

## **From the Anti Trafficking Working Group of UISG/USG**

*Short, up-to-date information on Human Trafficking. This resource is useful for information, for training, and can be used together with the [Trafficking in Women and Children Information and Workshop Kit](#).*

## **VICTIM IDENTIFICATION**

### **Trafficking in persons report 2013**

This Trafficking in Persons Report focuses on victim identification as a top priority in the global movement to combat trafficking in persons.

Though today's estimates suggest that the majority of trafficking victims are indeed women and girls, it is now clear that trafficking victims are subjected to both sex and labor trafficking, and a significant percentage of trafficking victims are men and boys.

Part of this difficulty stems from the very nature of the crime. Traffickers constantly adapt their tactics to evade detection and operate in zones of impunity. They prey on excluded populations—many trafficking victims come from backgrounds that make them reluctant to seek help from authorities or are otherwise particularly vulnerable—marginalized ethnic minorities, undocumented immigrants, the indigenous, the poor, persons with disabilities—whose experiences often make them reluctant to seek help from authorities.

As technology and globalization make the world more interconnected, traffickers' ability to recruit and exploit their victims has also intensified. Victims of forced labor have been found in nearly every job setting or industry imaginable. Domestic work settings continue to have little or no government oversight or regulation in most countries. By definition human trafficking does not require the crossing of borders, migrant workers—including many women who seek new opportunities—remain especially at risk. Even though some challenges to victim identification can be attributed to the nature of the crime, its perpetrators, or its victims, governments have a responsibility to identify victims of this crime.

### **What Victim Identification Means: Another Aspect of Government Responsibility**

When adequate anti-trafficking laws are enforced, identification of a person as a victim must begin with a process that respects their rights, provides them protection, and enables them to access services to recover from the trauma inflicted by traffickers. However, when authorities misclassify or fail to identify victims the victims lose access to justice. Even worse, when authorities misidentify trafficking victims as illegal migrants or criminals deserving punishment, those victims can be unfairly

subjected to additional harm, trauma, and even punishment such as arrest, detention, deportation, or prosecution. These failures occur too often, and when they do, they reinforce what traffickers around the world commonly threaten their victims: law enforcement will incarcerate or deport victims if they seek help.

Governments need to seek to implement proactive systematic identification strategies designed to fit the wide range of settings and circumstances in which victims have been or might be found.

Formal anti-trafficking training is essential to ensure that law enforcement, prosecutors, the judiciary, first responders, and other government officials have a common understanding of the elements of trafficking crimes, the evidence necessary for a conviction, and factors for special consideration such as trauma and dependency.

Also essential is collaboration among agencies with overlapping areas of responsibility and with social services agencies, non-governmental organizations (NGOs), and international organizations (IOs) that provide assistance to victims. Sound policies on victim identification must include planning for access to comprehensive services. Human trafficking victims and offenders are more likely to come in contact with local, non-specialized officers, so it is important for such front line officers and their supervisors to be able to recognize trafficking crimes and understand the basics of responding.

### **Who can identify trafficking victims?**

For reasons discussed throughout the Report, it is important for a variety of government officials, private sector professionals, community workers, and others who may encounter trafficking victims to be trained, legally empowered, and given incentives to identify victims. Individuals who maybe particularly well placed to identify trafficking victims include:

\*Government officials who inspect or have access to establishments where trafficking may occur are uniquely positioned to identify trafficking victims: labor inspectors, port inspectors, factory inspectors, food industry inspectors, consular officers, agricultural inspectors, housing inspectors, tax authorities, and postal workers.

\*Private sector employees who may encounter trafficking victims in the places in which they work—employees of hotels, restaurants, bars, beauty parlors, and grocery stores.

\*Law enforcement officers who are on the front lines of crime and are often those who have primary contact with trafficking victims—all police (sometimes trafficking victims are identified through investigations of non-trafficking crimes), immigration officers, and border guards.

\*Health care professionals who often encounter trafficking victims—emergency room personnel, health clinics, doctors, nurses, dentists, OB/GYNs, and practitioners at family planning clinics and HIV/AIDS clinics.

\*Transportation professionals who often encounter trafficking victims either being transported or otherwise exploited—truck, taxi, and bus drivers; train attendants; flight attendants; and employees at truck and rest stops.

\*Education officials who are uniquely positioned to identify children who are being exploited—principals, guidance counselors, teachers, and school nurses.

Trafficking victims may seek assistance from institutions for related matters. Those well positioned to identify human trafficking victims can include religious leaders; officials in organizations that work with immigrants, children, the homeless, refugees, and other vulnerable populations; social workers; and employees and volunteers in shelters for victims of domestic violence or sexual assault, runaway youth, or the homeless.

### **Effective Victim Identification in Practice: the Victim-Centered Approach**

Even after governments have enacted anti-trafficking laws; established protocols, structures, and institutions to implement these laws; and built partnerships to identify victims, they face the challenge of making victim identification successful in practice. That success requires incorporating victim identification into an anti-trafficking strategy in which the plight of victims is recognized, patterns and tactics of traffickers are understood, and victims are offered and ensured protection and assistance. This can only be accomplished if police, labor inspectors, immigration personnel, and others who may come into contact with victims of trafficking are well trained on the characteristics of the crime, its impact on victims, and victim-centered responses. They need to know precisely what steps to take when they recognize modern slavery, and those specific methods and procedures should follow the victim-centered approach that guides all effective anti-trafficking efforts in accordance with the 3P paradigm (prevention, protection, prosecution).

<http://www.state.gov/documents/organization/167334.pdf>

Placing the victim at the center of the prosecution means considering the rights, needs, and requests of the person who has been trafficked before, during, and after an investigation and prosecution. In practice, this approach gains the trust and cooperation of the victim. It begins when a victim is identified and continues through initial steps to establish physical safety and meet the victim's immediate needs. The victim-centered approach helps prevent secondary victimization that can occur when individuals or agencies do not treat the victim with appropriate sensitivity or, even worse, behave in a heavy-handed manner that resembles the coercive methods of traffickers, risking re-traumatization.

The physical and emotional injuries that many trafficking victims endure are likely to affect their ability to concentrate, to make sound decisions, to recall events, and to respond to questions about their experiences. It is important that government officials take these factors into consideration when designing and implementing trafficking victim identification protocols. Time to recover in a safe, comfortable place is essential. Victims should also be able to communicate in their own language and be given written information about rights and available services.

## **Non-criminalization of Victims for Crimes Committed in the Course of Being Trafficked**

Trafficking victims are often compelled to commit crimes, which can blind authorities to the victim behind the “criminal” they first encountered.

The Principle 7 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking issued by the United Nations Office of the High Commissioner for Human Rights provides that “[t]rafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons.”

As governments around the world work to improve their anti-trafficking efforts, it is critical that officials—including police, immigration, and social services staff—be able to distinguish trafficking victims from criminals. Through a process of appropriately questioning the victim and observing his or her situation—often referred to as a standard identification or screening process—officials are empowered to make an informed determination. Officials should be trained on trafficking indicators: for example, does the person appear to be or report being controlled by someone else? Does he or she show signs of abuse? Does he or she appear fearful?

Identifying the victim is critical to understanding and prosecuting the true crime that has taken place, and ensuring adequate care and support to trafficking victims facilitates their ability to provide testimony in the prosecution of offenders.

### **Awareness and Action**

The first step in combating this evil is awareness. The next step is action. No action is too small.

### **What can we do as Religious?**

As health care professionals, educators, pastoral workers, those who work with the marginalized etc., we can be vigilant in our places of work, environment, wherever we find ourselves and attend to such questions as : “does the person appear to be or report being controlled by someone else? Does he or she show signs of abuse? Does he or she appear fearful?” Do your local investigation and if you suspect trafficking, to report it to the appropriate authorities for further investigation.

***Caution: Do not put yourself and your community at risk through indiscretion.***

Does your country have a helpline for the trafficked? Please find out and share the numbers. Thank you.

## **Human Trafficking Hotlines**

- USA—For information or reporting of a suspected victim of trafficking, you can phone the Human Trafficking and Referral Hotline: 1.888.373.7888.
- Madrid, Spain—Proyecto Esperanza, Madrid of the Suore Adoratrice. Mobile phone: 607.542.515.
- Romania—National Agency against Trafficking of Persons (ANITP): 0.800.800.678.