play an important role.¹¹⁴

An online workshop¹¹⁵ for cybercrime experts devoted to enhancing investigation and prosecution of the sexual abuse of children on the Internet made the following recommendations to OSCE participating States:

- Promote the activities of the European Financial Coalition against Commercial Sexual Exploitation of Children Online and other similar international initiatives;
- Promote the utilization of a newly created International Child Sexual Exploitation Database (implemented under the guidance of the Group of Eight) to help identify depicted victims and offenders;
- Further develop national legislation (e.g., criminal law provisions regulating online covert activities);
- Harmonize national criminal law definitions and incorporate new crimes (e.g., “grooming” and solicitation of children for sexual purposes); and
- Enhance prevention through police co-operation with the information and communication technology industry, network administrators and NGOs.

¹¹⁴ Cf. EUROPOL, *Child Sexual Exploitation 2010 Fact Sheet*.

¹¹⁵ Conference on “New Challenges in Investigation and Prosecution of Sexual Abuse of Children on the Internet,” organized by the OSCE SPMU, 21 February – 4 March 2011.

When a child victim of trafficking is rescued, special procedures should be followed:

- Bring the child to a safe environment and ensure that the child receives medical and psychological treatment.
- Only specifically trained staff should interview children.
- The child's parent or legal guardian should be present.
- Create an age-appropriate space (i.e., have toys available).
- Maintain a simple and informal atmosphere.
- Use child-friendly language.
- Avoid leading questions (i.e., Did the person abuse you?).
- Do not press for details when the child seems to have said it all.
- End the interview in a reassuring way.

VI.4 Victim Identification Indicators to Use in the Exploitation Phase

There are many lists of indicators for the phase of exploitation, but they must be adapted and prioritized for each trafficking situation to take into account the conditions in the country/region/community.¹¹⁶

The Delphi research indicators can serve as a point of reference and can be taken into consideration when preparing national/regional/local sets of human trafficking indicators. According to this research:

The following 9 indicators can point to exploitative conditions of work:

- Excessive working days or hours;
- Bad living conditions;
- Hazardous work;
- Low or no salary;
- Disregard for labour laws or the contract signed;
- No social protection (e.g., no contract, no social insurance);
- Very bad working conditions;
- Wage manipulation; and
- No access to education.

¹¹⁶ See also the IOM Counter-Trafficking Training Module on Victim Identification (2006) in Annex I of this guidebook.

The following 15 indicators can point to coercion at the destination:

- Confiscation of documents;
- Debt bondage;
- Isolation, confinement or surveillance;
- Violence against victims;
- Victim forced to take part in illicit or criminal activities;
- Forced tasks or clients;
- Victim forced to act against peers;
- Victim forced to lie to authorities, family, etc.;
- Threat of denunciation to the authorities;
- Threat to impose even worse working conditions;
- Threat of violence against the victim;
- Victim under strong influence;
- Violence or threat of violence against victim's family;
- Withholding of wages; and
- Threats to inform family, community or public about the victim's activities.

The following 7 indicators can point to abuse of vulnerability at the destination:

- Victim dependent on exploiters;
- Difficulty living in an unknown area;
- Economic reasons;
- Family situation;
- Relationship with authorities/legal status;
- Difficulties in the past; and
- Personal characteristics.

The hierarchy of indicators should be flexible and should be prioritized in accordance with local conditions, current trends, the form of human trafficking (sexual or labour exploitation) and the age of the victims (adults or children). The priority of indicators differs for adult victims and children and also for sexual or labour exploitation.

VI.5 Victim Identification Indicators to Use after Exploitation has Ended

Community policing practitioners may come into contact with people who have escaped or been released from a trafficking situation. These individuals may not be willing to talk about what happened to them, yet at the same time they may need help or may be at risk of being re-trafficked. They may also be in poor physical condition because of abuse, illness or drug and alcohol addiction. They may be afraid of their traffickers and worried about the future.¹¹⁷ Each individual's case depends on his or her particular circumstances, including the type of trafficking and the individual's situation in both the country of origin and destination.

Possible indicators or signs of post-traumatic stress disorder at this stage may include:

- Signs of violence (e.g., bruises, physical injuries);
- Neglected or dishevelled appearance;
- Absence of documents and money;
- Fear, including nightmares (that they could be found and punished by their traffickers; that they could be punished by the police, e.g., for prostitution; that they have HIV/AIDS or other health problems; that people will find out what they were forced to do);
- Guilt (that they made a mistake; that they were not able to earn money for the family; or even that they let down or betrayed their traffickers [Stockholm syndrome]);
- Anger (at themselves for allowing themselves to be exploited; at people who didn't protect them);
- Lack of confidence (because they were not able to correctly assess the traffickers and the trafficking situation);
- Helplessness (as if they have no right or ability to manage their own lives);
- Shock (a permanent state of shock without the ability to cry);
- Suspicion (Why did it happen to me in particular?); and
- Feeling lost (unable to remain quiet in a certain place; problems organizing their days; memory problems).

¹¹⁷ Cf. International Organization for Migration, *Caring for Trafficked Persons: Guidance for Health Providers* (op.cit. note 44).

VI.6 Identification of Trafficking Situations in the Exploitation Phase

In cases of labour exploitation by businesses, the police are usually authorized to access sites of possible exploitation. If the owner or management of an enterprise tries to limit police access to the site, this might indicate that exploitation is taking place. High-risk locations include hotels, construction sites, agricultural enterprises (farms, livestock enterprises), and hazardous work (mining, metalwork). Exploitation can also occur in private homes in the form of domestic servitude. These cases are difficult to uncover and police usually do not have access to private homes without a serious reason.

In the case of certain illicit activities (e.g., begging, pick-pocketing by children, serving as a drug courier), police officers need to pay attention to the question of whether the perpetrator was forced to commit the illicit activity and identify the reasons for the illicit activity.

Some of the most common indicators of human trafficking in the exploitation phase that police might encounter in a presumed victim include: inappropriate living conditions; no personal documents; absence of a labour contract, or if there is a contract, a lack of understanding by the presumed victim of what she or he has signed; lack of access to medical care (in case of trauma); inability to use or have control over money the presumed victim has earned; restrictions on movement within the community; social isolation; language barriers; and signs of physical violence.

When dealing with presumed victims police officers must keep in mind the importance of preserving evidence because at a later stage it might be used to support a criminal prosecution. Thus police should consider seizing mobile phones from a victim or from persons accompanying the victim (if they have the legal authority to do so) since phones (as well as computers) can be a tremendous source of investigative leads. They should also consider detaining individuals accompanying the victim if they have the legal authority to do so.

Community policing practitioners should be aware that during their initial contact with victims of human trafficking (who often are still in the trafficking situation), victims often are not willing to speak at all, especially about their home, their family situation or difficulties with local authorities. For this reason more attention should be paid to the

site and situation analysis as well as to non-verbal indicators (e.g., fear, nervousness and attempts to hide negative signs).

Police should also pay attention to labour migrants who return home without money, with debts, depressed and nervous, and/or avoid contacts with relatives and friends, abruptly change their habits and behaviour, abuse alcohol, etc. These signs could help community policing practitioners in countries of origin to identify presumed victims of trafficking. Referring such victims to appropriate services and assistance contributes to community safety and can prevent their re-trafficking.

It is crucial to perform a risk assessment before returning victims of human trafficking to their home countries to prevent them from ending up in the same or an even worse situation than before they left home. It is advisable to turn to intermediaries to learn about situations to which law enforcement will not normally have access.

Police and communities can also use the SARA problem-solving model and the crime triangle to collect and analyse information about the location where the crime was committed, about traffickers and their modus operandi and last but not least about victims.

VII. Recommendations for Community Police Capacity Development

The Palermo Protocol recognizes the importance of training police and other relevant actors to help promote co-operation to combat trafficking in persons: “training should...encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society”.¹¹⁸

Community policing officers (i.e., officers assigned to community policing units, where such units exist) should receive basic training on trafficking in persons, including victim identification. But in truth, such training should be incorporated into police academy curricula and provided to all cadets; this would help ensure that all police are familiar with victim identification and key aspects of the crime, and would help make the impact of training sustainable.

Training should focus on the psychological aspects of communicating with presumed victims of human trafficking (e.g., how to talk to them and get information; non-verbal indicators, particularly if the victim’s communication might be supervised by traffickers).

Community policing officers should receive additional training in interviewing techniques to use with presumed victims of human trafficking where applicable.¹¹⁹ Victim identification based on indicators and suspicious circumstances needs to be supported by additional evidence, some of which can be gained through sensitized interviews with presumed victims. Especially in cases of child trafficking, adherence to child-friendly procedures for interviews is critical to minimizing further trauma.

Closer co-operation between community police and specialized units should be promoted by inviting specialized anti-trafficking units to community police training courses to discuss ways to co-operate (e.g., information-sharing, documentation of trafficking-related crimes).

¹¹⁸ United Nations General Assembly, Res. 55/25, annex II, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (op.cit. note 19), article 10(2).

¹¹⁹ Front-line police officers are not always authorized to interview victims. For this reason interviewing techniques were not included in this guidebook.

Officers in specialized police units should receive basic information on community policing (including information on police-public partnerships, community engagement and problem-solving) to familiarize them with the concept and prepare them to co-operate on victim identification and other related issues.

Early identification of presumed victims requires raising awareness and providing regular training to all actors likely to come into contact with trafficked persons, particularly front-line police officers and other relevant officials such as immigration officers, healthcare officials and labour inspectors.¹²⁰

Community groups working closely with police (problem-solving groups, NGOs and civil society organizations, religious leaders, journalists, school authorities and all other relevant actors) would also benefit from workshops and seminars on trafficking in persons, including victim identification.

Joint training activities for mixed target groups are of special value. Apart from the educational benefit, they enhance a spirit of co-operation and contribute to trust-building between the police and civil society. These training activities should be interactive and include role-playing and case studies.

Identifying trafficked persons is a relatively new issue in areas such as labour exploitation, domestic servitude, begging and forced marriage. Further research is needed to develop more effective approaches and victim identification methods as well as to update and adapt training curricula.¹²¹

Training materials should avoid stereotypes of victims of human trafficking.

In any anti-trafficking training, the specifics of the local situation should be given priority (e.g., key local manifestations of trafficking and specifics of the problem in the community/region/country).

Information on local assistance mechanisms should also be included so that police officers can provide this information to presumed victims when they come into contact with them. Awareness-raising materials

¹²⁰ Cf. European Commission, *Recommendations on Identification and Referral to Services of Victims of Trafficking in Human Beings* (op.cit. note 2), p. 3.

¹²¹ Ibid.

should be provided to police officers during or after the training to distribute within the community.

Training should always emphasize that the safety of victims is the highest priority. It should also explain the importance of maintaining the confidentiality of personal data about presumed victims.

Finally, anti-trafficking training programmes should be adequately and regularly monitored and evaluated to maintain and enhance their effectiveness.

VIII. Conclusion

The underlying assumption of this guidebook is that a big gap exists between the identification criteria applied to victims of human trafficking by state authorities and non-governmental actors. As a consequence of this gap, only a limited number of victims receives appropriate assistance and protection. Victims who do not receive assistance are unlikely to provide evidence against traffickers or testify in court proceedings. This guidebook promotes the idea that community policing can contribute to greater commonality in victim identification criteria used by different actors.

Although a number of international organizations have attempted to develop common standards for victim identification, the fact that most victims of trafficking who receive protection are identified by NGOs and civil society groups suggests that the implementation of a common standard of identification shared by law enforcement authorities and their civilian partners will remain a challenge for the future.

There is still a wide diversity of views on the following questions related to victim identification: Is movement an essential component of the trafficking process? How can exploitation be objectively assessed? What degree of difference must exist between the nature and conditions of work that was promised and the nature and conditions of work that was performed? This guidebook does not attempt to answer all these questions or to become a universal tool able to solve all problems related to the identification of trafficked persons.

This guidebook has instead tried to approach trafficking in human beings and victim identification from a different perspective and to show that community policing can contribute to preventing and combating this crime.

The OSCE Strategic Police Matters Unit hopes that this guidebook will find readers among community policing practitioners and all others who are trying to improve the quality of victim identification, whether for the benefit of the victims or to help prosecute traffickers in human beings.

Annexes

Annex I: The IOM Counter-Trafficking Training Module on Victim Identification¹²²

Act

Recruited? OR
Transported? OR
Transferred? OR
Harboured? OR
Received?

If the answer is **YES** to one of these actions, go on to **Means**
If the answer is **NO**, this is **NOT** a victim of trafficking

Means

Forced? OR
Threatened? OR
Coerced? OR
Abducted? OR
Subjected to fraud? OR
Deceived? OR
Subjected to abuse of power?

If the answer is **YES** to one of these actions, go on to Exploitation
If the answer is **NO** to all these and the victim is a child, go on to **Exploitation**
If the answer is **NO** and the victim is an adult, this is **NOT** a victim of trafficking

Means of Control

Physical abuse
Psychological abuse
Sexual abuse
Threats to individual
Threat of action by law enforcement
Threats to family
False promises/deception
Denied freedom of movement
Giving of drugs

¹²² Cf. International Organization for Migration, *Counter-Trafficking Training Modules: Victim Identification & Interviewing Techniques, Facilitator's Guide*, Geneva, 2006, pp. 33-34.

Giving of alcohol
Denied medical treatment
Denied food/drink
Withholding of identity documents
Withholding of travel documents
Debt bondage
Excessive working hours
Other

Exploitation (Purpose)

Was the person exploited OR was there an intention to exploit?

Exploitation may include:

Prostitution, OR

Other forms of sexual exploitation, OR

Forced labour, OR

Slavery, OR

Other practices similar to slavery (i.e., forced military service), OR

Servitude, OR

Removal of Organs

If the answer is **YES**, the person **is a victim of trafficking**

If the answer is **NO**, the person is **NOT** a victim of trafficking.

Annex II: Risk Factors that May Indicate a Trafficking Situation (Ministry of the Interior of Lithuania)

a) Potential victims (vulnerable groups)

Adult person

- Has not completed secondary education, has no profession, has no job or only work with low wages, meaning no income or very low income.
- Has children or other people dependent on him or her, poor living conditions, conflicts with family.
- Has mental health problems (mental developmental disorders).
- Has debts, particularly to recruiters.
- Does not know foreign languages or the language of the country of destination.
- Sex-specific risks.
- Women are particularly at risk of sexual exploitation, light work, fictitious (sham) marriages.
- Men are usually trafficked to do heavy physical work.
- Persons with disabilities are at risk of being forced to beg.
- All categories of adults may be trafficked for purposes of criminal activities (petty theft) and organ transplant.

Child

- Does not attend school, has poor learning results, no profession.
- Has no income or a very low income.
- Has children or other people dependent on him or her, has poor living conditions or lives in a home for orphans.
- Has mental health problems (mental developmental disorders).
- Has debts, particularly to recruiters.
- Does not know foreign languages or the language of the country of destination.
- Age-specific risks.
- Young children are particularly at risk of being trafficked for pornography, illegal adoptions (sexual abuse or forced labour), begging, petty theft, organ transplant.
- Minors are especially at risk of trafficking for sexual abuse and petty theft.

b) Recruitment and Transfer

- Purpose - work, study, love (living together with a partner).
- Suggestion or persuasion by recruiter to go abroad to work or to live together only a short period of time after meeting each other (time may vary), or by a familiar person.
- Victim has trust in that person, emotional dependence.
- Recruiter provides petty cash for new clothing or change of appearance.
- Recruiter threatens to harm the individual and/or family members if refused; blackmail; restriction of communication or freedom; physical violence.
- Recruiter makes travel arrangements and/or pays travel expenses.
- Recruiter obtains personal documents.
- Recruiter holds personal documents.
- Recruiter obtains necessary travel documents.
- No employment contract is signed or it is fake.
- Recruiter holds travel documents.
- Recruiter holds tickets.
- Recruiter provides tips on what to tell to law enforcement officials (police, immigration and local).
- Transfer of victim to other persons for transporting/meeting.
- Transfer of victim to other persons for money or items and services.

c) Exploitation

- Personal documents are taken away (if they have not been taken previously), use of fake documents.
- The nature of work or working conditions are worse than was promised.
- Working conditions are worse than those of local residents in similar jobs.
- Forced to work against one's will or according to other conditions and without pay (for example, the victim is ordered to pay an actual or alleged debt); forced to carry out a criminal act or to take other actions against one's will.
- Forced to work soon after arrival in the destination country.
- Restriction of communication (confiscation of telephone, call restriction, isolation from others).
- Restriction of freedom of movement (limited or no choice of location and no control over time).

- Mental or physical abuse; blackmail; sexual abuse; threats to harm family and friends if refuse to comply with trafficker's demands.
- Other workers have previously suffered mental and/or physical abuse.
- Imposition of fines for not obeying orders.
- Increasing debt for trumped-up reasons.
- False information about legal regulations, the rights of workers and employers' responsibilities, or about the police and immigration services.
- Threats to inform law enforcement officers about illegal residence or work.
- Constant surveillance, permission to leave only with an accompanying person.
- Confiscation of all or part of earnings; or a large part of earnings covers accommodation, food, clothing, etc.
- Accommodation together with other persons; poor working conditions; live and work in the same premises.
- Live and/or work illegally.
- Residence and/or work place is often changed, or the person is transferred to other masters.
- Individual does not know the address where he lives and/or works.
- Isolation from native speakers, especially if a person is not able to speak the local language.
- The same translator/attorney/guardian provided to all jointly employed persons.

d) Post-Exploitation

- Signs of physical violence.
- Health disorders, somatic and sexually transmitted diseases, addiction to harmful habits.
- Signs of psychological and/or emotional abuse, mental instability, irritability, increased feeling of fear, loss of sense of security, denial of everything, increased sensitivity, self-isolation, feeling of shame, complaining about circumstances and victim itself, lack of confidence, etc.
- Mental disorders and post-traumatic stress syndrome, depression, anxiety, lost of personality, amnesia, etc.
- Stockholm syndrome (identification with the trafficker/exploiter, psychological/emotional dependency, does not consider self to be the victim).
- Often requires time and effort to gain the confidence of the victim.

- Victim avoids contact with public organizations (e.g., police, non-governmental organizations providing assistance to victims of human trafficking).
- Victim refuses help, avoids talking about his or her status.
- Victim tells fictional stories about the experience of exploitation.

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Annex IV: SARA Problem Solving

PRE-EXPLOITATION PHASE

Questions about Victims

Community policing practitioners should use the Problem Analysis Model to raise the following questions about victims of trafficking in persons:

- **Who are victims?** This means creating victim “profiles”, i.e., proactively identifying specific social groups at risk (children, females, people with low level of incomes, mental disabilities, physical diseases, etc.). These indicators can help police identify potential victims (vulnerable people) in their particular region of responsibility.
- **How can victims be identified?** Information gathering should cover both internal and external sources. Within the police service, sources include personal observations, crime records, statistics, databases and officers’ reports. External sources include reports from other law enforcement agencies, neighbourhood residents, schools, media, business groups, community forums, formal and informal community leaders, social workers, transport companies, public meetings, NGOs, community intelligence.
- **What is it in their behaviour that makes them victims?** Answering this question requires identifying repeated patterns of behaviour that make individuals vulnerable to trafficking in persons, such as drug abuse, drinking, gambling, visiting night clubs, running away from school, looking for job or marriage opportunities abroad, non-reporting of harassment and intimidation, etc.
- **What negative factors make them behave like this?** Answering this question requires identifying the underlying conditions at the core of the identified patterns of behaviour. These can include: low awareness of risks related to human trafficking; lack of or false information about the law; personal circumstances; fear; lack of trust in local authorities; threats;

violence; debt bondage; deception; abuse of parental or guardians' status (towards children), etc.

- **What can be done to eliminate or reduce these negative factors?** The answer to this question is directly connected with the answer to the previous one. Effective strategies include: increasing awareness; building trust between people (especially the most vulnerable) and the authorities; maintaining contact with them (through hotlines, preventive visits to problematic households, community meetings, witness protection programmes, etc.); providing social support and assistance in obtaining education and legal job opportunities; introducing various community initiatives, etc.
- **Who can eliminate or reduce these negative factors?** This question leads to the cornerstone of the community policing approach: the identification and involvement of appropriate partners. Without community involvement, law enforcement institutions cannot successfully tackle crime. Community partners can include health services, labour officers, local administration, religious institutions, teachers, media, etc.

Questions about Location

- **Where does recruitment take place?** Some examples include bars, night clubs, employment agencies and job centres, as well as the Internet.
- **What is it about the location that enables recruitment?** Key factors include a lack of law enforcement control and the presence of drugs and/or alcohol.
- **What can be done about the location to stop or prevent recruitment?** Increasing law enforcement control, withdrawal of licences, organizing alternative events (youth festivals, contests, concerts, awareness-raising activities, etc.).
- **Who are effective partners for the police in making a positive impact on the recruitment location(s)?** Business groups, NGOs, local authorities, religious institutions, teachers, media, etc.

Questions about the Offender(s)

- **Who are human trafficking recruiters?** Members of organized groups, unemployed people, barkeepers, drug dealers, parents (guardians) or other family members, among others.
- **What do they do to recruit victims?** Methods include: violence against victims, abduction, forced adoption, debt bondage, threats and various types of deception.
- **What can be done to stop or prevent the offenders' repeated behaviour?** Law enforcement measures (arrest), prosecution, deprivation of parental rights, etc.
- **Who are effective partners to the police in stopping or preventing the offenders' negative behaviour?** Victims, witnesses, other law enforcement institutions, courts, public prosecutors, community members, business owners, teachers, etc.

EXPLOITATION PHASE (CHILD VICTIM)

The following questions illustrate how to use the Police Analysis Triangle to identify child victims of forced labour:

- **Who are the victims?** Indicators include: children (persons under 18 years of age) travelling without their parent(s) or guardian or with a "false" guardian; children used for illicit or criminal activities (begging, shoplifting, selling products, pick-pocketing), labour (e.g., windshield cleaning), prostitution, pornography or other forms of exploitation; children having no access to education, poor living conditions, etc.
- **How can these victims be identified by community policing practitioners?** Police officers can identify child victims through personal observations and joint (police partners) supervision of "hot spots" (streets, bars, night clubs, massage parlours, modelling agencies, supermarkets, etc). Community intelligence is an especially important tool for identifying victims involved in low-visibility forms of exploitation. Police can learn a great deal from informal conversations with people in their geographic area of responsibility, as well as by organizing community meetings

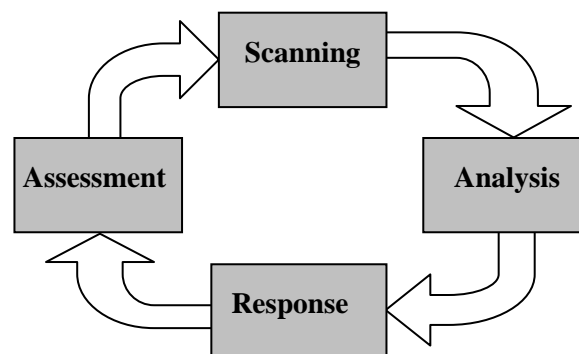
and public awareness campaigns to encourage citizens to report cases of child trafficking and exploitation.

- **What is it in their behaviour that makes them victims?** They do not leave the exploiter and do not report their exploitation to law enforcement authorities.
- **What negative factors make them behave like this?** The following four groups of factors could be indicators:
 - Factors related to the **child**: mental or physical disability, lack of education and knowledge about her or his rights, family members involved in trafficking, children do not see themselves as victims.
 - Factors related to the **exploiter**: victim is dependent on exploiters (for food, accommodation); exploiter controls the victim, restricts the victim's movement, issues threats, uses violence, and exerts a powerful influence over the child.
 - Factors related to a child's difficult **family** situation: parental or guardian's negligence; violence in the family; family co-operation with the exploiters; being an orphan.
 - Factors related to the **environment**: lack of law enforcement control; clients' behaviour (giving money to beggars, accepting children's service, etc.).
- **What can be done to eliminate or reduce these negative factors?**
 - Pro-active identification of problematic families; assessing and monitoring the situation together with social workers and relevant institutions; referring abused or neglected children to social welfare institutions; permanent contact and co-operation with school authorities.
 - Identification of the means of trafficking and exploitation.
 - Raising public awareness about child trafficking to encourage citizens to report visible forms of exploitation and to discourage them from giving money to child beggars or accepting children's services or products of their labour. Police officers can brief schools, community safety forums and other community organizations on this issue. Where trafficking has been identified as a problem (either as a source or destination), police officers can

actually use awareness-raising as an engagement tool to support community policing. It gives officers the opportunity to go into organizations and brief them on the current situation, raising awareness but also helping to forge new community relationships and strengthen existing ones.

- Victim support (rehabilitation) and witness protection programmes. Among other things (e.g., NRM) this should include community policing involvement at the stage when victims return to their families. The family situation should be assessed to prevent further child abuse and re-trafficking.
 - All joint actions and co-operation activities should be conducted with respect for the victim's rights to privacy and personal data protection. This can be a big issue because victims are often referred from one institution to another and all their problems can become public, especially in small communities. As a result, their social reintegration may become impossible.
 - Co-operation and co-ordination should be increased through formalized partnerships (e.g., memoranda of understanding) and institutionalized co-operation.
- **Who can eliminate or reduce these negative factors?** The spectrum of partners and stakeholders is wide. They can include: community volunteers, social workers, specialized auxiliary police officers in juvenile affairs, health services, labour officers, local administration, religious institutions, teachers, media, etc.

SARA Problem-solving Worksheet



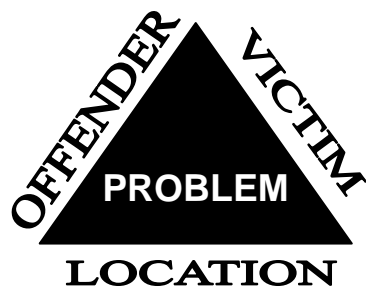
Step1

1. List the problems of crime and liability in your community.

2. Prioritize one problem from your community's list to work on. Clearly define the problem.

Step 2: ANALYSIS

3. Use the Problem Analysis Triangle (PAT) to analyse your problem.



Victims:

a.	<i>Who are the victims (actual and potential, direct and indirect)?</i>
b.	<i>What is it they do regularly or repeatedly that make them victims?</i>
c.	<i>Why do they do this?</i>
d.	<i>What can be done to stop or prevent the victim's repeated behaviour? (Be creative, think outside the box!)</i>
e.	<i>Who can influence the victims?</i>

Locations:

a.	<i>What are the locations for recruitment?</i>
b.	<i>What is it about the locations that allows repeated or reoccurring offences?</i>
c.	<i>Why does this allow repeated or reoccurring offences?</i>
d.	<i>What can be done about the location to stop or prevent repeated or reoccurring offences? (Think creatively!)</i>
e.	<i>Who can influence the location?</i>

Offenders:

a.	<i>Who are the offenders?</i>
b.	<i>What is it they do regularly or repeatedly that makes this a problem?</i>
c.	<i>Why do they do this?</i>
d.	<i>What can be done to stop or prevent the offender's repeated behaviour? (Use your creativity again!)</i>
e.	<i>Who can influence the offenders?</i>

4. What additional information do you need to know about this problem?

<u>What</u> to ask?	<u>Who</u> to ask?

Step 3: RESPONSE

5. What strategies could you use to reduce or eliminate the problem?

<i>What</i> needs to be done? (Refer to your answers to all the PAT 'd' questions)	<i>Who</i> needs to do that? (Refer to your answers to all the PAT 'e' questions)	<i>When</i> does it need to be done by?

Step 4: ASSESSMENT

6. How are you going to conduct ongoing and final assessment to ensure effectiveness?

Measures (quantitative and qualitative)	How to assess?	When to assess?

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