



UNITED NATIONS
INTERREGIONAL CRIME AND JUSTICE RESEARCH INSTITUTE
UNICRI

**TRAFFICKING IN HUMAN BEINGS
AND PEACE-SUPPORT OPERATIONS**

**Pre-deployment/In-service Training Programme for
International Law-enforcement Personnel**

TRAINERS' GUIDE

July 2006

Second Edition



AGIS 2005

**With financial support from the AGIS Programme
European Commission - Directorate General Justice, Freedom and Security**

Acknowledgements to the First Edition (November 2004)

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Acknowledgements to the Second Edition (July 2006)

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The dates of the training sessions, targeted to international law enforcement personnel deployed or to be deployed in Peace-Support Operations in the Balkan area, were:

- 16-18 May;
- 21-23 June;
- 26-28 June 2006.

The training courses were held at the UNICRI HQs in Turin, Italy, and involved a total of 35 participants from 17 countries (Austria, Czech Republic, Denmark, Finland, France, Germany, Italy, Malta, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, The Netherlands and United Kingdom). UNICRI would like to thank all the participants and the trainers, Ms. Elizabeth Griffin and Mr. Peter Leslie Wilson, for their active and concerned participation, for the kind collaboration and the important remarks they made about contents and organization of the courses.

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List of abbreviations

Bosnia and Herzegovina	BiH
Convention against Transnational Organised Crime	UN-TOCC
Former Yugoslav Republic of Macedonia	FYRoM
Gross Domestic Product	GDP
Human Development Index	HDI
Human Rights	HR
International Criminal Court	ICC
Inter-Governmental Organisation	IGO
International Organization for Migration	IOM
Kosovo Force	KFOR
Memorandum of Understanding	MOU
Non-Governmental Organization	NGO
Peace Keeping Operations	PKO
Peace Support Operation	PSO
Personnel Conduct Units	PCUs
Post-Traumatic Stress Disorder	PTSD
Protocol to Prevent, Suppress and Punish Trafficking in Persons	Traff-Prot
Purchasing Power Parity	PPP
South-Eastern Europe	SEE
Trafficking in Human Beings	THB
Transnational Crime and Corruption Center	TraCCC
United Nations	UN
United Nations Department for Peacekeeping Operations	UNDPKO
United Nations Office of the High Commissioner for Human Rights	UNOHCHR
United Nations Interregional Crime and Justice Research Institute	UNICRI
United Nations Mission in Kosovo	UNMIK
United Nations Office for Internal Oversight Services	UN OIOS

Information for trainers

Irregular migration has increased exponentially in recent years and the growth in trafficking in human beings (THB) has reflected this trend. From Himalayan villages to Eastern European cities, people - especially women and girls - are attracted by the prospect of a well-paid job as a domestic servant, waitress or factory worker. Traffickers recruit victims through fake advertisements, mail-order bride catalogues and casual acquaintances.

Upon arrival at their destination, victims are placed in conditions controlled by traffickers and exploited to earn illicit revenues. Many are physically confined, their travel or identity documents taken away, and they or their families are threatened if they do not cooperate. Women and girls forced to work as prostitutes are blackmailed by the threat that traffickers will tell their families. Trafficked victims are dependent on their traffickers for food, shelter and other basic necessities. Traffickers also play on victims' fears that authorities in a strange country will prosecute or deport them if they ask for help.

THB in Peace Support Operation (PSO) areas is an aspect of this trend. Unfortunately, this issue affects all PSOs. Aided by the migration caused by armed and post-armed conflict situations, the intrinsic political and economic insecurity and the booming sex industry in PSO areas, established criminal networks have grown aware of the extraordinary profits to be made from trafficking, particularly for sexual exploitation.

Three observations characterize the relations between PSOs and THB. First, in contemporary PSOs, the international community is usually the primary or sole source of law enforcement, and therefore the primary authority for combating trafficking. Second, because PSO staff are paid a high wage in the context of the localities they serve in, they can knowingly or unknowingly serve as a source of demand for trafficking victims in brothels and domestic labour. Finally, in some cases, members of PSOs have been implicated in trafficking themselves.

It is essential that peacekeepers of all nations, whether military, civilian or civilian police, understand the impact their presence may have in these areas and how it attracts the development of organized crime. Peacekeepers who lack this understanding, or who act contrary to the principles and standards established by the UN, weaken the effectiveness of PSOs.

The implementation of successful anti-trafficking programs is hampered by a lack of training. There is an urgent need for a transparent and effective anti-trafficking training framework for all members of PSOs and corresponding local institutions, in order to (1) raise visibility/awareness of the issue in PSOs and (2) to create and/or bolster anti-trafficking capacities.

It is vital that the criminal justice response to THB is strengthened through legislative reform, awareness-raising and training, as well as through national and international cooperation. Training can deliver the information necessary to create a level of awareness about this issue. Training can also ensure that the right people receive the knowledge and tools necessary to achieve change.

Target group

This training programme on THB is aimed at international police and justice administration personnel deployed - or to be deployed - in PSOs.

Course purpose

This manual aims to help staff integrate THB-awareness into all their activities. This increased awareness among the international police and judicial personnel serving with PSOs can help to counter the activities of organized crime and criminal networks involved in THB in PSO areas.

Course content

The course is divided into two modules. It is envisaged that a general activity and a final evaluation should conclude the course, in addition to a follow-up evaluation that should be delivered, if possible, 2/3 months after attendance on the training programme.

The Core Module contains the basic topics that participants should cover in order to develop full awareness of the issues relating to THB:

- Trafficking in human beings: An introduction
- Root causes of THB: Women and minors as the most vulnerable victims
- THB as a transnational organized crime
- The identification of trafficking victims
- The protection of the rights of victims of THB
- THB and the responsibilities of PSO staff

The Module on Law Enforcement Specificities covers specific information for THB investigation and prosecution:

- Victims' protection and residency status
- The re-active investigative option
- The pro-active investigative option
- The disruptive option

The trainer will find proposed strategies to develop the different sections. She/he should select the sections and their activities according to the needs of the audience. The manual's exercises and annexes use examples suitable for peace missions deployed in South-Eastern Europe. However, the basic text applies to all PSOs. The trainer should make sure that the corresponding activities are adapted to focus on the relevant mission's mandate and area.

Learning outcomes

- Enhancing awareness of and improving information available on the issue of THB
- Identifying the impact of international staff in PSOs on the development of THB
- Creating/bolstering anti-trafficking capabilities
- Developing skills to fight THB in PSO areas
- Developing skills to protect and assist THB victims in PSOs

Tips for trainers

This course is built on the practical experience of the participants, who make an essential contribution to its content. This, together with an action plan, is designed to remove the "barriers" of the classroom so as to put the skills that participants acquire into effect.

The material for this course is presented in a suggested sequential order. Exercises and visual aids are embedded in the text and explained through the "Proposed Training Strategy". Handout versions are available for participants.

Activities are intended to open the door to discussion and discovery. The "right" answer is not provided because solutions are often context-specific and it would be misleading to suggest that there are instant answers. Rather, participants are to be encouraged to share their own experiences and ideas, and to become aware of the need for creative problem-solving. However, trainers can make reference to the basic text of the course when resolving the proposed activities.

At the end of each teaching section, trainers will find, among other material:

- Slides
- Case studies
- Readings
- Extracts of relevant legislation or guidelines
- Individual handouts for class activities

In each module, a list of relevant texts has been compiled and quoted at the end of each section. There are also a number of bibliographies, website addresses, and references to international legal instruments, for participants' future reference.

The time plan should be managed on the basis of the proposed training strategy for each section of the course, but with consideration for the overall time constraints, the target group's main interests and the trainer's own assessment of priorities.

It is important for the trainer to be well-versed in the subject matter. Therefore, the entire course should be regarded as essential preparation material, making sure that the objectives, content, structure, suggested methods and training media are fully grasped.

The course is designed to be completed in 3 days.

The best approach is for trainers to be sensitive and aware of the cultural issues that may influence the attitudes and behaviour of the participants. Trainers are encouraged to explore these issues when conducting this training.

Occasionally trainers will be confronted with attitudes and beliefs which are so completely unacceptable to them, so completely in opposition to their own values and principles, that it is difficult to remain unemotional. Sometimes it is impossible. It is hoped that other participants will engage in the discussion and present alternative viewpoints. Sometimes, however, the trainer(s) may feel it necessary to step "outside" the training role and make a personal comment. There are risks attached, but maintaining personal integrity is always the right thing to do. Make it very clear you are no longer the trainer and make your statement as an individual. Make it clear when you return to the role of trainer. It may be a good idea to have a "stretch break" before continuing.

The following suggestions may be helpful to instructors discussing sensitive subject matter, especially when participants are from cultures different from their own.

Listen:

- Actively listen to participants
- Allow individuals to finish expressing themselves before responding
- Avoid strong reactions (i.e. anger, shock, laughter) that may convey disapproval of a participant's views
- Stay confident, relaxed and open to all information

Evaluate:

- Hold back on any reactions or judgments until you understand the message that is being sent
- Ask open-ended questions, since the answers to such questions can provide valuable information

Consult:

- Re-iterate the participant's right to express their own opinion
- Explain your perspective without being defensive
- Find out what the participant hopes to accomplish
- Acknowledge similarities and differences between your perspective and that of the participant
- Offer options
- Do not isolate a participant who has divergent ideas or perspectives
- Commit to being available to discuss issues further
- Thank the participants for their contribution

Effective training techniques

The participants in this training programme are independent adults who are used to making their own decisions. As international police and justice administration personnel, they have job and life experiences that will contribute greatly to the learning environment and performance outcomes. Wherever possible, personal experience, past work and knowledge should be shared and incorporated into the overall learning experience. For this training to be effective, participants must be able to take responsibility for their own learning and feel that the knowledge and skills they bring to the classroom are acknowledged and utilized.

- **Adults learn by doing.** They want to be involved in the process. Never merely demonstrate how to do something if an adult learner can actually perform the task, even if coaching is involved and it takes longer to complete the process.
- **Adults relate best to examples from their own experience, and problems that reflect those in their own workplace.** When developing learning activities or exercises, choose situations that relate to the work they are currently doing.
- **Adults relate their learning to what they already know.** Assume that the participants come to the training with a vast array of skills and experience. Build the training around this expertise. Ask participants to come up with examples or situations that elaborate on the teaching points presented in the curriculum.
- **Adults relate best to a flexible learning environment.** Trying to intimidate adults, or to force them to participate actively in the training when they are resistant to it causes frustration and anger.
- **Adults learn best when a variety of techniques are used.** Use a wide variety of techniques and vary the pace and approach throughout the training.
- **Adults learn best when they are given the opportunity to question and challenge the information presented.** Be sensitive to varying perspectives, and allow time for participants to question or challenge information or material presented. Encourage them to provide information or experiences that support their particular perspective.

TECHNICAL SPECIFICATIONS

- ◆ **Training Programme:** Anti-Trafficking in Human Beings to and within Peace Support Operation Areas - Building up Knowledge and Strategies for Awareness and Training.
- ◆ **General Objective:** Improving information on and awareness of THB in PSOs and strengthening the ability of PSOs to counter THB.
- ◆ **Expected Results:** Enhancing awareness of and improving information available on the issue of THB and creating/bolstering anti-trafficking capabilities.
- ◆ **Training Group:** International police and justice administration personnel deployed or to be deployed in PSOs.
- ◆ **Training Programme Contents:**
 - *Core Module:* THB: An introduction; Root causes of THB: Women and minors as the most vulnerable victims; THB as a transnational organized crime; Identification of trafficking victims; The protection of the rights of victims of THB; THB and the responsibilities of PSO staff; Closing.
 - *Module on Law Enforcement Specificities:* Victims' protection and residency status; The reactive investigative option; The pro-active investigative option; The disruptive investigative option; Closing.
 - *General Concluding Section and Final Evaluation.*
- ◆ **Proposed Learning Strategies:** Brainstorming, mini-lectures, case-study analysis, readings, slides, role-playing, questionnaires, feedback, debate and group discussion.
- ◆ **Timeframe:** 3 days, approximately 6 hours per day.
- ◆ **Training Evaluations:**
 - A final evaluation at the end of the learning process.
 - A follow-up evaluation a few months after attendance of the training programme.



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CORE MODULE

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OPENING OF THE COURSE

Presentation of participants and definition of objectives

It is important for you to take the first step to make the participants comfortable. They need to know quickly who the trainer is, who their fellow participants are, and what is going to happen - in that order.

Full introduction of the trainer: Describe who you are, what you do, where you come from and, particularly, what your knowledge and expertise is in some detail. If you do not have a strong background in THB then say so, but point out that you see this as an opportunity to learn and that you hope to gain knowledge from them and their experience. Your own expectations and concerns about the course should also be introduced. **Duration 5 min.**

Participants' introduction: Ask the participants to introduce themselves as you have done. Do not focus on their knowledge - or lack of it - of the subject matter. At this point they are all likely to feel uncertain and uncomfortable. The chances are that they do not have much understanding of THB or that they have misconceptions. Do not get caught up in this. They should also be asked for their expectations of the course. If they ask questions about the subject make it clear you will explain what it is all about and work with them as a team. **Duration 10min.**

Outline of the scheduled course activities: Explain that while timelines are there to ensure the material is covered and that there are adequate breaks, you are flexible in terms of emphasis and will only move on once the subject matter is generally understood. Emphasize that their contributions are vital, that this is a voyage of discovery for all of you - and that they will be expected to work and not simply listen. Before discussing the course any further, its purpose, contents and expected outcomes should be outlined (Slides 1 - 3) **Duration 5 min.**

Presentation of the Guidelines and Ground Rules: It is important to establish some basic guidelines and ground rules to live by. This will ensure everyone gets a chance to participate and that everyone is treated with respect. Some examples should be provided to demonstrate the rules you are going to impose on yourself, then ask them for more. Here are suggestions if you have to lead them:

- What about silence?
- How do you disagree politely?
- (Speaking for yourself.) How do you do that?

Any subjects raised in the context of the course will not be discussed with non-participants and will stay in confidence.

Participants should be aware that honesty might mean hearing uncomfortable things.

A poster with such ground rules should be posted on the wall throughout the course (Poster).

Duration: 5 min.

Total duration: 25 min.



PURPOSE of the COURSE

- ✓ Improving information available on and enhancing awareness of THB in PSOs
- ✓ Strengthening the ability of PSOs to counter THB

It will strengthen Peace-Support Operations, as it will help its personnel integrate THB awareness into their activities

1

CONTENT of the COURSE

2 modules + a closing segment and a concluding general activity

"Core Module"	"Module on Law Enforcement Authorities Specificities"
<ul style="list-style-type: none"> ▶ THB: An introduction ▶ Root causes of THB: Women and minors as the most vulnerable victims ▶ THB as a transnational organised crime ▶ The identification of trafficking victims ▶ The protection of the rights of trafficking victims ▶ THB and responsibilities of PSO staff 	<ul style="list-style-type: none"> ▶ Victims' protection and residency status ▶ The re-active investigative option ▶ The pro-active investigative option ▶ The disruptive investigative option

2

LEARNING OUTCOMES

- ✓ Enhanced awareness of / improved information on THB
- ✓ Identification of impact of international staff presence on the development of THB
- ✓ Creating / bolstering anti-trafficking capabilities
- ✓ Developing skills to fight THB in PSO areas

3



COURSE GUIDELINES AND GROUND RULES

- Punctuality
- Confidentiality
- Honesty
- Respect for others' opinions
- Active participation in the training
- Do not interrupt someone who is talking
- Do not monopolize time
- Switch mobiles off

Contents

Section 1	Trafficking in human beings: An introduction
	<ul style="list-style-type: none"> • The UN TOCC and its Supplementary Protocols • The UN definition of THB • THB elements • The difference between THB, illegal migration and migrant smuggling • THB for sexual purposes and voluntary prostitution
Section 2	Root causes of THB: Women and minors as the most vulnerable victims
	<ul style="list-style-type: none"> • THB root causes • Trafficking in women • Trafficking in minors • THB in armed conflicts • THB in post-conflict situations
Section 3	THB as a transnational organized crime
	<ul style="list-style-type: none"> • THB as a transnational organized crime • Organized criminal groups involved in THB • THB links with other forms of organized crime
Section 4	The identification of THB victims
	<ul style="list-style-type: none"> • Measures to prevent the re-victimization of THB victims • Indicators for pre-interview assessment • Interview guidelines and sample questions
Section 5	The protection of the rights of victims of THB
	<ul style="list-style-type: none"> • Basic principles of protection and assistance of THB victims • THB as an abuse of human rights • A victim's rights-centred approach • THB victims' human rights
Section 6	THB and the responsibilities of PSO staff
	<ul style="list-style-type: none"> • THB and Peace Support Operations • The responsibility of PSO staff • Measures to strengthen anti-THB in PSOs
Closing	Revision of concepts
	<ul style="list-style-type: none"> • Application of concepts learnt • Management of skills and knowledge acquired • Appraisal of the subjects studied

SECTION 1

TRAFFICKING IN HUMAN BEINGS: AN INTRODUCTION

LEARNING OBJECTIVES



General objective

By the end of Section 1 participants should be able to give a complete explanation of the concept of THB and demonstrate their awareness of the seriousness and complexity of the problem.

Specific objectives

In particular, participants will be able to:

- understand the aims and scope of the UN TOCC and its Supplementary Protocols;
- define THB as a serious international crime;
- identify and describe the elements of THB;
- differentiate THB from illegal migration and the smuggling of migrants;
- differentiate THB for sexual purposes from voluntary prostitution.

PROPOSED TRAINING STRATEGIES



ACTIVITY 1 **Presentation of participants' concepts of THB**

Method Lecture, Brainstorming, Working groups, Visual aids

Media Flipchart and markers, Slide 1

Duration 20 min.

Proceeding After a brief introduction on the UN TOCC and its Supplementary Protocols (Point A - basic text), and the presentation of Slide 1, the trainer will ask participants to split into small groups in order to answer the following question:
- How would you define THB in your own words?
After a five-minute discussion, one participant per group will present their respective answers.
The trainer will take notes on the flipchart of the most relevant concepts given.

ACTIVITY 2 **Definition of THB under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN TOCC**

Method Reading comprehension, Feedback

Media Handout 1

Duration 10 min.

Proceeding The trainer will distribute Handout 1.
Participants will read the definition of THB as in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN TOCC.
After that she/he will invite participants to express their opinions on comparing it with the ad-hoc answers provided in the previous exercise. The trainer will guide the activity highlighting and summarizing the main ideas of the concept (Point B - basic text).

ACTIVITY 3	Presentation of THB elements
Method	Lecture, Visual aids
Media	Slides 2, 3 and 4
Duration	15 min.
Proceeding	The trainer will give a brief lecture on the elements of the definition of Art. 3 (Point C - basic text) by following the Slides 2, 3 and 4.
ACTIVITY 4	Defining THB-related concepts
Method	Analysis of key words, Working groups, Feedback
Media	Cards, Flipchart and markers
Duration	20 min.
Proceeding	Distribution of cards with key words. The trainer will ask participants to split into groups of a maximum of 5 persons and read their card(s). They should explain in their own terms the words given and how they relate to the UN definition of THB. The trainer will take notes of the ideas provided on a flipchart and comment.
ACTIVITY 5	Differentiation of THB from illegal migration and smuggling of migrants, and voluntary prostitution
Method	Case-study analysis, Working groups, Discussion, Feedback
Media	Handout 2, Paper sheets and pens
Duration	40 min.
Proceeding	Participants are split into groups of a maximum of 5 persons and given a case study to read and analyse through the relevant questions provided. One person per group will present their answers, guided by the trainer. The discussion should also lead the trainer to point out the difference between: <ul style="list-style-type: none"> - THB, illegal migration and smuggling of migrants. - THB for sexual purposes and voluntary prostitution. (Point D - E - basic text)
ACTIVITY 6	Summary and conclusions
Method	Brainstorming, Feedback, Visual aids
Media	Handout 2, Slide 5
Duration	15 min.
Proceeding	The trainer will ask participants to answer the final question presented in the previous exercise: <ul style="list-style-type: none"> - For what reasons can the case be described as THB? The trainer will guide the activity by showing the proposed slide, and providing the final conclusions and comments about the case analysed with relation to the THB concept.
Total duration: 120 min.	

SECTION 1: SUMMARY

**◆ THB concept**

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.

◆ THB elements

- *Acts*: recruitment, transportation, transfer, harbouring or receipt of a person;
- *Means*: threat/use of force, other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability;
- *Purpose*: sexual exploitation, forced labour or services, slavery, slavery-like practices, servitude, removal of organs.

◆ Illegal Migration

Situation in which a person crosses by her/his own means international borders without complying with the necessary requirements for legal entry, either using fraudulent travel or identity documents, or paying bribes at official border points or crossing the border at illegal points like hidden river or jungle routes.

◆ Migrant Smuggling

Form of illegal migration in which the migrant is illegally transported to another country by a person or group of persons gaining economically from organizing such crime.

◆ The differences between THB, illegal migration and migrant smuggling

THB violates the human rights of the trafficked person. Trafficking is never consensual - or, in case of consent, it is rendered meaningless by the coercive, deceptive or abusive actions imposed by the traffickers. The exploitative purpose is the main factor that separates THB from illegal migration or migrant smuggling. Moreover, smuggling is always transnational, while trafficking may occur within the same country's borders.

◆ THB for sexual purposes and voluntary prostitution

THB victims are forced into the sex industry, differing from any kind of voluntary prostitution because the subject always develops an unwilling activity.

A - The UN Convention against Transnational Organized Crime and its Supplementary Protocols

The UN Convention Against Transnational Organized Crime (UN TOCC) entered into force on 29 September 2003 after it received its fortieth ratification in July 2003, nearly three years after its adoption by the UN General Assembly in November 2000.

With this ratification, signatories are obliged to criminalize the participation in an organized criminal group, money laundering, corruption and obstruction of justice, and to cooperate with each other in the fight against these forms of crime. The Convention also includes extradition laws, administrative and regulatory controls, victim-protection and crime-prevention measures.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the parent Convention, entered into force in December 2003. The aims of the Protocol are to prevent and combat trafficking in persons, to protect and assist victims of trafficking and to promote cooperation between States. Victims and witnesses are also dealt with in the parent Convention, but protection and assistance of victims is specified as a core purpose of the Protocol. This is in recognition of the acute needs of trafficking victims and the importance of victim assistance, both as an end in itself and as a means to support the investigation and prosecution of trafficking crimes. The Protocol requires participant countries to incorporate its provisions into domestic law, to seek out and prosecute offenders, and to improve international cooperation on the issue.

The Protocol against Smuggling of Migrants by Land, Sea and Air came into force in January 2004 and also supplements the UN TOCC. The smuggling of migrants is defined as ‘the procurement of the illegal entry of a person into a State of which they are not a citizens or residents, for financial or material benefit’.

The UN TOCC has general powers for dealing with transnational organized crime, while each Protocol has additional provisions which supplement those of the Convention and which focus on the specific subject matter of the Protocol¹. This is an important asset for national legislators, prosecutors and law enforcement agencies because of the complexity of major criminal organizations and the diverse range of crimes in which they are involved; the combination of the Convention and one or more Protocols makes it possible for countries to address the issue of trafficking in the broader context of organized criminal groups and not just as one distinct area of criminal activity.

These instruments apply in any case involving the investigation or prosecution of an offence that is suspected of being “transnational in nature” and involving an “organized criminal group”, as defined in the Convention. These conditions govern international cooperation between parties but not the domestic law adopted pursuant to the Convention and its Protocols. Domestic law should apply regardless of whether trafficking or other illicit activities involve transnational organized crime, so that prosecutors do not need to prove these elements in domestic courts. THB is a crime whether or not it crosses national borders and regardless of whether it can be linked to organized crime.

B - The UN definition of THB

Essentially, trafficking consists of actions in which offenders gain control of victims by coercive or deceptive means or by exploiting relationships, like those between parents and children, in which one party has relatively little power or influence and is therefore vulnerable to trafficking.

Once initial control is gained, victims are moved to a place where there is a market for their services and where they often lack language skills and other basic knowledge that would enable them to seek help. Destinations are often in foreign countries, but that is not always the case - international borders do not have to be crossed. Upon arrival at their destination, victims are forced to work in difficult, dangerous and usually unpleasant occupations, such as prostitution, the production of child pornography or general labour, in order to earn profits for the traffickers. Like other smuggled or trafficked commodities, victims are sometimes simply sold from one criminal group to another, but unlike other commodities, they can be made to work for long periods after arrival at their final destination, generating far greater profits for traffickers at all stages of the process.

Article 3, paragraph (a) of the Protocol defines trafficking as follows:

¹ For a list of the signatories and parties, please, visit the following web-site:
http://www.unodc.org/unodc/en/crime_cicp_signatures.html.

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

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) of this article 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 under eighteen years of age.

The broad range of forms taken by modern trafficking was difficult to cover in a single provision, particularly with the degree of clarity needed to form the basis of criminal laws adopted by national legislatures. The definition, criminalization requirements and other elements of both the Convention and its Protocols, therefore, set only minimum standards, which countries can exceed or supplement in accordance with their needs.

Regarding the issue of victim consent, victims often consent to their initial recruitment based on deception or misinformation about where they will be taken and what will happen when they arrive. The reality is that any initial consent is usually rendered meaningless, if not by the initial deception, then by the use of force or other coercive or abusive conduct on the part of traffickers. Consent to initial recruitment is not the same as consent to the entire course of trafficking and any alleged consent to exploitation must be deemed irrelevant if any of the means of trafficking listed in the definition have occurred (i.e., the threat or use of force, coercion, abduction, fraud, deception, the abuse of power or a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person such as a parent).

C - THB elements

This definition reflects the three main elements of modern-day THB:

- *Acts:* recruitment, transportation, transfer, harbouring or receipt of a person;
- *Means:* threat/use of force, other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability;
- *Purpose:* sexual exploitation, forced labour or services, slavery, slavery-like practices, servitude, removal of organs.

Where new national legislation has been enacted or is currently being drafted, it reflects the three critical components that are listed above. The focus of all investigative efforts should be placed upon securing sustainable evidence within these three categories.

However, the core element of trafficking remains the abusive and coercive working conditions in which people work without their consent. The Protocol makes it clear that the crime of trafficking does not extend to all exploitative labour, but is restricted to forced labour or services. Other forms of exploitative labour are to be addressed pursuant to other laws against such crimes.

Confirmation on whether THB has occurred will be established by the following:

ACTS:

It has to be mentioned that in reality these phases may be partly overlapping, and concurrent. One individual trafficking case might have several transit and destination phases, as victims are frequently re-trafficked. Conversely, some cases may have no transit country phase whatsoever.

Recruitment: The first stage of the trafficking process is the phase during which traffickers target and acquire potential victims in order to ensnare them into the trafficking scheme.

Recruitment may occur as an act of physical violence by kidnapping the victim, or by threat, or with consent through deception or by other forms of coercion. The methods of recruitment used by traffickers are varied and depend on the *modus operandi* and level of organization of the traffickers. They range from individual recruiters looking for interested males and females in bars, cafes, clubs and discos, to recruitment via informal networks of families and/or friends. Advertisements offering work or study abroad are also common methods. Agencies offering work, study, marriage or travel abroad can also be used as a means of recruitment.

Transportation within or across borders... Recruitment is followed by the transportation phase, which can also involve the harbouring and receipt of the victim at a number of stages in the process, including initial receipt and transfer within the country or area of origin. Some form of physical movement or transportation is needed for trafficking to occur, though it may not involve crossing international borders. In either case, the victims are moved into foreign communities, far from home and under the control of the traffickers. They are isolated from their families and language and thus rendered even more dependent upon the traffickers for food, shelter, information and "protection" from authorities. When trafficking takes place across an international border, the consequence is that trafficking victims are in a particularly vulnerable position, as they fear being arrested for illegal entry.

It is important to note that recruitment and transportation may not always be acts of force. Many persons are willingly recruited to leave their places of origin. Nevertheless, transportation may also be forced as in the case of kidnapping or travel under threat. Agents and brokers may restrict the victims' freedom of movement by confiscating their passports or identity cards, thus restricting their independence and ability to return home. Sexual harassment and rape may also occur during or after transportation. Sometimes, the trafficking victims are sold several times to middlemen or other agents, before they reach their final destination. Involvement of the police and immigration authorities in the trafficking process has been reported in various research studies.

... through legal or illegal channels of migration: Trafficking can occur whether people are moved by legal or illegal means. Trafficking often happens to migrants with legitimate visas, who entered a country legally, but had been deceived and had not agreed to the conditions of work. Persons may be trafficked across borders by truck, private car or coach, which can offer greater flexibility than air or train. Many victims are also transported from the origin country to the destination country by long-distance, using high-volume carriers such as airlines, shipping-lines and long-distance coach companies. There are three basic methods of entry into the final destination country:

- Covert by avoiding border control - smuggled entry in vehicles, containers, trains, ferries or on foot etc.;
- Overt by presentation of forged documents that provide a right of entry, such as stolen or forged passports;
- Overt by the presentation of *bona fide* documents that provide false visa entitlements to enter, such as tourist, student or business visas. It is not unusual in these cases that the victim is not misrepresenting the purpose for which she/he is entering the country. She/he believes that they are entering as a tourist, student, fiancé, or to work in a legitimate position. It is the trafficker who is manipulating the immigration system.

Purchase, sale, transfer, receipt or harbouring of a person: It is at this stage that the exploitation, the main goal of the trafficker, is fully achieved. It is when victims arrive at their final destination that they find themselves under slavery-like life conditions. Traffickers act in one or more of these ways through organized criminal structures when they move the trafficked person from the place of origin to the place of destination. Victims are abducted or kidnapped many times and sold several times in a chain of sellers and buyers. Traffickers will confiscate identification and travel documents from their victims, usually immediately after arrival in the final destination country. This robs the victims of their official identity, confirms their illegal entry status and makes it impossible for them to seek help or to escape to another country or destination. Because many victims originate from countries where the police are viewed as a force of oppression, rather than a means of assistance, they are naturally unwilling to contact the police for help.

MEANS:

Deception: Trafficking is never consensual. It is the non-consensual nature of trafficking that distinguishes it from other forms of migration. Trafficked persons are usually tricked into the situation. Because deception is sufficient for a trafficking case, force or coercion are not necessary elements. The fact that the victim may have known in advance that he or she was going to have to engage in prostitution in no way mitigates the criminality of the trafficker, since they are never made aware of the conditions upon arrival: the confiscated passports and identification documents, the unsafe, unprotected sexual services that they will be required to provide and the level of coercion they will encounter if they refuse or try to escape from their circumstances. The victim's acceptance merely emphasizes the impoverishment of earlier circumstances, the lack of opportunity or alternatives, and the vulnerability to the seduction of the trafficker.

Coercion: Except in the case of a person under eighteen - where consent is always irrelevant - the Protocol requires some form of distortion of the victim's free and informed will. This includes taking away someone's freedom of movement and their personal choice. Some traffickers may use force to abduct a victim and others use violence or blackmail to keep a trafficked person under their control and prevent

them making self-determined decisions about their lives, specifically regarding labour and migration choices. Trafficked persons are dependent upon the traffickers for food, clothing and housing, and must submit to the demands of their captors. Traffickers usually restrict a victim's freedom of movement or prohibit victims from leaving the premises without an escort. Coercion may also be psychological.

Abuse of a position of vulnerability: This refers to any situation in which the person involved has no real and acceptable choice but to submit to the abuse involved. Abuse of authority plays a role when parents agree to sell a child or when anyone who exercises a form of authority over the victim agrees to or is involved in trafficking.

PURPOSE:

Exploitation includes, but is not limited to, sexual exploitation, such as prostitution of others; forced labour or services; slavery or slavery-like practices including debt-bondage, serfdom, servile marriage and child labour; sexual, domestic or reproductive servitude; or the removal of organs. Victims lose their right to choose their own destiny freely and are subject to violence. Note that sexual servitude or slavery may or may not involve the sex industry or commercial sex. If the person has been "exchanged" for an amount of money, the "buyer" "owns" her/him and can exercise full power and authority over her/him.

D - The difference between THB, illegal migration and migrant smuggling

Trafficking in human beings, illegal migration and smuggling of migrants are different crimes addressed by different legal instruments. The main differences between these are the following:

Illegal migration

This crime involves a person who crosses international borders by her/his own means without complying with the necessary legal requirements for entry: using fraudulent travel or identity documents, paying bribes at official border points or crossing the border at illegal points such as hidden river and jungle routes. Undocumented migrants do not have legal status in the receiving country due to their irregular entry or overstay, which can be either permanent or temporary. Most of the time, illegal migration is voluntary, being a process where a person chooses to leave one country for another in order to achieve, for instance, better living conditions.

Smuggling of migrants

The smuggling of migrants is a form of illegal migration. Its main characteristic is that the migrant is illegally transported to another country by a person or group of persons with an economic interest in organizing such crime. The smuggling of persons may occur with or without the consent of those being transported; however, most of the times such people - who rarely have any opportunity to migrate by legal means - voluntarily look for smugglers who could take them across international borders.

According to the UN Protocol², smuggling of migrants shall mean...

"...the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or a permanent resident."

To differentiate between smuggling of migrants and THB, it could be useful to consider the following:

- **Acts:** Both traffickers and smugglers transport and transfer people - so both commit the first stage of the crime. However, smugglers rarely need to get involved in any recruitment process because it is usually people wanting to migrate who make the first contact;
- **Means:** Smugglers do not normally need any of the means listed under Art. 3 of the Protocol against THB because there is no distortion of the free will of the migrant;
- **Purpose:** Smuggling is not committed for the purpose of exploitation as set out in Art. 3 of the Protocol against THB. For the smuggler, the relation with the illegal migrant ceases immediately after the illegal crossing of the international border. Once in the place of destination, the migrant's destiny is of no interest to the smuggler. The main difference resides in the purpose of the crime.

In principle, illegal migration and smuggling of migrants are crimes against the State whose immigration laws are violated. In contrast, THB is a crime that violates the human rights of the trafficked

² UN, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime, 2000.
http://www.unodc.org/unodc/en/crime_cicp_signatures_migrants.html

person. Therefore, the term "victim" is used throughout the Protocol to Prevent, Suppress and Punish Trafficking in Persons (Traff-Prot) whereas it is not mentioned in the Protocol against the Smuggling of Migrants.

Most trafficking victims originally chose to migrate but ended up in a trafficked situation because of a lack of access to information and opportunities, as well as lack of legal channels for migration. The key is to remember that while migration - whether regular or irregular- is usually voluntary, trafficking never is.

Most domestic laws fail to make a distinction between trafficking and illegal migration. This creates a dangerous situation for trafficking victims, being commonly charged with illegal entry and subject to fine and imprisonment before being deported.

The main differences between smuggling and trafficking could be outlined as follows:

- The smuggling of migrants, while often undertaken in dangerous or degrading conditions, involves migrants who have consented to the smuggling. Trafficking victims, on the other hand, have either never consented or, if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers.
- Another major difference is that smuggling ends with the arrival of the migrants at their destination, whereas trafficking involves the on-going exploitation of the victims in some manner to generate illicit profits for the traffickers. The exploitation of the migrant is one of the key factors, which determines trafficking, while it is not relevant for the act of smuggling. However, a case of smuggling can easily become a case of trafficking. A voluntary migrant, by placing himself/herself into the hands of smugglers, has put himself/herself into a situation of dependency on the smuggler and is therefore vulnerable to subsequent trafficking. From a practical standpoint, victims of trafficking also tend to be more severely affected by and in greater need of protection from re-victimization and other forms of abuse than are smuggled migrants.
- Smuggling is always transnational, whereas trafficking may not be. Trafficking can occur regardless of whether victims are taken to another country or only moved from one place to another within the same country.
- Finally, at the border, a smuggled person knows that he or she is being smuggled. In contrast, persons targeted by traffickers are typically not yet aware of their fate and are ignorant of the fact that they are being trafficked. They won't learn this until they arrive at their destination and their daily exploitation begins.

It is absolutely critical to be able to make this distinction between human trafficking and migrant smuggling, because the proper care and support of trafficking victims depends on the ability to do so.

E - THB for sexual purposes and voluntary prostitution

Another common error is to equate trafficking with sex work. While a significant number of women are trafficked into the sex and entertainment industries, an equally significant number of them are trafficked for other purposes. Conversely, not all sex work is forced; some women actually choose to enter voluntarily into the sex industry.

One should make a clear-cut distinction between the notions of prostitution and THB. Irrespective of the fact that sold persons are often used as prostitutes, the identification of these two concepts complicates the search for effective, preventive mechanisms and replaces strategies for fighting THB with strategies for fighting prostitution.

This distinction is critical not only in practical terms but also with regard to the protection of human rights. The fundamental principle in addressing this problem should be the idea that when a person is forced by violence, deception or compulsion to provide sex services, law enforcement officials and society as a whole should disregard the fact that she/he may have previously worked as a prostitute or even that she/he wants to continue doing this of her/his own accord. The basis of a crime is not prostitution, but the infringement of a person's rights and freedoms.

We shall come back to this point as we get to the section on trafficking victims identification.

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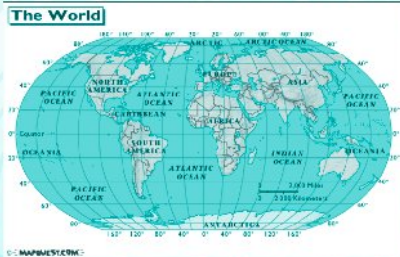
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SLIDES 1-5



RATIFICATIONS of THE PROTOCOL



Africa: 31
Asia and the Pacific: 11
Latin America and Caribbean: 21
Eastern Europe: 19
Western Europe and Other States: 18

1

ACTS

- Recruitment
- Transportation
- Transfer
- Sale
- Purchase
- Receipt or harbouring of a person

2

MEANS

- Deception
- Fraud
- Threat
- Use of force
- Coercion
- Abuse of a position of vulnerability
- Abuse of power
- Abduction

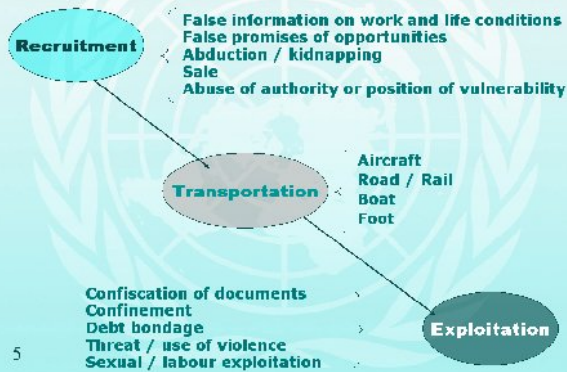
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PURPOSE: EXPLOITATION

- Forced labour or services
- Slavery or slavery-like practices
- Sexual, domestic or reproductive servitude
- Servile marriage
- Removal and traffic of organs
- Sexual exploitation

4

THE TRAFFICKING CHAIN



5

HANDOUT 1



Palermo Protocol - Art. 3:

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

CARDS



RECRUITMENT	TRANSPORTATION	TRANSFER	HARBOURING
COERCION	ABDUCTION	FRAUD	DECEPTION
ABUSE OF POWER	FORCED LABOUR	SERVITUDE	SLAVE-LIKE PRACTICE
DEBT BONDAGE	SEXUAL EXPLOITATION	SLAVERY	POSITION OF VULNERABILITY
EXPLOITATION	MINOR	USE/THREAT OF FORCE	CONFINEMENT

HANDOUT 2



Case-study 1

Maia is 22, from Ukraine:

"I earned my life as a street-based sex worker till I heard from a friend that I could make more than double my current monthly income a week as a sex worker for foreigners in Bosnia and Herzegovina.

My friend introduced me to the organizers of the trip, who even offered me to lend me the money for the costs of travel and documentation.

A week later I was travelling to Sarajevo with two other girls and a guy. We were escorted by two men responsible for our passports. I was first shocked as they introduced us to the border police with other names than ours.

The nightmare started as we arrived in Sarajevo. We were taken to an apartment where two men and one woman got us naked and examined us as if we were goods: they offered 500 Euros for each. Our escorts took the money and left. We were cast off without money or documents in a country where the language was strange to us.

A man introduced himself as our boss and told us in Serbian that we'd have to work at his brothel to pay back what he had paid for us.

I was forced to serve two or three guests per night, nevertheless I was never paid nor was I ever allowed to go out of the brothel. The proprietor was on very good terms with the police.

The police patrol used to visit often, but paid no attention to us..."

Issues to focus on and develop

- Identification of THB elements: acts (and THB stages), means and purpose.
- Emphasis on the differences between smuggling and THB.
- Difference between voluntary prostitution and THB for sexual purposes.

Ask

- How was Maia recruited?
- How do you think she could be provided with travel documentation at such short notice?
- Would you say Maia was aware of being smuggled into BiH or did she think she was entering the country by legal means?
- How do you think she was supposed to pay back the money she borrowed from the organizers of the trip?
- Can you identify the stages of Maia's journey?
- Would you say that as a prostitute she had agreed on the working conditions?
- Why do you think she did not approach the police when they came to the brothel?

Conclusions

- For what reasons could this case be described as THB?

SECTION 2

ROOT CAUSES OF THB: WOMEN AND MINORS AS THE MOST VULNERABLE VICTIMS

LEARNING OBJECTIVES



General objective

By the end of Section 2 participants should be able to identify women and children as the most vulnerable victims of THB and to explain the factors contributing to such a situation.

Specific objectives

In particular, participants will be able to:

- describe the factors contributing to THB;
- describe the particular factors affecting women and minors;
- explain the gender perspective on THB and its implications;
- understand the specific characteristics of trafficking in times of conflict and in post-conflict situations;
- understand the two-fold link between THB and PSOs.

PROPOSED TRAINING STRATEGIES



ACTIVITY 1 **Brief introduction to THB root causes**

Method Audio-visual, Brainstorming, Feedback

Media Video “The Plight of Modern Day Slaves” (EC, 2002), Flipchart and markers

Duration 25 min.

Proceeding After a brief introduction to Point A - basic text, the video will be shown in order to set the context.

The trainer will then initiate a quick brainstorm, considering the information given and the previous knowledge of participants, by asking:

- Why do you think THB occurs?

The trainer will take note of the answers.

Once all suggestions have been made, the trainer will ask:

- How important is each cause in relation to others?

The aim is to establish how THB push and pull factors are intertwined. Each group will make an initial prioritization of THB causes. The trainer will summarize the main points of the answers given in order to provide a brief conclusion of the activity.

ACTIVITY 2 **Analysis of the particular factors making of women and minors the most vulnerable victims**

Method True or False, Discussion, Feedback

Media Handout 3, Pens

Duration 25 min.

Proceeding Participants are given 5 minutes to read and individually assess as either true (T) or false (F) a few pieces of information.

The presentation of each answer by a different participant will provide the trainer with points of reference to discuss the contributing factors that put women and minors in a particular situation of risk. Each statement coincides with a different factor analysed in Points B and C - basic text, which the trainer should develop. The trainer will guide the discussion and provide the final conclusions summarizing the relevant concepts in relation with the topic presented.

ACTIVITY 3	THB in armed conflicts and post-conflict situations
Method	Brainstorming, Discussion, Lecture, Visual aids
Media	Flipchart and markers, Slides 6, 7 and 8
Duration	20 min.
Proceeding	The trainer should start the activity with a quick brainstorm: - For which reasons do you think that people in armed conflict or post-conflict situations are particularly exposed to THB? The trainer should take notes on a flipchart and provide a lecture on Points D and E - basic text. She/he should use Slides 6, 7 and 8.

Total duration: 70 min.

SECTION 2: SUMMARY



THB Root Causes		
<p>Push Factors</p> <ul style="list-style-type: none"> • Poverty and little prospect for sustained economic opportunity • Unemployment • Lack of education • Discrimination • Violence 	<p>Pull Factors</p> <ul style="list-style-type: none"> • Growing sex markets • Demand for cheap migrant labour 	<p>Organized criminal network</p> <ul style="list-style-type: none"> • Economic control of “supply and demand” trafficking situation • Generation of high profits

Main contributing factors to THB in women and children		
<ul style="list-style-type: none"> • Political and economic transition • Gender discrimination • Social factors 	<ul style="list-style-type: none"> • Domestic abuse of children and neglect • Armed conflict • Discrimination/ethnicity 	<ul style="list-style-type: none"> • Irresponsible sexual behaviour • Harmful traditions or customs • Corruption

◆ **THB in armed conflicts**

Impunity, lawlessness, the collapse of State institutions and the lack of border controls are all factors that allow THB to flourish. Furthermore, the destruction of the economy and family income, as well as that of family units, places women and children at increased risk of being trafficked. Conflict areas may thus easily become areas of origin, transit or destination.

◆ **THB in post-conflict situations**

High levels of political instability, criminal activity and violence can remain for years after fighting has finished. Furthermore, the (re)establishment of the rule of law, including the reconstruction of effective law and order institutions, is never immediate and can also take many years. Criminal networks organizing THB in the region are therefore able to exploit the situation, often consolidating power gained during conflict.

A- THB root causes

Current intelligence and knowledge of trafficking *modus operandi* clearly shows an upward trend in the recruitment and exploitation of young women and children as trafficking victims. More and more it is becoming apparent that organized criminal networks take part in procuring and channelling vulnerable persons toward commercial sexual exploitation, and in the perpetuation of such exploitation.

The main reason is clear: the profits are substantial. It has been estimated that trafficking for prostitution, controlled and regulated by organized crime rings, is a multi-million dollar industry.

Trafficking, particularly in women and children, facilitated by porous borders and advanced communication technologies, has emerged as an issue of global concern in recent years. Violence is not always needed, particularly in the case of minors, since traffickers usually take advantage of their vulnerability.

- **Push factors:** Within the origin countries or zones, there is often grinding poverty and little prospect for sustained economic opportunity; consequently, a constant supply of victims is available for exploitation. Push factors can be identified as, *inter alia*, unemployment, poverty, lack of education, gender discrimination and a high level of general and/or domestic violence.
- **Pull factors:** Within the destination countries or zones, constantly growing sex markets and/or a demand for cheap migrant labour or other forms of exploitative service sustain an increasing demand for the services of victims.
- **Organized criminal networks:** Organized crime has taken advantage of this economic “supply and demand” situation in order to generate vast profits for themselves through the trafficking and exploitation of victims.

B - Trafficking in women

For women confronting unemployment, sexual harassment or domestic violence, an offer of good pay for working abroad often seems like a magical escape to a better world. The discriminatory and negative factors outlined below must be set against the perceived advantages offered by skilled traffickers: employment and financial reward; improved social position and treatment; access to material benefits.

Factors contributing to trafficking in women

- a) **Political and economic transition:** Political, social and economic instability changes have a disproportionately negative impact upon women, as they reinforce the unequal power division between men and women through the increase of poverty and the high unemployment. This is partially due to patriarchal structures in society, and to economic and professional discrimination against women. Hence, the widespread trafficking in women must be seen as one of the consequences of the feminization of poverty and labour migration.
- b) **Gender discrimination:** In some countries there is no specific domestic law addressing non-discrimination between women and men, and relevant research shows that women are not often aware of their rights to equal treatment. In other countries, where the national legislation prohibits gender discrimination, there is no formal legal definition of the term nor has a working definition been built up through case law. This omission hinders the application of these articles, as there are no specific programs within the law faculties on how to take on cases of gender discrimination, and subsequently no practicing lawyers and judges to do it. Thus, there is a failure to hold accountable those who discriminate against women, and almost no access to judicial or other types of remedy for the victims.
- c) **Discrimination on the labour market:** On the labour market, women are hired last and fired first. In many cases, women have restricted access to the formal and regulated labour market in the first place. Furthermore, sexual harassment often accompanies job discrimination. When women are structurally denied access to the formal and regulated labour market, and increasingly driven towards the informal sector of the economy in order to earn their livelihoods, they are left with few alternatives other than to enter into unprotected occupations or criminal networks that lead to sexual and or domestic exploitation. A rapidly expanding part of the informal sector is the sex-industry that makes women extremely vulnerable to high risks.
- d) **Social factors:** In difficult economic times there is a climate in the society which consolidates existing power structures. Such structures often reinforce the position of men, and cause further deterioration in the already-subordinated position of women. Furthermore, many women and girls in armed or post-

armed conflict regions are socially conditioned to regard their bodies and sexuality as their only living resource. Discrimination against certain ethnic groups also plays a role as a social factor in the root causes of trafficking, particularly within discrimination on the labour markets.

- e) **Violence against women:** Violence against women, in particular domestic violence, is an important factor in why so many girls and young women want to leave their families and their countries, as they do not have any level of protection from the State.

Fighting THB through a gender perspective

Gender stereotypes feed the perception that “men migrate”, but “women are trafficked”. By adopting a gender perspective on the issue of trafficking, the Traff-Prot allows us to focus on the specific ways in which women’s experiences of trafficking differ from those of men.

A gender perspective:

- distinguishes between the terms “sex” and “gender”;
- refers to the relative status and position of men and women, and women’s greater disadvantage in most societies;
- recognizes that women’s less valued roles can marginalize them, denying them ownership and control over material and non-material resources, forcing them to rely on men;
- considers the interaction between gender and the other social categories such as class, race and ethnicity.

Addressing trafficking from a gender perspective, the Traff-Prot:

- acknowledges trafficking in both men and women;
- addresses the similarities and differences in the trafficking experiences of women and men with relation to their vulnerabilities, violations and consequences;
- addresses the differential impacts of policies on men and women.

C - Trafficking in minors

First and foremost, children’s legal incapacity makes their consent to traffic irrelevant, even if there was no fraud, force or deception.

Most minors are forced to work in the sex industry, but they are also trafficked for forced domestic labour, begging, criminal work in the sale of drugs, participation in armed conflicts, illegal adoptions or to enter marriage contracts.

The factors contributing to trafficking in children are:

- a) **Poverty:** Indigence may be a principal factor. The lack of opportunities for education or to make a living could even tempt parents to allow their children to go with traffickers, who offer a brighter future abroad for them.
- b) **Domestic abuse of children and neglect:** Persons involved in the commercial sexual exploitation of children may include family members. It is believed that approximately 80% of the children becoming victims of trafficking have suffered from psychological or physical abuse within their families, or by a family member or friend. Some parents do knowingly sell their children to brothel owners or traffickers. As we mentioned, poverty is one push factor, but addiction to drugs, the need to conceal incest in the family, discrimination against girl children, and materialistic greed are others.
- c) **Orphans:** Unaccompanied children are especially vulnerable and at risk of sexual abuse or exploitation. Orphans or children burdened with the responsibility of younger siblings to care for are particularly vulnerable.
- d) **Discrimination/ethnicity:** Widespread racism, fragmentation of aboriginal cultures and families, as well as limited access to education, are main factors that make minors easy prey for traffickers.
- e) **Irresponsible sexual behaviour:** Many men value the experience of taking a girl’s virginity. In addition, there are several popular misconceptions or myths surrounding sex with a virgin or child. In many countries it is believed that sex with young girls - who are presumably virgins - prevents the contraction of HIV/AIDS and other sexually-transmitted diseases. There is even some belief that it cures HIV/AIDS or renews youthfulness.
- f) **Harmful traditions or customs:** The practice of early, forced or temporary child marriages makes children vulnerable to trafficking. In addition to this, the daughters of trafficked women themselves become commodities for trafficking. This may occur through formal structures such as the caste system or more informally through social stigmatization, but the result is that girls are forced to work in the commercial sex trade, following their mothers’ ways of survival. For whatever reason, children of

trafficking victims rarely have viable alternatives. In some countries, the sexual exploitation of children is thinly disguised as religious practice, and facilitates the spread of trafficking. In some African countries, girls are given to the local fetish shrine to atone for offences allegedly committed by a member of the girl's family. The girl becomes the property of the fetish priest and must provide sexual services as well as other labour for him.

- g) **Corruption:** Corruption among police and other law enforcement officials is often cited as a cause of trafficking and as a major obstacle combating it. However, while it is true that traffickers can bribe some border officials and some police will accept a brothel owner's offer, this is definitively not true when analysing such institutions as a whole.

D - THB in armed conflicts

Although no precise data exists, there is strong anecdotal evidence that THB escalates during times of armed conflict. Impunity, lawlessness, the collapse of State institutions and the lack of border controls are all factors that allow THB to flourish. Furthermore, the destruction of the economy, family income and family units places women and children at increased risk of being trafficked. Conflict areas may become areas of origin, transit or destination:

- **War zones as areas of origin:** The abduction and sale of women and girls often becomes an important source of income during conflict. In such situations, THB is often intertwined with the trafficking in drugs or weapons. Criminal networks may expand their operations to include THB as a lucrative market.
- **War zones as transit areas:** The absence of law enforcement agencies or border patrols may facilitate easy transport of human beings through war zones.
- **War zones as destination areas:** The breakdown of law and order and the increased demand for sexual services by members of the military (including members of PSOs) and/or fighting factions can lead to a situation where a conflict area becomes a destination for THB.

THB thrives and often escalates in conflict situations because law and order and other institutions that are necessary for the prevention of THB often collapse. Organized criminal groups operate and move more freely than they would in peacetime, exploiting chaotic conditions that make it less likely that their activities will be detected. There is also evidence that the deployment of a PSO can exacerbate the situation by creating additional demand for sexual services.

During times of armed conflict very specific forms of THB that are directly linked to conflict may emerge. In a number of recent conflicts, such as those in Sierra Leone and Bosnia and Herzegovina, fighting factions and governmental forces have used certain forms of THB and sexual exploitation as a strategy of war. Many minors are trafficked to or within conflict areas, eventually becoming child soldiers. There have also been reports of girls as young as twelve forced to engage in sexual activity with paramilitary forces.

- **Sexual enslavement:** Abduction for the purpose of sexual enslavement has been documented in many recent conflict situations. For example, in Angola, the Former Yugoslavia, Sierra Leone, Liberia and the Democratic Republic of Congo (DRC) men and women (including minors) have been abducted and confined, then been forced into prostitution.
- **Forced pregnancy:** Rape and forced pregnancy of abducted women and girls has been used as a tool of ethnic cleansing in the conflicts in Bosnia and Herzegovina and Rwanda. It has also been documented in Bangladesh, Liberia and Uganda.
- **Forced labour:** The exploitation of women and minors' labour is often used to sustain war economies and to humiliate civilians. Abducted women and girls in camps are often forced to work for their abductors. Civilians may also be used to carry out war-related work such as demining and carrying ammunition.
- **Forced recruitment of combatants:** In many internal armed conflicts, parties to the conflict forcibly recruit civilians to fight for them. The forcible recruitment of civilians has been documented in Sudan, Uganda, Sierra Leone and DRC. In many of these conflicts, these civilians have included women and children. In some cases, they have been coerced into "marriage".

In this framework, it is important to distinguish armed conflict from post-conflict situations, since different sets of legal rules are applicable to fighting factions. In times of international armed conflict, where two or more States are fighting, the four 1949 Geneva Conventions and its 1977 Additional I Protocol are applicable to the parties to the conflict and protect civilians from targeting and exploitation.

Many of the crimes that trafficking victims suffer may be identified as grave breaches of the Geneva Conventions, since they may include torture or inhuman treatment, including wilfully causing great suffering or serious injury to body or health. Additional Protocol I specifies the serious endangerment, by

any wilful and unjustified act or omission, of the physical or mental health and integrity of persons who are interned, detained or otherwise deprived of liberty as a result of an armed conflict (Art. 85). The grave breaches provisions only apply in international armed conflicts, and then only apply to acts against so-called protected persons. In these cases the Geneva Conventions require all parties to search for and either extradite or try all persons suspected of having committed grave breaches.

Although the forms of THB in armed conflicts vary according to the nature of the conflict and the specific political and economic factors on the ground, what is common is that women and children are more vulnerable to traffickers. This is true whether the traffickers are fighting factions, governmental forces or organized criminal groups taking advantage of the situation. Forcibly displaced women and children are particularly at risk. Women and children constitute the majority of internally-displaced people and refugees from armed conflicts: they are vulnerable to gender-based violence in general and to trafficking in particular.

E - THB in post-conflict situations

The same factors that allow THB to flourish during situations of conflict are often also prevalent in post-conflict situations. High levels of political instability, criminal activity and violence can remain years after fighting has finished. Furthermore, the (re)establishment of the rule of law, including the reconstruction of effective law and order institutions, is never immediate and can also take many years. Criminal networks are therefore able to exploit the situation, often consolidating power gained during conflict.

- **Post-conflict areas as areas of origin for trafficking victims:** Immediately after the implementation of a cease-fire, peace agreement or the deployment of a PSO, there is an increased risk that a particular territory will become an area of origin for THB. Social disintegration and a lack of economic opportunities put women and children at increased risk of being trafficked. Displaced and refugee women trying to return to their homes, or fleeing from camps, are particularly vulnerable. High levels of sexual and domestic violence on the part of ex-combatants trying to regain control over their families/homes often sharply increases the will of women to seek a better alternative.
- **Post-conflict zones as areas of destination:** The demand for prostitution by members of the military is not a new phenomenon: organized criminal groups traffic their victims in such areas mostly for sexual exploitation. It is no surprise that the presence of foreign troops in a post-conflict region creates or drastically enlarges local sex markets. Once the market is maintained by the presence of foreign troops, locals often fuel the market further by becoming clients as well.
- **Trafficking in areas of Peace Support Operations:** Unfortunately, the deployment of PSOs often brings with it an increased demand for sexual services and domestic labour. Consequently, a number of post-conflict regions have become areas of destination for THB as a direct consequence of the presence of substantial numbers of international civilian and military personnel. Although there is an absence of comprehensive data, and despite the fact that few cases have been fully investigated and proven, there is strong anecdotal evidence that international personnel have become involved, knowingly or unknowingly, in the use of sexual services of trafficking victims. The lack of data is, in itself, a worrying indication of deficiencies in systems for the detection and the discipline of members of PSOs who are involved in criminal acts associated with THB. The relationship between members of PSOs and THB for sexual exploitation is twofold:
 - PSOs create a demand for sexual services, mostly provided by trafficking victims; this fuels national, regional and/or international THB;
 - There is some evidence that PSO personnel have become directly involved in THB.

International law today does not have many rules regulating the conduct of internal conflicts, which many States consider part of their domestic jurisdiction. Additional Protocol II of 1977 to the 1949 Geneva Conventions, which contains basic rules for the conduct of internal conflicts, has no criminal liability provisions. The Statute of the ICC lists as war crimes in internal conflicts serious violations of Common Article 3, violence to life and person, and outrages upon personal dignity, among others. It also specifies as war crimes twelve serious violations of the laws and customs of war (e.g. attacks on civilians and rape).

The (re)establishment of the rule of law, including mechanisms for the protection of human rights, is crucial to post-conflict reconstruction and should be the focus of PSOs. During this process it is crucial to recognize the importance of a gender perspective and include measures that aim to eradicate THB and violence against women³.

³ Pacnews, UNIFEM Begins a New Programme on Women, Peace and Security, Pacnews, 10 February 2003.

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THB in ARMED CONFLICTS

THB develops in armed conflicts due to high levels of impunity and lawlessness

- It serves:
 - ✓ military abduction
 - ✓ sexual enslavement
 - ✓ forced pregnancy
 - ✓ forced labour
 - ✓ forced recruitment of combatants

6

THB in POST-CONFLICT SITUATIONS

- Areas of origin due to social disintegration and lack of economic opportunities
- Areas of destination due to the demand for prostitution by members of the military

7

TYPES of PSO INVOLVEMENT in THB

- The purchase of sex services or domestic labour, creating a demand for services which traffickers exploit
- Participation or collusion in the act of THB

8

HANDOUT 3



True or False

- | | | |
|--|---|---|
| a) Poverty and labour migration affect all people the same way. | T | F |
| b) Women in countries where national legislation prohibits gender discrimination are not exposed to THB. | T | F |
| c) Women are more likely to have restricted access to formal and regulated labour market. | T | F |
| d) Many women can only rely on their bodies and sexuality to make a living. | T | F |
| e) Women living in a family structure are less likely to fall prey to traffickers. | T | F |
| f) Only children from developing countries become victims of THB. | T | F |
| g) Children in armed conflicts are especially vulnerable to THB. | T | F |
| h) Many adults believe that having sex with a minor protects them from AIDS. | T | F |
| i) Children of trafficking victims are particularly at risk of becoming trafficking victims. | T | F |
| j) Corruption is among the major obstacles to the combat of THB. | T | F |
| k) The deployment of a PSO can increase the chances of THB occurring in that area. | T | F |

Answers: a) F; b) F; c) T; d) T; e) F; f) F; g) T; h) T; i) T; j) T; k) T.

SECTION 3

THB AS A TRANSNATIONAL ORGANIZED CRIME

LEARNING OBJECTIVES



General objective

By the end of Section 3 participants should have the skills to identify THB as a transnational organized crime.

Specific objectives

In particular, participants will be able to:

- recognize the links between THB and transnational organized crime;
- understand the mechanisms of the organized criminal groups involved in THB;
- identify THB links with other forms of organized crime.

PROPOSED TRAINING STRATEGIES



ACTIVITY 1 THB as a transnational organized crime

Methods Lecture, Analysis of key words, Working groups, Brainstorming

Media Flipchart and markers, Cards

Duration 25 min.

Proceeding The trainer will introduce the topic by giving a brief lecture on Point A of the basic text.

She/he should then split participants into groups of a maximum of 5 persons, giving them cards in order to list what they think are crimes that are linked vertically or horizontally or both to THB and why, according to the trainer's previous lecture. The groups should list them on a flipchart sheet. The trainer will stick the flipchart sheets on the wall, and participants would then present their scheme to the rest of the class and justify their choice.

Participants should stay in groups and use the vertical examples of THB and its related offences from the previous exercise. The trainer should ask:

- How would you break each vertical link?
- Do you think that all THB organizations develop each stage by their own?
- What would happen if one vertical link was actually broken?

The trainer will take notes of the relevant points mentioned by participants.

ACTIVITY 2 Analysis of the working mechanisms of the criminal groups involved in THB

Methods Lecture, Visual aids

Media Slides 9, 10 and 11

Duration 20 min.

Proceeding The trainer will give a brief lecture on Point B of the basic text. The slides proposed will accompany the exposition.

ACTIVITY 3 Analysis of the different links between organized criminal groups dealing with THB

Methods Lecture, Feedback

Media Flipchart and markers

Duration 15 min.

Proceeding Trainer's brief lecture on Point C - basic text.
Considering the previous lecture, the trainer will ask participants to express their comments and possible doubts about it.
The activity will lead the trainer to summarize the relevant points presented and provide the final conclusion of the topic.

Total duration: 60 min.

SECTION 3: SUMMARY



- ◆ THB is a transnational organized crime through the following relationships:
 - Vertical: chains of individual offences such as counterfeiting of travel documents and violation of immigration laws;
 - Horizontal: criminal activities connected in the same organization such as money laundering, weapon and drug trafficking.
- ◆ The three main characteristics of transnational organized crime are:
 - A group gathered and structured to commit illegal activities;
 - For the maximization of gain;
 - Within an international dimension.
- ◆ Trafficking for sexual exploitation is a tempting enterprise for the potentially high profits and the minimal risk of detection and punishment.
- ◆ Trafficking networks operate in loose connection with each other and specialize in different links of the chain (recruitment, transportation, etc.). Those groups could be ethnically or nationally homogeneous and trafficking victims could be from the same background.
- ◆ THB groups could be found on different levels:
 - Small-scale groups;
 - Large-scale organized criminal networks;
 - Criminal distribution networks.
- ◆ Trafficking networks also develop the smuggling of people, drugs, firearms and stolen goods.
- ◆ There is an obvious interdependency between trafficking in and smuggling of persons and other forms of organized criminality.

A- THB as a transnational organized crime

The crime of THB is made up of several serious crimes. It is virtually impossible to commit THB in isolation from other forms of criminal activity. Just about every form of transnational criminal activity is actually present in THB, from smuggling of migrants to sale of human beings, money-laundering and corruption.

Local criminal organizations forge relationships with other criminal groups in other countries in order to traffic their victims. Such organized crime fuels corruption at all levels of government, serving as a particular impediment and challenge to those PSOs reconstructing the rule of law in post-conflict regions; organized crime becomes another source of authority that must be contended with.

Interdependencies between different types of crimes must be recognized in order to tackle organized crime. Typical for organized criminality are vertical and horizontal interdependencies. Trafficking in human beings, being a form of organized crime, consists of and forms such interdependencies.

Vertical interdependency means that trafficking crime consists of a chain of individual crimes, in close relationship with each other. Crimes committed on the way to the final goal are just intermediary steps toward the end result of exploitation of human beings for economic or material gain. Such crimes are, *inter alia*, counterfeiting of travel documents and violation of immigration laws.

Horizontal interdependency means that there are diversified connections between different criminal activities carried out by the same criminal organization. There is a strong relation between THB and other forms of organized crime, such as other forms of sexual exploitation and weapons and/or drug trafficking. Furthermore, the proceeds from these activities are to be laundered.

These diversified types of crime are also diversified between different elements in the organized crime group, which then independently carry them out. These elements are highly specialized, consist of one or more persons and know very little about the organization. Diversification of tasks minimizes the law enforcement risks. It is in this plethora of transnational criminal enterprises that trafficking in persons occurs. These transnational criminal connections therefore form a larger informal market that traffickers and other transnational criminals use in their activities (e.g. document fraud experts, money launderers, and front companies).

This is particularly important in cases arising in countries where domestic legislation outlawing THB does not exist or where it is weak or flawed. Inadequate specific counter-trafficking legislation can never legitimately be used as an excuse by law enforcement agencies for inaction against traffickers because, as transnational organized criminals, they are always likely to have committed one or more of the following types of crime:

- physical and sexual abuse of the victim, including murder, rape, assault, battery and torture;
- abduction;
- unlawful detention/confinement;
- reduction to slavery;
- sale of human beings;
- deprivation of labour rights;
- facilitation of illegal immigration;
- membership of organized criminal structures;
- fraud;
- corruption;
- money-laundering;
- various prostitution-related crimes;
- production and/or possession of forged or stolen identity and travel documents;
- conspiracy to commit, or aiding and abetting the commission of criminal offences;
- attempts to commit criminal acts.

THB is a global business organized by criminal networks. The involvement of such networks across a breadth of criminal interests and geographical regions significantly complicates any international efforts to monitor and collect data on transnational organized crime groups.

B - The organized criminal groups involved in THB

Trafficking is mainly controlled and exploited by organized criminal groups. The high potential profits and minimal risk of detection and punishment make trafficking in persons a tempting enterprise in many countries. Whilst the profitability from human trafficking may match that of narcotics trafficking, the penalties imposed if convicted are not comparable. Conviction for this type of crime is likely to attract a minimal sentence that, in comparison to the potential penalties for drug-trafficking, makes THB a more attractive prospect to organized criminals.

THB groups exist at many levels, from individuals or small-scale groups of informal criminal contacts to highly complex, international, organized criminal networks. Given that human trafficking is a high-profit, comparatively low-risk form of criminal activity, particularly with regard to trafficking for the purposes of sexual exploitation, it is increasingly apparent that all aspects of the crime are rapidly being taken over and controlled by organized crime.

The phenomenon is not, however, exclusively under the control of major criminal networks. Different groups involved in THB can be fairly small and operate in loose connection with each other when it is mutually beneficial to do so. These groups may specialize in different links of the THB chain such as personal recruitment, transportation, brothel management etc.

Furthermore, the larger criminal networks may not operate in isolation from each other. There are established linkages to other forms of organized crime such as weapons and narcotics trafficking and other forms of criminality. The structural links may be constant or they may consist of loose affiliations whereby the different components come together to commit crime when it is convenient.

Trafficking networks may consist of ethnically or nationally homogeneous groups, trafficking in victims from the same background. They are equally likely to develop into mixed groups where the perpetrators and the victims are from a number of different national and ethnic backgrounds.

Small-scale informal networks

Low-level informal networks usually take the form of small groups of individuals within limited family networks and/or ethnic communities that extend over borders. Small numbers of victims are trafficked as need arises. The traffickers will often use contacts with family and community members back home to recruit women for brothels or prostitution rings, and younger males and females for labour exploitation. Such networks are used frequently in the border regions between the country of origin and the country of destination, and within ethnic communities.

In this context, recruiters usually act as transporters and exploiters as well, being friends or acquaintances of the future victims. Once abroad, they introduce themselves to established criminal networks - preferably of the same nationality - involved in the lowest circles of illegal prostitution. They make substantial profits from the high price paid in Western and developed countries (or PSO areas) for sexual services, as opposed to lower earnings in their origin countries. Initially these loose networks are formed by freelance procurers who migrate on a temporary basis. As soon as they meet favourable demand and weak anti-trafficking policies, a more structured and permanent ring can emerge. But, even when they are able to control an important share of the sex market, their position in legal society remains marginal.

Large-scale organized criminal networks

Large-scale criminal groups are different from small organizations in that they specifically supply markets of foreign countries. Large-scale organized criminal networks control most aspects of trafficking, from recruitment and transport to the management of localized brothels and street prostitutes. Some of these groups focus their activities uniquely on the recruitment and transport of victims.

THB functions like a business with a recruitment agency office, document procurement office, transport office and prostitute management office. Traffickers take their jobs very seriously and professionally, and often use extreme violence to maintain order. The victims procured are regarded as merchandise or commodities to be traded, much as in a traditional slave trade.

Some organized crime networks originate from the Ukraine, Belarus, Russia and Bulgaria, but extend throughout Eastern and Central Europe. Often these networks run brothels and prostitution rings through agents in Western Europe and SEE areas where PSOs are being carried out, and may use other countries only as a point of transit to obtain false documents or as a training ground before moving westward. They make profits selling their victims to middlemen and procurers in the industry's main transit points, in particular capital cities and/or border areas.

More sophisticated middle-size groups organize the so-called mobile prostitution. It consists in moving or rotating trafficking victims from one place to another, both within a country and across international

borders. This system of rotation - known as carousel rotation - ensures that brothel owners and procurers have a constant supply of new trafficked persons. Furthermore, the criminal organizations trade or exchange their victims with other organizations, which give them a new identity when the risk of law enforcement grows too high. The managers of the carousel system select the best routes, means of transport, and modes of entry into the destination country. They can devise different covers for the transportation of their victims, e.g. declaring that they are on tourist and business tours. Their flexible organizational structure includes recruiters, bodyguards, transporters and decision makers who negotiate financial conditions with pimps and nightclub owners.

The itinerant nature of the carousel business requires a high degree of integration into several underground systems: traffickers need to be supported at least by a reliable network of sex exploiters, and by middle-men in the transit countries who can facilitate their crossing of national borders by corrupting border control officials or providing forged papers.

Criminal Distribution Networks

More complex transnational criminal organizations are those that control and coordinate every phase of the trafficking procedure, from the recruitment to the exploitation. The victims may be sold several times to different brothels or gangs in different cities or countries, or remain within one ring and be circulated to new markets.

These networks are highly specialized. Several professional figures, some of which are well-integrated into legal society, take part in the business. Initial investors are often sheltered and not otherwise directly involved. Within this network, specialized recruiters are in charge of finding victims. Travel or employment agencies often carry out deals directly in bars, or through newspaper adverts, telephone solicitation or contacts with friends or family members. Transport professionals organize all the travel arrangements, by land or by air, while protectors take care of the necessary bribes. Debt collectors make sure the victims pay the agreed fees once they are in the destination country. Brothel owners are involved in the management of clubs abroad. Eventually, of course, money specialists must launder the profits. As operations become more sophisticated, other specialists such as forgers and lawyers are brought in.

All three levels of trafficking exist side-by-side. Often, these networks are the same as those developed for smuggling of people, drugs and stolen goods. Yet, the profit made from THB surpasses that made in drug or arms smuggling, and the risk of detection and arrest and adequate punishment remains much lower.

As a generalization, trafficking remains under the control of and is committed by males aged between 20 and 50 years, although the importance of females at the recruitment and exploitation phase is a growing phenomenon. Similarly, there is a growing use of older teenage males as low-level operatives who function in such low-level activities as 'look-outs', as security at brothel premises or as general helpers.

Male traffickers of varying degrees of seniority within the trafficking networks act as recruiters, transporters and managers of the exploitation phase. Increasingly, females may also perform each of these roles. However, the coercive enforcement of the exploitation phase and disciplining of the victims is almost exclusively conducted by male traffickers. Nevertheless, female traffickers do play key roles both in the recruitment phase - particularly as the current *modus operandi* moves away from recruitment by advertisement to a greater focus to contact and recruitment through networks of personal contacts - and in the management of the sexual exploitation phase, acting as managers, receptionists and money launderers.

C - THB links with other forms of organized crime

THB is organized by clandestine criminal groups, which are also involved in other types of organized criminality. It seems that different criminal organizations operate in different territories. This development is partly due to language problems, geographical strategy and historical links but mostly due to the criminal organizations' striving for monopoly of a particular market.

Groups from Afghanistan, China, Iran, Kosovo, Nigeria, Pakistan and Turkey are very active in both drug-trafficking and trafficking/smuggling of persons in Europe, making the horizontal interdependency between other forms of organized criminality and THB very obvious.

To use another example, Nigerian organized criminal groups have been caught in various activities in connection with trafficking and smuggling: fraud, counterfeiting of cheques and other documents, prostitution, drug trafficking and money-laundering. Groups of other nationalities, such as Albanian, Romanian and Turkish, are also involved in counterfeiting or stealing of documents and then using them for other criminal purposes, such as trafficking in persons. Here, the vertical chains of criminal offences are obvious.

Crime is also divided according to the region from which the networks come. Triads of Chinese origin are involved, in particular, with drug-trafficking, gambling, and the smuggling/trafficking of persons. Yakuza groups, from Japan, have specialized in trafficking in women, mainly from China, for sexual exploitation. Yakuza and Chinese triads do actually cooperate in the field of THB, which is evident in the fact that some units of Yakuza have also been involved in trafficking in drugs and guns, gambling, fraud and money laundering.

Transnational organized crime has widely grown in SEE in recent years, getting more and more involved in the trafficking of women for sexual exploitation. The business of trafficking from and within Central and Eastern Europe is increasingly controlled by Russian and Ukrainian middle-size and transnational criminal organizations. Depending on their area of action, they are able to cooperate with the main organized criminal groups involved in human trafficking worldwide, such as Turkish and ex-Yugoslavian networks, as well as Chinese triads or Yakuza.

Albanian groups are also involved in the trafficking of women and girls all over Europe. They operate almost exclusively within Europe, having begun by trafficking girls from Albania into Italy. Recently, Albania has become a transit country for trafficking originating in the ex-Soviet republics. Women entering Albania are bought before being transported to Bosnia, Macedonia and Kosovo. Traffickers also pass through Italy or through the Eastern countries, such as Slovenia, to enter the Schengen area and reach the North-Western European countries, especially the Netherlands, Belgium and France.

Transnational organized crime groups also control the main part of street prostitution and clandestine brothels in such localities as those parts of Poland and the Czech Republic situated close to the border area with Germany and Austria. In this border area, since 90% of clients come from Western countries, high profits are assured. The same applies when analysing the issue in PSO areas.

Two recent trends have been noted in these regions. First, the arrival of trafficked women from Eastern countries, and second, the arrival of sex tourists from richer countries visiting the local sex markets because of the low prices.

It is worth noting the huge extension of trafficking routes. Important flows end up in the United States, where 4,000 women from Eastern and Central Europe are trafficked every year to work in prostitution. They also end up in some Asian centres, such as Bangkok, Hong Kong, Beijing and Singapore, as well as in Japan, the Middle East, Israel and Turkey. Generally, routes directed to the neighbouring countries are less demanding from the organizational point of view.

Patterns of sexual exploitation may vary depending on local sex work structures, though organized crime representatives keep a strict and permanent control of the victims. Even if the women are compelled to work for external exploiters, they have enormous debts to pay back to the organization, generally on a weekly basis.

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SLIDES 9-11



SMALL SCALE INFORMAL NETWORKS

- Few individuals within family or ethnicity networks
- Acquaintances or friends of the victims
- Small number of victims are trafficked as need arises
- Networks in border regions between origin and destination countries
- Recruiters may act as transporters and exploiters
- Involved in the lowest circles of illegal prostitution
- 9 ➤ Marginal from legal society

LARGE-SCALE ORGANISED NETWORKS

- Involve middle-sized criminal groups
- Supply sex markets in foreign countries
- Control every stage of THB from recruitment to management of brothels
- "Professionals" of slave trade
- Organisation of mobile prostitution
- Supported by middle-men

10

CRIMINAL DISTRIBUTION NETWORKS

- Complex transnational organised criminal organisations
- Control and coordinate every phase of THB
- Victims may be sold several times
- Highly specialised
- Professional figures, some of which are well integrated in legal society
- Initial investors are often sheltered and not directly involved
- 11 ➤ Money specialists launder the profits

CARDS



CORRUPTION	COUNTERFEITING OF DOCUMENTS	VIOLATION OF IMMIGRATION LAWS	PHYSICAL AND SEXUAL ABUSE
ABDUCTION	UNLAWFUL DETENTION /CONFINEMENT	REDUCTION TO SLAVERY	SALE OF HUMAN BEINGS
DEPRIVATION OF LABOUR RIGHTS	FRAUD	MONEY-LAUNDERING	CAR THEFTS
TRAFFICKING IN DRUGS	TRAFFICKING IN CHEMICAL MATERIAL	TRAFFICKING IN ARMS	SMUGGLING OF MIGRANTS

Possible answers:

Vertical: counterfeiting of documents, violation of immigration laws, physical and sexual abuse, abduction, fraud, unlawful detention/confinement, reduction to slavery, sale of human beings, deprivation of labour rights

Horizontal: money-laundering, trafficking in drugs, trafficking in arms, smuggling of migrants, car thefts, trafficking in chemical material

Both: corruption

SECTION 4

THE IDENTIFICATION OF THB VICTIMS

LEARNING OBJECTIVES



General objective

By the end of Section 4 participants will have the skills to identify trafficking victims.

Specific objectives

In particular, participants will be able to:

- understand the importance of timely identification of THB victims;
- define re-victimization;
- recognize the elements characterizing a THB victim.

PROPOSED TRAINING STRATEGIES



ACTIVITY 1 **Brief introduction to the topic and presentation of the session**

Method Lecture, Visual aids

Media Slide 12

Duration 10 min.

Proceeding The trainer will give a brief lecture on Point A - basic text. The slide proposed will accompany the lecture.

ACTIVITY 2 **Analysis of the assessment indicators to identify a THB victim**

Method Brainstorming, Visual aids, Feedback

Media Slide 13, Flipchart and markers

Duration 10 min.

Proceeding Considering the previous lecture and the participants' own professional experience, they are asked to suggest possible tips to identify a THB victim (e.g. age, gender, nationality, etc.). The trainer will take notes of the answers given. The trainer will summarize Point B - basic text, and present Slide 13. She/he should relate such characteristics with the relevant THB push factors analysed in Section 2.

ACTIVITY 3 **Focus on the guidelines to be followed during the victim's interview**

Method Lecture, Visual aids

Media Slides 14, 15, 16 and 17

Duration 10 min.

Proceeding Brief lecture of the trainer on Point C - basic text. The slides proposed will accompany the lecture.

ACTIVITY 4 **Conduction of a THB victim interview**

Method Role-playing, Feedback

Media Role-playing scenario

Duration 30 min.

Proceeding The trainer will assign pre-defined roles to three participants within a given

realistic situation. Participants will act out the scenario. The aim of the role-play is to conduct an interview, which would lead to the identification of the interviewee as a trafficking victim. Playing participants should take into consideration the guidelines introduced in the previous activity.

After that, the trainer will invite participants who attended the scene to express their opinions about it in order to analyse what happened and what they observed during the role-play. Then the trainer will debrief the players properly, beginning with the principle characters and then going onto the secondary characters. Before starting the debriefing the trainer will ask the players how they are feeling, particularly following emotive subjects such as being the victim of trafficking, to ensure they are able to take an effective part in the debriefing process. The players should be sat apart from the rest of the class at this time.

Once all players have been fully debriefed or at the discretion of the trainer depending on what is happening in the classroom, the trainer will bring the role players out of role one by one by using their real names and thanking them in their real names for taking part. They must be checked to see if they are all right and are completely out of role. Observers then give their feedback according to their tasks as they relate to the role-play.

The trainer will then give her/his own feedback analysing possible strategies and reactions when assisting a THB victim.

ACTIVITY 5 **Learning assessment and feedback**

Method Feedback, Discussion, Visual aids

Media Slide 17

Duration 5 min.

Proceeding Trainer's feedback and discussion. The floor will be given to participants to ask any further questions.
The slide proposed will accompany the activity.

Total duration: 65 min.

SECTION 4: SUMMARY



- ◆ Treating trafficked persons as criminals because of inadequate law enforcement and inappropriate governmental responses could lead to re-victimization and further harm.
- ◆ Adequate law enforcement is necessary for a rapid and proper identification of trafficking victims, and for allowing them access to due legal process.
- ◆ First contact with a THB victim must include accepting the claim of the victim, treating him or her accordingly, ensuring access to support measures and prevention of detention as a suspect.
- ◆ Evaluating the circumstances and the available information in each particular case is the most effective method to identify trafficking victims.
- ◆ There is no crime of trafficking if any of the three THB elements is absent. With regard to this, the interview process must consider personal details and the phases of recruitment, transportation and exploitation of the victim.
- ◆ The interviewing process must take into account the vulnerability and any reluctance of the victim and provide her/him with the necessary support, information, assistance, protection and safe refuge.
- ◆ The final decision should be the result of the evaluation of:
 - Assessment indicators;
 - Answers provided during interview;
 - Additional corroborative materials.
- ◆ As victims of THB have to contend with the serious consequences of physical abuse and psychological violence, they shall be provided with the appropriate assistance and protection.

A - Measures to prevent the re-victimization of THB victims

Law enforcement authorities have the responsibility to prevent human rights violations, protect the victims, and prosecute the perpetrators of such violations. This is known in THB as the three “Ps”: Prevention, Protection and Prosecution.

Protection of trafficking victims includes a number of measures that lead to avoiding the re-victimization of trafficking victims: providing a residency status or permit in the country where they find themselves; asylum; granting assistance and help to trafficking victims in the state of destination; providing accommodation, medical support and counselling; ensuring free translation and legal assistance.

The clear understanding that victims of THB are victims of serious human rights violations, not offenders, is at the core of an adequate and effective anti-trafficking response. If a law enforcement officer - acting on behalf of the State - treats a THB victim as a criminal, she/he would be violating such a person’s rights and causing further harm.

Mis-characterizing or mis-identifying victims of trafficking as smuggled individuals or simple illegal migrants leads to improper and inappropriate law enforcement and governmental responses. The key issue for law enforcement is, therefore, the proper and rapid identification of a trafficking victim. This is not a simple process. The solution lies in the timing of the decision.

At the first contact with a person who claims to be victim of trafficking, the law enforcement officer should accept the claim of the victim at face value and treat him or her accordingly, ensuring access to the full range of support measures provided by the IO/NGO sector. The presumption should be in favour of the individual’s claim of being a trafficking victim. The person should not be detained as a suspect at this stage because that would equate to criminalization and re-victimization, and would breach the principles and guidelines of international human rights standards analysed below.

A trafficking victim should be released from any initial detention and referred to the appropriate service provider, pending enquiries into his or her claims. So far, there is not much evidence that offenders claim falsely to be trafficking victims. On the contrary, a bigger problem appears to be that of trafficking victims denying that they have actually been trafficked.

It must be noted that there is no guarantee or full proof to identify a genuine trafficking victim with absolute certainty. The most effective method is to evaluate all the circumstances and available information in each particular case. The law enforcement official should first consider the case as a whole, keeping in mind the definition of trafficking in persons.

The acts of recruitment, transportation, transfer, harbouring or receipt of persons must be achieved by one of the means listed in Art. 3 of the Traff-Prot, and both acts and means must be linked to achieving the exploitative end-purpose. If any of these three elements is absent, then the crime of trafficking has not been committed under the terms of Art. 3.

In addition, the case should be decided on the basis of indicators that can suggest the presence of a trafficking case. Subsequently, the proper questions should be addressed to the suspect victim during a face-to-face interview, and, finally, additional available supporting materials should be evaluated.

B - Indicators for pre-interview assessment

In the process of identification of THB victims, all surrounding circumstances should be carefully considered before the victim’s interview.

- **Age:** The older the victim is, the less likely it is that the case involves trafficking. Sexual exploitation is still the principal purpose of the crime and traffickers will not normally traffic victims over the age of thirty years because there is little client demand for them. The same general rule can be applied in respect of labour exploitation because the older the person is the less productive they may be in arduous labour conditions.
- **Gender:** Sex trafficking predominantly affects females because heterosexual prostitution remains the largest and most profitable form of exploitation. However, male trafficking for the purposes of prostitution, particularly that of teenage and younger boys, should not be excluded. Trafficking for forced labour exploitation can be gender neutral - it all depends upon the form of the labour.
- **Nationality:** The supply chain of victims relies on exploitation of a combination of factors including poverty, discrimination and lack of opportunity and it is unlikely that a genuine victim will originate from a wealthy industrialized country.

- **Documentation:** Identity and travel documentation is usually seized from victims of trafficking as part of the control mechanisms of the traffickers, and genuine victims will not normally be in possession of them. The reverse observation can be accurately made in respect of the majority of asylum seekers.
- **Last location:** The location where the victim was immediately before coming to law enforcement notice will always be significant; brothels, call-girl agencies or lap-dancing clubs, places of labour exploitation such as sweatshops, restaurant kitchens or agricultural sites may all be indicators of exploitation.
- **Circumstances of referral:** The circumstances leading up to the referral will always be a key indicator. Circumstances such as removal from brothels by police; “client rescue”; identification and rescue by NGO partners; whether any traffickers or their associates were at the scene when the victim came to notice; all these elements could simplify the identification process.
- **Evidence of abuse:** Any signs of physical injury to the victim can be a positive indicator of trafficking; victims are subjected to abuse by their traffickers and clients, which is not normally a factor in smuggling cases.
- **Assessment of the referring agency:** If the case has been referred to the law enforcement agency from the IO/NGO sector, the opinion of the referring professionals working in this area will always be relevant to the identification process, and should be included in the overall assessment.
- **Current knowledge:** Within all of the above categories, are the circumstances surrounding the case consistent with current local knowledge of the trafficking *modus operandi*.

C - Interview guidelines and sample questions

While conducting the interview of a potential THB victim, the following should be kept in consideration:

- These are vulnerable individuals whether they are victims of traffickers, smuggled migrants or simply economic migrants. They must be treated sensitively and in accordance with their human rights. This will be a challenging task for the law enforcement officer who is likely to be confronted by a victim who is hostile, suspicious, distrustful, reticent and traumatized.
- Reluctance on the part of the victim to provide detailed responses may be a manifestation of the victim's genuine fear of the trafficker, suspicion and mistrust of any official figure or, in severe cases, because the victim is simply too traumatized to discuss the circumstances. For this reason, the victim should be interviewed separately from any suspected trafficker that may have been in her/his company and, wherever possible, in the presence of a trained psychological counsellor.
- The approach of the interviewer should be to empathize with the victim and understand whether the person is a trafficking victim or not. That can only be done if the victim provides the necessary information.
- In a case of the interviewed person being a minor⁴:
 - Proactive identification measures should be taken to ensure that child victims are identified and assisted as early as possible;
 - Social services, health and education authorities should be contacted by relevant law enforcement authorities;
 - Where the age is uncertain and there are reasons to believe that the victim may be a child, the presumption shall be that the victim is a child;
 - There should be referral to appropriate services for immediate care and protection, and the appointment of a guardian to accompany the child throughout the entire process, until the child's best interests have been identified and acted upon;
 - Accommodation in a safe place should be provided.

Remember that none of the answers to any of the questions will on their own resolve the issue. They must all be considered collectively together with the indicators highlighted above.

- **Personal details**
 - All the background information from the victim should be collected.

⁴ For an in-depth explanation of effective communication skills with child victims of abuse and human trafficking, please see Mitchels, B., “Let’s talk, Developing effective communication with child victims of abuse and human trafficking, Practical handbook for social workers, police and other professionals”, UN Children’s Fund (UNICEF), UN Interim Administration Mission in Kosovo (UNMIK), UNICEF Kosovo, Pristina, September 2004.
<http://www.childtrafficking.org/eng/publication.html>

- **Recruitment phase**
 - Was the victim forcibly taken out of the country?
 - If force was not involved, was the victim approached by the recruiter or did she/he answer an advertisement of some kind?
 - What did the victim believe she/he was going to be engaged in, following arrival in the country of destination?
 - Has the victim paid to the recruiter in advance, and who paid the travel costs?
- **Transportation phase**
 - Did the victim travel on her/his own identity documents or with false papers?
 - Who has the documents now?
- **Exploitation phase**
 - What activity has the victim been engaged in and when did it begin?
 - How much money has the victim earned and where is it now?
 - What were the working conditions?
 - What degree of freedom of choice and movement did the victim have?
 - Why didn't the victim escape sooner?

Additional supporting materials should be available to corroborate the victim's account and help with the decision-making process. Documents or other supporting material may be available from the police or NGO partner or be provided by the victims themselves (police or immigration reports, travel tickets, copies of bogus employment contracts or original advertisement, letters written by the victim etc.).

The final decision should be the result of the evaluation of all the available material within the three categories:

- Assessment indicators;
- Answers provided during the interview;
- Additional corroborative materials.

Having done this, it will be possible to decide - as accurately as possible according to the circumstances - whether the person has been trafficked, smuggled, or is an independent illegal migrant.

In any case, it is important to resolve the issues transparently to avoid any subsequent allegations of collusion.

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MEASURES to PREVENT RE-VICTIMISATION

Protection of THB victims includes measures to avoid re-victimisation:

- Residency status or permit to stay
- Asylum
- Assistance to victims in state of destination
- Accommodation, medical support and counselling
- Free translation and legal assistance

12

INDICATORS for PRE-INTERVIEW ASSESSMENT

- Age
- Gender
- Nationality
- Documentation
- Last location
- Circumstances of referral
- Evidence of abuse
- Assessment of referring agency
- Current knowledge

13

INTERVIEW PRINCIPLES

- Victims are vulnerable individuals, often suspicious, distrustful, hostile, reticent and traumatised
- Interviews should be held separately from any suspected trafficker, possibly in presence of a psychological counsellor
- Interviewers should empathise with the victim and explain the objective of the interview

14

MINORS VICTIMS of THB

- Pro-active identification measures for early identification and assistance
- Presumption of age as a minor
- Immediate referral to appropriate social services
- Prompt accommodation in safe place

15

GUIDELINES for VICTIMS' IDENTIFICATION

- Personal details
- Recruitment phase
- Transportation phase
- Exploitation phase

16

CONCLUSION of the INTERVIEW

Final decision is made on the basis of the evaluation of:

- Assessment indicators
- Answers provided by the victim
- Additional corroborative material

17

ROLE-PLAYING SCENARIO

After a raid in a brothel in Kosovo, many foreign young women were detained. They find themselves at the police station and are approached by police and judicial officers, who interview them.

OBJECTIVES

The primary objectives are:

- To test the participants' capacity to conduct an interview which would lead to the identification of the interviewee as a trafficking victim;
- To assess the participants' ability to identify properly a victim of trafficking;
- To examine the participants' sensitivity and attitude towards a victim of trafficking and gender issues;
- To examine the participants' ability to resolve conflicts.

The secondary objective is:

- To examine the participants' communication skills with a victim of human trafficking.

ROLE-PLAYING METHOD

Inside the classroom, the playing participants are asked to make in front of the room an interview suite. Playing participants should take into consideration the guidelines introduced in the previous activity. Volunteers should be requested, and then allocated roles by the trainer: one participant should take the role of one of the women, and another should take that of police or judicial personnel. The latter should ask the questions they feel are suitable to find out whether or not the interviewee is a THB victim. The aim of the role-play is to conduct an effective interview that would lead to find out whether or not the interviewee is a trafficking victim.

The trainer should let the role-play continue freely for 10 minutes, providing ongoing support.

After the role-play, the trainer will invite participants who attended the scene to express their opinions about it in order to analyse what happened and what they observed during the role-play. At the end of the role-play it is important to debrief the players properly. All role players are debriefed. As a role-play is more about the affective zone of learning, the trainer must first review the players in role, beginning with the principle characters and then going onto the secondary characters. The victim should be the first person to be debriefed and after making sure that this person is all right and able to answer the questions, the trainer should ask the other players what happened and how they felt about the way in which they had been treated. If not happy they should be asked to explain why. The trainer can then keep these players in role whilst the person who handled the situation is also debriefed, so they can challenge what happened whilst in role. Before starting the debriefing, it is important for the trainer to ask the players how they are feeling, particularly following emotive subjects such as being the victim of trafficking, to ensure they are able to take an effective part in the debriefing process. All players should be referred to by their role names, as it is the feelings of the role person that should be sought. The players should be sat apart from the rest of the class at this time.

Once all players have been fully debriefed or at the discretion of the trainer depending on what is happening in the classroom, the role players are brought out of role one by one by the trainer, now using their real names and thanking them in their real names for taking part. They must be checked to see if they are all right and are completely out of role. Observers then give their feedback according to their tasks as they relate to the role-play.

Finally, the trainer should assess whether the interview guidelines were instinctively respected, making reference to Point C - basic text.

SECTION 5

THE PROTECTION OF THE RIGHTS OF VICTIMS OF THB

LEARNING OBJECTIVES



General objective

By the end of Section 5 participants should be aware of, and be able to explain the human rights abuses suffered by victims of THB, and have gained an understanding of how to protect the rights of victims.

Specific objectives

In particular, participants should be able to:

- identify the basic principles of protection and assistance of THB victims;
- identify the human rights abuses suffered by victims of THB;
- understand how to protect the rights of THB victims;
- identify the obligations of authorities when responding to THB.

PROPOSED TRAINING STRATEGIES



ACTIVITY 1 **Presentation of the basic principles of protection and assistance to THB victims**

Method Working groups, Visual aids

Media Flipchart and markers, Slide 18

Duration 20 min.

Proceeding Participants are split into small groups and assigned different rights that the trainer should introduce with Slide 18 (Point A - basic text). The groups are then asked to explain all the actions each respective right implies. The trainer will take notes of the main points presented and fill in the gaps left by the group in reference to each principle.

ACTIVITY 2 **THB as a violation of international human rights**

Method Lecture, Case-study analysis, Working groups, Feedback

Media Handout 4, Flipchart and markers

Duration 20 min.

Proceeding After a brief introductory lecture on Point B - basic text, the trainer will ask participants to split up into groups of a maximum of 5 persons and they are given a case study. The trainer will ask the groups to identify the human rights violations suffered by the victims in the case study (the trainer may wish to use the guide questions). The trainer should note down the human rights violations identified by the groups on a flipchart. After this has been done, the trainer will complete the activity by adding any human rights violations that have not been mentioned. When concluding this activity it is extremely important for the trainer to ensure that participants fully understand the difference between a crime under domestic law and a human rights violation. The trainer must also stress that the authorities (in most cases the government) have an obligation to actively investigate and

	prosecute THB and to protect the victims in line with international human rights standards.
ACTIVITY 3	Overview of the human rights approach to dealing with THB victims
Method	Lecture, Visual aids
Media	Slides 19a, 19b and 20
Duration	10 min.
Proceeding	Trainer’s lecture on points C and D - basic text. The slides show the key points to be highlighted by the trainer. For the lecture on point C, can be useful to take into consideration samples of National Plans of Action recently adopted.
ACTIVITY 4	Learning assessment and conclusions
Method	Working groups, Brainstorm, Feedback
Media	Handout 5, Flipchart and markers
Duration	20 min.
Proceeding	The trainer asks the participants to get back into the groups that they were in for Activity 1. The trainer should then tell participants that the UN police working in BiH have just raided the brothel in which Tanja and the other girls were working. The trainer should distribute the Recommended Guidelines on Human Rights and THB to the groups in order to assist them in their work. The trainer will then ask the participants to devise a human rights-based strategy for the authorities to implement vis-à-vis Tanja and the other girls. The groups will be given 10 minutes to come up with a human rights-based approach to this case. If necessary the trainer can prompt the group work with specific questions such as: - What steps should law enforcement officials take? - What other steps should be taken by the authorities to ensure that the girls come to no further harm? - What steps should be taken by the courts and/or judicial personnel? The trainer should wrap up the session by asking each group to present their strategy. If there is time the answers from each group can be noted on the flip chart and the strategies compared. If there are any key points missing the trainer should ensure that the gaps are filled in.
Total duration: 70 min.	

SECTION 5: SUMMARY



- ◆ THB is a phenomenon that constitutes a crime under domestic and international law.
- ◆ THB involves serious abuses of human rights by the traffickers (the victims are betrayed, frequently beaten and raped; some of them become infected with serious sexual diseases and must endure a subhuman existence).
- ◆ International human rights law obliges authorities to legislate against THB and actively investigate and prosecute those persons suspected of involvement in it.
- ◆ International human rights law obliges authorities to protect and assist victims of THB. Authorities are therefore obliged to take a human rights approach to dealing with THB.
- ◆ Using a human rights-based approach is also the most effective basis for law enforcement authorities as it ensures protection of the victim, which will enhance the chances of prosecution and punishment of those persons involved in THB.
- ◆ Law enforcement officers and judicial personnel should:
 - Never treat the victims of THB as criminals.
 - Take appropriate measures to protect victims' rights.
 - Ensure that THB victims are provided with effective protection and support.
 - Consult appropriate human rights organizations when developing anti-trafficking policies and programmes.
 - Develop plans of actions against THB.
 - Never apply anti-trafficking measures in a discriminatory manner.
 - Monitor and evaluate the human rights impact of measures taken.
 - Ensure that THB victims are treated with respect and dignity.
 - Advocate for the (re)construction of social service infrastructure in order to provide appropriate support services for THB victims.

A - Basic principles of protection and assistance to THB victims

Victims of THB have to contend with serious consequences on many fronts. That being the case, they should be identified as soon as possible to be provided with assistance and with protection both from former traffickers and from law enforcement officers regarding them as offenders.

The most immediate danger trafficked persons face is physical violence from those who exploit them. Physical harm may also come to people trafficked for sex purposes; they are often not in a position to negotiate safe sex, or lack access to education about HIV/AIDS.

Many victims are physically and sexually abused and are held in conditions of actual and/or psychological captivity. Murders are frequent, serving as warnings to other victims not to seek help or assistance. Threat of reprisals against them or their families, and the lack of identity documents or possession of invalid ones, prevents many of the victims from escaping.

The psychological impact of trafficking includes feelings of shame, guilt and low self-esteem: many victims do not believe they are worth rescuing, and attempt suicide or turn to substance abuse. Some suffer from stigmatization or the knowledge that they were betrayed by someone that they had trusted.

The Traff-Prot establishes in Art. 6 that State parties shall take into account the age, gender and special needs of victims, in particular the special needs of children, including appropriate housing, education and care. It will be remembered that the term "child", in the context of the Protocol, means any person under eighteen years of age.

Principle 10 of the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking⁵ states: "*Children who are victims of trafficking shall be identified as such. Their best interests shall be considered paramount at all times. Child victims of trafficking shall be provided with appropriate assistance and protection. Full account shall be taken of their special vulnerabilities, rights and needs.*"

In particular, Guideline 8 'Special Measures for the Protection and Support of Child Victims of Trafficking' suggests that States and, where applicable, IGOs/NGOs should consider:

- Ensuring that definitions of trafficking in children, in both law and policy, reflect their need for special safeguards and care, including appropriate legal protection.
- Ensuring that procedures are in place for the rapid identification of child victims of trafficking.
- Ensuring that child victims of trafficking are not subjected to criminal procedures or sanctions for offences related to their situation as trafficked persons.
- In cases where children are not accompanied by relatives or guardians, taking steps to identify and locate family members. Following a risk assessment and consultation with the child, measures should be taken to facilitate the reunion of trafficked children with their families where this is deemed to be in their best interests.
- In situations where the safe return of the child to his or her family is not possible, or where such return would not be in the child's best interests, establishing adequate care arrangements that respect the rights and dignity of the trafficked child.
- In both the situations referred above, ensuring that a child who is capable of forming his or her own views enjoys the right to express those views freely in all matters affecting her/him, particularly with regard to decisions about possible return to the family - the views of the child being given due weight in accordance with his or her age and maturity.
- Adopting specialized policies and programs to protect and support trafficked children, providing them with appropriate physical, psycho-social, legal, educational, housing and healthcare assistance.
- Adopting measures necessary to protect the rights and interests of trafficked children at all stages of criminal proceedings against alleged offenders and during procedures for obtaining compensation.
- Protecting the privacy and identity of child victims and taking measures to avoid the dissemination of information that could lead to their identification.

It is evident that the Traff-Prot underlines the importance of victim assistance and protection both as an end in itself and as a means to support the investigation and prosecution of trafficking crimes. Since

⁵ Available at: [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.2002.68.Add.1.En?Opendocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.2002.68.Add.1.En?Opendocument)

the major abuses of trafficking involve women and children, States have a duty to apply strengthened measures to protect and assist these two categories of persons who are most vulnerable.

- **Right to information:** Victims must be provided with accessible information about their situation, their entitlements, legal proceedings, services available and the family reunification and/or repatriation process. Information shall be provided in a language that the victim is able to understand. Suitable interpreters shall be provided whenever victims are questioned/interviewed or require access to services.
- **Right to non-discrimination:** All victims are entitled to the same protection and rights, without distinction of any kind: considerations of status, nationality, race, sex, language, religion, ethnic or social origin, birth or other status. However, all decisions regarding child victims must be taken expeditiously.
- **Right to confidentiality:** Information about a victim that could endanger her/him or her/his family members must not be disclosed. All necessary measures must be taken to protect the privacy and identity of the victims. The name, address or other information that could lead to her/his identification or that of her/his family members shall not be revealed to the public or media.
- **Right to assistance:** According to factual possibilities and the victim's requirements, she/he should be assisted to return to the country of origin and reunite with her/his family. The Traff-Prot calls for further social and reintegration assistance to victims, as well as in other areas such as legal and psychological counselling, housing, education and healthcare needs, although these are not obligatory.

Access to legal temporary residency status for trafficking victims would not only serve to protect their rights but would also serve the interest of law enforcement agencies engaged in effective criminal prosecution of the traffickers. Unfortunately, most destination countries have often been unwilling to provide trafficking victims with any form of temporary legal residency status. This means that it becomes impossible to provide proper protection, care and support for trafficking victims, and for them to stabilize or regularize their residency status so that they can cooperate with the criminal justice system.

B - THB as an abuse of human rights

THB and the offences that are committed as a part of this activity not only constitute serious crimes under domestic law, but also involve serious violations of human rights.

THB is a contemporary form of slavery that gives rise to some of the most serious human rights abuses, including forced labour and cruel, inhumane and degrading treatment. Victims of trafficking are betrayed and demeaned in profound ways by the criminals who exploit them, and their basic human rights are abused. Victims of sex trafficking often become infected with sexually transmitted diseases, both relatively minor and more serious ones such as HIV/AIDS. Worst of all, victims endure a subhuman existence from which few emerge either alive or healthy.

States and authorities are obliged to ensure that they prevent and punish THB as a means of responding to these human rights abuses. In addition, international law obliges authorities to protect the rights of victims once they are freed from captivity.

Human Rights Abuses

- Torture (including rape, assault, and other forms of physical violence)
- Inhuman or degrading treatment (including deplorable living conditions, being subjected to humiliation and assaults on their dignity)
- Slavery
- Servitude
- Discrimination
- Abuses of freedom of expression and religion
- Abuses of the right to freedom of movement
- In the case of children and juveniles, other human rights abuses may occur, such as abuses of the right to education and social welfare

Crimes under domestic law

- Confiscation of identity and travel documents
- Forcible drug and substance abuse
- Reprisals (or threats thereof) against family members
- Forcible abortion
- No access to contraceptives
- Women's rights of reproduction and control over the body being denied
- Deprivation of food, lack of access to medical and health services
- Overwork, long hours, no rest
- Bad conditions of work, poor health and safety measures
- No payment, delayed payment
- Extraction of big fees, payment, debt-bondage
- Violation of contract by employers

It is important to understand that while traffickers may be said to have abused the human rights of the individuals involved, it is in fact States and other authorities that primarily have international obligations vis-à-vis international human rights law. It is for this reason that authorities are obliged to ensure that THB is effectively investigated and prosecuted and that THB victims are protected.

C - A victim's rights-centred approach

In addition to taking action against traffickers, the Traff-Prot requires States that ratify it to take some steps to protect and assist victims of trafficking. These supplement the more general provisions of the parent Convention for the protection of victims and witnesses, recognizing that victims of trafficking are in danger and in need of assistance and support, particularly if repatriated to their countries of origin. Under the Protocol, trafficking victims would be entitled to some degree of confidentiality, information about legal proceedings involving traffickers, and assistance in making representations in such proceedings at an appropriate stage. Under both instruments, countries must also endeavour to provide for the basic safety and security of victims, and the Protocol requires (Art. 6) that victims be afforded "...the possibility of obtaining compensation for damage suffered..."

The Protocol also calls for further social assistance to victims in areas such as counselling, housing, education and healthcare needs, although these are not obligatory. The obligations of States regarding victims fall upon whichever State the victim is in at a given time.

The agreed-upon provision (Art. 8) requires countries to "*facilitate and accept*" the return of victims who are their nationals or who had legal residency rights when they were trafficked into the destination country, and then details a series of safeguards to protect victims. Repatriation should be voluntary, if possible, and must take into consideration the safety of the victim and the status of any ongoing legal proceedings. This also helps to ensure the viability of prosecutions by reducing the likelihood that witnesses will be repatriated before they can testify. A further safeguard provision (Art. 14) protects other fundamental interests, including those of trafficking victims who are also asylum seekers, and the principle of non-discrimination.

The essence of the rights-centred approach to THB is captured in paragraph (1) of the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking, which states that:

"The human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims."

This is also reflected in the Recommended Principles paragraph (2), which states that:

"States have a responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons. The rehabilitation of victims and the demonstration that justice is done are important elements of an overall anti-trafficking strategy".

Unfortunately, in many cases victims are severely traumatized and re-victimized when they come into contact with the criminal justice system. Until recently, THB victims were usually treated as a third party in the criminal justice system. The major consequence of this was that victims were more reluctant to provide information and cooperate with investigators. It is important to understand that the advantages of taking a victim's rights approach extend far beyond protecting the rights of the victim: a human rights based approach will also enhance the possibility of a successful prosecution.

This key factor is recognized in the TOCC and the Traff-Prot, which are not human rights instruments. The human rights-centred approach has proven to be the most effective basis for law enforcement, and should be seen not in opposition to but rather as an improvement of the crime control-centred approach.

The needs and rights of the victims should be considered at every stage in proceedings. Law enforcement officers have the obligation to ensure that measures adopted for the purpose of preventing and combating THB do not have an adverse impact on the rights and dignity of trafficking victims, even in the cases where they do not become witnesses in a criminal proceeding. They should:

- Consult with judicial and legislative bodies, national human rights institutions and relevant sectors of civil society in the development, adoption, implementation and review of anti-trafficking policies and programmes.
- Develop plans of action to end trafficking. This process should be used to build links and partnerships between governmental institutions involved in combating trafficking and/or assisting trafficked persons and relevant sectors of civil society⁶.

⁶ For further information about National Plans of Action please consider the following examples.

- Take particular care to ensure that the issue of gender-based discrimination is addressed systematically when anti-trafficking measures are proposed, with a view to ensuring that such measures are not applied in a discriminatory manner.
- Establish mechanisms to monitor the human rights impact of anti-trafficking laws, policies, programmes and interventions. Consideration should be given to assigning this role to independent national human rights institutions where such bodies exist. NGOs working with trafficked persons should be encouraged to participate in monitoring and evaluating the human rights impact of anti-trafficking measures.
- Ensure that anti-THB policies and measures do not affect the right to freedom of movement and to seek and enjoy asylum.
- Provide detailed information available about the measures taken to prevent and combat THB.

Furthermore, international agreements and other laws on THB should affect the State's obligations, as well as technical and financial assistance to develop human rights-based anti-THB strategies should be provided.

D - THB victims' human rights

Trafficked persons may be vulnerable to arrest, detention and deportation because States are unwilling to recognize that they are victims of a serious crime. Destination countries view trafficked persons as undocumented migrants. Trafficking victims often do not have the chance to lodge complaints, seek damages, assess whether it is safe to return home, collect their belongings or apply for asylum. In these cases, the trafficked person is treated more like a criminal than a victim.

THB victims' rights in the context of international documents

- **UN Convention against Transnational Organized Crime (UN TOCC) and UN Traff-Prot:** Beyond doubt, the Convention in combination with the Protocol should be recognized as a landmark in the development of international law with regard to victims' rights.
- **Convention on the Rights of the Child (CRC):** The human rights of children and the standards to which all governments must aspire in realizing these rights for all children are most concisely and fully articulated in this human rights treaty.
- **Convention on the Elimination of all Forms of Discrimination against Women (CEDAW):** Adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. It defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.
- **Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power:** This Declaration outlines basic standards for victims of crime regarding access to justice and fair treatment, restitution, compensation and assistance. This instrument reflects the collective will of the international community to restore the balance between the fundamental rights of suspects and offenders, and the rights and interests of victims. Legal provisions safeguarding the rights of victims of crime have been incorporated in UN law, e.g. in the Statute and Rules of the International Criminal Tribunal for the former Yugoslavia (ICTY)⁷ and in the Rome Statute of the International Criminal Court (ICC)⁸.

"Tackling Human Trafficking: Policy & Best Practice in Europe, Conference Report", Brussels, 19-20 October 2005.

<http://www.crimereduction.gov.uk/humantrafficking02.htm>

In Bosnia and Herzegovina the Action Plan for prevention of human trafficking, adopted in October 2001, was a comprehensive plan that included several parts related to protection of trafficking victims and included the establishment of a State commission for implementation of the action plan, the border control and the implementation of laws.

"Action Plan for Prevention of Human Trafficking", Sarajevo, October 2001.

http://www.womenwarpeace.org/bosnia/docs/action_plan.pdf

In April 2005, the Council of Ministers adopted the new State Action Plan for Combating Trafficking in Human Beings and Illegal Immigration for the period 2005 - 2007, Operational Plan for 2005 and Action Plan for Combating Trafficking in Children which created strategic direction for governmental representatives in cooperation with partner nongovernmental and international organizations, in this field.

State coordinator for combating trafficking in human beings and illegal immigration, "The report on trafficking in human beings and illegal immigration in Bosnia and Herzegovina", Council of Ministers of Bosnia and Herzegovina, 2005.

<http://www.oscebih.org/documents/5430-eng.pdf>

⁷ Available at: <http://www.un.org/icty/legaldoc-e/index.htm>

⁸ Available at: <http://www.un.org/law/icc/statute/romefra.htm>

- **UN Recommended Principles and Guidelines on Human Rights and Human Trafficking:** In May 2002, as a corollary to the UN Traff-Prot, the UNHCHR published this document. This is of specific importance to the interpretation of the rights of victims of trafficking.

Victims' rights in the context of the criminal justice system

The Recommended Principles state (Art. 1) that “*the human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims*”, and (Art. 3) that “*anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and of migrants, internally displaced persons, refugees and asylum-seekers*”. The criminal justice system should grant the victim access to justice by effectively investigating, prosecuting and judging the traffickers.

- **The right of the victim to an effective remedy:** Trafficked persons, as victims of human rights violations, have an international legal right to fair and adequate remedies, including the means for an as full as possible rehabilitation. These remedies may be criminal, civil or administrative in nature. The procedures for obtaining remedies should be clearly explained in a language that the trafficked person understands. In this connection, legal and other assistance shall be provided to victims for the duration of any actions against suspected traffickers.
- **Access to the justice system:** This entails timely notification of critical events and decisions, provision in full of information on the procedures and processes involved, support for the victims at critical events, and assistance when there are opportunities for the victims to be heard.

At this point, law enforcement authorities should take into account the obstacles that most THB victims encounter due to impediments of culture, race, language, resources, education and/or age. Moreover, victims often have a great mistrust of the authorities. Fear and shame may also prevent them from confronting their offenders. Nevertheless, the victim should be entitled to decide by her/himself, neither being forced to contribute to the proceedings nor denied or discouraged from the right to do so. In THB cases, the readiness of victims to support the prosecution will strongly depend on their conviction that effective protection measures are in place.

Consideration should also be given to the possibility of victim allocution; that is, the chance for the victim to recount the events as they have impacted on her/him practically and personally. This can be in the form of a victim statement that is added to the case file, and acts as a point of reference for sentencing purposes, and when the release date of the offender is due, consideration needs to be given to the victim's safety.

- **Treatment of victims with fairness, respect and recognition:** Law enforcement authorities have a leadership role in ensuring that victims and witnesses are treated with courtesy, respect and fairness. Granting the victim respect and dignity not only reflects the core elements of human rights but also very often it is a precondition for the recovery of the victim and her/his ability to find a way back into a normal life. At the same time, treating victims in a respectful manner contributes to their greater willingness to assist in the investigation and judicial process.
- **Informing victims of their rights:** Victims have the right to counselling and information, in particular as regards their legal rights, in a language that they can understand. Trafficked persons should also be informed of their right of access to diplomatic and consular representatives from their State of nationality.
- **Right to compensation:** Victims should be entitled to receive compensation for damages suffered, either through mandatory restitution or seeking compensation for punitive damages from traffickers through civil action. Each State party shall ensure that its domestic legal system contains measures that offer victims the possibility of obtaining compensation for suffered damages.
- **Right to safety:** THB victims and their families are at risk of retaliation in the run-up to a criminal case, during the case, and in its aftermath. For this reason, it is important to make arrangements that enable victims to remain safely in the country where the remedy is being sought, for the duration of the proceedings.

This requires management of proceedings ensuring that the traffickers will not be able to trace, harm, or intimidate the victim; close cooperation between the judiciary, the police and victim support agencies; and precise logistic planning and preparation for every involvement of the victim within the court proceedings, ensuring that traffickers can not get in touch with the victim.

- **Repatriation:** In the long run, many victims of trafficking will return to their countries of origin. They have to be supported in finding their way back into their home communities. Law enforcement authorities from the destination and origin countries should cooperate to facilitate the repatriation of victims, with due regard for their safety and without undue or unreasonable delay.

- **Right to privacy:** Several jurisdictions seek to protect victims' privacy and confidentiality by prohibiting publication of details that may lead to the identification of a victim. However, victims should be given full warning in advance of the difficulties in protecting identities and should not be given false or unrealistic expectations regarding the capacities of law enforcement agencies in this regard.
- **Right to recovery, assistance in the process of recovery and protection against secondary victimization:** The right of the victim to recover can be jeopardised if pressure is put on her/him to give evidence against the traffickers. Such a procedure would violate the rights of the victim.

Law enforcement and justice administration personnel have a lead role in ensuring that victims and witnesses are treated with respect and fairness. Legal proceedings in which trafficked persons are involved should not be prejudicial to their rights, dignity, or physical or psychological well-being. The right of the victim to justice and to be rehabilitated can be conceived of as a basic rationale for the establishment of the criminal justice system.

As a consequence, if there is preliminary evidence that a victim of trafficking has experienced ill-treatment in the sense of Article 3 of the Traff-Prot, then the reluctance of law enforcement authorities to conduct an effective, thorough, impartial and careful official investigation would violate the State's obligations. These procedures have to be capable of leading to the identification and punishment of those responsible for the crime. In this regard, criminal justice authorities - from the police through to the prosecution service and the courts - need to construct themselves as service providers for victims of serious crimes, particularly for trafficking victims, whose rights should be repaired.

When, according to circumstances, the obvious conclusion is that a person is a victim of trafficking, this should lead to the immediate and unconditional reparation of these rights. A person who has been subject to THB is entitled to measures of moral and legal redress reaffirming her/his dignity and rights. It is owed to the victim that law enforcement authorities make all possible efforts to prosecute and sentence traffickers.

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SLIDES 18-20

**THB VICTIMS' BASIC RIGHTS**

- Right to assistance
- Right to non-discrimination
- Right to information
- Right to confidentiality

18

VICTIMS' RIGHTS-CENTRED APPROACH

- Anti-THB measures should not have an adverse impact on the rights of victims
- Human rights organisations consulted when developing anti-THB policies
- National plans of action to end trafficking should be devised
- Gender perspective included in all anti-trafficking measures
- Anti-THB measures should not infringe upon the right to freedom of movement

19a

VICTIMS' RIGHTS-CENTRED APPROACH (ctd.)

- Anti-THB policies should not affect the right to asylum
- The human rights impact of anti-THB policies should be monitored
- Detailed information available about the measures taken to prevent and combat THB
- International agreements and other laws on THB should not affect the State's obligations
- Technical and financial assistance to develop human rights-based anti-THB strategies

19b

VICTIMS' RIGHTS in the CRIMINAL JUSTICE SYSTEM

- Right to effective remedy
- Access to justice system
- Treatment with compassion, respect and recognition
- Informing victims of their rights
- Right to compensation
- Right to safety
- Repatriation
- Right to privacy
- Right to recovery, assistance and avoidance of secondary victimisation

20

HANDOUT 4

**Case-study 2**

Tanja is 17, from Moldova:

"I have been in Bosnia for four months. When I was in Moldova I met a man who told me that I could work abroad as a cleaner for 8 hours a day and that I would earn a lot of money. I was given new identity documents and then another man took me immediately across the border. When we crossed the border into Bosnia, the officials on the border appeared to know the man I was with - they shook hands and laughed with each other.

Before we reached the border the man took my passport away. At the time I did not understand why he did that, but soon I knew that something was wrong. The day I arrived in Bosnia I was forced to work as prostitute by two different men who I had not seen before. I tried to escape but they told me that if I went to the police they would send me home and kill my parents and I. They repeatedly raped and beat me. I was covered in bruises.

I was kept in a tiny, dirty flat with some other girls. We were given only one meal a day. We could not leave the house, except when we were forced to go to work. They always kept the door locked. We could not talk to anyone outside nor were we allowed to get any letters.

A Muslim girl, who refused to serve clients on the basis of her religious beliefs, was drugged. This kept her under their control.

We were not allowed to use condoms if the client did not want to use them. One day a girl disappeared. The two men told us that they had taken her to the doctor because she did not

feel well. She returned the day after and told us that she had been forced to have an abortion. The men said that she could not have a baby as that would interfere with her work and she still had to pay the debt back.

We had to work 12 hours a day without break, and at the end of the day we had to give the men all the money we earned.

Once a policeman came to our work place and we thought that perhaps we would be freed. However, nothing happened after he left and the men told us that the police would never free us as they had paid them not to come back. But the policeman did come back two weeks later and I had to serve him. Soon, other policemen started using us every week.”

Issues to focus on and develop

- Identify the human rights abuses and violations suffered by the trafficking victims.
- Identify the criminal offences suffered by the trafficking victims.

Guide questions

- Which specific crimes did the traffickers commit against Tanja and the other girls?
- Which human rights abuses/violations were committed by a) the men who held the girls and b) the authorities?
- Are there any other crimes or human rights abuses/violations that victims of THB can suffer?

HANDOUT 5



Recommended Guidelines on Human Rights and THB⁹

Guideline 1: Promotion and protection of human rights

States and, where applicable, intergovernmental and NGO's, should consider:

- 1. Taking steps to ensure that measures adopted for the purpose of preventing and combating trafficking in persons do not have an adverse impact on the rights and dignity of persons, including those who have been trafficked.*
- 2. Consulting with judicial and legislative bodies, national human rights institutions and relevant sectors of civil society in the development, adoption, implementation and review of anti-trafficking legislation, policies and programmes.*
- 3. Developing national plans of action to end trafficking. This process should be used to build links and partnerships between governmental institutions involved in combating trafficking and/or assisting trafficked persons and relevant sectors of civil society.*
- 4. Taking particular care to ensure that the issue of gender-based discrimination is addressed systematically when anti-trafficking measures are proposed with a view to ensuring that such measures are not applied in a discriminatory manner.*
- 5. Protecting the right of all persons to freedom of movement and ensuring that anti-trafficking measures do not infringe upon this right.*
- 6. Ensuring that anti-trafficking laws, policies, programmes and interventions do not affect the right of all persons, including trafficked persons, to seek and enjoy asylum from persecution in accordance with international refugee law, in particular through the effective application of the principle of non-refoulement.*
- 7. Establishing mechanisms to monitor the human rights impact of anti-trafficking laws, policies, programmes and interventions. Consideration should be given to assigning this role to independent national human rights institutions where such bodies exist. Non-governmental organizations working with trafficked persons should be encouraged to participate in monitoring and evaluating the human rights impact of anti-trafficking measures.*
- 8. Presenting detailed information concerning the measures that they have taken to prevent and combat trafficking in their periodic reports to the United Nations human rights treaty-monitoring bodies.*
- 9. Ensuring that bilateral, regional and international cooperation agreements and other laws*

⁹ Based on: Un Office of the High Commissioner for Human Rights (UNOHCHR), “Recommended Principles and Guidelines on Human Rights and Human Trafficking - Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council”, E/2002/68/Add.1, UNOHCHR, New York, 20 May 2002.
[http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/caf3deb2b05d4f35c1256bf30051a003/\\$FILE/N0240168.pdf](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/caf3deb2b05d4f35c1256bf30051a003/$FILE/N0240168.pdf)

and policies concerning trafficking in persons do not affect the rights, obligations or responsibilities of States under international law, including human rights law, humanitarian law and refugee law.

10. Offering technical and financial assistance to States and relevant sectors of civil society for the purpose of developing and implementing human rights-based anti-trafficking strategies.

Guideline 5: Ensuring an adequate law enforcement response

Although there is evidence to suggest that trafficking in persons is increasing in all regions of the world, few traffickers have been apprehended. More effective law enforcement will create a disincentive for traffickers and will therefore have a direct impact upon demand.

An adequate law enforcement response to trafficking is dependent on the cooperation of trafficked persons and other witnesses. In many cases, individuals are reluctant or unable to report traffickers or to serve as witnesses because they lack confidence in the police and the judicial system and/or because of the absence of any effective protection mechanisms. These problems are compounded when law enforcement officials are involved or complicit in trafficking. Strong measures need to be taken to ensure that such involvement is investigated, prosecuted and punished. Law enforcement officials must also be sensitive to the paramount requirement of ensuring the safety of trafficked persons. This responsibility lies with the investigator and cannot be abrogated.

States and, where applicable, intergovernmental and NGOs should consider:

1. Sensitizing law enforcement authorities and officials to their primary responsibility to ensure the safety and immediate well being of trafficked persons.
2. Ensuring that law enforcement personnel are provided with adequate training in the investigation and prosecution of cases of trafficking. This training should be sensitive to the needs of trafficked persons, particularly those of women and children, and should acknowledge the practical value of providing incentives for trafficked persons and others to come forward to report traffickers. The involvement of relevant non-governmental organizations in such training should be considered as a means of increasing its relevance and effectiveness.
3. Providing law enforcement authorities with adequate investigative powers and techniques to enable effective investigation and prosecution of suspected traffickers. States should encourage and support the development of proactive investigatory procedures that avoid over-reliance on victim testimony.
4. Establishing specialist anti-trafficking units (comprising both women and men) in order to promote competence and professionalism.
5. Guaranteeing that traffickers are and will remain the focus of anti-trafficking strategies and that law enforcement efforts do not put trafficked persons at risk of being punished for offences committed as a consequence of their situation.
6. Implementing measures to ensure that "rescue" operations do not further harm the rights and dignity of trafficked persons. Such operations should only take place once appropriate and adequate procedures for responding to the needs of trafficked persons released in this way have been put in place.
7. Sensitizing police, prosecutors, border, immigration and judicial authorities, and social and public health workers to the problem of trafficking and ensuring the provision of specialized training in identifying trafficking cases, combating trafficking and protecting the rights of victims.
8. Making appropriate efforts to protect individual trafficked persons during the investigation and trial process and any subsequent period when the safety of the trafficked person so requires. Appropriate protection programmes may include some or all of the following elements: identification of a safe place in the country of destination; access to independent legal counsel; protection of identity during legal proceedings; identification of options for continued stay, resettlement or repatriation.
9. Encouraging law enforcement authorities to work in partnership with non-governmental agencies in order to ensure that trafficked persons receive necessary support and assistance.

SECTION 6

THB AND THE RESPONSIBILITIES OF PSO STAFF

LEARNING OBJECTIVES



General objective

By the end of Section 6, participants should have a clear understanding of the responsibilities of PSOs in relation to THB.

Specific objectives

In particular, participants should be able to:

- identify the rules and regulations which prohibit PSO staff from being involved in activities which support THB;
- identify current measures to strengthen anti-THB in PSOs.

PROPOSED TRAINING STRATEGIES



ACTIVITY 1 THB and PSOs

Method Brainstorming, Feedback

Media Flipchart and markers

Duration 5 min.

Proceeding The trainer will promote a quick brainstorm on possible involvement of PSO staff in THB.

- For what reasons might the deployment of a PSO exacerbate THB in the region?
- In what ways have PSO become involved in THB?
- What could be the mission-related consequences of PSO staff being involved in THB?

The trainer will take notes on a flipchart and complete participants' ideas with the information provided in Point A - basic text.

ACTIVITY 2 The responsibilities of PSO staff

Method Brainstorming, Lecture, Visual aids, Working groups

Media Handout 6, Handouts 7a, 7b and 7c, Slides 21, 22a, 22b and 23

Duration 40 min.

Proceeding The trainer will provide participants (if possible in advance to this training session due to the length of the text) with Handout 6. The trainer will ask them to read it carefully and to discuss about the acts that constitute misconduct.

The trainer will then split the class into groups of a maximum of 5 persons and distribute Handout 7a. Then she/he will ask for the answers to the questions on Handout 7a, and develop the discussion on the rules and regulations that prohibit PSO staff from becoming involved in activities that support THB (Point B - basic text).

After that, the trainer will distribute Handout 7b and then ask for the answers to the questions to continue to develop ideas relating to Point B - basic text.

Then, the trainer will distribute Handout 7c and ask for the answers to the questions to continue to develop ideas relating to Point B - basic text.

The related slides will accompany the lecture. The trainer should make sure that all participants get a copy of the instruments listed. At the end of the lecture the

	trainer should open the floor for questions on the prohibition of involvement in THB.
ACTIVITY 3	Initiatives aimed at strengthening anti-THB in PSOs
Method	Brainstorming, Visual aids
Media	Flipchart and markers, Slide 24
Duration	15 min.
Proceeding	After the lecture from the previous activity, the trainer will ask: - What measures could possibly be adopted to prevent PSO personnel from getting involved in THB? The trainer will note down the answers provided and conclude the activity by summarizing the relevant points and filling in the gaps with the information provided in Point C - basic text. Slide 24 will accompany the lecture.
Total duration: 60 min.	

SECTION 6: SUMMARY



- ◆ **Conducive factors to the trafficking of persons through and from war zones:** Impunity, lawlessness, dysfunctional State institutions and border controls, and high levels of violence.
- ◆ **The use of trafficking victims by peace mission members undermines the mission's objectives,** perpetuating linkages to organized crime, providing materials for anti-UN elements and compromising present and future relations with host governments, civil society and communities.
- ◆ **PSOs are the primary source of law enforcement** and they should aim to combat trafficking. PSO staff must conduct themselves in a professional manner, support and encourage proper conduct among their fellow peacekeepers, treat the inhabitants of the host country with courtesy, respect local customs, and never violate the rights of women and children.
- ◆ **UNDPKO objectives:**
 - To establish a system to prevent, investigate and punish the involvement of UN peacekeeping personnel in illegal activities related to THB.
 - To have available the tools for the establishment or support of national efforts to prevent and counter THB in post-conflict zones.

A - THB and Peace Support Operations

Human trafficking is a destructive phenomenon prevalent in many post-conflict environments. The deployment of large numbers of international civilians, civilian police and military personnel through PSOs often leads to a dramatic growth in the sex industry. For example, the deployment of the PSOs in Sierra Leone, Kosovo, Eritrea and Bosnia and Herzegovina created huge local sex markets. Thus, as a direct result of the deployment of a PSO, these countries became destination areas for the trafficking in women as “dancers”, prostitutes and “masseuses”. In Kosovo the arrival of UNMIK and KFOR transformed the territory from a transit route into a destination area.

The use of trafficking victims by international staff for sexual and/or other services has been a source of major embarrassment and political damage in PSOs. Allegations and incidences of staff involvement in THB run counter to the principles of the UN and are in violation of national law and internal UN rules and regulations.

THB can seriously impede the attainment of UN peace mission objectives. PSO personnel becoming involved in THB undermines the overall objectives of the PSO and damages the credibility of the mission. The mandates of PSOs often include the (re)establishment of respect for the rule of law, human rights and democratic principles. The involvement of PSO staff in THB damages police and rule of law reforms. The problem also severely compromises the mission’s relations with host governments, civil society and members of the local community.

PSO members may unknowingly or knowingly be clients of trafficked women. In some cases, there is evidence that PSO staff have become actively engaged in criminal acts associated with THB, including the transportation of victims. There is evidence that in areas such as BiH and Kosovo, international staff knew that the women whose services they were paying for were victims of THB. In addition, there have been a few cases where PSO staff actually purchased women for their own benefit. In some cases there is also evidence of PSO staff purchasing trafficked women in order to rescue them. While the intentions behind the purchase of these women were good, it is a highly problematic way to deal with THB.

When PSO staff commits acts related to THB they are committing crimes under domestic law and they are violating UN rules and regulations¹⁰.

B - The Responsibility of PSO Staff

As explained above, military and post-combat operations in transition States can create ideal environments for trafficking to flourish. The current criticisms levelled at UN peacekeeping operations are twofold. First, in response to evidence that individual peacekeepers have patronized establishments linked to trafficking networks, human rights groups have laid the charge that UN peacekeepers do not face rigorous standards of legal accountability for their actions. Second, human rights advocates argue that UN missions have not done enough actively to combat trafficking networks. Below is a summary of current UN standards of accountability and jurisdiction for peacekeeping missions.

UN Mechanisms Addressing Peacekeeper Accountability

The Convention on the Privileges and Immunities of the UN (1946) grants immunity to Representatives of Member States, Officials, and Experts on Missions. For example, members of the International Police Task Force were accorded status as UN Experts on Missions. The Immunity Convention forbids PSO personnel from engaging in any criminal activities that support or are directly related to THB.

It is important to recognize that the immunity granted by this Convention is only functional: only in respect of acts performed by staff in their official capacities. The Immunity Convention and other mission-specific arrangements provide procedures for waiving a staff member’s immunity where the Secretary-General deems that a criminal activity not associated with official UN duties has been carried out and where the interests of justice so require. The Immunity of UN officials has been waived in relation to a number of staff members who have committed criminal offences, including sexual offences. In Kosovo, the

¹⁰ For additional information regarding investigations involving PSO staff, please make reference to: U.S. Department of State, Office to Monitor and Combat Trafficking in Person, “Trafficking in Persons Report”, June 2006; Amnesty International, Serbia and Montenegro (Kosovo), “The legacy of past human rights abuses”, AI Index: EUR 70/009/2004, April 2004; UN Department for Peacekeeping Operations (UNDPKO), “Human Trafficking and UN Peacekeeping - Executive Summary”, New York, March 2004.

immunity of a civilian police officer that was suspected of rape was waived in order to allow for an investigation and prosecution in the mission area.

In contrast, UN peacekeepers function under the exclusive criminal jurisdiction of their nation of origin. If the UN Board of Inquiry makes a charge of serious misconduct, the offending peacekeeper is repatriated for prosecution in her/his home country. In 1993, the UN General Assembly approved a Code of Conduct¹¹ for all UN peacekeeping missions, which stipulates (Rule 4) that peacekeepers should not “*indulge in immoral acts of sexual, physical or psychological abuse or exploitation of the local population or United Nations Staff, especially women and children.*” However, there is no mechanism to call peacekeepers to account to this code. So, although military personnel serving with PSOs are immune from local jurisdiction, they are subject to the military laws of their home State. Members of the military can be prosecuted before a military tribunal in their home State for crimes committed while on mission. Again, there are cases where members of military contingents serving with PSOs have been prosecuted for sex crimes committed whilst on mission.

The UN Peacekeepers Code of Conduct obliges PSO personnel to:

- Respect local customs and practices through awareness and respect for culture, religion, traditions and gender issues.
- Treat the inhabitants of the host country with respect, courtesy and consideration.
- Be aware of the human rights of women and children and never violate them.
- Behave in a way that does not exacerbate violations of the human rights of women and children in the host country.

UN Peacekeepers are prohibited under all circumstances from:

- Committing any act that could result in physical, sexual or psychological harm or suffering to members of the local population, especially women and children.
- Becoming involved in sexual liaisons, which could affect impartiality, or the well being of others.

In addition to the General Assembly’s Code of Conduct, each UN mission sets specific terms for the conduct and jurisdictions of its military and civilian employees. Generally speaking, these terms are often known as Status of Forces Agreements (SOFA). For example, in Kosovo, UNMIK Regulation 2000/47 on the Status of KFOR and UNMIK Personnel established their immunity from local jurisdiction and the exclusive jurisdiction of their respective nations. In BiH, the Annex 1-A and Appendix B of the Dayton Agreement established the exclusive jurisdiction of peacekeeper’s nation of origin.

In 2003, in response to a growing crisis of confidence associated with the misconduct of PSOs personnel particularly in relation to sexual offences, the Secretary-General issued a bulletin for the purpose of preventing and addressing cases of sexual exploitation and sexual abuse (October 2003). The SG Bulletin applies to all staff of the UN, including staff of separately administered organs and programmes of the UN. UN forces conducting operations under UN command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children, pursuant to section 7 of Secretary-General’s bulletin ST/SGB/1999/13, entitled “Observance by United Nations forces of international humanitarian law”.

The SG’s Bulletin prohibits the following acts:

- Sexual Exploitation and sexual abuse;
- Sexual activity with children;
- Exchange of money, employment, goods or services for sex, including sexual favours;
- Sexual relations between UN staff and beneficiaries of assistance.

Furthermore, the SG Bulletin places an obligation on Heads of Departments, Offices and Missions to prevent and punish personnel involvement in sexual exploitation and sets out that failure on the part of a manager to do so constitutes serious misconduct. The Bulletin further envisages a process to be present in all PSOs to receive allegations relating to sexual exploitation and abuse. The Bulletin, importantly, emphasizes that where there is evidence of sexual exploitation and abuse the case may be referred to the national authorities for prosecution.

It is, however, a sad fact that there is often unwillingness to investigate and punish staff that becomes involved in criminal activity, including trafficking. Following the issuance of the SG’s Bulletin, the UN Department of Peacekeeping Operations (UNDPKO) is strengthening efforts to ensure that all forms of sexual exploitation, including involvement in trafficking, are prevented and effectively punished in PSOs - these efforts are based on the ‘zero tolerance’ stance which finds its authority in the SG Bulletin.

¹¹ Available at http://www.genderandpeacekeeping.org/resources/5_UN_Codes_of_Conduct.pdf

C - Measures to strengthen anti-THB in PSOs

Above and beyond the obligations of PSO staff not to engage in any activity that supports or is connected with THB, PSOs also have an obligation to implement measures that are aimed at preventing THB.

In many post-conflict situations civilian police, and in some cases military contingents, are the only effective law enforcement agencies on the ground, and they have a mandate to ensure law and order. In such situations, PSOs have a duty to prevent THB by detecting, investigating and punishing organized criminal gangs. However, in situations where the PSO has an assistance mandate in the area of law enforcement, the PSO has an obligation to ensure that it educates, mentors and takes other steps to build the local capacity to identify and respond to THB. Thus, whatever the mandate of the mission, PSOs must ensure that they have a strategy to deal with THB, even if it is implemented through local actors. All strategies to deal with THB should be formulated with careful reference to the mandate of the mission and the local circumstances on the ground.

Measures to strengthen and combat THB in peace support missions are rooted in recent initiatives that aim to ensure that gender perspective is fully integrated into all aspects of the work of PSOs. The basis for these initiatives is found in UN Security Council resolution 1325 on Women, Peace and Security - A Chapter VII Resolution that is binding on all UN member states.

Some important initiatives that result from SC Resolution 1325 include the establishment of a UNDPKO gender unit which has responsibility for integrating gender issues into all aspects of PSOs, and the deployment of gender advisors or gender focal points to PSOs (e.g. to UNAMA, Afghanistan and UNMISSET, East Timor). In addition, a number of mission-specific codes of conduct, which prohibit sexual abuse and/or exploitation, have been adopted in order to provide mission-specific regulations. All of these initiatives offer important entry points for anti-trafficking measures.

Thus, in addition to its efforts to prevent the involvement of its personnel in sexual exploitation, the UNDPKO is developing the following initiatives:

- Developing “rule of law tools” to prevent and counter THB in post-conflict situations (where mandated and requested);
- Supporting national efforts (with international partners) to prevent and counter THB in post-conflict environments.

These objectives are to be pursued through:

- Discipline, accountability and community relations;
- Support to host government national anti-trafficking activities.

Initiatives have been taken by a broad range of actors to implement resolution 1325, *inter alia* by developing policies, action plans, guidelines and indicators; increasing access to gender expertise; providing training; promoting consultation with and participation of women; increasing attention to human rights; and supporting the initiative of women's groups. Resolution 1325 has been effectively utilized by civil society organizations as an advocacy and monitoring tool. Despite significant achievements, major gaps and challenges remain in all areas, particularly with relation to women's participation in conflict prevention and peace processes; integration of gender perspectives in peace agreements; attention to the contributions and needs of women in humanitarian and reconstruction processes; and the representation of women in decision-making positions. Increased incidence of sexual and gender-based violence in recent years and the failure to provide adequate protection remains though a critical issue.

Recently, a report on sexual exploitation occurring in peacekeeping missions (A/59/710) was prepared by the Secretary-General's Adviser on this issue, H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein, in which he recommended that the UN establish Personnel Conduct Units (PCUs) in the UNDPKO at the UN Headquarters and in existing missions. This recommendation was approved on 10 May 2005. These Units, which replace mission focal points on sexual exploitation and abuse, address issues such as preventing misconduct, handling complaints and data management and ensuring compliance with United Nations standards of conduct. On the basis of these standards, the Units would also ensure the provision of trainings focused on sexual exploitation and abuse. The Units will not conduct investigations, which are handled by the United Nations' Office for Internal Oversight Services (UN OIOS) and other offices. In addition to the Personnel Conduct Units, other measures are now in the process of implementation, including a policy on victim assistance, intensified mandatory training of peacekeepers, measures to strengthen leadership accountability, improvements in living conditions and welfare for peacekeeping personnel, as well as amendments to legal agreements with troop-contributing countries and contracts with all peacekeeping personnel to include prohibitions on sexual exploitation and abuse.

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CONVENTION on the PRIVILEGES and IMMUNITIES of the UN (1946)

- ↳ Grants functional immunity **ONLY**
- ↳ Provides for procedures to waive immunity where the SG deems that a criminal activity not associated with UN duties has occurred

21

UN PEACEKEEPERS CODE of CONDUCT

• **UN Peacekeepers will always:**

- Conduct themselves in a professional and disciplined manner
- Support and encourage proper conduct among their fellow peacekeepers
- Treat the inhabitants of the host country with respect, courtesy and consideration
- Respect local customs and practices through awareness and respect for culture, religion, traditions and gender issues
- Be aware of the human rights of women and children and never violate them
- Behave in a way that does not exacerbate violence of the human rights of women and children in the host country

22a

UN PEACEKEEPERS CODE of CONDUCT (ctd.)

• **UN Peacekeepers will never:**

- Commit any act that could result in physical, sexual or psychological harm or suffering to members of the local population, especially women and children
- Become involved in sexual liaisons which could affect impartiality, or the well being of others

22b

SG - BULLETIN on SEXUAL EXPLOITATION and SEXUAL ABUSE

- ⇒ Applies to all staff of the UN
- ⇒ Prohibits:
 - ✓ Sexual exploitation and abuse
 - ✓ Sexual activity with children
 - ✓ Exchange of money, employment, goods or services for sex
 - ✓ Sexual relations between UN staff and beneficiaries of assistance

23

UN SECURITY COUNCIL RESOLUTION 1325 (2000)

- Ensures representation of women at decision-making levels in institutions and mechanisms for prevention, management and resolution of conflicts
- Expands the role/contribution of women in UN field-based operations
- Incorporates a gender perspective into field-based and peacekeeping operations
- Emphasizes States' responsibility in putting an end to impunity and in prosecuting those responsible for sexual and other violence against women and girls
- Stresses the need to exclude these crimes from amnesty provisions

24

HANDOUT 6



Scenarios covering prohibited acts of Sexual Exploitation and Sexual Abuse for the various categories of United Nations personnel

The following scenarios demonstrate examples of prohibited acts under the current standards of conduct expected of all categories of UN personnel (civilian, civilian police, military observers and military members of national contingents) as set out in the UN Staff Rules and Regulations and/or the DPKO Disciplinary Directives (including the Ten Rules: Code of Personal Conduct for Blue Helmets). These acts also specifically violate standards listed in: ST/SGB/2003/13 on Special Measures for Protection from Sexual Exploitation and Sexual Abuse; and ST/SGB/1999/13 on Observance by United Nations Forces of International Humanitarian Law. N.B. Allegations and reports of sexual harassment are covered by separate procedures described in ST/SGB/253 and ST/AI/379 (as may be amended).

The acts described below constitute misconduct and could lead to the appropriate disciplinary and administrative measures, such as summary dismissal or recommendation to repatriate. More information on determining the relevant procedures to be followed when alleged acts of misconduct occur should be obtained from the relevant Department/Agency Headquarters.

EXAMPLE OF PROHIBITED ACT	WHY IT CONSTITUTES MISCONDUCT
<p>Betty is a 16 year old girl living in a small village. Betty has four younger brothers and sisters. Her parents do not have very much money and find it very difficult to provide the costs for education, clothing and food for all of the children. There had even been some discussion about Betty dropping out of school to assist her mother in working at the market. However, all the problems have been solved as Betty has started a sexual relationship with Johnson, a senior UNHCR officer. He has promised to pay for her school fees and help to pay for her brothers and sisters to continue with their education. Betty's parents are very relieved that this opportunity has come and encourage Betty to maintain the relationship. It has really helped the family and now all the children can continue in school.</p>	<p>Under section 3.2 (b) of the Secretary-General's Bulletin ST/SGB/2003/13, Johnson is prohibited from sexual activity with anyone under 18, regardless of the local age of consent. This encounter also constitutes sexual exploitation as defined in section 3.2 (c) of ST/SGB/2003/13: Johnson has abused a position of differential power for sexual purposes, by exchanging money for sexual access.</p>
<p>Carlos, a military commander posted in the southern district, has helped set up a boys' soccer club in the town where his national contingent is deployed. Carlos enjoys the soccer games, but he particularly enjoys the access the club gives him to local adolescents. He gives presents (magazines, candy, sodas, pens) to various boys in exchange for sexual acts. He thinks there's nothing wrong with this, since the boys like the presents he gives them.</p>	<p>Carlos' acts are in violation of the Ten Rules: Code of Personal Conduct for Blue Helmets and ST/SGB/1999/13 on Observance by UN Forces of International Humanitarian Law. He has abused a position of differential power for sexual purposes, by exchanging money and goods for sexual favours. Such acts constitute serious misconduct. In addition, Carlos is in breach of the same policy for performing sexual acts with children (anyone under 18, regardless of the local age of consent).</p>
<p>Joey is a locally-hired driver for a UN agency, who transports relief items from the warehouse to the refugee camp where the items are distributed. On one of his trips he recognized a 15-year old refugee girl walking on the side of the road and gave her a lift back to the camp. Since then, to impress her and win her over, he frequently offers to drive her wherever she is going and sometimes gives her small items from the relief packages in his truck, which he thinks she and her family could use. The last time he drove her home she asked him inside her house to meet her family. The family was pleased that she had made friends with a UN worker. Joey really likes the girl and wants to start a sexual relationship with her. He knows her family will approve.</p>	<p>Under section 3.2 (b) of the Secretary-General's Bulletin ST/SGB/2003/13, Joey is prohibited from sexual activity with anyone under 18, regardless of the local age of consent. Moreover, the rules also strongly discourage sexual relationships between UN staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics and undermine the credibility and integrity of the work of the UN (see section 3.2 (d) of ST/SGB/2003/13).</p>
<p>Marie is a 30-year-old refugee whose desperate</p>	<p>The exchange of money for sexual services violates</p>

<p>circumstances have forced her into prostitution. On Saturday night she was picked up by John, a UNICEF staff member in a UN car, as he was driving back home after dinner. John took her home and paid her for sex. As prostitution is not illegal in the country where he is posted, he figured he was doing nothing wrong.</p>	<p>the standards of conduct expected of any category of UN personnel. In this case, (involving a civilian staff member) the act violates section 3.2 (c) of the Secretary-General's Bulletin ST/SGB/2003/13.</p>
<p>Josie is an adolescent refugee girl in one of the camps. Pieter, one of the food distribution staff, who works for WFP, has offered to give her a little extra during the distribution if she will be his "special friend". She agrees willingly. Both of them agree that they should start a sexual relationship and neither one of them think that anything is wrong. Josie hopes that the relationship will be a passport to a new life in another country, and Pieter does nothing to discourage these hopes.</p>	<p>Pieter's relationship with Josie constitutes sexual exploitation: exchange of goods for sex or sexual favours is explicitly prohibited under section 3.2 (c) of ST/SGB/2003/13. This includes any exchange of assistance that is due to beneficiaries of assistance. Moreover (and irrespective of the local age of consent) if Josie is under 18, Pieter is in violation of section 3.2 (b) of ST/SGB/2003/13.</p>
<p>Darlene is a CIVPOL. She's always on the lookout for good business opportunities since she has to support her family back home. She's asked by another CIVPOL, Stanislas, to contribute some of her MSA towards renovating a bar in the town, in return for a cut of the bar's profits. Darlene soon finds she's getting a steady income from the bar, and gives more money to hire more staff, including security, and so on. She herself doesn't go to the bar, but she knows that there is a lot of prostitution going on there and that several peacekeepers and CIVPOLs use the bar often. However, she doesn't think that concerns her, since she isn't directly involved in those issues. She's just glad of the extra money.</p>	<p>Darlene and Stanislas are aiding sexual exploitation. This violates the Ten Rules: Code of Personal Conduct for Peacekeepers. The peacekeepers, UNMOs and CIVPOLs who frequent the bar are engaged in sexual exploitation. For these categories of personnel, using a prostitute violates the Ten Rules: Code of Personal Conduct for Blue Helmets and the ST/SGB/1999/13 On Observance by UN Forces of International Humanitarian Law.</p>
<p>Sven is a Military Observer. He has developed a close relationship with his landlady, Amanna, who also does his cleaning. They eat meals together and talk in broken English. Amanna's family (her husband and three young children) was killed in the violence that engulfed the country five years ago, so she is very lonely and enjoys the opportunity to talk. One night Sven returns from a reception for the Force Commander who has been visiting the district where he is deployed. Sven is drunk. He has not had sex for eight months. He presses Amanna to come to his bedroom, urging her to make love with him. Amanna looks extremely embarrassed, and tries to leave the room. Sven's sure she likes him, but is just being shy. Then he changes tactics, and tells her he will have to think of leaving her house and finding a new home if she won't come to bed with him. Amanna is horrified at the prospect of losing her only source of income, so she complies with his demands. After all the violence she has seen, she has come to expect this kind of behaviour from men, but she had thought that Sven would be different. She was wrong about that.</p>	<p>Sven has breached the Ten Rules: Code of Personal Conduct for Peacekeepers, by using his differential position of power to coerce Amanna into having sex with him.</p>

Produced by the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse

Acknowledgement: A number of the scenarios above have been adapted from materials contained in the Facilitator's Guide: *Understanding Humanitarian Aid Worker Responsibilities: Sexual Exploitation and Abuse Prevention*, produced by the Coordination Committee for the Prevention of Sexual Exploitation and Abuse in Sierra Leone.

HANDOUT 7A

Whilst on patrol in the former conflict area, two international police officers, one a manager and the other his subordinate, see that a new bar has opened in their area and decide to call in to see what it is like. Inside the bar they are greeted by a very large man who says that he is the owner and who is initially wary of the officers until they explain that they are looking for a good bar for their evening entertainment. A moment later, almost from nowhere, a number of girls wearing sexy clothing appear from a back room and it is explained to the officers that the girls work in the bar. The girls do not appear to be able to speak the local language although several of them are able to communicate in broken English.

The owner invites the officers back that evening when they are off duty, promising that their first drink will be free.

Later that evening, the two Police Officers return to the bar and it is immediately obvious that the girls are encouraging customers to drink and are also overtly indulging in other activities. Although enjoying the attention being given to them by the girls, the officers only stay for a few drinks and then leave.

Questions:

1. What, if any, actions do you think the officers should take and why?
2. For what reasons might the deployment of a PSO exacerbate or encourage THB in the region?

HANDOUT 7B

A few days later, the two police officers meet up with two friends who are Peacekeepers from the same Western Nation with the same UN Mission, and they all decide to go to the bar for a night out.

On this visit, the subordinate Police Officer and both of the Peacekeepers give in to temptation and take advantage of the services offered by the girls and pay for sex.

Questions:

1. Do you think that PSO members who are clients of the local sex industry know that they may be using trafficked women?
2. Do you think that any of them have committed any offences or broken any rules, and if so what do you think that they could be?
3. What effects do you think that the use of the local sex industry by members of Peace Support Operations have had on credibility of the PSOs?
4. If International Police Officers or Peacekeepers break any local laws, do you think their status of being members of a UN mission will give them immunity from prosecution?
5. Do you think that in these circumstances the Police manager should be held responsible for the conduct of his subordinate?

HANDOUT 7c

The Manager takes no action to curb his subordinates' visits to the bar, believing that he is big enough and old enough to look after himself, and the subordinate becomes very friendly with the owner of the bar. However, one day the Manager sees his subordinate driving an official International Police vehicle with the bar owner in the front passenger seat. In the rear seat of the vehicle is a girl who looks rather frightened and they are driving towards the bar.

Question:

1. What do you think that this act could indicate on the part of the subordinate and what action do you think that the Manager should now take?

CLOSING

LEARNING OBJECTIVES



General objective

By the end of the closing session participants should have a clear understanding of the key issues they have covered in this module, and will be aware of the new skills and knowledge achieved.

Specific objectives

In particular, participants will be able to:

- assess the learning process;
- manage the skills and the knowledge acquired;
- appraise the subjects studied.

PROPOSED TRAINING STRATEGIES



FINAL ACTIVITY: Learning assessments and conclusions

Method Text analysis, Working groups, Brainstorming

Media Handouts 8 and 9

Duration 25 min.

Proceeding Participants will split into groups of a maximum of 5 persons. They should be provided with Handout 8. The trainer will ask participants to read the report carefully so as to answer the questions attached in Handout 9. This concluding session aims at reviewing and integrating the topics introduced and analysed throughout the Core Module. The trainer should seek to strengthen participants' awareness of their new skills and knowledge, ensure that the most relevant concepts covered have been understood and are easily managed by them, summarize the final conclusions, and stimulate participants to develop their first appraisal of the subjects studied. The analysis could be done in groups either by writing - handing out the questionnaires (Handout 9) - and sharing results only once all groups had time to make their assessment; or orally once all participants have had time to read the legislation - this should leave room for a final brainstorm guided by the trainer's questions. The trainer should appraise the time left and how tired the group feels when closing the topic and choosing either the written or the oral methodology.

Total duration: 25 min.



**THE UN AND THE SEX SLAVE TRADE IN BOSNIA:
ISOLATED CASE OR LARGER PROBLEM IN THE U.N. SYSTEM?**

HEARING BEFORE THE SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS OF
THE COMMITTEE ON INTERNATIONAL RELATIONS

HOUSE OF REPRESENTATIVES

APRIL 24, 2002

STATEMENT OF MARTINA VANDENBERG, J.D., EUROPE RESEARCHER, WOMEN'S RIGHTS DIVISION,
HUMAN RIGHTS WATCH

[...]

Trafficking, as you know, flourishes throughout the world, aided by corruption, complicity, and neglect by States. Seeking better lives and opportunities, trafficking victims migrate, only to find themselves trapped in debt bondage, forced labour, and slavery-like conditions.

Stripped of their passports, sold as chattel, forced to work for little or no pay whatsoever, these women, many of whom anticipated lucrative job opportunities in Western Europe, instead find themselves facing danger and severe human rights violations.

Human Rights Watch began research on THB into BiH in 1999, interviewing victims, UN Mission in BiH officials, members of the International Police Task Force, and local officials. The investigations uncovered extensive trafficking into the country, with traffickers luring women from their homes in Eastern Europe with promises of high wages and good jobs. But the traffickers quickly broke these promises, selling the women to bar and nightclub owners for prices ranging from approximately US\$230, to approximately US\$2,350. The women's prices quickly became their debts. Owners and employers promised them that they would receive 50 percent of their earnings after clearing their debt, but this rarely happened in practice. Instead, owners often sold the women to new so-called "employers", saddling them with new debts and ending their hopes of sending money home to parents and children waiting for them.

THB cannot flourish without the cooperation of state officials and law enforcement authorities. The involvement of local police ranges from visiting brothels as gratis clients to facilitating the traffic of women into the country. This complicity and corruption on the part of local police officers facilitated and, indeed, exacerbated the human rights violations. Victims spoke of police officers who visited the brothels to partake of free sexual services in exchange for assistance in procuring false documents and tipping owners off to upcoming raids. Still others engaged in trafficking directly. For the most part, the police engaged in these activities with complete impunity, and today that corruption continues unabated.

In July 2001, the UN mission created the Special Trafficking Operations Program, known as STOP, to fight trafficking more aggressively. Since that time, the mixed International Police Task Force and local police teams have conducted over 270 raids of nightclubs and brothels and interviewed approximately 800 women.

Despite these excellent steps, however, the human rights violations persist. In Bosnia, Human Rights Watch's researchers pointed to one conclusion: that IPTF monitors visited the brothels as clients or arranged to have trafficked women delivered to their residence in violation of their own code of conduct. Most striking, however, was the evidence that at least three International Police Task Force monitors purchased women and their passports from traffickers and brothel owners.

IPTF officers, who through their work and training knew or should have known that the brothels contained trafficked women, violated the UN zero tolerance policy by even visiting the brothels at all. More importantly, according to NGOs in the field working with victims, the very presence of IPTF monitors in the clubs as clients discouraged trafficked women from seeking safe haven in those same IPTF stations.

In November 2000, IPTF monitors conducted raids of three nightclubs in Prijedor. The raids, which freed 34 women trafficked, resulted in the repatriation of six IPTF monitors - two Americans, two Spaniards, and two British nationals. The official reason for the disciplinary measures was exceeding the mandate of the International Police Task Force. However, one UN official in the Bosnian mission with extensive knowledge of the case and who interviewed the women himself

told Human Rights Watch, the Stabilisation Force, known as SFOR, and IPTF brought the girls to Sarajevo, and then the girls pointed out that the guys driving them had been their clients. In all, according to verbatim statements obtained by Human Rights Watch, five of the trafficking victims asserted that IPTF monitors had numbered among their clients. The fact that officers who had used the sexual services of the nightclubs transported the women to Sarajevo created an opportunity for witness tampering. The internal report on the investigation quoted one of the trafficked women as saying, "The IPTF officer from Spain told me that this was my last chance for me to go home back to my country and to tell all the truth but not too much or anything about our relations".

It is important to note that the majority of those involved in trafficking in BiH are civilians, local crime figures, and local government officials. Nevertheless, IPTF officers and SFOR contractors share one major characteristic, and that is impunity. UN Bosnia mission officials have admitted that repatriation serves as the only punishment for involvement in trafficking-related misconduct.

In February, the UN reported that 12 international police officers in Bosnia were expelled or voluntarily left the country after facing allegations of involvement in trafficking. The newest statement put out by the UN for this meeting today indicates that that number is 18.

The UN Office of Internal Oversight Services has investigated and cleared the IPTF of wrongdoing, issuing a statement that there was "no evidence of widespread or systematic involvement" in trafficking by the UN police force. The concern not addressed was that IPTF monitors who violate the law enjoy complete impunity. They cannot be prosecuted in BiH under the terms of the Dayton Agreement, nor are they likely to face liability under the criminal laws of their home countries.

This de facto blanket immunity enjoyed by IPTF officers and civilian contractors also troubled local officials struggling to establish the rule of law in post-conflict BiH.

Local police, prosecutors, and judges in Bosnia told Human Rights Watch that they themselves lacked jurisdiction to investigate or prosecute any of these cases and, indeed, hoped that each country would prosecute their own.

HANDOUT 9



Answer the following questions using the definition of Art. 3 Traff-Prot and the new skills you acquired throughout the Module:

1. THB root causes:

Please identify all THB push and pull factors mentioned in the report.

2. THB as a transnational organized crime:

Which are the THB-related crimes that come up from the report?

3. The identification of THB victims:

What makes the victims of the report different from regular prostitutes or illegal migrants?

4. THB during times of conflict and post-conflict situations:

What is PSO personnel involvement in THB?



UNITED NATIONS
INTERREGIONAL CRIME AND JUSTICE RESEARCH INSTITUTE
UNICRI

**TRAFFICKING IN HUMAN BEINGS
AND PEACE-SUPPORT OPERATIONS**

**Pre-deployment/In-service Training Programme for
International Law-enforcement Personnel**

MODULE ON LAW ENFORCEMENT SPECIFICITIES

July 2006

Second Edition



AGIS 2005

**With financial support from the AGIS Programme
European Commission - Directorate General Justice, Freedom and Security**

Contents

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SECTION 1

VICTIMS' PROTECTION AND RESIDENCY STATUS

LEARNING OBJECTIVES



General objective

By the end of Section 1 participants should be able to recognize the risks and/or harms suffered by THB victims and different ways of granting them protection.

Specific objectives

In particular, participants will be able to:

- assess the risks in THB cases;
- understand the importance of cooperating with the IGO/NGO sector;
- understand the problems associated with the repatriation of foreign victims.

PROPOSED TRAINING STRATEGIES



ACTIVITY 1 Cooperation between law enforcement authorities and IGO/NGOs

Method Lecture, Working groups, Discussion

Media Cards, Poster, Glue

Duration 25 min.

Proceeding Once the trainer gives a brief introduction on the benefits of law enforcement and IGO/NGO collaboration (Point A - basic text), participants will be divided into 2 groups and given the full set of cards showing different activities performed by a law enforcement agency, an IGO/NGO or by both. The cards should have a different colour for each group. By taking turns, they should each explain what the action implies and suggest who is responsible for developing it. Accordingly, each card should be placed under the corresponding section of the Memorandum of Understanding division of activities (LEAs, IGO/NGOs, both) - Poster.

ACTIVITY 2 The risk assessment

Method Lecture, Visual aids, Working groups, Brainstorming

Media Slides 1-2, Handout 1

Duration 20 min.

Proceeding Assisted by Slides 1 and 2, the trainer will give participants a lecture about why there is a need to carry a careful risk assessment of the overall situation before proceeding either with the THB investigation or prosecution of suspects (Point B - basic text). The trainer will then distribute Handout 1. Participants will read the case study and split in groups of a maximum of 5 persons and answer the first set of questions. The trainer will then facilitate a further debate as each group presents the results of their risk assessments.

ACTIVITY 3 Status of foreign victims

Method Working groups, Discussion

Media	Handouts 1 and 2
Duration	30 min.
Proceeding	Participants will remain in the same groups and answer the second set of questions relating to the repatriation of victims. After discussing the answers, the trainer will close the session with a summary of the topic of protection and repatriation of foreign victims (Point C - basic text). The trainer will then distribute Handout 2 for participants to read. The trainer will leave room for any further questions.

Total duration: 75 min.

SECTION 1: SUMMARY



- ◆ The restitution of THB victims' rights can only be achieved by developing strong partnerships between police entities and IGO/NGOs.
- ◆ **Memorandum of Understanding:** should be put in place so the police and involved IGO/NGOs are provided with standard procedures for joint investigations.
- ◆ **The responsibilities of law enforcement authorities:** informing the victims about support services; establishing contact with the IGO/NGOs, ensuring confidential information is not divulged, facilitating protection measures during the procedure and allowing the presence of trained counsellors.
- ◆ **The responsibilities of IGO/NGOs:** providing appropriate accommodation for the victims; psycho-sociological care; assuring the presence of counsellors; assistance with re-integration training for the victims.
- ◆ Law enforcement agencies and IGO/NGOs should conduct risk assessments on the current, and other potential victims informants, IGO/NGOs personnel and law enforcement authorities involved.
- ◆ Risk assessments should lead to the implementation of an appropriate protection program including the identification of safe shelters and the protection of the identity of the people involved.
- ◆ **Responsibilities of Governments:** Governments should adopt measures that permit THB victims to remain in their territory as necessary, in order to allow them to recover physically and mentally and regain security.
- ◆ In case of voluntary repatriation, it is advisable to establish contact and cooperation with the local IGO/NGOs to reduce the danger of the victims meeting their traffickers upon arrival.
- ◆ It is necessary to evaluate the different investigative options according to the victims' status in the country and their further ability to testify and collaborate with the authorities in the resolution of the case.

A - Cooperation between law enforcement authorities and IGO/NGOs

In post-conflict situations, where most of the times anti-THB units have not been set up yet, the restitution of victims' rights can only be achieved by developing strong partnerships of cooperation between law enforcement agencies and IGO/NGOs, even where law enforcement agencies are working for IGOs.

Such joint ventures require planning. Successful cooperation implies the identification of common objectives by law enforcement authorities and IGO/NGOs. A Memorandum of Understanding (MOU) between them should establish the basis of standard operating procedures and the ground rules in the investigation or prosecution of any THB case:

- Persons suspected of having committed offences related to THB should be efficiently prosecuted;
- Testifying victims should play a key role in prosecution;
- Cooperating victims in a trafficking case are always at risk;
- All parties must acknowledge the trauma victims experience as a result of both being a victim of the crime and the criminal proceedings;
- The more the victim is provided with assistance, the better the evidence will be;
- Foreign victims whose security could be at risk in case of repatriation, should be assisted in being granted a special residence permit;
- All measures taken for the protection of witnesses should be the result of mutual consent.

The main responsibilities of law enforcement agencies should be outlined as follows:

- Inform the victims about support services;
- Establish contact with IGO/NGOs which are managing the relevant shelters and/or other support for THB victims;
- Ensure that information about the victims/witnesses will stay confidential;
- Take the relevant protection measures before, during and after all activities linked to the criminal procedure;
- Ensure the presence of trained counsellors throughout the criminal proceedings where the victims requests this.

The responsibilities and support to be provided by the IGO/NGOs should be as follows:

- Find appropriate accommodation for the victim and make the necessary arrangements - in consultation with the law enforcement authorities involved;
- Provide psycho-sociological care to the victims and arrange for physical, psychological and medical care;
- Facilitate, as possible, briefings on the evolution of the proceedings to interested victims;
- Provide counsellors to be present during the victims' interviews;
- Provide, as possible, re-integration training and education to the victims.

As can be seen from the above, the allocation of accommodation, psychological and medical support should be organized and administered by the relevant IGO/NGOs, whilst the law enforcement authorities remain responsible for handling the case confidentiality and the victims' safety.

B - The risk assessment

The humanitarian duty of care to THB victims should be strengthened in areas of armed conflict. To fulfil this requirement law enforcement agencies in cooperation with the relevant IGO/NGOs should conduct risk assessments on all people involved in the case:

- The current victims - main category at risk;
- Further victims that may still remain under the control of traffickers - outstanding victims;
- Potential victims;
- Other witnesses;
- The IGO/NGO personnel providing shelter and/or other assistance to the victims;
- The law enforcement authorities involved;
- Representatives of media;

- Any other third-party informants.

The risk assessment should not only analyse the actual risk to which people are exposed as a result of being involved in a THB case, but also examine the new or additional levels of risk that may arise due to the type of investigation chosen for its resolution.

The disclosure of the identity of the victims is a factor that always adds to the victims' insecurity, affecting their will to testify against their abusers - main sources of the threat. The risk assessment on whether victims should testify in a THB procedure should consequently consider their own personal convenience in terms of security and how the menace could affect their testimony. If the relation between safety and consistency is not equivalent, the officer may decide not to expose the victims, as their evidence would be unreliable due to their background and potential fear. It would be the case of victims affected to the point of having a psychiatric disorder, or with a long-standing record of convictions for dishonesty.

The result of the risk assessment should form the basis of an appropriate protection program, which may include some or all of the following elements:

- Identification of a safe shelter for the persons at risk;
- Protection of the identity of people at risk during legal proceedings;
- Identification of options for continued stay, resettlement or repatriation;
- When the risk affects personally either the IGO/NGO personnel, they should be assigned to other cases.

The risk assessment should be done as soon as the victim or any piece of intelligence or evidence comes to notice. The risk assessment should be applicable to all of the investigative options that may be considered and should be a continuous and flexible process adjusting to circumstances.

Following the initial assessment, the risk factors should be reviewed and up-dated. The result of this should determine most of the aspects of the case resolution, as the timing and means of an appropriate law enforcement response.

Comprehensive and accurate documentary records of each step of the appraisal should be kept in a secure location. Highly sensitive information, including the true identities and locations of the victims, the officers working on the case and any other people involved must be protected at all times. Such records should be regularly scrutinized and reviewed by a designated supervising officer, who should date and countersign them as they are updated.

C - Status of foreign victims

As a result of the risk assessment, law enforcement agencies should be able to identify the peril foreign victims would be exposed to in case of repatriation. A temporary residence permit in the country where they are located often forms a crucial element of any effective victim protection policy.

Granting the victim residence status will not only create the basis for support and protection, but it will very often foster prosecution and trial. Victims, in fact, are often reluctant to institute proceedings and cooperate with the authorities because they do not have a valid permit to stay in the country. They fear reprisals if returned home and this reduces the possibility of obtaining the information necessary for prosecution.

The Traff-Prot Art. 7 requires State parties to adopt legislative or other appropriate measures that would permit victims to remain in their territory either temporarily or permanently, as necessary. In implementing this provision, State parties are also asked to "*give appropriate consideration to humanitarian and compassionate factors*". The duration of the residence permit should allow for the recovery of the victim, both physically and mentally, and allow time for the victim to make informed decisions regarding her/his future.

A residence permit, which is a basic prerequisite that enables the victim to recover and to regain security, should not depend on the willingness (or ability) of the victim to cooperate with law enforcement authorities.

In cases where the danger is proven, the relevant authorities should establish early liaison with the immigration agencies and corresponding consulates to seek exceptional residency permits for the victims. Nonetheless, law enforcement agencies should be alert of retaliations, as criminal groups may understand the non-repatriation of victims as a result of their cooperation with law enforcement agencies and not as a simple measure of precaution.

Thus, all possible elements of risk should be analysed when granting a permit of stay or deciding to repatriate a victim. Moreover, the wishes of the victim should be the most important consideration;

whenever a non-cooperating victim requests her/his return to her/his home country, she/he should be immediately assisted to achieve so.

To reduce the danger of the victims meeting their traffickers in their country of origin, it is advisable to establish contact and cooperation with IGO/NGOs settled in that country. At that point the following should be considered:

- The victim's consent for divulging her/his details and situation to a supportive agency should never be assumed. The victim should always be consulted and her/his permission sought and confirmed in writing.
- The risks involved should be evaluated. The victim may not wish her/his sexual exploitation to be disclosed as she/he could be socially excluded.
- The security and capacity of support of the organizations contacted may be variable and should be assessed in each case. There may be risks attached to seeking the help of IGO/NGOs.
- Sufficient time should be ensured before the expatriation and arrival of the victims to make adequate arrangements for their safety and assistance. It may be necessary to establish early liaison with the immigration authorities in order to temporarily delay the removal whilst the arrangements for needed support and assistance are concluded.

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SLIDES 1-2



SUBJECTS at RISK in a THB CASE

- The current victims – main category of people at risk
- Further victims still under control of the traffickers
- Other potential victims that may come to notice
- Victims' relatives and loved ones
- The IGO/NGO personnel involved
- The law enforcement authorities involved
- Any other third-party informants

1



POSTER



MEMORANDUM OF UNDERSTANDING		
Law Enforcement Authorities	Both	Relevant IGO/NGOs

CARDS



Prosecute THB offenders	Provide re-integration training to the victims
Assist the victims to cooperate in THB proceedings	Grant the presence of trained legal counsellors throughout the criminal proceedings
Acknowledge the trauma victims experience due to the crime and further proceedings	Inform victims about the availability of support services
Decide upon the appropriate accommodation for the victim and make the necessary arrangements	Grant of special residence permits for foreign victims upon need
Take the necessary measures to secure the protection of victims	Establish contact with shelter for THB victims' managers
Provide psycho-social care for the victims	Arrange for physical, sexual, psychological and medical care for victims
Provide information on the evolution of the criminal proceeding to the victims	Provide counsellors to assist the victims in all legal interviews
Ensure that no information about the victim's intimacy is divulged	Take all measures relating evidence protection before and during the criminal proceedings

HANDOUT 1



Case-study 1

During a raid on a brothel in the neighbourhoods of Daravica, a medium-size criminal gang rotating foreign THB victims within Kosovo is disrupted. Some young women, mainly from Russia and Ukraine, who were forced into prostitution, are liberated in the raid.

Immediate shelter and medical assistance is provided to the victims by a local NGO contacted by your unit.

Most of the victims are reluctant to provide testimony against their traffickers due to the threats about being pursued and killed as soon as released by the police. They also fear that the traffickers might break into the shelters where they are staying.

Only a few of the victims want to cooperate with the investigation but none wants to testify in court, as they fear their sisters or friends may still be in the hands of the criminals. They state that the other victims must have been taken to Prizren.

Activity 2 - Questions:

- From when should the risks of the action be assessed?
- Which categories of people are at risk?
- What levels and kinds of risk are attached to each category of people?
- Does the risk demand immediate intervention?
- Can you see any way to safely manage the risk while continuing the investigation?
- How reliable are the victims to use the testimony as evidence?
- Would you say it is worth assisting the victims to make them testify in court?

Activity 3 - Questions:

- Which elements would you consider to decide repatriating these victims?
- How would you evaluate the possibility of reprisals against the victims upon return?
- Do you think that they would testify if they were granted residence permits?

- Where do you think the victims would recover better? Why?
- In case of granting permits to stay, whom would you extend it to?
- Which other measures would you take in case of repatriation?

HANDOUT 2



UN Recommended Principles and Guidelines on Human Rights and Human Trafficking

Principle: Protection and assistance

Paragraph 9 - Legal and other assistance shall be provided to trafficked persons for the duration of any criminal, civil or other actions against suspected traffickers. States shall provide protection and temporary residence permits to victims and witnesses during legal proceedings.

Paragraph 11 - Safe (and, to the extent possible, voluntary) return shall be guaranteed to trafficked persons by both the receiving State and the State of origin. Trafficked persons shall be offered legal alternatives to repatriation in cases where it is reasonable to conclude that such repatriation would pose a serious risk to their safety and/or to the safety of their families.

Guideline 6: Protection and support for trafficked persons

Paragraph 7 - Ensuring the safe and, where possible, voluntary return of trafficked persons and exploring the option of residency in the country of destination or third-country resettlement in specific circumstances (e.g. to prevent reprisals or in cases where re-trafficking is considered likely).

Guideline 8: Special measures for the protection and support of child victims of trafficking

Paragraph 6 - States and, where applicable, intergovernmental and non-governmental organizations should consider (...): (...) ensuring that a child who is capable of forming his or her own views enjoys the right to express those views freely in all matters affecting him or her, in particular concerning decisions about his or her possible return to the family, the views of the child being given due weight in accordance with his or her age and maturity.

SECTION 2

THE RE-ACTIVE INVESTIGATIVE OPTION

LEARNING OBJECTIVES



General objective

By the end of Section 2 participants should be able to understand the reactive investigative option.

Specific objectives

In particular, participants should be able to:

- access THB victims;
- obtain efficient testimony from THB victims.

PROPOSED TRAINING STRATEGIES



ACTIVITY 1 Working with victims and obtaining testimony

Method Lecture, Visual aids, Feedback

Media Slides 3, 4, 5 and 6

Duration 40 min.

Proceeding The trainer will introduce the next three sections highlighting the main differences of the three approaches - reactive, proactive and disruptive - showed in Slide 3. She/he will then give a full lecture on Points A and B - basic text, assisted by Slides 4, 5, and 6. Room should be left for participants to ask questions on the topic.

ACTIVITY 2 Interview checklist

Method Lecture, Reading, Role-playing, Feedback

Media Handout 3, Role-playing scenario

Duration 50 min.

Proceeding The trainer will briefly introduce the topic (Point C - basic text) and provide participants (if possible in advance to this training session due to the length of the text) with Handout 3. The trainer will ask them to read it carefully and explain that such questions have been identified as the most suitable ones when interviewing a THB victim. As for the role-play, the trainees are supposed to assess the most relevant questions for the interview, as there will have no time to use them all.

The trainer will then present Role-playing scenario and ask a few participants (no more than three) to volunteer for the role-playing. Then the trainer will assign and distribute the relative roles, without anyone else seeing what the players' roles are. As all characters are represented, a first victim's interview should be carried out bearing in mind the concepts introduced in the previous activity and the interview checklist of Handout 3.

The trainer should let them play freely providing on-going support. The rest of the group should assess whether the interview was accurate and the victim's rights respected.

At the end of the role-play the trainer will debrief the players properly, beginning with the principle characters and then going onto the secondary characters. Before starting the debriefing the trainer will ask the players how they are feeling,

particularly following emotive subjects such as being the victim of trafficking, to ensure they are able to take an effective part in the debriefing process. The players should be sat apart from the rest of the class at this time.

Once all players have been fully debriefed or at the discretion of the trainer depending on what is happening in the classroom, the trainer will bring the role players out of role one by one by using their real names, and thanking them in their real names for taking part. They must be checked to see if they are all right and are completely out of role. Observers then give their feedback according to their tasks as they relate to the role-play.

The trainer then completes the debriefing session by identifying all learning points, giving feedback where required and thanking all concerned for their efforts.

Total duration: 90 min.

SECTION 2: SUMMARY



- ◆ The success of the investigation and criminal proceedings may mostly depend on the capacity of the victim to provide a full description of the facts.
- ◆ **Victim's testimony:** main source of evidence in a THB reactive investigation.
- ◆ THB victims endure acute anxiety and require reassurance. Their own personal safety and that of their families should be secured and their involvement in illegal activities as a result of the exploitation they were subject to should not be disclosed.
- ◆ Counsellors should make the first contact with the victims to understand their personal experience.
- ◆ **First meeting:**
 - The victim, her/his counsellor and the investigator should be present.
 - The investigator should explain to the victim the details of the cooperation process and the expectations from her/his collaboration.
 - Interviews must be ethical and safe, and carried out in conjunction with a psychologist's guidance, especially in cases involving child victims.
 - The investigator, who should be if possible of the same gender of the victim, should be selected for her/his ability to treat the victim empathetically and to build a positive rapport with her/him.
- ◆ **Interview methodology:**
 - Noting down the chronology and the main points of the victim's story.
 - Exploring events in detail.
 - Recording the interview.
- ◆ **Interview checklist:**
 - The full story (Country of origin - recruitment and departure; Country of transit - transportation; Country of destination - reception and exploitation).
 - Specific details of THB (advertising, renting, transportation, communications and finance).
 - Personal suffering (victims' rights violated).

According to the victims' status in the country and their further ability to testify and collaborate with the law enforcement authorities in charge with the resolution of a THB case, different investigative options may be explored.

- Most of the time when the victim is granted a permit of residence, she/he also agrees and is in a better position to provide a statement and give live testimony in the judicial proceedings. This kind of collaboration promotes a victim led investigation known as the reactive option.
- It could also be that the victim is ready to provide her/his statement but does not agree to participate in the criminal proceedings. In that case other intelligence should be generated through a proactive investigation.
- Whenever the victim's evidence is not valid or in general not enough to lead a reactive or proactive investigation, a multi-agency alternative remains the best option to disrupt any THB action.

In the following three sections, these different approaches to fight THB will be analysed.

A - The re-active option: accessing the victims

Whenever a victim agrees to cooperate and provide evidence in a THB case, law enforcement authorities could commence a reactive investigation, which is mostly victim led.

Victims' cooperation in THB proceedings usually leads to success when enquiring and prosecuting the suspects.

The means by which a victim chooses to become a witness is one of the most critical aspects of the victim-investigator relation. Actually, the success of the investigation and criminal process may mostly depend on the capacity of the victim to provide a description of the facts as full and detailed as possible, from the process of recruitment till her/his exploitation.

Law enforcement officers should aim to adhere to the following standards:

- The whole cooperation process should be discussed honestly and openly with the victim;
- The presence of an independent counsellor to advise and assist the victim should be facilitated;
- The victim should be allowed a period to reflect on the situation - even in cases where the victim immediately expresses willingness to cooperate;
- The victim should be in a situation to assess all aspects, such as the risks attached and future options, prior to taking any decision on providing evidence.

In the case of foreign victims, the issue of their current status in the country where their collaboration is required should be resolved. The circumstances in countries where PSOs are deployed could be of relevance as victims could be granted asylum or refugee status either in that same country or in others where relevant agreements have been established.

THB victims, particularly in areas of conflict, endure acute anxiety and require reassurance. Their own personal safety and that of their families should thus be secured and their involvement in illegal activities, as a result of the exploitation they were subject to, should not be disclosed neither to their families nor to the media or the public at large.

Victims should be granted, as possible, that they will not be in the presence of the trafficker or in contact with any of her/his associates at any stage of the criminal investigation or proceedings.

Even throughout the period of reflection, victims should be hosted in shelters. Collaboration with IGOs and NGOs working on the field to support THB victims is of main value.

Prior to the initial meeting between the victim and the investigator, shelter counsellors should make a first contact with the victims to seek to understand their personal experience. At that point, victims should express their will to provide intelligence or become witnesses in the process. In this last case, the counsellor should provide an outline of the requirements, and a meeting with a law enforcement officer to discuss the matter would also prove of use.

The anti-trafficking unit from the police services, if existing, and the one from the PSO should be in permanent contact with the shelter manager, so that they are immediately informed once a victim indicates her/his interest in becoming a witness.

In the first meeting, the victim, her/his counsellor and the investigator should be present. The identification of the victim should be avoided and she/he should be specifically advised not to discuss any evidential matters. The purpose of this is to build trust in the investigator and to allow the victim to reach an informed decision. This system does not only provide a proper level of humane treatment for traumatized and abused victims, but it also offers the best possible prospect of the victim agreeing to cooperate and maintaining her/his agreement and commitment throughout the process.

The investigator should verbally explain to the victim the details of the cooperation process and the expectations from her/his collaboration, covering - according to the legislation in force- the following core points:

- The range of measures of protection available;
- Whether personal data will be disclosed;
- The manner of taking the deposition;
- The possibility of adopting a pseudonym identity;
- Whether the interrogation will preserve the victim's anonymity;
- Whether the deposition will be in presence of the accused;
- The possibility for the victim of not attending the proceeding.

It should be made clear to the victim that her/his detailed evidential account will almost inevitably lead to the trafficker to being aware of her/his cooperation. Equally, the victim should be made aware that protective measures are always limited and that no system exists that can guarantee complete security.

The victim should be informed that she/he would be rigorously interrogated by the trafficker's defendant. Even after the first meeting, the victim should be allowed a time of reflection to reach a convinced decision. However, the investigator may inform her/him that the longer the victim takes, the lower the chances are for the retrieval of evidence or locating the exploiters.

Nonetheless, in the final analysis, given that the welfare and human rights of the victim must be the paramount concern, the investigator must always be prepared to delay and accept the risk of evidential loss in order to give the victim's well-being the relevant priority.

Counter-Trafficking Investigative Coordination

A close professional and cooperative working relationship must be developed between the investigator, the special THB or judicial police where they exist, and the prosecutor if the deposition of the victim-witnesses is to be maximized. A joint, coordinated investigative approach is the easiest and most effective response to this challenge.

To help formalize and develop this critical relationship between the investigator and the prosecutor, a Memorandum of Understanding could be developed in which, subject to the requirements of the criminal procedure codes of the jurisdiction in question, the roles, duties, responsibilities and requirements of each of the counter-trafficking specialist departments of the law enforcement and prosecution agencies are set out. Regular meetings between specifically designated officers from each involved department should then take place throughout the investigation and prosecution phases.

B - Obtaining the victim's testimony

In a THB reactive investigation, the testimony of the victim remains the main source of evidence.

The World Health Organization outlined ten guiding principles to the ethical and safe conduct of interviews to victims of THB¹². Due to the particular hardship experienced by those taken to areas of conflict or post-conflict, interviewers should stick to these principles as much as possible:

- Treat each victim as if the potential for her or him to be harmed is extreme until there is evidence of the contrary. Do not undertake any interview that will make the victim's situation worse in the short or longer term.
- Learn the risks associated with trafficking and each victim's case before undertaking an interview.
- Be prepared to provide information in the victim's native language and the local language if different about appropriate legal, health, shelter, social support and security services, and to help with referral, if requested.
- Adequately select and prepare interpreters and co-workers. Weigh the risks and benefits associated with employing them and develop adequate methods for screening and training.
- Protect the respondent's identity and confidentiality throughout the entire interview process, from the moment she/he is contacted through the time that details of the case are made public.
- Make certain that each respondent clearly understands the content and purpose of the interview, the intended use of the information, their right not to answer questions, to terminate the interview at any time and to put restrictions on how the information is used.
- Recognize that each victim will have different concerns, and that the way she/he views her/his concerns may be different from how others might assess them.
- Do not ask questions intended to provoke an emotionally charged response. Be prepared to respond to the victim's distress and highlight her/his strengths.
- Be prepared to respond if the victim says she/he is in imminent danger.
- Use information in a way that benefits the individual victim or that advances the development of good policies and interventions for trafficked victims generally.

The best form to respect these principles is to consider all the circumstances surrounding each victim.

¹² For an in-depth explanation of these principles, see Zimmerman, C., Watts, C., "Daphne Programme of the European Commission, WHO Ethical and Safety Recommendations For Interviewing Trafficked Women", World Health Organization (WHO), London School of Hygiene and Tropical Medicine, Geneva, 2003.

Victims are likely to be traumatized. Victims suffering from Post Traumatic Stress Disorder may not be able to comprehend what has happened to them and are unlikely to immediately recall in detail the events. They may display acute apathy or indifference and may be unable to provide a clear or coherent account of incidents. They may also invent plausible elements of any situation in order to fill in blanks in their memory. Therefore, the interviewer must be prepared to conduct a series of interviews over an extended period of time in conjunction with improvements in the victim's recall and subject to a psychologist's guidance, if possible.

Cases involving child victims are particularly sensitive, and require very special levels of care¹³. Wherever possible, a child victim should only be interviewed by a trained officer who has experience of conducting child witness interviews. The presence of a child psychologist during the interview should always be sought and a pre-interview assessment by the psychologist should be carried out so that the officer can obtain professional advice as to the levels of trauma, resilience and suggestibility of the child. The advice of the psychologist as to the nature and duration of the questioning must always be followed. National legislation is likely to require an independent presence, such as a parent, guardian or other counsellor, during any interview. The failure to ensure the presence of such an individual is likely to render the interview inadmissible as evidence.

Victims tend to have a background of hostility and distrust of authority. Investigators should pay particular attention to building essential rapport and trust with them. Hence, it is critical that the investigator is completely open and honest with the victim about every stage of the process. Reassurance and explanation are key factors when dealing with victims.

In all instances where the victim is required to express consent, it is suggested that it is recorded in written form. It may be useful to set out these principles on a formal document that the victim could be asked to sign to indicate her/his agreement to the terms. This would not only serve to reinforce her/his rights in these matters but also protect the investigator and the agency in respect of confidentiality and data protection issues.

The investigator should begin a record of all contact, both personal or by telephone, with the victim from the outset of the case and of contact with any other agency that affects the victim. The investigator should use the contact book to record any specific instructions given to the victim such as security measures, record of expenditure, prohibition on discussing the evidence, etc. It is most important to record all details in these areas because they are likely to be challenged in judicial proceedings.

Selection of the interviewer and interview conditions

The conditions and manner in which the victims are interviewed are vitally important for victims to provide the best quality information.

The investigator should be selected for her/his ability to treat the victim empathetically and to build rapport with her/him and the independent counsellor that will be present. Where at all possible, the interviewers should be of the same gender as the victim.

The interviewers should have a sound knowledge of trafficking and should be trained in the investigation of serious sexual offences since most victims of THB are likely to have been sexually abused. Most PSO's deployed at the moment do have special anti-THB units, which could assist in the training of such personnel. Ideally, the interviewer should have a working knowledge of the impact and implications of trauma upon trafficked victims. Wherever possible, the interviewer should have knowledge of any cultural, social or religious factors that may have an impact upon the reactions of the victim and her/his ability to develop a rapport with the interviewer. The interviewing officers should remain assigned to the victim for the duration of the investigation and trial so that trust and relationship can be maintained.

In the case of a foreign victim, it is essential to ensure that an interpreter in the mother tongue of the victim is present throughout, even in those cases where the victim appears to be proficient in the language of the country in which the interview is to be conducted. The interviewer will need to address complex issues and it is vital that there is no doubt as to the clear understanding of the questions on the part of the victim.

The interviewers should act in a manner that is respectful, professional and non-judgemental. They should seek to adopt the terms used by the victim in describing her/his exploiters and, in case of sexual exploitation, her/his "clients" and prostitution activities.

¹³ For an in-depth explanation of effective communication skills with child victims of abuse and human trafficking, see: Mitchels, B., "Let's talk, Developing effective communication with child victims of abuse and human trafficking, Practical handbook for social workers, police and other professionals", UN Children's Fund (UNICEF), UN Interim Administration Mission in Kosovo (UNMIK), UNICEF KOSOVO, Pristina, September 2004.

The interview methodology

It is important that the history is set out in a logical and sequential way. This is not easy for an investigator to achieve at the first attempt, particularly with a traumatized victim. It is worth spending time noting down the chronology and main points of the story so that it follows a logical order. These trigger notes represent the victim's first account and may become the subject of legal challenge.

In order to avoid that the witness credibility is challenged by the defence lawyer, it is essential to obtain sufficient evidence that is capable of independent corroboration to enable this presumption to be successfully rebutted. To achieve this, it will be necessary to explore events in as fine detail as possible. This will include detailed descriptions of factors such as venues, routes, clothing, persons, documents, or the decoration and furniture of rooms in which they were kept or assaulted. Experience has shown that when it is explained to the victims that the detailed questioning is intended to allow the interviewer to prove that the victims are credible, they will cooperate fully in the process and not resent the interviewer for carrying out the task. It is critically important to combine this explanation with a strict warning to the victim to tell the whole truth at all times, from the very beginning.

The chronology of the crime is very important in this type of case and yet often very difficult for the victim to recall with any degree of accuracy. To address this problem, it can be helpful to focus on dates that are naturally significant, such as the birthday of the victim, or some other significant anniversary.

The interview should be recorded disregarding the format, which could be either by having a written statement or a video deposition.

C - Interview checklist

The following checklist template is designed to enable the interviewer to adduce as much evidence as possible that will fulfil the evidential and legislative requirements identified in the Traff-Prot and which forms the basis of the majority of the new specific counter-trafficking legislations.

The checklist is divided into three parts:

- **The Full Story:** This part is aimed to establish the general points of the victim's story and the *modus operandi* of the traffickers in each of the three phases of:
 - Country of origin - recruitment and departure;
 - Country of transit - transportation;
 - Country of destination - reception and exploitation.

The questions contained in the first part of the checklist should be adapted according to the circumstances of each country of origin, transit and destination and its corresponding phases to reflect the difference in conditions.

- **Specific Details:** This second part poses specific questions concerning general corroborative details and the different components of THB, as advertising, renting, transportation, communications and finance.
- **Personal Suffering:** This last part seeks to understand the victims' rights that were violated throughout the process of her/his traffic, as any physical, sexual and psychological abuse. It is designed to elicit the detail of any of the forms of abuse common to this type of crime (e.g. rape, indecent assault, imprisonment and physical abuse, together with psychological factors such as fear, deception, etc.) and, as well, the impact of the crime upon the victim that would lead to a better support and assistance to the victim as a more accurate accusation of the suspects.

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SLIDES 3-6



THREE INVESTIGATIVE OPTIONS

RE-ACTIVE

Assessing the victim, obtaining the victim's testimony

PRO-ACTIVE

Intelligence gathering dissemination, pre-arrest, arrest, post-arrest

DISRUPTIVE

Intends on impeding the actual development of the crime, tactical options, overt police activity

3

STANDARDS for ACCESSING THB VICTIMS

- ✓ Honesty and openness
- ✓ Presence of an independent counsellor
- ✓ Allowance of a period of reflection
- ✓ Risk assessment
- ✓ Resolution of foreign victims residence status
- ✓ Provision of security for the victim and relatives
- ✓ Avoiding the accused and any of his/her associates
- 4 ✓ Provision of accommodation

4

DETAILS to be CLARIFIED to COLLABORATING VICTIMS

- Range of measures of protection available
- Whether personal data would be disclosed
- The manner to take the testimony
- Whether anonymity will be preserved
- Whether the testimony would be in presence of the accused
- The possibility for the victim not to attend the hearings

5

WHO PRINCIPLES on THB VICTIMS' INTERVIEW

- Treat each victim as if potential harm is extreme
- Learn each victim's case and associated risk before the interview
- Be prepared to provide information in victim's native language
- Adequately select and prepare interpreters and co-workers
- Protect respondent's identity and confidentiality throughout the interview process
- Make certain the respondent clearly understands the content and purpose of the interview
- Recognize that each victim has different concerns
- Do not ask questions intended to provoke emotionally charged responses
- Be prepared to respond if the victim says she/he is in immediate danger
- Use information in a way that benefits the victim or advances good policies and interventions for THB victims generally

6

HANDOUT 3¹⁴

◆ Checklist Part A - The Full Story

Country of Origin - Recruitment and Departure

1. Was the victim abducted? If so, when, where and how did it take place?
2. Where was she/he detained? Full description of premises, furnishing, etc.
3. Can she/he describe the conditions in which she/he was kept?
4. Or, was the initial contact between victim and trafficker voluntary? If so, who initiated the contact?
5. If not voluntary, what were the means of coercion; was she/he threatened or assaulted?
6. Where and when was the first contact made?
7. What was the method of contact -was it by advertisement or personal contact direct with a trafficker or through a third party?
8. What were the means of communication?

¹⁴ The checklist has been extracted from: International Centre for Migration Policy Development (ICMPD), Stability Pact Task Force on Trafficking in Human Beings (SPTF), Regional Standard for Anti-Trafficking Police Training in SEE, Vienna 2003.

9. What were the arrangements and what did the victim understand the arrangements to mean? What did the victim think she/he was going to be involved in? What exactly was she/he told? By whom?

10. Was the victim aware that prostitution was intended and, if so, what form of prostitution was discussed -was it street walking or within brothels or call girl agencies?

11. Was she/he deceived as to the real purpose -if so, what was she/he told she/he was going to do - was it legitimate employment such as office work or was it peripheral to the sex industry such as lap dancing or hostess work?

12. Where was she/he told she/he was going to live in the destination country and with whom?

13. What were the financial arrangements -did she/he pay any money in advance or was there an agreed 'debt bond' arrangement?

14. If so, how much was the debt bond for and long was she/he being given to repay it?

15. How were payments to be made; direct to traffickers in the country of destination or by bank or money exchange transfer to the country of origin or a third country?

16. Was she/he told that she/he might have to pay additional infrastructure costs in the country of destination such as the rent of brothel premises, sleeping quarters or advertising?

17. Did the traffickers know her/his home address or any details of her/his family or other loved ones; did they claim to know such details before she/he was trafficked?

18. Did she/he stay at any address other than her/his own prior to leaving the country?

19. Was she/he told how long she/he was going for and the route to be taken?

20. Did members of her/his family or other loved ones know of the arrangements?

21. Was any sum of money or other goods of value exchanged for her/him with a member of her/his family or other individual having some degree of control over her/him?

22. Was she/he smuggled out of the country or did she/he travel openly?

23. Was she/he sexually, physically or psychologically abused or unlawfully imprisoned before she/he was trafficked? If so, obtain full details as per Checklist C.

24. In relation to all of the above points, were there any witnesses to any of the events? If so, obtain full details.

25. What is the age of the victim and was her/his exploiter aware of this fact?

26. Obtain full descriptions of each of the suspects in the recruitment phase

Countries of transit - transportation

27. Date location and time of departure from the origin country and entry into the transit country.

28. Was the departure and entry covert or overt?

29. If covert, what was the method used; who was she/he with; what was the mode of transport and was the vehicle stopped at the border crossing point?

30. If overt, was she/he examined by a law enforcement official at the border crossing point; did she/he complete any documentation such as landing cards, customs declarations, etc.?

31. What identity and/or travel documents was she/he using? Obtain full details.

32. Were any persons travelling with her/him examined at the departure and entry points and were any documents completed by them?

33. Where was she/he kept and by whom? Obtain full descriptions.

34. How long was she/he in the transit country concerned and what was the nature of the conditions in which she/he was kept?

35. Was she/he physically, sexually or psychologically abused whilst in the transit phase? If so, obtain full details as per Checklist C.

36. Was she/he unlawfully imprisoned during this period? If so, obtain full descriptions of the method and the perpetrators - full details as per Checklist C.

37. Did she/he come to the notice of law enforcement or other agencies whilst in transit; was she/he stopped by the police or did she/he seek any medical treatment or claim any state benefits whilst in the country; did she/he complete any official documents for any reason? If so, obtain full details.

38. Was she/he required prostituting herself/himself whilst in the transit country? If so, obtain full details of the type of prostitution, venues, financial arrangements, etc.

39. Was the victim exploited in any other way whilst in transit?
40. Date, time, location of the departure point and means of travel from the transit country.
41. Who was she/he with and were they examined by departure officials; if so, were any documents completed?
42. Full detailed descriptions of any additional suspects, premises and vehicles appearing in the transit phase.
43. In relation to all of the above points, were there any witnesses to any of the events? If so, obtain full details

Countries of destination - reception and exploitation

44. Date, time and location of entry point into the country of destination.
45. Was the entry covert or overt?
46. If covert, what was the method used; who was she/he with; what was the mode of transport and was the vehicle stopped at the border crossing point; if by boat, where was the landing point and who met her/him?
47. If overt, what was the mode of transport; was she/he examined by a law enforcement official at the border crossing point; did she/he complete any documentation such as landing cards, customs declarations, etc.?
48. What identity and/or travel documents were she/he using; where are they and what are the full details?
49. Were any persons travelling with her/him examined at the entry point and were any documents completed by them?
50. Was she/he met by anybody at the entry point and by whom? If so, obtain full description.
51. Was she/he allowed to keep the identity and/or travel documents upon arrival or were they taken from her/him; if so, by whom and when was this done; where were the documents then kept?
52. What was the first address she/he was taken to; who took her/him there and how did she/he travel there?
53. On arrival, were other persons/victims present; what did the premises consist of; was the address a 'safe house' or the actual brothel she/he worked in; can she/he describe the premises in detail?
54. Was she/he unlawfully imprisoned or physically, sexually or psychologically assaulted at this initial stage? If so, obtain full details as per Checklist C.
55. What form did the exploitation take, prostitution, labour, servitude, etc.; was she/he engaged in prostitution?
56. At what point did the sexual exploitation as a prostitute begin; did she/he know that she/he was going to be involved in prostitution?
57. If not, at what point did she/he discover the truth and from whom?
58. What type of prostitution was she/he required to engage in; street prostitution or off-street in apartment or house brothels, sauna or massage parlours, hostess or lap-dancing bars or 'call girl' escort agencies?
59. If she/he was engaged in street prostitution; what red-light area did she/he frequent and how did she/he get there; was she/he supervised by a trafficker whilst she/he worked?
60. Did she/he come to the notice of police or other agency; was she/he stopped or arrested and prosecuted for soliciting; if so, when and where and what identity did she/he use?
61. If she/he engaged in off-street prostitution, where did she/he work and how did she/he get there; who took her/him to work; which of the traffickers were aware that she/he was working as a prostitute and how did they know; were they present in the brothel or on the street; was her/his work discussed; if so, with whom?
62. Was she/he supervised and if so, by whom; what degree of liberty did she/he have; could she/he leave the brothel or bar or agency un-supervised?
63. If there was supervision, who was involved and how did it work?
64. Did she/he work with other prostitutes and/or maids or receptionists; if so, can she/he name and describe them?
65. Was the brothel, bar or agency ever visited by law enforcement or other agency officials; if so, when, who visited and was she/he required to give her/his name and other particulars; if so,

what name and details did she/he use?

66. *Whether engaged in 'on or off-street' prostitution; what hours did she/he work and what services was she/he required to provide to the clients; was she/he allowed any degree of choice as to which clients she/he entertained or which services she/he provided; was she required to provide sexual services without contraceptive protection; if she refused, what were the consequences?*

67. *What was her/his ability to speak the native language; did she/he work from a written 'menu' list; if her/his language ability was limited, who translated for her/him with the clients?*

68. *What prices did she/he charge for her/his services; can she/he state her/his average daily earnings and estimate the total that she/he earned from prostitution during the lifetime of her/his exploitation?*

69. *What happened to her/his earnings; was it handed over to a trafficker/receptionist/'maid' after each client or did she/he hand it all over at the end of the shift; were any records kept?*

70. *Did she/he buy any items for her/his exploiters with her/his prostitute earnings such as jewellery or clothing; if so where and when, description and cost, existence and location of the items and any receipts?*

71. *At the conclusion of the shift, was she/he taken back to the 'safe house' or did she/he remain in the brothel premises; if she/he went to a safe house, how did she/he get there and who took her/him?*

72. *Was there a percentage split of her/his earnings between herself/himself and the trafficker or was all the money handed over; who instructed her/him as to the scale of charges?*

73. *Was there a debt-bond arrangement; if so, how much did she/he owe and at what rate was she/he required to repay the debt; how was it paid; direct in the country of destination or was it sent back to the origin country; if so, by whom and by what means; to whose account was the money credited; were any records kept of the repayments?*

74. *Was she/he required to pay additional infrastructure costs such as daily renting of premises or for advertisements; if so, was she/he told about these additional charges before she/he left her/his home country?*

75. *If she/he had been unaware at the point of departure that she/he was going to become a prostitute, what means as shown below were used to coerce her/him into doing so?*

76. *Was she/he threatened with or subjected to violent and/or sexual abuse; was she/he threatened with reprisals against her/his family or loved ones; or with exposure of her/his life as a prostitute to her/his family or through the media; were there any other control mechanisms such as cultural or religious points of coercion?*

77. *Were the same control mechanisms used to ensure that she/he complied with the instructions given to her/him by her/his traffickers?*

78. *What was her/his general degree of liberty; could she/he move about freely and what was her/his state of mind; did she/he believe that her/his traffickers would implement any of the control mechanisms outlined above?*

79. *Was it possible for her/him to escape or seek assistance from law enforcement agencies; if so, did she/he attempt to do so; if not, why not; what was her/his state of mind on these points?*

80. *Was she/he sexually, physically or psychologically abused or unlawfully imprisoned on any additional occasions - if so, obtain full details as per Checklist C.*

81. *Obtain full descriptions as to any persons, premises and vehicles that are part of the destination country phase and that are additional to those already mentioned in the origin and transit phases.*

82. *A final summary as to the circumstances in which she/he is making the statement; has she/he been rescued or did she/he escape by herself/himself?*

83. *In relation to all of the above points, were there any witnesses to any of the events? If so, obtain full details.*

◆ **Checklist Part B - Specific Details**

General Points

1. *There should be a full, detailed physical description of each named and un-named suspect together with descriptions of any vehicles and/or premises involved.*

2. *It is important to obtain as much detail as possible concerning the interior of any premises and*

vehicles involved in the crime. Description of entrances, locks, furnishings, ornaments or pictures or any other peculiar features about premises may later prove to be important.

3. Trafficked victims rarely know the registration numbers of vehicles they have been in so it is useful to obtain detailed description of the condition of the exterior and interior of any such vehicle, such as damage, window stickers, pattern of seat covers, toys hung on the rear-view mirror, etc.

4. The victim should always be asked if she/he has retained any documentary evidence such as receipts or copies of advertisements, etc. If she/he has, they should be immediately seized, secured and sealed in evidence bags. The exhibits should be described in detail and exhibited by her/him in the statement.

5. Trafficking victims should always be asked whether they have kept a diary of the events that have happened to them because they often do so. These diaries often include a detailed record of the money that has been earned in prostitution or other forms of exploitation and other vital evidential data. The interviewer will have to approach the issue sensitively because if one does exist, the victim may be reluctant to disclose it because it is likely to contain intimate and, as far as the witness is concerned, embarrassing material.

6. If the victim has kept a diary, it should be seized, secured and exhibited in the usual way after the victim has been allowed to refer to it during the making of the statement.

Advertising

7. If the victim responded to an advertisement:

8. Where did she/he see the advert - was it in a newspaper, magazine, contact directory, professional publication?

9. If so, which one and was it published locally or nationally, in which section did it appear - the personal columns, job vacancies?

10. Was it a radio or television advertisement - if so, what was the channel, etc.?

11. What was the exact wording of the advert - what was it offering and did it name a specific individual to contact?

12. Did it relate to well-paid foreign work or did it relate to bridal or escort agencies?

13. How was contact with the advertiser to be made - was it by personal visit, telephone, fax, e-mail or correspondence to an address or accommodation address such as a PO Box - if so, what were the numbers and details, etc.?

14. Did she/he keep a copy of the advertisement? If so, where is it?

Rentals

15. In relation to any premises that were involved at any stage:

16. If she/he was abducted, does she/he know where she/he was kept and can she/he describe the location and/or peripheral topographical features?

17. Did the recruitment involve a visit to an office or agency premises? If so, obtain full description.

18. Was contact made by a recruiting agent in a bar or nightclub; if so, obtain a full description of the suspect and the premises.

19. Was she/he taken to and/or kept at any private addresses prior to leaving her/his country?

20. What premises did she/he visit or be imprisoned at within any transit country? Obtain full descriptions.

21. Was she/he taken to any 'safe house' accommodation to in the destination country? If so, obtain full description.

22. Obtain full description of any premises in which she/he was required to engage in prostitution or other forms of exploitation - including detail of layout, decoration and any other peculiarities.

23. If she/he was taken to any other premises as part of the trafficking process, such as embassy visa sections, other government buildings, hospitals, clinics, language schools or letting agent premises - obtain full details.

Transportation

24. Was she/he taken out of the country covertly or overtly?

25. If covertly, by what means? Road, rail, ferry and descriptions.

26. If known, what was the exact date and point of departure and where was the border crossed?

27. What identity documents did she/he have and in what name and nationality?

28. Did she/he travel alone or was she/he accompanied by other victims and or traffickers?
29. If she/he travelled overtly, what identity documents were used; were they genuine or forged?
30. If forged, what name was used and how and by whom were they obtained?
31. Who took her/him to get the passport/identity document photograph and where was it taken?
32. If she/he used her/his own genuine passport/identity document or a forged one, was an entry/exit visa required?
33. If so, which embassy visa sections were visited; did she/he go in person or was she/he accompanied; if so, by whom; what date and time was the visit made; was any fee paid and by whom and by what means; was a receipt issued and was it date and time stamped; does she/he know the identity of the visa officer that dealt with the application; can she/he provide a description?
34. Were any other documents used to support the visa application, such as sponsorship letters, language school registrations, employments offers etc.? If so, what were the details and does she/he have copies?
35. Where were the travel tickets purchased and by whom?
36. By what means: cash, cheque or credit card and what name was the ticket purchased in?
37. What were the details of the carrier, coach, rail or ferry-company or airline?
38. What was the date and point of departure?
39. Was she/he accompanied to the port of departure? If so, how did she/he get there and with whom?
40. Did she/he travel with other victims and/or traffickers, commonly known as 'mules'? If so, obtain full details
41. Who checked in with whom and at what time; what luggage was checked in; were any purchases made at the port of departure and if so, by what means; what seats were issued and who sat next to whom on the plane, coach, etc.; were any duty free purchases made on the trip, if so, by what means and by whom?
42. Were departure control checks carried out; was she/he examined by an immigration official, border guard or customs officer before leaving; did she/he have to complete any forms; if so, who were they handed to?
43. On entry to the transit and destination countries, was she/he examined by an official and did she/he complete any entry documentation? If so, where and when and what name did she/he give?
44. Was any person travelling with her/him examined by an immigration official? If so, did they complete any documentation?

Communications

45. How was contact made between the victim and the traffickers; postal service, PO Boxes, landline phone, mobile phone, fax, or e-mail?
46. What were the numbers and/or addresses?
47. Did she/he see any billing and if so, what was the name of the subscriber?
48. If it was a mobile phone, what was the make and does she/he know the network provider; did she/he ever see it displayed on the phone screen?
49. Did the trafficker use a laptop computer or personal organiser? If so, what make were they and did she/he know any details such as access codes, email service providers, etc.?

Financial Transactions

50. The knowledge of such transactions on the part of the victim is likely to be limited but she/he may have become incidentally aware of evidential opportunities by a variety of means:
51. Banks, personal or business accounts and numbers, the location of the branch concerned.
52. At any stage in the recruitment and export phase, were bank cards, credit cards, traveller cheques or store charge cards used by traffickers? If so, where, when and for what purpose, i.e., to pay for the travel tickets; visa application; duty free goods, etc.?
53. Was foreign currency purchased prior to leaving? If so, where, when and how was it paid for?
54. Did she/he ever see rental or advertising billing or phone bills? If so, how were they paid and to whom?

◆ Checklist Part C - Personal Suffering

General Points

Abduction

1. Where, when and how?
2. Was violence used or threatened? If so, how was it inflicted and what were her/his injuries?
3. Were weapons used? If so, obtain full description.
4. Was she/he drugged in any way? If so, obtain details such as method of administration: injection, liquid, inhalation?
5. Was she/he told of the consequences for her/him if she/he tried to escape? If so, obtain full details concerning the nature of the threat and who issued it.
6. Was anything said? If so, what was said, by whom and in what language, dialect or accent; any names or nicknames used?
7. If she/he knows, where was she/he taken to and how was she/he taken there; how long did it take to travel from the abduction point to the detention point?
8. Obtain full description of the place of detention and surroundings. Could she/he hear voices or noises such as nearby trains or aircraft; any other detail to identify the location?
9. As stated above, obtain full detailed descriptions of the suspects, vehicles and premises.

Unlawful Imprisonment or Restrictions of Freedom

10. Where was she/he kept and for how long?
11. Obtain full description of the interior and surroundings of the location.
12. How was she/he imprisoned; was she/he physically restrained and if so, obtain details of restraints, locks, means of access and egress, keys and who had them?
13. If she/he was guarded, obtain full description of the guards and any conversations that took place.
14. What was the extent of the imprisonment; was she/he confined in one space or could she/he move around freely within a specified area?
15. Was she/he told of the consequences for her/him if she/he tried to escape? If so, obtain full details of the nature of the threat and who issued it.
16. Was freedom or liberty restricted (even if not imprisonment)? E.g. was she/he allowed access to medical care? Could she/he go shopping? Was she/he escorted or supervised when she/he left the premises?
17. In relation to the above points, were there any witnesses to any of the events? If so, obtain full details.
18. Obtain full descriptions of suspects, etc.

Physical and Sexual Assault

19. When did the abuse take place and on how many occasions? Exact dates where possible; use significant events to set the timing if exact dates cannot be ascertained (very often, the victim will report that the abuse was so frequent, even daily, that single events blurred into one).
20. Where did it take place? Obtain full description of the venues as outlined above: layout of the room, the bed, sofa, etc.; furnishings; ornaments; clothing worn and/or damaged; bedding, sheets, duvet, colour, type.
21. What was the exact nature and extent of the assault? Obtain full description of the injuries caused. Was the sexual assault vaginal or anal rape or forced oral or manual indecent assault? Obtain exact description of the state of penile erection, of the extent of penetration and whether ejaculation took place. Were condoms or any weapons or other implements used?
22. What was said to her/him during the abuse or threatened violence and by whom?
23. What was the context of the abuse - was it simply sexual gratification or was she/he physically or sexually assaulted in order to intimidate, coerce or train her/him; was it punishment because she/he had disobeyed instructions or attempted to escape?
24. Did she/he demonstrate physically or verbally her/his refusal or lack of consent and if so, exactly how did she/he do so? Did she/he inflict any injuries on her/his abuser during the assault? If so, describe the injury.
25. With sexual assaults, trafficked victims often report that they neither said or did anything to resist and that they simply submitted to the abuse in order to avoid a physical assault in addition

to the sexual one - it is vitally important to record this condition, not only because the assault can amount to rape notwithstanding that refusal or lack of consent was not demonstrated, but because it illustrates the complete subjugation and enslavement of the victim.

26. What was her/his physical condition afterwards? Concussion, continuous internal or external bleeding, vomiting and nausea, etc.

27. Did she/he tell any other person about what had happened to her/him? If so, obtain the full details of that person and what was said.

28. Did she/he require or receive any medical treatment for her/his injuries? If yes, obtain details of doctor, hospital clinic, record made, etc.

29. What was her/his state of mind and fear, both at the time and afterwards?

30. What was said or done afterwards; was she/he threatened with further abuse and, if so, in what context; did her/his abuser(s) express regret?

31. Obtain exact physical description of the attacker: any physical peculiarities such as tattoos, pierced ears, scars or marks, genital description and peculiarities, distinguishing voice or language or accent, odour or perfume, the condition of her/his teeth and nails, etc.

32. In relation to any of the above points, were there any witnesses to any of the events? If so, obtain full details.

ROLE-PLAYING SCENARIO

**Victim**

Your name is _____, you are _____ years old, single and although from a poor family in the north of Albania, you excelled at languages in school and can speak English. You also have a flair for dancing and always wanted to be a professional dancer. As times were very hard and no-one in the family had a job, ten months ago you answered an advertisement from the 'Work Abroad' employment Agency in Tirana, in a newspaper for dancers to work in France and you had applied for the job. You were sent a bus ticket so that you could go to Tirana to be interviewed. A respectable looking lady who called herself Vikki interviewed you and accepted you. In order to be able to get to France you had to borrow your fare from the woman and pay it back from your first months pay, but you were assured that you would earn so much money that this would not be a problem. A week later, you were taken by a respectable looking man, who called himself Aben, in a black Mercedes to a town in the south. There, Aben took your passport and ID card and all of your clothing and possessions. You were kept in a locked room and not allowed out or to telephone anyone. You were then hidden in a van and warned not to say anything, or else you and your family would be killed. You were taken across the border into Macedonia, to a house where once more you were kept in a locked room. You were told that you had to work as a prostitute to pay back the money that was loaned to you to pay for your fare before you could go to France and when you refused you were beaten and raped. You were also told that if the police found you, you would be raped and beaten by them, before being given back to the man who took you there as he is the Chief of Police in the area where you are now. If you tried to escape you were told that your family would have to pay for the debt and may be killed or beaten as well.

During the last ten months you have been forced to work as a prostitute in three different clubs, although you only know the name of the last one, 'The Lamplight Bar', where you have been regularly beaten and raped and have received no money. Last night, you managed to escape from the room as the window was accidentally left unlocked by Dragan, your current 'owner'. It was cold and had been snowing and you did not have a coat. You went into a park where you were found by Police Officers who did not believe your story and took to a Police Station. You were then taken to a hostel by someone else where you told the manager that you are prepared to give evidence against your traffickers, although you are extremely traumatized by your experience and cannot remember everything that happened. You have no documents to confirm your identity, and although wary of the police, you have already been seen by an investigator who appears to be genuinely concerned for your health. You are now waiting to be seen by the investigator again to be interviewed.

React to how the police treat you.

Investigator

You have been informed that a young female has been found in Gradski Park in Skopje and is claiming that she has been kidnapped and forced to work as a prostitute. Although she has no identity documents. The police officer who found her has told you that he thinks she is lying and that he believes that she is a voluntary illegal immigrant working on the street and should be arrested as such. You have had a short rapport-building meeting already in company with a counsellor and you are now ready to interview her properly. You both speak English.

Deal fully with the situation that you find.

Counsellor

You had been informed that a young female has been found in Skopje and was claiming that she has been kidnapped and forced to work as a prostitute. You have had an initial meeting with the girl with an investigator, who has now asked you to be present at the evidential interview, which will be conducted in English, which you speak.

Deal fully with the situation that you find.

OBJECTIVES

The primary objectives are:

- To test the participants' knowledge of the law with regard to human trafficking, interviewing and obtaining evidence to support a prosecution;
- To examine the participants' sensitivity and attitude towards a victim of trafficking and gender issues;
- To examine the participants' ability to resolve conflicts.

The secondary objective is:

- To examine the participants' communication skills with a victim of human trafficking

ROLE-PLAYING METHOD

Inside the classroom, make the front of the room an interview suite. A young lady is alleging that she is the victim of trafficking and is to be interviewed by a police officer. The interview should be carried out considering all the topics introduced in the previous activity and the interview checklists from Handout 3.

Volunteers should be requested, and then allocated roles by the trainer without anyone else seeing what their roles are.

Participants should evaluate the victim's responses to determine whether a reactive investigation applies to the case.

The trainer should let them play freely providing ongoing support. Observers should assess whether the interview was accurate enough and respected the victim's rights.

At the end of the role-play it is important to debrief the players properly. All role players are debriefed. As a role-play is more about the affective zone of learning, the trainer must first review the players in role, beginning with the principle characters and then going onto the secondary characters. The victim should be the first person to be debriefed and after making sure that this person is all right and able to answer the questions, the trainer should ask what happened and how they felt about the way in which they were treated. If not happy they should be asked to explain why. The trainer can then keep these players in role whilst the person who handled the situation is also debriefed, so they can challenge what happened whilst in role. Before starting the debriefing, it is important for the trainer to ask the players how they are feeling, particularly following emotive subjects such as being the victim of trafficking, to ensure they are able to take an effective part in the debriefing process. All players should be referred to by their role names, as it is the feelings of the role person that should be sought. The players should be sat apart from the rest of the class at this time.

Once all players have been fully debriefed or at the discretion of the trainer depending on what is happening in the classroom, the role players are brought out of role one by one by the trainer, now using their real names and thanking them in their real names for taking part. They must be checked to see if they are all right and are completely out of role. Observers then give their feedback according to their tasks as they relate to the role-play.

The trainer then completes the debriefing session by identifying all learning points, giving feedback where required and thanking all concerned for their efforts.

SECTION 3

THE PRO-ACTIVE INVESTIGATIVE OPTION

LEARNING OBJECTIVES



General objective

By the end of Section 3, participants will understand the mechanisms of appropriate proactive investigative operations in the area of THB.

Specific objectives

In particular, participants will be able to:

- assess the need of deploying a proactive investigation;
- identify the elements to gather valuable evidence on THB;
- develop or improve their skills on THB proactive investigations.

PROPOSED TRAINING STRATEGIES



ACTIVITY 1 Introduction to the topic

Methods Audio-visual, Lecture

Media Video “Victim’s Testimony: Key to Arrest Criminals” (EC, 2002)

Duration 15 min.

Proceeding After showing the video, the trainer will introduce the topic by providing some comments about the relevant points described in the video and will complete the concept with a brief lecture on Point A - basic text.

ACTIVITY 2 Aspects of the pro-active investigative option

Method Lecture, Visual aids, Brainstorming

Media Slide 7

Duration 10 min.

Proceeding The trainer will introduce the proactive investigative option and its advantages when victims are not willing or able to collaborate in the investigation (Points A and B - basic text). He/she will explain how THB victims’ condition in conflicted / transitional countries is exacerbated due to the cumulative effects of the crime they are subject to and the country’s situation, leading them not to collaborate in any THB proceedings. The trainer may use Slide 7. Participants will be encouraged to think of further reasons.

ACTIVITY 3 Intelligence gathering and dissemination

Method Article reading, Visual aids, Working groups, Discussion, Brainstorming

Media Handouts 4a and 4b, Slide 8

Duration 30 min.

Proceeding The trainer will distribute Handout 4a, which should be used as an example of reactive investigations, to half of the class and 4b, to be used as an example of proactive investigations, to the other half. She/he will then give them 5 minutes to read the two newspaper articles. Two participants should present the two different cases and the trainer will

promote group discussion through the following questions:

- Were the criminals/suspects arrested in the same country where the THB exploitation was taking place?
- Upon what evidence do you think the police decided the arrest?
- Do you agree with the methodology followed?
- Who other than the victims could have provided intelligence on the case?
- Do you think that the lifestyle of the criminals could have led to any evidence?
- Which are the advantages or the disadvantages of publishing such information on the newspapers?
- Would you identify the investigation as a reactive or proactive one?

The trainer should complete the trainees' responses with the information of Point B - basic text, assisted by Slide 8.

ACTIVITY 4	Pre-arrest, arrest and post-arrest pursue of evidence
Method	Lecture, Working groups, Feedback
Media	Slides 9- 14
Duration	35 min.
Proceeding	<p>Before splitting the class in three working groups, the trainer will give a short lecture to introduce the topic. She/he may use Slide 9.</p> <p>Later on and using Handout 4b, each group should be assigned a different stage of the Plakici's case and respond to the following questions according to their own working experience.</p> <p><i>Group A - Pre-arrest stage:</i></p> <ul style="list-style-type: none"> - Without victims' statement, how do you think the police gathered enough evidence to arrest Mr. Plakici initially? - Which techniques would you have used? Please explain them. <p><i>Group B - Arrest stage:</i></p> <ul style="list-style-type: none"> - Which evidence would you have used to arrest Mr. Plakici? - When and how would you have proceeded? - Do you think any further evidence was collected at the arrest? Which one? <p><i>Group C - Post-arrest stage:</i></p> <ul style="list-style-type: none"> - What evidence would you have looked for when first interviewing Mr. Plakici? - How would you have sought for it? - Which crimes could he have been convicted for other than THB? <p>The groups should be accorded 10 minutes for discussion.</p> <p>The trainer should then ask for their comments and complete the information provided by them as necessary (Points C, D, and E - basic text) assisted by Slides 10-14.</p>

Total duration: 90 min.

SECTION 3: SUMMARY



- ◆ The proactive investigation aims to the identification, arrest and prosecution of traffickers and the identification, sequestration and confiscation of their assets by using a combination of intelligence gathering, human and technical surveillance, undercover deployments and other investigative techniques.
- ◆ **Sources for intelligence gathering:**
 - Information provided by the victims or any person working in the THB sex industry;
 - Monitoring prostitution advertisements;
 - Information provided by former clients, informants, IGO/NGOs, carriers, etc.;
 - Relevant records collected from national and international databases;
 - Information provided by customs agencies, Foreign Affairs Ministries, social services agencies, Ministries of Health or Labour;
 - Financial investigation.
- ◆ In case of proactive investigation, the operational plan performed should identify:
 - Subject;
 - Intelligence profile;
 - Goal;
 - Strategy and tactics.
- ◆ **Evidence gathering techniques:**
 - Static and mobile surveillance;
 - Intrusive operations;
 - Undercover;
 - Test-purchase;
 - Controlled-deliveries.
- ◆ The arrest phase should take place when enough evidence has been gathered and should be timed and coordinated to maximize the opportunity of achieving simultaneously the capture of the suspects, rescue the victims and collect further evidence.
- ◆ After the arrest further evidence should be collected, as the background of the suspect linked to the history of the crime.

A - Aspects of the pro-active investigative option

People living in countries in armed conflict or post-conflict situations are affected in varied ways that usually result in lack of trust in law enforcement authorities to states of emotional shock in which they can hardly be asked to testify in criminal proceedings. This should be bared in mind when dealing with THB victims trafficked in such areas of distress. The suffering from the public general circumstances usually aggravates the trauma of a THB victim, who in regular conditions do already suffer from PTSD, making it even more difficult for them to be coherent about their testimony or even remembering anything about the crime they were subject to.

In this framework, the proactive investigation is an option for law enforcement officers to fill the gap of victims' lack of collaboration. This alternative implies the investigation, arrest and successful prosecution of traffickers and, where possible, the identification, sequestration and confiscation of their assets, without having to rely upon the cooperation and testimony of the victims, but by using a combination of intelligence gathering, human and technical surveillance, undercover deployments and standard investigative techniques.

The proactive option can be effectively deployed against THB disregarding the form of exploitation. Nevertheless, given that labour exploitation or domestic slavery is less visible than sexual exploitation, the tactical options are more limited in these cases, but many of the component parts of the option are still useful even in post-conflict countries.

The proactive investigative option is more effective in THB destination countries, where the profits derived from THB are managed, controlled and laundered at source, turning traffickers vulnerable. Actually, at the origin and transit stages, it may prove more difficult to carry out a successful investigation since THB exploitation has not yet occurred and victims are unlikely to provide consistent intelligence, as they are unaware of their destiny. However, it may still be possible to use proactive methods to attain evidence of THB activity such as recruiting and transfer and thus facilitate prosecution for such crime either within the jurisdiction of the country of origin or of transit.

Experience and best practice has shown that the proactive option is a very effective method to uncover trafficking for sexual purposes due to the marketing and advertising that traffickers develop. This could lead to the first investigative steps. Moreover, law enforcement officers in countries where a PSO is deployed should be especially alert since the presence of international personnel is a particular pull factor for traffickers, making PSOs staff traffickers' main target when exploiting their victims in the sex industry, leaving very specific marketing traces.

B - Intelligence gathering and dissemination

Proactive investigations may be especially useful in post-conflict situations as it relies mostly in personal skills and basic infrastructure. Actually, intelligence can be gathered from a wide variety of sources, as the information provided by victims or any person working in the THB sex industry, from madams to receptionists; or discovered by front-line police and border personnel.

It is useful to monitor prostitution advertisements; and analyse all information provided by former clients, registered informants, relevant IGOs and NGOs, airlines and other carriers that may potentially transport THB victims, and other open sources such as media reports and academic research.

Relevant records may also be collected from databases maintained by immigration services, customs organizations, Interpol or Europol, or other agencies that may supply information concerning nationality status, the issue of visas, residency permits, asylum or refugee applications. This is of main importance when investigating THB in armed-conflict countries, where people may be more vulnerable to become preys of traffickers as refugees or asylum seekers to abandon the chaos of war.

Valuable information could also be provided by customs agencies, Foreign Affairs Ministries, embassies and consulates, social services agencies, Ministries of Health or Labour.

The intelligence gathering activity must start at the lowest front-line level. Patrol officers can adduce valuable information just by observing and enquiring formal and informal contact networks, such as neighbours, postmen, cleaners and store employees. In-depth intelligence gathering would recognize as of relevance all indications related to bridal or escort agencies, travel agencies, safe houses, brothel premises, hostess bars and red-light districts.

Law enforcement officers dealing with THB cases should acknowledge such information to uncover the different stages of THB. This implies analysing all data provided to follow the key hints leading to details about suspects, victims, visitors and any other people involved; premises concerned; advertising mediums;

falsification and acquisition of identity and travel documentation and visa entitlements; means and travel routes; means of exploitation and communication; and financial transactions.

Financial investigation has a critical role in a successful investigation and further prosecution of THB criminals. THB is all about money, from the initial investment to create the infrastructure to recruit the victims to their transfer and delivery; or the on-going management of the proceeds of crime and laundering and movement of the profits.

People involved in such lifestyle have specific modes of travelling; acquiring luxury items or developing leisure activities that require some form of financial transaction. The proactive financial investigation of these areas always produces optimal results. For example, investigation of the purchase of travel tickets might reveal details of future travel arrangements which can then become the focus of surveillance activity at the exit and entry points; analysis of credit card expenditures may reveal details of the airline, hotel, restaurant or casino most regularly used by the criminal in any of the locations of origin, transit and destination and this intelligence can again be used in the allocation of surveillance resources. A proactive financial investigation may lead to identify the amount and location of the criminal assets derived from THB.

Evaluation and dissemination

The evaluation and dissemination of intelligence is a very critical aspect, since not all of it has the same reliability and the diffusion of certain information may put at risk the investigation itself. Some data may be unreliable or speculative. To be of optimum value to those who should react to it, the data should follow an assessment evaluation, which should include three components: its source, the information gathered as a whole and the consequences of the intelligence dissemination.

The gatherer of the information should carry out a risk-assessment on the effects of publishing the data according to a variety of factors that she/he should weigh carefully, to then decide any dissemination restrictions. When the data is thematic, derived from open sources and carries no risk to the individuals involved, there should be little reason to restrain or prohibit its promulgation. If, on the contrary, the intelligence is extremely sensitive and originates from a vulnerable victim or a special agent, then it should not be exchanged at all, particularly with new partners or with other agencies whose security proved to be problematic.

This poses a main problem since all information gathered should be confronted with data held by other local, national and/or international agencies in order to gain accuracy and establish intelligence links. The risk attached is the intrinsic dissemination of facts not ready to be shared that this confrontation may imply.

However, at the outset of each investigation, the analysis of every component to identify other agencies likely to be involved in a parallel investigation may contribute to further and better evidence gathering.

Considering the precarious conditions of infrastructure in countries in armed conflict or post-conflict situation, law enforcement authorities could rely in the databases maintained by international organizations such as Europol and/or Interpol and relevant NGOs; and/or foreign ministries and immigration services, especially from countries considered of origin, transit or final destination of THB victims. In these terms, the multi-agency approach is essential, as it brings the resources of the different agencies together to bear upon the investigation.

C - Pre-arrest pursue of evidence

Where a proactive investigation is possible, the investigator and the prosecutor should meet and convene the available options so as to identify and formulate the most effective and realistic plan leading to uncover a THB organization. There is no point in pursuing evidence that may be inadmissible or of no practical use to the prosecutor in the conduct of the trial. Any official with a key role in the investigation should be included in the consultation and planning process.

The following points should be considered:

- **Operational subject and intelligence profile:** The potential subjects to be investigated and all available intelligence should be reviewed and analysed.
- **Operational goal:** The overall objective of the operation should be specified, ranging from the rescue of the victims, arrest and prosecution of the suspects, identification and confiscation of the asset.
- **Operational strategy and tactics:** The strategy should be agreed and set out, including issues such as whether the operation should be confined to domestic level or whether it should require

international joint cooperation; whether multi-agency partners should be involved and if so, define their role; identify the tactical options to be deployed, such as human and technical surveillance, interception and controlled deliveries.

If the level of risk to current, outstanding and potential victims is not acceptable, the option of a proactive operation should not arise. However, having identified the risks, the law enforcement authorities can also set out a risk management plan to address the threats and advance in the investigation. The risk assessment should be updated throughout the operation as improvements arise in the investigation, continuously adjusting the strategy and tactics.

Evidence gathering techniques

- **Static and mobile surveillance**

Best practices consider that once substantial evidence points out specific people or premises that may be involved in THB, a first approach should imply a static surveillance. This first phase is designed to identify and understand the *modus operandi* and habits of the main actors in the crime. This phase of static surveillance aims at identifying the persons attending the suspected locations; their means of arrival and departure; all possible uses of the locations; the extent of freedom of movement and working patterns of the suspected victims; and any potential internal links.

Following, the mobile surveillance intends on establishing all personal addresses of THB suspects and victims. Mobile surveillance resources should pursue all key players to establish their whereabouts record. This may lead to the agencies used for the recruitment stage or to domain where the victims are held, where a new static surveillance should be deployed. The mobile surveillance may also disclose avenues of expenditure such as casinos and nightclubs or the expenditure of clothes, jewellery and/or vehicles acquired with the proceeds of THB.

All of this should lead to consistent information. As the main suspects are identified, they should be subject of a steady mobile surveillance to establish evidence of their criminal lifestyle. Two main hints to be addressed are their employment record and consuming habits. Most suspects do not have a legitimate employment, or if they do, it is intrinsically linked to the trafficking itself, being usually employed in illegal tourism, escort, bridal or employment agencies, brothels or strip bars. Nevertheless, notwithstanding the fact of not having any legitimate income, most of the times they leave traces by spending money which origin can hardly be justified.

For as difficult as this may seem in PSO areas, a proactive investigation is maximized by video recording all surveillance phases. Local authority or commercial systems located in the street or at locations that traffickers are likely to visit, such as airports, ferry ports, banking institutions or embassies may be of great use when analysing the criminals' routines. Other sources of corroboration imply all documentation that may be used to transfer the victims and launder the proceeds of crimes, such as personal IDs, visa applications, passports, other immigration documents, ticket bookings and bank transactions.

- **Intrusive operations, undercover and test-purchase, controlled-deliveries**

Other available evidence gathering techniques involve intrusive technical surveillance such as communications interception and tracking and listening devices; deployment of undercover and test purchase resources; and controlled deliveries.

Considering that countries in transition and PSO areas may not be in conditions of investing in infrastructure, undercover officers who are specifically tasked to penetrate the criminal network and establish the availability of certain evidential categories under-cover techniques, become a useful means to collect further evidence. Concealed miniature audio recording devices create an unassailable record of data, however the opportunity of utilizing such tools should be respectively assessed.

The same applies to test-purchase deployments tending to identify recruitment, transport or exploitation of trafficked victims. The officer acting either as a client in a brothel or a person seeking work, should focus on the methods of entry to the exploitation premises, characteristics of the individuals at such venues, the services offered, whether the people exploited speak the local language and show any signs of mistreatment, and price list and methods of payment, employment conditions and financial arrangements.

Controlled-delivery is a very dangerous technique since it implies law enforcement officers knowingly permitting THB to secure the identification and arrest of the perpetrators without losing control of the victims. Nonetheless, if any doubt arises about risks of losing control of the delivery, the tactic should not be implemented at all. If controlled-delivery is assessed to be feasible, the intervention should take place no later than at the point of departure or of border crossing, or when entering the country of destination.

This additional evidence gathering techniques aim at complementing the core evidential surveillance and they are likely to secure the good quality of evidence and provide early warnings about the commission of further THB-related crimes.

D - Evidence-gathering during the arrest

Arrests should only take place when sufficient evidence has been gathered to provide a reasonable prospect of successful prosecution. However, there is always the possibility that an arrest may need to be implemented at very short notice, as in the case of compromise of the surveillance or undercover officers or the sudden increase in the risk level to the victims. Therefore, it is advisable to have an arrest plan ready at any stage of the operation.

The arrest phase should be timed and coordinated so as to maximize the opportunity of achieving simultaneously the capture of as many suspects as possible, rescue the victims, and collect further evidence. Factors to be considered to schedule the arrest are, among others, the arrival of any anticipated controlled-delivery; any test-purchase deployment of controlled payment or undercover employment interview; or the intervention of other agencies involved in a joint international operations.

PSOs personnel could participate to grant the presence of interpreters, cameramen and still photographers, forensic examination teams, and provide information technology support.

The arrest teams should be divided into two segments, one to deal with the victims and another to take into custody the suspects. As said before, the video recording of the operation is of high importance. Within the limits of the available resources, all vehicles and premises involved should also be video-recorded before being fully searched and everything that may constitute evidence should be seized. Relevant data regards any documentation relating to the recruitment process, such as advertisement copies, appointment books, letters to foreign schools and credentials to consulate visa sections; any documentation relating to identification and travel (such as tickets, boarding cards and luggage tags); cash, credit cards, cheque books and any other documentation relating to financial transactions; documentation relating to the rental or lease of premises; all forms of communication and information technology equipment; and any valuable item illustrating expenditure in excess in possession of the suspects, such as vehicles, jewellery, furnishing or technical gadgets.

The victims should be removed from the arrest scene as soon as possible and not be taken to the same police venue as the suspects so as to restrict the traffickers' opportunity to intimidate them. Victims ready to provide evidence against the suspects should be advised by counsellors. Any evidence provided by the victim should be built into the interrogation of the suspects.

E - Post-arrest pursue of evidence

When interviewing a suspect involved in THB, the general background of the suspect should be addressed and linked to the history of the crime, such as her/his conduct in the country of origin if applicable, travel routes, accommodation arrangements, partners. her/his employment and income history as well as overall lifestyle may lead to information of relevance for the case.

At this point, all evidence collected throughout the surveillance phase should be in deep analysed, seeking to relate it as possible with the suspect's role in attempting or committing THB or any related crime, such as physical and sexual abuse, living on the earnings of exploiting their victims, the facilitation of illegal immigration, production and possession of forged or stolen documents, among others.

If it is not possible to convict the trafficker for the crime of trafficking due to the absence of this criminal figure in domestic law or because there is not enough evidence about the commission of such crime, conviction should follow for the associated crimes that come to light during the course of the proactive investigation. The main objective is to remove the trafficker from circulation to avoid further exploitation of new victims.

Sources

- European Commission, “Victim’s Testimony: Key to Arrest Criminals” (video), EC, Brussels, 2002.
http://europa.eu.int/comm/justice_home/news/conference_trafficking/index_en.htm
- International Centre for Migration Policy Development (ICMPD), Stability Pact Task Force on Trafficking in Human Beings (SPTF), “Regional Standard for Anti-Trafficking Police Training in SEE”, Vienna, 2003.
<http://www.anti-trafficking.net/uploadimg/Police%20Manual%20Final%20dez.pdf>
- UN Development Programme (UNDP), “Law Enforcement Best Practice Manual for Fighting Against Trafficking of Human Beings”, UNDP Romania, Bucharest, 2002.
<http://www.anti-trafficking.net/uploadimg/UNDP%20Law%20Enforcement%20Manual%20-%20Trainers.pdf>



THB victims' condition in conflicted / transitional countries is exacerbated due to the cumulative effects of:

- | | |
|--|--|
| <p>Armed conflicts</p> <ul style="list-style-type: none"> > Unemployment > Poverty and other economic difficulties > Shortage or lack of public services (e.g. electricity, water, etc.) > Shortage or lack of health assistance > Fear of being wounded or killed > Concerns about the well-being of the beloved ones > Impunity | <p>THB</p> <ul style="list-style-type: none"> > Deception > Coercion > Abduction > Fraud > Physical and psychological abuse > Exploitation > Threats > Fear of being wounded or killed > Fear of retaliation against beloved ones |
|--|--|

7

RANGE of INTELLIGENCE SOURCES

- > THB victims
- > Front-line police and border personnel
- > Monitoring of prostitution and related advertisements
- > Operatives in the sex industry (e.g. bartenders, doormen, receptionists, drivers, etc.)
- > General public
- > Intelligence provided by registered informants
- > Local, regional and national law enforcement databases
- > International law enforcement databases
- > Relevant inter-governmental and non-governmental organisations
- > Sea/Airlines and other carriers
- > Open sources (e.g. media reports, academic research etc.)

8

Investigators and prosecutors should agree on the following points of investigation:

- Subject(s)
- Intelligence profile
- Goal
- Strategy and tactics

9

PRE-ARREST - I

THE SURVEILLANCE OPERATION



10

PRE-ARREST - II

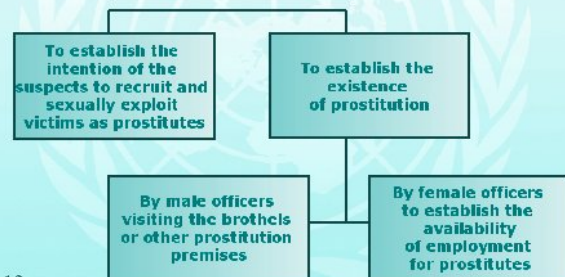
EVIDENCE GATHERING TECHNIQUES



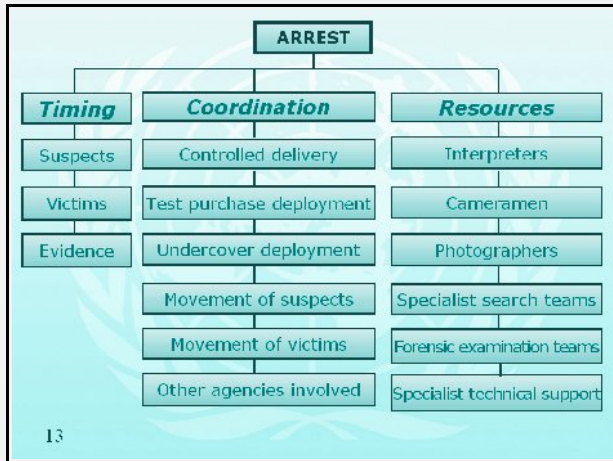
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PRE-ARREST - III

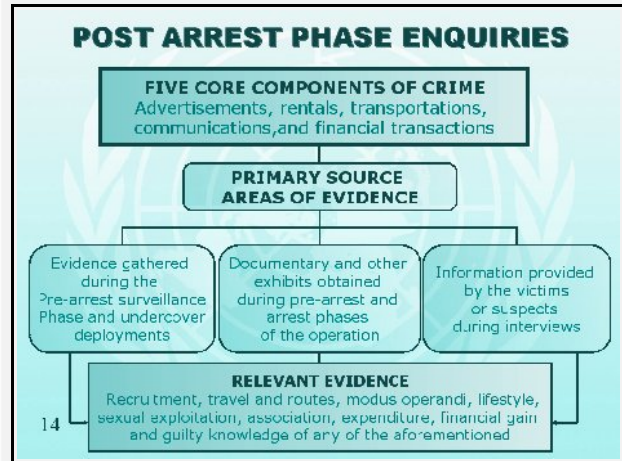
PURPOSE OF A TEST PURCHASE DEPLOYMENT



12



13



14

HANDOUT 4A



Friday, 6 December, 2002, 21:57 GMT
Montenegro officials face vice inquiry

By Matthew Price
 BBC correspondent in Belgrade



Human trafficking is rife across the Balkans

Police in the Yugoslav republic of Montenegro say they have started a thorough investigation following claims that senior political figures are involved in prostitution and human trafficking.

Among those arrested so far is the deputy public prosecutor.

The arrests follow claims from a 28-year-old woman said to have been smuggled from Moldova in eastern Europe.

Her story is horrendous.

After four years of being held captive and forced to work as a prostitute in Montenegro, she managed to escape.

She went straight to the police, local media reported, with a video and a list of names.

Among them was the name of the country's second most senior prosecutor.

Police arrested him and three others. They say more arrests will follow.

Human trafficking

The woman claims that senior figures in politics, the police and the judiciary are involved - not just in visiting prostitutes, but also in the huge and uncontrolled trade in human beings across the region.

She is now being looked after in a safe house. Police say she is in a terrible physical and emotional state.

But her claims are reported to have been backed up by other victims of trafficking in Montenegro.

Human trafficking and prostitution are rife across the region.

Charitable organisations say each year they take in up to 1,000 girls and women.

Many women are not able to escape from the places in which they are being held and some choose not to leave.

It is impossible to know the full extent of the trade, but many end up forced to work as prostitutes in western Europe.

HANDOUT 4B



Thursday, 29 April, 2004, 18:02 GMT 19:02 UK

Vice ring boss's jail time doubled

A 26-year-old former asylum seeker has had his jail sentence more than doubled for smuggling kidnapped women into Britain to work as prostitutes.

Albanian Luan Plakici was originally ordered to serve 10 years, but the Attorney General appealed.

The original 10-year sentence was increased on Thursday to 23 years by the Court of Appeal.

Plakici, who headed a £1m gang, was convicted of offences including kidnap and incitement to rape in December.

Attorney General Lord Goldsmith called the appeal court's decision "groundbreaking" and said it "sends a clear message that human trafficking is a despicable trade and one which we will not tolerate".

Lord Goldsmith said: "The Court of Appeal has given a clear indication of the need for substantial and deterrent sentences in human trafficking cases.

"I hope this judgement, one of the largest increases as a result of my appealing an unduly lenient sentence, will give the victims confidence to come forward."

'Harrowing ordeal'

The police detective who led the probe that led to Plakici's arrest and eventual conviction said he was "delighted" at the appeal court's decision.

It was the first time the court had considered a case involving the trafficking of women.

"Plakici exploited women for financial gain, terrifying his victims by beating and threatening to kill them if they did not comply with his demands," said Det Supt Mark Holmes.

"His victims have been through a harrowing ordeal. Not only were they raped, beaten, and falsely imprisoned, their hopes of a new life thwarted, but they had to go back through that ordeal in front of a courtroom."

The appeal court agreed with submissions made that the 10-year sentence was "unduly lenient".

The evidence, Lord Justice Latham said, showed Plakici was a key part of the international smuggling operation.

"It is plain from the account given by the girls and the offender himself, he lived extravagantly," he said.

"He travelled extensively, wore designer clothes and at the time of his arrest was in possession of a Ferrari and BMW."

In all, Plakici was convicted of 15 offences after a two-month trial at Wood Green Crown Court, in north London. The jury deliberated for three weeks before delivering their verdict.



Plakici married one of his young victims for her earning potentials

During the trial Plakici admitted facilitating the illegal entry into the UK of between 50 and 60 young women and seven counts of people trafficking.

Sex slaves

He even married one teenager before telling her she would be spending her wedding night working as a prostitute, forced her to have two abortions and then "return to work" within hours.

But he claimed he had gone no further than flouting immigration laws.

Police saw his conviction as a major victory, and Det Supt Holmes says the increase in Plakici's sentence "sends a clear message that the Met is determined to play its part in the fight against human trafficking."

After the original sentence was imposed, Beverly Hughes, then home office minister, praised the work by police and immigration investigators.

She also announced a pilot project that provides support to female victims of trafficking would receive Home Office funding of more than £700,000 for another year.

Two-month trial

Seven of Plakici's victims - from Romania and Moldova - gave evidence in the trial.

The court was told how they were lured from loving families with promises of a wealthier life in the west.

Instead the women were treated as prisoners and were bought, sold and sometimes raped on their journey to this country.

After they cleared immigration with fake passports, gang leader Plakici would find massage parlours for the women to work at.

They were told they had no option but to work as prostitutes, entertaining up to 20 men a day, seven days a week, in order to pay back their £8,000 "travel bill".

Another accused, 20-year-old Ismet Islami, of Palmers Green, north London, was found not guilty of one count of rape.

SECTION 4

THE DISRUPTIVE INVESTIGATIVE OPTION

LEARNING OBJECTIVES



General objective

By the end of Section 4, having actively attended the group sessions, studied all the topics presented in it, and developed a meaningful work in the solution of the exercises proposed, participants will be able to understand the disruptive action techniques in cases where the reactive and proactive investigative options are not appropriate or possible.

Specific objectives

In particular, participants will be able to:

- assess the potential tactical options of a disruptive operation;
- identify the tactical options selected to disrupt a THB organization.

PROPOSED TRAINING STRATEGIES



ACTIVITY 1 **Tactical options**

Method Lecture, Visual aids

Media Slides 15 and 16

Duration 5 min.

Proceeding The trainer will introduce the disruptive investigative option and its advantages and disadvantages (Point A - basic text). She/he may use Slides 15 and 16 for the presentation.

ACTIVITY 2 **Best practice points**

Method Lecture, Working groups, Brainstorming, Visual aids

Media Handout 5, Slides 17 and 18

Duration 25 min.

Proceeding The trainer will explain to the participants that rumours have reached the police about THB victims being exploited in the surroundings of Sarajevo's airport. He/she will ask participants to gather in groups and then distribute Handout 5. Each group should analyse the information provided in the advertisement and discuss the possibility of THB victims being exploited in such locations. The trainer should ask to respond to the following questions:
- What tips lead you to believe it is not a regular restaurant?
- What would you do if you knew many girls have been for a long time exploited there?
The trainer should complete the participants' responses (Point B - basic text) using Slides 17 and 18.

ACTIVITY 3 **Overt police activity**

Method Working groups, Brainstorming, Feedback

Media Handout 5

Duration 20 min.

Proceeding Still in groups and using Handout 5, participants should answer the following

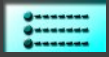
questions:

- Would you deploy an overt police activity in front of such “restaurant”? Why?
- Which results would you expect?
- Do you think that by having closed this restaurant the problem of THB is in any form solved?

Ask participants to justify their answers and support the discussion (Point C - basic text).

Total duration: 50 min.

SECTION 4: SUMMARY



- ◆ **Disruptive option:**
 - Takes action against the weakest points in the trafficking structure;
 - Does not provide a straight solution to trafficking crime;
 - Does not necessarily result in the conviction and imprisonment of the traffickers;
 - May result in the displacement of the problem to another location.
- ◆ **Advertising:** The provider of this service can be seen and the facts pointed out.
- ◆ **Rentals:** disruptive actions can be employed against the owners, landlords or letting agents of any relevant premises in the network.
- ◆ **Transportation:** Disruption in this phase depends on the level of cooperation between the origin and the immediate destination country.
- ◆ **Communication and financial transactions:** There is a very little scope for disruptive actions in these categories because of the strict regulations concerning to clients' confidentiality and private data protection.
- ◆ **Overt police activity:** Police immediate intervention should only be deployed in cases of proven emergency.

A - Tactical options

In cases where the reactive and proactive investigative options are not appropriate or possible, the disruptive option becomes useful.

It could be the case of post-conflict situations, where the reactive option is not possible due to the particularly difficult situation of stress of victims or where proactive investigative techniques may not be viable due to the impossibility to put surveillance systems into place or even because immediate action may be required to secure the safety of victims. The underlying intention is to address the problem in circumstances where full investigation, further arrest and prosecution are not viable for a variety of reasons.

At this regard, the disruptive option:

- will not provide a solution to trafficking crime;
- will not result in the conviction and imprisonment of the traffickers;
- will probably only result in the displacement of the problem to another location.

There is a range of tactical disruptive options that can be deployed, which do not adhere to any sequential pattern. The convenience and timing of the deployment of different tactical options should depend entirely on the circumstances of each case. The response should be flexible; where one tactic fails to generate the required response, another approach should be considered. Actually, the decision to use the disruptive option and the selection of the tactics and timing should be evaluated through the risk assessment process.

A key factor in the use of the disruptive option is that the effectiveness of the disruption will depend upon the available legislative powers and procedures. It must be a matter for local decision whether some degree of proactive enquiry should be necessary to gain some evidence, prior to implementing the tactics and enforcing the relevant laws, or whether local legislative conditions empower law enforcement agencies to effect the disruption on the basis of intelligence reports only.

The quality of the available intelligence - emanated from different sources, as informants, victims, other agencies, intelligence monitoring activity, or residential complaints, among others - should also be of relevance when determining the tactic to follow.

The goal of the disruptive technique is to analyse the intelligence so as to target and take action against the weakest points in the trafficking structure. The selection of the agencies best placed to carry out the operation is also a sensitive issue to solve. Most usually, this operation is developed by either the local police; border guards and immigration services; customs agencies; taxation authorities; the ministries of Foreign Affairs, Health, Environment or Labour; the fire services; local municipal authorities; airlines and other carriers, among others.

Given that some intelligence must exist to impel any intervention, legal powers relating to issues such as the protection of child victims, illegal immigration or labour, or the prevention of serious crimes are likely to be available to the investigator.

Disruption does not always achieve the desired outcome on the first occasion and may have to be repeated. It is important therefore to have detailed records of what has already taken place in order to strengthen the action if it has to be repeated.

B - Best practice points

Advertising

Where the recruitment method involves the placing of advertisements, the advertising service provider can be seen and the facts pointed out. This will apply irrespective of the advertising medium. Seeking cooperation is usually the best way forward but it is always worthwhile indicating any legal liabilities the service provider may be running, such as knowingly aiding and abetting trafficking crime or illegal immigration, etc.

Where appropriate, a formal letter can be served pointing out these facts and the individual concerned should be asked to countersign a copy acknowledging receipt.

If legal power exists to do so, any documentary records relating to the placement should be inspected for compliance with legal duties and taxation regimes. Copies should be obtained where possible. The

service provider should be left in no doubt that the activity will continue to be monitored by law enforcement officials.

In the destination countries, the providers of the prostitution-related advertising services should also be seen using the same tactics as above. Where the advertisement is explicit, the provider can be reminded of legal liabilities in respect of aiding and abetting prostitution, etc.

In all cases, copies of the advertisement should be retained and full records kept of the action that has been taken.

Rentals

Similar action to that employed against advertisers can be taken in respect of the owners or letting agents of any relevant premises in the network. This may apply to premises used to conduct recruitment interviews or bars or clubs where such activity may take place; to safe houses where victims are kept, either before or after transportation, and any premises involved in the provision of the prostitution services.

In relation to brothel premises, it is always worth considering the deployment of a test purchase operation prior to disrupting the premises. It is important to have evidence available, not only of the actual activity itself but also of the fact that the activity constituted commercial usage of the premises. Many of the legal breaches that will be detected may depend upon residential premises being put to commercial use that would radically alter the local taxation position.

Furthermore, the premises themselves may be vulnerable to a range of local regulatory measures. Where they are being used for commercial purposes, whether as brothels or escort agencies or offices for interviews, they should be inspected for compliance with fire, labour, health, environmental and taxation regulations. Indeed, this can often lead to immediate closure of the premises, while the other failures will lead to some form of financial penalty. Hence, the aim of such visits is to create so many problems as to make the trafficking operation untenable at that location. The inspections should be carried out together with officials from the various multi-agency partners.

The owners, landlords or letting agents should be interviewed, records inspected and copied and reminders given as to their legal liabilities. In the case of premises being used for prostitution, it is particularly important to serve a written letter pointing out the fact and setting out their legal liability regarding offences such as brothel keeping and living on the earnings of prostitution. The effect of such a written notification is to remove any chance for the owner or agent to claim that she/he had no knowledge of the situation at a later date.

Transportation

What can be achieved within this category very much depends upon the available intelligence concerning the methodology of the transportation phase. The effectiveness of this form of disruption may also be dependent upon the level of cooperation between the origin and the immediate destination country.

If the transit phase involves visas and relevant application forms, close liaison with the relevant embassy may allow for disruption. This is particularly so if the intelligence indicates that the same names keep appearing on sponsorship letters or the same employment contractors or venues appear on documentation generated within the country of origin or destination.

Where the travel route is known, enhanced border checks and interventions at each stage of the travel route will make life difficult for the trafficker.

If the same travel agencies and carriers are involved, liaison with them will usually prove fruitful. Where there is intelligence to suggest some level of complicity or lack of compliance with regulations, the intervention should be backed up by enforcement checks to ensure that local regulations are being complied with, together with full inspection and copying of relevant documents.

In this type of case, prior liaison with the border guards and other supervising agencies, such as the immigration service or ministries with responsibility for the licensing and regulation of travel companies and carriers, will be worthwhile. Where possible, officials from such agencies should be present during any visit.

Where the intelligence links indicate proper and lawful commercial activity on the part of the agency or carrier, the liaison should be based upon joint cooperation.

Communication and financial transactions

On the contrary, there is very little scope for disruptive activity within the categories of communications and financial transactions for the following reasons.

In the majority of cases, telecommunications companies have legal requirements to provide communications services to customers, irrespective of the use to which they are put and this restricts the opportunities to disrupt the traffickers by interfering with their means of communication. Subject to local legislation, it may be possible to approach a telecommunications provider with evidence that a particular telephone number, website address or fax number is being used to facilitate trafficking crime and they may agree to block the line or withdraw the service altogether. However, they are usually reluctant to do this for commercial and legal reasons.

As with communications, there is a very limited range of disruptive options within the category of financial transactions. Banking and other financial institutions are usually strictly limited by regulations concerning client confidentiality and data protection and are not usually able to provide much assistance in disruption operations. Where agencies are being used for the frequent transfer of money from the country of destination to the country of origin or a third country, it may be possible to establish liaison in order to have enquiries made when these transactions are being carried out.

C - Overt police activity

If all of the above disruptive activities fail, or as a complement to them, straightforward overt police activity will usually disrupt trafficking crime, particularly in cases concerning trafficking for the purposes of sexual exploitation.

It works because trafficking for sexual exploitation involves both criminal and furtive behaviour: traffickers, victims and the clients of sexually exploited victims, in general, do not wish to come to the attention of the police.

As a result, the deployment of uniformed officers to the immediate vicinity of brothels, saunas or massage parlours or outside recruitment premises such as offices, agencies or bars, will severely disrupt the daily business of the trafficker. This is particularly so in the case of the prostitution premises as very few clients will run the gauntlet of a uniformed officer standing outside the address. Where there are no clients, there is no money and therefore no profit and, thus, very quickly no brothel at that location.

But bear in mind that this is only a disruption - the brothel will be quickly re-opened at a new location.

Sources

- Ferguson, A., “U.N. probes abuse claims at brothel in Bosnia”, in *Toronto Star*, 4 November 1993.
<http://www.peacewomen.org/un/pkwatch/News/pre01/probes.html>
- UN Development Programme (UNDP), “Law Enforcement Best Practice Manual for Fighting Against Trafficking of Human Beings”, UNDP Romania, Bucharest, 2002.
<http://www.anti-trafficking.net/uploading/UNDP%20Law%20Enforcement%20Manual%20-%20Trainers.pdf>

SLIDES 15-18



THE DISRUPTIVE INVESTIGATIVE OPTION

- Not a solution for THB phenomenon
- Intends on impeding the actual development of the crime
- Hardly ever results in the conviction and imprisonment of the traffickers
- May only cause the displacement of THB

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The effectiveness of the disruption will depend upon:

The available legislative powers and procedures

The quality of the available intelligence

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Multy-agency co-operation should involve:

Local Police	Border guards and immigration services	Customs agencies	Taxation authorities
Ministries/ Agencies of Foreign Affairs, Health, Environment and Labour	Fire services	Local municipal authorities	Airlines and other carriers

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BEST PRACTICE INVESTIGATIVE HINTS

Advertising	Rentals	Transportation
Advertising service provider: compliance with legal duties and taxation regimes	Owners, landlords or letting agents of any relevant premises: compliance with local regulatory measures	Liaison with the relevant embassy to check visas and visa application forms
	Premises used for commercial purpose: compliance with fire, labour, health, environmental, and taxation regulations	Liaison with Border Guards to enhance border checks and interventions at each stage of the travel route
		Liaison with the travel agencies and carriers involved

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HANDOUT 5



SONJA'S KON-TIKI
RESTAURANT – NIGHTCLUB

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- ♥ Beautiful waitresses
- ♥ International Cuisine

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right across the airport!
Opening hours 7pm – 3 am

CLOSING

LEARNING OBJECTIVES



General objective

By the end of the closing session participants should have a clear understanding of the key issues they have learnt from this Module and will be aware on the new skills and knowledge achieved.

Specific objectives

In particular, participants will be able to:

- apply the concepts learnt concerning to THB;
- manage the skills and the knowledge acquired;
- appraise the subjects studied.

PROPOSED TRAINING STRATEGIES



FINAL ACTIVITY: [Learning assessments and conclusions](#)

Method Cards-game

Media Cards

Duration 30 min.

Proceeding The trainer will introduce the final activity and state that it intends to sum up all the information acquired throughout the Module.
She/he will then hand out a card per participant and will explain that some cards have questions as some others contain the corresponding answers. Answers and questions' cards should have different colours.
Participants should find their match and get in couples as they do so.
The trainer should then ask for couples to present their questions and answers. The trainer should let them widen the response if they feel so.
The trainer should make sure that there are enough matches for the participants attending the course. If the number of participants is uneven, then the trainer should participate as well.

Total duration: 30 min.

CARDS



1. Why should foreign victims be granted residence permits in the countries where the THB investigation takes place?

Because it creates the basis for victim support and protection, and it may also foster prosecution and conviction, as victims having a valid permit to stay in the country are more eager to collaborate.

2. Which basic measure should be taken where a foreign THB victims' is repatriated?

Contact should be established with the local IGO/NGOs in the victim's country of origin. Their capacity to support the victim should be assessed. Sufficient time should be ensured before the repatriation to make all the arrangements to grant victims' safety and assistance.

3. What elements of the cooperation process should the victim be aware of?

The victim should be aware of the range of measures of protection available, whether her/his personal data will be disclosed and the possibility of staying anonymous, the manner to take her/his testimony and the potential presence of the accused.

4. What are the most relevant points in a THB victim interview checklist?

The investigator should inquire about the full story -from the recruitment to the exploitation-, all the specific details concerning the general corroborative components of the case, and the personal suffering of the victim (the rights that were violated, any physical or psychological abuse, etc.).

5. How is a THB victim's situation exacerbated when trafficked to an area of conflict?

The personal suffering of having been deceived, abducted, physically and psychologically abused, threatened and exploited among others, they face the cumulative effects of armed conflict: lawlessness and impunity, fear of being killed, poverty, lack of health assistance, etc.

6. What is the range of intelligence sources in a THB proactive investigation?

Front-line police and border personnel, information revealed in prostitution advertisements and other locations where the sex industry is developed, data provided by registered informants and the general public, IGO/NGOs' databases, among others.

7. Please identify the advantages and disadvantages of a THB disruptive action.

This option intends on impeding the actual development of THB and rescuing the immediate victims. Nonetheless, this is not a solution for the THB phenomenon as it causes its displacement and hardly ever results in the conviction and imprisonment of the main traffickers.

8. Which are the investigative hints a disruptive action should follow according to best practice?

Sex industry advertisements, premises used for such activities, information from embassies concerning visas and visas' application forms, from Border guards to enhance border checks and interventions at each stage of the travel route, information from travel agencies and carriers.

9. Why is international cooperation so critical when fighting THB?

Because it is a regional and global phenomenon that cannot be dealt effectively focusing only at national level. That would simply imply traffickers moving elsewhere. THB is an offence transnational in nature.

10. According to the UN-TOCC and its Supplementary TraffProt, which are the offences State parties should establish jurisdiction upon?

Participation in an organized criminal group (Art. 5 UN-TOCC), laundering of the proceeds of crime (Art. 6 UN-TOCC), corruption (Art. 8 UN-TOCC), obstruction of justice (Art 23 UN-TOCC), trafficking in human beings (Art. 3 TraffProt).

11. How would you protect a THB victim during a criminal proceeding?

Avoiding testimony repetitions, granting her/his privacy and anonymity, deterring secondary victimization, avoiding confrontation with the accused, detaining the suspect before hearings as possible.

12. Why is the independence of the judiciary crucial when fighting THB?

Because the restitution of the victims' rights relies upon the effectiveness of the judiciary system in convicting the traffickers. The corruption of public officials, on the contrary, relays among the main root causes for THB to spread, as the offenders know about the impunity of the system.

CONCLUSION OF THE COURSE

LEARNING OBJECTIVES



General objective

This final section aims to summarize and conclude the concepts introduced in the course, review the learning outcomes, and sum up the key issues that should be considered by international law enforcement personnel deployed in PSO areas.

Specific objective

In particular, the final evaluation aims to determine the value and the efficiency of the training course and analyse and assess its quality and contribution to improve the trainees' capacity to prevent and fight THB when deployed in PSO areas.

PROPOSED TRAINING STRATEGIES



ACTIVITY 1 Learning assessment and conclusions

Method Audio-visual, Brainstorming

Media 'Lilja 4-ever' (film), Projector

Duration Movie: 70 min. After the movie: 15 min.

Proceeding 1) The trainer should welcome participants to the last working session and show the film 'Lilja 4-ever'.
Summary of the film 'Lilja 4-ever: Lilja is 16 years old. Her only friend is a young boy. They live in a poor village in the Soviet Union, fantasizing about a better life in the US. One day, Lilja falls in love with Andrej. He is going to Sweden, and invites Lilja to come along and start a new life. Lilja is deceived and once at her destination she is forced into prostitution. The film deals with the general extent of such terrors, and the loopholes that transnational organized criminal groups can exploit when trafficking in human beings.

2) Once the film is over, the trainer will guide participants in a debate that should cover all the arguments dealt with during the course. The trainer should provide support and let trainees draw the final conclusions focusing on the intended outcomes of the programme.

The trainer can take the following questions as examples:

- What in Lilja's background rendered her vulnerable to traffickers?
- Abducted as she was in a house, what evidence do you think the police could have had to know about her case?
- Why do you think Lilja avoided the police when she ran into them?
- Imagine a different ending: do you think that the local authorities would have repatriated her? Was that advisable? Why?

ACTIVITY 2 Closing remarks of the trainer and final evaluation of the training course

Method Feedback, Filling the final evaluation forms

Media Final evaluation forms, Pens

Duration 20 min.

Proceeding The trainer will express her/his own opinions in relation to the training

CONCLUSION OF THE COURSE

programme, and present key conclusions by considering and summarizing the full training course.

Before handing out the written evaluation forms, the trainer will encourage people to express their thoughts on the course.

The goal is to identify the achievements of the programme and get participants to suggest any potential improvement.

Participants will be asked to give their own assessment of the programme commenting on its positive and negative aspects. Since the written form will go into details, a simple question will be enough to start the discussion:

- Did you feel comfortable dealing with this topic?
- Do you think the course was wide and accurate enough?
- Did the programme fulfil your expectations? Why / why not?

It is important that the trainer and relevant experts commit to take specific action after participants' appraisals.

Finally, the participants will be invited to complete the final evaluation form to provide a written assessment of the whole training programme. The trainer should request that answers are as detailed as possible. At this point, participants should be given as much time as they may need to articulate their concerns.

The programme should be concluded with thanks to all participants for cooperating and sharing their knowledge and experience, and to those who made it logistically possible for their time and collaboration.

The follow-up evaluation should also be introduced.

Total duration: 105 min.

Final evaluation form

Training feedback form

We are interested in knowing your opinion on the contents, methodology, additional material and general organization of this course. Please feel free to provide your personal assessment of it. Take the time you need to fill in this form. All your responses will be taken into consideration in future training programmes. Anti-THB in PSOs is a delicate issue that requires transparent and effective training; please let us know about your experience.

Part 1: Course content:

- a) Do you think the activities covered the main subject in a complete manner? Do you have any suggestions?

- b) The most interesting and useful sections of the course were (please clarify the reasons):

- c) The least interesting and useful sections of the course were (please clarify the reasons):

CONCLUSION OF THE COURSE

d) Please evaluate the following according to this scale:

1 = Poor; 2 = Fair; 3 = Good; 4 = Very good

Topics	Grade	Additional comments
Clarity of the objectives		
Length of the course		
Module contents a) Core Module b) Module on LEA specificities		
Training methodology		
Adequacy of the material		
Organization of the course		
Training effectiveness		

e) Do you think that the overall objective of the course was achieved? (Please clarify the reasons):

Part 2: Comments and suggestions

a) Are there other topics and activities that could be included in the course? Please describe.

b) Are there topics and activities that should be removed from the course? Please describe.

c) Further material that should be taken into consideration.

d) How do you think this training will affect your work?

e) Do you have any other comments, suggestions or information?

Thank You

Trafficking in Human Beings and Peace-Support Operations

**Pre-deployment/In-service Training Programme
for International Law-enforcement Personnel**

FOLLOW-UP EVALUATION

As a former participant in the training programme, we are interested in getting a feedback on the course and its real use in your daily working routine.

Thanks for your collaboration.

Training Feedback Questionnaire

After four months, how much do you remember about the course? Please tick (X) the grade from 1 (poor) to 3 (very well).

1 - Poor	2 - Fair	3 - Very well

a) What impact did the training programme have on your work?

b) Could you apply the skills/knowledge acquired once back in your daily working routine? Whether your answer is positive or negative, please explain.

c) Have you dealt with any THB cases since you attended the course?

d) Were the circumstances you faced in terms of THB very different to the ones described during the course? Please, describe.

e) Did the course modify your attitude, behaviour or skills when dealing with THB?

f) Did you need additional instruction on THB? Did you attend any additional training on it?

g) Did you run into any interesting material that should be included in the course?

h) Do you have any other comments or suggestions?

Thank You

ANNEXES

A - Glossary

- Abduction:** One of the means of trafficking listed in Article 3 (a) of the UN Trafficking Protocol. It is the act of leading someone away by force or fraudulent persuasion (source: *A Handbook of Criminal Law Terms*; St. Paul, Minnesota, West Group, 2000).
- Abuse of a position of vulnerability:** One of the means of trafficking listed in Article 3 (a) of the UN Trafficking Protocol. It refers to any situation in which the person involved has no real and acceptable alternative but to submit to the abuse (source: *Travaux préparatoires - UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000*).
- Abuse of power/authority:** One of the means of trafficking listed in Article 3 (a) of the UN Trafficking Protocol. It occurs in situations where a person such as a relative or employer, who has power over another person, denies the rights of the dependent person.
- Acute armed conflict:** Ongoing military fighting between different factions within one country, across borders or internationally.
- Bonded labour:** Work or working people whose service is rendered under conditions of bondage arising from economic consideration, notably indebtedness through a loan or an advance. Where debt is the root cause of bondage, the implication is that the worker (or dependents or heirs) is tied to a particular creditor for a specified or unspecified period until the loan is repaid (source: *ILO Report on Stopping Forced Labour, 2001*).
- Carousel system:** A method of moving or rotating trafficked victims from one place to another, both within a country and across international borders. This is so-called mobile prostitution, which is organized by the more sophisticated middle-size groups, and ensures that brothel owners and procurers have a constant supply of new trafficked persons. When the law enforcement risk grows too high, victims are sold or exchanged to other criminal organizations which give them a new identity.
- Case law:** Also called 'decisional law'. It is law established by judicial decisions in cases, as distinguished from law created by legislation (source: *Dictionary of Law, Springfield, Massachusetts, Merriam-Webster, 1996*).
- Civil law system (or statutory law):** Law inspired by old Roman law, the primary feature of which was that laws were written into a collection; codified -not determined by judges as in common law. The principle of civil law is to provide all citizens with an accessible and written collection of the laws which apply to them and which judges must follow (source: *Duhaime.org, on-line Legal Dictionary*).
- Child:** Any person under 18 years of age. (Art. 3 (d)) *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000*).
- Child labour:** Refers to work that is mentally, physically, socially or morally dangerous and harmful to children: that interferes with their schooling by depriving them of the opportunity to attend school, by obliging them to leave school prematurely, or by requiring them to attempt to combine school attendance with excessively long and heavy work (source: *ILO Sub Regional Office for Eastern Europe and Central Asia's Website*).
- Coercion:** One of the means of trafficking listed in Article 3 (a) of the UN Trafficking Protocol. It distorts the victim's free and informed will, and includes taking away someone's freedom of movement and their personal choice. Some traffickers may use force to abduct a victim and others use violence or blackmail to keep a trafficked person under their control. Victims are not able to make self-determined decisions about their lives, specifically regarding labour and migration choices. Coercion may also be psychological.

- Common law system:** A body of law that is based on custom and general principles and embodied in case law, which serves as precedent or is applied to situations not covered by statute (source: *Dictionary of Law, Springfield, Massachusetts, Merriam-Webster, 1996*).
- Confinement:** The act of imprisoning or restraining someone (source: *A Handbook of Criminal Law Terms, St. Paul, Minnesota, West Group, 2000*).
- Criminal distribution networks:** Complex and highly specialized transnational criminal organizations, which are able to control and coordinate every phase of the trafficking procedure, from recruitment in origin countries to exploitation abroad.
- Debt bondage:** The status or condition arising from a pledge by a debtor of her/his personal services, or of those of a person under her/his control, as security for a debt, if the value of those services is not applied towards the liquidation of the debt, or their length and nature are not respectively limited and defined. (Art. 1 lit. (a) *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956*).
- Deception:** One of the means of trafficking listed in Article 3 (a) of the UN Trafficking Protocol. It is the act of successfully presenting which is false or invalid as true or valid (source: *Dictionary of Law, Springfield, Massachusetts, Merriam-Webster, 1996*). The victims of trafficking are deceived about the conditions under which they will be forced to live and/or work, or the nature of work to be done.
- Domestic servitude:** A form of forced labour, comprising housework and other similar activities.
- Enslavement:** The act of reducing to slavery or the state of being enslaved (source: *Webster's 1913 Dictionary*). This is a crime against humanity (Art. 7.1 (c)) *International Criminal Court Statute, 1998*).
- European Court of Human Rights (ECHR):** Established in Strasbourg on 1 November 1998 as a means to systematize the hearing of human rights complaints from Council of Europe member states. The court's mission is to enforce the Convention for the Protection of Human Rights and Fundamental Freedoms, ratified in 1953. The court replaced the existing enforcement mechanisms, which included the European Commission of Human Rights (created in 1954) and the previous, limited, Court of Human Rights, which was created in 1959 (source: *TheFreeDictionary.com*).
- Exploitation:** The act of exploitation or victimization; unfair treatment (source: *WordNet Dictionary*). 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 (Art. 3 (a) *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000*).
- Exploitation of prostitution of others:** Financial or other benefit to one person from the sexual exploitation of another person (Art. 3 (a) *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000*).
- Forced abortion:** The termination of a woman's pregnancy against her wishes. It is one of the crimes that victims of THB are often subject to from the moment they are recruited.
- Forced drug and substance abuse:** The forced consumption of narcotic drugs. Traffickers use this technique in order to keep trafficked victims under their control.
- Forced or compulsory labour:** All work or service which is exacted from any person under the menace of any penalty, and which the said person has not offered voluntarily. This definition does not include: military work or service exacted under compulsory military service laws; any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country; any work or service exacted from any person as a consequence of a conviction in a court of law; any work or service exacted in cases of emergency, such as any circumstance that would endanger the existence or the well-being of the whole or part of the population; minor communal services performed by the members of the community in the direct interest of the said community (Art. 2 *Convention concerning Forced or Compulsory Labour (ILO No. 29), 1930*). It is a form of exploitation (Art. 3 (a) *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000*).
- Forced pregnancy:** The unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law (Art 7.2 (f) *Rome Statute of International Criminal Court, 1998*).
- Forced recruitment of combatants:** The compulsory recruitment of persons to act as soldiers, in order to keep war and war economies going.
- Fraud:** One of the means of trafficking listed in Article 3 (a) of the UN Trafficking Protocol. It is a knowing misrepresentation of the truth, or concealment of a material fact, to induce another to act to his or her detriment (source: *A Handbook of Criminal Law Terms, St. Paul, Minnesota, West Group, 2000*).

- Fraudulent travel or identity document:** Any travel or identity document that has been: made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State; improperly issued or obtained through misrepresentation, corruption, duress or in any other unlawful manner; or is being used by a person other than the rightful holder (Art. 3 (c) *UN protocol against the Smuggling of Migrants by Land, Sea and Air, 2000*).
- Freedom from discrimination:** The right of every person not to be treated differently on the basis of race, sex, nationality, religion, age or disability.
- Freedom from torture, cruel, inhuman treatment or punishment:** The right of every person not to be subject to any act which inflicts severe pain or suffering, whether physical or mental (Art. 1(1) *UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984*).
- Freedom of movement:** The right of every person to be free to enter and leave any country, including her/his own, as well as the right to be free to move within the country (Art. 12, *International Covenant on Civil and Political Rights, 1966*).
- Freedom of thought, conscience and religion:** The right of every person to hold opinions without interference. It includes the freedom to have or to adopt a religion or belief of choice, and freedom, either individually or in community with others and in public or private, to manifest that religion or belief in worship, observance, practice and teaching (Art. 18 (1) and 19 (1) *International Covenant on Civil and Political Rights, 1966*).
- Gender:** Differences between women and men that are socially and culturally constructed and change over time. These differences can be manifest within the same household and within and across societies and cultures. They are reflected in roles, responsibilities, access to resources, constraints, opportunities, needs, perceptions, views etc. held by both women and men. Gender is not a synonym for women, but considers both women and men and their interdependent relationships. Gender is different from sex (see 'sex').
- Gender equality:** The state wherein gender differences are considered equally and in which women and men are on an equal footing.
- Harbouring:** The act of affording lodging, shelter, or refuge to a person (source: *A Handbook of Criminal Law Terms, St. Paul, Minnesota, West Group, 2000*).
- Horizontal interdependency (in organized crime):** Diversified connections between different criminal activities in the same organization.
- Human rights (or natural rights):** Rights which some hold to be inalienable and belonging to all humans, according to natural law. Proponents believe such rights to be necessary for freedom and the maintenance of a reasonable quality of life. Inalienable rights cannot be bestowed, granted, limited, bartered away, or sold away (e.g. one cannot sell oneself into slavery). Human rights can be divided into two categories: positive and negative. Every negative human right can be expressed as a positive human right, but not vice versa. Within modern liberal political cultures, basic human rights are those which can be upheld in a society following two basic rules: all individuals should be allowed to act in any way they choose providing that in doing so they do not prevent other individuals doing the same, and all individuals must take responsibility for the consequences of their actions.
- Human rights law:** A system of laws, both domestic and international, intended to promote human rights. Human rights law includes a number of treaties which are intended to punish some violations of human rights such as war crimes, crimes against humanity and genocide. There are a number of international courts that are able to judge violations of human rights: these include the European Court of Human Rights and the International Criminal Court.
- Illegal entry:** The crossing of borders without complying with the necessary requirements for legal entry into the receiving state (Art. 3 (b) *UN Protocol against the Smuggling of Migrants by Land, Sea and Air, 2000*).
- International Criminal Court (ICC):** Established in 1998 by the UN Security Council, to adjudicate international crimes such as terrorism. In the absence of any international criminal code, the court applies general principles of international criminal law (source: *A Handbook of Criminal Law Terms, St. Paul, Minnesota, West Group, 2000*).
- International law:** A body of laws, rules, or legal principles that are based on custom, treaties or legislation, and which control or affect the rights and duties of nations in relation to each other (source: *Dictionary of Law, Springfield, Massachusetts, Merriam-Webster, 1996*).
- Institutions and practices similar to slavery:** A term which covers: debt bondage; serfdom; any institution or practice whereby a woman, without the right of refusal, is promised or given in

marriage on payment of a sum in money or in kind to her parents, guardian, family or any other person or group; any institution or practice whereby the husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise, or where a woman on the death of her husband is liable to be inherited by another person; any institution or practice whereby a person under the age of 18 is delivered by his or her parent(s) or by her/his guardian to another person, whether for reward or not, with a view to the exploitation of the child or of his labour (Art. 1 *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956*). They are a form of exploitation (Art. 3 (a) *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000*).

Kidnapping: See 'Abduction'.

Large-scale organized criminal networks: Middle-size criminal groups, which are different from small organizations in that they specifically provide trafficked persons to supply sex markets of foreign countries. They control every aspect of trafficking, from recruitment and transport to the management of local brothels and street prostitutes.

Migrant smuggling: See 'Smuggling of migrants'.

Migration: A situation in which a person moves from one country to another or within one country. It can be by legal (using passports and official border crossings) or illegal (without personal documents, paying bribes at official border points or crossing the border at illegal points) means.

Military abduction: The abduction by government or rebel forces, during times of armed conflict, of women and girls in particular. They may be captured for different purposes, such as sexual enslavement, forced pregnancy, forced labour and forced recruitment of combatants.

Military prostitution: The possibility, for military personnel, of access to sexual services provided by prostitutes. This scenario may or may not involve trafficking.

Minor: A person who has not reached full legal age; a child or juvenile (source: *A Handbook of Criminal Law Terms, St. Paul, Minnesota, West Group, 2000*).

Money laundering: The crime of transferring illegally-obtained money through legitimate persons or accounts so that its original source cannot be traced (source: *A Handbook of Criminal Law Terms, St. Paul, Minnesota, West Group, 2000*).

Organized criminal group: A structured group of three or more persons, existing for a period of time and acting with the aim of committing one or more serious crimes or offences listed in the UN Convention against Transnational Organized Crime, in order to obtain, directly or indirectly, a financial or other material benefit (Art. 2 (a) *UN Convention against Transnational Organized Crime, 2000*).

Peacekeeping operations (PKOs): Missions aimed at keeping the peace between hostile groups or nations, undertaken by the UN and/or regional organizations. They may entail military as well as civilian components.

Peace support operations (PSOs): Multifunctional operations undertaken by the UN and/or regional organizations, in which impartial military activities are designed to create a secure environment and to facilitate the efforts of the civilian elements of the mission to create a self-sustaining peace. PSOs may include Peacekeeping (PK), Peace Enforcement (PE), peace-making, peace building, conflict prevention and humanitarian operations, as well as observer and nation-building missions.

Personnel Conduct Units (PCUs): Established in the UN Department of Peacekeeping Operations (UNDPKO) at the UN Headquarters and in seven existing missions, they replace mission focal points on sexual exploitation and abuse. The Units address issues such as preventing misconduct, handling complaints and data management and ensuring compliance with United Nations standards of conduct. On the basis of these standards, the Units would also ensure the provision of trainings focused on sexual exploitation and abuse. The Units will not conduct investigations, which are handled by the United Nations' Office for Internal Oversight Services (UN OIOS) and other offices.

Post-conflict situation: A period or area where acute military fighting has been terminated either by a military victory or some sort of peace agreement. Such situations are often unstable and may involve spontaneous eruptions of violence, or lead to a 'cold war' situation, low-intensity conflicts or a new war.

Post Traumatic Stress Disorder (PTSD): An anxiety disorder in which symptoms develop following a psychologically-distressing event that is outside the normal range of human experiences (military combat, sexual assault, natural disasters, severe automobile accidents). The essential features of PTSD include increased arousal, the re-experiencing of the traumatic event, and the avoidance of stimuli associated with the traumatic event. The symptoms include continued flashbacks,

nightmares, and intense distress when exposed to an object or situation that is related to the traumatic event.

Prostitution: The act or practice of engaging in sexual activity for money or its equivalent (source: *A Handbook of Criminal Law Terms, St. Paul, Minnesota, West Group, 2000*).

Rape shield (Law): It declares that evidence offered to prove that a victim engaged in other sexual behaviour, or evidence offered to prove a victim's sexual predisposition, is generally inadmissible in any civil or criminal proceeding involving alleged sexual misconduct.

Recruitment: One of the elements of THB listed in the Article 3 (a) of the UN Trafficking Protocol. It is the first stage of the trafficking process, during which traffickers target potential victims in order to ensnare them into the trafficking scheme. Recruitment can occur as an act of physical violence by kidnapping the victim, or by threat, or with consent through deception or by other forms of coercion.

Removal of organs: A form of exploitation occurring if a person is transported for the purpose of removing organs (Art. 3 (a) *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000*).

Reproductive health: A state of complete physical, mental and social well-being, not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes.

Reproductive rights: A group of rights already recognized in national laws, international human rights documents and other consensus documents. They rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It includes the right to make decisions concerning reproduction while free from discrimination, coercion and violence, as expressed in human rights documents.

Reproductive servitude: A form of exploitation of the women who are subjected to forced pregnancy.

Right to an adequate standard of living: The right to a standard of living adequate for the health and well-being of a person and family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond her/his control (Art. 25 (1) *Universal Declaration of Human Rights, 1948*. See also Art. 11 (1) *International Covenant on Economic, Social and Cultural Rights, 1966*; Art. 14.2 (h) *Convention Against All Forms of Discrimination Against Women, 1979*; Art. 27 *Convention on the Rights of the Child, 1989*).

Right to compensation: The right of workers to receive compensation for accident/injury while on duty, and the right of victims to receive compensation for damages suffered, either through mandatory restitution or by seeking compensation for punitive damages from traffickers through civil action.

Right to culture: The right to take part in cultural life; to enjoy the benefits of scientific progress and its applications; to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production (Art. 15 (1) *International Covenant on Economic, Social and Cultural Rights, 1966*).

Right to education and development: The right to a free education accessible to all, in particular to a compulsory primary education; to a secondary education in its different forms; to a higher education accessible to all on the basis of capacity; and to a fundamental education for those persons who have not received or completed the whole period of their primary education (Art. 13 (2) *International Covenant on Economic, Social and Cultural Rights, 1966*).

Right to equality: The right not to be discriminated against on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Art. 2 (1) *International Covenant on Civil and Political Rights, 1966*).

Right to form and join unions: The right of every person to form trade unions and join a trade union of choice, subject only to the rules of the organization concerned, for the promotion and protection of that person's economic and social interests (Art. 8.1 (a) *International Covenant on Economic, Social and Cultural Rights, 1966*).

Right to health: The right of every person to enjoy the highest attainable standard of physical and mental health (Art. 12 (1) *International Covenant on Economic, Social and Cultural Rights, 1966*).

Right to health services: The right of every person to medical services and medical attention in the event of sickness (Art. 12.2 (d) *International Covenant on Economic, Social and Cultural Rights, 1966*).

Right to information: The right to access information about labour/immigration laws, social and cultural knowledge, and the right of victims to be informed about their situation, their entitlements, available services and the family reunification and/or repatriation process.

- Right to leisure and rest:** The right of workers to have rest, leisure, reasonable working hours and periodic holidays with pay, as well as remuneration for public holidays (Art. 7 (d) *International Covenant on Economic, Social and Cultural Rights, 1966*).
- Right to legal identity:** The right of every person to a name and a nationality.
- Right to liberty and security:** The right of every person not to be subjected to arbitrary arrest or detention. A person may not be deprived of liberty except on such grounds and in accordance with such procedure as are established by law. It includes the right to compensation for the victims of unlawful arrest or detention (Art. 9 (1) and (5) *International Covenant on Civil and Political Rights, 1966*).
- Right to life:** The right of every person not to be arbitrarily deprived of life (Art. 6 (1) *International Covenant on Civil and Political Rights, 1966*).
- Right to marriage:** The right of men and women of marriageable age to marry freely someone of their choice and to found a family, according to the national laws governing the exercise of this right (Art. 12 *European Convention for the Protection of Human Rights and Fundamental freedoms, 1950*).
- Right to nationality:** The official right to belong to a particular country.
- Right to privacy:** The right of a person to be free from intrusion into or publicity concerning matters of a personal nature.
- Right to safe and appropriate working conditions:** The right of workers to be assured, through safe and healthy working conditions, of effective protection against the danger of injury, sickness or death (Art. 7 l(b) *International Covenant on Economic, Social and Cultural Rights, 1966*).
- Right to self-determination:** The right of all peoples to determine their political status and pursue their economic, social and cultural development (Art. 1 (1) *International Covenant on Economic, Social and Cultural Rights, 1966*; Art. 1 (1) *International Covenant on Civil and Political Rights, 1966*).
- Right to wages and remuneration:** The right of workers to receive wages and remuneration for their work. It includes the right to fair wages and equal remuneration for work of equal value without distinction of any kind, in particular the right of women to be guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work (Art. 7 (a)(i) *International Covenant on Economic, Social and Cultural Rights, 1966*).
- Schengen area:** The 1985 Schengen Agreement is an agreement among European states which allows for common immigration policies and a border system. A total of 26 countries - including all European Union states except the Republic of Ireland and the United Kingdom, but including non-EU members Iceland, Norway, and Switzerland - have signed the agreement and 15 have implemented it so far. Border posts and checks have been removed between Schengen countries and a common 'Schengen visa' allows access to the area. As regards to France and to the Netherlands, the provisions apply only to their European territories. The Principality of Monaco allows entry on its national territory without any specific formality to the holder of a Schengen visa.
- Serious crime:** An act or acts constituting an offence punishable by a deprivation of liberty of at least four years or a more serious penalty (Art. 2 (b) *UN Convention against Transnational Organized Crime, 2000*).
- Serfdom:** The condition of a tenant who is not free to change her/his status as a person who is, by law, custom or agreement, bound to live and work on land belonging to another person and to render some determinate service to such another person, whether for reward or not (Art. 1 (b) *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956*).
- Servile marriage:** One of the exploitative practices to which THB victims are liable, and characterized as 'a practice similar to slavery'. Art. 1 (c) of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956) prohibits any institution or practice whereby: '(i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind; (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or (iii) A woman on the death of her husband is liable to be inherited by another person.'
- Servitude:** The state of being a slave or servant. It is a form of exploitation (Art. 3 (a) *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000*) and may be sexual, domestic or reproductive.
- Sex:** The biological differences between men and women. It is different from gender (see 'gender').
- Sex industry:** Comprises commercial enterprises which employ sex workers and which offer adult entertainment. The categories of sex industry include: striptease, live sex shows, peep shows,

pornography, prostitution, erotic massage, sex shops, telephone sex lines, and auto-erotic performances.

Sexual exploitation: The participation by a person in prostitution, sexual servitude, or the production of pornographic materials as a result of being subjected to threat, coercion, abduction, force, abuse of authority, debt bondage or fraud.

Sexual slavery (or enslavement): A special case of slavery which covers a number of practices: forced prostitution; single-owner sexual slavery; slavery for primarily non-sexual purposes where sex is common or permissible. This is a crime against humanity (Art. 7.1 (g) *International Criminal Court Statute, 1998*).

Sex worker: Any person who earns a living by providing sexual services.

Slavery: The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised (Art. 1 (1) *UN Slavery Convention, 1926*). It is a form of exploitation (Art. 3 (a) *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000*).

Slavery-like practices: See 'Institutions and practices similar to slavery'.

Small-scale informal criminal networks: Low-level informal networks which usually exist as small groups of individuals within limited family networks and/or ethnic communities that extend over borders. In this kind of network, recruiters often act also as transporters and exploiters, and they may be friends or acquaintances of the future victims.

Smuggling (of migrants): The facilitation, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or a permanent resident (Art. 3 (a) *UN Protocol against the Smuggling of Migrants by Land, Sea and Air, 2000*).

Structured criminal group: A group that is not randomly formed for the immediate commission of an offence. It does not need to have formally-defined roles for its members, continuity of membership or a developed structure (Art. 2 (c) *UN Convention against Transnational Organized Crime, 2000*).

Threat: One of the coercive means of trafficking listed in Art. 3 (a) of the UN Trafficking Protocol (see 'coercion').

Transfer: One of the elements of THB listed in Art. 3 (a) of the UN Trafficking Protocol. It is the movement of the THB victims within a country or from one country to another one, and occurs in the transportation phase.

Transnational offence: Under the UN Convention against Transnational Organized Crime, an offence is transnational in nature if it is: committed in more than one State; committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State; committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or committed in one State but has substantial effects in another State (Art. 3 (2) *UN Convention against Transnational Organized Crime, 2000*).

Transnational organized crime: Crime committed by an organized criminal group within an international dimension, for the maximization of gain.

Transportation: One of the elements of THB listed in Art. 3 (a) of the UN Trafficking Protocol. It can involve the harbouring and receipt of the victim at a number of stages in the process, including initial receipt and transfer within the country or area of origin. The transportation phase follows the recruitment stage.

UN Convention: (From Latin *convenire*: "to come together"). Legally-binding agreement between the United Nations State members.

United Nations' Office for Internal Oversight Services (UN OIOS): It is an independent office that assists the Secretary-General in fulfilling his internal oversight responsibilities. The Office submits reports to the Secretary-General that provide insight into the effective utilization of the resources of the Organization and the protection of its assets, and also makes these reports available to the General Assembly. OIOS adds value by providing worldwide audit, investigation and inspection, programme monitoring, evaluation and consulting services to the United Nations Secretariat and a wide range of United Nations operational funds, programmes and tribunals. OIOS is an agent of change, committed to help client departments and offices bring about responsible administration of resources and a culture of accountability, transparency, results-orientation and risk awareness.

UN Protocol: A supplementary agreement to a UN convention that adds to or changes some provision of the convention, applicable only to the States parties who adopt the protocol.

UN Recommendation: An action taken by the General Assembly or the Security Council with the aim of exhorting the member States and, therefore, without legally-binding value.

UN Resolution: A legally-binding decision adopted by the General Assembly or the Security Council.

Use of force: One of the coercive means of trafficking listed in Art. 3 (a) of the UN Trafficking Protocol (see '*coercion*').

Vertical interdependency (in organized crime): The type of organized crime consisting of chains of individual crimes which are in close relationship with each other. Crimes committed on the way to the final goal are steps towards an end result.

B - List of Relevant Legislation

United Nations

- International Agreement for the Suppression of the "White Slave Traffic", Paris, 18 May 1904.
<http://www.fco.gov.uk/Files/kfile/TrafficinPersons.pdf>
- International Convention for the Suppression of Trafficking in Women and Children, Geneva, 30 September 1921.
http://www.coe.int/T/E/human_rights/Trafficking/3_Documents/International_legal_instruments/UNTS_Sup_trafficking.asp
- Slavery Convention, Geneva, 25 September 1926.
<http://www.unhchr.ch/html/menu3/b/f2sc.htm>
- Universal Declaration of Human Rights, New York, 10 December 1948. <http://www.un.org/Overview/rights.html>
- Geneva Convention relative to the Protection of Civilians Persons in Time of War, Geneva, 12 August 1949.
<http://www.unhchr.ch/html/menu3/b/92.htm>
- Geneva Convention Relative to the Treatment of Prisoners of War, Geneva, 12 August 1949.
<http://www.unhchr.ch/html/menu3/b/91.htm>
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Geneva, 2 December 1949.
<http://www.unhchr.ch/html/menu3/b/33.htm>
- Convention relating to the Status of Refugees, Geneva, 28 July 1951.
http://www.unhchr.ch/html/menu3/b/o_c_ref.htm
- Convention on the Political Rights of Women, Geneva, 20 December 1952.
<http://www.unhchr.ch/html/menu3/b/22.htm>
- Convention to Suppress the Slave Trade and Slavery, Geneva, 25 September 1926, amended by the Protocol of 7 December 1953.
<http://www.unhchr.ch/html/menu3/b/f2sc.htm>
- Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similarly to Slavery, Geneva, 30 April 1956.
<http://www.unhchr.ch/html/menu3/b/30.htm>
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, New York, 7 November 1962.
<http://www.unhchr.ch/html/menu3/b/63.htm>
- International Convention of All Forms of Racial Discrimination, New York, 21 December 1965.
http://www.unhchr.ch/html/menu3/b/d_icerd.htm
- International Covenant on Economic, Social and Cultural Rights, New York, 16 December 1966.
http://www.unhchr.ch/html/menu3/b/a_ceschr.htm
- International Covenant on Civil and Political Rights, New York, 16 December 1966.
http://www.unhchr.ch/html/menu3/b/a_ccpr.htm
- Protocol relating to the Status of Refugee, New York, 16 December 1966.
http://www.unhchr.ch/html/menu3/b/o_p_ref.htm
- Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), Geneva, 8 June 1977.
<http://www.unhchr.ch/html/menu3/b/93.htm>
- Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Geneva, 8 June 1977.
<http://www.unhchr.ch/html/menu3/b/94.htm>
- Convention on the Elimination of all Forms of Discrimination against Women, New York, 18 December 1979.
<http://www.unhchr.ch/html/menu3/b/e1cedaw.htm>
- Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, New York, 10 December 1984.
http://www.unhchr.ch/html/menu3/b/h_cat39.htm
- Additional Protocol to the American Convention on Human rights in the Area of Economic, Social and Cultural Rights, San Salvador, 17 November 1988.
<http://www.oas.org/juridico/english/Treaties/a-52.html>
- Convention on the Rights of the Child, New York, 20 November 1989.
<http://www.ohchr.org/english/law/crc.htm>
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, New York, 18 December 1990.
http://www.unhchr.ch/html/menu3/b/m_mwctoc.htm
- Additional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, New York, 6 October 1999.
http://www.unhchr.ch/html/menu3/b/opt_cedaw.htm

- Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography, New York, 25 May 2000.
<http://www.unhchr.ch/html/menu2/6/crc/treaties/opsc.htm>
- United Nations Convention against Transnational Organized Crime, Palermo, 15 November 2000.
http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, Palermo, 15 November 2000.
http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, Palermo, 15 November 2000.
<http://www.ohchr.org/english/law/organizedcrime.htm>

International Labour Organization

- C 29 - Convention concerning Forced or Compulsory Labour of 28 June 1930.
<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029>
- C 77 - Medical Examination of Young Persons (Industry) Convention of 9 October 1946.
<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C077>
- C 79 - Night Work of Young Persons (Non-Industrial Occupations) Convention of 10 October 1946.
<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C079>
- C 90 - Night Work of Young Persons (Industry) Convention (Revised) of 10 July 1948.
<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C090>
- C 105 - Convention concerning the Abolition of Forced Labour of 25 June 1957.
<http://www.unhchr.ch/html/menu3/b/32.htm>
- C 138 - Convention on Minimum Age of 26 June 1973.
<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C138>
- C 143 - Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers of 24 June 1975.
<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C143>
- C 182 - Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of 17 June 1999.
<http://www.ilo.org/public/english/standards/ipecc/ratification/convention/text.htm>

Council of Europe

- Convention for the Protection of Human Rights and Fundamental Freedoms - CETS n° 005 of 4 November 1950.
<http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>
- European Convention on Extradition - CETS n° 024 of 13 December 1957.
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=024&CM=8&CL=ENG>
- European Convention on Mutual Assistance in Criminal Matters CETS n° 030 of 20 April 1959.
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=030&CM=8&CL=ENG>
- European Social Charter - CETS n° 035 of 18 October 1961.
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=035&CM=8&CL=ENG>
- European Convention on the Repatriation of Minors - CETS n° 071 of 28 May 1970.
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=071&CM=8&CL=ENG>
- European Convention on the Legal Status of Children Born out of Wedlock - CETS n° 085 of 15 October 1975.
<http://conventions.coe.int/treaty/EN/Treaties/Html/085.htm>
- Additional Protocol to the European Convention on Extradition - CETS n° 086 of 15 October 1975.
<http://conventions.coe.int/treaty/en/Treaties/Html/086.htm>
- Second Additional Protocol to the European Convention on Extradition - CETS n° 098 of 17 March 1978.
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=098&CM=8&CL=ENG>
- Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters - CETS n° 099 of 17 March 1978.
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=099&CM=8&CL=ENG>
- European Convention on the Compensation of Victims of Violent Crimes - CETS n° 116 of 24 November 1983.
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=116&CM=8&CL=ENG>
- Additional Protocol to the European Social Charter - CETS n° 128 of 5 May 1988.
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=128&CM=8&CL=ENG>
- Protocol amending the European Social Charter - CETS n° 142 of 21 October 1991.
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=142&CM=8&CL=ENG>
- European Social Charter (Revised) - CETS n° 163 of 3 May 1996.
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=163&CM=8&CL=ENG>

- Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters - CETS n° 182 of 8 November 2001.
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=182&CM=8&CL=ENG>
- Convention on Action against Trafficking in Human Beings - CETS n° 197 of 16 May 2005.
http://www.coe.int/T/E/human_rights/trafficking/PDF_Conv_197_Trafficking_E.pdf

Relevant Excerpts: United Nations

International Convention for the Suppression of the Traffic in Women and Children (1921)

Art 2: The High Contracting Parties agree to take all measures to discover and prosecute persons who are engaged in the traffic in children of both sexes (...)

Art 7: The High Contracting Parties undertake in connection with immigration and emigration to adopt such administrative and legislative measures as are required to check the traffic in women and children. In particular, they undertake to make such regulations as are required for the protection of women and children travelling on emigrant ships, not only at the points of departure and arrival, but also during the journey, and to arrange for the exhibition, in railway stations and in ports, of notices warning women and children of the danger of the traffic and indicating the places where they can obtain accommodation and assistance.

Slavery Convention (1926)

(Office of the High Commissioner for Human Rights)

Art 1: (...) the following definitions are agreed upon:

- (1) Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.
- (2) The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.

Art 2: The High Contracting Parties undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, so far as they have not already taken the necessary steps:

- (a) To prevent and suppress the slave trade;
- (b) To bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms.

Art 3: The High Contracting Parties undertake to adopt all appropriate measures with a view to preventing and suppressing the embarkation, disembarkation and transport of slaves in their territorial waters and upon all vessels flying their respective flags.

(...)

Art 5: The High Contracting Parties recognize that recourse to compulsory or forced labour may have grave consequences and undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, to take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery.

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)

(Office of the High Commissioner for Human Rights)

Art 1: Each of the States Parties to this Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices, where they still exist and whether or not they are covered by the definition of slavery contained in article 1 of the Slavery Convention signed at Geneva on 25 September 1926:

- (a) Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined;

(...)

(c) Any institution or practice whereby:

- (i) A woman, 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; or
- (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or

(d) Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.

(...)

Art 6

- (1) The act of enslaving another person or of inducing another person to give himself or a person dependent upon him into slavery, or of attempting these acts, or being accessory thereto, or being a party to a conspiracy to accomplish any such acts, shall be a criminal offence under the laws of the States Parties to this Convention and persons convicted thereof shall be liable to punishment.
- (2) Subject to the provisions of the introductory paragraph of article 1 of this Convention, the provisions of paragraph 1 of the present article shall also apply to the act of inducing another person to place himself or a person dependent upon him into the servile status resulting from any of the institutions or practices mentioned in article 1, to any attempt to perform such acts, to being accessory thereto, and to being a party to a conspiracy to accomplish any such acts.

Convention on the Elimination of All Forms of Discrimination against Women (1979)

(Office of the High Commissioner for Human Rights)

Art 6: States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)

(Office of the High Commissioner for Human Rights)

Art 1: States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

Art 2: For the purposes of the present Protocol:

- (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration; (...)

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime (2000)

Art 2: The purposes of this Protocol are:

- (a) To prevent and combat trafficking in persons, paying particular attention to women and children;
- (b) To protect and assist the victims of such trafficking, with full respect for their human rights; (...)

Art 3: For the purposes of this Protocol:

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

(d) "Child" shall mean any person under eighteen years of age.

Art 6:

3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:

- (a) Appropriate housing;
- (b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;
- (c) Medical, psychological and material assistance; and
- (d) Employment, educational and training opportunities.

4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.

5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.

6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

Relevant Excerpts: Council of Europe

Convention on Action against Trafficking in Human Beings - CETS n° 197

(Adopted by the Committee of Ministers on 3 May 2005 and opened for signature in Warsaw on 16 May 2005)

Art 1 - Purposes of the Convention

1. The purposes of this Convention are:

- (a) To prevent and combat trafficking in human beings, while guaranteeing gender equality;
- (b) To protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution;
- (c) To promote international cooperation on action against trafficking in human beings.

(...)

Art 2 - Scope

This Convention shall apply to all forms of trafficking in human beings, whether national or transnational, whether or not connected with organised crime.

(...)

Art 4 - Definitions

For the purposes of this Convention:

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

(...)

Art 12 - Assistance to victims

1. Each Party shall adopt such legislative or other measures as may be necessary to assist victims in their physical, psychological and social recovery. Such assistance shall include at least:

- (a) standards of living capable of ensuring their subsistence, through such measures as: appropriate and secure accommodation, psychological and material assistance;
- (b) access to emergency medical treatment;
- (c) translation and interpretation services, when appropriate;
- (d) counselling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand;
- (e) assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders;
- (f) access to education for children.

2. Each Party shall take due account of the victim's safety and protection needs.

3. In addition, each Party shall provide necessary medical or other assistance to victims lawfully resident within its territory who do not have adequate resources and need such help.

4. Each Party shall adopt the rules under which victims lawfully resident within its territory shall be authorized to have access to the labour market, to vocational training and education.

5. Each Party shall take measures, where appropriate and under the conditions provided for by its internal law, to co-operate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.

6. Each Party shall adopt such legislative or other measures as may be necessary to ensure that assistance to a victim is not made conditional on his or her willingness to act as a witness.

7. For the implementation of the provisions set out in this article, each Party shall ensure that services are provided on a consensual and informed basis, taking due account of the special needs of persons in a vulnerable position and the rights of children in terms of accommodation, education and appropriate health care.

(...)

Art 39 - Relationship with the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organised crime

This Convention shall not affect the rights and obligations derived from the provisions of the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organised crime, and is intended to enhance the protection afforded by it and develop the standards contained therein.

C - Further Readings

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Relevant web sites

- European Union Police Mission in the former Yugoslav Republic of Macedonia (EUPOL PROXIMA)
Website: www.eu-pat.org/Proxima/index.html
- European Union Police Mission (EUPM)
Website: www.consilium.europa.eu/cms3_fo/showPage.asp?id=585&lang=IT
- Europol
Website: www.europol.eu.int/home.htm
- International Center for Migration Policy Development (ICMPD)
Website: www.icmpd.org
- International Organization for Migration (IOM)
Website: www.iom.int
- Interpol
Website: www.interpol.com
- Organization for Security and Co-Operation in Europe (OSCE)
Website: www.osce.org
- Organization for Security and Co-Operation in Europe/Office for Democratic Institutions and Human Rights (OSCE-ODIHR)
Website: www.osce.org/odihr/

- Southeastern European Cooperation Initiative Regional Center for Combating Trans-border Crime (SECI center)
Website: www.secicenter.org
- UN Children's Fund (UNICEF)
Website: www.unicef.org
- UN Department for Peacekeeping Operations (UNDPKO)
Website: www.un.org/Depts/dpko/dpko/index.asp
- UN Development Programme (UNDP)
Website: www.undp.org
- UN Office of the High Commissioner for Refugees (UNHCR)
Website: www.unhcr.org
- UN Office of the High Commissioner for Human Rights (UNOHCHR)
Website: www.ohchr.org
- UN Office of Internal Oversight Services (OIOS)
Website: www.un.org/depts/oios/
- UN Interim Administration Mission in Kosovo (UNMIK)
Website: www.unmikonline.org

D - PSOs areas in SEE: profiles¹⁵

Bosnia and Herzegovina

HDI Rank: 68

Location: South-eastern Europe, bordering the Adriatic Sea and Croatia

Capital: Sarajevo

Population: 4,498,976 (CIA July 2006 est.)

Area: 51,129 sq km (19,741 sq miles)

Border countries: Croatia 932 km, Serbia and Montenegro 527 km

Coastline: Adriatic Sea, 20 km

Major languages: Bosnian, Croatian and Serbian

Major religions: Christianity, Islam

Urban population (as % of total): 43.4

Population under age 15 (as % of total): 15.5

Internally displaced persons (thousands): 438

Refugees by country of asylum (thousands): 33

Refugees by country of origin (thousands): 450

Life expectancy at birth (years): 78 Female: 81.8 Male: 74.4 (2006 est.)

Adult literacy rate (% age 15 and above): 94.6

Currency: marka (BAM)

Monetary unit: 1 convertible marka (BAM) = 100 convertible pfenniga

Main exports: Wood and paper, metal products

GDP per capita (PPP US\$): 6,800 (CIA 2005 est.)

Seats in parliament held by women (as % of total): 12.3

Internet users (per 1,000 people): 11.1

Government type: Emerging federal democratic republic

Administrative divisions: Two first-order administrative divisions and 1 internationally supervised district - Brcko district (Brcko Distrikt), the Bosniak/Croat Federation of Bosnia and Herzegovina (Federacija Bosna i Hercegovina) and the Bosnian Serb-led Republika Srpska. Brcko district is in North-Eastern Bosnia and is an administrative unit under the sovereignty of Bosnia and Herzegovina; the district remains under international supervision.

Independence: 1 March 1992 (from Yugoslavia; referendum for independence was completed 1 March 1992; independence was declared 3 March 1992)

National holiday: National day, 25 November (1943)

Constitution: The Dayton Agreement, signed 14 December 1995, included a new constitution now in force; note - each of the entities also has its own constitution

Legal system: Based on civil law system

Executive branch:

Chief of state: Chairman of the Presidency; three-member rotating (every eight months) presidency.

Head of government: Chairman of the Council of Ministers.

Cabinet: Council of Ministers nominated by the council chairman; approved by the National House of Representatives.

Elections: the three members of the presidency (one Bosnian, one Croat, one Serb) are elected by popular vote for a four-year term.

¹⁵ The sources upon which the following data are based are listed in the following section "Sources of information".

Legislative branch: Bicameral Parliamentary Assembly or Skupstina consists of the National House of Representatives or Predstavnicki Dom (42 seats - 14 Serb, 14 Croat, and 14 Bosnian; members elected by popular vote to serve four-year terms) and the House of Peoples or Dom Naroda (15 seats - 5 Bosnian, 5 Croat, 5 Serb; members elected by the Bosnian/Croat Federation's House of Representatives and the Republika Srpska's National Assembly to serve four-year terms).

Judicial branch: BiH Constitutional Court (consists of nine members: four members are selected by the Bosnian/Croat Federation's House of Representatives, two members by the Republika Srpska's National Assembly, and three non-Bosnian members by the president of the European Court of Human Rights); BiH State Court (consists of nine judges and three divisions - Administrative, Appellate and Criminal - having jurisdiction over cases related to state-level law and appellate jurisdiction over cases initiated in the entities). Each entity has a Supreme Court and a number of lower courts; there are 10 cantonal courts in the Federation, plus a number of municipal courts; the Republika Srpska has five municipal courts.

Map of country and trafficking routes:



Profile of trafficking in country (source, destination or transit, victims, traffickers, users): Bosnia and Herzegovina is a destination and transit country for women and girls trafficked into sexual exploitation, mostly from Moldova, Romania, and Ukraine, and to a lesser extent, Russia, Belarus, Kazakhstan, and Serbia and Montenegro. People from BiH are victims of THB themselves. The presence of international civilian and military personnel has contributed to the trafficking problem in BiH. Trafficking in persons is a subset of the organized crime problem in BiH and the region.

The organized crime groups that have been involved in drug trafficking seem to be turning increasingly towards human trafficking because of the greater profits to be made. Victims, both foreign and national, were exploited primarily for sexual purposes. Only 2.5% of foreign victims and 3.5% of national victims in 2004 were trafficked for a purpose other than sexual exploitation.

Victims are usually transported by car. Almost all victims entered BiH overland through Serbia via Belgrade or Vojvodina. The junction of the trafficking is the town of Brcko. Some victims entered BiH through the Sarajevo International Airport, which served to further camouflage the transportation process.

After being lured through promises of work as barmaids, dancers and housekeepers, the women and girls trafficked to Bosnia and Herzegovina are forced to work as prostitutes in the nightclubs situated in the country. This occurs because of the existence of agreements between the traffickers and the owners of the nightclubs and bars. According to recent sources, however, since 2002 there has been a steady decrease in the number of nightclubs. In fact, according to police sources, a new modus operandi is currently replacing these venues with 'closed' apartments where the prostitutes receive clients. This factor has translated into lower identification of victims by law enforcement, due to the fact that traffickers' activities get more difficult to detect.

Law, mutual legal assistance and cooperation: BiH has ratified the UN Convention on Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, and the Criminal Law Convention on Corruption. Moreover, after the recent entrance of BiH into the Council

of Europe, BiH has ratified in 2005 the following European instruments for judicial and police cooperation: the European Convention on Extradition (1957 COE - ETS 024), the First additional Protocol to the European Convention on Extradition (1975 COE - ETS 086), the Second additional Protocol to the European Convention on Extradition (1975 COE - ETS 098), the European Convention on Mutual Assistance in Criminal Matters (1959 COE - ETS 030). However, BiH has not yet signed the first and second additional protocols to the latter European Convention. BiH cooperates well with the USA, Germany, France, Croatia, Serbia-Montenegro, Slovenia, Austria. The Republika Srpska has good cooperation with Russia.

As regards to judicial cooperation, according to the new judicial system (enacted as of January 2004), the centralized Court of Bosnia and Herzegovina is now competent to decide upon any issue relating to international and inter-entity criminal law enforcement. These include relations with Interpol and other international police institutions and decisions on the transfer of convicted persons, or the extradition and surrender of persons, requested from any authority in the territory of Bosnia and Herzegovina, by any foreign state, international court or tribunal. Additionally, the Court is competent in legal aid requests from foreign countries (30th chapter of the new Criminal Procedure Code) and responsible for maintaining a database on criminal offences and perpetrators. With regard to criminal databases, the centralized Court of Bosnia and Herzegovina is now obliged to keep a centralised system of data on any criminal offences and perpetrators. In addition, this database should contain any valid verdicts concerning criminal offences about human trafficking, as well as other criminal offences for which international agreements foresee a centralization of data.

As regards to police cooperation, the new Ministry of Security now has responsibility for international police cooperation. The other point of reference in this field is Interpol.

National Plan of Action: In October 2001, BiH adopted a National Plan of Action (NPA) to address trafficking in human beings. This plan contained a comprehensive range of commitments.

Bosnia and Herzegovina's first National Plan of Action (NPA) on trafficking stated that the Ministry of Human Rights and Refugees and the Ministry for European Integration should initiate prevention, education and public awareness projects related to trafficking. Within the framework of the first NPA, the Federation Interior Ministry issued a directive forbidding Federation police officers from visiting nightclubs linked to prostitution. Moreover, in July 2003, the BiH Council of Ministers appointed a National Co-ordinator on Anti-Trafficking and Illegal Migration. The National Co-ordinator has the primary responsibility for co-ordinating and furthering the implementation of the National Plan of Action and any other related anti-trafficking activities at all levels in BiH.

A new Plan of Activities for implementing the NPA was prepared at the beginning of 2004 by the National Co-ordinator's Office along with the State Group. The State Group comprises the National Coordinator plus six other people from Ministries of Human Rights, Security, Justice and Foreign Affairs, the State Prosecutor's Office, and the State Border Service. The State Group assists the Ministry of Security to implement the National Plans of Action against Trafficking and on immigration and asylum, which focus mainly on three priorities: the establishment of a shelter for the victims of trafficking; implementation of the immigration and asylum law in line with the Law on Movement and Stay of Aliens and Asylum; and establishment of FIGHT teams, five of which have liaison functions and share information with the National Coordinator's Office.

According to the UNICEF, UNHCHR, OSCE-ODIHR report on Trafficking in Persons in SEE, despite the fact that BiH is still perceived primarily as a country of destination and prolonged transit, there are still no plans for preventive measures to address the demand for cheap unprotected labour and sexual services. The NPA ignores the fact that BiH is also a potential country of origin for victims of trafficking. It does not include any activities that address prevention of trafficking in the broader context nor any that address the root causes of trafficking, even though the issue of internal trafficking and the danger of BiH becoming a country of origin were pointed out by many of the organizations involved in anti-trafficking activities as far back as 2002. In early 2004, an awareness raising campaign was being planned by international organizations and NGOs. There are also plans to organize eight seminars for judges, prosecutors, police, border service staff and other civil servants, social workers and NGOs in 2004.

The National Plan of Action for Children in Bosnia and Herzegovina includes trafficking as a special protection issue. It also states that the measures to protect children from trafficking will be planned and passed in agreement with the NPA on trafficking. The NPA for Children also raises the issue of child labour and the need to reduce the number of children in Bosnia involved in labour activities. The Council of Ministers of BiH adopted the Poverty Reduction Strategy Paper (PRSP) in 2000. The paper does not include any references to victims of trafficking, high-risk groups or potential victims. The NPA for Children in Bosnia and Herzegovina mentions the need to include a special section referring to the rights of the child in the PRSP, but it still does not refer to the rights of the victims of trafficking.

In April 2005, the Council of Ministers adopted the new State Action Plan for Combating Trafficking in Human Beings and Illegal Immigration for the period 2005 - 2007, Operational Plan for 2005 and Action Plan for Combating Trafficking in Children which created strategic direction for governmental representatives in cooperation with partner nongovernmental and international organizations, in this field. These documents formulated strategic goals for three years and defined measures and activities in the areas of supporting framework, prevention, protection of victims and witnesses and prosecution. Ministry of Security has in March 2005 signed the Protocols on Cooperation and securing of adequate and safe accommodation and protection of victims of trafficking in Bosnia and Herzegovina, with five non-governmental organizations which ran already established safe houses and employed professional staff for implementing activities defined by the Protocols, thereby formalizing the cooperation between governmental and nongovernmental sectors. The Procedures for Treatment of Victims of Trafficking in Bosnia and Herzegovina, which were drafted and signed in July 2005, took into account existing laws and by-laws, and on that basis more clearly defined the role of all the actors involved in the fight against trafficking, in order to ensure provision of adequate assistance and protection to victims of trafficking. Additionally, a series of trainings and seminars were held aimed at strengthening the capacities of the institutions included in the fight against trafficking in human beings - police services, prosecutors' offices, social welfare services, alien departments, media and other professionals.

Status of Major International Human Rights Instruments¹⁶:

International Convention on the Elimination of All Forms of Racial Discrimination, 1965

International Covenant on Civil and Political Rights, 1966

International Covenant on Economic, Social and Cultural Rights, 1966

Convention on the Elimination of All Forms of Discrimination against Women, 1979

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984

Convention on the Rights of the Child, 1989

Elimination of Forced and Compulsory Labour (Convention 29 - Convention 105)

Abolition of Child Labour (Convention 138 - Convention 182)

Regional agreements with bordering countries: As to multilateral and bilateral agreements for international judicial assistance, some progress was made in 2003 with regards to SECI Center and BiH-Croatian relations. In particular, a bilateral agreement on cooperation in fighting corruption, smuggling, drug abuse and organized crime has been signed with Croatia. BiH has signed an agreement that provide for direct police cooperation also with Serbia-Montenegro.

Specific anti-trafficking legislation: A new criminal code came into effect in March 2003 specifically criminalizing human trafficking, including provisions for witness protection, special investigative methods and asset forfeiture. Trafficking offences were previously prosecuted under related criminal prohibitions (pimping, pandering, false imprisonment, abduction, assault, and slavery).

Trafficking in Human Beings

Penal Code Article 185

(1) Whoever takes part in the recruitment, 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 obtain the consent of a person having control over another person, for the purpose of exploitation, shall be punished by imprisonment for a term between one and ten years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a juvenile, shall be punished by imprisonment for a term not less than five years.

(3) Whoever organizes a group of people with an aim of perpetrating the criminal offences referred to in paragraphs 1 and 2 of this Article, shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

(4) Whoever acting out of negligence facilitates the perpetration of the criminal offences referred to in paragraphs 1 through 3 of this Article, shall be punished by imprisonment for a term between six months and five years.

(5) 'Exploitation' referred to in paragraph 1 of this Article includes, in particular, exploiting other persons by way of prostitution or of other forms of sexual exploitation, forced labour or services,

¹⁶ Dates make reference to ratification, acceptance, approval, accession or succession.

slavery or slavery like practices, serving under coercion or removal of organs for the purpose of transplantation.

International Procuring in Prostitution

Penal Code Article 187

(1) Whoever procures, entices or leads another person to offer sexual services for profit within a state excluding the one in which such a person has residence or of which he is a citizen, shall be punished by imprisonment for a term between six months and five years.

(2) Whoever, by force or threat of force or deceit, coerces or induces another person to go to the state in which he has no residence or of which he is not a citizen, for the purpose of offering sexual services upon payment, shall be punished by imprisonment for a term between six months and five years.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article is perpetrated against a child or a juvenile, the perpetrator shall be punished by imprisonment for a term between one and ten years.

(4) The fact whether the person procured, enticed, led away, forced or deceived into prostitution has already been engaged in prostitution is of no relevance for the existence of a criminal offence.

Operational aspects of investigation: BiH has made great progress in the criminal law definition of illegal activities related to organized crime. However, there is an evident gap concerning witness protection, because regulations and instruments are yet to be developed, despite the enactment of the Law on Protection of Threatened and Endangered Witnesses (Official Gazette of Bosnia and Herzegovina n. 36/03).

Apart from this, the new Code of Criminal Procedure has greatly updated its investigative tools against organized crime (Chapter IX, Special investigative actions) and the new Code of Criminal Law has developed a confiscation regime, which is up to the standards required by the international community (Chapter XII, Confiscation of material gain acquired through the perpetration of a criminal offence and legal consequences incident to conviction). The current legal framework includes all the special means of investigation, namely: interceptions of telephone conversations, fax and Internet transmissions, audio or video recording of events taking place on private premises, undercover operations, use of storefronts by investigative units and covert methods such as controlled delivery. All these investigative tools can be ordered by the preliminary proceedings judge in an order based upon a properly reasoned motion from the Prosecutor (art. 118, section 1, CC). Exceptionally, if a written order cannot be received in due time and if delay poses a risk, the execution of these measures may commence on the basis of a verbal order pronounced by the preliminary proceedings judge, but the written order must be obtained within 24 hours following the verbal one. The special means of investigation can be deployed for all serious crimes, i.e. criminal offences for which a prison sentence of minimum three years or more may be pronounced (art. 117 CC). The evidence obtained through the undertaking of special measures may be used as evidence in criminal proceedings, but the undercover investigator and informant may be questioned as witnesses about the way in which the measures were executed.

Confiscation is provided on the basis of an 'all crime' approach (art. 110 CC). One weakness is that this instrument is conviction-based, i.e. it can be deployed only after a sentence is passed by the judge and not at the preliminary stages of the proceedings. This also means that prosecutors cannot use this instrument in an independent proceeding when the owner of the property is absent, dead or unidentified. There are however at least two noteworthy elements in the BiH confiscation regime. First, not only 'property confiscation' is admitted but also 'value confiscation' (art. 111, Ways of confiscating material gain). This basically means that in case the confiscation of property acquired by the perpetration of the offence is not feasible, the perpetrator shall be obliged to pay an amount of money, which corresponds to the acquired material gain. A second strength of the BiH confiscation regime regards the proof of the illegal provenience of the material gain: if there is a probable cause to believe that the gain derives from a criminal offence and the owner or possessor is not able to provide evidence that the gain was acquired legally, the material gain may be confiscated.

With regard to criminal databases, the centralized Court of Bosnia and Herzegovina is now obliged to keep a centralized system of data on any criminal offences and perpetrators. In addition, this database should contain any valid verdicts concerning criminal offences of the production and circulation of false money, unauthorized production, processing and trade in drugs and poison, human trafficking, dissemination of pornography as well as other criminal offences for which international agreements foresee a centralization of data (art. 411 CCP).

Task force: Before the state police reform (with the operational enactment of the State Border Service and SIPA), the Interpol National Central Bureau in BiH was the only law enforcement organisation

operating at a state level in BiH. SIPA is the State Agency for Protection and Information and is set up in the newly centralized Ministry of Security. This agency is supposed to play a key role in the fight against organized crime in Bosnia and Herzegovina.

Case examples: The Government of BiH continued steady application of its anti-trafficking statute in 2004. The police investigated and submitted to prosecutors a total of 47 cases. Of this number, the courts handed down a total of 18 verdicts, 12 of which resulted in convictions. Length of sentences imposed by the courts improved somewhat, but many continued to be one year or less. The BiH criminal code provides for penalties of up to ten years' imprisonment. The government increased its capacity to prevent and respond to incidents of corruption and continued to investigate cases of official complicity in trafficking.

Shelters, hotline: BiH has several shelters operated by IOM and some NGOs, with cantonal police providing security in the high-risk shelter. In 2005 the government provided funding for six NGO-run shelters throughout BiH. The State Coordinator developed and signed memoranda of understanding to unify shelter standards in cooperation with local NGOs, and local police provided security. Other shelters for victims of violence have provided ad hoc assistance to trafficking victims during the last few years. This includes the Foundation for Local Democracy, which runs a shelter for BiH minors who are victims of violence and, since 2003, has increasingly assisted victims of trafficking.

The assistance and protection framework for trafficking victims in BiH has been geared mainly toward return assistance for adult foreign victims of sexual exploitation. The lack of specialized assistance and protection services for minors represents a gap in the assistance framework. At present, IOM is the primary organization responsible for facilitating the return of foreign trafficking victims willing to return to their home countries. As of 2004, temporary residence permits (TRPs) were available to foreign trafficking victims. BiH is one of the few countries in the region with this option. The permit allows victims to stay in Bosnia and Herzegovina for three months at which point they may apply for an additional extension, contingent upon their cooperation with law enforcement authorities.

Four help lines operate in BiH, receiving calls related to trafficking in persons. These are run by the NGOs Lara, La Strada, Zena BiH and Foundation for Local Democracy and are located throughout the country. The first two help lines are dedicated to trafficking, while the other two receive calls about all forms of violence and exploitation, including trafficking. Moreover, in January 2005, the State Border Service (SBS) introduced a 24-hour hotline available to the general public to make anonymous reports of all crime and register complaints about unprofessional behaviour by border agents.

Directory of Related Organizations:

Association "Women to Women"

Address: Derebent 41, 71000 Sarajevo

Tel/Fax: +387 33 219 640

E-mail: zene2000@megatel.ba

Web: www.zenezenama.com.ba/english/index1.html

Activities: Establishment of a centre for women, emotional and psychological support for women in crisis, integration of women returnees, providing information on health and legal issues, creation of a network with other women's groups from Bosnia-Herzegovina and the world, and lobbying for women's human rights. Zene Zenama's projects include: Counselling Centre for psychosocial support, integration of women returnees, education on development of civil society, and an initiative group for women's studies.

Association "ZENA BIH"

Address: Mostar: Trg Ivana Krndelja 3, 88000 Mostar

Tel/Fax: + 387 36 550 339

E-mail: zenabih@cob.net.ba

Web: www.zenabih.ba/eng/

Activities: Research on the trafficking and the accommodation of the women - victims of trafficking; reintegration of women - victims of trafficking who originate from Bosnia and Herzegovina and have been trafficked abroad.

Fondacija Lokalne Demokratije

IBHI Office Sarajevo, Šaćira Sikirića 12, 71000 Sarajevo

Tel: + 387 33 219 781/268 750

Fax: + 387 33 219 780

E-mail: ibhi@bih.net.ba

ICMC - Bosnia Herzegovina

E-mail: aramirez@icmc.net

Activities: Awareness raising, advocacy and victim protection.

IOM BiH

Address: Vilsonovo Setaliste 10, 71000 Sarajevo

Tel: + 387 33648137

Fax: +387 33648202

E-mail: Missionsarajevo@iom.int

Web: www.iom.ba/

Activities: Project for the return of trafficked migrants from BiH, temporary shelter emergency fund, medical assistance, psychological counselling, awareness raising, dissemination of information.

LARA

Address: Beogradska 38, 76300 Bijeljina

Tel: + 387 55 220 255

Fax: + 387 55 220 251

E-mail: lara@rstel.net

Web: www.online-lara.com

Activities: Assistance to victims of trafficking in human beings and continued assistance to victims throughout the course of any legal proceedings. In addition, working with the IOM's Sarajevo office, Lara helps young women in their voluntary return to their country of origin.

Unija Žar (Sarajevo)

Tel: + 387 33205010

E-mail: ce.zar@smartnet.ba

Women Development Centre Mostar WDC-La Strada BiH

Address: Bulevar Revolucije 35, 88000 Mostar

Tel/Fax: +387 36 557 191, +387 36 557 192

Hotline: **+387 36 557 190**

E-mail: lastrada@cob.net.ba

Activities: Prevention work of WDC/LA Strada B&H complements social assistance in trying to avoid re-victimization of women, empowering women and increasing their sense of independence: hotline and referral; shelter; social assistance; medical and psychological support; press and lobby campaign and raising public awareness on trafficking; prevention, education.

UN agencies in Bosnia and Herzegovina:**ILO: ILO National Correspondent: Sarajevo**

Tel: +387 33 27 68 71

Fax: +387 33 27 68 73

E-mail: itanovic@ilo.ba

OHCHR

Address: Kolodvorska 6, 71000 Sarajevo

Tel: +387 33 660 107/8

Fax: +387 33 660 109

E-mail: mrees@ohchr.org

UNDP

Address: Maršala Tita 48, 71000 Sarajevo

Tel: +387 (33) 563 800/801

Fax: +387 (33) 552 330

E-mail: info@undp.ba

UNICEF: Institut za Zastitu Zdravlja Republike Srpske

Address: Jovana Ducica 1, Banja Luka

Tel/ Fax: +387 51 224 940

E-mail: unicefbl@blic.net banjaluka@unicef.org

The Former Yugoslav Republic of Macedonia (FYRoM)

HDI Rank: 60

Location: South-eastern Europe, north of Greece

Capital: Skopje

Population: 2,050,554 (CIA July 2006 est.)

Area: 25,713 sq km (9,928 sq miles)

Border countries: Albania 151 km, Bulgaria 148 km, Greece 246 km, Serbia and Montenegro 221 km

Major languages: Macedonian, Albanian

Major religions: Christianity, Islam

Urban population (as % of total): 59.5

Population under age 15 (as % of total): 20.1

Internally displaced persons (thousands): 16

Refugees by country of asylum (thousands): 4

Refugees by country of origin (thousands): 12

Life expectancy at birth (years): 73.9 Female: 76.6 Male: 71.5 (2006 est.)

Adult literacy rate (% age 15 and above): 94.0

Currency: Macedonian denar (MKD)

Monetary unit: 1 denar = 100 deni

Main exports: Clothing, iron and steel

GDP per capita (PPP US\$): 7,800 (2005 est.)

Seats in parliament held by women (as % of total): 18.3

Internet users (per 1,000 people): 34.2

Government type: parliamentary democracy

Administrative divisions: 85 municipalities (opstini, singular - opstina); ten of them collectively constitute "greater Skopje"

Independence: 8 September 1991 (referendum by registered voters endorsing independence from Yugoslavia)

National holiday: Uprising Day, 2 August (1903)

Constitution: Adopted 17 November 1991, effective 20 November 1991 note: The Macedonian Parliament approved November 2001 a series of new constitutional amendments, strengthening minority rights

Legal system: based on civil law system; judicial review of legislative acts

Executive branch:

Chief of state: President

Head of government: Prime Minister

Cabinet: Council of Ministers elected by the majority vote of all the deputies in the Assembly

Elections: President elected by popular vote for a five-year term; prime minister elected by the Assembly

Legislative branch: Unicameral Assembly or Sobranje (120 seats - 85 members are elected by popular vote, 35 members come from lists of candidates submitted by parties based on the percentage that a party gains from the overall vote; all serve four-year terms)

Judicial branch: Supreme Court - Parliament appoints the judges; Constitutional Court - Parliament appoints the judges; Republican Judicial Council - Parliament appoints the judges

Map of country and trafficking routes:



FYRoM is mainly an origin and transit country for women and children, both foreign and national, trafficked primarily for sexual exploitation. Macedonian victims are trafficked both abroad and internally. With regards to transit, from information from NGOs, official sources and interviews with victims, it emerges that foreign girls are trafficked through the same routes used for drug trafficking. This means that they are introduced into FYROM from Bulgaria and are then trafficked mainly to Albania, from where they are introduced to European prostitution markets. FYRoM has also recently become a destination country, especially in the tourist areas of Struga and Ohrid in the South and in Tetova and Gostivar. The majority of foreign victims trafficked to FYRoM for sexual exploitation are from Ukraine, Romania and Moldova. Besides local sex workers, 1500-2500 foreigners are believed to be exploited in prostitution under the control of Albanians. A trend is emerging in FYRoM of foreign victims trafficked for sexual exploitation being held by individual men and required to provide both sexual and domestic labour. Foreign victims are increasingly recruited by women, both for sexual and labour exploitation. Moreover, contrary to regional trends, foreign victims in FYRoM generally do not cross at legal border crossings.

Law, mutual legal assistance and cooperation: A variety of sources (i.e. international and European conventions, multilateral and bilateral agreements and national laws) regulate the way in which FYRoM provide and receive assistance in pre-trial investigations into transnational organized cases led by police officers and by prosecutors or investigating judges. FYRoM signed and ratified the entire international and European instruments for judicial and police cooperation. It also entered in bilateral and multilateral agreements regulating international judicial assistance with all the SEE countries and EU countries. FYRoM has also ratified the UN convention on Transnational Organized Crime (2000) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons. FYRoM has recently revised its Criminal Code and Criminal Procedure Code to bring it into compliance with European conventions and to facilitate mutual legal assistance. Furthermore, the government continues to participate actively in Stability Pact regional ministerial meetings and capacity-building programs.

Macedonian prosecutors and investigating judges, when directly contacted by colleagues of another country asking for assistance, are obliged by law to forward the request for assistance to their competent colleagues if they do not have jurisdiction to implement the request. They are also obliged to summon witnesses and experts, whose testimony is requested by colleagues from a foreign country, and to execute freezing or confiscation orders, search warrants or other ordinary and special means of investigations (interceptions, audio or video recording, undercover operations, use of storefronts by investigative units, and covert methods such as controlled delivery). Macedonian prosecutors or investigating judges are obliged to transmit extracts of bank records and criminal records when requested by a foreign colleague. However, there are no liaison magistrates in foreign countries, who can help Macedonian prosecutors or investigating judges to identify competent foreign counterparts to whom they can address a request for assistance.

Macedonian police officers are obliged to forward requests for assistance to competent colleagues when they have no jurisdiction over the request. Moreover, when Macedonian police gather information on a transnational organized crime ring that could be useful to develop an investigation in another country they are obliged by law to forward that information to the authorities of the other country. Provided a court order is issued, Macedonian police can send copies of bank records, documents related to auto vehicle ownership and documents related to criminal records. However, they cannot send phone records, even if requested. The other channels of direct police cooperation available to Macedonian prosecutors are joint investigative teams and international joint customs surveillance operations, though no liaison officers (except SECI Center liaison officers) are posted in foreign countries, which could cooperate with the local police officers in international cases.

Macedonian police officers have established joint investigative teams with the following SEE countries: Albania, Bulgaria, Serbia-Montenegro, Romania, Slovenia, and Turkey. Other joint investigative teams are established with former Russian federation states, such as Ukraine, and with EU Member States (Austria).

The international joint customs surveillance operations are even more spread out than joint investigative teams. In fact, these are carried out in cooperation with the countries mentioned above as well as Croatia, Hungary, Moldova, Belgium, Germany, Greece, Italy and United Kingdom.

Status of Major International Human Rights Instruments ¹⁷ :

International Convention on the Elimination of All Forms of Racial Discrimination, 1965

International Covenant on Civil and Political Rights, 1966

International Covenant on Economic, Social and Cultural Rights, 1966

Convention on the Elimination of All Forms of Discrimination against Women, 1979

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984

Convention on the Rights of the Child, 1989

Elimination of Forced and Compulsory Labour (Convention 29 - Convention 105)

Abolition of Child Labour (Convention 138 - Convention 182)

Regional agreements with bordering countries: There are formal agreements for direct police cooperation with Albania (1992-2000), Bulgaria (1992-2000), Turkey (1992), Romania (1995), Slovenia (1995), Croatia (1997) and Serbia-Montenegro (2003). FYRoM has set up cooperation with the SECI Center and a network of prosecutors from the South-East region (SEEPAG).

Specific anti-trafficking legislation: The government passed new anti-trafficking legislation in 2004. Conviction for trafficking carries a minimum penalty of four years. The new law also criminalizes actions associated with trafficking, such as the destruction of identification documents. According to the Macedonian law, there is no distinction between victims of internal and international trafficking but, in practice, internally trafficked women are not identified as such and are not supported. At this stage, there is no assistance and re-integration support in place for trafficked women returning to FYRoM. Re-admission agreements have been signed with EU countries and there are currently negotiations on-going with countries of origin (e.g. Bulgaria and Romania) to adopt similar agreements.

Trafficking in Human Beings

Penal Code Article 418-a

(1) The one that by force, serious threat and other forms of coercion, by kidnapping, by deceit and abuse of her/his own position and position of weakness of somebody else, or by giving or receiving money and other benefits in order to obtain agreement of the person that has control over persons, recruits, transports, transfers, buys and sell persons, harbours or accepts persons because of exploitation through prostitution or other forms of sexual exploitation, forced labour or servitude, slavery or similar relationship to slavery or illicit transplantation of human body parts, shall be punished with imprisonment of at least 4 years.

(2) The one that recruits, transports, transfers, buys and sells, harbours or accepts children or juveniles because of exploitation as set in paragraph 1 above, shall be punished with at least 5 years imprisonment.

(3) The one that organizes perpetration of the crime stipulated in paragraph 1 & 2 of this article, shall be punished with imprisonment.

¹⁷ Dates make reference to ratification, acceptance, approval, accession or succession.

(4) The one that seizes or destroys personal identification card, passport or other identification document in order to commit any of the offences set in paragraphs 1 & 2 of this article, shall be punished with imprisonment from 6 Months up to 5 years.

(5) The one that uses or enables another person to use sexual services from the person from whom he knows that are victims of human trafficking, shall be punished with from 6 months up to 5 years imprisonment.

(6) If the offence from the paragraph 5 is committed against a child or a minor, the perpetrator will be punished with the at least 4 years imprisonment.

Operational aspects of investigation: Macedonian legislation does not provide for physical protection of witnesses who testify against organized criminal groups. In addition, no measures are taken to protect, at least indirectly, the safety of witnesses by using communication technology such as video links or other adequate means. However, recent amendments to the criminal code contained some witness protection provisions. By law, the government seeks to ensure protection for all victims, and the police have provided 24-hour protection for victims testifying in court. Moreover, despite the lack of special laws, FYRoM has established excellent cooperation with the SECI Center and with its member countries, through which it provides witnesses - often victims of trafficking in human beings and mediation in prostitution. A National Commission for the fight against trafficking in human beings and illegal migration has been established and has been operating in FYRoM (with a special sub group for the fight against trafficking in children) since February 2001, along with a Secretariat of the National Commission (16.07.2003).

While there is a general possibility to seize the property and proceeds gained through criminal activities (art. 97 CC), the great number of provisions and their complexity did not allow getting a clear picture of the way these provisions function in practice and their interrelationship.

One of the more notable shortcomings is the possibility to deploy special means of investigation against organized crime. In FYRoM it is not currently possible for law enforcement agencies to use interceptions (of telephone conversations, fax transmission and Internet transmission), audio or video recording of events taking place on private premises, undercover operations, use of storefronts by investigative units and covert methods such as controlled delivery.

Finally, there is a national centralized database, which contains information about persons convicted for participating in organized criminal groups, and foreign police officers can access the information contained in the database provided that the request for access is supported by an international agreement by Interpol or the SECI Center.

Task force: FYRoM has an anti-trafficking task force based in the headquarters of the Ministry of Interior, with anti-trafficking investigators based in different regions. The task force numbers 30 investigators. The inter-ministerial National Anti-Trafficking Committee, headed by the Ministry of Interior State Secretary, oversees implementation of the National Action Plan.

Macedonian police officers have established joint investigative teams with the following SEE countries: Albania, Bulgaria, Serbia-Montenegro, Romania, Slovenia, and Turkey. Other joint investigative teams are established with Ukraine and with Austria. The international joint customs surveillance operations are even more spread out than joint investigative teams. In fact, these are carried out in cooperation with the countries mentioned above as well as Croatia, Hungary, Moldova, Belgium, Germany, Greece, Italy and United Kingdom.

Case examples: During 2004, the Government of FYRoM amended its trafficking law to establish mandatory minimum sentences of eight years' imprisonment for traffickers in cases where there are aggravating circumstances. The government reportedly investigated 39 suspected human trafficking cases, charged 38 persons, and submitted 19 cases for prosecution. An appellate court upheld a lower court verdict sentencing four defendants to 12 years in prison. However, instances of official impropriety and poor courtroom procedures continued to hamper judicial effectiveness. Trafficker Dilaver Bojku-Leku was sentenced to 3 years and 8 months in prison for "mediation in prostitution," but is in an "open regime," which allows him to regularly leave the prison on his own recognizance. At his March 2005 retrial for additional charges, the court failed to adequately safeguard the victim-witness's identity or prevent the defendant's apparent intimidation of the victim and of court officials.

Shelters, hotline: In FYRoM there is one dedicated shelter for trafficked victims, and this shelter provides services to foreign victims. The shelter, established in 2001 in Skopje, is part of the Transit Centre for Foreigners, a secure, closed government facility - the only government-run shelter in the region. The Ministry of Interior, Department for foreigners is responsible for the shelter. Police routinely place victims found during anti-trafficking raids in the government's transit shelter for trafficking victims. When the victims are found, they are immediately transferred in the shelter where they are secured, professionally taken care of, receive medical, legal assistance and are processed with

the established international standards and in accordance with the recommendations and requirements of Palermo protocol. In charge of this activity is the Ministry of Interior. Once the victims are in the transitional shelter, a local NGO conducts interviews, and they are offered repatriation, counselling, medical and other support services through IOM.

At present, there is an on-going project, implemented by IOM in partnership with USAID, UNICEF and OSCE, aimed at establishing a shelter and assistance programme, including reintegration assistance, primarily for Macedonian victims.

FYRoM does not have formal national referral system. Official identification and referral of victims in FYRoM currently operates according to an informal system, with all foreign victims referred to IOM and national victims primarily identified through Open Gate, which is a member of the La Strada network, and referred for assistance within its network of partners. The assistance and protection framework available to trafficking victims in FYRoM has been geared primarily toward the return of foreign nationals. The IOM has provided most of the return assistance to foreign victims in FYRoM over the last few years. Moreover, victims may be granted refugee status or asylum under Macedonian law.

In cooperation with the Ministry of the Interior and partner NGOs, the IOM mission in Skopje has developed and implemented Standard Operating Procedures for the Assistance of Victims of Trafficking (SOPs) in FYRoM. The SOPs present the basic principles and definition of assistance to victims of trafficking, describe the primary roles and responsibilities of the government and agencies involved in assistance, detail interagency coordination and outline the referral process.

There is a lack of specialized assistance for minors in FYRoM, with few special procedures for under-age victims. Rather, adult services are adapted to minor victims. One positive step in this regard is the fact that the SOPs include special procedures for the assistance of minors and mentally ill or disabled trafficking victims.

FYRoM has a hotline dedicated to trafficked victims, the SOS help-line established in October 2002 by Open Gate. The help-line aims to provide preventive information (about employment agencies, working conditions abroad, etc.), as well as to inform callers about assistance services and referral mechanisms. The help-line also collects information on missing women and girls and cooperates with the Anti-Organized Crime Department. In early 2004, OSCE, Open Gate and the Anti Trafficking Unit started developing a proper procedure for transmitting the information gathered to ensure confidence, security and anonymity, if needed, for the caller on one hand, and to allow the Anti Trafficking Unit to investigate properly, on the other.

In addition, there is another help-line for victims of violence, including trafficking, operated by the Organization of Women Skopje. It offers free advice as well as psychological counselling, legal advice and referrals for assistance. Moreover, the help-line offers information about safe migration, including avoiding risks of trafficking.

Directorate of Related Organizations:

Institute for Sociological Political and Juridical Research - Centre for Human Rights, Refugees and Forced Migration Studies

Address: Blvd. Partizanski Odredi b.b. P.O. Box 435 1000 Skopje

Tel: +389 23061760

Fax: + 389 23061282

E-mail: mborota@isppi.ukim.edu.mk, isppidir@isppi.ukim.edu.mk

Web: www.isppi.ukim.edu.mk

Activities: Research on trafficking and forced migration, prevention and education, awareness raising.

IOM

Address: Boulevard Partizanski Odredi 72-A, 91000 Skopje P.O. Box 43 Skopje 1000

Tel: +389 23088100

Fax: +389 23088101

E-mail: iomskopje@iomskopje.org.mk

Web: www.iomskopje.org.mk

Activities: Rapid response to stranded persons, voluntary return and reintegration, prevention of and assistance regarding Sexually Transmitted Infections and Reproductive Tract Infection, information and research, closer cooperation with NGOs, transnational network development and planning.

OPEN GATE - SKOPJE / La Strada - Macedonia

Address: P.O. Box 110, 1000 Skopje

Tel: +389 22700107

Fax: +389 22700367

Hotline : **+389 2777070**

E-mail: lastrada@on.net.mk

Web: lastrada.org.mk/eng/info.htm

Activities: Prevention of trafficking women and forced prostitution, social support to women victims of trafficking, help-line for women victims of trafficking, training other institutions on issues related to trafficking in women, dissemination of information and awareness raising on trafficking, lobbying and media campaigns.

Organization of women's organizations of Macedonia

Address: Str. Vasil Gjorgov br. 39 baraka 7, 1000 Skopje, Macedonia

Tel: +389 2 121280

Fax: +389 2 227918

E-mail: owom@freemail.com.mk

UN agencies in FYRoM:

OHCHR

Address: Zeleznicka, 53, 1000 Skopje

Tel: + 389 2 3216 850 *Fax:* +389 2 3131 040

E-mail: ohchr@mt.net.mk

UNDP

Address: 8-ma Udarna Brigada Str.2, 1000 Skopje

Tel: +389 2 3249 500 *Fax:* +389 2 3249 505

E-mail: registry.mk@undp.org

UNICEF

Address: Mitropolit Teodosij Gologanov 42a, PO BOX 491, 1000 Skopje

Tel: +389 32 31 150 *Fax:* +389 32 31 151

E-mail: skopje@unicef.org

UNMIK, UNCIVPOL

Address: Main HQ, Press and P.I. Office, P.O. Box 515, 91000 Skopje

On 6 April 2004, the Provisional Criminal Code and the Provisional Criminal Procedure Code for Kosovo entered into force. The new criminal code, which provides for new offences (for example, the crime of smuggling of migrants), re-classifies existing crimes in the previous legislation under new titles and new specifications. The new criminal procedure code, provides for new procedures at all stages of a criminal investigation, investigations will be carried out by the police and the office of the public prosecutor, and only limited provision has been made in law for the provision of testimony before an investigative judge.

Compendium of Legislation:

- ***Specific anti-trafficking legislation***

Kosovo has comprehensive anti-trafficking legislation.

- ***Definition of trafficking***

Kosovo anti-trafficking legislation provides a specific definition of trafficking (UNMIK / REG / 2001 / 4).

- ***Money Laundering/Parallel Financial Investigation laws***

In Kosovo, property used in or resulting from the commission of trafficking in persons or other criminal acts may be confiscated in accordance. On 1 March 2004 entered into force Regulation No. 2004/2 'On the deterrence of money laundering and related criminal offences'. Pursuant to this regulation, in September 2004 became operational the Financial Information Centre, under the Police and Justice Pillar of UNMIK in Pristina. The Centre is directed at enhancing law enforcement capacities, particularly in information gathering and analysis, aimed at deterring money laundering and related criminal offences through greater transparency in financial transactions. From 1 September 2004, it is obligatory for banks and financial institutions to report any suspicious transactions to the Financial Information Centre. In addition, large cash transactions must be reported. From 1 November 2004, NGOs, political parties and registered candidates, attorneys, certified accountants and licensed auditors and other business organisations, are also bound by certain obligations related to financial transactions. Further, any transfer of immovable property will require a declaration in a specified format, signed by the transferor and transferee.

- ***Conspiracy/aiding/abetting laws***

Kosovo has legislation that criminalizes the act of attempting to engage in trafficking (UNMIK/REG/2001/4 Section 2.1). Section 2.3 criminalizes the offence of "organizing" for the purposes of committing the above acts and imposes a penalty of 5-20 years imprisonment, and Section 2.4 criminalizes "negligence."

- ***Protection of victims***

Kosovo's anti-trafficking law includes a chapter (Chapter III) on Victim Protection and Assistance.

UNMIK Regulation 2001/4 (Section 12.1) provides for the granting of residence in Kosovo for victims of trafficking who express a wish not to be returned to their countries for fear of persecution. Such residence is to be granted by the appropriate authority, upon evaluation of the claim in accordance with the applicable law in Kosovo. The Regulation does not specify whether such residency is temporary or permanent.

Section 7.4, UNMIK Reg. 2001/4 allows victims to present evidence in camera or by electronic or other special means as the court deems fit.

According to UNMIK Reg. 2001/20 on the "Protection of Injured parties and Witnesses in Criminal Proceedings." The victim advocate attends at court with the victim. The testimony used at the investigative hearing is placed in affidavit form and the victim is sent home. The affidavit is used to testify for the victim in court. Victims can petition a court for protective measures as follow:

UNMIK Reg. 2001/20 (c) "Efforts to conceal the features or physical description of the injured party or witness giving testimony, including testifying behind an opaque shield, through image or voice-altering devices, or contemporaneous examination in another place communicated to the Court room by means of closed-circuit television, or video-taped examination of the injured party or witness prior to the Court hearing with the defence counsel present".

Further, according to Reg. 2001/20, it is possible for the victims to provide video testimony from separate venues from the actual courthouse. No mention is made of the limits of the venue, nor is any restriction placed on the place. The governing provision in this respect is Section (c).

Moreover, UNMIK police has a Witness Protection Unit (WPU) that is able to provide protection measures for witnesses. Such measures are however currently limited due to funding constraints.

- ***Actual legislation***

UNMIK/REG/2001/4 12 January 2001 Regulation NO. 2001/4 On the prohibition of trafficking in persons in Kosovo

CHAPTER I: Criminal acts and penalties**Section 1: Definitions**

1.1 For the purposes of the present regulation:

(a) "trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

(b) "exploitation" as used in subparagraph (a) shall include, but not be limited to, 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.

1.2 The consent of a victim of trafficking in persons to the intended exploitation set forth in section 1.1 shall be irrelevant where any of the means set forth in section 1.1(a) have been used against a victim of trafficking.

1.3 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 section 1.1(a).

Section 2: Trafficking in Persons

2.1 Any person who engages or attempts to engage in trafficking in persons commits a criminal act and shall be liable upon conviction to a penalty of two (2) to twelve (12) years' imprisonment.

2.2 Where the victim of trafficking is under the age of 18 years, the maximum penalty for the person engaging in trafficking shall be up to fifteen (15) years' imprisonment.

2.3 Any person who organizes a group of persons for the purpose of committing the acts referred to in paragraphs 2.1 and 2.2 shall be liable upon conviction to a penalty of five (5) to twenty (20) years.

2.4 Any person who, through negligence, facilitates the commission of trafficking in persons commits a criminal act and shall be liable upon conviction to a penalty of six months to five (5) years' imprisonment.

Section 3: Withholding of Identification Papers

Any person who, acting or purporting to act as another person's employer, manager, contractor or employment agent, intentionally withholds that other person's personal identification documents and/or passport commits a criminal act and shall be liable upon conviction to a penalty of six (6) months to five (5) years' imprisonment.

Section 4: Using or Procuring Sexual Services of Person in a Situation of Sexual Exploitation

4.1 Any person who uses or procures the sexual services of a person with the knowledge that that person is a victim of trafficking in persons commits a criminal act and shall be liable upon conviction to a penalty of three (3) months to five (5) years' imprisonment.

4.2 Where the person providing the sexual services referred to in section 4.1 is under the age of 18 years, the maximum penalty for the person convicted of using or procuring such services shall be up to ten (10) years' imprisonment.

CHAPTER II: Investigation, Confiscation And Court Procedures**Section 5: Investigations**

5.1 The taking of a statement by a law enforcement officer or investigating judge shall in no way inhibit or delay the voluntary repatriation of an alleged victim of trafficking.

5.2 Appropriate measures shall be taken for witness protection during any investigation and/or court proceedings arising under the present regulation.

Section 6: Confiscation of Property and Closure of Establishments

6.1 Property used in or resulting from the commission of trafficking in persons or other criminal acts under the present regulation may be confiscated in accordance with the applicable law. The personal property of the victims of trafficking shall not be confiscated wherever it can be immediately identified by the law enforcement officer as such.

6.2 Where there are grounds for suspicion that an establishment, operating legally or illegally, is involved in, or is knowingly associated with trafficking in persons or other criminal acts under the present regulation, an investigating judge may, upon the recommendation of the public prosecutor, issue an order for the closing of such establishment.

6.3 A reparation fund for victims of trafficking shall be established by administrative direction and shall be authorised to receive funds from, inter alia, the confiscation of property pursuant to section 6.1.

Section 7: Court Proceedings

7.1 Except with the leave of the president of the panel of judges, it shall not be permissible for a defendant charged with a criminal act under the present regulation to introduce evidence of the alleged character or personal history of the alleged victim.

7.2 A defendant may petition the president of the panel of judges to allow the introduction of evidence of the alleged character or personal history of the alleged victim. Upon receiving such petition, the president of the panel of judges shall conduct a hearing in camera during which the defendant and the prosecution shall have the opportunity to be heard.

7.3 Following the hearing in camera, the president of the panel of judges shall only grant leave to introduce evidence of the alleged character or personal history of the alleged victim if satisfied that the evidence is of such relevance, and its omission would be so prejudicial to the defendant, as to result in a miscarriage of justice for the defendant if not allowed to be introduced. In such cases, the president of the panel shall establish the limits within which such evidence or questions may be introduced.

7.4 In cases before the court involving charges of criminal acts under the present regulation, the court may permit the alleged victims and witnesses to present their evidence in camera or by electronic or other special means, as the court sees fit.

Section 8: Defence Available to a Victim of Trafficking

A person is not criminally responsible for prostitution or illegal entry, presence or work in Kosovo if that person provides evidence that supports a reasonable belief that he or she was the victim of trafficking.

CHAPTER III: Victim Protection And Assistance

Section 9: Victim Assistance Coordinator

9.1 Subject to section 9.2, the Special Representative of the Secretary-General shall appoint a Victim Assistance Coordinator who shall be responsible for coordinating the implementation of the present regulation, particularly the provisions set out in section 10 below. In the exercise of his or her duties, the Victim Assistance Coordinator shall liaise with the relevant law enforcement authorities, international and non-governmental or other organisations, and administrative departments as necessary.

9.2 Expenses arising from the implementation of the provisions under Chapter III of the present regulation shall be funded, to the extent resources are available, from donor contributions made specifically for this purpose and recorded as designated donor grants in the Kosovo Consolidated Budget. The Victim Assistance Coordinator may also request other funds to be allocated for these purposes in the Kosovo Consolidated Budget.

Section 10: Assistance to Victims of Trafficking

10.1 Upon the request of a person who provides to the Victim Assistance Coordinator reasonable grounds for belief that she or he is a victim of trafficking, the following services shall be provided to that person, subject to availability of resources provided in accordance with section 9.2:

- (a) free interpreting services in the language of their choice;
- (b) free legal counsel in relation to trafficking issues (criminal or civil);
- (c) temporary safe housing, psychological, medical and social welfare assistance as may be necessary to provide for their needs; and
- (d) such other services as shall be specified in an administrative direction.

10.2 The services and facilities for the assistance of victims of trafficking shall be available to such victims, in accordance with section 10.1, regardless of any charges of prostitution or of illegal entry, presence or work in Kosovo that may be pending against them.

10.3 Law enforcement officers shall advise persons who are suspected victims of trafficking at the earliest available opportunity of their right to request the services and facilities set out in the present section and shall contact the appropriate persons to arrange the requested assistance.

Section 11: No Deportation of Trafficking Victims for Certain Convictions

A conviction for prostitution or a conviction for illegal entry, presence or work in Kosovo shall not be the basis for deportation if the person who is to be deported is a victim of trafficking.

Section 12: Evaluation of Refugee Status

12.1 If a victim of trafficking expresses a wish to not be returned to her or his country of citizenship or previous habitual residence based on a claim of persecution, such a claim shall be evaluated by the appropriate authority, pursuant to the applicable law, who may determine that the victim may be granted residence in Kosovo or such other assistance as deemed appropriate.

12.2 Nothing in the present regulation shall affect the protection afforded to refugees and asylum-seekers under international refugee law and international human rights law, in particular, compliance with the principle of non-refoulement as set forth in Article 33 of the 1951 Convention on the Status of Refugees.

Section 13: Implementation

The Special Representative of the Secretary-General may issue administrative directions for the implementation of the present regulation.

Section 14: Applicable Law

The present regulation shall supersede any provision in the applicable law that is inconsistent with it.

Operational aspects of investigation: The Trafficking and Prostitution Investigation Unit (TPIU) and IOM are responsible for identifying victims of trafficking. In some cases, the OSCE is involved. All foreigners must be registered on the TPIU database.

Task force: The UNMIK Police Trafficking and Prostitution Unit (TPIU) was established in November 2000, with the aim of gathering evidence to assist in the prosecution of those believed to be responsible for trafficking. Both international police officers and members of the Kosovo Police Service (KPS) staff the TPIU. In the past years, the UNMIK has been gradually transferring more authority to the local KPS.

It is important to note that the EU is preparing to increase its presence in Kosovo with the creation of a police and security mission. The mission will be the EU's third in the Western Balkans, following similar operations in Bosnia and Herzegovina and FYRoM. It remains unclear how many forces would represent the proposed EU police mission in Kosovo, or what the exact nature of the mission would be, given the gradual transfer of authority from UNMIK to the KPS.

Case examples: In 2004, UNMIK's Trafficking and Prostitution Investigation Unit (TPIU) made 77 arrests, conducted 2,386 raids, and assisted 48 victims, 17 percent of whom were minors. Approximately 1,260 people were registered between January 2003 and April 2004, but the number of women is unknown. Eighty-five women were identified as victims of trafficking and 36 were repatriated. The small number of repatriations is related to the lack of legal deportation procedures in Kosovo and to the fact that women who refuse assistance can remain in Kosovo. According to TPIU statistics, 83 victims were assisted and 75 trafficking cases were discovered between January 2003 and April 2004. Over the same period of time, 2,753 bar raids were carried out. In 2003, raids and investigations resulted in 69 arrests on charges of prostitution (33), possession of false documents (6), solicitation/procurement of prostitution (19) and pimping (11). A total of 60 charges of trafficking were laid in the same year.

Shelters, hotline: There are three main shelters for trafficking victims in Kosovo. The Victims' Advocacy and Assistance Unit of the Department of Justice (UN Mission in Kosovo) opened the Interim Secure Facility (ISF) in July 2003. From February 2000 shelter for externally trafficked women who agree to enter the IOM program was provided by a domestic NGO, while internally trafficked women have been offered shelter by the Centre for the Protection of Women and Children (CPWC) since 2000. After initial counselling, medical and legal advice, the CPWC contacts other organizations, in conjunction with the Ministry of Health and Social Welfare, to assist those who wish to reintegrate back into their own family.

The official identification and referral of trafficking victims in The Province of Kosovo is similar for foreign and Kosovar victims. All victims are identified by law enforcement authorities and subsequently transferred to the ISF shelter, where they are screened and offered appropriate assistance. The ISF serves as a transit shelter for all identified victims prior to their referral to an appropriate shelter or assistance programme. It is intended as a place where victims can establish some sense of normalcy and reflect on their options prior to making any decisions about assistance. ISF also serves as a secure facility for high-risk cases and can be used for other categories of beneficiaries, such as witnesses in trafficking cases in need of protection.

If the victim is foreign, s/he is interviewed by IOM and offered the IOM assistance package, which includes return to the home country. Those who accept this assistance are transferred to shelter of the Centre to Protect Victims and Prevent Trafficking in Human Beings (PVPT), located in Pristina, where they are accommodated and assisted prior to their return. The shelter accepts foreign victims of trafficking, both minors and adults.

For trafficked Kosovar victims there are four shelters in the Province of Kosovo, located in Pristina, Peć/Peja, Prizren and Jakova/Đjakovica. As well, IOM provides support in the assistance to Kosovar victims. Three organizations provide short-term ad hoc lodging for Kosovar trafficked victims. The other organization (CPWC) has a more permanent structure for victims at greater risk of violence. Cases can be referred to the shelter on a 24-hour basis through one of the CPWC centres in the field.

Two shelters, operated by the international NGO Hope and Homes, are devoted to the assistance needs of minor victims, both foreign and Kosovar. The shelters are not dedicated to trafficking but rather accept minor victims of violence generally. These two shelters are based in Pristina and Prizren. While both shelters are short to medium-term accommodation, in practice, the lack of longer-term options means that victims tend to stay there for long periods - up to two years. In 2005, a programme for semi-independent living for young adults was implemented and includes trafficking victims. This programme, aimed at long-term recovery and reintegration of victims is a first step in providing longer-term accommodation options for minors, when family reintegration is not in the best interest of the child.

UNMIK established a help-line for trafficking victims in 2004. The help-line is operated by the Department of Justice and most callers are referred to law enforcement agencies or provided with legal advice and given little other assistance, counselling or referral.

Directorate of Relevant Organizations:

Centre for the Protection of Women and Children (CPWC)

Web: www.cpwc-qmgf.org/

International Catholic Migration Commission (ICMC) Kosovo

Address: Novi Pazar 48, 38000 Pristina

Tel: +381 38244313

Fax: +381 38244315

E-mail: icmc-kosov@icmc.net

Web: www.icmc.net/docs/en

Activities: Return and re-integration in home countries / local integration, training and advocacy.

IOM Pristina

Address: Patriarha Varne 49, 38000 Pristina

Tel: + 381 38549042

Fax: + 381 38549039

E-mail: IOMPristina@iom.ipko.org

Web: www.iom.ipko.org/Home.htm

Activities: Legal services to trafficked women such as: legal counselling, documentation assistance; assistance with immigration and the police, support and advice throughout the legal process; translation/interpreting to victims of traffic in Kosovo; psychological services: crisis intervention, counselling, self-support groups, family and children counselling; social and financial assistance such as: direct money assistance, paying for accommodation, day-to-day assistance to women, food and clothes supplies; return assistance (organizing the trip, paying travel fares, contacting embassy of the country of origin, escort to the airport/station, contacting appropriate NGOs in the country of origin); rehabilitation therapy, educational courses and employment skills training, language training and individual rehabilitation programmes, loans for Kosovar women who have returned; IOM is also engaged in research and lobbying, prevention and awareness raising on trafficking in women and girls in the country.

Kosova Women's Network (KWN)

Address: Agim Ramadani nr 50/8, Pristina

Tel: +381 38245850

E-mail: info@womensnetwork.org

Web: www.womensnetwork.org

Activities: Support, protect and promote the rights and the interests of women and girls throughout Kosovo, regardless of their political beliefs, religion, age, level of education, sexual orientation and ability. KWN fulfils its mission through the exchange of experience and information, partnership and networking, research, advocacy and service. Network members provide a variety of community services to vulnerable women such as courses, trainings, aid, and psychological support.

Medica Mondiale Kosovo

Address: Luigj Gurakuqi 39 - Gjakove

Tel: + 381 39021139

Fax: + 381 39021139

E-mail: medikam.kosova@ipko.org

Web: www.medicamondiale.org/projekte/jugoslawien/

Activities: Advocating for the rights and interests of women who have survived sexual violence in war and crisis zones, development of scientific standards for the medical and psychotherapeutic treatment as well as the psychological, social and legal support of women and girls traumatised in war and crisis situations.

OSCE Mission Kosovo

Address: Belgrade Street 32, 38000 Pristina

Tel: +381 38500162

Fax: +381 38500188

E-mail: press.omik@osce.org

Web: www.osce.org/kosovo/

Activities: Legal and financial support (limited direct money assistance); shelter / housing to victims of traffic; referral (OSCE, IOM and the Police have official referral programme for victims of traffic in Kosovo); in limited cases OSCE Mission assists foreign women to return to their home countries; training for judges in the Mitrovica region; also engaged in advocacy, policy making and awareness raising on the issue of trafficking.

Women Shelter

Tel: +381 11645328

E-mail: marersfc@net.yu

Activities: Shelter for women and children victims of violence, discrimination and marginalisation.

UN agencies in Kosovo:**ILO-IPEC Kosovo**

Address: Qafa Complex, Prishtina, UNMIK Kosovo

Tel: + 381 38 246013

Fax: + 381 38 246013

OHCHR

Address: Omladinskih Brigada 86, 11070 Belgrade

Tel: +381 11 318 5828

Fax: +381 11 318 5872

E-mail: office@unhchr.org.yu or charvey@unhchr.org.yu

UNDP

Address: Peyton Place st. 14, Pristina

Tel: +381 38 249 066

Fax: +381 38 249 065

E-mail: registry.ks@undp.org

UNICEF

Address: Ali Pashë Tepelena, No. 1, Pristina

Tel: +381 38 249 230/231/232

Fax: +381 38 249 234

E-mail: prishtina@unicef.org

UNMIK, UNCIVPOL

Address: UNMIK Police HQ, Room 71, Pristina

Tel: +381 38 504 604 5071

Fax: +38138 504 604 5073

E-mail: pol-press@un.org

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