

# National Referral Mechanisms

JOINING EFFORTS TO PROTECT THE RIGHTS OF TRAFFICKED PERSONS



# NATIONAL REFERRAL MECHANISMS

JOINING EFFORTS TO PROTECT THE RIGHTS  
OF TRAFFICKED PERSONS

A Practical Handbook – Second Edition



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OSCE Office for Democratic Institutions and Human Rights (ODIHR)

Miodowa 10

00–251 Warsaw

Poland

Telephone: +48 22 520 06 00

Fax: +48 22 520 0605

Email: [office@odihr.pl](mailto:office@odihr.pl)

[osce.org/odihr](https://osce.org/odihr)

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Design and illustration by [Matt Loehrer](#).

Portraits painted in oil by Mateusz Aftanas.



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## List of acronyms and abbreviations

<b>BIC</b>	Best Interest of Children
<b>CEDAW</b>	Convention on the Elimination of all Forms of Discrimination Against Women
<b>CIS</b>	Commonwealth of Independent States
<b>CoE</b>	Council of Europe
<b>CSAM</b>	Child sexual abuse material
<b>ECHR</b>	European Convention on Human Rights, formally the Convention for the Protection of Human Rights and Fundamental Freedoms
<b>ECOSOC</b>	United Nations Economic and Social Council
<b>EU</b>	European Union
<b>EUROPOL</b>	European Union Agency for Law Enforcement Co-operation
<b>GRETA</b>	Group of Experts on Action against Trafficking in Human Beings of the Council of Europe
<b>ICMPD</b>	The International Centre for Migration Policy Development
<b>IGO</b>	Inter-governmental Organization
<b>ILO</b>	International Labour Organization
<b>INTERPOL</b>	International Criminal Police Organization
<b>IOM</b>	International Organization for Migration
<b>ISTAC</b>	International Survivors of Trafficking Advisory Council
<b>JIT</b>	Joint Investigation Team
<b>MLA</b>	Mutual Legal Assistance
<b>NGO</b>	Non-governmental Organization
<b>NRM</b>	National Referral Mechanism
<b>ODIHR</b>	Office for Democratic Institutions and Human Rights
<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights
<b>OPP</b>	Operational Partnership Protocol
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>OSR/CTHB</b>	Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings
<b>Palermo Protocol</b>	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
<b>PTSD</b>	Post-Traumatic Stress Disorder
<b>R&amp;R period</b>	Recovery and Reflection period
<b>SDG</b>	Sustainable Development Goals
<b>SENP</b>	State of Emergency National Protocol
<b>THB</b>	Trafficking in Human Beings
<b>TiCC</b>	Trauma-informed Code of Conduct
<b>TIP</b>	Trafficking in Persons
<b>UN</b>	United Nations
<b>UN Women</b>	United Nations Entity for Gender Equality and the Empowerment of Women
<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>UNTOC</b>	United Nations Transnational Organized Crime Convention

## Foreword

I am pleased to present this second edition of the National Referral Mechanisms Handbook. Fifteen years after the first edition, trafficking in human beings has only proliferated further, as criminals have adopted ever more sophisticated techniques for exploiting their fellow human beings. New technologies such as the Internet and social media have been deployed to groom, recruit and traffic vulnerable people in a multi-billion dollar global criminal industry. The size of this multi-part handbook recognizes not only the new challenges we face in combating human trafficking, but also new developments in our approaches and understanding of how best to identify, protect and support victims, as well as on how to prevent them being trafficked in the first place. Most notably, we now recognize that survivors' and victims' needs and views need to be at the forefront of the development of policy responses, and indeed this handbook has been created with in-depth consultations with survivors themselves.

Recognizing their responsibility to combat human trafficking, in 2003 the OSCE participating States adopted the OSCE Action Plan to Combat Trafficking in Human Beings, followed by the 2005 Addendum focusing on child victims of trafficking, the 2013 Addendum addressing the emerging trends and most pressing challenges, and 12 Guiding Principles on Human Rights in the Return of Trafficked Persons. Through this framework, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been tasked with assisting States in developing National Referral Mechanisms (NRMs).

NRMs are the institutional mechanisms that help States identify trafficking victims and ensure their protection. This handbook provides a guidance model which all OSCE participating States can adapt and apply within their own national systems, to ensure that their NRMs meet the highest standards in both design and implementation. It provides an overview of the working methods, procedures and services that are required across the 4 NRM 'pillars' of identification and protection; individual support and access to services; social inclusion; and criminal justice and redress. It also identifies the various stakeholders involved in executing NRMs and their roles across different institutions, and stresses the need for a multi-disciplinary approach.

New innovations in this updated handbook include guidance throughout on dealing with trafficked children, who have particular needs that should be taken into account at all stages. We also include a section on healthcare for the first time, recognizing that victims of trafficking often have specific healthcare needs related to the ill-treatment and trauma they may have suffered. In addition, this handbook is accompanied by a series of practical adult and child assessment guides, a selection of promising practices gathered from individual participating States, and a list of 57 recommended standards to assist OSCE participating States seeking to introduce or improve NRMs.

ODIHR hopes that this publication will be a valuable resource for the whole OSCE region and beyond as they fulfil their commitments to the fight against human trafficking. We stand ready to support OSCE States in this endeavour.

**Matteo Mecacci**  
**ODIHR Director**

Across the globe, millions of people are trapped in human trafficking situations with many survivors currently lacking support, protection, justice or social inclusion. Robust national anti-trafficking frameworks are essential, and this handbook sets out a practical multi-disciplinary response system, truly reflective of the needs of victims and survivors of trafficking. It provides countries with clear guidance on how to combat human trafficking effectively and sustainably in their specific areas. Crucially, it also addresses the special needs of children, gender specific considerations and the health issues faced by victims and survivors of human trafficking, while providing examples of evidence based good practice. We urge governments and civil society stakeholders to use this handbook to inform and lead their work to ensure victims and survivors of trafficking are treated within a human rights framework; where a victim and survivor-centred, gender-sensitive and trauma-informed approach is employed from the point of detection through to recovery and integration.

As subject matter experts, survivors of trafficking play a critical role in the Anti-Trafficking movement. Their lived experiences are central to developing holistic, comprehensive, survivor informed and solution-based interventions.

Their expertise supports governments, civil society, NGOs and advocates worldwide to develop and implement effective strategies to prevent and combat the trafficking of human beings.

### 1<sup>st</sup> International Survivors of Trafficking Advisory Council (ISTAC)



**ROW 1:** Kendall Alaimo, USA; Trisha Baptie, Canada; Mariaam Bhatti, Ireland; Zita Cabais, France; Daniella De Luca, Spain; Jerome Elam, USA; Marina Gorbunova, Uzbekistan **ROW 2:** Regina Lee Jones, Norway; Angelina Kurdenok, Russia; Diane Martin, UK; Ronny Marty, USA; Timea Nagy, Canada; Sandra Norak, Germany; Mercy Obade, Denmark **ROW 3:** Itohan Okundaye, Finland; Malaika Oringo, Netherlands; Bukola Oriola, USA; Suamhirs Piraino-Guzman, USA; Shandra Woworuntu, USA; Hyab Yohannes, UK; Laurent Ziegler, Austria

## List of Icons



Identification plus Protection



Individual Support and Access to Services



Social Inclusion



Criminal Justice and Redress



Survivors of Trafficking



Recommended Standard



NRM for Children



Legal Framework



Protection



Access to Legal Advice and Representation



Health



Trauma-informed Approach



Needs and Risks Assessment



Technological Dimensions



Prevention

## Preface

**It is estimated that fewer than 1 per cent of the world's victims of trafficking are ever identified, yet they are a feature of daily life in cities, towns, villages and local communities.<sup>1</sup>**

Victims of trafficking are exploited in nearly every formal and informal setting imaginable, including private homes, factories, restaurants, office cleaning agencies, construction sites, nail and beauty salons, care homes, farms, mines and medical facilities, basements, brothels, hotels, street corners, highways, apartment buildings, bars, restaurants, entertainment centres, strip clubs and nightclubs, as well as Internet sites, and other online forums.

Those who survive trafficking are often left in vulnerable circumstances for years afterwards. They experience situations of poverty, destitution or poor and inadequate housing, and further loss of liberty in prisons and detention centres. Many continue to suffer situations of social isolation, stigma and marginalization, adversity, violence and re-trafficking.

**Too often their traffickers operate with impunity, amassing profit at the cost of human lives.**

**The devastating impact of human trafficking continues long after victims leave the direct control of their traffickers.** Traffickers' methods of subjugation, psychological and physical violence, control and exploitation can result in survivors having complex, long-term problems with their mental and physical health, substance addiction, difficulties with personal identity and individual autonomy and agency. They can experience self-blame, shame, loss of confidence and low self-esteem.

**A combination of vulnerabilities, lack of support and protection of adult and child survivors can place them at risk of disappearance or re-trafficking, even after they have been formally identified.** As a result, thousands of children and young people go missing every year, including from care homes, child and youth services and shelters, where they were placed for the purpose of being safe.<sup>2</sup>

**After trafficking, survivors are often tied up in complex legal procedures for years, suffering social exclusion and marginalization, and living in continued fear of traffickers and other perpetrators.** In many cases, they experience constant worry in their daily lives that other people will come to know about their history. Situations of extreme poverty or destitution are common, together with exclusion from access to essential multi-agency services and therefore access to safe and appropriate housing, education, training and gainful employment. It is common for survivors in all countries to suffer discrimination as victims of trafficking, especially those who have experienced sexual exploitation and those who are members of marginalized, groups or minorities.

**Survivors of domestic trafficking (trafficking within the borders of one country) are frequently overlooked for provision of trafficking specialist services.** They often continue to live in proximity to their traffickers, experiencing fear and vulnerability. Many are left without means or support to rebuild their lives and many will re-appear repeatedly in criminal justice systems, accused of offences for which their traffickers should be prosecuted and convicted.

**Survivors of transnational trafficking (trafficking across international borders) may find themselves in protracted and arduous procedures to obtain residence status or international protection from the risk of further human rights violations in case of return to their home countries or third countries.** Precarious status creates a vulnerability to re-trafficking. Many survivors worldwide are held in detention for long or indefinite periods even when their status as victims of trafficking has been determined.<sup>3</sup>

<sup>1</sup> International Organization for Migration (2017), [Global Trafficking Trends in Focus: IOM Victim of Trafficking Data, 2006-2016](#), p. 2 and Department of State, [Trafficking in Persons Report](#)

<sup>2</sup> Missing Children Europe (2020), [Figures and trends 2019: From hotlines for missing children and cross-border family mediators](#). ECPAT UK & Missing People (2016), [Heading back to harm: A study on trafficked and unaccompanied children going missing from care in the UK](#). European Parliament (2017), [Disappearance of migrant children in Europe](#), March 2017. Hodal, K. & Kelly, A. (2016), [Child trafficking victims disappearing from UK care at 'alarming' rate](#), *The Guardian*, 14 November 2016. Dolce, M. (2018), [We Have Set Up a System to Sex Traffic American Children](#), *Newsweek*, 12 January 2018.

<sup>3</sup> The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings stated that "[e]vidence to date confirms that victims of trafficking are routinely punished (through administrative detention and the imposition of fines among other means) and prosecuted throughout the OSCE region for crimes which were committed as a direct consequence of their trafficking, such as for immigration offences, the use of false documents." OSCE Office of Special Representative and Co-ordinator for Combating Trafficking in Human Beings [OSR/CTHB] (2013), [Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of human trafficking](#), 25 June 2013, p. 7. "A key factor inhibiting the rights of trafficked persons as victims of crime is that detention measures against trafficked r persons are still common practice in various forms, occurring even if they have been correctly identified as victims, as a result of their engagement in illicit activities. Trafficking victims may violate immigration laws, may be charged with prostitution

**While prosecution and conviction rates for traffickers are extremely low globally, victims of trafficking may be criminalized, convicted and imprisoned for crimes they were compelled to commit by their traffickers.** Those who have criminal records continue to experience serious obstacles to sustained recovery and social inclusion.

In the course of human trafficking, victims lose irreplaceable time from pursuits in education, training, the accruing rewards of gainful employment, and the ability to establish a fulfilling family and community life.



re-trafficked.

Many child victims of trafficking have lacked the crucial nurturing of parents and other adult care givers during some, or all, of their formative years. They may have been exposed to traumatic events and multiple forms of maltreatment prior to, and during their trafficking, including physical, emotional and sexual abuse, which can affect their emotional and educational development. This increases their vulnerability to being

All children, without exception, need to have a home environment where they feel safe, secure, individually supported and cared for, and where a settled routine can be created for them. The development of children's individual confidence, identity, self-esteem, education and knowledge as they progress into young adulthood is vital to their life-long safety from trafficking and other forms of harm.

## 1 Introduction

### 1.1 The Role of the OSCE Office for Democratic Institutions and Human Rights

**The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been active in preventing and combating trafficking in human beings since 1999.** It has the mandate to assist States in establishing National Referral Mechanisms,<sup>4</sup> as well as technical assistance in their development, monitoring and reporting on the progression of NRMs in the OSCE participating States.<sup>5</sup> ODIHR assesses *risk gaps* and challenges to provide specific recommendations to strengthen and support NRM frameworks and partnerships. ODIHR conducts legislative reviews<sup>6</sup> and makes policy recommendations, as well as providing technical assistance and capacity building.

As a result of its work, ODIHR has developed global anti-trafficking expertise and a significant role in international victim protection, the promotion of the rights of victims and survivors and addressing the vulnerabilities of at-risk groups. ODIHR's approach is based on human rights, the rule of law and non-discrimination. It promotes victim and survivor-centred, gender-sensitive and trauma-informed methods to assist those impacted by human trafficking.

where prostitution/sex work is illegal or may be involved with illicit drug production or violent crime as a result of their trafficked situation." UN General Assembly (2020), [Report of the Special Rapporteur on trafficking in persons, especially women and children](#), 6 April 2020, A/HRC/44/45, para. 29.

<sup>4</sup> OSCE Permanent Council (2003), [Decision No. 557 on Action Plan to Combat Trafficking in Human Beings](#), 24 July 2003, PC.DEC/557. OSCE Permanent Council (2005), [Decision No. 557/Rev.1, on Action Plan to Combat Trafficking in Human Beings](#), 7 July 2005, PC.DEC/557/Rev.1.

<sup>5</sup> CSCE (1992), [Final Document of the Second Meeting of the CSCE Council of Ministers](#), Prague, 30-31 January 1992. CSCE (1992), [The Challenges of Change. Third CSCE Summit of Heads of State or Government](#), Helsinki, 9 - 10 July 1992. Includes Summit Declaration and Decisions. CSCE (1992), [Final Document of the Third Meeting of the CSCE Council of Ministers](#), Stockholm, 14-15 December 1992. CSCE (1993), [Final Document of the Fourth Meeting of the CSCE Council of Ministers](#), Rome, 30 November-1 December 1993. CSCE (1994), [Towards a Genuine Partnership in a New Era. Fourth CSCE Summit of Heads of State or Government](#), Budapest, 5-6 December 1994. Includes Summit Declarations and decisions. OSCE (1998), [Final Document of the Seventh Meeting of the OSCE Ministerial Council](#), Oslo, 2-3 December 1998. OSCE (1999), [Istanbul Document. Sixth OSCE Summit of Heads of State or Government](#), Istanbul, 18-19 November 1999. OSCE (2001), [Final Document of the Ninth Meeting of the OSCE Ministerial Council](#), Bucharest, 3-4 December 2001. OSCE (2003), [Final Document of the Eleventh Meeting of the OSCE Ministerial Council](#), Maastricht, 1-2 December 2003. OSCE (2008), [Final Document of the Sixteenth Meeting of the Ministerial Council](#), Helsinki, 4 and 5 December 2008.

<sup>6</sup> OSCE Ministerial Council (2004), [Decision No. 14/04 on 2004 OSCE Action Plan for the Promotion of Gender Equality](#), 7 December 2004, MC.DEC/14/04. Ministerial Council (2003), [Ministerial Council Decision No. 4/03 on tolerance and non-discrimination](#), 2 December 2003, MC.DEC/4/03. See para. 9.1 and 15.1 of the OSCE Action Plan to Combat Trafficking in Human Beings in the Annex of the OSCE Ministerial Council (2003), [Decision No. 2/03 on Combating Trafficking in Human Beings](#), 2 December 2003, MC.DEC/2/03. See para. 6, 18 and 22 of the Annex of the OSCE (2001), [Final Document of the Ninth Meeting of the OSCE Ministerial Council](#), Bucharest, 3-4 December 2001.

## 1.1 Overview of the NRM Handbook

The OSCE Ministerial Council has called upon participating States to “Reaffirm that trafficking in human beings is an abhorrent human rights abuse and a serious crime that demands a more comprehensive and co-ordinated response from participating States and the international community, as well as a more coherent and co-operative approach among countries, in particular those of origin, transit and destination.”<sup>7</sup>

**A National Referral Mechanism (NRM) is a co-operative, national framework through which governments fulfil their obligations to protect and promote the human rights of victims of trafficking, co-ordinating their efforts in a strategic partnership with civil society organizations, [survivor leaders](#) and the private sector.**<sup>8</sup>

**The basic aim of all NRMs is to provide an effective way to identify, protect and support victims of trafficking, reflecting the widely recognized international anti-trafficking framework: *prevention, protection, prosecution and partnership*.** In addition, NRMs can work to help improve national policy and procedures on a broad range of victim-related issues.

The NRM Handbook takes into account the variation among NRMs in different countries. For example, in some countries the NRM is a *specific entity or body* to which victims are formally referred; in others the NRM represents a component or function that *sits within, and alongside* a wider range of systems, procedures and services.

### Background to the second edition of the NRM Handbook

The first edition of the NRM Handbook was published by ODIHR in 2004,<sup>9</sup> a year after the [Action Plan to Combat Trafficking in Human Beings](#)<sup>10</sup> had been adopted by the OSCE participating States. At that time, human trafficking was recognized as a serious abuse of human rights and a threat to security throughout the OSCE region; however, NRMs, as we know them today, were not yet in operation. The rationale for the establishment of a functional and effective NRM in every country was explained as follows:

“The implementation of a comprehensive rights-based anti-trafficking policy should be seen as an element of democratic and transparent governance based on the rule of law. Thus, a crucial pre-requisite of effective measures is the building and strengthening of relevant local and national institutions. A set of such measures has been developed into a concept of National Referral Mechanisms (NRM). They are intended to provide a practical tool for countries in the OSCE region and beyond to meet challenges connected to trafficking in human beings. As with any set of measures addressing this complex challenge, no single strategy or mechanism will suffice. Responses must continue to be adapted to emerging problems, and experiences must be taken into account.”<sup>11</sup>

<sup>7</sup> OSCE Ministerial Council (2000), [Decision No. 1 on Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings](#), 28 November 2000, MC(8).DEC/1/00, para. 1.

<sup>8</sup> OSCE Permanent Council (2003), Decision No. 557 on [OSCE Action Plan to Combat Trafficking in Human Beings](#), 24 July 2003, PC.DEC/557, pp. 13-14. “3.1 Establishing National Referral Mechanisms by creating a co-operative framework within which participating States fulfil their obligations to protect and promote the human rights of the victims of THB in co-ordination and strategic partnership with civil society and other actors working in this field. (\*The ODIHR's Handbook on Guidelines and Principles to Design and Implement National Referral Mechanisms may serve as a useful source of advice and information regarding the role of NRMs in rendering assistance and protection to victims of THB). 3.2 Providing guidance to facilitate the accurate identification and appropriate treatment of the victims of THB, in ways which respect the views and dignity of the persons concerned. 3.3 Combining the efforts of law-enforcement bodies, including specially established anti-trafficking units and police at local level, officials of migration and border services, social protection units, medical institutions, as well as NGOs and other civil society institutions as the most relevant actors to be involved in NRM activities. 3.4 Establishing appropriate mechanisms to harmonize victim assistance with investigative and prosecutorial efforts. 3.5 Drawing special attention to the need for enhanced co-operation between the police and NGOs in identifying, informing and protecting victims of THB. 3.6 Linking the activities of NRMs with those of inter-ministerial bodies, national co-ordinators, NGOs and other relevant national institutions to form a cross-sectoral and multidisciplinary team capable of developing and monitoring the implementation of anti-trafficking policies.”

<sup>9</sup> Office for Democratic Institutions and Human Rights [ODIHR] (2004), [National Referral Mechanisms - Joining Efforts to Protect the Rights of Trafficked Persons A Practical Handbook](#), 13 May 2004.

<sup>10</sup> OSCE Permanent Council (2003), [Decision No. 557 on Action Plan to Combat Trafficking in Human Beings](#), 24 July 2003, PC.DEC/557, pp. 13-14. “National Referral Mechanisms (NRM): 3.1 Establishing National Referral Mechanisms by creating a co-operative framework within which participating States fulfil their obligations to protect and promote the human rights of the victims of THB in co-ordination and strategic partnership with civil society and other actors working in this field. (\*The ODIHR's Handbook on Guidelines and Principles to Design and Implement National Referral Mechanisms may serve as a useful source of advice and information regarding the role of NRMs in rendering assistance and protection to victims of THB). 3.2 Providing guidance to facilitate the accurate identification and appropriate treatment of the victims of THB, in ways which respect the views and dignity of the persons concerned. 3.3 Combining the efforts of law-enforcement bodies, including specially established anti-trafficking units and police at local level, officials of migration and border services, social protection units, medical institutions, as well as NGOs and other civil society institutions as the most relevant actors to be involved in NRM activities. 3.4 Establishing appropriate mechanisms to harmonize victim assistance with investigative and prosecutorial efforts. 3.5 Drawing special attention to the need for enhanced co-operation between the police and NGOs in identifying, informing and protecting victims of THB. 3.6 Linking the activities of NRMs with those of inter-ministerial bodies, national co-ordinators, NGOs and other relevant national institutions to form a cross-sectoral and multidisciplinary team capable of developing and monitoring the implementation of anti-trafficking policies.”

<sup>11</sup> ODIHR (2004), [National Referral Mechanisms - Joining Efforts to Protect the Rights of Trafficked Persons A Practical Handbook](#), 13 May 2004, p. 8.

NRMs have since been established and become operational in many OSCE participating States and outside of the OSCE region, creating a range of national anti-trafficking frameworks with the aim of ensuring a human rights compliant mechanism for victims and survivors of human trafficking.<sup>12</sup> International awareness of the vast scale of human trafficking crime has resulted in strengthened legislative measures,<sup>13</sup> technological innovations for tracking trafficking crime, policy developments, capacity building and enhanced initiatives for law enforcement authorities and criminal justice systems. There has been significant improvement of NRM co-ordination and partnerships, and improved procedures for the identification, protection, support and social inclusion of victims of trafficking.<sup>14</sup>

However, in practice, NRMs vary widely, and they can lack uniformity in the national interpretation and implementation of anti-trafficking laws, services and procedures. Based upon years of experience in assessing NRMs, ODIHR has found that despite best intentions, there are *risk gaps*, delays and failures in the identification of victims of trafficking and in provision of the vital protection and support needed to prevent re-trafficking. This results in loss of criminal intelligence and impacts on all aspects of criminal justice against traffickers.

The NRM Handbook recognizes that there is an urgent need to now harmonize NRMs within the OSCE region and beyond, to ensure a co-ordinated and effective response to human trafficking crime. This requires delivery of a cohesive, human rights based approach from all NRM stakeholders, from national authorities to NGOs, which is victim and survivor- centred, gender-sensitive and trauma-informed.

The NRM Handbook goes hand in hand with States' commitments to consistent, long-term funding and resources for strategic international and national partnerships to combat human trafficking. This can only be achieved with comprehensive NRM frameworks of protection and individual support for survivors.

## Methodology of the NRM Handbook

**The NRM Handbook provides a guidance model that all OSCE participating States, and others, can adapt and apply within their own national systems.** Its purpose is to provide essential “know-how” of the working methods, procedures and services that are required in order to fulfil the objectives of NRMs. It therefore explains the specific and individual needs and risks of adults and children who are victims of trafficking, centering all communications and actions on the protection of victims and the overall prevention of human trafficking.

The guidance contained in the NRM Handbook is based upon empirical research and evidence collated from across the OSCE region. Its drafting was informed by ODIHR's International NRM Advisory panel of multi-agency, anti-trafficking experts. The NRM Advisory panel includes [survivor leaders](#), government representatives, national rapporteurs, academics, lawyers, prosecutors, judges, law enforcement authorities, child specialists, mental and physical healthcare specialists, inter-governmental organizations (IGOs) and NGO anti-trafficking experts and practitioners.<sup>15</sup> (See: [acknowledgements](#))

<sup>12</sup> For the purposes of the NRM Handbook, the term 'victim' is used only for: (a) contexts in which a person is under the direct control of traffickers or (b) contexts in which the formal recognition of a person's status as a victim of trafficking is directly relevant to obtaining specific legal rights and entitlements. The term 'survivor' is used for all other contexts, placing the emphasis upon individual lived experience and the act of survival, rather than the limitations of victimhood. Therefore, references to both 'victim' and 'survivor' are used throughout the Handbook for adults and children who have experienced any form of human trafficking.

<sup>13</sup> 178 countries are parties to the Palermo Protocol and only 3 countries do not have human trafficking as an offence in their legislation in 2020. UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000.

<sup>14</sup> For the purpose of the NRM Handbook, the term "victim of human trafficking" will be utilized to refer to any legal concepts as the term "survivor of human trafficking" is not recognized by international law. At the same time, outside of the legal framework, it is important to recognize that many victims of trafficking do not wish to remain so for the rest of their lives and the term "survivor" provides an empowering term, which is preferred and used by many to celebrate their survival versus a continuous state of victimhood.

<sup>15</sup> The NRM survey was conducted in 2019 and responses were received from 56 OSCE participating States and included the following categories of respondents: national co-ordinator/Rapporteur/Commissioner, Government Institution, Law Enforcement, Prosecutor's Office, Judiciary, Border Security, Health Practitioner, Legal Practitioner, Social Services Provider, Non-governmental organization (NGO), Intergovernmental organization (IGO), OSCE Field Operation, Other. In addition, ODIHR jointly with UN Women conducted a survey in 2020 targeted at frontline non-governmental organizations with a response rate from 102 countries. See ODIHR & UN Women (2020) [Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic](#), 30 July 2020.

Responses and recommendations from an ODIHR NRM survey (conducted from April to June 2019) were received from government and civil society respondents from 56 countries, and survivor respondents from 37 countries in the OSCE region. The surveys revealed that survivors found that NRM and anti-trafficking frameworks were difficult to access, due to the way in which they were established. Respondents often lacked access to safe and appropriate accommodation, healthcare, therapeutic services, legal advice and representation and statutory social services. One-third of the respondents reported that they were unable to understand documentation that was provided to them, that they had not received information in a timely manner and felt they had been left to *do everything on their own* due to a lack of provision of individual support. Often this was exacerbated by experiences of not being identified as possible victims at an earlier stage, or not being believed about their trafficking history. Such experiences can result in victims and survivors losing vital trust in NRMs and therefore losing contact with services, a problem which directly relates to the extremely low rates of prosecutions for trafficking crime.

## How to use the NRM Handbook

**The NRM Handbook has been specifically designed for readers' online use.** It provides guidance on NRM systems and procedures worldwide that can be adapted and applied by stakeholders across all related sectors within their national context. The NRM Handbook aims to unify understanding of NRMs and professional responses to human trafficking across the OSCE region and beyond, providing practical frontline know-how and guidance founded on the international anti-trafficking framework: *prevention, protection, prosecution and partnership*.

**The NRM Handbook website is designed to enable readers to access specific information directly from the contents page, and to then travel easily between related subjects via a system of hyperlinks. Topics in the Handbook are accompanied by illustrative icons throughout for 'at a glance' reference.** Each part of the Handbook contains subheadings to enable the reader to locate specific information and boxes and 'pop out' sections contain useful guidance, quotes, legal information, and useful resources.

**The structure and components of the NRM Handbook are as follows:**

- **12 Principles** provide the governing ethos of NRMs, for all stakeholders to follow.
- **57 Recommended Standards** feature throughout the NRM Handbook. These should be embedded in the training, protocols and professional conduct codes of all NRM stakeholders and followed within their specific role and remit.

**PART 1: provides a comprehensive overview of the information required to understand the purpose of NRMs within the wider context of human trafficking.**

- **(a): What is a National Referral Mechanism?** Provides a comprehensive overview on National Referral Mechanisms. It includes information on how NRMs are established, their function, structural framework and listed stakeholders.
- **(b): What is Human Trafficking?** Provides the legal definition of human trafficking, sources for trafficking data and forms of trafficking crime. It considers the specific vulnerabilities of victims that traffickers target and exploit, and traffickers' methods of operation online and offline.
- **(c): Overview of criminal justice in response to human trafficking crime** considers human trafficking through a criminal justice lens, providing the international legal definition of human trafficking crime. It provides information on the criminal operation of trafficking networks, trafficking crime investigations, use of technology and artificial intelligence, international law enforcement partnerships, financial investigations and seizure of traffickers funds and assets.

**PART 2: provides practical, frontline guidance for professionals to ensure equal access to NRMs and best practice service delivery for all adults and children who are victims of trafficking.**

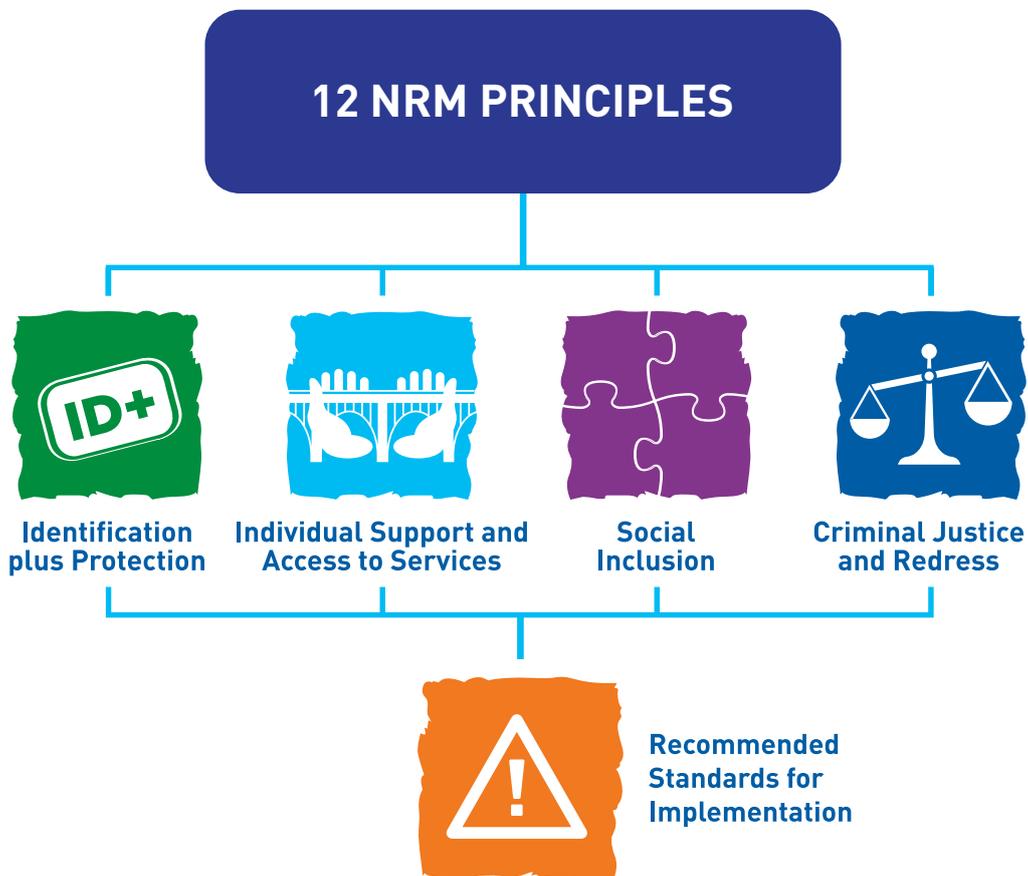
- **The NRM Preparatory Guide** provides essential preparatory information for all professionals who are working with, or may come into contact with, victims of trafficking. This includes understanding ethos and approach, multi-agency and multi-disciplinary partnership, guidance on communication, pastoral support and supervision.

- **The NRM Protocol** provides essential procedures to follow for all professionals who are working with victims of trafficking. This includes confidentiality and informed consent; data protection and information sharing; working with survivors who have disabilities; working with interpreters and cultural mediators; tailoring delivery of services and ‘bridging’ referrals; the allocation of independent advocates for adults and guardian advocates for children and prioritizing healthcare, legal advice, material and financial provision.
- **The Four NRM Pillars** each have a dedicated chapter. All victims of trafficking must have equal access to the NRM Pillars, and the chapters provide detailed guidance on the role of stakeholders and the delivery of NRM procedures and services:
  - **Pillar One: Identification + Protection**
  - **Pillar Two: Individual support and access to services**
  - **Pillar Three: Social Inclusion**
  - **Pillar Four: Criminal justice and redress**
- **Understanding the health needs of survivors of trafficking**

Health guidance for all professionals features throughout the NRM Handbook, together with this dedicated chapter on the health needs of survivors. The impact of trafficking upon survivors’ mental and physical health, and their ability to sustain long term recovery in order to remain safe, is fundamental to the effective operation of NRMs.

**Part 3: provides a wider map for the prevention of human trafficking worldwide and considers promising practices from across the OSCE region which reflect the practice guidance contained in the NRM Handbook.**

- **Guide to Adult Needs & Risks assessment and ongoing safety and support plan and Best Interest of the Child (BIC) assessment and ongoing safety and care plan**
- **Global Promising Practices:** The NRM Handbook showcases promising practices in countries within the OSCE region and beyond to demonstrate aspects of the NRM Handbook in operation.



## The use of terminology within the NRM Handbook

The NRM Handbook has been devised to apply across all OSCE participating States and it is translated into different languages. As the structure and operation of NRMs varies across the OSCE region, the Handbook seeks to avoid limitations of phrasing and descriptions which are specific to any one national system. It provides a baseline model for all NRMs that can be adapted to the national context of countries in order to establish emerging NRMs, and strengthen existing NRMs.

### **Guide to specific terminology in the NRM Handbook:**

For a full list of terms and definitions, refer to [glossary](#)

- **NRM sub-national and local teams and networks:** All devolved or affiliated bodies and services nationwide which correspond directly with the central NRM. These may be based within national regions, states, provinces, municipalities and cantonments.
- **Mobile teams and networks:** Specific teams and networks that can travel to different locations in order to identify, protect and support victims of trafficking.
- **Multi-agency task forces:** Multi-agency partnerships which are led and co-ordinated by law enforcement authorities who work in partnership with a range of government and civil society stakeholders. Each stakeholder has an independent role and remit.
- **Multi-agency safeguarding and service hubs:** Multi-agency partnerships that comprise a range of safeguarding organizations and services for victims of trafficking. These may be initiated and led by statutory services, civil society organizations, healthcare services or specialist NGOs and for adults and children. They have direct links to statutory services and law enforcement authorities.
- **Operational Partnership Protocols (OPPs):** the term used for specific formalized agreements (including standard operating procedures) for joint work between any organization, agency or body that provides NRM-related procedures or services. OPPs define the nature of the work, including funding, resources and management, and the distinctive roles, responsibilities and duties of each participant. OPPs should be drafted to clearly define the purpose and co-ordination of a joint working relationship while assuring the preservation of each party's independence within the mandate and remit of their role. (See: [glossary](#))
- **NRM competent authorities:** The government-recognized competent authorities vary from country to country in terms of their composition. However, in all cases they have power to issue and enforce regulations and decisions relating to NRM procedures with the force of law and must be staffed by trained and qualified persons for the purpose of identification, protection and support for victims and survivors of trafficking (See: [key NRM stakeholders](#); [competent authorities](#)).
- **NRM procedures:** This refers to all procedures that are *conducted by*, or *delegated to, others* by an NRM competent authority. In some countries, NRM procedures may *only* be conducted by state authorities, whereas in others they may be delegated to first responders, statutory services or recognized/accredited specialist anti-trafficking NGOs.
- **Identification+:** A short-form term for *identification plus protection*. It emphasizes the need to ensure that every identification process must have integral and immediate measures for the protection of each identified victim or survivor of trafficking (See: [identification+](#)).
- **NRM services:** This refers to all services for victims of trafficking that:
  - (a) Are provided directly by an NRM competent authority; or
  - (b) Can be accessed by victims who have been issued with a (Stage 1) preliminary or (Stage 2) conclusive identification decision as a victim of trafficking. (See: [2-Stage identification process](#)) Therefore, "NRM services" may refer to state-funded services provided to victims. These include, for example, adult and child statutory services, child protection systems, state-funded legal advice and representation, health-care services, housing and welfare support and/or all other services that are provided to victims who are undergoing NRM procedures by recognized civil society organizations, including specialist NGOs.

- **NRM stakeholders:** NRM stakeholder lists are featured in each of the 4 NRM Pillar chapters. Stakeholders are persons who have specified roles within the formal NRM structural framework (See: [NRM structural framework](#)) and also those whose professional duties and responsibilities *are derived from, or correspond to* the NRM. NRMs must be as widely inclusive of society as possible, therefore while stakeholders operate within their specific role and remit, they are diverse, ranging, for example, from NRM co-ordinators to healthcare services, specialist NGOs and survivors of trafficking.
- **Specific terms for professional roles in the NRM Handbook:** Specific terms have been created for professional roles within the NRM Handbook. These are not derived from any one national system but are devised to demonstrate their core *function*. In some countries there may be pre-existing equivalent roles, in others they may provide a useful template for establishment of these roles. [Independent advocates](#) (allocated to adults) and [guardian advocates](#) (allocated to children) are professionals with a specific mandate for the protection and individual support of victims of trafficking. They accompany victims and survivors for the duration of the NRM Pillars, maintaining in-person contact and conducting appropriate adult and child assessments and devising ongoing safety planning. Their role includes co-ordination of individual support and advocating for victims' access to needed services. They act as a focal point for communications with all other parties, authorities, agencies and services.
- **Anti-trafficking focal point (AFP):** This refers to a designated professional within an authority, service or organization who is specifically trained for duties and responsibilities to act as a focal point for arising anti-trafficking matters and issues. AFPs consult on, respond to and co-ordinate anti-trafficking actions and have direct links to first responders for the NRM. For example, there should be an AFP at each school and hospital.
- **Use of the terms 'victims' and 'survivors'**

For the purposes of the NRM Handbook, the term '**victim**' is used only for:

(a) contexts in which a person is *under the direct control of traffickers*

or

(b) contexts in which the *formal recognition of a person's status as a victim of trafficking is directly relevant to obtaining specific legal rights and entitlements*.

The term '**survivor**' is used for *all other contexts*, placing emphasis upon individual *lived experience* and the act of survival, rather than the limitations of *victimhood*. Therefore, references to both 'victim' and 'survivor' are used throughout the Handbook for adults and children who have experienced any form of human trafficking.

**Survivor leader:** A survivor leader is a survivor who is a professional innovator in any discipline within the field of anti-trafficking. Survivor leaders are featured in the NRM Handbook and are at the centre of leadership and progress of NRMs (See: [survivors and survivor leaders](#)).

## 2 Twelve principles for effective NRM structures

The creation and implementation of NRMs should be governed by the following 12 principles, which apply to all adults and children who are victims and survivors of trafficking.

### **PRINCIPLE 1: A Human Rights Based Approach**

**The dignity and human rights of victims and survivors must be respected at all times. Human rights are universal, non-divisible and central to all efforts to prevent and combat human trafficking.** Human rights are applicable to all adults and children who are victims of trafficking, whether they are trafficked transnationally, domestically or online for the purpose of any form of exploitation.

### **PRINCIPLE 2: A Victim-Centred, Gender-Sensitive and Trauma-Informed Approach**

**All actions and communications must demonstrate respect for the individual dignity, integrity and agency of each victim and survivor of trafficking.** Methods of working with victims of trafficking are victim-centred, gender-sensitive and trauma-informed.

### **PRINCIPLE 3: The Best Interests of Children**



**Any child who may be a victim of trafficking is treated first and foremost as a child, with their *best interests as a primary consideration*, in accordance with the UN Convention on the Rights of the Child.<sup>16</sup> NRMs for children must be child friendly, age-appropriate, child-rights centred and gender-sensitive. Detention is never in the best interests of the child.**

NRM designated procedures for children serve the best interests of the child at all times, among other considerations. They build upon identification, protection, individual support and access to services, social inclusion, criminal justice, redress and prevention measures. These must be available within existing national child protection systems.

Where there is doubt as to whether a trafficked person is a child, they should be treated as a child unless and until an appropriate age estimation assessment.

### **PRINCIPLE 4: Non-Conditionality**

**All NRM procedures and services for victims of trafficking are non-conditional.** The principle of non-conditionality in international law is paramount. Therefore, identification, protection, individual support and social inclusion should not depend upon victims' co-operation in criminal investigations or proceedings.

<sup>16</sup> Only States Parties to the UN Convention on the Rights of the Child are obligated to implement its provisions. This applies to all references to the UN Convention on the Rights of the Child and the principle of the best interests of the child (BIC) made in this handbook.

## **PRINCIPLE 5: Recovery and Reflection**

**All persons who are preliminarily identified as ‘presumed victims of trafficking’ are entitled to a recovery and reflection (R&R) period, whether they have been trafficked transnationally or domestically.**

The R&R period recognizes the serious crime that all victims have suffered, their vulnerability as a result of trafficking and their need for immediate safety. It permits essential time and support to access services so that victims may *recover* and *reflect*, and it does not depend upon victims’ co-operation with criminal investigation or proceedings. Victims who lack secure immigration status must be permitted to remain in the country for the duration of the R&R period. In cases where the conclusive identification is delayed, any decision for enforced removal from the country should be suspended and they should be provided with extension of the R&R period or other form of temporary leave to remain until completion of the identification process establishes conclusively whether or not they are victims of trafficking and any reconsideration or appeal rights are exhausted.

## **PRINCIPLE 6: Non-Punishment**

**Victims of trafficking are not liable, nor should they be punished for having committed offences (including immigration offences established under national law) as a direct consequence of being trafficked.**

All aspects of criminalization of victims of trafficking compound the harm that they have already experienced. It re-traumatizes victims, denies them their rights and contributes to their distrust in law enforcement and NRMs. Having a criminal record impedes victims’ recovery and social inclusion.

## **PRINCIPLE 7: Non-Detention**

**Victims of trafficking should not be detained. In cases where detention is used it must be proportionate and used as a last resort. States should ensure that viable alternatives to detention for trafficking victims are available.**

States are responsible for the appropriate identification and protection of victims and survivors of trafficking at every stage of contact with them, including throughout immigration and asylum procedures, administrative or criminal justice proceedings and pre-trial detention. States should ensure early identification of victims and survivors of trafficking and refrain from imposing detention.

In the event a victim of trafficking is identified after the imposition of detention, they should be released immediately, referred to the NRM system and provided with an R&R period.

## **PRINCIPLE 8: Social Inclusion**

**States should ensure that the need for long term protection and social inclusion of victims of trafficking is explicitly recognized in law, policies and practice.**

This includes the application of the principle of non-refoulement, a legally binding obligation under customary international law. No adult or child should be forcibly returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment.

Heightened consideration must also be given to children in the context of non-refoulement, whereby actions of the State should be taken in accordance with the best interests of the child. In particular, a child should not be returned to any country if such return would result in the violation of their fundamental human rights, including if there is a risk of insufficient provision of food or health services.<sup>17</sup>

## **PRINCIPLE 9: Partnership and Co-operation**

**NRMs are building blocks for co-operation, collaboration and partnership at international, national, sub-national and local levels.**

Governments, civil society and the public and private sectors should work co-operatively to build upon existing domestic and international structures and engage in partnerships to prevent and respond to trafficking.

## **PRINCIPLE 10: Transparency and Accountability**

**NRMs are comprehensive structures with roles and mandates that are clearly defined and respected by all stakeholders. Regular monitoring ensures transparency, consistency and accountability.**

Co-operation among multi-disciplinary NRM stakeholders is most effective when there is an exact delineation of their competencies and responsibilities reflected in Operational Partnership Protocols (OPPs)

## **PRINCIPLE 11: Effectiveness**

**NRMs are dynamic and flexible in order to recognize and respond to new and constantly evolving forms and manifestations of human trafficking.** This approach should be consistently resourced and maintained, incorporating technological solutions and innovations, including through public-private partnerships.

<sup>17</sup> OHCHR (n.d.), [The principle of non-refoulement under international human rights law](#).

## PRINCIPLE 12: Prevention of human trafficking



**Prevention of human trafficking in all of its forms is the overriding objective of all NRMs, especially addressing demand that fosters all forms of exploitation that lead to trafficking.**

Targeted prevention policies should be evidence-based in order to maximize the effect and impact of anti-trafficking efforts at the national and international level, and through bilateral and multilateral co-operation. Countries of origin, transit and destination should adopt legislation, policies and practice to discourage the demand that fosters all forms of exploitation that leads to trafficking.

## 3 The central role of survivors and survivor leaders in all aspects of NRMs



**Survivors and survivor leaders are at the heart of NRMs.** They have lived experience, knowledge and insight into the methods and activities of traffickers, together with an unrivalled understanding of survivors' individual needs and the specific risks that they face. This NRM Handbook has been developed in solidarity with all victims and survivors of human trafficking.

**Survivor leaders are highly active in international efforts to combat trafficking.** They are founders of NGOs and businesses, consultants, training providers, public speakers, authors, and advocates across governmental, civil society and private sectors. They provide expert testimony for trafficking cases and court trials, manage NGOs, deliver services and author books, reports and other documents on human trafficking. They are lawyers, judges, policy makers, healthcare professionals, social workers, charity founders and artists. Many survivors are frontline service providers and cultural mediators, lending their expertise and insight into meeting victims' complex needs (See: [cultural congruence](#); [interpreters and cultural mediators](#)).

**Survivor leaders should inform and influence all aspects of NRM structures.** This includes service delivery and procedures, as well as anti-trafficking legislation, governmental policy making, public awareness raising, provision of education and training and ensuring high standards of frontline support for victims and survivors. They can enhance and inform procedures for effective identification of victims, as well as guide the protection of victims and the prevention of re-trafficking.

**The consistent presence of survivor leaders in the anti-trafficking field as key NRM stakeholders supports all other stakeholders to better understand trafficking crime and how to meet the needs of victims and survivors.** It also helps to de-stigmatize experiences of trafficking, to raise awareness of trafficking crime and develop effective trafficking prevention and response strategies.



## **The OSCE/ODIHR International Survivors of Trafficking Advisory Council (ISTAC)**

The International Survivors of Trafficking Advisory Council (ISTAC) is comprised of 21 international survivor leaders who aim to ensure that the voices of survivors are reflected in all anti-trafficking policy development. The purpose of ISTAC is to assist ODIHR when the Office is approached by OSCE executive structures and field operations, OSCE participating States, OSCE Partners for Co-operation and other relevant stakeholders about trafficking related issues. ODIHR seeks and shares the expertise of ISTAC's members when developing and promoting survivor-centred and human rights-based national and transnational anti-trafficking frameworks, which incorporate survivors as a key stakeholder. With ISTAC's support, ODIHR promotes the standardization of survivor-related terminology within these frameworks and fosters the development of survivor networks and survivor leadership.

The inclusion of survivor leaders' lived experiences, witness and guidance is essential to a multi-disciplinary and comprehensive approach to combatting trafficking in human beings and the development of promising practices.



This iconic painting titled *Survivor Voices Lead the Way* was created by member of ISTAC Kendall Alaimo.



# Overview

**“As a child I was as desperate for affection as oxygen.** Traffickers can target and manipulate children who are in need of love, care or attention. They will use every possible avenue - offline and online - to get access to children and exploit them in multiple ways.

Survivor-led training is vital for effective NRMs and law enforcement because it helps to break down the stereotypes: human trafficking is not specific to gender, race, nationality, religion or social class. If we do not confront and address all of the root causes of children’s vulnerability to trafficking, it can become a continuously revolving door throughout their lives. Any indicators that a child may be being trafficked, must be pursued as swiftly as possible; too often those who speak out are quickly shut down by the perpetrators, including their own family members. I say to child survivors, ‘your story matters, your voice matters – always.’”

— **Jerome Elam**, Member of 1<sup>st</sup> ISTAC, President and CEO of Trafficking in America Task Force and survivor leader

## **PART ONE**

### **4 Part One (a): What is a National Referral Mechanism?**

#### **4.1 Introduction**

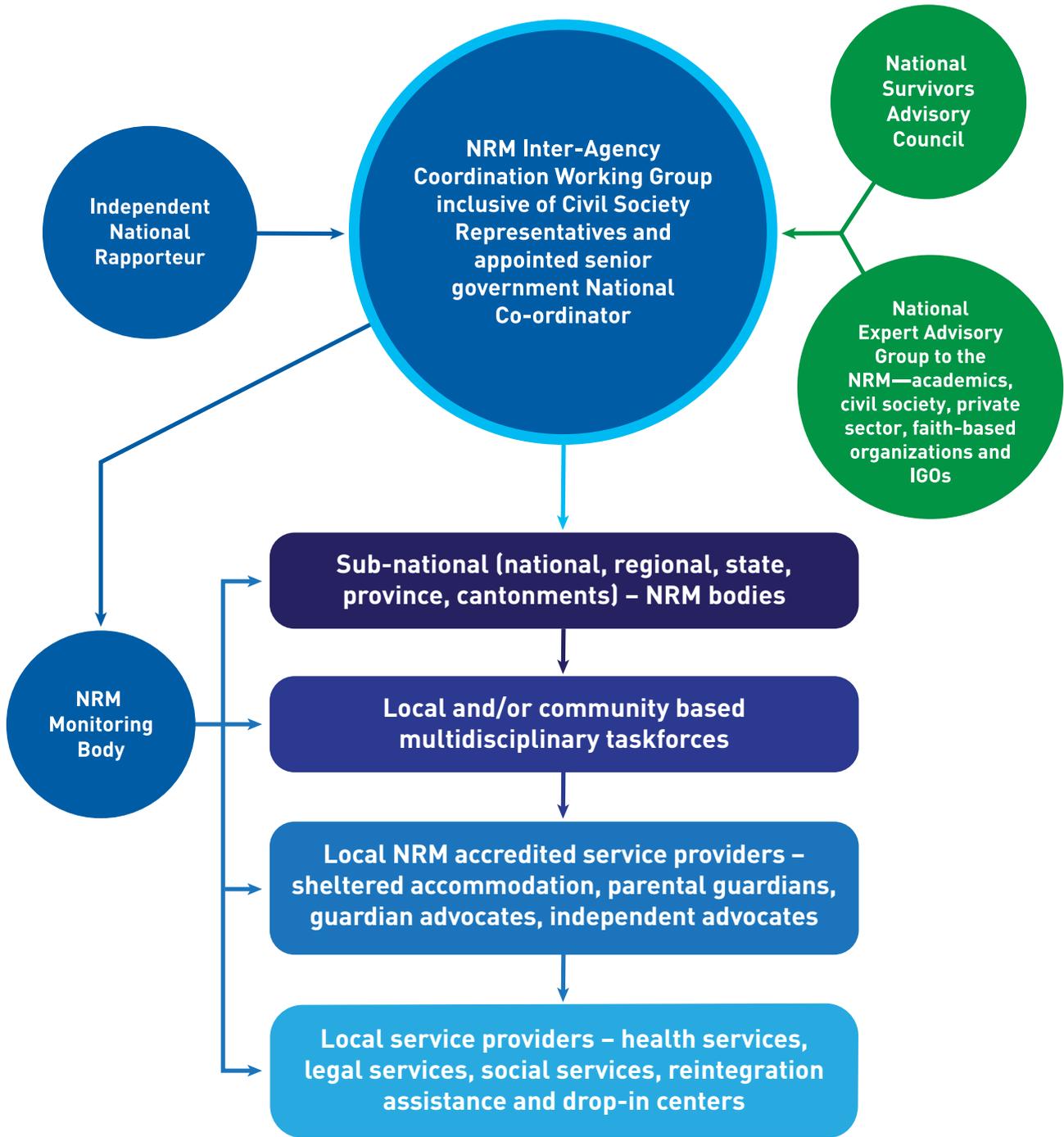
##### **National Referral Mechanisms (NRM)**

A National Referral Mechanism (NRM) is a co-operative, national framework through which governments fulfil their obligations to protect and promote the human rights of victims of trafficking, co-ordinating their efforts in a strategic partnership with civil society organizations, the private sector and other actors working in this field.<sup>18</sup>

NRMs should be established in all countries of trafficking origin, transit and destination to ensure a comprehensive and inclusive system of support that is targeted at, and accessible for all victims of trafficking. NRMs ensure that all presumed or identified victims of trafficking within the jurisdiction of a state are entitled to human rights and fundamental freedoms regardless of their background, nationality, activities they may have been involved in, or their willingness to co-operate with law-enforcement authorities. This includes those who are trafficked domestically (within the borders of one country) as well as transnationally (across international borders) and online (cyber-trafficking) (See: [forms of trafficking](#); [cyber-trafficking](#)).

The structure of NRMs varies across countries; however, each is designed to formalize national co-operation among stakeholders, including government agencies and civil society organizations, in order to prevent and combat human trafficking and foster international capacity to respond to the crime and to protect victims and survivors.

<sup>18</sup> See OSCE Permanent Council (2003), Decision No. 557 on [OSCE Action Plan to Combat Trafficking in Human Beings](#), 24 July 2003, PC.DEC/557, pp.13-14: "3.1 Establishing National Referral Mechanisms by creating a co-operative framework within which participating States fulfil their obligations to protect and promote the human rights of the victims of THB in co-ordination and strategic partnership with civil society and other actors working in this field. (\*The ODIHR's Handbook on Guidelines and Principles to Design and Implement National Referral Mechanisms may serve as a useful source of advice and information regarding the role of NRMs in rendering assistance and protection to victims of THB). 3.2 Providing guidance to facilitate the accurate identification and appropriate treatment of the victims of THB, in ways which respect the views and dignity of the persons concerned. 3.3 Combining the efforts of law-enforcement bodies, including specially established anti-trafficking units and police at local level, officials of migration and border services, social protection units, medical institutions, as well as NGOs and other civil society institutions as the most relevant actors to be involved in NRM activities. 3.4 Establishing appropriate mechanisms to harmonize victim assistance with investigative and prosecutorial efforts. 3.5 Drawing special attention to the need for enhanced co-operation between the police and NGOs in identifying, informing and protecting victims of THB. 3.6 Linking the activities of NRMs with those of inter-ministerial bodies, national co-ordinators, NGOs and other relevant national institutions to form a cross-sectoral and multidisciplinary team capable of developing and monitoring the implementation of anti-trafficking policies."

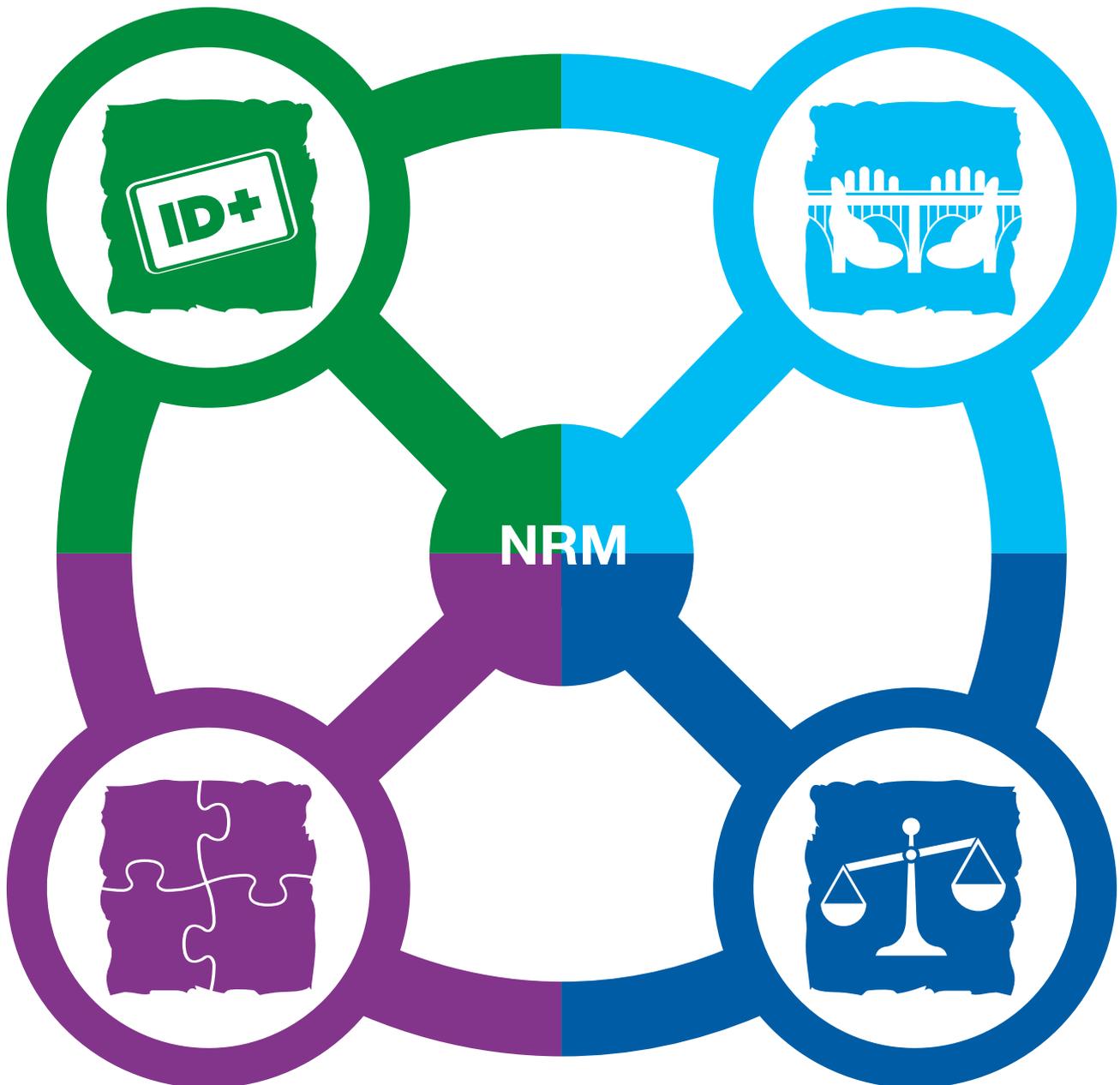


**An NRM essentially concerns the process of identifying and referring victims of trafficking for assistance, while ensuring respect for the human rights of the persons concerned.** The NRM concept therefore links the protection of trafficked persons’ rights with efforts to secure criminal sanctions against the perpetrators of trafficking, while ensuring strong victim protection mechanisms. The rights that should be protected under an NRM are broad and include non-discrimination, legal assistance, data protection, privacy, informed consent, access to housing, healthcare, social and medical assistance, recovery and reflection periods, temporary or permanent residency, compensation, asylum and protection from unsafe return to countries of origin, among others.



NRMs must ensure respect for the human rights and dignity of all adults and children who are victims of trafficking. They must be designed by States to provide all victims of trafficking with access to the 4 NRM Pillars, as detailed in the relevant chapters of this Handbook:

- Identification plus Protection;
- Individual Support and Access to Services;
- Social Inclusion; and
- Criminal Justice and Redress.



NRMs also help to implement national law and strengthen policy and procedures on a broad range of victim and survivor-related needs and risks that are integral to protecting and promoting the human rights. They can set benchmarks to assess whether national goals are being met effectively.

## 4.2 How are NRMs established?

NRMs are not rigid structures but flexible mechanisms that are tailor-made to fit each country's patterns of trafficking cases and its social, political, economic and legal environment. That is why NRMs are not built from a single, general blueprint but are instead founded on a careful assessment of country-specific needs and conditions. NRMs require adaptation as existing trafficking patterns change and evolve, and new forms of trafficking emerge.

### NRM country assessments



Photo Source: <https://www.osce.org>

Upon request by a national government, a country assessment can be conducted by a government agency, civil society experts, ODIHR or other international specialized organizations. This is the first step in establishing an NRM. The country assessment can determine the most effective NRM structure for the specific country, and identify agencies and civil society organizations that should be key stakeholders for focused anti-trafficking partnerships. If a country already has an official body dedicated to combating trafficking, this should also be taken into account in the development of an NRM. Follow up assessments can then address any gaps and challenges in order to strengthen and maintain the efficacy of the NRM.

### The inclusion of an NRM in the National Action Plan

**Based upon the results of the country assessment, NRM development and implementation should be included in an update of the National Action Plan.** This plan underpins the NRM and can be a *living document* that is kept updated and amended with further assessments each time it is reviewed. It should reflect and incorporate any changes to anti-trafficking legislation and statutory guidance, policies, regulations and procedures that are related to anti-trafficking objectives within every trafficking-related area of law and governance.

## The State of Emergency National Protocol (SENP)

“Fully operational NRMs are vital to the consistency of national anti-trafficking frameworks during states of emergency and equivalent situations, including pandemics. National rapporteurs should monitor and report on the continued implementation of state obligations for combating human trafficking throughout states of emergency, ensuring that appropriate implementation of a SENP is in place for the delivery of all services for victims of trafficking.”<sup>19</sup>

**A State of Emergency National Protocol (SENP) should be developed for all NRMs in order to prepare for states of emergency or other equivalent situations, including pandemics.** It is important that NRMs are equipped to respond swiftly and effectively, therefore the SENP should define the specific procedures required and the use of [Operational Partnership Protocols](#) (OPPs) which clearly delineate the duties and responsibilities of all [NRM stakeholders](#).

At times of emergency, myriad trafficking risks arise and crimes are committed. This includes, for example, risks of increased trafficking for sexual exploitation online and significant dangers for children who are not able to attend school, or are left in vulnerable situations without safe and appropriate care.<sup>20</sup> Traffickers may be more able to threaten and re-target previous victims, and new perpetrators may operate with impunity while police and emergency services are otherwise deployed. Poverty and destitution in crisis situations also give rise to serious trafficking risks when law enforcement authorities, healthcare services, statutory services, charities and NGOs are severely over-stretched and less able, or unavailable to provide support to victims of trafficking.

**The SENP should outline the following preparation for emergency situations and other equivalent situations, including pandemics:**

- **Training all governmental and non-governmental stakeholders on providing services remotely to risk groups;**
- **Prioritizing diagnostic testing in the case of health emergencies, and distribution of personal protective equipment (PPE)** for frontline professionals, victims and survivors as a vulnerable group;
- **Addressing Internet/WIFI access and connectivity for victims and survivors** to ensure that remote services are available to them throughout the course of an emergency situation or crisis;
- **Mobilizing technological resources to facilitate service accessibility for victims and survivors of trafficking.** This is especially needed when social isolation and social distancing measures are in place, or travel is restricted/not possible. It requires meeting victims’ needs for free access to remotely delivered services, including through use of regular phones, smart phone lines and online technologies;
- **Continuing implementation of proactive identification, protection and individual support of victims of trafficking,** applying a multi-disciplinary approach to ensure that the specific vulnerabilities of adults and children are addressed as quickly as possible to minimize *risk gaps* (See: [sub-national and local teams](#); [multi-agency mobile teams and task forces](#); [social inclusion](#); [multi-agency services](#)); and
- **Expediting survivors’ access to accommodation and other essential services,** identifying and providing urgent alternative accommodation and following promising practices, such as the supervised re-purposing of empty hotels for sheltering survivors of violence and trafficking (See: [accommodation](#); [accommodation for children](#); [accommodation for adults](#); [immediate provision for adults](#); [immediate provision for children](#); [practical needs 1](#); [practical needs 2](#)).

<sup>19</sup> Empirical research found that states with NRMs were able to provide more accessible rehabilitation and reintegration services for victims of trafficking during the COVID-19 pandemic. For further information, see ODIHR & UN Women (2020), [Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic](#), 30 July 2020.

<sup>20</sup> *Ibid.* Also see, OSCE (2020), [Statement by OSCE Special Representative for Combating Trafficking in Human Beings on need to strengthen anti-trafficking efforts in a time of crisis](#), 3 April 2020.

## 4.3 The NRM structural framework

### Key NRM stakeholders

**NRMs should be as inclusive as possible in terms of stakeholder participation, co-operation and strategic partnership.** The role and remit of all NRM stakeholders should be clearly defined and maintained to ensure the protection and promotion of the human rights of victims and survivors of trafficking in all circumstances.

Multi-agency working partnerships between stakeholders can maximise service delivery for victims and survivors. These may take the form of:

- **Multi-disciplinary task forces;**
- **Sub-national and local teams and networks; and**
- **Safeguarding and service hubs.**

Each can be formalized through the use of [Operational Partnership Protocols](#) (OPPs) that establish co-ordinated methods of joint work and communications between services, while ensuring that each participant can retain their crucial independence of role and remit.



**NRMs should be staffed at all levels by professionals who have the skills and competency in their specific area of anti-trafficking work and have received anti-trafficking training which accords with the NRM principles, protocol, pillars and recommended standards.**

#### **Key NRM stakeholders**

**The NRM national co-ordinator (or equivalent mechanism)** is usually a relevant appointed government body that acts as a central NRM authority. The NRM national co-ordinator chairs an **NRM interagency co-ordination working group**<sup>21</sup> and is responsible for co-ordinating the execution of all activities related to NRM implementation and reporting directly to government. Its tasks include contributing to the development of national, regional and international anti-trafficking policies and strategies and improving co-ordination and coherence between all NRM stakeholders. National co-ordinators can also operate at the sub-national and local levels to monitor and support local NRM teams and networks.<sup>22</sup>



**Each NRM should establish, operationalize and adequately resource the role of national co-ordinator or an equivalent mechanism. The role of an NRM national co-ordinator should be delegated to a relevant government institution that is appointed to chair the NRM inter-agency co-ordination working group. It is responsible for co-ordinating the execution of all activities which are related to NRM implementation with the pro-active support of all relevant government institutions and civil society.**

<sup>21</sup> The role of the national co-ordinator is usually delegated to a relevant government institution, which is appointed to chair an NRM co-ordination group. The OSCE Action Plan to Combat Trafficking In Human Beings recommends that participating States link, "the activities of NRMs with those of inter-ministerial bodies, national co-ordinators, NGOs and other relevant national institutions to form a cross-sectoral and multidisciplinary team capable of developing and monitoring the implementation of anti-trafficking policies." See OSCE Permanent Council (2003), [Decision No. 557, "Action Plan to Combat Trafficking in Human Beings"](#), PC.DEC/557, p. 14. See also, [Directive 2011/36/EU](#) of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, 15 April 2011, OJ L 101, para. 29.

<sup>22</sup> OSCE OSR/CTHB (2018), [Uniform Guidelines for the Identification and Referral of Victims of Human Trafficking within the Migrant and Refugee Reception Framework in the OSCE Region](#), p. 11.

**The NRM inter-agency co-ordination working group** is composed of relevant national government institutions<sup>23</sup> and civil society organizations, including specialist anti-trafficking NGOs. Working groups comprise senior representatives of government agencies, sub-national and local NRM bodies and NRM co-ordinators<sup>24</sup>, civil society/NGOs and specialist groups who attend by invitation. Working groups co-ordinate NRM activities and implementation of related policies and procedures. It may also incorporate co-ordination of, and reporting from sub-national and local NRM teams and networks and provincial or municipal authorities.



**Each NRM should establish and operationalize an NRM interagency co-ordination working group to contribute to the co-ordination and resourcing of the NRM within their relevant mandates.**

The **NRM monitoring body** (or equivalent mechanism) is responsible for oversight of the NRM and reporting annually to the NRM co-ordinator. The role of the NRM monitoring body can be mandated to any relevant national oversight body. It monitors the cost, quality, accountability and performance of the NRM and ensures that there are robust systems of inspection and complaints/feedback for all stakeholders and service users.



**Each State should mandate, operationalize and adequately resource the role of a national NRM monitoring body or an equivalent mechanism to fulfil its role for oversight of the cost, quality, accountability and performance of the NRM, including competencies and fulfilment of the responsibilities of each NRM stakeholder. The NRM monitoring body should provide annual NRM assessment reports to the national co-ordinator and have an easily accessible complaints mechanism for victims and survivors of trafficking.**

The **national survivors' advisory council** ensures that the voices of survivors are integral to all NRM activities and specifically the development of policies, procedures and practices (See: survivors and survivor leaders).



**A national survivors' advisory body composed of survivor leaders should be established to support the work of each NRM. It provides advice on all aspects of NRM structures, service delivery and procedures as well as anti-trafficking legislation, governmental policy making, public awareness raising, provision of education and training, as well as ensuring high standards of frontline support for victims and survivors.**

<sup>23</sup> This may include: law enforcement, judiciary, prosecutors, border guards, social services, child protection, education, immigration, etc.

<sup>24</sup> The national co-ordinator may be assisted by sub-national and local (state, province or cantonment) NRM Co-ordinators, if applicable. For the EU, see [Directive 2011/36/EU](#) of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, 15 April 2011, OJ L 101, para. 29.

The **national advisory group of experts** contributes evidence-based or innovative recommendations, upon request by the national co-ordinator and/or the NRM interagency co-ordination working group, within their specific fields of expertise. This pool of experts may comprise academics, civil society, the private sector, faith-based organizations, community-based organizations and unions, trade unions, NGOs and IGOs. It can facilitate wider awareness of trafficking prevention, including innovative approaches to combatting trafficking and addressing demand that fosters all forms of exploitation that lead to trafficking.



**Effective NRMs require ongoing co-operation between government agencies and civil society. NRMs should facilitate the inclusion and participation of civil society (within their specific areas of competence) in the NRM interagency co-ordination council and in relation to all other relevant NRM activities: identification, protection and individual support, access to multiagency services, social inclusion, pursuit of criminal justice process and redress and prevention of human trafficking.**

#### **Stakeholders who are directly relevant to NRM structures:**

- National government institutions;
- Sub-national and local administrations;
- Public sector, including all statutory services and non-statutory services for adults, and national child protection systems for children;
- Independent advocates allocated for each adult;
- Guardian advocates allocated for each child to provide specialist, individual support (or their national equivalents);
- National healthcare services;
- Civil society organizations including specialist anti-trafficking NGOs, trade unions, faith-based organizations, and community-based organizations and unions;
- Legal aid service providers;
- Independent legal advice and representation services<sup>25</sup>; and
- Intergovernmental organizations (IGOs) may support the work of the NRM stakeholders, as may be requested or relevant to them.



**NRM procedures and all services for children should be partnered with, and build on existing national child protection systems. They should be staffed by recognized child specialists and supported by civil society organizations and specialist NGOs that are directly linked to national child protection systems. All communication, interventions and actions with child victims of trafficking should be conducted within child-friendly, safe environments, in a child-centred, gender-sensitive, age-appropriate, trauma-informed manner.**

<sup>25</sup> UN General Assembly (1989), [Convention on the Rights of the Child](#). See the Preamble (para 9,10) as well as Articles 37(d), 40(2.ii, 2.iii).

## The role of independent national rapporteurs

**Independent national rapporteurs on human trafficking are responsible for monitoring the national implementation of anti-trafficking policies and reports findings.** They respond to, and address the annual report of the **national NRM monitoring body**. Their tasks include conducting assessments of patterns and trends in human trafficking and measuring the results of anti-trafficking activities. This includes collation of data, statistics and research in close co-operation with relevant civil society organizations and research institutions. The national rapporteur contributes to the development of national and international policies and strategies relevant to combatting trafficking in human beings and improves co-ordination and coherence between all NRM stakeholders and relevant agencies.

## Multi-agency sub-national and local teams and networks

**In addition to the implementation of a national, centralised NRM it is important to have devolved, multi-agency sub-national and local teams and networks.** These can ensure swift and even responses to human trafficking nationwide and within local communities, with a strong focus on victims' timely identification, protection and individual support.

Trained multi-agency first responders and other professionals who operate within NRM sub-national and local teams and networks can be highly effective in the identification of victims and the delivery of NRM services. They have the advantage of localized knowledge of trafficking patterns and an informed understanding of local capacity and resources. They may also be involved in outreach activities within local communities. Mobile teams are most effective because they can travel to identify victims of trafficking wherever they may be located.



**The authority, structure and composition of sub-national and local teams and networks vary across different countries and localities. However, they should include, at a minimum, regional NRM co-ordinators, representatives from local law enforcement authorities, municipal/local authorities and councils, statutory services, social services, healthcare services and specialist, anti-trafficking and other related NGOs.**

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## The need for integral and direct links between NRMs, statutory services for adults, and national child protection systems

**It is vital to ensure that all victims of trafficking have equal access to NRMs.** Assessment and monitoring of NRMs has shown that victims in all countries can face significant obstacles to accessing the systems and services that they need.<sup>26</sup> This affects those who are national citizens or otherwise resident in the countries in which they were trafficked, and those who were transnationally trafficked and are residing outside their country of origin.

In cases where victims of trafficking are *excluded* from equal access to mainstream healthcare services, statutory services and national child protection systems, they are less likely to be identified and referred for identification, protection and support, and therefore to be assisted and referred to NRMs. Disputes about the age of young victims of trafficking who have irregular immigration status is a common barrier to their access to national statutory child protection services, referral to NRMs and recognition of their best interests as children. (See: [age assessment](#), [challenges of age estimation](#))

Even in cases where victims of trafficking have access to mainstream healthcare services, statutory services and national child protection systems, they still may not be properly identified, protected and supported as victims of trafficking due to lack of training and awareness of frontline professionals on the need for identification of possible victims of trafficking and clear referral pathways to NRM procedures and services.

<sup>26</sup> For the update of the NRM Handbook, ODIHR conducted 7 country comprehensive assessment visits. In addition, Council of Europe GRETA issues reports which include the assessments of the effectiveness of the NRMs. See Council of Europe GRETA, [Country Monitoring](#).



To ensure equal access to NRM procedures and services for all victims of trafficking, States must ensure that they dedicate resources to building and maintaining NRMs that can exercise multi-agency partnership. This combines multi-disciplinary professionals, agencies and services to provide the high level of skills and experience required for an integrated and holistic approach to both victim identification and meeting each person's individual needs. These can span the different remits of national authorities and law enforcement agencies and include statutory services, child specialist professionals and specialist anti-trafficking NGOs.



Operational Partnership Protocols (OPPs) should be used to clearly define the purpose and co-ordination of a joint working relationship while ensuring the maintenance of each party's independence within the mandate and remit of their role. OPPs can create and maintain integral and direct links within NRMs, between law enforcement authorities, statutory services, national child protection systems and healthcare services.

## 5 PART ONE (b): What is Human Trafficking?

### 5.1 Sources for data on trafficking

Human trafficking is a continuously evolving crime which requires current data and statistics to identify trends and patterns and ensure the design and implementation of tailored and effective responses. The NRM Handbook recommends reference to three complementary guides for updated facts and figures:

- The bi-annual Report on Trafficking in Persons by UNODC;<sup>27</sup>
- Council of Europe GRETA annual General Report;<sup>28</sup> and
- The annual Trafficking in Persons (TIP) report<sup>29</sup> by the United States Department of State.

### 5.2 The international legal definition of human trafficking: The Palermo Protocol<sup>30</sup>



The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime is the first global legally binding instrument which contains an agreed definition on trafficking in persons.<sup>31</sup> This is known as the 'Palermo Protocol'.

#### Article 3, Palermo Protocol

The Palermo Protocol establishes that the trafficking of an adult (any person who is over eighteen years of age) requires three legal elements: **act, means and purpose**.

- (1) The act of trafficking (what is done):** “*Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons.*”

<sup>27</sup> UNODC, [Global Report on Trafficking in Persons](#).

<sup>28</sup> Council of Europe GRETA, [General Reports on GRETA's activities](#).

<sup>29</sup> United States Department of State, [Trafficking in Persons Report](#).

<sup>30</sup> UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000. There are 159 parties and 117 signatories to the Palermo Protocol.

<sup>31</sup> The Palermo Protocol entered into force on 25 December 2003 and since then has been ratified by 173 signatory states which have incorporated the definition into their national laws.

- (2) **The means of trafficking (how it is done):** “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.”
- (3) **The purpose (why it is done):** “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.”

Note that:

- The *means* element of trafficking in adult cases can consist solely of *the abuse of a position of vulnerability* and does not require the use of force, coercion and/or deception. In fact, the victims may consent to their own exploitation *due* to their vulnerability,<sup>32</sup> as “the reference to the abuse of a position of vulnerability is understood to refer to any situation in which the person involved has *no real and acceptable alternative* but to submit to the abuse involved.”<sup>33</sup>
- The *means* element of trafficking and the issues of consent are irrelevant in cases of child trafficking. A child can never be considered to have given their consent to being exploited. This is the case regardless of their relationship with their trafficker and whether they agreed to, or complied with, their trafficking.<sup>34</sup>
- There is no requirement for the *purpose of exploitation*<sup>35</sup> to have been achieved. Therefore, a person who is rescued before any exploitation occurs is still a victim of trafficking.

**Although human trafficking is often associated with a process of movement, trafficking does not necessarily require movement.** The key feature of human trafficking is *the intended actions of traffickers in their exploitation of adults and children*. The legal definition of trafficking identifies *movement* as just one possible way that the *action* element can be satisfied. The terms *receipt* and *harbouring* in the trafficking definition mean that trafficking does not just refer to the process whereby someone is *moved* into situations of exploitation; it also extends to the *maintenance* of that person in a situation of exploitation.<sup>36</sup> Therefore while trafficking can involve travel across international borders, it also operates domestically within cities, towns, villages and local communities. A person can be trafficked or re-trafficked for exploitation within a single building (for example in cases of trafficking for the purpose of sexual exploitation), or in multiple forms of labour exploitation within a factory or construction site, or online (cyber-trafficking) (See: [forms of trafficking](#); [cyber-trafficking](#)).

### 5.3 Forms of trafficking crime and the challenges for law enforcement

It is important for all stakeholders to be aware of the different types of trafficking crime and the challenges they present for law enforcement:

- **Domestic trafficking occurs when all the elements of a trafficking crime are committed within the borders of one country.** Victims of domestic trafficking are persons who reside in the country in which they are trafficked. They may be adults or children who are citizens, temporary or permanent residents (including workers and students), asylum seekers or other persons seeking international protection, or persons who have irregular immigration status.<sup>37</sup>

Victims of domestic trafficking are specifically vulnerable and will remain so if they are not identified, protected and individually supported. The localised proximity of traffickers to victims of domestic trafficking often means that they can find it impossible to report or disclose information about their situation to law enforcement authorities. This is particularly the case for victims who have a high level of vulnerability, those who live in communities and neighbourhoods with high crime and trafficking rates, and children who lack birth registration or secure immigration status.

<sup>32</sup> UNODC (2013), [Abuse of a position of vulnerability and other “means” within the definition of trafficking in persons: Issue Paper](#).

<sup>33</sup> “The travaux préparatoires should indicate that the reference to the abuse of a position of vulnerability is understood to refer to any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved.” See UN General Assembly (2000), [Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the work of its first to eleventh sessions: Addendum. Interpretative notes for the official records \(travaux préparatoires\) of the negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto](#), 3 November 2000, A/55/383/Add.1, para. 63.

<sup>34</sup> UNODC (2014), [The Role of ‘Consent’ in the Trafficking in Persons Protocol: Issue Paper](#).

<sup>35</sup> UNODC (2015), [The Concept of ‘Exploitation’ in the Trafficking in Persons Protocol: Issue Paper](#).

<sup>36</sup> OHCHR (2014), [Human Rights and Human Trafficking: Fact Sheet No. 36, p. 3](#)

<sup>37</sup> Government of British Columbia (n.d.), [International Trafficking vs. Domestic Trafficking](#).

Victims have criminal records for offences committed in relation to their trafficking, they will often fear being disbelieved when they come forward. Victims of domestic trafficking may additionally fear discrimination, stigmatization or criminalization if they speak to authorities about what has happened to them. Many (although not all) are originally vulnerable to trafficking due to low socio-economic status, marginalization and histories of adversity.

- **Transnational trafficking involves victims' crossing one or more international borders in the course of being trafficked.** Victims may travel by *regular* or *irregular* routes and means (See: [law enforcement: transnational trafficking survivors](#); [rights of migrants and refugees](#); [rights of child migrants](#)). This presents multiple challenges for law enforcement due to the geographical scope of the crime and the varying national jurisdictions and criminal laws in different countries. Despite international police co-operation and criminal intelligence data sharing in investigations of global human trafficking crime, there can be delays and difficulties in the international exchange of information (See: [data management and protection](#); [data sharing 1](#); [data sharing 2](#); [law enforcement partnerships; task forces](#); [mutual legal assistance](#); [use of technology](#); [joint investigation teams](#)).<sup>38</sup> In some origin countries where transnational trafficking is prevalent, criminal justice systems need to be strengthened and better resourced. For example, law enforcement agencies may lack access to electronic data and use of modern forensic investigation tools. Victims may be stateless, or not registered (at birth or in a population census) and therefore may not have any form of official identification documentation.<sup>39</sup> (See: [international police forces](#); [JITs](#); [data sharing](#))

Traffickers are aware of challenges and gaps for law enforcement in detecting and investigating transnational human trafficking crimes. They also benefit from increasingly restrictive policies on migration that can result in victims being marginalised and treated primarily as immigration offenders, without pro-active detection of the trafficking crime committed against them. Often adults and children who have been trafficked transnationally are detained, imprisoned or forcibly returned/deported to their country of origin without the opportunity to be identified, protected and supported as victims of trafficking crime.<sup>40</sup>



**Cyber-trafficking<sup>41</sup> enables traffickers to transcend national and international boundaries, presenting serious challenges for law enforcement.**<sup>42</sup> The Internet provides a vast, borderless 'cyber-space' which is increasingly used for human trafficking.<sup>43</sup> Each element of the crime of human trafficking - *action, means and purpose* - can be committed online. There may be combinations of online and off-line activity within a single trafficking crime, and the involvement of multiple persons and businesses in different locations in the world.<sup>44</sup> Investigation requires swift and effective co-operation between various national and international units of law enforcement, including cyber-

crime units. Without this, investigations are often difficult to pursue and evidential leads can therefore go cold.<sup>45</sup> (See: [cyber-trafficking](#); [traffickers' use of the internet](#); [traffickers use of dark web](#); [cyber-trafficking for sexual exploitation](#))

**Traffickers will exploit victims in any way possible in order to maximise their profits.** Adults and children can be trafficked for the purposes of *mixed exploitation*, which means that they are subjected to more than one form of exploitation at the same time, or *sequential exploitation*, whereby they are moved from one form of exploitation to another in sequence.

<sup>38</sup> Victims who report a trafficking crime that occurred in another country may not receive further information about any criminal investigation, even if it is reported to the law enforcement authorities of that country or to international law enforcement agencies.

<sup>39</sup> Without mutual legal assistance agreements, availability of interpreters to communicate across countries and clear lines of inquiry, criminal investigations can be hampered by the inability to investigate members of a trafficking network or to collect evidence including records of financial assets and transactions.

<sup>40</sup> "The Dublin III Regulation (Regulation 604/2013) establishes the criteria for identifying the EU Member State responsible for the examination of an asylum claim. Where another Member State other than the one in which the applicant is currently residing is found to be responsible for processing the application, the applicant will usually be transferred (back) to that EU Member State. In cases where a victim has been exploited in the first (Member) State in which s/he sought asylum, it can be traumatic for them to return to the (Member) State, even though in accordance with the Dublin Regulation they should be transferred there." European Migration Network (EMN) (2014), [Identification of victims of trafficking in human beings in international protection and forced return procedures](#), March 2014, p. 13. CR to migrants sections and vulnerabilities. The Dublin III Regulation provides guarantees for minors and in Article 6 requires that "In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following factors... (c) safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking".

<sup>41</sup> See Chapter 5 on Traffickers Use of the Internet of UNODC (2021), [Global Report on Trafficking in Persons 2020](#), pp. 117-128. Cybercrimes are "crimes that are committed through the use of computer networks and devices, such as when perpetrators use them to target, traffic, and/or exploit adults and children, but do not attack the actual computer or network." See HG.org (n.d.), [Internet and Cyberspace Crime Law](#). These crimes know no borders, either physical or virtual, cause serious harm and pose very real threats to victims worldwide. See also, [Interpol](#) (n.d.).

<sup>42</sup> McDaniel, J. L. (Ed.), Stonard, K. E. (Ed.), & Cox, D. J. (Ed.) (2020), [The Development of Transnational Policing](#), London: Routledge.

<sup>43</sup> Chertoff, C. (2017), [A public policy perspective of the Dark Web](#), *Journal of Cyber Policy* 2(1), pp. 1-13.

<sup>44</sup> This refers to key traffickers but also Internet businesses and chatrooms, web developers, Internet service providers and users.

<sup>45</sup> "When compared to traditional evidence (e.g., paper documents, weapons, controlled substances), digital evidence poses unique authentication challenges because of the volume of available data, its velocity (i.e., the speed with which it is created and transferred), its volatility (i.e., it can quickly disappear by being overwritten or deleted), and its fragility (i.e., it can easily be manipulated, altered or damaged)." Source: UNODC (2019), [E4J University Module Series: Cybercrime, Module 4: Introduction to Digital Forensics](#).

## 5.4 Who are the traffickers?

**It is important not to stereotype or make assumptions about traffickers:** they can be from any background, gender or demographic profile. While some will always remain covert and hidden, others may present in other arenas of life as ordinary citizens, family members, employers and employees in respectable professions, partners, colleagues and friends of victims. Their socio-economic status can depend upon where they rank in the hierarchy of a trafficking network and traffickers may project a constructed image of wealth or poverty to portray a deceptive image to victims and others. The only feature that traffickers have in common is criminal intent and the drive to profit financially from the sale and exploitation of human beings. Some traffickers force their victims to be complicit in trafficking crimes.<sup>46</sup>

### **There are multiple possible scenarios in human trafficking:**

- Traffickers may operate individually, or in small or large organized criminal networks;
- They may traffic victims domestically, transnationally, and online using the Internet (*cyber-trafficking*) or in combination of these (See: [cyber-trafficking](#); [traffickers' use of the internet](#); [traffickers use of dark web](#); [cyber-trafficking for sexual exploitation](#)); and/or
- Victims may know their traffickers personally, for example they may be family members (including parents, uncles, aunts), lovers or spouses, friends, employers, colleagues, neighbours, or other acquaintances.

It is particularly difficult for victims to come to terms with the realization that a person who is in their family, who has a duty of care towards them or is otherwise close to them has been complicit in their trafficking. In some cases, they may never realize that a person they care for or thought they knew deeply is connected to their trafficking. Lack of understanding—about the identity of their traffickers or the full extent of a trafficking network—can put victims in danger of remaining in contact with their traffickers or their associates, and inadvertently revealing their situation and location to traffickers.

- **Victims may not know their traffickers at all, or they may only meet one or two members of a wider network.** Traffickers are usually careful to keep their real names, identities and locations hidden from victims, for example by keeping addresses where they are held concealed, moving them blindfolded between locations, disorienting them by travelling at night or forcing them to ingest drugs or alcohol at specific times so that their perceptions are blurred. They may intentionally misinform victims to ensure that any information they may provide later to law enforcement authorities or other professionals will lack credibility.
- **Victims may never see other members of a trafficking network or even know that they exist throughout the course of their trafficking and exploitation.**
- **In other cases the wider network in which the trafficker operates may become apparent to victims as soon as the trafficking or exploitation begins.** Victims may meet different traffickers in sequence, both within the original trafficking network, and from being 'sold' on to other traffickers. In some cases, traffickers pose as *rescuers* who can help victims escape from their current trafficking situation in order to groom them and ensure their compliance for onward trafficking.

It is vital to understand the complex components of trafficking operations and networks, considering all possible links and connections in order to ensure the long-term safety of victims and the success of criminal justice investigations. (See: [trafficking crime investigations](#))

<sup>46</sup> UNODC (2020), [Female victims of trafficking for sexual exploitation as defendants: A case law analysis](#).

## 5.5 Who are the victims of human trafficking?

**Adults and children from any nation, culture, religion, socio-economic background, ethnicity, age or gender can become victims of human trafficking.** The only feature that is common to all victims of trafficking is their specific vulnerability to traffickers at the time they are targeted and trafficked.

**Traffickers actively seek people who have one or a combination of vulnerabilities that they can use to target them for trafficking and exploit them for profit as easily as possible.** (See: [vulnerabilities](#)) They achieve this by means of 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.<sup>47</sup>

## 5.6 Pre-trafficking vulnerabilities of victims of trafficking

**Adults and children from any socio-economic background may be trafficked.** Victims may have had nurturing families, access to secondary and tertiary education or professional careers prior to their trafficking. However, people from backgrounds of destitution, poverty and adversity are highly prevalent among victims of trafficking because such backgrounds are often the context for a combination of connected vulnerabilities which heighten trafficking risks.<sup>48</sup>

**Poverty can make it impossible for families to keep children and young adults at home, causing them to seek alternative housing, care and education, or paid employment for them.**<sup>49</sup> Many (not all) victims have experienced adverse situations in childhood, for example: a lack of parental care and/or abuse, neglect, domestic violence, sexual violence or substance dependency in their family home or within contexts of contemporary forms of child slavery. This can make them vulnerable to deception and manipulation by traffickers who promise them a better life, love, stability or prospects in education or employment. There is an additional risk that people who faced adversity and trauma in childhood may develop mental health difficulties and/or substance dependency issues, which can give rise to further risks of re-trafficking.<sup>50</sup>

### Vulnerability due to family background

**Victims of trafficking may be vulnerable due to their family situation or history:**

- **Victims may lack the family protection necessary to safeguard them from traffickers in patriarchal societies.** This can apply to women and children who lack the essential familial protection of men in the family, for example a father, husband, uncle or brother.<sup>51</sup>
- **Victims may be trafficked by their own family members** either intentionally, or after becoming unwittingly complicit in a trafficking process. Women and girls can be trafficked by their family members for the purpose of forced marriage. Almost half of identified cases of child trafficking begin with some family member involvement.<sup>52</sup>
- **The imposition of *debt bondage* upon whole families can be highly significant in trafficking cases** (See: [debt bondage](#)). Families who owe a debt may be forced or persuaded to send a member of the family away with traffickers in order to pay off the debt. In some cases whole families may be '*dishonoured*' or threatened in their community because of debts owed. This can result, for example, in traffickers taking children or young people from the family 'for work' or women and girls for forced marriage, in order to 're-pay the debt'. The concept of *debt bondage* is strong and victims often feel obliged to repay debts to traffickers for the sake of themselves and their families for many years after leaving their direct control.<sup>53</sup> This can increase their risk of further trafficking, including by new perpetrators who manipulate them in relation to their fear of being unable to repay.

<sup>47</sup> UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000., Art. 3(a).

<sup>48</sup> Wright, E. (2017), [Poverty and its contribution to human trafficking](#), Borgen Project. See also Every Child Protected Against Trafficking (n.d.), [Child Trafficking, Exploitation and Slavery](#), ECPAT UK. Swedish Department for Global Development (2003), [Poverty and Trafficking in Human Beings: A strategy for combating trafficking in human beings through international development co-operation](#), Department for Global Development.

<sup>49</sup> More information on poverty and the UN Sustainable Development Goals can be found at the Jeffrey D. Sachs' [Center for Sustainable Development](#) of the Columbia University.

<sup>50</sup> Silvermist (2018), [The Link Between Childhood Trauma And Addiction In Adulthood](#). See also Thatcher, T. (2020), [Childhood Trauma and Addiction](#), Highland Springs, 15 July 2020.

<sup>51</sup> "Vulnerability caused by marital infidelity, alcoholism, domestic violence, desertion by husbands and divorce increases the risk of women being trafficked." D'Cunha, J. (2002), [Trafficking in persons: a gender and rights perspective](#). The weakening or breakdown of community and family protection mechanisms in refugee and displaced persons camps make women and girls especially vulnerable, leaving them subject to "physical and sexual attacks, rape, domestic violence and sexual harassment, increased spousal battering and marital rape." UNIFEM (2002), [Combating Trafficking in Women and Children: A Gender and Human Rights Framework](#).

<sup>52</sup> Counter-Trafficking Data Collaborative (CTDC) (2017), Counter-trafficking data brief: Family Members Are Involved in Nearly Half of Child Trafficking Cases, 8 December 2017.

<sup>53</sup> "An employer or controller will use different tactics to trap the victim in an endless cycle of debt which can never be repaid and may even be passed on to their families. Poverty, threats, violence, surveillance and imprisonment are used to make sure they cannot leave or get help. Debt bondage can also be a significant factor in human trafficking. Victims may be offered a

- **Inter-generational trafficking is a risk in any family that is vulnerable to trafficking if they are left without protection and support.** Generations of family members can be trafficked when their family is held in debt bondage by traffickers, or in situations where traffickers can successively *'abuse the position of vulnerability'* of a family over decades (See: [debt bondage](#)). For example, female members from different generations of the same family may be trafficked for purposes of sexual exploitation.<sup>54</sup>
- **Situations of violence, substance dependency or dysfunction within families can make victims vulnerable to manipulation and/or coercion from traffickers.** (See: [healthcare](#)) This type of family environment may create a perception that the trafficker represents an escape or a safer option by comparison.
- **Situations in which adults or children are highly sheltered within families or otherwise lack experience of the wider world and other relationships, can make them a target for deception and recruitment for trafficking.**
- **Communities at higher risk of human trafficking include those with any of the following features<sup>55</sup>:**
  - A population that experiences marginalization, discrimination or stigma in the wider society, e.g. persons belonging to national minorities;
  - A history of communal trauma and cultural loss;<sup>56</sup>
  - High rates of adverse childhood experiences in the population;
  - Lack of official birth registration;
  - Significant levels of poverty and destitution;
  - Unsafe and low-quality housing and infrastructure;
  - Lack of access to employment, including situations of generational/long-term unemployment or dependence on social assistance schemes, and/or high levels of informal and exploitative employment;
  - High rates of exposure to violence (direct and/or indirect) including domestic/intimate partner violence, gang violence, etc.;

job abroad with 'free' transportation, or they may borrow money from the employer / controller for the travel and a job finding fee. Once they have arrived they then find the job either does not exist or is not what was originally offered, and are trapped trying to pay off the debt." Gangmasters & Labour Abuse Authority (n.d.), [Human trafficking, forced labour and debt bondage](#).

<sup>54</sup> "Chronic, intergenerational homelessness and the institutionalization of Native women as "prostitute" are two reasons among a multitude of discriminations that entrap Native women and girls in prostitution and sex trafficking." National Resource Center on Domestic Violence (2020), [Colonization, Homelessness, and the Prostitution and Sex Trafficking of Native Women](#). "Other notable trends specific to British Columbia in 2013 include: increasing intergenerational trafficking of Asian and Aboriginal women and girls. Both the RCMP and certain informants also note that it is difficult to obtain co-operation from suspected Asian trafficking victims. The explanation for this reluctance is complex, but involves a combination of cultural values that emphasize honor and duty to provide for the family and an acceptance of the trafficking situation due, in part, to increased intergenerational trafficking." See Canadian Women's Foundation and Task force on Trafficking of Women in Canada (2013), [An Assessment of Sex Trafficking](#).

<sup>55</sup> Persons belonging to national minorities are particularly vulnerable to human trafficking. Across four sites surveyed in the United States and Canada as part of a report, an average of 40 per cent of the women involved in sex trafficking identified as American Indian/Alaska Native or First Nations. "Native women experience violent victimization at a higher rate than any other United States population." NCIA Policy Research Centre (2016), [Human & Sex Trafficking: Trends and Responses across Indian Country, p. 7.](#) "While almost all of the research focuses on sex trafficking of Native women and children, men are most likely not exempt and sex trafficking is most likely not the only type of trafficking occurring within Native communities. . . . A Native-informed intervention model and lens will be crucial to the production of research and success of programs, policies and organizations." See NCIA Policy Research Centre (2016), [Human & Sex Trafficking: Trends and Responses across Indian Country, p. 13.](#) See also Chaudhry, N. M. (2017), [The Traffic of Native American Women](#), Undergraduate Theses and Professional Papers, 171. "The deep and multi-dimensional poverty coupled with discrimination in which the majority of Roma populations live, and multiple deprivation in the fields of living standard, housing and (lack of) decent infrastructure from which they suffer, makes them vulnerable to trafficking. The lack of civil registration, a phenomenon characteristic for the most excluded parts of Roma communities, also makes Roma children particularly vulnerable to trafficking. The lack of civil registration makes it easier for traffickers to recruit victims, and it also obstructs state authorities in their attempts to detect the true identity of children who are being transported across borders. It is difficult for social workers or for police authorities to distinguish if the person accompanying a child is his parent or guardian if they had no identification means. The lack of official registration also makes it difficult for national authorities to collect reliable information regarding the nature and frequency of trafficking among Roma communities, and children in particular. The lack of civil registration for many Roma, including many children, also means that those individuals fall outside the protective net of a state's social support services." See Center for the Study of Democracy (2015), [Child Trafficking Among Vulnerable Roma Communities: Results of Country Studies in Austria, Bulgaria, Greece, Italy, Hungary, Romania and Slovakia](#). "It is difficult to say how many women and girls are trafficked from, into, and within Nigeria, as there is no reliable data. However, Nigeria is routinely listed as one of the countries with large numbers of trafficking victims overseas, particularly in Europe, with victims identified in approximately 1 in 6 countries globally, according to the US State Department Office to Monitor and Combat Trafficking in Persons. Most Nigerian trafficking victims in Europe come from Edo State, typically via Libya. IOM estimated that 80 per cent of women and girls arriving from Nigeria were potential victims of trafficking for sexual exploitation." See Human Rights Watch (2019), ["You Pray for Death": Trafficking of Women and Girls in Nigeria](#). Trafficking of Nigerian women and girls to Europe started in 1980s and has continued unabated for decades.

See also UNICRI (2003), [Trafficking of Nigerian Girls to Italy](#). In US, roughly three quarters of all female trafficking victims are women of colour. "Women and girls of color may also face additional barriers to receiving support and justice. Survivors may fear or distrust police, or they may find that service providers do not offer the culturally relevant help they need. Many survivors do not report the crime to authorities or seek help because of social or geographic isolation, racism, social stigma or language barriers." They often reside in crime ridden areas and in condition of generational poverty and discrimination facing continuous vulnerability to trafficking. See The White House Council on Women and Girls (2014), [Women and Girls of Color: Addressing Challenges and Expanding Opportunities](#), p. 37.

<sup>56</sup> Historical trauma is described as "cumulative emotional and psychological wounding over the lifespan and across generations, emanating from massive group trauma experiences". See Brave Heart M. Y. (2003), [The historical trauma response among natives and its relationship with substance abuse: a Lakota illustration](#), Journal of psychoactive drugs, 35(1), pp. 7-13. "Cultural loss is described as a loss of a person's culture, usually due to a change in environment." See Hall, L. E. (2005), Cultural loss, in: [Dictionary of multicultural psychology: Issues, terms, and concepts Vol. 1](#), pp. 44.

- High rates of substance dependency;
- Low levels of local police or law enforcement presence to protect and serve the population; and
- An influx of a transient, cash-rich workforce, e.g., oil industry.<sup>57</sup>

## Vulnerability due to marginalization and discrimination within communities

**Victims of trafficking may originally suffer discrimination or be marginalized for many reasons including their race,<sup>58</sup> gender,<sup>59</sup> caste,<sup>60</sup> ethnicity,<sup>61</sup> culture,<sup>62</sup> religion,<sup>63</sup> sexual orientation,<sup>64</sup> low socio-economic circumstances/status,<sup>65</sup> situation of debt,<sup>66</sup> and/or being associated with criminality, prostitution or substance dependency.<sup>67</sup>** Marginalization and discrimination are often accompanied by barriers to equal access to protection from law enforcement authorities, criminal justice, education, training and employment opportunities. These can result in a combination of vulnerabilities that traffickers can effectively exploit. (See: [social inclusion](#)) For example:

- **Victims may have cognitive problems, mental health problems, disabilities or illnesses that can be taboo in certain cultures or result in discrimination and stigmatisation within certain communities and therefore heighten their vulnerability to trafficking.<sup>68</sup>**
- **Some victims in patriarchal communities are stigmatized by their family and their community because they are associated with so-called ‘dishonourable’ conduct, which challenges patriarchal norms.** This specifically applies to women and girls but can also apply to men and boys who do not fit within the structures of patriarchy due to their perceived attitudes and behaviours. Concepts of ‘dishonour’ can result in threats or acts of so-called ‘honour’ outcasting or killing and heighten vulnerability to trafficking.<sup>69</sup>
- **LGBTI people are particularly vulnerable to situations of trafficking, due to facing discrimination and persecution in many countries specifically because of their identity or sexual orientation.<sup>70</sup>** Traffickers may target them specifically because employment opportunities are limited for LGBTI people and they may experience marginalisation and social exclusion.<sup>71</sup> Biases and discrimination can also severely impede access to, and quality of identification, protection and support for LGBTI victims of human trafficking.<sup>72</sup>

<sup>57</sup> NCAI Policy Research Center (2016) [Human & Sex Trafficking: Trends and Responses across Indian Country](#), p. 4.

<sup>58</sup> Gutiérrez Chong, N. (2014), [Human Trafficking and Sex Industry: Does Ethnicity and Race Matter?](#), Journal of Intercultural Studies, 35(2). See also [“The Race Dimensions of Trafficking in Persons — Especially Women and Children”](#) (2001), World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

<sup>59</sup> ICAT (2017), [The Gender Dimensions of Human Trafficking: Issue Brief 4](#). OSCE OSR/CTHB (2021), [Applying gender-sensitive approaches in combating trafficking in humans beings](#).

<sup>60</sup> Dalla, R. L. et al (2020), [Structural Vulnerabilities, Personal Agency, and Caste: An Exploration of Child Sex Trafficking in Rural India](#), Violence and Victims, 35(3), pp. 307-330.

<sup>61</sup> Gutiérrez Chong, N. (2014), [Human Trafficking and Sex Industry: Does Ethnicity and Race Matter?](#), Journal of Intercultural Studies Volume, 35(2). See also [The Race Dimensions of Trafficking in Persons — Especially Women and Children](#) (2001), World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

<sup>62</sup> Box, H. (n.d.), [Human Trafficking and Minorities: Vulnerability Compounded by Discrimination](#), Topical Research Digest: Minority Rights.

<sup>63</sup> *Ibid.* See also: U.S. State Department (2016), [Trafficking in Persons report: 2016](#), pp. 20-21.

<sup>64</sup> Lillie, M. (2013), [Sex Trafficking of LGBT Youth](#), Human Trafficking Search. See also: Martinez, O., & Kelle, G. (2013), [Sex Trafficking of LGBT Individuals: A Call for Service Provision, Research, and Action](#), Chicago: International Law News, 42(4). See also: U.S. State Department (2016), [Trafficking in Persons report, 2016](#), p. 20.

<sup>65</sup> UNICEF USA (2017), [What fuels human trafficking?](#) See also: U.S. Catholic Sisters Against Human Trafficking (2016), [Poverty & Human Trafficking](#).

<sup>66</sup> UN General Assembly (2016), [Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences](#), 4 July 2016, A/HRC/33/46, para. 8. See also: Swedish Government (2003), [Poverty and Trafficking in Human Beings: A strategy for combating trafficking in human beings through Swedish international development cooperation](#), Department for Global Development.

<sup>67</sup> Mesheleiah, J. C. A., & Lynch, R. E. (2019), [The Cause and Consequence of Human Trafficking: Human Rights Violations](#). See Chapter 5 “The weaponization of drugs”.

<sup>68</sup> Polaris Project (2018), [Individuals with Disabilities May Face Increased Risk of Human Trafficking](#). See also Women Enabled International, Disability Rights International & OHCHR (2019), [Submission to the Committee on the Elimination of Discrimination Against Women on its elaboration of a General Recommendation on Trafficking in Women and Girls in the Context of Global Migration](#), 14 February 2019. Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. UN General Assembly (2007), [Convention on the Rights of Persons with Disabilities](#), 24 January 2007, A/RES/61/106, Article 1.

<sup>69</sup> Pheterson, G. (1994), [The Whore Stigma: Female Dishonor and Male Unworthiness](#), Social Text, 37, p. 39.

<sup>70</sup> “While human trafficking affects all demographics of people, LGBT+ people are uniquely vulnerable, including persecution based on sexual orientation or gender identity, discrimination in the workplace, and language access. Indeed, traffickers frequently target characteristics disproportionately present within the LGBT+ population, such as a lack of strong support networks, financial strain, a history of violence, and general social marginalization. Other groups most vulnerable to trafficking around the world include people without homes, young people in foster care, and in prostitution, each of whom is disproportionately comprised of LGBT+ people — for example, in the United States [an estimated 40%](#) of youth experiencing homelessness are LGBT+.” Sgarro, K. (2020), [OutLaws: Exposing the global human trafficking of LGBTQ youth](#), Thomson Reuters Legal Executive Institute, 18 June 2020. See Morales, O. (n.d.), [LGBTQI+ victims of human trafficking](#), IOM. See also Boukli, A., & Renz, F. (2019), [Deconstructing the lesbian, gay, bisexual, transgender, Queer and Inter-sex victim of sex trafficking: Harm, exceptionality and religion–sexuality tensions](#), International Review of Victimology, 25(1), pp. 71-90. Office for Victims of Crime Training and Technical Assistance Center (n.d.), [LGBTQ Victims](#).

<sup>71</sup> “Transgender individuals face a multitude of unique obstacles in their daily lives. It is not uncommon for trans folk, especially youth, to face condemnation from family members and friends after they come out. Vital resources, like financial support and access to healthcare, can be revoked. Furthermore, transgender individuals are often subject to widespread mistreatment and violence, sometimes forcing them to fend for themselves. These realities position trans folk to be at a higher risk of being targeted by traffickers. Limited healthcare access, unemployment, and strained relationships with law enforcement only scratch the surface of the breadth and severity of these obstacles. Stories shared by individuals who have experienced these hardships illustrate how they are often left without options. Financial instability is one of the main factors responsible for the rampant homelessness affecting the transgender population.” Polaris Project (2017), [Unique Obstacles Put Transgender People At Risk of Trafficking](#), 10 March 2017.

<sup>72</sup> United States Department of State Office to Monitor and Combat Trafficking in Persons (2014), [The Vulnerability of LGBT Individuals to Human Trafficking: Factsheet](#). James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016), [The Report of the 2015 U.S. Transgender Survey](#). Washington, DC: National Center for Transgender Equality. Duberli, F. (2016),

- **Debts and debt bondage can result in marginalization of individuals and whole families within communities, which traffickers can use to target victims.** (See: [debt bondage](#); [vulnerabilities](#))
- **In some cultures, adults and children can be stigmatised and outcast by communities because of beliefs about them related to witchcraft, supernatural forces or folklore.**<sup>73</sup>
- Law enforcement officials and service providers should partner with expert civil society organizations and [survivor leaders](#) to enhance victim identification efforts and adapt assistance services to meet the unique needs of all victims of human trafficking who are marginalised and suffer discrimination.

## Vulnerability due to health conditions, injuries and disabilities<sup>74</sup>

**Victims may have pre-existing mental or physical disabilities, illnesses and conditions that traffickers can exploit.**<sup>75</sup> In some cases victims of trafficking have learning difficulties that mean they may be less able to evaluate and weigh risks to themselves from others.<sup>76</sup> (See [NRM Protocol](#))

Traffickers may specifically target people who have disabilities or injuries in order to exploit them for street begging or fraud, *utilizing* their disability to invoke complacency or sympathy in others, rather than raising their suspicions.<sup>77</sup>

In some cases, traffickers purposely maim or disable victims for the purpose of exploiting them in various forms of trafficking. Traffickers are also known to utilise disabilities of victims to target them for the purpose of sexual exploitation.<sup>78</sup>

## Vulnerability due to substance dependency

**Pre-existing substance dependency can make adults and children highly vulnerable to trafficking because it can be used to groom and recruit them for trafficking purposes and maintain control over them throughout their exploitation.** Victims may also be forced or enticed to ingest alcohol, drugs and other substances in the course of targeting, grooming, trafficking and exploitation, becoming substance dependent as a result. This keeps them under the control of traffickers and highly vulnerable to threats, inducements and the results of withdrawal. Substance dependencies that continue after trafficking mean that victims are at risk of future re-trafficking also. (See: [health problems](#); [situations of particular vulnerability](#))

## Vulnerability due to a change in personal circumstances or situation

**Traffickers can exploit any situation in which people become isolated, unprotected and therefore at risk due to a sudden or gradual change in their personal circumstances.** This may involve a combination of factors, for

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[Human Trafficking and the Experiences of Transgender Immigrant Latin@ Survivors](#). Tomaszewicz, M. L. (2018), [Sex trafficking of transgender and gender nonconforming youth in the United States](#).

<sup>73</sup> Nagle, L. E., & Owasanoye, B. (2016), [Fearing the Dark: The Use of Witchcraft to Control Human Trafficking Victims and Sustain Vulnerability](#), Southwestern Law Review 45, 561.

<sup>74</sup> "There are several factors that make people with disabilities vulnerable to trafficking: People with disabilities often rely on others to meet their basic needs. These caregivers have opportunities to traffic them as a result. People with disabilities may become submissive to their caregivers and comply with their caregivers' wishes because they are so dependent upon them. This learned response makes the unequal power dynamic in relationship with a trafficker, even if the trafficker is abusive, seem normal; People with disabilities may lead isolated lives and crave friendship and human connection. Because of this need, they may be persuaded to perform sexual acts if they are promised friendship or money as a reward. Isolation can also make it difficult or impossible for people with disabilities to make contact with people who could help them." Office for Victims of Crime Training and Technical Assistance Center (n.d.), [Victims with Physical, Cognitive, or Emotional Disabilities](#).

<sup>75</sup> European Commission (2015), [Study on high-risk groups for trafficking in human beings: Final report](#). See also The Human Trafficking Pro Bono Legal Center (2017), [Trafficking in persons disability information](#).

<sup>76</sup> Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. UN General Assembly (2007), [Convention on the Rights of Persons with Disabilities](#), 24 January 2007, A/RES/61/106, Article 1. Polaris Project (2018), [Individuals with Disabilities May Face Increased Risk of Human Trafficking](#). See also Women Enabled International, Disability Rights International & OHCHR (2019), [Submission to the Committee on the Elimination of Discrimination Against Women on its elaboration of a General Recommendation on Trafficking in Women and Girls in the Context of Global Migration](#), 14 February 2019.

<sup>77</sup> See "Those who are forced to beg are made to hand over their earnings to their exploiters and commonly suffer abuse if they fail to reach the monetary targets they have been set. Children forced to beg experience serious violations of their rights, and are often exposed to severe physical, psychological and emotional abuse. In some cases, the victims are deliberately maimed, or their clothes or shoes are taken away to attract more sympathy. Traffickers will deliberately target mothers with children or persons with visible disabilities." Anti-Slavery International (2014), [Trafficking for Forced Criminal Activities and Begging in Europe: Exploratory Study and Good Practice Examples](#), p. 68.

<sup>78</sup> Reid, J. A. (2016), [Sex Trafficking of Girls With Intellectual Disabilities: An Exploratory Mixed Methods Study](#). See also Center for Victim Research (2018), [Human Trafficking Victims with Disabilities or Mental Illness](#). The Human Trafficking Legal Center (n.d.), [Fact sheet: Trafficking of Persons with Disabilities in the United States](#).

example, the loss of family protection (especially in the case of children), diminished safety, stability and security, loss of home, wealth, occupation or profession. Internally displaced persons, stateless persons and those who have travelled/are travelling in mixed migration flows, are particularly at risk.

**Change of circumstances can be caused by multiple factors, including:**

- **Natural disasters,<sup>79</sup> such as earthquakes, hurricanes, floods, tsunamis, environmental disasters<sup>80</sup> and pandemics.<sup>81</sup>** Traffickers are known to prey on victims, particularly children and young people who are orphaned, homeless or injured and ill after such experiences. (See: [state of emergency](#))
- **Wars, armed conflict and community violence<sup>82</sup>:** Traffickers may recruit and exploit victims during conflicts and take them from war zones, refugee camps, shelters and hospitals. This includes enforced recruitment of child soldiers, as well as all other forms of trafficking.
- **Persecution, torture and other serious human rights violations can cause people to flee from their country of origin, making them vulnerable to trafficking.** Traffickers are known to exploit such situations and may deceptively present rescue or safety opportunities for victims within a country, or in another country, by acting as facilitators or agents to help them travel with the hidden intention of trafficking them for exploitation. (See: [migrants, refugees and asylum seekers](#); [migrant workers](#))
- **Economic crises and recession can lead to an increase in unemployment and economic instability, creating or aggravating conditions that render people and communities vulnerable to trafficking.<sup>83</sup>**

## 5.7 The specific vulnerability of migrants and refugees to human trafficking

**Adults and children who are compelled to leave their countries for reasons of personal safety or economic survival often have limited access to networks, information or resources to enable them to travel.** They may lack the knowledge and/or the ability to access regular migration procedures, job vacancies, education and training opportunities abroad.<sup>84</sup> Therefore, they may seek, or be approached by others, including smugglers and deceptive traffickers who offer to help them.

**It is important to understand the differences between ‘smuggling’ and human trafficking’:**

International law defines the smuggling of persons as procuring “the illegal entry of a person” into a country “in order to obtain, directly or indirectly, a financial or other material benefit.”<sup>85</sup> In other words, *smugglers* help people cross borders undetected in exchange for payment, whereas *human traffickers* move people from one place to another *without their free and informed consent*<sup>86</sup> and exploit them along the way and/or at their final destination.<sup>87</sup> (See: [international law](#); [legal resources](#); [informed consent](#))

There are also many cases in which crossover occurs between smuggling and human trafficking in relation to migrant journeys.<sup>88</sup>

<sup>79</sup> Engage Together (n.d.), [Natural Disasters and Human Trafficking](#).

<sup>80</sup> IOM (2016), [The Climate Change-Human Trafficking Nexus](#).

<sup>81</sup> For further impact of pandemics on human trafficking, see ODIHR and UN Women (2020), [Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic](#), 30 July 2020.

<sup>82</sup> UNODC (2019), [Trafficking in persons in the context of armed conflict – 2018](#). See also UNODC (2018), [Countering Trafficking in Persons in Conflict Situations: Thematic Paper](#).

<sup>83</sup> Global Migration Group & UNODC (2010), [Fact-Sheet on the Economic Crisis, Trafficking in Persons and Smuggling of Migrants](#), May 2010.

<sup>84</sup> OSCE, [Migration routes](#).

<sup>85</sup> The main legal instrument governing smuggling is the Protocol against the Smuggling of Migrants by Land, Sea and Air adopted in 2000. UN General Assembly (2000), [Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000.

<sup>86</sup> It is important to be aware that agreement to accompany traffickers is not ‘free and informed’ if there is threat of or use of force, deception, coercion, abuse of power or position of vulnerability.

<sup>87</sup> There are three fundamental differences between smuggling and human trafficking: 1) Consent. The smuggled person agrees to being moved from one place to another. Trafficking victims, on the other hand, have either not agreed to be moved or, if they have, have been deceived into agreeing by false promises, only to then face exploitation. 2) Exploitation. Smuggling ends at the chosen destination where the smuggler and the smuggled person part ways. In contrast, traffickers exploit their victim at the final destination and/or during the journey. 3) Transnationality. Smuggling always involves crossing international borders whereas trafficking occurs regardless of whether victims are taken to another country or moved within a country’s borders.

<sup>88</sup> ICAT (2016), [What is the Difference between Trafficking in Persons and Smuggling of Migrants?: Issue Brief 1](#).

**Although smuggling and trafficking must be recognized as distinctly different, all people who are dependent upon others for irregular migration are extremely vulnerable to human trafficking.** A key factor is that criminal networks profit from a business involving the transportation of people, therefore there may be crossover of connections and interactions between smugglers and traffickers on migrant journeys. This can result, for example, in adults and children beginning a journey with smugglers and then being passed on to traffickers. Routes for irregular migration pathways can be dangerous and life-threatening, and both traffickers and smugglers may commit acts of assault and other violence against migrants and refugees.<sup>89</sup> States have an obligation to identify trafficking victims and protect their rights, including all those whose initial journey began with smuggling.

## Migrants, refugees and asylum seekers 'on the move'

**Adults and children who are travelling in mixed migration flows<sup>90</sup> may fall under the control of traffickers at any point on their journey.<sup>91</sup>**

States have made commitments in international law to protect people who have been transnationally trafficked.<sup>92</sup> If States do not adhere to their obligations to receive vulnerable persons who claim asylum or other forms of international protection on their territory, vital opportunities are missed for the identification of adults and children who may be victims of trafficking. The resultant loss of essential criminal intelligence concerning international trafficking operations results in impunity for traffickers, providing them with viable global routes and destinations.



**Within any migration context, an unaccompanied child should be considered at immediate risk of trafficking and other forms of harm if they lack safe and appropriate protection and care, for any length of time.**

**Several factors further increase the vulnerability of migrants and refugees<sup>93</sup> and therefore operate to serve the interests of traffickers:**

- **Adults and children who are seeking asylum, or lack secure immigration status in the country in which they are born or are residing, should be considered to be at higher risk of trafficking.** Insecure or temporary immigration status often results in situations of poverty, destitution or residence in inadequate and unsafe makeshift camps or other poor-quality accommodation. Many migrants and refugees worldwide experience societal marginalization and discrimination and lack of equal access to protection from law enforcement and criminal justice systems. People who lack access to regularizing their immigration status or experience lengthy delays when they do so, are prevented from entering the legitimate employment market and are therefore particularly vulnerable to targeting and recruitment by traffickers for all forms of exploitation. Children who are born to parents with irregular immigration status are likewise highly vulnerable to trafficking.
- **Migrants and refugees often experience isolation once they are outside their countries of origin.** This can be due to language barriers, geographical and cultural disorientation, a lack of relatives, friends or acquaintances in the new country, as well as restrictions on their freedom of movement and lack of access to gainful employment.

<sup>89</sup> UNODC (2018), [Global Study on Smuggling of Migrants](#), pp. 41-42.

<sup>90</sup> Mixed migration refers to cross-border movements of people with various legal statuses and motives for travelling. This includes those who are fleeing war, persecution and human rights violations, people who are in the process of being trafficked for exploitation (who may or may not know this) and people who are seeking safety and/or economic opportunities.

<sup>91</sup> Mixed Migration Centre (n.d.), [What is mixed migration?](#)

<sup>92</sup> UN General Assembly (2000), "[Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#)", 15 November 2000. There are 159 parties and 117 signatories to the Palermo Protocol, Article 7, which requires that States Parties should consider adopting legislative or other measures enabling victims of trafficking to remain the territory and in so doing to '1. In addition to taking measures pursuant to 'give appropriate consideration to humanitarian and compassionate factors'. The Global Compact states that "We acknowledge our shared responsibilities to one another as Member States of the United Nations to address each other's needs and concerns over migration, and an overarching obligation to respect, protect and fulfil the human rights of all migrants, regardless of their migration status, while promoting the security and prosperity of all our communities." Global Compact for Migration (2018) [Global Compact for Safe, Orderly and Regular Migration](#), para. 11. See also UN General Assembly (2016), [New York Declaration for Refugees and Migrants: resolution adopted by the General Assembly](#), 3 October 2016, A/RES/71/1, para. 41. OHCHR (n.d.) [Protecting the rights of migrants in irregular situations](#).

<sup>93</sup> Healy, C. (2019), [The Strength to Carry On: Resilience and Vulnerability to Trafficking and Other Abuses among People Travelling along Migration Routes to Europe](#), Vienna: ICMPD. See also Forin, R., & Healy, C. (2018), [Trafficking Along Migration Routes to Europe: Bridging the Gap between Migration, Asylum and Anti-Trafficking](#), Vienna: ICMPD. ICMPD (2015), [Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons - A Study of Syria, Turkey, Lebanon, Jordan and Iraq](#), Vienna: ICMPD.

They are often fearful of national authorities in countries of transit and destination, in some cases due to previous experiences of criminalization, detention or deportation. This makes them less likely to seek help even when they suffer human rights violations or are placed in situations of danger. Traffickers can benefit from this fear, as victims will remain silent about the reality of their situation when encountering border or law enforcement authorities, whether they are on journeys, in transit or within countries of destination.

- **Along with the need to have funds to physically survive, migrants may be indebted to smugglers for their journey assistance, which can result in debt bondage.** Often families rely upon members who go abroad to send back vital funds to support them. Societal and cultural factors can also cause fear of being perceived as a failure by their family or community if they do not remain abroad and succeed as is expected. These factors can make migrants and refugees who are smuggled specifically vulnerable to trafficking exploitation. (See: [debt bondage](#); [vulnerabilities](#))

Many migrants and refugees worldwide who are seeking safety are left in extremely vulnerable conditions, which contributes to impunity of traffickers and strengthens irregular migration networks. This results in victims being passed between traffickers and being subjected to different forms of exploitation without being detected or identified as victims. Therefore, essential opportunities for victim protection and support are lost, as well as criminal intelligence for investigation, prosecution and conviction of traffickers.<sup>94</sup>

## The vulnerability of migrant workers

**Migrants are particularly at risk of deceptive recruitment into transnational trafficking for labour exploitation.** They may use extended networks through family and friends, recruitment agencies, brokers, smugglers and other intermediaries to find overseas employment and facilitate their migration. Transactions with recruiters or recruitment agencies frequently result in situations of trafficking and exploitation. Recruitment agencies often have minimal or inefficient regulation together with complex networks for sub-contracting. Cross-jurisdictional challenges can also obscure parties' legal and financial responsibilities.<sup>95</sup>

"The 'invisibility' of some sectors, where workers act in isolation with little contact with clients or people from outside the company – as is the case, for example, in domestic work, fishery, agriculture and horticulture – is an important risk factor. In the absence of effective social control, the power imbalance between employers and workers is unimpeded. Some cases showed that this risk factor is reinforced by legal regulations or institutional settings that put additional restrictions on the monitoring of such sectors."<sup>96</sup>

- **Domestic services agencies that provide cleaners, au pairs, nannies and carers are another area of particular concern.**<sup>97</sup> In many countries, the private domestic work and care market is uncontrolled, with significant gaps in employment rights legislation.
- **Domestic workers and care workers are often women and girls who are particularly vulnerable to exploitation.**<sup>98</sup> The exploitation of migrant women and girls in the domestic sphere is common worldwide and is not

<sup>94</sup> See UNODC (2019), [E4J University Module Series: Trafficking in Persons & Smuggling of Migrants: Module 11: Smuggling of Migrants and Trafficking in Persons - Differences and Commonalities](#).

<sup>95</sup> IOM (2019), [Migrants and Vulnerabilities: To Human Trafficking, Modern Slavery and Forced Labour](#), pp. 10-11.

<sup>96</sup> European Union Agency for Fundamental Rights (2015), [Severe labour exploitation: workers moving within or into the European Union States' obligations and victims' rights](#), p. 49. See Employed in this grey area, domestic workers are "reluctant to complain and prefer to live in an exploitative situation rather than risk losing their wages." See Council of Europe GRETA (2018), [7th General Report on GRETA's Activities: Covering the period from 1 January to 31 December 2017](#). OSCE OSR/CTHB (2009), [A Summary of Challenges on Addressing Human Trafficking for Labour Exploitation in the Agricultural Sector in the OSCE Region](#).

<sup>97</sup> Ricard-Guay, A., & Maroukis, T. (eds.) (2017), [Human trafficking in domestic work: A special case or a learning ground for the anti-trafficking field?](#), Journal of immigrant and refugee studies, 15(2). FLEX (2021), ["If I Could Change Anything About My Work..." Participatory Research With Cleaners In The UK](#), January 2021. Kalayaan (2011), [Ending the abuse. Policies that work to protect migrant domestic workers](#).

<sup>98</sup> ILO estimates there are at least 67 million domestic workers over the age of 15 worldwide, 80 per cent of which are women. About 17 per cent of domestic workers are migrant workers. ILO (n.d.), [Domestic Workers](#).

generally understood to be a crime.<sup>99</sup> It can take place in many forms, including in the context of forced or sham marriages.<sup>100</sup> Exploitation can take place in private households which are not subject to labour inspections,<sup>101</sup> and there is a particularly high risk of trafficking and other abuse for those who are employed with 'live-in' arrangements whereby employers provide their board and lodgings.<sup>102</sup> Domestic and care workers may be subjected to *mixed exploitation* for example, a person may be subjected to a combination of labour and sexual exploitation, as well as being exploited in criminal activities. Domestic and care workers who are employed in diplomatic households are at high risk because their employers have the protection of diplomatic immunity.<sup>103</sup>

- **Migrant workers on seasonal or posted schemes are** particularly prevalent in sectors such as agriculture, horticulture, tourism, hospitality, travel, cleaning agencies, the care sector, retail, construction, food processing and packing, and some other industries.<sup>104</sup> These sectors pay low wages, and often do not require formal qualifications or fluent language skills. Temporary workflows often rely on migrant workers to fill vacancies, often through the use of seasonal employment visas and posted workers arrangements. Board and lodging are often included in seasonal work arrangements, which risks further dependency upon employers.<sup>105</sup>

Migrants often lack any knowledge of their labour rights. They may in work on the basis of work contracts or temporary/seasonal employment in low wage sectors in which it can be difficult or impossible to access legal advice. Migrant workers may also feel unable to exercise the protection of legal rights and standards due to their insecure immigration status in the country, and fear over loss of employment opportunities.

Migrant workers' vulnerability to trafficking is further compounded by visa restrictions that tie them to a single employer, or require a positive reference from the employer in order to obtain a visa renewal or extension. For example, migrant domestic worker visas that are tied to a specific employer make it difficult for domestic workers to assert any rights. Without the right to leave their employment, they have no bargaining power in what is already an unequal employment relationship. Temporary workers' residence permits, which are based on a fixed employer or fixed duration of employment, can also significantly limit workers' ability to pursue legal cases against their employers.<sup>106</sup>

## 5.8 The specific vulnerability of children



**Children are more vulnerable than adults because of their developmental age, lack of life experience and emotional immaturity.** Those who lack safe and appropriate family care are particularly easy to target by traffickers who view their young age as a long-term, saleable commodity for profit.<sup>107</sup>

(See: [guardianship for children](#); [guardian advocates](#); [NRM for children](#); [communication with children](#); [Lundy model](#); [detection and referral of children](#); [immediate provision for children](#); [support for parents](#); [accommodation for children](#); [Barnahus model](#); [residence permits for children](#); [individual support professionals](#); [assessment and safety planning](#); [BIC assessment guide](#); [children's transition](#); [non-punishment principle for children](#); [therapeutic care for children in criminal justice proceedings](#))

<sup>99</sup> EU Fundamental Rights Agency (2018), [Out of sight: migrant women exploited in domestic work](#). See also the submissions to the Special Rapporteur on contemporary forms of slavery, including its causes and consequences. OHCHR, [Thematic report on domestic servitude of migrant women and girls – Submissions](#).

<sup>100</sup> Council of Europe GRETA (2018), [7th General Report on GRETA's Activities](#), para. 86. See also: IOM (2019), [Migrants and Vulnerabilities: To Human Trafficking, Modern Slavery and Forced Labour](#), p. 28.

<sup>101</sup> Council of Europe GRETA (2018), [7th General Report on GRETA's Activities](#), para. 121.

<sup>102</sup> Furthermore, the recognition of domestic work in employment legislation varies; in many countries entitlements such as annual leave, overtime pay, sickness allowance, health and safety measures do not apply to domestic work and more often than not, labour inspections are not allowed in private dwelling thus compelling domestic workers' vulnerabilities to exploitation. Finally, employment permits and domestic worker visas can add an additional layer of risk if they 'tie' one worker to one employer, creating a dangerous situation where the domestic worker is dependent on the employer for work and financial income, immigration and legal residence, food and accommodation. It is widely recommended that such immigration arrangements allow for the right to change the employer without the risk of losing one's immigration status.

<sup>103</sup> Council of Europe GRETA (2018), [7th General Report on GRETA's Activities](#), para. 127. In addition see OSCE OSR/CTHB (2014), [How to prevent human trafficking for domestic servitude in diplomatic households and protect private domestic workers](#).

<sup>104</sup> UK Gangmasters & Labour Abuse Authority (2018), [The Nature and Scale of Labour Exploitation across all Sectors within the United Kingdom](#). See also CAPE, CBSS, & Ministry of the Interior of the Republic of Latvia (2020), [Labour Exploitation, Forced labour and Human Trafficking in Germany: Current Challenges and Developments](#).

<sup>105</sup> European Union (2010), [Impact of the Seasonal Employment of Third-Country Nationals on Local and Regional Authorities](#).

<sup>106</sup> See Kalayaan (2011), [Ending the abuse. Policies that work to protect migrant domestic workers](#).

<sup>107</sup> UN General Assembly (1989), [Convention on the Rights of the Child](#), 20 November 1989, Part II.

### **Children are particularly profitable for trafficking exploitation:**

Trafficking of children for all forms of sexual exploitation feeds a global demand for the sexual commodification of children, including child sexual abuse and the production and sale of child sexual abuse material (CSAM).

Children who are trapped in domestic servitude or other forms of private household labour can be kept afraid, compliant and can be easily concealed. They can also be *hidden in plain sight*, for example attending schools, community gatherings or places of worship with families who are trafficking them.

Children who are trafficked for labour exploitation can be controlled psychologically, as well as physically, and forced on the basis of threats and inducements into performing repetitive work for many hours. Children are also flexible and, therefore, targeted for sports<sup>108</sup> and entertainment trafficking. Their organs are young and vital and so meet the demand for organ-removal and sale. Children may be easily subdued and indoctrinated for purposes of criminal activities, child soldiering and terrorism.

Children can be trafficked and controlled for the purpose of criminal exploitation, including street begging, theft, cannabis production and distribution, smuggling of migrants and many other criminal activities. They may appear less suspicious to adults and are more likely to garner sympathy when they are forced to carry out street begging or complacency when they carry out deceptive criminal activities. Traffickers know that children will not incur the same penalties as adults in criminal justice systems, therefore they target children because they can be re-trafficked repeatedly.

**The vulnerability of any child who is left without safe and appropriate care and protection must not be underestimated.** A study conducted in 2013 in the United States estimated that a child who has run away from home is likely to be approached by human traffickers within 48 hours.<sup>109</sup>

### **Children from any socio-economic background or demographic profile who lack the consistent protection of appropriate adult carers are vulnerable to trafficking. Those who are specifically at risk include**

- Orphans or unaccompanied minors;
- Children who suffer poverty and destitution, living on the streets;
- Children who are victims of armed conflict or war, pandemics and natural disasters;
- Children who have mental health problems, intellectual disabilities or learning difficulties;
- Children in mixed migration flows, particularly unaccompanied minors separated children;<sup>110</sup>
- Children living in residential children's homes, foster homes or social services care;
- Children in dysfunctional family settings, who experience or witness domestic violence, criminality and/or substance dependency. In some cases, children who appear to be in protective family environments may be at risk of trafficking for sexual exploitation by family members through ritual child abuse<sup>111</sup> or exposure to paedophile networks;<sup>112</sup>

<sup>108</sup> Brunon Wenta, B., & Fisas Aixelà, S. (2018), [Child trafficking in sport and EU migration](#), Question for written answer E-005857-18 to the EU Commission, 20 November 2018. See also Global Initiative (2015), [Human Trafficking, the Other Organized Crime Problem in Sports](#).

<sup>109</sup> U.S. Government Publishing Office (2013), Sex Trafficking and Exploitation in America: Child Welfare's Role in Prevention and Intervention, Hearing before the Committee on Finance, United States Senate, 113th Congress, First Session, Senate Hearing 113-396, 11 June 2013. Lack of identification as a possible victim of trafficking has been shown to be a key risk for the disappearance of a child from care. See Simon, A., Setter C., & Holmes, L. (2015), [Heading back to harm: A study on trafficked and unaccompanied children going missing from care in the UK](#), ECPAT UK and Missing People, p. 15. See also ECPAT UK (2018), ['1 in 6 Trafficked and Unaccompanied Children in Care Are Reported Missing in the UK'](#), 20 December 2018. It is shown that many unaccompanied and/or trafficked children are at risk of going missing from care, often within the first 72 hours. Lancashire County Council (2020), [Unaccompanied Migrant Children and Child Victims of Trafficking and Modern Slavery](#). The first 72 hours in care are crucial to protect separated children who may be victims of trafficking and who all too often go missing when they first enter local authority care. The Children's Society (n.d.), [The Importance of the first 72 hours in care for migrant children](#). More specifically, the first 24 hours after first contact with a child is therefore a critical time to give a child information about the risks facing them and to implement safety measures to help protect a child from their traffickers and prevent them going missing. This period of time is sometimes referred to as the 'golden hour' or 'golden day'. ECPAT UK (2011), [On the Safe Side: Principles for the safe accommodation of child victims of trafficking](#).

<sup>110</sup> Wenke, D. (2015), [Promoting the Human Rights and the Best Interests of the Child in Transnational Child Protection Cases](#), Council of the Baltic Sea States Secretariat.

<sup>111</sup> Schwecke, L. H. (2011), [Beyond Childhood Sexual Abuse: Ritual Abuse-Torture and Human Trafficking](#), Journal of Psychosocial Nursing and Mental Health Services, 49(1), pp. 8-10. Ritualistic sexual abuse is a term used to describe sexual abuse linked to symbolic or group clandestine activities with overtones of religious, magical, or Satanic intent. See Mercer, L. J., & Slupik, R. I. (1994), [Ritualistic child sexual abuse](#), in Adolescent and Pediatric Gynecology, 7(4), pp. 179-182.

<sup>112</sup> UN News (2017), [Family members linked to nearly half of child trafficking cases, new UN-backed data reveals](#), 28 November 2017. For 90% of victims in US, child trafficking starts in the home. The average age of a victim of familial trafficking in the U.S. is only five years old, and some children are victimized as early as infancy. Dore, K. (2019), Familial Trafficking in the US, Human Trafficking Prevention Series, 25 Feb. 2019.

- Children of any background or socio-economic status who are distanced from, or have difficult relationships with their family, friends or peer group can be manipulated into severing ties with them. peer group. Children who have difficulties within their peer groups and are bullied or isolated, or feel under extreme pressure from parents or teachers to perform well, can feel flattered and respond to the approaches of traffickers who offer an alternative lifestyle or relationship.<sup>113</sup> Those who are excluded from school or at risk of exclusion are known to be particularly at risk of being targeted.

## 5.9 Traffickers' methods of operation



The process of trafficking of victims may involve: “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.”<sup>114</sup>

**There are multiple trafficking scenarios.** Traffickers' methods evolve and change constantly. Professionals should be prepared to learn from survivors about methods and practices of traffickers that they have not heard of previously, and explore these further, rather than dismissing them at an early stage as not credible or unlikely.

### Methods of deception used in trafficking

**In many cases the deception of victims plays a key role.** Traffickers who use deception will take their time to build trust with victims, sometimes for periods of months or even years. However, with the increasing use of Internet and social media by traffickers to recruit victims and easy access to a large pool of potential victims, the process may be expedited to days and sometimes hours.

**Traffickers may cultivate a fake ‘love’ or ‘care’ relationship with victims that can take the form of boyfriend/fiancé relationships, pastoral figure relationships or other forms of close friendship, in order to deceive them into situations of trafficking.** Women and girls particularly may be groomed and trafficked by men who are posing as lovers and boyfriends. This has been referred to as the ‘loverboy’ or ‘Romeo’ method of recruitment and control;<sup>115</sup> however, in many cases traffickers present themselves deceptively as potential serious fiancés and future husbands to women in families and cultures which practice traditions of formal courtship.

*Intimate partner trafficking* occurs when victims are trafficked by their spouses or intimate partners, often for the purpose of sexual and/or labour exploitation. Traffickers may convince their partner that the exploitation is for the benefit of the relationship, the family, for financial security or to support a substance or other dependency. Alternatively, they will exert control over their partner to coerce their compliance.<sup>116</sup>

### Deceptive recruitment for employment, education and training

**A common method of trafficking recruitment consists of fake offers of legitimate, paid employment,<sup>117</sup> education<sup>118</sup> or training.** There are serious trafficking risks in employment sectors where workers labour in isolation with little contact with clients or other people outside of the company. These sectors include for example, domestic work, fisheries, agriculture and horticulture. The power imbalance between employers and workers is unimpeded where isolated conditions exist, and this can be reinforced by legal regulations or institutional settings that restrict the monitoring of employment sectors. Legal companies and employers can also commit trafficking crime, by using unvetted and unscrupulous recruitment agencies.

<sup>113</sup> EU Commission (2015), [Study on high-risk groups for trafficking in human beings](#), pp. 7, 67-80. UNODC (2021), [Global Report on Trafficking in Persons 2020](#), pp. 79-92.

<sup>114</sup> UN General Assembly (2000), [“Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime”](#), 15 November 2000.

<sup>115</sup> ‘Loverboys’ (or Romeo pimps) are colloquial terms for “human traffickers who usually operate by trying to make young girls or boys fall in love with them. Sometimes they manipulate young people in other ways. Once they have victims under their influence, they exploit them, for instance in the sex industry. [...] Nowadays, loverboys resort more quickly and frequently to threatening their victims, using blackmail and violence. The internet and social media are playing an increasing role in this phenomenon.” Government of Netherlands (n.d.), [‘Loverboys’](#).

<sup>116</sup> Reid, J. A., Richards, T. N. & Kulig, T. C. (2019), “Human Trafficking and Intimate Partner Violence”, in: Geffner, R., White, J.W. et al. (Eds.), [Handbook of Interpersonal Violence Across the Lifespan](#), Springer, pp. 1-12. See also: Center for Court Innovation (n.d.), [The Intersection of Domestic Violence, Sexual Assault, and Human Trafficking](#).

<sup>117</sup> Polaris Project (2019), [Human Trafficking on Temporary Work Visas: A data analysis 2015-2017](#).

<sup>118</sup> United States Department of State (2020), [Trafficking in Persons Report 2019](#), p. 169, 395. Nott, Will (2020), [Traffickers exploiting student visas at global level, reports reveal](#), The Pie News, 6 January 2020. Gibbons, K., & Herrmann, J. (2019), [Up to 40 Vietnamese teenagers trafficked from private schools](#), The Times, 9 November 2019.

## Use of debt bondage

Debt bondage is a powerful tool for traffickers: even after victims have left their direct control, they will believe that they continue to owe the debt and therefore that they and their families remain in danger because of it. It is a form of insurance for traffickers to maintain victims' silence and it can be utilized by new perpetrators to target and recruit them for re-trafficking.<sup>119</sup>

**Debt bondage is used by traffickers to control victims in multiple ways.** It often includes facilitating recruitment for trafficking through the obligation to 'repay a debt' and maintaining entrapment of victims in exploitation with threats made concerning the 'debt' to the victim and their family members.

**While actual debts that are owed may be used to initiate trafficking, traffickers commonly create false or exaggerated debts and then demand the repayment of these debts from victims and their families in order to traffic them.** Common debt bondage situations in trafficking include child and young adult victims being given up to traffickers by their families or individually coerced or manipulated into travelling and/or 'working' for traffickers to pay off original debts. For example, women and girls may be forced into marriage to traffickers or sent to 'work' for traffickers in order to repay family debts, and young men may be taken for exploitation in various forms of labour or sexual exploitation to repay family debts. Removal and 'sale' of victims' organs can also be coerced by traffickers using the fear of debt bondage.

**Often victims will travel with traffickers or enter into a deceptive employment arrangement without any knowledge of the existence of a 'debt'.** Once traffickers have victims in their control, they can introduce the 'debt' to the victim and instruct them that they must pay it back. Such fake debts may be for finding the victim an employment opportunity or paying for their journey to another locale or country. In such cases the 'debt' amount will be disproportionate, for example a woman trafficked for sexual exploitation may be informed that the debt for her journey is many times greater than the cost of her travel; a young man trafficked for labour on construction sites or in a hotel may be informed that he owes a 'debt' for introduction to an employment agency.<sup>120</sup> Often the new knowledge of this 'debt' to repay traffickers is accompanied by a turning of events whereby the true motive of traffickers and the entrapment of the victim becomes clear.

**Victims often find that while their exploitation increases over time, the debts that they owe may accrue and increase exorbitantly and they are only ever 'reduced' in an ad hoc manner by their trafficker.** Traffickers can make use of fake deductions, for example for a uniform, rent, travel, food, clothes, cosmetics and beauty treatments (for sexual exploitation) or other items. Traffickers may also threaten or enforce fake financial penalties for poor performance or behaviour, so that they can maintain control of victims. They may also apply extortionate rates of interest on 'debt' owed, providing no record or calculation that victims could follow. It is common for traffickers to take advantage of victims who are vulnerable through fear, desperation, lack of education, learning difficulties, disabilities and mental health problems by repeatedly enforcing the belief that repayment of ever-accruing debt is a duty for the victim from which they cannot escape. In some cases, traffickers eventually abandon the pretence that there is any kind of scheme in place for repayment, but not the notion that the victim is tied to the debt. If victims disobey or try to escape, traffickers may threaten to extort, attack, traffic or kill the victim, or their family members, for debts that are not paid.

**In certain cases, ritualized violence is used to enforce the concept of debt bondage upon victims.** For example, Juju rituals used for trafficking are often practiced in West Africa to instil the belief via a Juju ceremony and the swearing of an oath by the victim that they owe a debt to their trafficker and may never speak of this to anyone or they will face sudden illness, insanity or death.<sup>121</sup> In other cultures, belief in witchcraft or superstitions concerning the trafficker may help the trafficker to instil and enforce the notion that victims have a long-term debt which must be repaid. (See: [situations of particular vulnerability](#))

<sup>119</sup> See Anti-Slavery International, ECPAT UK & Pacific Links Foundation (2019), "[Precarious Journeys: Mapping vulnerabilities of victims of trafficking from Vietnam to Europe](#)".

<sup>120</sup> For international laws related to the prohibition of charging fees and costs to workers, see [Migration for Employment Convention \(Revised\)](#), 1949 (No. 97), Art. 7(2) and Art. 4 of Annex I and Annex II; [Maritime Labour Convention](#), 2006; [Private Employment Agencies Convention](#), 1997 (No. 181), Art. 7; [Employment Service Convention](#), 1948 (No. 88), Art. 1. See also ILO (2019), [General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs](#).

<sup>121</sup> van der Watt M., Kruger B. (2020), [Breaking Bondages: Control Methods, "Juju," and Human Trafficking](#). In: Winterdyk J., Jones J. (eds), *The Palgrave International Handbook of Human Trafficking*. Palgrave Macmillan, Cham., pp. 935-951. See also Dunkerley, A. W. (2017), [Exploring the use of juju in Nigerian human trafficking networks: considerations for criminal investigators](#), *Police Practice and Research*, 19(1), pp. 83-100.

## 5.10 Online (Cyber) trafficking



**Governments and law enforcement authorities struggle to keep pace with the increasing and evolving use of the Internet for human trafficking** (See: [cyber-trafficking](#); [traffickers' use of the internet](#); [traffickers use of dark web](#); [cyber-trafficking for sexual exploitation](#); [traffickers](#); [traffickers' methods](#)).<sup>122</sup> The Internet offers traffickers anonymity and immediate, global access to individuals and groups with specific profiles and interests. Traffickers may use *crypto-currency* to make immediate, anonymous online transfers which do not require the involvement and surveillance of banks or other third parties.<sup>123</sup> They may also use end-to-end encryption or self-destructing pictures or messages which erase their digital footprint so they cannot be traced by law enforcement. The Internet can be used at any point or throughout the trafficking cycle; it has increased the marketplace for human trafficking and may transform trafficking into a totally virtual crime whereby victims, traffickers and buyers can be located in different countries without the need for physical interaction.<sup>124</sup>

### Traffickers use of the mainstream Internet

**Victims can be lured into trafficking for any form of exploitation in the guise of ordinary interactions between people on the Internet, for example via social media, websites, chat rooms, game sites and other online forums or device applications.** This may include, for example, deceptive offers of 'love' and other relationships, false offers of paid employment, exchange of goods and services, even sale of children for adoption or organ removal. Victims may be targeted with offers of paid employment or services within the sex trade to recruit them for trafficking for sexual exploitation. From this initial entry point into communication with traffickers, there are multiple ways in which a person can then be trafficked.

### Traffickers use of the deep web and the dark web

There are further, concealed layers of the Internet that traffickers commonly use to commit specific online trafficking crimes, such as the sale of child online sexual abuse material (CSAM) or in other niche, low frequency transactions.

- **The contents of the *deep web* (also termed *invisible web* or *hidden web*), are not indexed by standard web search engines.** While most of the deep web contains legal content, there are websites in this layer of the Internet that also contain illegal content.
- **The *dark web* is a further part of the deep web. It is a lawless, hidden, online environment which can host criminal activities and content, including human trafficking crime.**<sup>125</sup> It is inaccessible via standard methods and use of browsers and can only be accessed by means of special software, which allows website operators and users to remain anonymous or untraceable.<sup>126</sup> The source of *dark web* messages and exchanges are even more difficult to trace, which creates an ideal online forum for traffickers. Websites are characterized by the use of encryption software, which makes users and their locations anonymous.<sup>127</sup>

The dark web "is popularly known as a platform for ranging from terrorist recruitment to drug trading, child pornography, stolen information, and money laundering services"<sup>128</sup> and also human trafficking. These hidden domains trade in cryptocurrency, for example, public cryptocurrencies such as Bitcoin or private cryptocurrencies such as Monero, to maximize user anonymity. While public cryptocurrency is easily traceable, private cryptocurrency may be difficult to link or trace.<sup>129</sup>

<sup>122</sup> May, C. (2017), [Transnational Crime and the Developing World](#), Global Financial Integrity. See also: Witting, S. (2017), '[Cyber' trafficking? An interpretation of the Palermo Protocol in the digital Era](#). Völkerrechtsblog; and the U.S. Department of State (2016), [Trafficking in Persons Report](#), 2016, pp. 75, 99, 121, 144, 218, 229, 273, 398.

<sup>123</sup> UNODC (2019), [E4J University Module Series: Trafficking in Persons & Smuggling of Migrants. Module 14: Links between Cybercrime, Trafficking in Persons and Smuggling of Migrants. Technology facilitating trafficking in persons](#).

<sup>124</sup> OSCE OSR/CTHB (2020), [Leveraging innovation to fight trafficking in human beings: A comprehensive analysis of technology tools](#).

<sup>125</sup> Stop the Traffik (2018), [Human Trafficking and the Darknet](#). Dictionary Online (2020), [The Deep Web vs. The Dark Web](#).

<sup>126</sup> The World Wide Web (WWW), commonly known as the Web, is an information system where documents and other web resources are identified by Uniform Resource Locators (URLs, such as <https://example.com/>), which may be interlinked by hypertext, and are accessible over the Internet. See W3C (n.d.), [What is the difference between the Web and the Internet?](#)

<sup>127</sup> Botticello, C. (2019), [The Difference Between The Deep Web and The Dark Web: How the surface web, deep web, and dark web vary in content and accessibility](#), Medium, 3 July 2019.

<sup>128</sup> Vogt, S. D. (2017), [The Digital Underworld: Combating Crime on the Dark Web in the Modern Era](#), 15 Santa Clara J. Int'l L. 104. See also: Campbell, C. (2018), [Web of Lives: How Regulating the Dark Web Can Combat Online Human Trafficking](#), 38 J. Nat'l Ass'n Admin. L. Judiciary 136.

<sup>129</sup> Distributed (2017), [Know Your Coins: Public vs. Private Cryptocurrencies](#), NASDAQ, 22 September 2017.

Most dark web sites use special anonymizing networks such as Tor,<sup>130</sup> which may be accessed through a tool such as Virtual Private Network (VPN).<sup>131</sup>

“These networks make it extremely difficult to de-anonymize the users. Tor and I2P<sup>132</sup> use systems to encrypt web traffic in layers and bounce it through randomly chosen computers around the world, each of which removes a single layer of encryption before passing the data to its next hop in the network. This prevents users from matching the traffic’s origin with its destination.”<sup>133</sup>

The technology used by traffickers is constantly evolving and changing for use in committing and concealing human trafficking crimes.

## Cyber-trafficking for the purpose of sexual exploitation

**Victims can be recruited into any form of exploitation via the Internet** (See: [cyber-trafficking](#); [traffickers’ use of the internet](#); [traffickers use of dark web](#); [cyber-trafficking for sexual exploitation](#); [traffickers](#); [traffickers’ methods](#); [vulnerabilities](#)). However, trafficking for sexual exploitation is among the most prevalent forms of trafficking online,<sup>134</sup> and it can feature on legal websites and forums, as well as illegal ones. Advancing use of the Internet worldwide has exponentially increased the marketplace for online sexual exploitation and human trafficking.

Images of sexual exploitation of victims can be posted online by traffickers in advertisements, videos and photography, on pornography websites and those advertising sexual services. Filming and uploading videos and images of sexual exploitation can be done with simple use of a smartphone, which means that overheads, costs and risks for traffickers are low, and profits are high. Images of the sexual abuse of adults and children can also be live-streamed for viewers who pay subscription fees or one-off payments online, including via mainstream pornography sites.<sup>135</sup>

A victim’s physical image can be used for blackmail in the form of threats of general further exposure online or specific exposure to victims’ families or communities. This can result in families disowning or stigmatising victims. In some cases victims are threatened with murder from their own communities due to cultural perceptions of ‘dishonour’. (See: [vulnerability due to marginalization](#)) Blackmail threats to expose victims on the Internet are highly effective in maintaining victims’ fear and silence for years or throughout their life. Trafficking for the purposes of pornography production often results in *life-long exploitation* as images can rarely be removed from the Internet by victims, even after they have left the control of their traffickers, including in cases where their traffickers have been convicted.

<sup>130</sup> Tor (or The Onion Router) “encrypts user identity by bundling incoming data into encrypted packets, anonymizing information about the sender by stripping away part of its packet header, encrypting the remainder of the address information, and sending the encrypted data packet through several servers, called relays, en route to its final destination.” Vogt, S. D. (2017), [The Digital Underworld: Combating Crime on the Dark Web in the Modern Era](#), 15 Santa Clara J. Int’l L. 104.

<sup>131</sup> VPN tools can be used to hide the fact that a TOR is being used from a specifically assigned ISP and other third parties. They encrypt all Internet traffic, including TOR traffic, from a device and routes it through an intermediate server at a location of choice. See for example Shillito, M. R. (2019), [Untangling the ‘Dark Web’: an emerging technological challenge for the criminal law](#), Information & Communications Technology Law, 28:2, pp. 186-207.

<sup>132</sup> “I2P (Garlic Router) is an enclosed network that runs within the Internet infrastructure (referred to as the clearnet in this paradigm). Unlike VPNs and TOR, which are [...] networks designed for anonymous and private communication with the Internet, I2P is designed as a peer-to-peer network. This means it has very little to no communication with the Internet. It also means each node in I2P is not identified with an Internet Protocol (IP) address, but with a cryptographic identifier.” Tari Labs University (n.d.), [“Introduction to Tor and I2P”](#). Both TOR and I2P use layered cryptography. Intermediary entities only need to know how to pass the connection to the next hop in the chain, but cannot decrypt the content of the connections. Paganini, P (2012), [‘Introduction to Anonymizing Networks – Tor vs I2P’](#), Infosec, 14 November 2012.

<sup>133</sup> Vogt, S. D. (2017), [The Digital Underworld: Combating Crime on the Dark Web in the Modern Era](#), 15 Santa Clara J. Int’l L. 104. See also: Campbell, C. (2018), [Web of Lives: How Regulating the Dark Web Can Combat Online Human Trafficking](#), 38 J. Nat’l Ass’n Admin. L. Judiciary 136.

<sup>134</sup> Grubb, J.A. (2020), [The Rise of Sex Trafficking Online](#). In: Holt, T., & Bossler, A. (eds), *The Palgrave Handbook of International Cybercrime and Cyberdeviance*. Palgrave Macmillan, Cham.

<sup>135</sup> Mohan, M. (2020), [I was raped at 14, and the video ended up on a porn site](#), BBC News Online, 10 February 2020.

## 5.11 Traffickers' methods that specifically apply to children



**It is important to identify trafficking wherever it occurs: There are many child trafficking possibilities and scenarios, both within the family and outside of it.** (See: [identification+](#))

### **Forms of trafficking that specifically apply to children include:**

- Trafficking for all forms of sexual exploitation, including production of CSAM;
- Trafficking for labour exploitation, including in particular industries such as domestic work, carpet weaving and fishing;
- Trafficking into criminal gangs for criminal exploitation;
- Trafficking for the purpose of begging;
- Trafficking for illegal child adoption and fostering;
- Trafficking for the purpose of child marriage;
- Trafficking for ritual purposes;
- Trafficking into educational institutions or orphanages for donation fraud;
- Trafficking to junior sports clubs and for camel jockeying;
- Trafficking for child soldiering<sup>136</sup> or use in armed conflict; and
- Trafficking for the purpose of organ removal<sup>137</sup>

**In many cases, methods used by traffickers to target, recruit, control and exploit children match those they use for adults.** However, due to their minor age, children are specifically vulnerable to being groomed, manipulated, controlled, deceived, threatened and blackmailed, as well as abducted or exploited. (See: [vulnerability of children](#))

**In some cases, traffickers will have had control over child victims' lives since birth or infancy, either as parents, family members or others who have raised them or otherwise have access to them.** In some cases, children will have complete trust in the adults who are trafficking them, without understanding their criminal motives or having any concept that they are being trafficked. In other cases, they will have been habituated to situations of exploitation and abuse and are then trafficked onwards when they reach a certain level of maturity, or they become useful to traffickers for exploitation in another location or occupation.

**Many child trafficking cases involve deception which specifically exploits their lack of maturity and lack of life experience.** Children who lack family love and attention can be groomed into believing the trafficker loves them as a parental or sibling figure, teacher or pastor, lover or partner. Children are also particularly susceptible to being emotionally controlled through the manipulation of their personal relationships with family members or others who are known to their trafficker.

In cases of young children, and older children who are developmentally immature or have learning difficulties and disabilities, sexual exploitation can emerge over time as a 'normalized' pattern of behavioral interactions between children and traffickers. This is maintained by traffickers' use of a combination of abusive behaviors, for example physical, psychological, emotional and sexual abuse together with neglect, and/or being given gifts, approval and attention as positive reinforcement.

<sup>136</sup> Tiefenbrun, S. (2007), [Child Soldiers, Slavery and the Trafficking of Children](#), Fordham International Law Journal, Volume 31, Issue 2, pp. 415-486. See also Guilbert, K. (2019), [Human trafficking worsens in conflict zones as militants deploy slaves - UN](#), Thomson Reuters Foundation, 7 January 2019.

<sup>137</sup> Bagheri A. (2016), [Child organ trafficking: global reality and inadequate international response](#), Medicine, health care, and philosophy, 19(2), pp. 239-246. OSCE, [Trafficking in human beings for the removal of organs](#). UNODC (2015), [Trafficking in Persons for the Purpose of Organ Removal: Assessment toolkit](#).

This conduct by traffickers normalizes situations of violence, including sexual violence. It impacts the critical thinking of children who become trapped within cycles of trafficking and unable to understand the continuous risks to them, or to recognize that their current situation is one which requires urgent protection. This affects children's self-esteem and their perception of their future, which is unfamiliar and frightening for them. Children who have experienced prolonged and repeated trauma can enter into patterns of self-destructive and self-harming behaviour.

**False incentives and emotionally manipulative relationships can ensure the compliance of children for travel or initial engagement in exploitation.** Children may be recruited through false promises made to them or to their parents, for example, the offer of a better or safer life abroad, a good education or gainful employment.

**Traffickers may recruit children who are vulnerable due to their previous adverse and traumatic experiences, for example sexual abuse and other forms of violence and exploitation.** Traffickers may also trick children who are already trapped in situations of exploitation into believing that they are being rescued or helped to escape, rather than being trafficked onwards.

**Criminal gangs can recruit vulnerable children and young people using deception, intimidation, violence, debt bondage and/or grooming.**<sup>138</sup> They are likely to employ other trafficked children and young people to entice, control and abuse other child victims. Traffickers often target children and young people who are marginalised and therefore more likely to be disregarded as victims of trafficking and criminalised by authorities if they are caught committing criminal offences. Children who are entrapped in any form of exploitation become progressively isolated, marginalized and socially excluded.

**It is often the case that criminal gangs sexually exploit boys and girls, as well as exploiting them in criminal activities.** Children can form strong dependency bonds with their traffickers over time. Once a child is entrapped by trafficking gangs it can feel impossible for them to leave, or to reach out to adults for help. Many do not fully understand the predicament they are in and are coached to believe that adults who are concerned for their well-being and those in authority, intend to harm them. Children who are trafficked for sexual exploitation or are compelled to commit crimes may face criminal procedures and be stigmatized within their communities, which pushes them further into situations of dependency upon their traffickers.

**Transnational traffickers are known to use enrolment at specific schools, colleges and universities in order to secure visa arrangements for sending victims abroad.** Their victims may or may not enrol and attend full or part time, or for some duration of time while they are entrapped in exploitation. Children and adolescents who are victims of domestic trafficking for any form of exploitation may also attend school or college. Attendance arranged by traffickers, even if it is sporadic, can help to conceal the reality of a young person's situation in exploitation and avoids questions being raised about their absence from education.<sup>139</sup> Children who are held in domestic servitude in private households are often responsible for the care of other, younger children. In some cases, younger children may be passed off as their siblings when, in reality, the child is not a relative but is in exploitation, working for a family. (See: [sites for child trafficking](#))

**Traffickers may recruit, control and exploit children by forcing, tricking or manipulating them into substance dependency habits at a young age, which can leave them with an addiction to drugs, alcohol, glue or other substances.**<sup>140</sup> Ingesting or injecting substances also makes children more malleable to control within trafficking exploitation, including for acts of rape and sexual violence, criminal activities, and in some cases acts relating to war<sup>141</sup>

<sup>138</sup> European Commission (2014), [Child trafficking for exploitation in forced criminal activities and forced begging](#). See also Grierson, J. (2019), [Three convicted of trafficking in landmark 'county lines' case](#), Guardian, 17 April 2019.

<sup>139</sup> This is just one example of where identification of child trafficking victims may take place.

<sup>140</sup> Patichio, E. (n.d.), [Addicted to You: Drug Addiction as a Means of Coercion](#), The Human Trafficking Institute. See also Meshelemiah, J. C. A., Gilson, C., & Prasanga, A. P. A. (2018), [Use of drug dependency to entrap and control victims of human trafficking: A call for a US federal human rights response](#), Dignity: A Journal on Sexual Exploitation and Violence, 3(3), Article 8, November 2018.

<sup>141</sup> Tiefenbrun, S. (2007), [Child Soldiers, Slavery and the Trafficking of Children](#), Fordham International Law Journal, 31(2), pp. 415-486. See also Guilbert, K. (2019), [Human trafficking worsens in conflict zones as militants deploy slaves - UN](#), Thomson Reuters Foundation, 7 January 2019.

or terrorism.<sup>142</sup> Habits of substance dependency heighten children's vulnerability to further trafficking and exploitation because they can become desperate for payment for substances to feed their dependency.

## Grooming of adolescents

**Grooming can happen to any young person from any socio-economic background, but traffickers usually target young victims who are in some way isolated from others, with a need to *belong*.** They may lack familial care and protection, or they may be at odds with their families. Adolescents who are in care homes or foster homes are at high risk for targeting, as well as young people who are repeatedly excluded from school for poor behaviour or have already committed minor offences. Traffickers can entice young people who find it difficult to form friendships or are bullied or excluded from peer groups. They can offer material goods and money as inducements, but key to their offer is a *relationship in the form of 'love', 'family/belonging' or friendship*.

**Children can be targeted for trafficking for sexual exploitation or criminal activities through face-to-face interactions or online, through social media and other platforms.** The use of children's online social media, gaming and chat forums for child trafficking is constantly increasing. Without adequate legislative regulation, systems of monitoring and accountability, online forums provide direct routes for traffickers to groom, recruit and influence children, including those who are residing safely with their families.<sup>143</sup> Criminal groups can utilise popular culture, such as music, videos, fashion, etc. to entice vulnerable young people into criminal and sexual exploitation by offering them access to material incentives and a certain lifestyle that will elevate their status with their peers. Any money or items provided to the child by traffickers can later be used to hold them in debt bondage.<sup>144</sup>

"Young people may also be targeted because of a family connection, whether due to vulnerabilities of parental figures with substance dependency issues (such as in the instance of cuckooed adults<sup>145</sup>) or due to familial links to the groups or organizations that"... are connected to trafficking crime. "Familial links may be older siblings – or in some instances whole family networks – in which the criminal behaviour and experiences are inherently normalised. The nature of the grooming will vary depending on the context, often in relation to where the young person lives, whether that's a city, suburb, town or even a rural village."<sup>146</sup>

<sup>142</sup> UN Counter-Terrorism Committee Executive Directorate (CTED) (n.d.), [Identifying and Exploring the Nexus between Human Trafficking, Terrorism, and Terrorism Financing](#). See also UNODC (2017), [Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System](#).

<sup>143</sup> Bowles, N. & Keller, M. (2019), [Video Games and Online Chats are 'Hunting Grounds' for Sexual Predators](#), The New York Times, 7 December 2019.

<sup>144</sup> For example, 'County Lines' trafficking. "Digital technology also plays a role in the model of criminality that is county lines – as the line refers to the mobile number the users contact to obtain the substance – these are then relayed to the young people through online means. 'We know that young people are targeted through online forums like Instagram where they might be – they are basically told to meet at a random spot which is the site. They only get the screen name of the person that's coming to pick them up and then they'll get taken in a car and taken to the trap house.'" The Children's Society (2019), [Counting Lives: Responding to Children Who Are Criminally Exploited](#), pp. 42-43.

<sup>145</sup> Cuckooing describes "a practice where people take over a person's home and use the property to facilitate exploitation. It takes the name from cuckoos who take over the nests of other birds." See Oxford City Council, [Cuckooing](#).

<sup>146</sup> The Children's Society (2019), [Counting Lives: .](#) See also, Barlow, C. (2019), [Child Criminal Exploitation: A New Systemic Model to Improve Professional Assessment, Investigation and Intervention](#), University of Hull. "The exploited child, having been habitually humiliated, debased and threatened, accepts that they are unworthy of help, unlikely to be believed or unable to cope without the abuser. Sexual or criminal behaviour may be used to appease the abuser, the child may act in a timid or infantile way or revert to self-destructive behaviour. This behaviour must be understood as symptomatic of not just fear, but shame as well. They are more likely to introvert their feelings than act out against the exploiter. This in turn maintains the abuse and renders the child vulnerable to re-victimisation in the future... Criminal exploitation is an emergent pattern of behaviour that results from the interaction between children that are suitable targets for exploitation and other agents that are motivated to exploit a child. However, the pattern cannot be predicted only from identifying the behaviour and characteristics of the child or the perpetrator but as an aggregate of characteristics of the child as a complex adaptive system, characteristics of the perpetrator as a complex adaptive system and the characteristics of the environment from which they both emerge and in which the child and perpetrators both exist."

## 6 PART ONE: (c) Overview of criminal justice in response to human trafficking crime

### 6.1 Human trafficking in international law



The UN definition of trafficking in human beings establishes that trafficking is a *process* rather than a discrete act.<sup>147</sup> The majority of countries define human trafficking as a crime in their national law.

The International Criminal Court (ICC) was the first international criminal court to recognize sexual slavery as both a war crime and a crime against humanity in its statute. The Rome Statute Crimes Against Humanity definition includes “trafficking in persons, in particular women and children (Article 7 (c)).”<sup>148</sup>

Article 5 of the Palermo Protocol obliges States to adopt legislative and other measures as may be necessary to establish intentional acts of trafficking as criminal offences (as defined under Article 3).

Article 5 (2) states that attempting to commit such acts shall also be a criminal offence, as shall aiding and abetting, or “organizing or directing” other persons to commit such acts.

Article 4 states that the Palermo Protocol applies to the investigation and prosecution of trafficking offences where they are transnational in nature and involve an organized criminal group.<sup>149</sup>

The Council of Europe Convention against Trafficking in Human Beings reaffirms this, specifically Articles 18 to 26 on Substantive Criminal Law.<sup>150</sup>

There are key international conventions, soft law and other regional and international agreements on human trafficking which apply to the human rights, protection and support of victims.<sup>151</sup>

<sup>147</sup> Article 3 of the Palermo Protocol sets out the following definition: (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. UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000. Art. 3.

<sup>148</sup> UN General Assembly (1998), Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998, Art. 7 (1c). According to the Rome Statute, Article 7 Crimes against humanity includes “Enslavement”. Further explained under Article 7 (2c), “Enslavement” means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children. For an overview of the ICC case Dominic Ongwen, see ICC, Ongwen Case: The Prosecutor v. Dominic Ongwen, ICC-02/04-01/15. For the ICC case Bosco Ntaganda, see ICC, Ntaganda Case: The Prosecutor v. Bosco Ntaganda, ICC-01/04-02/06. See also Berger, M. (2021), For the first time, a man has been sentenced for sexual slavery by the International Criminal Court. He got 30 years, *Washington Post*, 7 November 2019. Crawford, J. (2019), ‘Could the ICC Address Human Trafficking as an International Crime?’, Justiceinfo website, 17 June 2019. Aston, J. N. & Paranjape, V. N. (2012), Human Trafficking and its Prosecution: Challenges of the ICC.

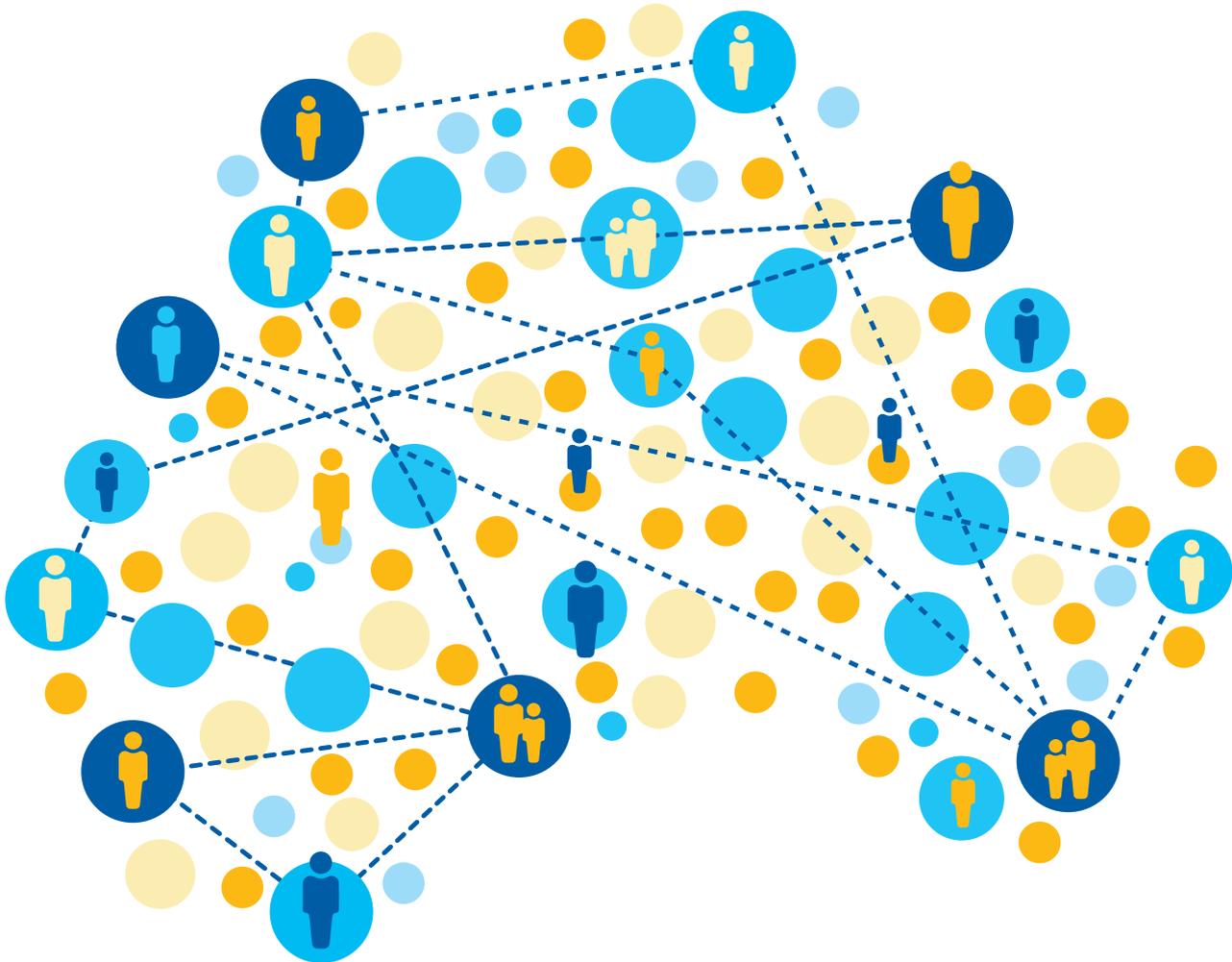
<sup>149</sup> UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000.

<sup>150</sup> Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Art. 18-26.

<sup>151</sup> Key international documents of relevance include: The UN Convention on the Elimination of All Forms of Discrimination against Women (1979), the UN Convention on the Rights of the Child (CRC) (1989) and its optional protocols, the Worst Forms of Child Labour Convention No. 182 (1999), the Global Compact for Safe, Orderly and Regular Migration (2018), and the CEDAW Draft general recommendation on trafficking of women and girls in the context of global migration (2020). Key regional instruments include: European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), American Convention on Human Rights (1969), Council of Europe Convention on Action against Trafficking in Human Beings (2005), Council of Europe Convention on Human Trafficking (including mandatory monitoring by the monitoring body ‘GRETA’), Treaty on European Union, Title VI, Provisions on police and judicial co-operation in criminal matters (2006), Brussels Declaration on Preventing and Combating Trafficking in Human Beings (2002), Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims.

## 6.2 Understanding human trafficking as a ‘poly-crime’

Human trafficking is a poly-crime. This means that many other crimes can be committed both within trafficking crime, and in relation to it.



### Trafficking networks may have links to other forms of organized crime

**Trafficking networks can be linked to other forms of organized crime:** for example, fraud, drug offences, exploitation of prostitution, production and distribution of CSAM, adult pornography, migrant smuggling, sale of illegal arms, cigarettes and alcohol, and money laundering. Transnational trafficking can also be connected to falsification of documents, irregular employment offences and corruption.

#### **Trafficking and Terrorism**

The UN Security Council recognized the linkage between human trafficking and terrorism in its [Resolution 2331 \(2016\)](#) that, “acts of sexual and gender based violence, including when associated to trafficking in persons, are known to be part of the strategic objectives and ideology of certain terrorist groups, used as a tactic of terrorism and an instrument to increase their finances and their power through recruitment and the destruction of communities.” The Council further noted that such trafficking, particularly of women and girls, “remains a critical component of the financial flows to certain terrorist groups” and is utilised “by these groups as a driver for recruitment.”<sup>152</sup>

<sup>152</sup> UN Security Council (2016), [Resolution 2331 \(2016\)](#), 20 December 2016, S/RES/2331.

Various studies have demonstrated a nexus between human trafficking and terrorism. In common with other forms of criminal activities, human trafficking has become increasingly attractive to non-State armed groups and terrorist organizations. For example, acts of violence associated with human trafficking have been central “to the modus operandi of the Islamic State in Iraq and the Levant (ISIL, also known as Da’esh), Boko Haram, Al Shabaab, and the Lord’s Resistance Army (LRA).”<sup>153</sup>

## Victims may be compelled to commit crimes in relation to their trafficking

**Victims of trafficking may commit crimes in the course of being trafficked.** They may be compelled to commit criminal and/or administrative offences directly connected to, with, or arising from, their trafficking situation.<sup>154</sup> These offences may include, but are not limited to, shoplifting, cannabis cultivation, pickpocketing, forced begging, benefit fraud, drug trafficking, illegal cigarette production lines and ‘meth labs’, illegal charity bag collections, sham marriage, illegal adoption, metal theft (stealing pipes and other metals), and street crime. Victims may also be prosecuted for administrative offences, or prostitution in jurisdictions where it is criminalized. Victims of trafficking may also be forced to aid and abet further trafficking crimes of their traffickers, being used to target, groom and recruit victims and commit other elements of trafficking offences.<sup>155</sup> Therefore, victims may be charged and prosecuted for crimes committed by their traffickers without identification ever being made. If victims are not identified, trafficking crime is not investigated or recorded in relation to other crimes that come to the attention of law enforcement agencies. This results in lost opportunities to protect and support victims and to obtain vital criminal intelligence for the prosecution and conviction of traffickers.

**The non-punishment principle and statutory defence should be carefully considered in relation to any criminal offence committed by victims of trafficking.**<sup>156</sup> (See: [non-punishment principle 2](#)) However, serious offences may be exempted in national legislation from the non-punishment statutory defence.

“Traffickers use victims to shield themselves from prosecution, including using victims to commit acts proximate to the exploitation itself. For example, recruitment of new victims, maintaining control over victims, collection of the proceeds from the exploitation, and the advertising of services. This exposes victims to greater risk of detection by law enforcement authorities and is one means by which traffickers evade criminal liability and enjoy impunity.”<sup>157</sup>

<sup>153</sup> See UN Counter-Terrorism Committee Executive Directorate (CTED) (n.d.), [Identifying and Exploring the Nexus between Human Trafficking, Terrorism, and Terrorism Financing](#). The study states that “[n]o Member State is immune to human trafficking or to terrorism. Furthermore, efforts to sensitize States on the issue of human trafficking in support of terrorism should be strengthened.” De Brouwer, A., De Volder, E., & Paulussen, C. (2020), [Prosecuting the Nexus between Terrorism, Conflict-related Sexual Violence and Trafficking in Human Beings before National Legal Mechanisms: Case Studies of Boko Haram and Al-Shabaab](#), *Journal of International Criminal Justice*, 18(2), pp. 499–516, Avdan, N., & Omelicheva, M. (2021), [Human Trafficking-Terrorism Nexus: When Violent Non-State Actors Engage in the Modern-Day Slavery](#), *Journal of Conflict Resolution*. Bésenyó, J. (2016), [The Islamic State and its Human Trafficking Practice](#), *Strategic Impact*, 3, pp. 15-21. Sheinis, D. (2012), [The Links Between Human Trafficking, Organized Crime, and Terrorism](#), *American Intelligence Journal*, 30(1), pp. 68-77. Traugher, C. M. (2007), [Terror-Crime Nexus? Terrorism and Arms, Drug, and Human Trafficking in Georgia](#), *Connections*, 6(1), pp. 47-64. Prokić, A. (2017), [The Link Between Organized Crime and Terrorism](#), *Law and Politics*, 15(1), pp. 85-94. Dokos, T. (2019), [The Security Implications of Crime, Terrorism, and Trafficking](#), in: Valášek, T. (ed.), *New Perspectives on Shared Security: NATO’s Next 70 Years*, Carnegie Europe: Brussels, pp. 51-58. Bosetti, L., & de Boer, J. (2015), [The Crime-Conflict “Nexus”: State of the Evidence](#), United Nations University Centre for Policy Research Occasional Paper 5. In addition to recognizing the nexus, States have to ensure that those responsible for human trafficking, e.g. by terrorist groups, are brought to justice and that the rights of victims are respected and victims do not face re-victimization and prosecution for (terrorism-related) offences they may have been coerced to. The latter aspect is particularly important for children, who have been subjected to forced recruitment into terrorist groups, which can also raise complex issues around whether they are perpetrators or victims. For the complexities around status as perpetrator and victim (or both at the same time) in connection with gender, see ODIHR (2018), [Guidelines for Addressing the Threats and Challenges of “Foreign Terrorist Fighters” within a Human Rights Framework](#), pp. 65-66.

<sup>154</sup> OSCE OSR/CTHB (2013), [Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking](#).

<sup>155</sup> UNODC (2020), [Exploited and Prosecuted: When Victims of Human Trafficking Commit Crimes](#).

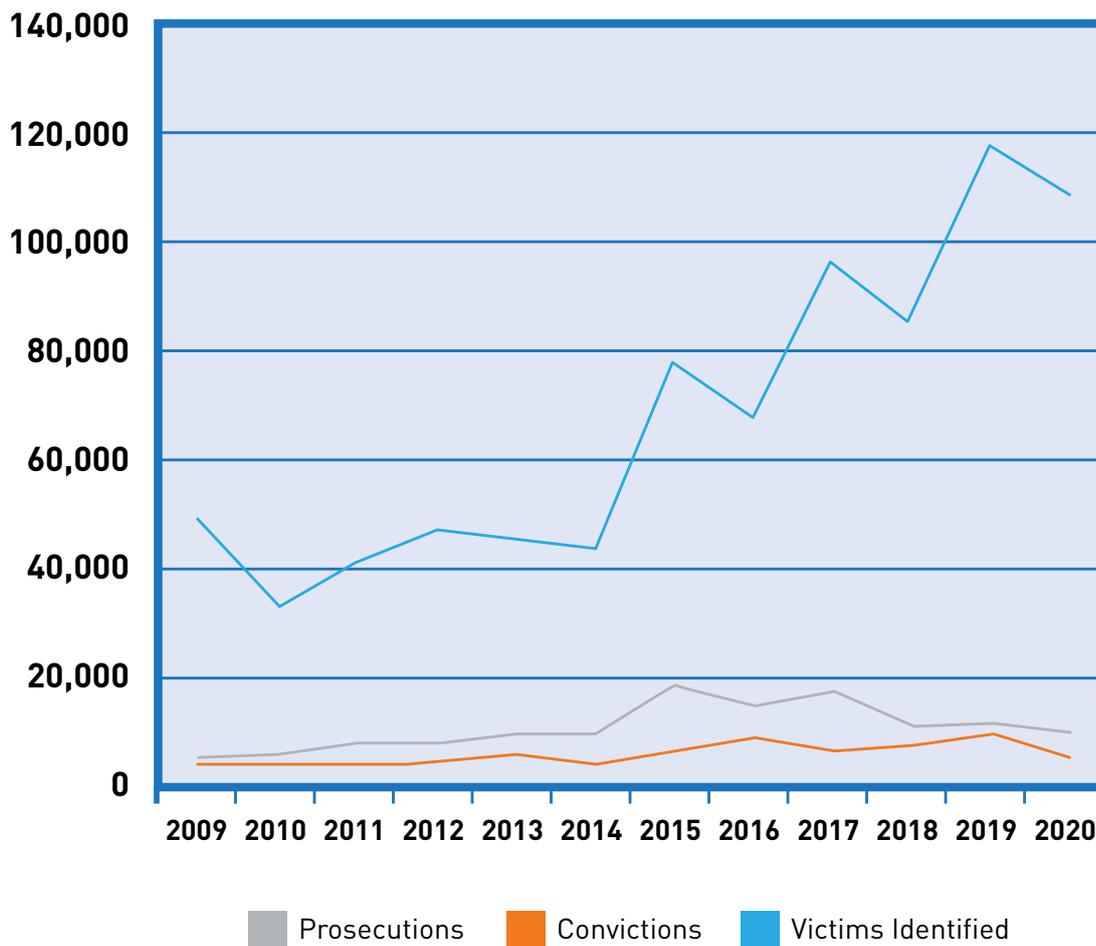
<sup>156</sup> Some “States have developed specific legal defences that relate to the situation of trafficked persons who have allegedly committed crimes; such defences are also used to inform charging and prosecution policies. In the absence of specific statutory defences, some States rely upon using existing criminal defences, such as the defences of duress or self-defence.” Jurisprudence concerning the non-punishment or non-criminalization provision is an example of case law that is in the process of being developed and could be of wide interest to practitioners of both States and other international actors. ICAT (2020), [Non-Punishment for Victims of Trafficking: Issue Brief 8](#), p. 4.

<sup>157</sup> UNODC (2020), [Female Victims of Trafficking for Sexual Exploitation as Defendants: A Case Law Analysis](#), pp. 5-6. In addition, The [HUDOC database](#) provides access to the case-law of the Court (Grand Chamber, Chamber and Committee judgments and decisions), communicated cases, advisory opinions and legal summaries from the Case-Law Information Note), the European Commission of Human Rights (decisions and reports) and the Committee of Ministers (resolutions) pertaining to human trafficking. See European Court of Human Rights, [HUDOC database](#).

### 6.3 Global prosecution and conviction rates for human trafficking crime

Although the overall number of identified victims of trafficking is steadily increasing, the global rate of prosecutions for trafficking crime remain low, and the conviction rates of traffickers even lower.<sup>158</sup> For example, over one decade, although identification rates of victims increased, the prosecution and conviction rates in trafficking cases reflected less than one per cent of identified trafficking victims (see figure below).<sup>159</sup> It is also the case that people who are prosecuted and convicted for trafficking-related crimes often only represent a *cog in the wheel* of trafficking operations. Therefore, the wider trafficking network is left intact and active, with its finances untapped. (See: [Law enforcement partnerships 1](#); [law enforcement partnerships 2](#))

**Graph on Identification, Prosecution and Convictions**



In many cases, it is difficult for prosecutors to secure convictions on charges of human trafficking as it is defined in national criminal law due to a high standard of evidence required. Therefore, traffickers are more likely to be prosecuted for other related crimes that have more predictable conviction outcomes; however, the respective sanctions tend not to be commensurate to the severity of the crime committed.

<sup>158</sup> "The number of cases reported decreases by each stage of the criminal justice process. The number of investigations is generally higher than the number of prosecutions, which in turn is higher than the number of convictions. On average, 26 per cent of the number of investigated cases has been reported to end with first-instance court convictions." See UNODC (2016), [Global Report on Trafficking in Persons 2016](#), pp. 50-51.

<sup>159</sup> This data was compiled from 2009-2020 from the United States Department of State's [Trafficking in Persons Report](#).

## 6.4 Trafficking crime investigations

**The objective of trafficking crime investigations is to rescue and protect victims of trafficking and to obtain sufficient evidence for the arrest and prosecution of their traffickers.** This requires the involvement of qualified and specialized investigators within law enforcement agencies who have specific training in responding to human trafficking cases and working with vulnerable victims and witnesses.

**All reasonable steps should be taken to investigate and record all relevant circumstances and information in detail and to gather and preserve all available evidence, so that prosecuting authorities have a complete case with the best possible chances of securing a trafficking conviction.** Victim-centred and trauma-informed methods of working with survivors are integral to the success of this process.

**There are two main types of trafficking investigations:**

- (a) Reactive investigations** are initiated by information received from human trafficking victims, members of the public or agencies, and/or other sources of intelligence received in relation to other crimes.
- (b) Pro-active investigations** are initiated by intelligence received that identifies groups or individuals who are involved in criminal activity. This may come from informants or witnesses, crime patterns, network and subject analysis, operational intelligence and tactical assessments, problem profiles and market profiles, subject analysis, criminal business analysis, and a wide range of other techniques including covert surveillance.<sup>160</sup> The pro-active investigation approach reduces the burden on the victims and witnesses because it does not rely solely upon witness testimony, therefore it can prevent unnecessary re-traumatization.

**Often a combination of investigative approaches is required.** Information is corroborated by the process of interviewing victims, witnesses and suspects, taking statements, obtaining supporting evidence, assessing and analysing materials recovered and preparing a case for trial.

### Use of technological tools for trafficking investigations



**Technological tools can be used to target online human trafficking activities without having to rely solely upon the victim's testimony.** Traffickers rarely work alone and they may engage in many varied interactions online. This means that every technological communication, collaboration, transaction and action they have with others provides law enforcement authorities with opportunities to collate criminal evidence. Technological tools can multiply law enforcement efforts and increase operational capacity by identifying patterns in big data and saving time in data and information analysis.

**Use of technological tools in trafficking investigations can relieve the burden of proving the case on the basis of victim testimony** and significantly increase investigative capabilities in areas including:

- Discovery of new cases of victims and trafficking networks/related groups;
- Identification of high risks of trafficking on online platforms;
- Monitoring of illegal financial flows and financial investigations;
- Identification of illegal monies and assets related to trafficking for confiscation and seizure;
- Storage of information provided by victims of trafficking for further analysis;
- Analysis of open-source data;
- Intelligence sharing and linkage in human trafficking operations;
- Use of global tracking and satellite technology to capture high-resolution imagery of potential trafficking sites; and
- Wiretapping for monitoring of telephone and Internet-based conversations, messaging, SMS.

<sup>160</sup> UNODC (2011), [Criminal Intelligence: Manual for Analysts](#).

## Special investigation techniques



The use of special investigation techniques for trafficking crime investigations is governed by the [UN Transnational Organised Crime Convention \(UNTOC\)](#).

[Article 20](#) encourages States to conclude appropriate bilateral or multilateral agreements or arrangements for using special investigative techniques in the context of international co-operation.<sup>161</sup>

**Special investigation techniques<sup>162</sup> can be used domestically or transnationally, individually or in combination to obtain quality evidence for the identification of victims, perpetrators, trafficking operations and crime sites.** They are particularly useful in criminal investigations in cases where victims are unwilling or unable to give evidence.<sup>163</sup> (See: [evidence-based prosecutions](#))

**Special investigation techniques must only be used by trained law enforcement and should be compliant with legislation, regulations and procedure of each country.** They are intrusive, and therefore must only be undertaken when necessary and proportionate, and with the necessary judicial permission.

### Undercover operations

**Undercover operations involve investigators acting covertly to monitor criminal activities by infiltrating criminal networks or posing as offenders to uncover organized crime activity.** In most jurisdictions, undercover officers are not permitted to encourage suspects to commit crimes they would not ordinarily commit, either as an agent provocateur or through entrapment. Jurisdictions vary in the nature of the restrictions they place on undercover operations.

### Use of surveillance

**There are three distinct phases or elements which provide evidential opportunities via surveillance:**

- (1) Planning and preparation of the crime;**
- (2) The substantive criminal act; and**
- (3) Subsequent actions after the crime.**

<sup>161</sup> Article 20 (3) UNTOC states that in the absence of such an agreement or arrangement, decisions to use special investigative techniques at the international level should be made on a case-by-case basis and take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by States parties. Article 20 (1) specifically endorses investigative techniques which can be applied in cases of human trafficking: Controlled delivery (only where risks can be negated) and electronic and other forms of surveillance. All 57 OSCE participating States have ratified the UN Transnational Organised Crime Convention. UN General Assembly (2001), [United Nations Convention against Transnational Organized Crime: resolution / adopted by the General Assembly](#), 8 January 2001, A/RES/55/25, Art. 20.

<sup>162</sup> "Special investigative techniques must balance the competing interests of ensuring public safety through arrest and detention of criminals with the need to ensure the rights of individuals. The following principles are important in this regard: (i) Adequate control of implementation of special investigative techniques by judicial authorities, or other independent bodies through prior authorization, supervision during the investigation and/or after the fact review. (ii) Ensuring proportionality of the special investigative technique used, when compared with the conduct being investigated following the principle that the least invasive method suitable to achieve the objective should be used. (iii) The need for States to enact laws to permit the production of evidence gained through special investigative techniques in court, while respecting the right to a fair trial. (iv) The need for operational guidelines and training in the use of special investigative techniques. The consideration of the above principles is important as it is hardly deniable that the use of special investigative techniques such as controlled delivery, surveillance and undercover operations impact upon an individual's right to privacy. Interference with this right requires a clear legal basis in domestic legislation, and it must be necessary, reasonable, and proportionate. There have been various decisions of international human rights bodies and courts on the permissibility of the use of special investigative techniques such as covert surveillance and the parameters of these measures." See UNODC (2018), [E4J University Module Series: Organized Crime, Module 8: Law Enforcement Tools and Co-operation](#).

<sup>163</sup> UNODC (2008), [Toolkit to Combat Trafficking in Persons: Tool 5.8 Special investigative techniques](#).

**TABLE: Examples of electronic surveillance tools that are used to monitor specific components of trafficking crime.**<sup>164</sup>

Audio Surveillance	Visual Surveillance	Tracking Surveillance	Data Surveillance	Human Surveillance
Phone tapping	Covert video surveillance systems	Global positioning systems (GPS) transponders	Computer/ Internet (spyware/cookies)	Agents
Voice over Internet Protocol (VOIP)	In-car video systems	Mobile phones	Key stroke monitoring	Foot follow
Listening devices (room bugging)	Body worn video devices	Radio frequency identification devices (RFID)	Open Source Intelligence (OSINT)	Vehicle follow
	Thermal imaging / forward looking infra-red	Biometric info technology (retina scans, fingerprints, DNA.)	Internet, Intelligence and investigations (III)	Observation posts
	Closed circuit television (CCTV)	Automatic Number Plate Readers (ANPR)	Cloned routers	
	Mobile phones		QR, Quick Reference cloning	
	Planes, helicopters, drones		Facial recognition	
	Remote monitored autonomous devices (live feed)		In secure Internet devices (the Internet of things <sup>165</sup> )	
	Photography			

## Use of Artificial Intelligence



**Artificial Intelligence (AI) is increasingly used for investigation of human trafficking crimes.** AI is defined as *the theory and development of computer systems able to perform tasks which normally require human intelligence, such as visual perception, speech recognition, decision-making, and translation between languages.*<sup>166</sup> Through a process of machine learning AI can help to make predictions, recommendations, or decisions independently and without the requirement for human intervention.

This form of intelligence is developing; in some policing areas it is used to predict crime patterns as a means of prioritising and allocating resources and responses, as well as identifying victims of trafficking.<sup>167</sup>

<sup>164</sup> These techniques may interfere with fundamental rights, especially privacy and data protection. Legal requirements including judicial warrants need to be strictly observed when resorting to these tools. "In its case-law on secret measures of surveillance, the [European Court of Human Rights] has developed the following minimum safeguards that should be set out in law in order to avoid abuses of power: the nature of offences which may give rise to an interception order; a definition of the categories of people liable to have their telephones tapped; a limit on the duration of telephone tapping; the procedure to be followed for examining, using and storing the data obtained; the precautions to be taken when communicating the data to other parties; and the circumstances in which recordings may or must be erased or destroyed [...]" ECtHR, *Roman Zakharov v. Russia* [GC], No. 47143/06, 4 December 2015, paras. 227-32. See also EU Fundamental Rights Agency (2017), *Surveillance by intelligence services: fundamental rights safeguards and remedies in the EU Volume II: field perspectives and legal update*.

<sup>165</sup> The Internet of Things (IoT) describes the network of physical objects – "things" – that are embedded with sensors, software, and other technologies for the purpose of connecting and exchanging data with other devices and systems over the Internet. IoT technology is most synonymous with products pertaining to the concept of the "smart home", including devices and appliances (such as lighting fixtures, thermostats, home security systems and cameras, and other home appliances) that support one or more common ecosystems, and can be controlled via devices associated with that ecosystem, such as smartphones and smart speakers. Rouse, M. (2019), *internet of things (IoT)*.

<sup>166</sup> Kowles, E. (ed.) (2006), *The Oxford dictionary of phrase and fable*, Oxford [u.a.]: Oxford Univ. Press.

<sup>167</sup> "Non-discrimination law and data protection law are the main legal regimes that could protect people against AI-driven discrimination." Borgesius, F. Z. (2018), *Discrimination, artificial intelligence, and algorithmic decision-making*, Council of Europe, p. 18.

## Use of technology to combat cyber-trafficking



**Software has been developed for domain-specific indexing of web content and domain-specific search capabilities.** (See: [use of technology](#); [artificial intelligence](#); [financial investigations](#); [special investigation techniques](#); [cyber-trafficking](#); [data sharing 1](#); [data sharing 2](#); [law enforcement partnerships](#); [mutual legal assistance](#); [joint investigation teams](#)) This applies to all levels of the web including the mainstream Internet (surface web), the deep web and the dark web, [which are more difficult to access](#). Digital evidence helps to detect traffickers who are operating online, identifying people who are likely to *control, exploit, 'sell' or 'purchase'* victims, as well as tracking potential 'hotspot' trafficking locations.<sup>168</sup> This information is obtained from computer files and documents, video and still images, financial transactions (including cryptocurrency), online advertisements and online communications (including e-mail, text messages, multimedia text messages, and instant messaging, chat logs, posts on websites, blogs and social media platforms, Internet browser histories) and GPS data.<sup>169</sup>



**In collaboration with technology companies and online platforms, States should establish and strengthen legal, policy and regulatory frameworks to combat all forms of trafficking in cyberspace, including through the development of new tools and technologies to prevent distribution and assist in removal of all online trafficking-related content.**

## 6.5 International law enforcement partnerships

**International law enforcement partnerships and co-operation are needed to combat human trafficking as a transnational and cybercrime.** Such co-operation is critical for the handling of trafficking cases across national borders and enabling information sharing between police, prosecutors and members of the judiciary. (See: [forms of trafficking](#); [cyber-trafficking](#); [data sharing 1](#); [data sharing 2](#); [mutual legal assistance](#); [joint investigation teams](#); [data management and protection](#))

**The OSCE Ministerial Council has called upon participating States for** "increased co-operation by national law enforcement and prosecution agencies with relevant international bodies, including **Interpol** and **Europol**, and with the law enforcement agencies of other participating States, for example, through the use of liaison officers or joint investigative teams, where doing so would enhance the efficiency and effectiveness of criminal justice responses."<sup>170</sup>



**States should conclude appropriate bilateral or multilateral agreements or arrangements to foster international co-operation in investigating cases and ensuring the protection and the rights of victims and survivors of trafficking.**

<sup>168</sup> OSCE OSR/CTHB (2020), [Leveraging innovation to fight trafficking in human beings: a comprehensive analysis of technology tools](#).

<sup>169</sup> UNODC (2019), [E4J University Module Series: Cybercrime: Module 4: Introduction to Digital Forensics](#).

<sup>170</sup> OSCE Ministerial Council (2008), [Decision No 5/08 on Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach](#), 5 December 2008, MC.DEC/5/08, para. 11. When conducting transnational investigations or encountering foreign victims law enforcement and prosecutors should be aware of the services and support that can be provided by international agencies including Interpol, Europol and Southeast European Law Enforcement Center (SELEC). Each organisation has a unique function and geographical reach, but all have dedicated human trafficking functions. Whether the role is intelligence collection, co-ordination, advisory or provision of operational resources it is important for those with a duty to investigate and prosecute human trafficking cases to consider how these agencies may enhance capabilities. For more information, see [Interpol](#).

## International law enforcement agencies

**The key international law enforcement agencies** (See: [law enforcement partnerships](#); [mutual legal assistance](#); [joint investigation teams](#)):



**INTERPOL (The International Criminal Police Organization)** facilitates worldwide police co-operation and crime control. It aims to ensure that police are trained and equipped to identify and investigate human trafficking through capacity-building, providing expertise and resources, facilitating global operations and partnerships, as well as organizing events and conferences. INTERPOL has specialist groups for combating human trafficking which focus on frontline police work and the exchange of operational information.<sup>171</sup>



**Europol (The European Union Agency for Law Enforcement Co-operation)** handles criminal intelligence for combatting serious international organized crime and terrorism through co-operation between the competent authorities of EU Member States. It provides strategic and operational support for the enhanced identification and protection of victims of trafficking, effective prosecution and prevention of trafficking via development of enhanced co-ordination and co-operation among key actors, policy and training.<sup>172</sup>



**Eurojust (The European Union Agency for Criminal Justice Co-operation)** deals with judicial co-operation in criminal justice matters between the authorities of the EU Member States. It assists prosecutors and other investigators in cases of serious crime where the crime involves two or more Member States, or it requires prosecution on a joint basis for operations and information provided by Member States' authorities, **Europol** and other EU institutions. Combating trafficking in human beings is one of the core areas of Eurojust's work.<sup>173</sup>



**FRONTEX (The European Border and Coast Guard Agency)** is the European Union agency responsible for border control of the European Schengen area in co-ordination with the border and coast guards of the Schengen area Member States. Frontex focuses on preventing smuggling, human trafficking and terrorism, as well as many other cross-border crimes. It promotes, co-ordinates and develops European border management and Integrated Border Management, which aims to prevent cross-border crime including human trafficking.<sup>174</sup>

## Mutual Legal Assistance (MLA)

**In a large number of cases of human trafficking, national authorities need the assistance of other States for the successful investigation, prosecution and punishment of offenders, in particular those who have committed transnational offences.** (See: [data sharing 1](#); [data sharing 2](#); [joint investigation teams](#)) Currently criminal intelligence and evidence is shared between States through International Mutual Legal Assistance (MLA). This is a system by which States can obtain information, evidential material and assistance for the prosecution of traffickers.

**The ability to assert jurisdiction and secure the presence of an accused offender in a State's territory accomplishes an important part of the task but does not complete it.** The international mobility of offenders and the use of advanced technology, make it essential for law enforcement and judicial authorities to also collaborate and assist the State that has assumed jurisdiction over any trafficking matter. In order to achieve this goal, States have enacted laws to permit them to provide such international co-operation and have increasingly resorted to treaties on mutual legal assistance in criminal matters.<sup>175</sup> Co-operation is instigated by formal letters of request (LOR or '*Commission Rogatoire*').<sup>176</sup>

<sup>171</sup> For more information, see [Interpol](#).

<sup>172</sup> For more information, see [Europol](#).

<sup>173</sup> For more information, see [Eurojust](#).

<sup>174</sup> [Regulation \(EU\) 2016/1624](#) of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC, Art. 4(a).

<sup>175</sup> UNODC (2003), [Toolkit to Combat Trafficking in Persons: Tool 4.4 Mutual legal assistance](#), pp. 135-142.

<sup>176</sup> This assistance is usually requested by courts or prosecutors and is also referred to as 'judicial co-operation'. If there is no mutual legal assistance, a non-treaty letter of request is required (i.e., a formal request for assistance that is transmitted by the Department of Justice). See UNODC (2003), [Toolkit to Combat Trafficking in Persons: Tool 4.4 Mutual legal assistance](#), pp. 135-142.

## Joint Investigation Teams (JITs)

**Joint investigation teams (JITs) are established for a limited time period to carry out specific criminal investigations.** They are formed via specific agreements made between two or more States judicial authorities (judges, prosecutors, investigative judges)<sup>177</sup> and law enforcement agencies. They facilitate the co-ordination of investigations and prosecutions that are conducted in parallel across several States, enabling direct gathering and exchange of information and evidence without the need to only rely upon the traditional channels of Mutual Legal assistance (MLA), which is often too slow to keep up with the need for quick response to the trafficking crime.<sup>178</sup>

## International criminal intelligence information and data-sharing

**Innovations in technology and information sharing are advancing at high speed, but require continuous re-sourcing, development and co-ordination to keep pace with the evolving and diverse methods of traffickers.**

(See: [use of technology](#); [artificial intelligence](#); [financial investigations](#); [special investigation techniques](#); [cyber-trafficking](#); [data sharing 1](#); [data sharing 2](#); [law enforcement partnerships](#); [mutual legal assistance](#); [joint investigation teams](#); [task forces](#)) International trafficking crime intelligence databases and data-sharing hubs are used to share and analyse international trafficking information to identify specific trafficking networks, patterns and trends.

### Examples of International Trafficking Crime Intelligence Databases and Data Sharing Hubs

The **International Money Laundering Information Network (IMoLIN)** is an internet-based network developed with the co-operation of the world's leading anti-laundering organizations. It assists governments, organizations and individuals in the fight against illicit financial flows, money laundering and the financing of terrorism. It includes a database on legislation and regulations throughout the world, the **Anti-Money Laundering International Database (AMLID)**, an electronic library and a calendar of events in the anti-money laundering and countering financing of terrorism fields, as well as a case law database. Certain aspects of IMoLIN are secure and therefore not available for public use.<sup>179</sup>



**Interpol's International Child Sexual Exploitation (ICSE) image and video database** is an intelligence and investigative tool which analyses the digital, visual and audio content of photographs and videos to make connections between victims, abusers and locations. This avoids duplication of efforts, flags any overlap of cases, exchanges information and shares data.<sup>180</sup>

### Examples of International Trafficking Databases and Knowledge Portals

**The Counter-Trafficking Data Collaborative (CTDC)** "is the first global data hub on human trafficking, publishing harmonized data from counter-trafficking organizations around the world. The goal of CTDC is to break down information-sharing barriers and equip the counter-trafficking community with up to date, reliable data on human trafficking. CTDC leverages modern technology to allow unprecedented public access to the world's largest datasets on human trafficking. Bringing together global data in one platform strengthens and empowers local, national and international institutions. CTDC data has so far been accessed by users in over 150 countries and territories."<sup>181</sup>

The **UNODC Human Trafficking Knowledge Portal** encompasses three databases: case law, legislation and bibliographic resources. It is publicly accessible and continuously updated for use by professionals who are working on behalf of human trafficking victims.<sup>182</sup>

<sup>177</sup> In countries with an inquisitorial criminal justice system, so-called 'investigative judges' or 'examining magistrates' usually are in charge of conducting pre-trial investigations and in some cases make a recommendation for prosecution. See for example UNODC (2018), [E4J University Module Series: Organized Crime: Module 9: Prosecution Strategies](#).

<sup>178</sup> The JITs Network, along with Europol and Eurojust, has created the 'Practical Guide' to Joint Investigation Teams, which provides advice, guidance, useful information, as well as answers to FAQs by practitioners, and more. See EUROPOL, [Joint Investigative Teams – JITs](#).

<sup>179</sup> International Money Laundering Information Network (IMoLIN), [IMoLIN's Participating Organizations](#).

<sup>180</sup> INTERPOL, [International Child Sexual Exploitation database](#).

<sup>181</sup> More information on the Counter-Trafficking Data Collaborative can be found on [CTDC's website](#). The International Organization for Migration (IOM) and Polaris are the founding partners and the first contributors of the Counter-Trafficking Data Collaborative (CTDC). Liberty Shared is among the first CTDC contributors.

<sup>182</sup> For more on this, see UNODC's [Human Trafficking Knowledge Portal](#).

## Financial investigations<sup>183</sup>

**Human trafficking is a financially motivated and cash-intensive criminal enterprise.** Schemes to launder financial proceeds from trafficking crime often revolve around cash couriers, money service businesses (MSBs), cash-intensive businesses, and financial transactions. However, financial investigation of human trafficking crime remains underutilized. (See: [use of technology](#); [artificial intelligence](#); [special investigation techniques](#); [cyber-trafficking](#); [data sharing 1](#); [data sharing 2](#); [law enforcement partnerships](#); [mutual legal assistance](#); [joint investigation teams](#); [task forces](#); [asset seizure](#))

**Breaking the production line and business model of trafficking requires intervention and disruption at every stage.** Neutralizing the financial flow used by traffickers can potentially disable an entire trafficking network. However, international financial investigations are extremely complex, requiring the best technological tools and highly skilled investigators. Even in cases where the assets cannot be located and confiscated, it is crucial to be able to prove financial gain from a trafficking crime at court, both to establish the element of *purpose*, and in order for the *extent of the proceeds* to be included in the degree of penalty.

**Financial analysis involves the assessment of the income, expenditures, and net worth of an individual or business in order to determine the presence of any unexplained income.** Crime analysts look for discrepancies between legal income and expenditures as a potential indicator of illegal income from organized crime activity. Close scrutiny of financial records can potentially reveal, for example, fictitious companies to launder funds, overpayment of employees or subcontractors for *kickbacks* or other fraudulent schemes and planning for covert activities.

## Seizure of traffickers' funds and assets

All persons who profit in any way from human trafficking are participating in a serious crime, providing they have the necessary intent. Therefore, all financial proceeds and assets made from any aspect of human trafficking crime should be treated as '*tainted*'. They should be seized and where possible used to provide reparation for victims.<sup>184</sup>

**One of the most effective ways to disrupt and dismantle criminal trafficking networks is to identify and confiscate their funds and assets.** States should ensure that their national legislation and its implementation permits relevant authorities to seize all funds and assets that are instrumentalities or proceeds of human trafficking. Investigators and prosecutors working on human trafficking and other crimes should have specialized training on how to investigate, freeze, seize and confiscate criminal assets.<sup>185</sup>

**Asset seizure can serve a dual purpose:**

- (a) **It deprives trafficking networks of the proceeds of criminal activities, reducing their ability to operate and commit further crime; and**
- (b) **It provides the means to establish state funds to support law enforcement and compensate victims of human trafficking crime.**<sup>186</sup>

**Financial investigations connected to human trafficking cases are an essential tool to detect and dismantle criminal networks, to undermine the profit motive of human trafficking and to seize assets that can support victim compensation and assistance.** (See: [compensation](#)) This is a position that many OSCE participating States have adopted over the past several years. However, widespread acknowledgment, implementation, and harmonization of investigatory strategies and tactics aimed specifically at the financing aspects of human trafficking are all still a work in progress.<sup>187</sup>

<sup>183</sup> Actors include police financial intelligence units, asset recovery officers, money laundering units, cybercrime units and trafficking in human beings units, as well as private entities including financial institutions such as banks, money transfer services and credit card companies, etc.

<sup>184</sup> OSCE OSR/CTHB (2019), [Following the Money: Compendium of Resources and Step-by-step Guide to Financial Investigations Into Trafficking in Human Beings](#).

<sup>185</sup> OSCE OSR/CTHB (2014), [Leveraging Anti-Money Laundering Regimes to Combat Trafficking in Human Beings](#), p. 29.

<sup>186</sup> OSCE OSR/CTHB (2014), [Leveraging Anti-Money Laundering Regimes to Combat Trafficking in Human Beings](#), p. 15.

<sup>187</sup> OSCE OSR/CTHB (2019), [Following the Money: Compendium of Resources and Step-by-Step Guide to Financial Investigations Related to Trafficking in Human Beings](#), p.37

## **There are significant challenges globally in relation to asset seizure**

**In trafficking cases there may be no proceeds left available to seize.** It is commonly the case that most proceeds of trafficking are quickly transferred out of the country, spent in cash or re-invested in criminal enterprises without being laundered, so they are particularly difficult to identify and confiscate.<sup>188</sup>

**The law relating to asset freezing, seizure and confiscation is complex.** Separate powers usually exist in criminal and civil law to trace and freeze assets at the outset of a case, and later to confiscate assets if the case is proven.<sup>189</sup> Strict legal requirements at the national level can make it difficult for prosecutors to confiscate criminal assets related to human trafficking, and some jurisdictions lack legal mechanisms to allow confiscations in the absence of a criminal conviction. Legal mechanisms that may be used include *civil forfeiture*, which requires a lower burden of proof and can be used even in cases where a criminal conviction has not been attained. Another mechanism that may be used is *the reversal of the burden of proof* to require defendants, and in some cases their relatives, to meet certain specific conditions.<sup>190</sup>

**Some countries<sup>191</sup> have introduced new powers for the state to seize assets at the outset of a criminal case.** The full powers of the state can therefore be used to trace the assets of a defendant, including information obtained from the defendant and intelligence gathered in the investigation. Seizure of assets at the outset of a criminal investigation has significant advantages in ensuring that victims can receive compensation for trafficking crimes committed against them, without the need for legal enforcement action or the risk that they will never receive it.<sup>192</sup>

### **UN, Council of Europe and OSCE standards**



#### **UN Convention on Transnational Organized Crime Convention (UNTOC)**

“Articles 12, 13 and 14 of the UNTOC are devoted to the domestic and international aspects of identifying, freezing and confiscating the proceeds and instrumentalities of crime.

- Article 12 UNTOC requires parties to adopt measures, to the greatest extent possible within their legal systems, to enable confiscation of the proceeds, or property whose value is equivalent to the value of proceeds, and the instrumentalities of offences covered by the Convention. It also obligates parties to adopt measures to enable the identification, tracing, freezing and seizing of such items for the purpose of eventual confiscation. In addition, it obligates States to empower courts or other competent authorities to order that bank or other records be made available for the purposes of facilitating such identification, freezing and confiscation.
- Article 13 UNTOC sets forth procedures for international co-operation in confiscation matters. These are important procedures, as criminals frequently seek to hide proceeds and instrumentalities of crime abroad, as well as evidence relating thereto, in order to thwart law enforcement efforts to locate and gain control over them. A State party that receives a request from another State party is required by this article to take specific measures to identify, trace, and freeze or seize proceeds of crime for the purpose of eventual confiscation.
- Article 14 addresses the final stage of the confiscation process: the disposal of confiscated assets. While such disposal is to be carried out in accordance with domestic law, Article 14 (2), calls on those requested to carry out confiscation to give priority consideration to returning the confiscated assets to the requesting State for use as compensation to crime victims or for restoration to legitimate owners.”<sup>193</sup>

<sup>188</sup> OSCE Office for Democratic Institutions and Human Rights (ODIHR), 2008, [Compensation for Trafficked and Exploited Persons in the OSCE Region](#), 26 May 2008, pp. 41-42.

<sup>189</sup> ODIHR (2008), [Compensation for Trafficked and Exploited Persons in the OSCE Region](#), 26 May 2008, pp. 41-42.

<sup>190</sup> OSCE Office for Democratic Institutions and Human Rights (ODIHR), 2008, [Compensation for Trafficked and Exploited Persons in the OSCE Region](#), pp. 41-42.

<sup>191</sup> For example, Albania and United Kingdom.

<sup>192</sup> OSCE Office for Democratic Institutions and Human Rights (ODIHR), 2008, [Compensation for Trafficked and Exploited Persons in the OSCE Region](#), pp. 41-42.

<sup>193</sup> UNODC (2008), [Toolkit to Combat Trafficking in Persons: Tool 4.6 International cooperation for the purposes of confiscation](#), pp. 155-157.

- [Article 23 of the Council of Europe Convention on Action against Trafficking in Human Beings](#) obliges States to adopt legislative and other measures as may be necessary to enable it to confiscate or otherwise deprive the instrumentalities and proceeds of criminal offences, or property the value of which corresponds to such proceeds.<sup>194</sup>
- The OSCE Ministerial Council “urges the participating States to intensify measures to disrupt trafficking networks, including by means of financial investigations, investigations of money laundering connected to human trafficking and the freezing or confiscation of the assets of human traffickers.”<sup>195</sup>

<sup>194</sup> Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Art. 23. For specific guidance on the convention, see Council of Europe (2005), [Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings](#), paras. 254-255.

<sup>195</sup> OSCE Ministerial Council (2008), [Decision No 5/08 on Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach](#), 5 December 2008, MC.DEC/5/08, para. 11. The OSCE Action Plan recommends “Considering legislative provisions for confiscation of the instruments and proceeds of trafficking and related offences, specifying, where not inconsistent with national legislation, that the confiscated proceeds of trafficking will be used for the benefit of victims of trafficking. Giving consideration to the establishment of a compensation fund for victims of trafficking and the use of the confiscated assets to help finance such a fund.” It also recommends “Considering, where not inconsistent with national legislation, legal measures to allow confiscated assets to be used to supplement government funding for programmes that address the needs of victims of THB and to compensate the victims in accordance with the gravity of the crime committed against them.” See OSCE Permanent Council (2003), [Decision No. 557 on Action Plan to Combat Trafficking in Human Beings](#), Vienna, 24 July 2003, PC.DEC/557, p. 3, 15. The Addendum to the OSCE Action Plan recommends “Promoting the use of financial investigations linked with THB-related offences; enhancing the capacity of anti-money-laundering authorities and other relevant structures to identify financial activities linked to THB; enhancing the capacities, where necessary, for tracing, freezing and confiscating the instrumentalities and proceeds of THB, in accordance with national law; and considering, where applicable, using confiscated proceeds to fund anti-trafficking initiatives and victim support, including the possibility of obtaining compensation. OSCE Permanent Council (2013), [Decision No. 1107 on Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later](#), 6 December 2013, PC.DEC/1107/Corr.1, pp. 1-2.

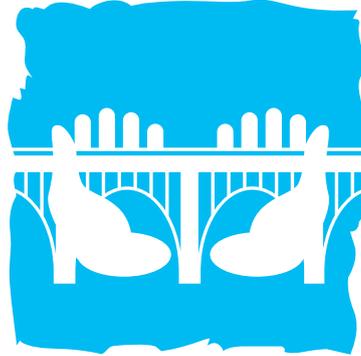
## PART TWO: Frontline guidance for professionals

### 7 The NRM Preparatory Guide and Protocol: for all professionals working with victims and survivors of human trafficking

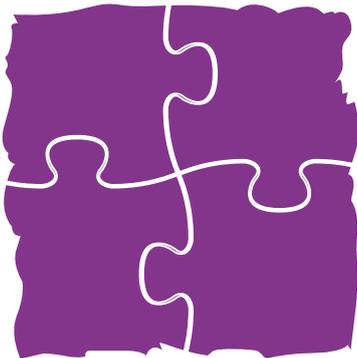
The **NRM Preparatory Guide and Protocol** represent the foundation of the 4 NRM Pillars:



Identification  
plus protection



Individual support  
and access to services



Social  
inclusion



Criminal justice  
and redress

Together they provide essential information and procedural steps for all professionals who are working with victims of human trafficking, within their specific role and remit.



All professionals and services should be reputable, vetted and recognized for working with vulnerable persons including victims of trafficking.

## 8 Preparatory Guide for working with victims and survivors of trafficking

The NRM Preparatory Guide provides essential information for all professionals who are working with victims of trafficking. (See: [vulnerabilities](#))

### 8.1 Preparing to work with victims and survivors

#### Understanding the meaning of 'vulnerability' in the context of professional work with survivors



**The abuse of a position of vulnerability is a key concept in human trafficking.** The vulnerability of victims of human trafficking often pre-dates their trafficking situation. It is then further compounded by their trafficking experiences as well as situations of adversity and hardship after they have left the direct control of their traffickers. Therefore, the vulnerability of any survivor of trafficking can be understood to be *multi-faceted*. (See: [pre-trafficking vulnerabilities](#); [healthcare](#))

**In considering the current vulnerability of survivors in relation to their needs for safety and support, bear in mind that:**

- Vulnerability does not mean a person is *helpless or weak or unable to perform*;
- It is not lessened by the *endurance, resilience, or survival* demonstrated by people who escape from traffickers;
- It should not be undermined by notions of cultural or situational relativism;<sup>196</sup> and
- It is not alleviated simply by the *passing of time* if victims are left without appropriate identification, protection and individual support.

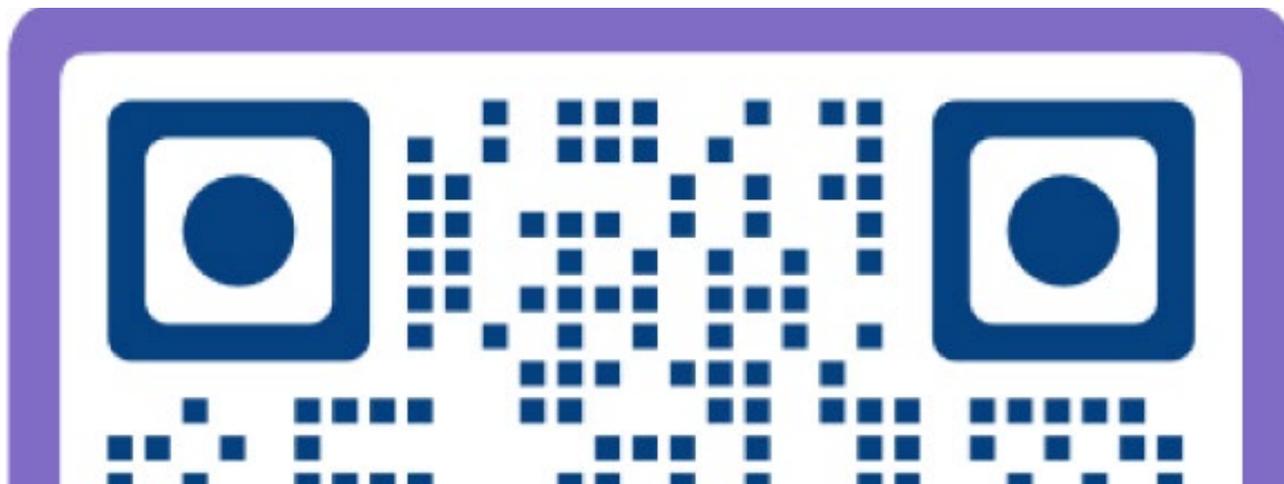
It is important to recognize that victims of trafficking who are *currently supported* will always appear to be less vulnerable than if they were left in a situation *without support*. Any assessment of vulnerability and protection needs must take this into account.

The question is not only 'how vulnerable is this person now?' but 'how vulnerable will they be if they are left without professional support?'

<sup>196</sup> Cultural relativism is the "position that there is no universal standard to measure cultures by, and that all cultures are equally valid and must be understood in their own terms." See "cultural relativism" in [The Concise Oxford Dictionary of Archaeology](#) (2 ed.) (2009). Situational relativism is a form of situation ethics, which rejects 'prefabricated decisions and prescriptive rules'. It "teaches that ethical decisions should follow flexible guidelines rather than absolute rules, and be taken on a case-by-case basis." BBC (n.d.), [Situation ethics](#).

## Maslow's Hierarchy of Needs

**Maslow's Hierarchy of Needs is a useful starting point for understanding the prioritization of needs for survivors of trafficking.** This theoretical model explains human motivation and behaviour. Human needs are set out in an upward trajectory from the base of the pyramid. By ensuring basic physiological subsistence within a framework of safety, a sense of security can be created. A person can then be supported to work towards those needs which are placed at the higher levels of Maslow's pyramid.<sup>197</sup>



Effective work with survivors of trafficking requires building a mutual, working relationship of trust within the context of a multi-disciplinary approach or team of professionals. This approach supports Maslow's prioritisation of needs.



**All people who have been trafficked are victims of a serious crime and they should be equally entitled to access NRMs in accordance with the NRM Principles, 4 Pillars and Recommended Standards. This includes victims who are citizens and residents, persons with permanent or temporary leave to remain status (including refugees and asylum applicants), persons with irregular immigration status and/or internally displaced persons. Victims of trafficking must not be excluded from NRMs because they are, or have been accused of a criminal offence. All victims should be equally entitled to NRM identification+ procedures, protection and individual support.**

## Gender sensitivity

**A gender-sensitive approach for victims and survivors of trafficking** is essential to ensuring an appropriate NRM process. Women and girls continue to constitute the majority of detected trafficking cases, especially for the purpose of sexual exploitation. Tailored responses are required to reflect the specific needs of women and girls, as well as all other victims and survivors of trafficking. (See: [gender-sensitive communications](#))



**NRM procedures and services should be gender-sensitive, as well as being based on a developed national policy and strategy to address the gender dynamics of human trafficking. This should be tailored for victims of trafficking throughout the 4 NRM Pillars.**

<sup>197</sup> McLeod, S. (2020), [Maslow's Hierarchy of Needs](#), Simply Psychology, 29 December 2020.

## 8.2 The requirement for allocated individual support professionals for adults and children:

Adult and child victims of trafficking need to have a trusted professional person who can advocate on their behalf and co-ordinate their access through the Four NRM Pillars, to ensure that their on-going safety is maintained, their needs are met, and they are provided with bridged access to essential services. (See: [guardianship for children](#); [guardian advocates](#); [independent advocates](#); [specific vulnerabilities of children](#); [traffickers' methods: children](#); [traffickers' methods: adolescents](#); [bridged referrals](#); [bridging letters](#); [accompanying to services](#))

**Victims of trafficking require individual support that is delivered by allocated professionals who are trained, equipped and resourced to work with vulnerable people who are at risk.** National systems vary widely in this regard. In some countries trained professionals carry out this role within recognized professional structures, for example social workers from adult statutory services and national child protection systems or specialist, recognized anti-trafficking NGOs. However, many workers who are engaged in supporting roles for victims of trafficking across the world are not appropriately vetted, trained or equipped for working with highly vulnerable people who have complex needs and risks. This work can be extremely challenging and sometimes dangerous, requiring appropriate standards of staff training, supervision and pastoral support to avoid vicarious traumatization and professional burn-out. Additionally, it is rare for systems to provide individual support to victims for the duration of time that is needed, resulting in situations of high-risk in cases where individual support may be suddenly dropped. Workers report experiencing stress from the knowledge that they have not been able to complete their task of keeping survivors protected and supported. Overall, this is a situation that is neither safe nor sustainable. (See: [pastoral support](#))

**A formally recognized professional role for provision of individual support to victims of trafficking in NRMs is required.** This role can be mapped to equivalent counterparts across communities, regions and international borders.

**The NRM Handbook recommends allocation of [independent advocates](#) (or equivalent)<sup>198</sup> for adults, and [guardian advocates](#) (or equivalent) for children.<sup>199</sup>** These roles should be resourced, and accredited or officially recognized by national authorities, law enforcement authorities, statutory social services and national child protection systems. However, they should function independently in order to provide guidance and advocacy with all services and agencies equally, for victims in their care.

**[Independent advocates](#) and [guardian advocates](#) can accompany victims to appointments, meetings and hearings where necessary, and bridge their access to other professionals and services** (See: [bridged referrals](#); [bridging letters](#); [accompanying to services](#)). In this way they gradually build a protective, professional team around each survivor for whom they can act as a central point of contact and consultation. They can respond pro-actively in relation to decisions that are made concerning victims that require revision or reconsideration, and they can challenge situations in which service provision is poor or obstructed. A key component of their role is to ensure that victims of trafficking have access to specialist lawyers for free, independent legal advice and representation in all cases where required.<sup>200</sup> It is important to note that the roles of [independent advocates](#) and [guardian advocates](#) do not replace the requirement for access to free, specialist independent legal advice and representation provided by lawyers (See: [legal advice and representation 1](#); [legal advice and representation 2](#)).

<sup>198</sup> As NRMs vary across countries, the role of an independent advocate or guardian advocate may be fulfilled by a person who has an equivalent position, role and training. Hereinafter, the two terms will be referred to without the term equivalent for brevity but will connote same. The roles of independent advocates and guardian advocates do not replace the requirement for legal advice, advocacy and representation.

<sup>199</sup> The roles of independent advocate for adults and guardian advocate for children are provided in some detail in this chapter and throughout the NRM Handbook. It is recommended that all adults and children who are victims of trafficking have allocated individual support professionals who fit these roles. The titles for each role may vary in different countries, therefore wherever the term 'independent Advocate' or 'guardian advocate' is used in the Handbook, it refers to professional roles with that title, or their equivalent.

<sup>200</sup> Guardian advocates do not replace lawyers.

## Guardianship roles for child victims of trafficking



Individual support for children requires nothing less than forms of *guardianship* because of their developmental age and lack of maturity (See: [guardian advocates](#); [accommodation for children](#); [Barnahus model](#); [NRM links to statutory services and national child protection systems](#)). A specialist, care relationship is required for the safety and stability of child victims of trafficking. Children, regardless of their gender, culture, nationality, history or previous family background must be treated first and foremost as children.<sup>201</sup> All children require consistent, reliable adult support from a person who is

committed to their best interests. Support should be delivered by a child specialist professional who is accredited by, or officially partnered with, national child protection systems.

Children need to have the ability to believe and trust in the professionals who are supporting them, and the systems that are designed to protect them, so that they can envisage a progressively more stable and positive future for themselves.

**Child victims of trafficking should be considered to be at high risk of re-trafficking.** They are known to go missing in vast numbers in the hours, days or weeks after they have come to the attention of national authorities as victims of trafficking, and months or years further on, if they lack adequate ongoing protection, care and support. Traffickers may target, traffic and re-traffic children and young people from any location where they may be housed or in receipt of services, including sheltered accommodation foster homes and family homes (See: [accommodation for children](#)).<sup>202</sup>

**Child survivors can also become increasingly vulnerable over time if their support systems are ineffective and legal systems for their protection cause *uncertainty and delay*.** The passing of time, and indefinite waiting, without an appropriate framework of child-specialist support or input can cause children to be susceptible to both grooming and threats from traffickers. It is vital that they are supported with ongoing provision of pastoral support for the enjoyment of their childhood and developmental years. This includes an age-appropriate routine, informed participation in their education and all other activities.

### **The difference between [parental guardians \('legal guardians'\)](#) and [guardian advocates](#):**

**Any professional who has the title 'guardian' must be vetted and employed by or affiliated with national child protection systems and a reputable, national guardianship body.**

**Parental guardians (or 'legal guardians')** are independent, legally appointed guardians who have the legal authority (and corresponding duty) to care for the personal and property interests of a child victim of trafficking because they are a minor and are lacking temporary or permanent parental care. This is based upon on a legal determination that may remove the rights of the current legal guardian because of risks to the child, or in the case of unaccompanied or separated children, provide a temporary solution of guardianship until the child's parents or original legal guardian can be located and the child can be reunited with them. Parental guardians provide the vital service of *parental* care for unaccompanied migrant children and all other children who are otherwise separated from their parents or lacking safe and appropriate family care. They are able to act upon children's behalf legally in countries in which minors lack the legal capacity to do so themselves. They live or work with the child they are allocated to at their accommodation, whether this is in a fostering relationship, a private home or in child-specialist sheltered accommodation. They fulfil a *parental, pastoral and supportive* role and must be trained, experienced and specialized in guardianship specifically for child survivors of trafficking.

<sup>201</sup> UN General Assembly (1989), [Convention on the Rights of the Child](#), 20 November 1989.

<sup>202</sup> Townsend, M. (2016), '[10,000 refugee children are missing, says Europol](#)', The Guardian, 30 January 2016. See also: Missing Children Europe (n.d.), [Europol confirms the disappearance of 10,000 migrant children in Europe](#).

[Guardian advocates](#) are trained and recognized independent professionals who work closely with, support and advocate for children from the earliest point of their preliminary identification. (See: [preliminary identification for children](#)) They ensure high standards of protection and support for children specifically in relation to the multiple complex systems, procedures and services with which they will be involved. A [guardian advocate](#) should be allocated to every child victim, regardless of the form of their trafficking, their parental background, immigration status or history.

**In some national systems, parental guardians may take on both tasks; however, it is helpful to conceptualise the two roles separately because they operate in distinct spheres of support for children.** Separation of these two roles permits a wider pool of available parental guardians for child victims who are in need of parental care, which is a particular advantage in countries with high levels of child trafficking.<sup>203</sup> Parental guardians are then able to focus on high standards of childcare and protection but are *not* required to have the additional professional specialization, training and time to provide the specific support that is required for children in order to navigate complex procedural systems and services.

***While not all child survivors of trafficking require a parental guardian, they do all require a guardian advocate.***

### 8.3 Multi-agency, multi-disciplinary partnership

***An open and transparent method of working in multi-agency partnerships creates integral checks and balances, helping to ensure safe and ethical working methods.***

**The only effective structures for working with victims of trafficking are multi-agency and multi-disciplinary, operating in formalized partnership with maintained co-ordination and management** (See: [sub-national and local teams](#); [multi-agency mobile teams and task forces](#)). NRMs allow for formalized joint working between law enforcement and victim services in the form of task forces, sub-national and local (mobile) teams and networks, and also collective services that form safeguarding and service hubs. Each of these may include statutory and non-statutory agencies and can combine a wide range of essential skills, knowledge and experience '*under one roof*' whether or not member agencies are physically located in proximity to each other. A victim support manager co-ordinates the provision of all services for the victims and survivors of trafficking.

#### **Operational Partnership Protocols (OPPs)**

**The use of OPPs is recommended to formalize working partnerships between agencies on national, sub-national and local levels, while ensuring a victim- and survivor-centred approach.** OPPs can be effective and sustainable if they are drafted to ensure that:

- Resources are located and committed for maintained co-operation and joint work;
- All professional roles and remits are clearly defined;
- Partnerships are maximized, with procedures for management and pathways to services made clear; and
- Each party retains their crucial independence so that their function is not undermined in any way that would affect or re-define their purpose.

<sup>203</sup> UNICEF (2018), '[Children account for nearly one-third of identified trafficking victims globally](#)', 29 July 2018.

## 8.4 NRM procedures and services for children



**All actions in relation to children should accord with the best interests of children and the UN Convention on the Rights of the Child** (See: [NRMs for children](#); [guardian advocates](#); [accommodation for children](#); [Barnahus model](#); [NRM links to statutory services and national child protection systems](#); [communications with children](#); [Lundy model](#)).<sup>204</sup>

**There should be direct links at all times between NRMs and the national child protection system.** All services for children should be delivered by recognized child specialists who are trained and skilled in supporting vulnerable children and restoring the appropriate balance within child/adult relationships.

**Legally appointed parental-guardians should be allocated to every child who lacks safe and appropriate family care.** This requires that the parental-guardians are appointed in accordance with national law, and that judicial oversight is in place.

**All children, regardless of immigration status or family background, should have an allocated guardian advocate.**

## 8.5 Age dispute and age estimation assessment



**Where there is any doubt about whether or not a young person is a child it must be recognized that the dangers inherent in treating a child as an adult are far greater than the danger of providing a young adult with immediate care** (See: [age dispute and age estimation assessment 2](#); [identification+](#); [vulnerability of children](#); [rights of migrants and refugees](#); [rights of child migrants](#); [assessment and safety planning](#); [BIC assessment and child ongoing safety and care plan](#)).<sup>205</sup>

For this reason, the application of *the benefit of the doubt* in any case where a person could be under the age of 18 years is a key concept in international victim protection.<sup>206</sup> The consequences of wrongly disputing a child's age are extremely serious because vulnerable children may then be accommodated, detained or imprisoned in adult environments and/or deported to other countries without being appropriately identified. The risk that they may disappear or be re-trafficked or subjected to further forms of exploitation or harm is high if they are not provided with the safeguards of national child protection systems. (See: [guardian advocates](#); [NRM links to statutory services and national child protection systems](#); [guardianship for children](#); [individual support professionals](#))

## 9 Effective professional communications and conduct

**Clear and effective communication is the first task of any professional who works with survivors of trafficking.** First impressions count: survivors who experience an initial positive and reassuring response from professionals are far more likely to return or ask for help if they later lose contact. Positive communication includes observation of the duty of [confidentiality](#) and [informed consent](#). This enables professionals and survivors to build a relationship of trust, which can support survivors to disclose more about their trafficking histories and their related needs and risks.

**Effective communication and conduct with survivors of trafficking is:**

- **Trauma-informed** (See: [trauma-informed communications 1](#); [trauma-informed communications 2](#))
- **Gender-sensitive** (See: [gender sensitivity](#); [gender-sensitive communications](#))
- **Culturally congruent** (See: [cultural congruence](#); [interpreters and cultural mediators](#))

<sup>204</sup> UN General Assembly (1989), [Convention on the Rights of the Child](#). This is applicable to State parties to Convention on the Rights of the Child.

<sup>205</sup> ADCS (2015), [Age Assessment Guidance: Guidance to assist social workers and their managers in undertaking age assessments in England](#).

<sup>206</sup> UNICEF (2013), [Age Assessment: A Technical Note](#), New York: Unicef. Council of Europe (2011), [Parliamentary Assembly, Resolution 1810 \(2011\) Unaccompanied children in Europe: issues of arrival, stay and return](#), 15 April 2011. UN General Assembly (2009), [Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development: Report of the Special Rapporteur on the human rights of migrants, Jorge Bustamante](#), 14 May 2009, A/HRC/11/7. UN Committee on the Rights of the Child (CRC) (2007), [General comment No. 10 \(2007\): Children's Rights in Juvenile Justice](#), 25 April 2007, CRC/C/GC/10. UN Committee on the Rights of the Child (CRC) (2005), [General comment No. 6 \(2005\): Treatment of Unaccompanied and Separated Children Outside their Country of Origin](#), 1 September 2005, CRC/GC/2005/6. HRC (2010), [Study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration](#), 5 July 2010, A/HRC/15/29.



All communication with survivors should be conducted with a trauma-informed, gender-sensitive and culturally congruent approach. It is essential that victims and survivors of trafficking receive a clear explanation of the identity and role of each professional who is working with them, together with their purpose in being there.

## 9.1 Trauma-informed communications<sup>207</sup>



Many survivors have experienced the impact of multiple forms of deception, abuse, betrayal and violence from traffickers by the time they are initially identified. It is extremely difficult for them to know whom they can trust (See: [trauma-informed communications 2](#)).

**Professional relationships formed with survivors should be trauma-informed, dependable, consistent and *restorative*.**



**The Trauma-informed Code of Conduct for All Professionals working with Survivors of Human Trafficking and Slavery (TiCC) provides simple methods and techniques which support professionals in all disciplines to:**

- **Establish and maintain a mutual relationship of trust** with survivors in any working context or environment;
- **Impart a consistent sense of calm, security and safety** throughout the course of their work;
- **Increase the confidence of survivors and minimize the risks of causing distress and re-traumatisation;**
- **Remain safe and well in the course of their work**, avoiding secondary traumatisation and professional 'burn-out.'<sup>208</sup>



**All NRM Stakeholders (including First Responders) should be trained in trauma-informed methods of communication.**

## 9.2 Gender-sensitive communications

**Gender-sensitive communications and conduct are vital to ensure that survivors feel as safe and protected as possible** (See: [gender sensitivity](#)). Survivors should never feel threatened, undermined or disregarded for any reason related to their gender. Communications should be trauma-informed, and non-discriminatory, without gender bias, stigma or stereotype.

<sup>207</sup> OSCE Ministerial Council (2018), [Decision No. 6/18 on Strengthening Efforts to Prevent and Combat Child Trafficking, including of Unaccompanied Minors](#), 7 December 2018, MC.DEC/6/18, paras. 2, 6. OSCE Ministerial Council (2017), [Decision No. 7/17 on Strengthening Efforts to Combat All Forms of Child Trafficking, including for Sexual Exploitation, as well as Other Forms of Sexual Exploitation of Children](#), 8 December 2017, MC.DEC/7/17, para. 2. OSCE Ministerial Council (2017), [Decision No. 6/17 on Strengthening Efforts to Prevent Trafficking in Human Beings](#), 8 December 2017, MC.DEC/6/17, para. 7. OSCE Ministerial Council (2008), [Decision No 5/08 on Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach](#), 5 December 2008, MC.DEC/5/08, para. 9.

<sup>208</sup> [The Trauma-informed Code of Conduct For all Professionals working with Survivors of Human Trafficking and Slavery \(TiCC\)](#), Rachel Witkin and Dr. Katy Robjant, Helen Bamber Foundation 2018.

“The OSCE participating States have committed themselves to addressing specific aspects of the trafficking response that require a gender-sensitive approach. For example, in the Action Plan to Combat Trafficking in Human Beings, they committed to ‘establish special anti-trafficking units – comprising both women and men – with advanced training in investigating offences involving sexual assault or involving children, in order to promote competence, professionalism and integrity.’”<sup>209</sup>

### **Awareness of the impact of gender-based violence**

**Professionals should remain aware that survivors of trafficking for any form of exploitation may have histories of sexual violence which can cause them to feel inhibited, ashamed and stigmatised.** Women and girls represent the vast majority of identified victims who are trafficked for sexual exploitation and they commonly suffer sexual violence within other forms of exploitation and in the trafficking process. Men and boys are also trafficked for sexual exploitation, and many have experienced sexual violence and other forms of exploitation and in the process of trafficking.<sup>210</sup> (See: [healthcare](#)) In numerous cases sexual violence is not disclosed, or is disclosed only with great difficulty due to shame and fear experienced by the victim (See: [health issues related to sexual abuse](#); [health issues related to sexual violence](#)).

- **Victims and survivors should be able to choose the gender of professionals who work with them in any role which consists of recording or discussing personal details or sensitive information.** Victims of any gender may prefer to work with female professionals, so these should be available. In the case of children, female child specialists should always be available (See: [survivors with specific needs](#); [interpreters and cultural mediators](#); [identification stakeholders for children](#)).
- **Professionals should ensure that they understand the impact of experiences of gender-based violence in relation to assessment of survivors’ individual needs and risks.** This should be considered when professionals are communicating in order to obtain a survivor’s account or conducting an adult or child assessment and devising their ongoing safety plan.
- **Survivors should have room for physical space and movement,** and be given sufficient time to be listened to and understood in relation to their preferences.

It is important to recognize the diverse spectrum of trafficking victims who experience sexual violence, and ensure that they have access to appropriate, evidence-based therapeutic care and individual pastoral support. Specialist services and NGOs are needed to support survivors of gender-based violence to ensure that many more can be identified and protected.

<sup>209</sup> OSCE OSR/CTHB (2021), [Applying gender-sensitive approaches in combating trafficking in human beings](#), p. 16.

<sup>210</sup> The stigma surrounding male rape is taboo in many cultures and there is a lack of specialist services globally for men who have experienced sexual exploitation and sexual violence.

## 9.3 Cultural congruence<sup>211</sup>

“Culture is an integrated pattern of human behavior, which includes but is not limited to—thought, communication, languages, beliefs, values, practices, customs, courtesies, rituals, manners of interacting, roles, relationships and expected behaviors of a racial, ethnic, religious, social or political group; the ability to transmit the above to succeeding generations; dynamic in nature.”<sup>212</sup>

**Cultural congruence (which can be referred to as ‘cultural competence’ or ‘cultural intelligence’) demonstrates respect for the cultural origin and personal identity of each individual person, supporting the formation of relationships of trust** (See: [interpreters and cultural mediators](#)).<sup>213</sup> All agencies and services for survivors should develop their practice through observation, listening and learning from experience in intercultural situations.<sup>214</sup> [Cultural mediators](#), [survivor leaders](#) and other professionals who have relevant cultural knowledge and understanding can provide valuable support to ensure culturally congruent communications and interpretation.

“Cultural intelligence means being able to navigate different cultures and work successfully across cultural boundaries. Training on cultural intelligence should be mandatory for all practitioners working in areas with a high or growing population of people from diverse communities.

All services for victims of trafficking should be bold in developing and implementing action plans to increase the number of staff and trustees in their organizations to reflect the ethnic make-up of their service users, and seek out individuals from ethnic communities with the requisite expertise and skills to recruit in senior management positions.

Staff working directly with survivors should be trained in cultural intelligence and how to work successfully across cultural boundaries. This will ensure they build the capacity to intervene successfully with individual service users.”<sup>215</sup>

### The Schim Cultural Competence Model

**The Schim Cultural Competence Model is a model of care which can apply to anti-trafficking work.** It guides intervention for social workers, mental health professionals, nurses, and other health care workers caring for a diverse population of patients, families, and communities.<sup>216</sup>

**The ‘provider level’ of the Schim model (below) has 4 components: (a) cultural diversity, (b) cultural awareness, (c) cultural sensitivity, and (d) cultural competence behaviors.**<sup>217</sup>

<sup>211</sup> In the anti-trafficking community, there is an ongoing evolution from cultural competence approach to that of cultural congruence. “Cultural congruence describes a process of effective interaction between the provider and client levels. The model is based on the idea that cultural competence is ever-evolving; providers must continue to improve their quality of communication, leading to improved quality of care. However, care offered is not always equal to care received. Patients and families bring their own values, perceptions, and expectations to health care encounters which also influence the creation or destruction of cultural congruence.” See Doorenbos, A. Z., & Schim, S. M. (2010), [A Three-dimensional Model of Cultural Congruence: Framework for Intervention](#), *J Soc Work End Life Palliat Care*, 6(3-4), pp. 256–270.

<sup>212</sup> Planning for Cultural and Linguistic Competence in Systems of Care for children & youth with social-emotional and behavioral disorders and their families, see Pires, S. A. (2002), [Building systems of care: a primer](#). Washington, DC: National Technical Assistance Center for Children’s Mental Health, Georgetown University for Child and Human Development. Cited in National Center for Cultural Competence (2004), [Checklist for Systems of Care Communities National Center for Cultural Competence](#), Washington, DC: Georgetown University Center for Child and Human Development. See Smith, M. A. (2013), [Cultural Sensitive Trauma-informed Therapy for Youthful Victims of Human Sex Trafficking: Setting a Course to Healing](#), *Journal of Modern Education Review*, 3(7), pp. 523-532.

<sup>213</sup> Comprehensive Cultural Assessment Pamela Hays’ ADDRESSING model (2007) outlines cultural features that impact trauma for consideration resolving trauma. Brown (2011) notes that Hays’ “acronym stands for a non-exhaustive but relatively complete list of social locations, each of which exists to some degree in all persons, and any of which can become central strands in the development of identities for individuals in that specific culture.” Hays, P. (2008), [Addressing cultural complexities in practice: Assessment, diagnosis, and therapy \(2nd ed.\)](#), American Psychological Association.

<sup>214</sup> Anta Brachou, Hibiscus for Social Change (n.d.), [Anti-Trafficking](#).

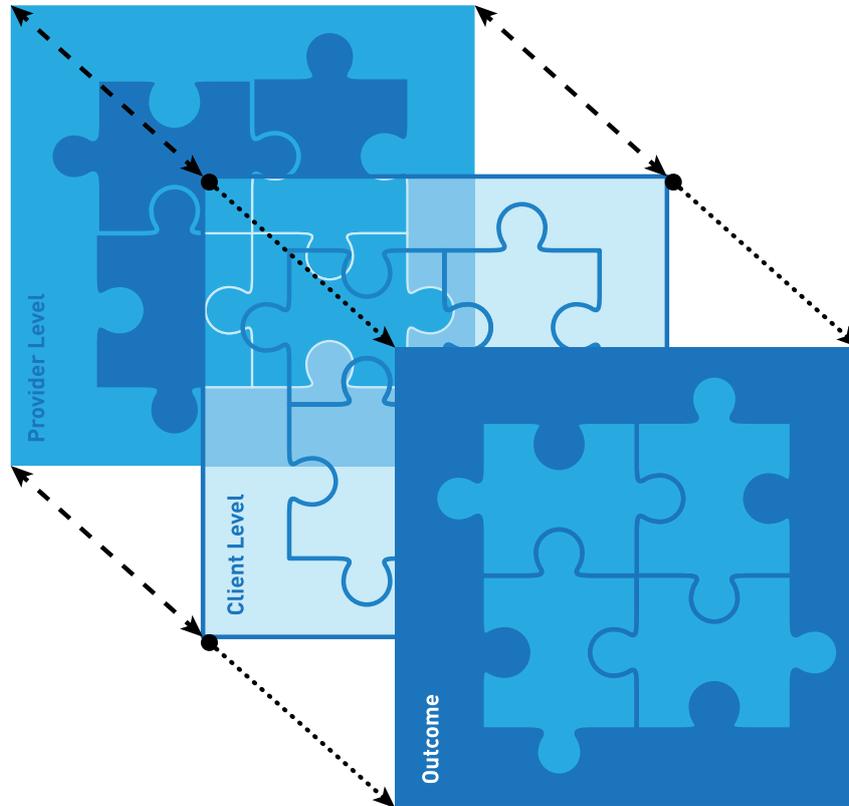
<sup>215</sup> Ariyo, D. (2020), [Black Lives Matter and The UK Anti-Trafficking Sector](#), Thomson Reuters News, 17 June 2020.

<sup>216</sup> Schim, S. M., & Doorenbos, A. Z. (2010), [A Three-Dimensional Model of Cultural Congruence: Framework for Intervention](#), *Journal of Social Work in End-of-Life & Palliative Care*, 6(3-4), pp. 256-270.

<sup>217</sup> This level of the model has been more fully articulated elsewhere. See Schim, S.M., Doorenbos, A.Z., Benkert R., & Miller J. (2007), [Culturally congruent care: Putting the puzzle together](#), *Journal of Transcultural Nursing*, 18(2), pp. 103–110. In addition, it has been used as the basis for a Cultural Competence Assessment tool for use with diverse healthcare providers and

**Cultural congruence is in attitudes, policies and practice which are rooted in:**

- Valuing and adapting to diversity;
- Being capable of honest self-assessment;
- Being conscious of the dynamics inherent when cultures intersect; and
- Institutionalising cultural knowledge.<sup>218</sup>



Source: Schim, S. M., & Doorenbos, A. Z. (2010)

## 10 Communications with children<sup>219</sup>



Children have the right to be heard and to participate in decisions that affect them. All decisions concerning children should always be conducted with their rights and best interests put first. (See: [Lundy model](#); [Barnahus model](#))

Explanation provided to children should be age-appropriate and *child-rights centred*.

professional students. See Doorenbos, A.Z., & Schim, S.M. (2004), [Cultural competence in hospice](#), American Journal of Hospice and Palliative Care, 21(1), pp. 28–32. Doorenbos, A. Z., Schim, S. M., Benkert, R., & Borse, N. N. (2005), [Psychometric evaluation of the cultural competence assessment instrument among healthcare providers](#), Nursing Research, 54(5), pp. 324–331. Schim, S. M., Doorenbos, A. Z., & Borse, N. N. (2005), [Cultural competence among Ontario and Michigan healthcare providers](#), Journal of Nursing Scholarship, 37(4), pp. 354–360. Schim, S. M., Doorenbos, A. Z., & Borse, N. N. (2006), [Enhancing cultural competence among hospice staff](#), American Journal of Hospice & Palliative Medicine, 23(5), pp. 404–411. Schim, S. M., Doorenbos, A. Z., Miller, J., & Benkert, R. (2003), [Development of a cultural competence assessment instrument](#), Journal of Nursing Measurement, 11(1), pp. 29–40.

<sup>218</sup> For a resource on Cultural Competency Training focusing on healthcare but with broader applications, see [DiversityRX](#). For a variety of additional resources, see [National Center for Cultural Competence \(NCCC\)](#), which is part of the Center for Child and Human Development at Georgetown University. See also [Child Welfare Information Gateway](#) which provides variety of resources on cultural competence in working with children and youth.

<sup>219</sup> Article 39 of the [UN Convention on the Rights of the Child](#) states that all appropriate measures should be taken to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation or abuse. Article 12 states that “State Parties shall assure to the child who is capable of forming his or her own views the right to express those views in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child”. This means that the child or young person’s own view of his or her own age and his or her account of his or her past experiences should be given appropriate weight and consideration.



The informed participation of child victims of trafficking should guarantee meaningful involvement of the child in all stages and decisions about them. A record of the child's opinions and views throughout should be kept. Children should be provided with age-appropriate and child-friendly information and materials about their rights. They should be informed of their right to participate, and to ask questions about all decisions pertaining to them.

In all actions and communications with children, their specific rights and best interests must be the central, overriding priority.<sup>220</sup> Adult responses to any child who is in a vulnerable situation can have an enduring effect upon them, therefore the attitudes of all NRM stakeholders towards children are hugely significant: they can swiftly *encourage* or *deter* them from remaining safely in contact with services.<sup>221</sup>

An appropriate, non-intrusive and caring response to any child who may be a victim of trafficking is crucial for establishing trust from the outset. This supports the child to have some faith in systems and professionals who are there to protect them. Positive, friendly, child-rights centred and age-appropriate responses from adults are especially supportive for children who may have great difficulty in trusting adults. The aim should be to help children to recognize a sensitive and kind approach, which demonstrates concern for their immediate safety and well-being.

## 10.1 The Lundy Model



The UNCRC requires State Parties to ensure that children's rights are respected. Article 12 requires those employed by the State, such as teachers, social workers and policy-makers, to give children's views due weight in all matters affecting them (See: [communications with children](#); [accommodation for children](#); [Barnahus model](#)).<sup>222</sup>

"State Parties shall assure to the child who is capable of forming his or her own views the right to express those views in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

### Article 12 UN Convention on the Rights of the Child (UNCRC)<sup>223</sup>

"Respect for Children's Views: Children have the right to give their opinions freely on issues that affect them. Adults should listen and take children seriously."

### Article 12 UNCRC, UNICEF Child friendly version<sup>224</sup>

The Lundy Model provides a way of conceptualising a child's right to participation, as outlined in **Article 12 of the UNCRC**. It is intended to focus decision-makers on the distinct, albeit inter-related, elements of the provision.<sup>225</sup> It is

<sup>220</sup> This is applicable to all States Parties to the UN General Assembly (1989), [Convention on the Rights of the Child](#), Article 2.

<sup>221</sup> Child victims of trafficking often experience discriminatory attitudes that include, for example, being viewed as 'criminals' or as persons of poor character or low status who already lack a meaningful future. Migrant children can additionally face significant cultural and language barriers as well as disregarding attitudes towards 'foreigners'. These attitudes are known to arise even in professional contexts for children and young people where trauma-informed methods and environments are not central to the internal culture, where there is professional stress and burn-out or where anti-trafficking training is not sufficient or regularly updated. When discrimination stands in the way of children's rights, children suffer and traffickers enjoy impunity for the crimes that they commit.

<sup>222</sup> UN General Assembly (1989), [Convention on the Rights of the Child, Art. 12](#). This is applicable to State parties to [Convention on the Rights of the Child](#).

<sup>223</sup> *Ibid.*

<sup>224</sup> UNICEF, [Convention on the Rights of the Child: The children's version](#), Art. 12.

<sup>225</sup> The Lundy model was developed by Laura Lundy in the wake of a major research project for the Northern Ireland Commissioner for Children and Young People (NICCY). She noticed that professionals often abbreviated the requirement to listening to the 'voice of the child' and she was concerned that this abbreviation had the potential to dilute or undermine the requirement to actively seek the views of children and give them due weight. Research on the implementation of the CRC "was undertaken for the NICCY in 2003/4 to inform his priorities for office. The remit was to identify areas where children's rights were ignored or underplayed. The team conducted interviews with over 1000 children and 350 adult stakeholders. The research identified a lack of compliance with Article 12 of the UNCRC (children's right to have their views given due weight) as one of the cross-cutting issues affecting children in all aspects of their lives, including education. Children and young people consistently reported frustration that their views were not being listened to and taken seriously. One of the factors which appeared to hinder the full realization of the right was the fact that the precise nature of Article 12 was not fully understood by CRC duty-bearers [...] It is often described under the banner of 'the voice of the child', 'pupil voice' or 'the right to be heard', but these can misrepresent and indeed undermine the rights of children and young people. In view of this, Lundy, drawing on the research for NICCY, proposed a model for rights-compliant children's participation which offers a legally sound but practical conceptualisation of Article 12 of the CRC. The Lundy Model provides a practical précis of Article 12 that condenses the wording of the provision while emphasising engagement with young people. Moreover, in its articulation of the legal import of each of the four concepts, it makes an original contribution to understanding of Article 12 as follows: it connects the successful implementation of Article 12 to other CRC rights, including the right to information, non-discrimination and guidance from adults; it underlines the fact the Article 12 is a right and not a duty; it places emphasis on neglected aspects of the obligation, in particular the obligation for an adult duty-bearer to listen and to give children's views "due weight"; it articulates the responsibility of duty-bearers both in terms of facilitating children to

designed to provide a 'legally sound but user friendly' approach to child participation that can be applied in any context for working with diverse children.<sup>226</sup> (See: [communications with children](#); [accommodation for children](#); [Barnahus model](#))

"Understanding how the right to be heard relates to children's other rights in the UNCRC is one of its distinctive features, emphasizing, for example, the need for spaces to be safe and inclusive.

Child-friendly versions of laws, guidance and standards can enable children to understand their rights for themselves and to know what they should be able to expect from the professionals who are working with them. A child who does not understand their rights will not be in a position to claim them. All professionals who work with children should be skilled in enabling their views to be expressed, heard and acted upon, *and there should be opportunities for children to speak directly to decision-makers should they so wish.*"

**Professor Laura Lundy**



Source: Hub na nÓg (n.d.), Lundy Model: Everyday Spaces Checklist

form and express their views; and it corrects a misunderstanding that the right applies only where a child is capable of expressing a mature view." Queen's University Belfast (n.d.), [Improving Awareness and Understanding of the Government's Obligation to Involve Children in Decision-Making](#).

<sup>226</sup> Also see, Lundy, L. (2007), 'Voice' is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child, British Educational Research Journal, 33(6), pp. 927-942.

**The Lundy model outlines the four inter-related elements of space and voice, audience and influence.** It posits that [Article 12](#) of [UNCRC](#) has an explicit chronology. The first stage is ensuring the child's right to express a view, following on from this is the child's right to have their view given due weight. As decision-making processes in relation to children are rarely static, the model acknowledges that, once the child is informed of the extent of the 'influence' of their views and provided with feedback the same process may begin again.

**Article 12 can only be understood fully when it is considered in the light of other relevant UNCRC provisions;** in particular: [Article 2](#) (non-discrimination); [Article 3](#) (best interests); [Article 5](#) (right to guidance); [Article 13](#) (right to seek, receive and impart information); and [Article 19](#) (protection from abuse).



### **Trauma-informed Communications with parents who are with children and babies**

**It is best to work with parents when their children are being looked after by another trusted and safe carer so that they are able to focus on the meeting and speak fully and openly.** However, in many cases this may not be possible. In situations where children or babies have to be present at a meeting, the following procedures

should be followed:

- Acknowledge the presence of children and babies in a positive, affirmative way. They should not be treated simply as 'add-ons' of their parents;
- Children also have rights and entitlements to be considered, both alongside, and independently of, their parents;
- Mothers of babies should have access to a kettle, fresh drinking water and appropriate changing facilities. They should be offered the option to change their child privately and to breastfeed privately, whether or not there is a separate room available, if they prefer;
- Ensure that the environment is as bright and 'friendly' for children as possible. It is helpful to provide distraction for children, for example books, toys, crayons and pens and little chairs or cushions to sit on. Any potentially traumatic visual or reading material should be kept out of sight. Avoid discussing traumatic experiences in front of children;
- Child safeguarding procedures must be followed at all times. All babies and children should be kept safe and appropriately cared for. If a child is frightened, overly withdrawn or showing signs of neglect, or if there are any other concerning signs or indicators, child safeguarding and protection policies should be followed, and child experts consulted;
- Avoid making quick assumptions about the quality of survivors' parenting as there may be multiple factors that are beyond their control. For example, people who feel anxious, fearful or self-conscious may act differently with their children when they are in the presence of professionals whom they perceive to have authority. In such cases they may temporarily overlook a child's needs out of deference to a professional, which does not necessarily indicate a situation of general neglect. This initial response can change as a mutual, working relationship of trust becomes established. Qualified child specialists should be notified in all cases where significant concerns arise for the safety and well-being of children. In all cases the parent should be provided with explanation throughout, which is delivered in a trauma-informed manner and which follows the guidance of the NRM Protocol;
- Parents may feel pressured to reprimand or control a child who is simply being naturally active and boisterous. In such cases they will feel more comfortable if children's behaviour is positively acknowledged as normal, and children are encouraged to play and be distracted from the main work of the meeting. Professionals can lead by example in keeping their tone and manner light and friendly when speaking directly to children, and ensuring they are kept busy. It is helpful to remember that an active, curious or talkative child is demonstrating confidence, and this can be encouraged by engaging the child in conversation at frequent intervals and showing approval of their interests. The presence of children lends itself to this approach, because children have current needs and activities which are easy to comment on positively and discuss;

- It is helpful to acknowledge the experience of parenting in the course of a meeting, both in terms of its challenges and its joys. This is often an effective way to build trust with survivors who will value their children being welcomed and benefit from being supported and acknowledged as parents. It also lends itself to the 'here and now' practice that helps to return focus to the present moment;
- Whenever children are present, it is important to carefully observe their responses. Their reactions to any distress of their parents is always significant. Bear in mind that babies and infants can sense, and are affected by the distress and disturbed emotions of people who are around them, especially when it concerns their parents. Children of around 2 years old can understand spoken language, even if they are not yet speaking themselves. If a parent becomes overwhelmed in the course of a discussion, a break should be immediately provided for the parent and child.
- Professionals may find that some children react to any distress of their parent and have become used to trying to 'protect' and comfort them. Others may register and absorb the distress of their parent without appearing to react to it at all, which should not lead to the conclusion that they are able and 'used to' managing it. The distress of a parent causes anxiety and is upsetting for any child. In situations where there is no option other than for children to be present when traumatic subjects need to be discussed, the discussion should be broken up into short question-answer periods and frequent short intervals be provided in which children and their parents can be positively acknowledged. The presence of babies and children fortunately lends itself easily to lighter conversation, which focuses on the '*here and now*'."

**From: [The Trauma-informed Code of Conduct for All Professionals Working with Survivors of Human Trafficking and Slavery \(TiCC\)](#)<sup>227</sup>**

## 11 Pastoral support and supervision for all professionals who work with survivors of trafficking



**Working with survivors of trafficking is highly rewarding; however, it is also a stressful and emotionally challenging experience. Staff who provide survivor services should be provided with appropriate pastoral support and supervision.** It is important that all services and professionals are aware of the risks of vicarious traumatising and professional burn-out.



**Vicarious traumatising** is a term used to describe the cumulative, negative psychological effects that may result from witnessing harrowing accounts and/or from repeated exposure to traumatic information. It can affect front-line staff who are in direct contact with survivors but also workers who have more distanced roles (e.g., researchers, administrators and receptionists) but are nonetheless working in proximity to, or receiving data and information about, traumatic events and situations. In some cases, it can be specifically problematic to receive information *passively* rather than to be directly involved in frontline problem-solving.

Vicarious traumatising can seriously impact the emotional well-being of professionals and therefore their ability to function well and carry out their work. It can result in secondary symptoms of PTSD or behaviours, such as intrusive thoughts, nightmares, avoidance, irritability, increased sensitivity to violence, feelings of hopelessness and powerlessness, sadness, social withdrawal and disconnection from others, as well as physical symptoms such as panic attacks, poor sleep and headaches. Vicarious traumatising and burnout can seriously impact frontline workers' capacity to work effectively with survivors if they become cynical, detached, and/or have difficulty empathising or alternatively become overly-involved and identified with clients, impacting their capacity for independence and self-efficacy.<sup>228</sup>

<sup>227</sup> [The Trauma-informed Code of Conduct For all Professionals working with Survivors of Human Trafficking and Slavery \(TiCC\)](#). Rachel Witkin and Dr. Katy Robjant. Helen Bamber Foundation 2018.

<sup>228</sup> Adapted from McCann & Pearlman, 1990; Pearlman & Saakvitne, 1995. McCann, I. L., & Pearlman, L. A. (1990), [Vicarious traumatization: A framework for understanding the psychological effects of working with victims](#), Journal of traumatic stress, 3(1), pp. 131-149. Pearlman, L. A., & Saakvitne, K. W. (1995), [Treating therapists with vicarious traumatization and secondary](#)

**Professional burnout** is a term used to describe “a state of physical, emotional and mental exhaustion caused by long term involvement in emotionally demanding situations.”<sup>229</sup> It is associated with very high workloads and/or a non-supportive work environment. It can result in workers’ experiencing a state of overwhelming emotional and physical exhaustion and feelings of cynicism and detachment from their job, together with a sense of ineffectiveness and lack of accomplishment.

**It is the duty of the management of any organization to make sure that staff at all levels and in all occupations are appropriately supervised and supported.** Care must be taken to support all workers to ensure their continued health and well-being. This includes statutory and non-statutory services, law enforcement authorities (working with survivors) civil society organizations and NGOs.

**Any organization that works with survivors of trafficking must promote the continuous safety,<sup>230</sup> health and well-being of all staff, in relation to their specific working contexts, environments and professional remits.**

The following measures should be embedded throughout the professional culture of the organization and demonstrated by the consistent, daily practice of management and senior staff:

- **Understand and acknowledge the traumatic nature of the work and its potential impact on the well-being of all staff in the organization (not only frontline staff).** Ensure that staff feel valued and supported at all times;
- **Conduct appropriate risk, health and safety assessments to identify any dangers of locations that workers may be travelling to, or working in.** Ensure that all possible safeguarding measures are followed in accordance with the highest standards of the jurisdiction, to guard against lone working, over-exposure to traumatic environments and long working hours;
- **Promote a culture where it feels safe, appropriate and valid for staff to share their experiences and speak in appropriate forums about how their work affects them.** Ensure that counselling and/ or supervision is available. There should also be protected time within working hours for staff to attend an internal group or other support sessions on at least a monthly basis where they can share experiences and benefit from the support of their peers;
- **Provide systems of regular case supervision to ensure that staff have detailed, individual support for their work.** Case supervision should ensure that individual caseloads are managed effectively and there is shared comprehension of the size of caseloads, as well as the complexity and intensity of each case in terms of the work required;
- **Support staff in the maintenance of their professional boundaries, ensuring they know that they have back-up from their organization.** They should not feel isolated or overwhelmed by their duties or *solely responsible* for survivors’ well-being and safety;
- **Provide training for management and all staff to be able to recognize signs of vicarious traumatisation and professional burnout, to monitor arising risks and know how to respond appropriately;** and
- **Provide training for consistent career development to enhance and improve knowledge, skills and working methods.**

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[traumatic stress disorders](#), Compassion fatigue: Coping with secondary traumatic stress disorder in those who treat the traumatized, 23, pp. 150-177. See also Rønning, L., Blumberg, J., & Dammeyer, J. (2020), [Vicarious traumatisation in lawyers working with traumatised asylum seekers: a pilot study](#), Psychiatry, Psychology and Law.

<sup>229</sup> Pines, A., & Aronson, E. (1988), Career burnout: Causes and cures, New York: Free Press.

<sup>230</sup> CARE International (2014), [Personal Safety & Security Handbook](#). OCHA (2011), [Safety and security for national humanitarian workers](#). Save the Children UK (2010), [Safety First: A safety and security handbook for aid workers](#). IFRC (2009), [Stay Safe: The International Federation's guide to a safer mission](#). ICRC (2006), [Staying Alive: Safety and Security Guidelines for Humanitarian Volunteers in Conflict Areas](#).

## 11.1 Volunteer induction, training and welfare

**Volunteers commonly work at organizations that support survivors of trafficking. This can be a useful and fulfilling experience both for the volunteer, and the service to which they are donating their time.**

Due to the skills that are necessary for anti-trafficking work, and the high levels of responsibility involved in supporting survivors of trafficking, every organization that uses volunteers should have a volunteer policy. This should include in a code of conduct, problem solving procedures and systems for monitoring, feedback and complaints.

**There should be a volunteer role description and specification for each volunteer position.** Volunteers must be vetted in accordance with national standards, inducted and trained.

**It is important that volunteers are never put in a position of responsibility that is inappropriate for them or for the survivors they work with, for example having the sole duty for assessment of survivors' needs and risks, or the co-ordination of services.** Core services and complex work which involve levels of risk, disclosure of survivors' accounts or highly personal and confidential data and detail should be carried out by professional staff members, rather than by volunteers. Volunteers must always be directly supervised in their work with survivors by a suitably qualified, professional staff member who is accountable and responsible for the delivery of that specific work (See: [data management and protection](#); [confidentiality](#); [informed consent 1](#)).

**Volunteers should have the same access to pastoral support, clinical supervision and reflective practice as professional members of staff.**

## 12 The NRM Protocol: procedures for all work with survivors of trafficking

**The NRM Protocol provides essential procedures for all professionals who are working with victims of trafficking.**

### 12.1 The duty of confidentiality

**The personal information and history of every person is extremely sensitive. It can carry serious implications for the current and future safety of victims and their families.** A confidentiality policy should provide instructions for all communications, online and off-line record keeping and management of data sharing (See: [data management and protection](#); [data sharing 1](#); [data sharing 2](#); [informed consent 1](#); [informed consent 2](#)).

Alongside the duty of confidentiality there should be consistent, demonstrated respect for each person's integrity, privacy, private and family life and personal belongings.<sup>231</sup>



**The confidentiality requirement should be clearly reflected in national laws and NRM provisions in order to provide guidance to each agency. Any agency, organization or service that interacts or works with survivors of trafficking must have a clear and comprehensive confidentiality policy that applies for all professionals, volunteers and service users. A system of independent monitoring, evaluation and accountability must be in place to ensure that the policy is adhered to, regularly reviewed and updated.**

<sup>231</sup> Council of Europe & European Court of Human Rights (2020), [Guide on Article 8 of the Convention – Right to respect for private and family life](#). See also Roagna, I. (2012), [Protecting the right to respect for private and family life under the European Convention on Human Rights](#), Council of Europe human rights handbooks.

**Professionals should explain their own duty of confidentiality and that of all other professionals who are present from the first point of contact.** This can be re-emphasized and explained at appropriate times in the course of the professional relationship and it should be re-introduced whenever new professionals become involved (See: [interpreters and cultural mediators](#); [protection and support throughout criminal justice proceedings](#)).

**It is important for survivors to know:**

- **The reason why the information is required;**
- **How the information will be recorded and stored;**
- **How they can access their file and information;**
- **The identity of all persons and agencies who may use and receive the information.**<sup>232</sup> It is important to explain, from the outset, any duty to share victims' information with other organizations, statutory agencies, the immigration authorities or the police; and
- **The scope of the information that may be shared with specific parties, with their informed consent** (See: [data management and protection](#); [data sharing 1](#); [data sharing 2](#); [informed consent 1](#); [informed consent 2](#)). For example, whether it includes all of their information to key stakeholders including personal data, only case specific information without any personal data (for example to inform police intelligence, if the person does not want to co-operate with law enforcement) or relevant portions of the information for provision of specific services.

Survivors' informed consent should always be obtained in order to proceed with any task or action, unless specific exceptional circumstances apply that override the duty of confidentiality and consent (See: [informed consent 1](#); [informed consent 2](#)).<sup>233</sup>



**Exceptional circumstances in which the duty of confidentiality may be overridden**

In some exceptional circumstances the duty to observe confidentiality and informed consent may be overridden by safeguarding issues. These should be set out clearly in each service's policies and procedures and be explained to victims at the outset so that they are aware that there are specific, limited situations in which this may arise.<sup>234</sup> Another exemption to the duty of confidentiality may arise in some jurisdictions that apply strict obligations to report any crime, including human trafficking, to law enforcement, as soon as a professional suspects it. In cases that may result in an exemption from the duty of confidentiality, it is necessary to notify the victim at the onset of the interaction that you are a mandated reporter and explain the areas that require a report.<sup>235</sup>

## 12.2 Obtaining informed consent

**The consequences of any action or task are often highly significant for victims' lives and families and this must always be respected.** If a person provides **informed consent** for an action to be taken, it means that they fully understand the known facts about that action and are aware of its potential consequences. Trauma-informed methods of working in an appropriate and confidential environment are essential for obtaining informed consent. Survivors need to be given the necessary support to make decisions, and they will need time to absorb information and to ask any questions (See: [trauma-informed communications 1](#)).

<sup>232</sup> This needs to be evaluated on each individual occasion such information is requested or required.

<sup>233</sup> General Medical Council (n.d.), [Disclosures for the protection of patients and others](#).

<sup>234</sup> For instance, "[e]xceptional circumstances that justify overruling the right of an individual to confidentiality in order to serve a broader societal interest. Decisions about the public interest are complex and must take account of both the potential harm that disclosure may cause and the interest of society in the continued provision of confidential health services." UK Department of Health (2003), [NHS Code of Practice: Confidentiality](#), p. 5. In addition, "[i]f a child or young person does not agree to disclosure there are still circumstances in which information can be disclosed: when there is an overriding public interest in the disclosure; when the disclosure is in the best interests of a child or young person who does not have the maturity or understanding to make a decision about disclosure; or when disclosure is required by law." Royal College of Nursing (2021), [Principles of confidentiality](#).

<sup>235</sup> OVCTTAC (n.d.), [Human Trafficking Task Force e-Guide: Maintaining Confidentiality](#).



**Informed consent of the victim should be obtained at all stages, including at the time of referral to the NRM, receiving protection and individual support, co-operation with criminal justice proceedings, and sharing of their personal data. Informed consent should be obtained with the use of an interpreter if needed to ensure full explanation and understanding.**

**Obtaining informed consent should be managed as a *process*: It is easier for victims to consent to tasks and actions as they arise rather than being expected to absorb information and consent to multiple tasks and actions all at once.** They need to be supported to feel confident that they can ask questions and have information explained or clarified repeatedly, if needed. They should know that they have the right to withdraw their consent at any time, and be provided with clear, accessible methods of doing so.<sup>236</sup>

**It is best for all professionals, including [interpreters and cultural mediators](#) to work with victims in person or over visual media if this is not possible, rather than over the phone.** It is important to obtain informed consent in a face-to-face meeting whenever possible, because it is difficult for many victims to work with a person they cannot see, and with whom they have not established a working relationship of trust. This is more appropriate, and it can be reassuring for survivors to be able to see the people who are working with them and be able to pick up visual cues when giving consent to any action.

**To provide informed consent a person must have:**

- **Legal capacity;**<sup>237</sup>
- **Information provided in a language that they can fully understand.** This means that the use of vetted and qualified interpreters or cultural mediators should be offered in all cases where required (See: [interpreters and cultural mediators](#)).
- **All the relevant information required for them to be able to make an informed decision.**<sup>238</sup> This includes explanation of potential risks and consequences of tasks and actions they may consent to, together with the options available to them, including referral to other professionals and services. This should be managed carefully to ensure that victims are *well informed*, rather than *overwhelmed*. If there are no urgent safeguarding risks, survivors should be given as much time as possible to reflect and understand the information they are being given.

**Bear in mind that some people who have traumatic histories may have cognitive difficulties.** This means that both the absorption and the disclosure of information can be challenging for them and cause distress and discomfort even if they do not appear to express this.

## 12.3 Managing, protecting and sharing of survivors' data and information

**Any data or information concerning a survivor of trafficking is highly sensitive and should be treated in confidence.** (See: [confidentiality](#); [data sharing 1](#); [data sharing 2](#); [informed consent 1](#); [informed consent 2](#)) Its storage and use must be handled with respect for their privacy and safety at all times. However, sharing of data and information is also necessary to ensure the safety of survivors and their access to effective identification, protection, individual support, access to services, social inclusion, criminal justice and redress. International human rights law provides a clear framework for the promotion and protection of the right to privacy for both adults and children.<sup>239</sup> There should be, at all times,

<sup>236</sup> Where information has been shared with law enforcement resulting in an opening of a criminal case, even when the consent is withdrawn by the victim, the investigation may continue. British Red Cross, the Human Trafficking Foundation, the Anti-Trafficking Monitoring Group, and Anti Trafficking and Labour Exploitation Unit (ATLEU) (2018, [Principles that underpin early support provision for survivors of trafficking](#), November 2018).

<sup>237</sup> National legislation regulates decisions on legal capacity. On an international level, the [Hague Convention XXXV of 13 January 2000 on the International Protection of Adults](#) (also known as the 2000 Hague Convention) aims to assist in cross-border protection of adults and their property when they are not in a position to protect their interests. The convention has been ratified by a number of European states. The Hague Convention of 13 January 2000 on the International Protection of Adults addresses issues by providing rules on jurisdiction, applicable law and international recognition and enforcement of protective measures. The Convention also establishes a mechanism for co-operation between the authorities of Contracting States. The Convention furthers some important objectives of the United Nations Convention of 13 December 2006 on the Rights of Persons with Disabilities (New York), which entered into force on 3 May 2008, in particular those of Article 12 on equal recognition before the law, and Article 32 on international co-operation. EU Parliament Directorate General for Internal Policies (2012), [The Hague Convention of 13 January 2000 on the International Protection of Adults: Note](#). Anderson, J, & Ruck Keene, A. (2015), [The 2000 Hague Convention on the International Protection of Adults: five years on](#), International Family Law, 2, pp. 91-95.

<sup>238</sup> It is important not to overwhelm survivors with information and to 'framework' discussions.

<sup>239</sup> International human rights law provides a clear and universal framework for the promotion and protection of the right to privacy. The right to privacy is enshrined by the: [Universal Declaration on Human Rights: Article 12](#); [International Covenant on Civil and Political Rights: Article 17](#); [Convention on the Rights of the Child: Article 16](#) and [International Convention on the Protection of All Migrant Workers and Members of Their Families: Article 14](#) At the regional level, the right to privacy is protected by: [European Convention for the Protection of Human Rights and Fundamental Freedoms: Article 8](#); [American Convention on Human Rights: Article 11](#); [Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data](#); [Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows](#); [Council of Europe Recommendation No. R\(99\) 5 for the protection of privacy on the Internet](#); and [European Union Data Protection Directive](#).

clear and transparent communication with the survivor of trafficking about whom the data may be shared with internally or with the country of origin or transit.



All data pertaining to victims and survivors must be protected and managed to the highest standard of the jurisdiction in which it is collated and recorded. When victims' information is shared (with their informed consent) it is essential to observe the highest standards for safe and appropriate information sharing.



#### **Article 16 of the UN Convention on the Rights of the Child**

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.<sup>240</sup>

**In relation to the management and protection of their data and information, survivors of trafficking should have the same legal protections and regulation of their data as apply to citizens of the country in which they are residing, regardless of their immigration status or duration of residency.**

#### **This includes:**

- Protection of their privacy embedded in all data collection measures;
- Information provided at all stages regarding the use and storage of their data related to their respective case;
- Explanation and application of the professional duty of [confidentiality](#) and obtaining informed consent prior to any personal data being collected or shared (See: [informed consent 1](#); [informed consent 2](#));
- Their data stored on technical equipment/IT systems that are protected against unauthorized access by third parties;
- The right to obtain access to their file and records and to rectify data; and
- The right to withdraw their consent at any time.<sup>241</sup>



**The Council of Europe Convention on Action against Trafficking in Human Beings** states that all personal data of trafficked persons shall be used in conformity with Convention 108.<sup>242</sup>

#### **Article 11:**

1. "Each Party shall protect the private life and identity of victims. Personal data regarding them shall be stored and used in conformity with the conditions provided for by the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 108).

<sup>240</sup> The [UN Convention on the Rights of the Child](#) (UNCRC), Article 16. See also: "Under EU law, personal data can only be gathered legally under strict conditions, for a legitimate purpose, obtained with the consent of the person or of his or her representative, or legally justified. Otherwise, this interference becomes arbitrary or unlawful. Persons or organisations collecting and managing personal information must ensure protection from misuse and must respect the rights of the data owners guaranteed by EU law. Children and their guardians/ representatives should be informed about the data that is going to be collected under the respective national legal framework. In the international protection context, caution must be taken when collecting data to prevent any breach of information that could endanger the applicant or his or her family." European Asylum Support Office (2018), [EASO Practical Guide on age assessment Second edition](#), p. 19.

<sup>241</sup> "It must also be as easy to withdraw consent as it was to give it. This means the process of withdrawing consent should be an easily accessible one-step process. If possible, individuals should be able to withdraw their consent using the same method as when they gave it." See ICO (n.d.), [How should we obtain, record and manage consent?](#)

<sup>242</sup> Convention 108 has been signed and ratified by all Council of Europe member States, including 8 non-Council of Europe member States. Council of Europe (1981), [Convention for the Protection of Individuals with Regard to the Automatic Processing of Individual Data](#), 28 January 1981, ETS 108.

2. Each Party shall adopt measures to ensure, in particular, that the identity, or details allowing the identification, of a child victim of trafficking are not made publicly known, through the media or by any other means, except, in exceptional circumstances, in order to facilitate the tracing of family members or otherwise secure the well-being and protection of the child.
3. Each Party shall consider adopting, in accordance with [Article 10](#) of the [Convention for the Protection of Human Rights and Fundamental Freedoms](#) as interpreted by the European Court of Human Rights, measures aimed at encouraging the media to protect the private life and identity of victims through self-regulation or through regulatory or co-regulatory measures.”

The [Explanatory Report to the Council of Europe Trafficking Convention](#)<sup>243</sup> states that the protection of trafficking victims’ private life and identity is essential for their physical safety, given the danger from their traffickers, as well as the risk of stigmatization, both for the victim and the family. Protecting identities also preserves their chances of social reintegration in the country of origin, destination or into receiving countries. Private life is also dealt with in [Article 30](#) of the Convention, specifically in the context of judicial proceedings.

With regard to children, [Article 11\(2\)](#) provides for special protection measures to ensure that the identity or details allowing for the identification of a child victim of trafficking are not made public. Under exceptional circumstances, releasing information about a child victim’s identity may be justified in order to trace relatives or otherwise secure the wellbeing and protection of the child. The Parties, however, are free to decide what measures they take to prevent this. Some countries impose criminal penalties for publicly revealing any information that might lead to the identification of victims of some offences.

Finally, [Article 11\(3\)](#) prescribes Parties to adopt measures encouraging the media to protect victims’ private life and identity. To avoid undue interference with media freedom of expression, it states that such measures must accord with [Article 10](#) of the [European Convention on Human Rights \(ECHR\)](#) and must be for the specific purpose of protecting victims’ private life and identity.”<sup>244</sup>

## 12.4 Working with survivors who have disabilities



### **United Nations Convention on the Rights of Persons with Disabilities**<sup>245</sup>

#### **“Article 16: Freedom from exploitation, violence and abuse**

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.
2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender and disability-sensitive.

<sup>243</sup> Council of Europe (2005), [Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings](#), 16 May 2005.

<sup>244</sup> Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims (Trafficking Directive), obliges EU Member States, ‘to enact legislation to prevent trafficking, to effectively prosecute criminals, and to better protect the victims.’ Recital 33 of the Directive confirms its respect for fundamental rights and its observance of the principles: ‘[R]ecognised in particular by the Charter of Fundamental Rights of the European Union and notably [...] the protection of personal data [...]’ In particular, the Directive “seeks to ensure full respect for those rights and principles and must be implemented accordingly.” KOK e.V. – German NGO Network against Trafficking in Human Beings (2015), [Data Protection Challenges in Anti-Trafficking Policies: A Practical Guide](#), pp. 54-56.

<sup>245</sup> UN General Assembly (2007), [Convention on the Rights of Persons with Disabilities: resolution adopted by the General Assembly](#), 24 January 2007, A/RES/61/106, Art. 16.

3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.
4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender and age-specific needs.
5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.”

**It is important to be aware of whether survivors have any disabilities and make appropriate provision (in advance of meeting, if possible) to ensure that comfort, understanding of information and ease of access are maximised in accordance with their individual needs.**<sup>246</sup> In some cases, disabilities can have specific significance because survivors may have been targeted for trafficking due to this vulnerability, or their disability may have been utilised for particular forms of exploitation (for example street begging or forms of sexual exploitation) (See: [vulnerability: health conditions, injuries and disabilities](#)). Survivors may also have suffered violence and abuse inflicted in the course of trafficking, or illnesses and conditions that have caused them to develop disabilities. As with all communication, it is important to apply trauma-informed methods of working and to demonstrate a practical acknowledgement and approach to survivors’ individual needs with the intention to provide them with the highest standards of support (See: [trauma-informed communications 1](#)).

**Wherever possible, prepare in advance of any meeting by ensuring that access is straightforward to buildings, specific rooms and any other locations that survivors will need to access.** Provision of information and documents in an appropriate font and format can be arranged in advance by asking survivors about their needs and preferences as early as possible.

## Mobility impairments

**As much space as needed should be created in advance to ensure comfortable access to meeting rooms, common areas, waiting rooms, halls, bathrooms and through doorways.** Consider:

- It should be possible to use wheelchairs, walking sticks and walkers in all relevant areas of the building without difficulty;
- Accessibility, height and width of furniture should be considered for people who have mobility impairment;
- Floors must be safe from anything that could cause visitors or residents to slip or fall. For example, rugs and mats should be secured to the floor so that they do not slide; and
- Bathrooms must be made specifically disability-accessible (See: [survivors with disabilities](#)).

## Hearing or speech impediments

**For people with hearing or speech impediments, it is important to meet their individual preferences, including:**

- A sign language interpreter;
- An assisted listening device or another preferred aid for hearing and understanding; and/or
- Some people with hearing impediments may want to write notes using pen and paper or an electronic device.

<sup>246</sup> “Some people with disabilities cannot speak clearly or require communication devices or interpreters to make their needs known, so they, also, cannot ask for help; Because of the level of touching that accompanies intimate care and medical procedures, people with disabilities can become desensitized to touch and/or may be unsure about whether they have the right to object to and report unwanted touch, sexual abuse, and sexual acts. They lack information about and understanding of what constitutes a crime and what their rights are as victims of crimes. This is also true of trafficked workers; People with disabilities may not be believed if they report abuse and violence. If they are believed and their cases are prosecuted, their abusers may be given shorter sentences than abusers of able-bodied people. Task forces should promote awareness of these trends when training service providers, police, prosecutors, and judges.” Office for Victims of Crime Training and Technical Assistance Center (n.d.), [Victims with Physical, Cognitive, or Emotional Disabilities](#).

## Visual impairments

**For people with visual impairments, it is important to meet their individual preferences, including:**

- The appropriate font and format for any documents provided should be checked in advance, for example large-print, and simple fonts may be required as this is clearer;
- Documents should be sent beforehand where this is appropriate/possible so that more time is given to review and understand them;
- Some people will use software or apps that can relay information aloud to them, or they may be happy to have documents read aloud to them; however, this should always be an expressed preference, with other alternatives offered and the documents also provided;
- Data-protection-compliant software and services can be useful for form filling or provision of Braille documents; and
- Websites of authorities, agencies, organizations and services should be specifically accessible for people with visual impairments or other disabilities.<sup>247</sup>

## Cognitive difficulties

**It is important for all professionals to be aware that some survivors may have difficulties with understanding and/or remembering information they are given** (See: [neurodevelopment disorders](#)). They may also have problems with concentration and higher-level cognitive skills such as those that help to organize and regulate thinking and behaviour. The causes of cognitive difficulties can be multiple and complex.

**Survivors may be struggling with feelings of nervousness, worry, distress or fear. They may be experiencing mental health difficulties.** (See: [mental health problems](#)) All of these experiences can have a negative impact on their ability to process information. There may also be language barriers, cultural differences or an educational background that makes understanding particular information and communicating about certain issues difficult. It is important to provide [interpreters or cultural mediators](#), and to use trauma-informed methods of working to identify and support survivors with difficulties related to understanding and confidence. (See: [trauma-informed communications 1](#); [trauma-informed communications 2](#))

**In some cases, survivors may have a neurodevelopmental disorder that has resulted in an intellectual disability (also known as a ‘learning disability’) (See: [neurodevelopment disorders](#)).**<sup>248</sup> A *global* intellectual disability is a condition that affects learning and development across all areas of life and leads to difficulties with everyday activities. This can be mild, moderate or severe, and it can result in difficulties in many areas of cognitive function, such as comprehension, memory and speech and language. This requires a comprehensive assessment by specialist services to help identify support needs and any safeguarding concerns.

**Some survivors may have neurodevelopmental conditions that affect a *specific* aspect of learning, but not their overall intellectual functioning.** For example, a diagnosis of Autism Spectrum Disorder or Attention Deficit Hyperactivity Disorder (ADHD) may indicate that a person has difficulty in a specific area. An assessment by specialist services may assist in diagnosing neuro-developmental disorders and identifying educational and support needs.

**Many trafficking survivors report multiple head injuries.** They may also report other experiences that may have caused brain injury, such as asphyxiation. **Traumatic brain injury (TBI)** can be a cause of headaches, blurred vision, dizziness, fatigue, sleep problems and problems with cognitive function such as concentration, memory and executive functions. TBIs can also lead to personality, emotional and behavioural changes, for example emotional lability, disinhibition, impulsiveness, apathy. A recent TBI requires an urgent medical assessment; people who report a historical TBI may benefit from neurology and cognitive assessments to identify care and intervention needs. **Some survivors may have other unidentified health problems that result in cognitive difficulties, such as a history of mini-strokes or some forms of epilepsy.** Survivors will often have been isolated from loved ones who might notice a problem, and also lacked access to healthcare where health conditions could be identified. A comprehensive health screening may identify these problems.

**Some people with cognitive difficulties may lack the mental capacity to make certain types of decisions and** may therefore need an assessment of their mental capacity to determine this. This is particularly important, for example, prior to formal interviews or cross-examination in criminal justice proceedings, or where there are concerns that

<sup>247</sup> W3C (n.d.), [Accessibility](#).

<sup>248</sup> Intellectual /learning disabilities are classified as “Disorders of Intellectual Development” in ICD-11. See WHO (2018), [International classification of diseases for mortality and morbidity statistics](#) (11th Revision). Terminology for these conditions varies widely between services and organisations, with different terms used within diagnostic frameworks such as ICD-11 and DSM-5, and other definitions preferred by services working with individuals.

a survivor may be at risk due to their cognitive vulnerability. If there are any concerns about mental capacity, a referral should be made to a health or social services professional for a formal mental capacity assessment. It is helpful to share observations noted that prompted the referral for this assessment. Mental capacity is assessed separately for different important decisions, and so it should not be assumed that if a person does not have the capacity to make one decision, that they will not be able to make others.

**In many cases lack of access to appropriate healthcare services for cognitive problems will mean that cognitive difficulties have not been identified (particularly those that are mild to moderate).** It is also the case that victims may be experiencing mental health problems or traumatic brain injury alongside an existing intellectual disability or other neurodevelopmental disorder. Professionals should observe any difficulties in comprehension or communication and record these to send with referrals for appropriate clinical assessment. (See: [access to healthcare](#))

**There are often long waiting lists for healthcare referrals, therefore it is important not to delay in making referrals and being aware of waiting times.** In the meantime, observing survivors and asking them about their support needs on an ongoing basis is key. This can be recorded and passed on (with survivors' consent) to healthcare professionals. (See: [access to healthcare](#))



### Trauma-informed methods of working

**While many professionals will not recognize specific causes of cognitive difficulties, they can observe the responses of survivors and ensure that they are supported to understand information.** In the course of any interaction, it is important to observe the

pace and understanding of each person, checking that they are able to absorb information and making sure they feel confident about asking questions, or requesting further clarification. People who have cognitive difficulties find it particularly difficult to cope if they are feeling anxious, and their understanding and abilities may be worsened when under stress. Trauma-informed methods of communication reflect and work with the individual pace and responses of each person to help them to feel secure and supported in any process. They allow sufficient time to discuss information carefully and listen to each person's thoughts and preferences, which can enable survivors to be more open about any difficulties they are experiencing.

**It is important to make sure people with cognitive difficulties receive information in a way that they can access and understand.** For example:

- **Verbal and written communication may need to be simple and specific. It can be presented in a variety of ways, and it is important to check for individual levels of literacy, as well as the language required for written materials.** It is worth trying out a few different methods of communicating information: use of visual materials can aid understanding, so it is good to keep a pen and paper handy for drawing or writing;
- **Survivors may need additional time to understand and respond to information and it may be necessary to repeat information at various intervals.** It is important not to overload survivors with lots of information at once, but separate information in relation to each specific task or matter, allowing regular breaks for survivors who need them; and
- **If with these adaptations, it becomes apparent that a survivor is not able to understand what is being communicated, clinical guidance should be sought and given before they are required to make important decisions.**
- **Decision making can be challenging for any survivor due to a history of trafficking exploitation and this is even more difficult for survivors who have cognitive difficulties.** It is vital that professionals ensure that they do not 'lead' or 'persuade' a survivor into making a swift decision, but ensure that they are provided with information and access to any related professional advice that is sufficient for them to be able to provide their informed consent. ([informed consent 1](#); [informed consent 2](#)) Where a survivor reports problems with memory and concentration, or the professional is concerned that this may be a problem, important information should be recorded in a way that the survivor can access at a later date (e.g., written or recorded by voice memo in their language of choice). In cases where cognitive difficulties are more severe, a record should be taken of all observations and appropriate referrals made for specialist clinical assessment and support prior to any further action being taken. (See: [access to healthcare](#))

## Sensory issues

**Sensory issues are common in survivors of trafficking, and can relate to PTSD or memory triggers from certain sounds and smells.** Some developmental disabilities and mental health diagnoses can cause extreme sensitivity to noise or sound. Sensitivity to sound and smell can also have physical causes, such as head injuries, ear infections, smell disorders or severe allergies. For people who have sensory issues:

- Ensure the environment is clean (particularly bathrooms and kitchens) but avoid the use of strong detergents that have an overpowering smell;
- Ensure there is access to fresh air;
- Avoid using scented candles or air fresheners, heavy lotions or perfumes;
- Choose office plants that have no fragrance; and
- Avoid playing music, ensure that the building is as calm and quietly welcoming as possible.

## Use of Service animals

**Service animals, such as guide dogs, should be permitted into buildings for persons who require them.** They should not be asked to prove that the animal is required, only to confirm, if needed, that the animal's service relates to their disability.

**Emotional support animals can also be of great comfort and facilitate positive communications with survivors, so it is advisable to permit their attendance whenever possible.**<sup>249</sup>

### Relevant guides and resources:



**Article 13** of the **UN Convention on the Rights of Persons with Disabilities** provides that States should “ensure effective access to justice for persons with disabilities on an equal basis with others.”<sup>250</sup>

**The International Principles and Guidelines on Access to Justice for Persons with Disabilities**<sup>251</sup> comprises the joint work of three UN bodies that deal with rights of persons with disabilities. They were developed in collaboration with human rights experts, organizations representing persons with disabilities, States, academics, and other stakeholders. This document provides 10 principles and guidelines on ensuring access to justice for persons with disabilities.

**The UN *Enable* Website: Overview of International Legal Frameworks for Disability Legislation**<sup>252</sup> contains international instruments and regional measures relevant in the context of the protection of persons with disabilities.

**The Disability Rights Education & Defence Fund (DREDF)**<sup>253</sup> is a country-by-country database of national laws and international treaties that countries have adopted and ratified.

<sup>249</sup> An animal for emotional support is any type of animal that provides comfort to alleviate a symptom or effect of a person's disability. An emotional support animal is different from a service animal: This is because service animals are trained for specific tasks, whereas animals for emotional support do not receive special training, not even necessarily any training at all.

<sup>250</sup> UN General Assembly (2007), [Convention on the Rights of Persons with Disabilities](#), 24 January 2007, A/RES/61/106, Art. 13.

<sup>251</sup> Special Rapporteur on the rights of persons with disabilities, Committee on the Rights of Persons with Disabilities & Special Envoy of the Secretary-General on Disability and Accessibility (2020), [International Principles and Guidelines on Access to Justice for Persons with Disabilities](#).

<sup>252</sup> UN Enable (n.d.), [Overview of International Legal Frameworks For Disability Legislation](#).

<sup>253</sup> Disability Rights Education & Defense Fund (n.d.), [International Laws](#).

## 12.5 Tailoring delivery of services to the specific needs of survivors



**Due to the complex and sensitive nature of trafficking cases, survivors' preferences for the professionals who work with them should be checked with them and met wherever possible.**

(See: [interpreters and cultural mediators](#)) This helps to avoid the risk of situations in which survivors may be too fearful or inhibited to communicate freely with professionals or to disclose their history or circumstances (when this is required to support their case), or remain safely in contact with services.

Survivors should not be required to explain or justify such preferences, and all communications regarding preferences should be handled confidentially.

**Survivors' preferences may include working with professionals of a specific gender, particularly for matters which require disclosure of trafficking histories.**

Often (not always) female professionals are preferred by survivors of any gender who have suffered rape and sexual violence. In the case of children, female child specialist professionals should always be available. It should not be necessary for survivors to have to explain why they wish to choose the gender of a professional, or to explain any aspect of their history in making that preference. If a female professional is not available, the preference for a female should be acknowledged and the difficulty explained. In such cases male professionals should ensure that they apply trauma-informed methods of working, permitting survivors a maximum sense of personal space and movement. (See: [trauma-informed communications 1](#)) It is helpful if an additional female professional can be in attendance in the room with the survivor's agreement and consent.

**Some survivors may feel more confident if the professionals who are initially working with them are from their own country, culture or community; however, others may have significant fears about this.**

For example, they may fear that they could somehow be connected to their original traffickers, that there could be breaches of confidentiality or that they may be judged negatively or stigmatised by a person from their original community. In such cases survivors may fear revealing information that they believe could be used to harm them, and therefore miss the opportunity to provide information that can help professionals to support them. Fears of this kind may lessen over time as trauma-informed methods of working are applied, trust is built with professionals, and survivors obtain more knowledge and understanding of the role and purpose of the service. (See: [trauma-informed communications 1](#)) This usually depends upon their specific trafficking history, their individual preferences and the quality of explanation, [confidentiality](#) and informed consent procedures observed by all of the professionals who are working with them. ([informed consent 1](#); [informed consent 2](#)) Cultural mediators can be helpful in building the trust of survivors of trafficking due to their specialised training and experience. (See: [interpreters and cultural mediators](#))

It is often the case that if trust is established initially through demonstrated acknowledgement and acceptance of their preferences, survivors feel more inclined to accept gradual introduction of changes further on.

## 12.6 The role of independent advocates for adult victims of trafficking

**Independent advocates** have the duty to represent the best interests of survivors at all times and to remain informed and up to date on all rights, protections and services available to victims of trafficking within their jurisdiction. They have the width of remit and professional time allowance to accompany survivors to meetings, appointments and hearings, where required, and to provide objective, secondary explanation of services, systems and procedures.

They must have the written and verbal skills to liaise and advocate effectively with other professionals and bodies, and provide documentary evidence, letters and statements for decision makers on their clients' behalf. They act as a recognized central focal point for all other stakeholders, agencies and services.

**Independent advocates have a central, *independent* function; however, their role should be accredited or officially recognized by national statutory services, law enforcement authorities and all other NRM stakeholders.**



Adult victims of trafficking should have an allocated advocate to provide individual support, needs and risks assessment, and to act as a co-ordinating focal point for all involved professionals and services. The role of independent advocate should be a recognized professional role, accredited or officially recognized by competent authorities, national authorities, law enforcement authorities and statutory social services.

**Independent advocates should be vetted, trained and equipped to:**

- **Work in accordance with international and national legal standards related to victims of trafficking, as well as the NRM [Principles](#), [Pillars](#) and [Recommended Standards](#).**
- **Conduct adult needs and risks assessments and devise ongoing support and care plans.** (See: [assessment and safety planning](#); [adult needs and risks assessment and ongoing safety and support plan](#)) This requires collating information from the victim and all other relevant professionals involved to obtain a detailed record of the client's trafficking history. Having a breadth of knowledge about the history, health and circumstances of the individual person they are working with, enables them to contextualize arising challenges and risks and respond to them quickly.
- **Ensure, co-ordinate and bridge access to the 4 NRM Pillars, adapting their approach in response to victims' ongoing and updated requirements** with reference to needs and risk assessments and ongoing safety and support plans. (See: [assessment and safety planning](#); [adult needs and risks assessment and ongoing safety and support plan](#); [bridged referrals](#); [bridging letters](#); [accompanying survivors](#))
- **Work collaboratively and in partnership with other professionals, agencies, organizations and services** to ensure prevention of, and protection from re-trafficking, further exploitation and forms of harm. This work is best achieved through the use of **Operational Partnership Protocols (OPPs)**. (See: [Law enforcement partnerships 1](#); [law enforcement partnerships 2](#); [multi-disciplinary approach](#))
- **Have a working knowledge of all systems, procedures and victims' rights and entitlements that may apply in any individual case. Therefore they can support victims in referral for:**
  - **No-cost [healthcare](#) services and [therapeutic care](#);**
  - **Free, independent specialist legal advice and representation for any legal matters required** (See: [legal advice and representation 1](#); [legal advice and representation 2](#));
  - **Advice related to practical, financial, and material support** (See: [practical needs 1](#); [practical needs 2](#));
  - **Services related to obtaining safe and appropriate accommodation** (See: [accommodation for adults](#); [family accommodation](#)); and
  - **Any other relevant support services, including specialist NGOs, parenting services** (See: [support for parents](#));
  - **Religious institutions (of survivors' expressed choice) and community networks** (See: [social inclusion](#)).

Independent advocates can also liaise with law enforcement authorities to help ensure provision of support for victims of trafficking crime throughout any criminal justice matters including [criminal investigations](#), [trials](#) and [access to compensation](#). (See: Trafficking crime investigations; criminal trials; compensation) This applies to survivors who have (Stage 1) [preliminary](#) and/or (Stage 2) [conclusive identification](#) as victims of trafficking and are complainants, witnesses or defendants.

## 12.7 The role of guardian advocates for children



States must ensure that the role of guardian advocates for all children who are victims of trafficking is enshrined in national legislation and allocated uniformly and equally to all child victims of trafficking, whether they are citizens, residents or foreign nationals, children with safe and appropriate family care or unaccompanied and separated children. Guardian advocates should conduct Needs and Risk assessments for each child victim of trafficking with responsibility for a maximum of 20 children at any given time (depending on the complexity of needs). Child victims of trafficking should be accompanied to all sessions and meetings with services by their guardian advocate.



**Guardian advocates work independently of all other agencies and services; however, they must be employed, accredited or officially recognized by national authorities, including law enforcement authorities and national child protection systems.** They have a working knowledge of all legal systems, procedures and decision-making processes relevant to child victims of trafficking. They work collaboratively and in formal partnership with other agencies, organizations and services to protect children from re-trafficking, further exploitation and forms of harm. (See: [multi-disciplinary teams](#); [subnational and local teams](#); [NRM links to statutory services and national child protection systems](#); [identification stakeholders for children](#))

**Guardian advocates are qualified child specialist professionals who are vetted, trained and equipped to:**

- **Apply compassionate, child-centred and trauma-informed methods of working, demonstrating respect for the dignity and human rights of all children in accordance with the UN Convention on the Rights of the Child, national laws and standards on children and the NRM principles and Recommended Standards;**
- **Have ongoing, regular, *in-person* contact with each child. This should be at minimum on a weekly basis in order to build a consistent relationship of trust, keep communication open and be able to assess their wellbeing.** Regular contact provides a depth of knowledge about the individual case and the specific needs and risks of each child. **The benefit of frequent, in-person contact cannot be substituted by emails or phone calls.** In situations such as [state of emergency](#) (including pandemics), where only remote contact is possible, the weekly meeting can be done online through a secure video conferencing platform;
- **Gather information and sensitively assess children to collate and record information that is relevant to understanding the child's personal experiences, family history, and their legal and practical protection needs.** (See: [data management and protection](#); [data sharing 1](#); [data sharing 2](#)) They should have proven competency in conducting child BIC assessments and devising child ongoing safety and care plans, in collaboration with multi-agency, specialist child services. (See: [assessment and safety planning](#); [BIC assessment and child ongoing safety and care plan](#)) Guardian advocates must be provided with access to all relevant information in order to promote, support and protect the wellbeing and best interests of the child. Therefore, wider recognition of their role by national authorities and NRM stakeholders is essential;
- **Support children's *informed participation* in procedures and decisions that concern them.** (See: [communications with children](#); [Lundy model](#); [Barnahus model](#); [accommodation for children](#)). This involves providing children with age-appropriate secondary explanation and materials where they are needed, to help them to navigate often complex and arduous procedural systems, which children can experience as overwhelming and intimidating. This is particularly important for children who have traumatic histories and then find themselves in systems that are beyond their understanding and ability to manage. Guardian advocates can reassure the child, accompany and support them to ensure their best interests with all services and agencies (See: [communications with children](#); [Lundy model](#); [accommodation for children](#));
- **Support and accompany children to all meetings, appointments, sessions and hearings.** Guardian advocates should be able to provide their viewpoint in any setting or meeting related to the child, with their viewpoint being formally recognized and recorded. (See: [data management and protection](#); [multi-disciplinary approach](#); [accompanying survivors](#); [assessment and safety planning](#)). They will have records and information that will help to safeguard children from the re-traumatisation that can be caused by repetitive interviews. Their work should accord with the [Lundy model](#) (See: [communications with children](#); [Barnahus model](#); [accompanying survivors](#); [assessment and safety planning](#); [BIC assessment and child ongoing safety and care plan](#));
-  **Assist children to obtain legal rights and entitlements and to access legal services, advice and representation from specialist lawyers, where required.** This may include immigration/asylum/criminal justice and housing/welfare and compensation. The means of access for children to legal services varies in different jurisdictions (See: [legal advice and representation 1](#); [legal advice and representation 2](#); [international protection for migrants](#); [rights of child migrants](#));
- **Advocate for, and *bridge* children's' access to multi-agency services.** This includes national child protection systems, safe and appropriate accommodation for children, child healthcare and psychological services, education (nurseries, schools and colleges), and other specialist, anti-trafficking children's organizations and NGOs (See: [family accommodation](#); [accommodation for children](#); [healthcare](#); [healthcare needs of children](#); [therapeutic care for children](#); [therapeutic care model](#)).

## The duration of guardian advocate support for children and onward support for young adults

Traffickers who target vulnerable young people do not adhere to any 'cut-off point' that occurs at the age of maturity. (See: [guardian advocates](#); [social inclusion](#); [transition for children](#); [accommodation for children](#)) In fact, it can be easier for them to target and traffic young adults who are vulnerable to manipulation or coercion but are less likely than children to be safeguarded, reported, or sought as missing persons. This is supported by the collective findings of child specialists and child expert organizations worldwide (See: [traffickers' methods: children](#); [traffickers' methods: adolescents](#)).<sup>254</sup>



**Children should have continuous support from their allocated guardian advocate at least until they reach the majority age of 18.**<sup>255</sup> Reaching majority age is a transitional time with multiple challenges. Young adults with histories of trafficking and traumatic events may not be mature enough or psychologically prepared to cope with sudden independence that is not appropriately guided or supported. It is rare that all rights and entitlements will have been resolved by this age and the challenge of decision-making, including on legal matters, can continue long after a child's 18th birthday, often increasing in complexity after that date.

**It is vital that individual support and access to multi-agency services, welfare and accommodation is not suddenly cut off at the age of legal maturity, which is a crucial and transitional time in the lives of young adults.** To avoid re-trafficking and further harm, young people should have access to continuing individual support and/or mentoring provided by continuation of the services of their existing guardian advocate, who knows them well and can help them to adjust to the expectations and challenges they will face as young adults, or via a gradual handover to an independent advocate who is experienced and trained specifically in supporting young adults. Social inclusion for young people requires support, and often a person who can guide and act as a 'sounding board' for transition to tertiary education, training and employment opportunities and community links.

**Any transition for a child or young person, no matter how minor, should take place only with their informed participation and face-to-face consultation and discussion.** (See: [Lundy model](#); [communications with children](#); [trauma-informed communications 1](#); [guardian advocates](#))



In some cases, there will be forms of 'guardianship' or legal representation,<sup>256</sup> and/or conservatorship<sup>257</sup> of young adults beyond the age of 18. This should be assessed upon their 18th birthday and continued in cases where a court determines that it is necessary.

<sup>254</sup> See further, OSCE Ministerial Council (2018), Decision No. 6 on Strengthening Efforts to Prevent and Combat Child Trafficking, Including of Unaccompanied Minors, 7 December 2018, MC.DEC/6/18. OSCE (2018), Child Trafficking and Child Protection: Ensuring that Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking, Occasional Paper No. 9. See also Alliance for Child Protection in Humanitarian Action (2019), 2019 Minimum Standards for Child Protection in Humanitarian Action. UNICEF (2006), Guidelines on the Protection of Child Victims of Trafficking, September 2006. UNICEF (2005), [Emergency Field Handbook: A guide for UNICEF staff](#), July 2005.

<sup>255</sup> Article 1 of the Convention on the Rights of the Child states, "For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." UN General Assembly (1989), [Convention on the Rights of the Child](#), Art. 1. The age of majority in 16 countries is below the age of 18 and in 16 countries 21 years of age. Wikipedia contributors (2021), [Age of majority](#), in Wikipedia, The Free Encyclopaedia. The Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (1996 Convention) covers a wide range of civil child protection measures, "from orders concerning parental responsibility and contact to public measures of protection or care, and from matters of representation to the protection of children's property." The Preamble confirms "that the best interests of the child are to be a primary consideration." Article 2 stipulates that the Convention is applicable "to children from the moment of their birth until they reach the age of 18 years." "The 1996 Convention provides a structure to resolve disputes over contact and custody issues when parents are separated and living in different countries and has uniform rules to determine which country's authorities are competent to take the necessary protection measures. Provisions on recognition and enforcement ensure that primacy be given to decisions taken by the authorities of the country where the child has his or her habitual residence, reinforcing provisions of the 1980 Hague Convention (see below). There are also provisions on co-operation procedures to better protect unaccompanied minors who cross borders and are in vulnerable situations and children placed in alternative care across frontiers. The latter includes arrangements such as foster care and the Islamic law institution of Kafala". Library of Congress (2020), [Children's Rights: International Laws](#).

<sup>256</sup> Limited guardianship allows the court to appoint someone as guardian over certain aspects of a person's life where the person needs support while retaining full capacity over other aspects of life.

<sup>257</sup> "A conservator may receive essentially full powers to manage the protected person's financial affairs or the court may craft a more limited conservatorship in which the conservator only receives certain responsibilities such as, for example, management of a particular bank account, assistance with paying bills or managing a business." This may include probate courts in

## 12.8 Appropriate assessment and safety planning



**Adults and children who are victims of trafficking require specialist assessment of their needs and risks, together with planning for their safety.** (See: [BIC assessment and child ongoing safety and care plan](#); [adult needs & risk assessment and ongoing safety and support plan](#)). Assessment is best conducted by allocated individual support professionals ([independent advocates](#) for adults and [guardian advocates](#) for children) who are able to build trust and establish consistent working methods over time with survivors.

**The adult needs and risks assessment and ongoing safety and support plan** focuses on adults' specific individual needs and risks and, therefore, their ongoing safety and support requirements. (See: [adult needs & risk assessment and ongoing safety and support plan](#)) This is a *process* that requires regular (at minimum quarterly) review and updating together with input and updating of ongoing safety and support plans.<sup>258</sup>



**The (BIC) assessment and ongoing safety and care plan is an appropriate basis for assessment for all trafficked children, without derogation or differentiation, regardless of their family situation or immigration status** (See: [BIC assessment and child ongoing safety and care plan](#); [adult needs & risk assessment and ongoing safety and support plan](#); [principles](#); [vulnerability of children](#); [communications with children](#); [guardian advocates](#); [vulnerability: migrants and refugees](#)).<sup>259</sup> It should apply to all children, whether they are at risk of potential trafficking, have been preliminarily identified as a 'presumed child victim of trafficking' or conclusively identified as a child who has been trafficked (See: [identification+](#); [detection and referral of children](#); [identification process](#); [preliminary identification for children](#); [conclusive identification](#)).<sup>260</sup> The BIC assessment framework should be provided to any young person who may be a child or has had their minor age disputed by the authorities, unless and until an appropriate age estimation assessment is conducted that states they are an adult (See: [age dispute and age estimation 1](#); [age dispute and age estimation 2](#)). It should be subject to consistent review by their guardian advocate and other child specialists who are working with them.

## 12.9 Working with interpreters and cultural mediators

**Interpreters and/or cultural mediators may be used for interpretation when working with survivors.** The choice between them often relates to the specific systems and procedural requirements of the national jurisdiction that they are residing in. Generally, cultural mediators are more widely used in countries in which the national jurisdiction and legal procedures allow for the flexibility of cultural interpretation, and interpreters are used where narrow interpretation of language is required (See: [cultural congruence](#)).<sup>261</sup>

### What are the differences between interpreters and cultural mediators?

**Interpreters and cultural mediators both interpret the language of dialogue between survivors and the professionals who are working with them; however** (See: [cultural congruence](#); [specific needs of survivors](#); [gender sensitivity](#); [gender-sensitive communications](#); [trauma-informed communications 1](#)):

- **Interpreters** are required to replicate as exact an interpretation of language as possible without provision of any additional commentary or guidance; and
- **Cultural mediators** have the additional task of explaining and commenting upon the various phenomena, facts, behaviour, situations, feelings and emotions expressed by survivors in order to bridge gaps in cultural understand-

specific jurisdictions. Brady, K. (n.d.), [Guardianship and conservatorship of vulnerable adults in Colorado](#), Brady, McFarland & Lord, LLC.

<sup>258</sup> Only States Parties to the UN Convention on the Rights of the Child are obligated to implement its provisions. This applies to all references to the UN Convention on the Rights of the Child and the principle of the best interests of the child (BIC) made in this handbook.

<sup>259</sup> In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. See UN General Assembly (1989), [Convention on the Rights of the Child](#), Art. 3. "The best interests principle applies to all children without discrimination. This means that it applies whether children are citizens of a State, are foreign nationals, including asylum-seekers or refugees, or are stateless. The principle also applies whether children are with their family members or are unaccompanied or separated. The best interests principle also applies to actions affecting children as a group, such as when a State drafts legislation and policies or allocates resources, and to all actions undertaken by public institutions and affecting individual children." See UNHCR (2018), [Guidelines on Assessing and Determining the Best Interests of the Child](#), p. 27.

<sup>260</sup> The [UN Convention on the Rights of the Child](#) (UNCRC) states that the rights within the Convention should be respected for all children within the State Party's jurisdiction, "without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status." Article 3 of the UNCRC states that in all actions undertaken by public social welfare institutions, such as local authorities, the best interests of the child shall be a primary consideration.

<sup>261</sup> If a victim prefers not to see a particular interpreter they have worked with again for any reason, a different interpreter should be employed. If all possible steps have been taken and changing interpreter is not possible, the reasons should be explained and victims should be given the option of working without the interpreter present, or waiting for a new interpreter to be appointed depending upon what is possible.

ing between survivors and the professionals who are working with them.<sup>262</sup>

**All practical steps must be taken to support victims by ensuring that communications are as straightforward for them as possible.** Therefore, the services of a professional interpreter or cultural mediator should be offered for any situation in which survivors will be spoken to in a language that is not their first language or there are differences in dialect. Even survivors who are quite fluent in the language being spoken, can benefit greatly from having an interpreter or cultural mediator present. This removes the additional thinking processes and challenges that are required for speaking in detail in a second language about challenging and sensitive topics. Once a survivor has established a working relationship with a reputable interpreter or cultural mediator, it is best to continue to work consistently with them whenever possible.

**Provision of personal information and background history is highly sensitive and confidential, particularly if it relates to human trafficking crimes.** (See: [data management and protection](#); [data sharing 1](#); [data sharing 2](#); [informed consent 1](#); [informed consent 2](#); [confidentiality](#)) Family members, friends or other associates who know the victim should not be relied upon to interpret for survivors or to provide cultural mediation, including for interim or temporary use.<sup>263</sup> Interpreters and cultural mediators should not know survivors they work with personally or have any relationship with them outside of their professional roles and duties. Equally, they should not enter into any personal relationship with victims once they have met them in the course of their professional duties.



All Interpreters and cultural mediators who work with child victims of trafficking should be specialized in working with children and be formally recognized by, or derived from national child protection systems. (See: [identification stakeholders for children](#); [Barnahus model](#); [links to statutory services and national child protection systems](#))

#### **Interpreters and cultural mediators should be:**

- **Vetted to the highest standards of the relevant national jurisdiction;**
- **Qualified and accredited in professional interpretation and/or cultural mediation;**
- **Able to understand and converse in both the language and the dialect of the person with whom they are working;**
- **Able to demonstrate duty of [confidentiality](#) and understand the meaning of informed consent and work in accordance with the [NRM principles](#) and [Recommended Standards](#) (See: [informed consent 1](#); [informed consent 2](#)); and**
- **Experienced or trained in working specifically with victims of trafficking.** They should understand how to work with vulnerable people, particularly those who have experienced trauma. They should have the skills to work in a trauma-informed, gender-sensitive manner, employing appropriate eye contact, presentation and pace (See: [trauma-informed communications 1](#); [trauma-informed communications 2](#); [gender sensitivity](#); [gender-sensitive communications](#)).

Cultural mediators need to have additional insight into the specific region, community or culture of the individual survivor they are working with and to apply this insight in a way that supports and empowers victims, *only where they require it*, by strengthening the mutual understanding of parties.<sup>264</sup>

**Sign language interpreters or any other professionals who assist with interpretation of language or communications support should accord with these standards.** (See: [specific needs of survivors](#); [survivors with disabilities](#))

<sup>262</sup> Hibiscus for Social Change (n.d.), [Anti-Trafficking](#).

<sup>263</sup> Rimmer, A. (2020), [Can patients use family members as non-professional interpreters in consultations?](#), BMJ, 368, m. 447.

<sup>264</sup> This may not always be possible due to potential diversity of cultures/backgrounds within one area of a city or country.

## 12.10 Provision of ‘bridged’ referrals to other professionals and services

*Bridging of professionals and services* is helpful for all vulnerable people; however, it specifically applies to those who have suffered the impact of human trafficking and therefore may find it extremely difficult at first to enter into and trust in new relationships with others, particularly people whom they may perceive as being in positions of authority. (See: [bridging letters](#); [accompanying survivors](#); [specific needs of survivors](#)) It requires a pro-active response that creates a *bridge* for survivors’ access to services, rather than simply *signposting* them to services, and leaving them to locate and access these for themselves.

### **Once trust has been established with a professional or service it is helpful to pass that trust along for survivors by building a ‘team’ for their protection with other recognized and trusted professionals and services.**

Professionals whose role is to support adult and child survivors of trafficking in any capacity can create a necessary ‘*bridge*’ for them between their own service provision and that of others to whom they are referred onwards, or in parallel. This is central to the roles of independent advocates and guardian advocates because it is vital for the onward protection and safety for survivors of trafficking. Bridging is best conducted by a professional who is a consistent focal point of contact; however, it should also apply to other professionals who are working in any kind of mandated support role. (See: [independent advocates](#); [guardian advocates](#))

**Bridging access to services is always conducted with survivors’ informed consent.** (See: [informed consent 1](#); [informed consent 2](#)) **It may consist of:**

- **An initial call or email to make contact with the service;**
- **Discussion with a key professional who is a gateway to that service to ensure straightforward access which is appropriate to survivors’ needs;**
- **Exchange of necessary information and documentation concerning the survivor.** This may include detailed letters of introduction, where applicable and helpful (See: [bridging letters](#); [data management and protection](#); [data sharing 1](#); [data sharing 2](#)); and
- **Accompanying the survivor to the first few appointments or meetings if they require it** (See: [accompanying survivors](#)).



**Children should always be accompanied for sessions and meetings with services by their guardian advocate.** (See: [guardian advocates](#); [accommodation for children](#); [Bar-nahus model](#); [Lundy model](#); [communications with children](#))

**When bridging referrals, it is important to ensure that:**

**Professionals and services are reputable, vetted and recognized for working with vulnerable persons, including victims of trafficking.** They should offer a service that specifically fits the individual needs of the survivor.

- **Any remote communications with professionals and services are conducted via their official telephone, online contacts, email and postal contacts.** These should always be checked and verified beforehand.
- **Survivors’ personal information, needs, risks and individual circumstances should be shared only with their full and informed consent** (See: [informed consent 1](#); [informed consent 2](#)).<sup>265</sup> Information provided to the service should be discussed and agreed with the survivor beforehand. It is only necessary to pass on the information that is directly required for the operation of the specific service. However, this may include any information pertaining to known risks for the victim that the service should be aware of, to enable them to work safely.

<sup>265</sup> The only exception to this is in cases where safeguarding duties or specific exceptional circumstances override the professional duties of confidentiality and obtaining informed consent.

### **Professionals who bridge referrals and access to services should:**

- **Work in accordance with the professional duty of confidentiality and informed consent**, providing careful explanation of all actions to be taken, outlining specific measures and safeguards (See: [informed consent 1](#); [informed consent 2](#); [confidentiality](#); [trauma-informed communications 1](#));
- **Derive delivery of service from survivor's assessments and ongoing safety planning, updating these on a regular basis and recording the contact details of all services and professionals who are currently involved with the survivor, as well as identifying other services that they may need;**
- **Conduct research into locating relevant services on behalf of survivors.** Survivors should participate in this process. It can build trust to identify together the services they require, **or** to support their access to services that they have located for themselves;
- **Ensure that each survivor has knowledge of, and access to all of their rights, entitlements and benefits; and/or**
- **If survivors prefer to locate and access services entirely for themselves**, it is helpful to check that they understand how the service can be accessed, whether the cost is covered by an NRM service or must be provided by other means, and that they have the necessary resources for travel to the location. The offer of support should be kept open in case it is needed further on (See: [practical needs 1](#); [practical needs 2](#)).

### **Provision of bridging letters to professionals and services**

**Detailed letters that are provided confidentially by professionals to other vetted services can be invaluable tools for bridging access and advocating for survivors' needs to be met.** (See: [bridged referrals](#); [accompanying survivors](#); [data management and protection](#)). They can also help to reduce the risks of fatigue, re-traumatisation or distress that can be caused by survivors having to recount information repeatedly to other professionals.

#### **Bridging letters should:**

**Be provided to other services only with the informed consent of survivors who are aware of their content** (See: [informed consent 1](#); [informed consent 2](#)):

- **Contain information pertaining only to survivors' personal details, history and current circumstances that are relevant for the specific service and the tasks required;**
- **Attach any relevant documentation including medico-legal reports and other expert reports or documents where applicable and in accordance with survivors' informed consent;**
- **Provide any information concerning the need for disability access or provision that should be made due to health conditions or injuries** (See: [survivors with specific needs](#); [survivors with disabilities](#); [healthcare](#); [access to healthcare](#); [medico-legal documentation](#));
- **Include specific requests, clarifications and questions that survivors may initially find challenging to raise for themselves.**<sup>266</sup> These can be prepared together with survivors in advance and/or survivors may find it helpful to make their own notes to take with them; and
- **Include specifications for the attendance, gender and language of [interpreters and/or cultural mediators](#)** (See: [survivors with specific needs](#)).

### **Accompanying survivors to access services**

**An [independent advocate's](#) offer to accompany survivors for the first appointment, meeting or session can provide a crucial part of the 'bridge' to the service** (See: [bridged referrals](#); [bridging letters](#); [access to healthcare](#)). This should only be done if survivors prefer it. It may not require attendance throughout, but can require being seated in a waiting room while the service proceeds.

#### **Accompanying survivors provides the opportunity for a key supporting professional to:**

- **Ensure that the survivor arrives there safely;**
- **Help them to feel assured in accessing the service, and to arrive without feeling unnecessary anxiety;**

<sup>266</sup> This may be due to multiple reasons – shyness, trauma, difficulty in recall and memory especially when nervous, mental health difficulties, etc.

- **Meet with professionals from the service and make contact to connect all of the parties concerned, including [interpreters and cultural mediators](#).** This can be particularly helpful for survivors who find it difficult to trust others and may be intimidated if they have to walk into an unfamiliar setting or meeting with a stranger;
- **Encourage other professionals to work to a high standard, using methods that are trauma-informed, gender-sensitive and appropriate for the specific survivor** (See: [trauma-informed communications 1](#); [gender sensitivity](#); [gender-sensitive communications](#); [interpreters and cultural mediators](#); [survivors with specific needs](#); [survivors with disabilities](#)). This is often led in practice by the accompanying professional's example and is further supported by the fact that they have made the effort to accompany their client to the service;
- **Ensure that the service is aware of the role of the [independent advocate](#)** (or equivalent) and will liaise with them and keep them updated and informed; and
- **Attend meetings/appointment where this is permitted and preferred by the survivor**, to provide secondary explanation and additional support if it is needed.

## 12.11 Early and ongoing access to healthcare services

*The ability to access free healthcare services and treatment is fundamental to survivors' dignity and human rights.*



**The health and wellbeing of survivors should be a consistent and prioritised concern for professionals who are working with survivors of trafficking and for those who commission healthcare and public health services.** (See: [health problems](#); [urgent health needs](#); [access to healthcare](#); [healthcare](#)) All professionals working with survivors of trafficking should know how to make referrals to health services for appropriate clinical assessment, with survivors' informed consent, and should understand that primary doctors typically act as co-ordinators for information and referrals. (See: [access to healthcare](#))

- **Human trafficking is a global public health concern due to its significant implications for individual adults and children, and for populations as a whole.** A public health approach can contribute to the prevention of trafficking and its effects.<sup>267</sup>
- **Poor or restricted access to healthcare can be costly both in terms of personal ill-health and in terms of public health efforts.**<sup>268</sup> The consequences of not identifying and managing survivors' healthcare is ultimately far more costly for survivors, and for society as a whole, than adopting a timely and pro-active healthcare approach in response to each person. Related healthcare costs and resources are most effectively managed if they are focused on consistent provision of ongoing healthcare. This should include preventative healthcare, from the outset of victims' identification, rather than dealing with later emergency crises, which may arise if there has been prior healthcare neglect.

<sup>267</sup> Such, E., et al (2018), [Modern Slavery in the UK: How should the health sector be responding?](#), Journal of Public Health, 42(1), pp. 216-220.

<sup>268</sup> "The public health community can play an important role in addressing this human trafficking: first, by doing the research and publishing on the health impacts and prevention strategies; second, by providing healthcare programs to those victimized and suspected victims; and, finally, by using our enormous communication capacity as trusted messengers to raise awareness and advocate for the full range of public health actions to bring this human rights violation to an end." See Chisolm-Straker, M., & Stoklosa, H. (eds.) (2018), [Human Trafficking Is a Public Health Issue: A Paradigm Expansion in the United States](#), Springer: Cham, p. viii. See also Zimmerman, C., & Kiss, L. (2017), [Human trafficking and exploitation: A global health concern](#), PLoS medicine, 14(11), e1002437. Donna, S., & de Chesnay, M. (2018), [Human Trafficking and Global Health Issues](#), in: Dorman, G. E., & de Chesnay, M. (eds.), Case Studies in Global Health Policy Nursing, Springer: New York, pp. 187-204.

## Common health problems in survivors of trafficking



**Survivors of trafficking often have complex co-morbidities, including poor physical health, a high risk of personal injury, exposure to communicable diseases and a high prevalence of mental health problems.** (See: [health problems](#); [urgent health needs](#); [access to healthcare](#); [healthcare](#))

**Common medical concerns include** (See: [physical health problems](#)):

- Injuries from [physical and sexual violence](#);
- Injuries from occupational hazards;
- Illnesses from poor environmental conditions;
- [Communicable diseases](#);
- Gynecological or urological problems;
- [Pregnancy](#) or injuries from past pregnancies or forced terminations;
- Poorly controlled chronic medical diseases;
- Dental problems;
- Skin problems;
- Malnutrition, vitamin deficiencies; and
- Non-specific symptoms or somatic symptoms (headaches, back pains, dizziness, exhaustion).

**Common mental health and behavioural concerns include** (See: [mental health problems](#)):

- [Post-Traumatic Stress Disorder](#);
- Complex Post-Traumatic Stress Disorder;
- [Anxiety](#);
- [Depression](#);
- Panic attacks;
- [Psychotic symptoms](#);
- Suicidal ideation and self-harm (See: [mental health risks](#));
- Substance misuse and addictions (See: [substance dependency](#));
- Cognitive problems, including poor memory and concentration;
- [Dissociative symptoms](#);
- Negative thoughts and feelings, including guilt, self-blame, shame and hopelessness, irritability, [anger](#);
- Low self-esteem and confidence;
- Lack of autonomy and agency; and
- Emotional withdrawal.

**It is important for all NRM stakeholders and other frontline professionals to have a basic understanding of the healthcare needs of survivors of trafficking and the stages for essential healthcare checks.** Professionals working with victims should know how to identify urgent health needs and risks from first contact. (See: [urgent health-care needs](#); [identifying healthcare needs](#)) NRM frontline professionals should know how to support victims to access healthcare services, including ongoing access to a primary doctor who can assess their health needs, prescribe medication and make referrals for further treatment. (See: [access to healthcare](#)) All healthcare services and treatment require survivors' [informed consent](#).



UNICEF and the United States Institute of Medicine promotes the role of healthcare professionals in identifying victims of trafficking who attend healthcare services. They are uniquely placed to identify indications of risk and to offer a range of services and referrals to vulnerable people.



The World Health Organisation (WHO)'s global International Classification of Diseases (ICD) system which provides an internationally recognized system of codes that enables health professionals to share health information swiftly within healthcare services domestically and across the world. This coding system is critical to monitoring disease incidence and recurrence, determining short- and long-term adverse effects, assessing treatment modalities, and estimating cost of care.



In June 2018, the United States Centers for Disease Control and Prevention added specific diagnostic codes to the revised ICD system for cases where forced labor and/or sexual exploitation are suspected. These are applicable only to the United States currently but are being considered for inclusion by WHO in the update of the ICD codes.<sup>269</sup>

## Initial check for urgent healthcare needs



**Victims' urgent healthcare needs should be assessed by a trained first-aid provider, paramedic or other healthcare professional.** (See: [health problems](#); [urgent health needs](#); [access to healthcare](#); [healthcare](#); [therapeutic care](#); [therapeutic care for adults in criminal justice proceedings](#); [therapeutic care for children in criminal justice proceedings](#); [medico-legal documentation](#); [Istanbul Protocol](#))

If there are no on-site healthcare professionals available, an ambulance or other appropriate emergency service should be called as soon as it is established that there is a need for urgent medical assessment and/or care.

### **Potential urgent medical issues may include:**

- Acute medical symptoms such as loss of consciousness, shortness of breath, chest or abdominal pain;
- Dehydration or hypothermia;
- Physical injuries such as fractures or bleeding wounds;
- Physical injuries from [recent sexual assault](#);
- Acute [substance dependency](#);
- Severe malnutrition;
- Advanced pregnancy; and
- Acute mental health problems such as psychosis or suicidality (See: [mental health problems](#); [psychotic symptoms](#)).

**At any site where victims have been held by traffickers, universal precautions should be taken to ensure that all persons are protected from harm or infectious diseases.** These include checking for environmental dangers or dangers from other persons, the wearing of gloves and/or other personal protective equipment to protect from exposure to body fluids and the safe disposal of any sharp objects found.

<sup>269</sup> Greenbaum, J., & Stoklosa, H. (2019), [The healthcare response to human trafficking: A need for globally harmonized ICD codes](#), PLoS medicine, 16(5), e1002799.

**Even in an acute medical emergency, [informed consent](#) must be obtained from the victim for any treatment/ first aid given, unless they are unconscious, in which case *best interest* principles apply and urgent care is justified even if consent cannot be obtained.**<sup>270</sup> Informed consent should be obtained with the use of an interpreter (if required) to enable full explanation and understanding. If this is not possible (for example because of a crisis situation and an urgent medical need), attempts should still be made to communicate a request to provide treatment. Obtaining informed consent can be facilitated in some cases by provision to victims of a simple leaflet, in a language that the victim fully understands which explains medical care and consent.

**It is imperative to ensure that an accurate written record is retained in trafficking cases as it is in all medical situations.** If healthcare professionals are not available or unable to take a record, an observational record should be taken by other professionals on site.

**It may be necessary to preserve a crime scene for forensic purposes or for future pursuit of compensation claims, although urgent medical needs should always take priority over this.**

## 12.12 Early access to free, independent, specialist legal advice and representation



**All adults and children who are presumed victims of trafficking should have access to free, independent and specialist legal advice and representation.**



**Access to legal advice and representation is an important safeguard for victims and survivors of trafficking.** It should be offered at the earliest opportunity and free of charge. Lawyers should be vetted to the highest standards of the jurisdiction, trained and specialized in working on trafficking cases and therefore able to apply [trauma-informed](#), gender-sensitive methods of working. (See: [gender sensitivity](#); [gender-sensitive communications](#))

Children require specialist child lawyers who are trained on all aspects of children's rights and entitlements. (See: [rights of child migrants](#); [Barnahus model](#))

**Legal matters in which legal advice and representation should be available to survivors in order to understand and exercise their rights include:**

- Criminal justice matters for victims, informants, witnesses and defendants (See: [access to criminal justice and re-dress](#); [protection and support throughout criminal justice proceedings](#));
- All matters relating to NRM identification (including legal advice prior to preliminary NRM identification procedures) (See: [identification+; legal advice and representation 2](#));
- Residence permits, and any immigration matters (See: [residence permits 1](#); [residence permits 2](#));
- Applications for asylum and other forms of international protection and all related procedures (See: [international legal protection of migrants](#); [rights of child migrants](#); [vulnerability: migrants and refugees](#));
- Housing, welfare, health, employment, social welfare matters (See: [practical needs 1](#); [practical needs 2](#); [accommodation for adults](#); [family accommodation](#); [accommodation for children](#); [healthcare](#); [social inclusion](#));
- Child law and family law, including family reunification (See: [Barnahus model](#); [rights of child migrants](#); [family health and care](#); [family accommodation](#); [vulnerability of children](#));
- Age dispute and age estimation assessment (See: [age dispute and age estimation assessment 1](#); [age dispute and age estimation assessment 2](#); [adult and child assessment guides for human trafficking](#); [BIC assessment and child ongoing safety and care plan](#));
- [Compensation](#) and restitution; and
- Voluntary return to country of origin (See: [voluntary return](#)).

<sup>270</sup> For instance, "[d]elirious or unconscious patients lack capacity and cannot provide consent. In these cases, it is a physician's duty to seek consent from a suitable surrogate. However, in some cases, even getting consent from a surrogate is excused if the surrogate is not immediately available and waiting to find the surrogate would cause harm to the patient by delaying care." Hartman, K.M., & Liang, B.A. (1999), [Exceptions to informed consent in emergency medicine](#), *Hosp Physician* 35, p. 426.

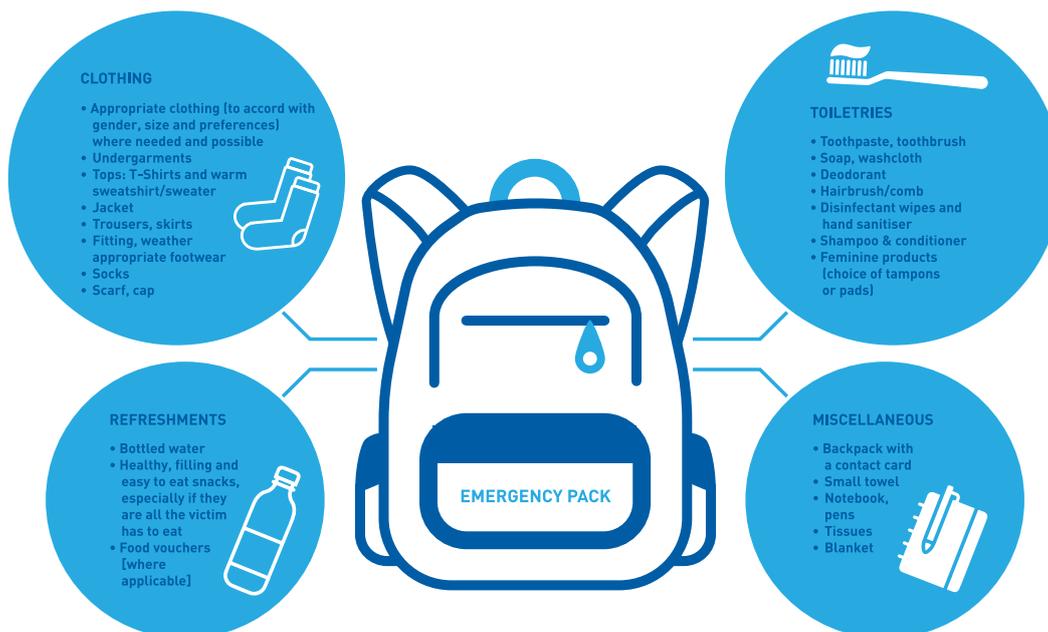
## 12.13 Prioritising practical, financial and material needs

*All forms of provision for victims of trafficking should be provided in the spirit of dignity, equality, kindness and respect.*

**National resources for provision of practical, financial, and material support for victims of trafficking vary widely.** (See: [practical needs 2](#)) However, States should aim to provide the highest possible standard of practical and material assistance in each context in which professionals are working. Material assistance communicates a positive message of support that can help victims to establish trust and remain in contact with essential services. This is a vital first step towards more stable situations and financial independence and it should be considered an investment in survivors' current and future safety. It also provides an essential basis for effective work with survivors and helps to focus professionals' time and resources.

**Early provision of financial, practical and material support is often necessary.** People who manage to leave a trafficking situation usually have little or nothing to take with them, including essential personal items, clothing and money. It is vital to ensure that they are provided with practical and material assistance as quickly as possible, taking into account their own needs and those of their children.

**The use of [emergency kits](#) is common in many countries.** These should include the maximum and most useful contents for the specific environment and the situational context of victims. They should be provided free or charge to victims whenever needed, before, as well as after, their preliminary identification. Emergency kit providers should always strive for standards of excellence.



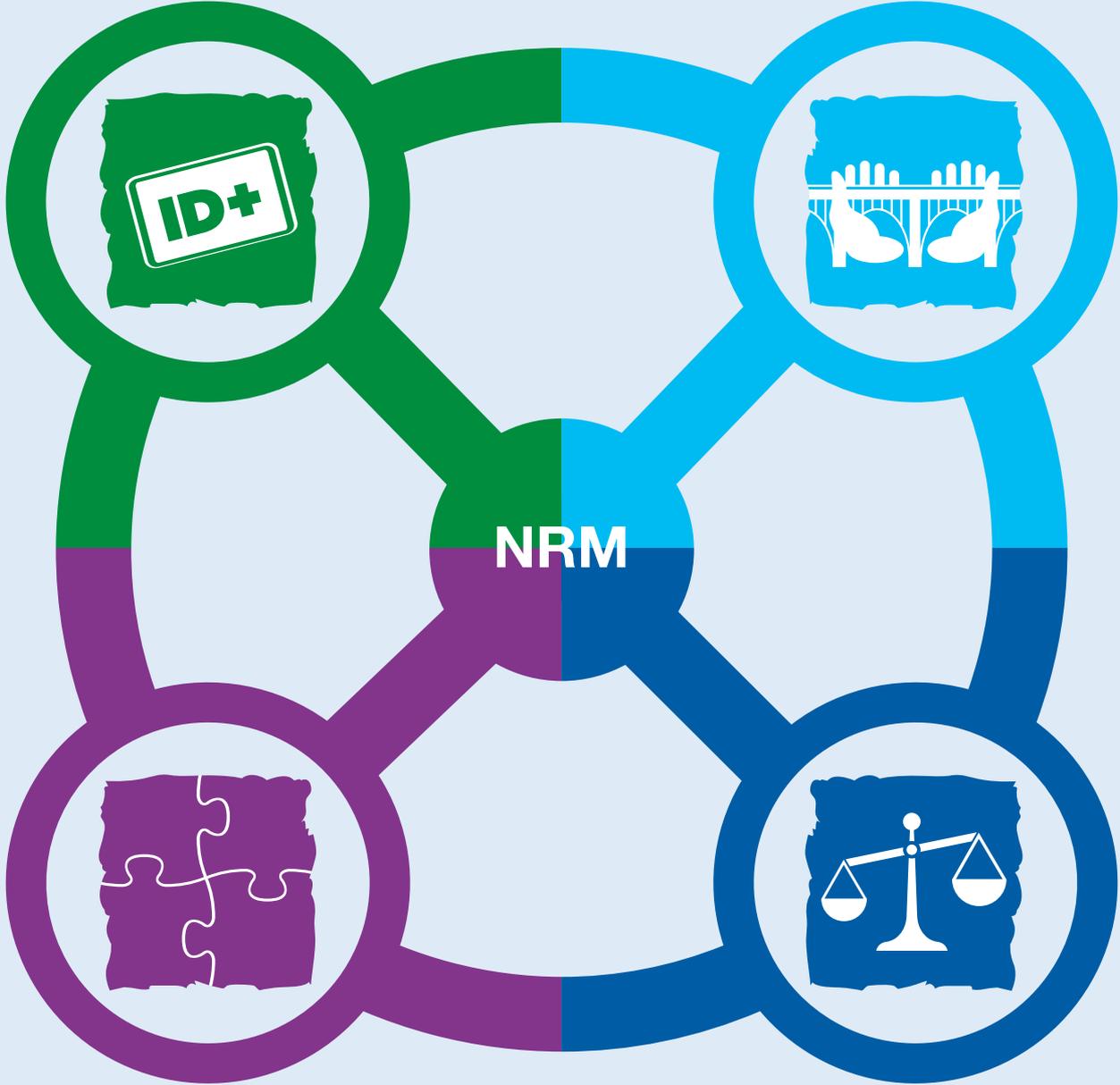
**Provision of basic finances enables victims to make independent choices in purchasing food, personal items and travel.** This aids a sense of well-being and supports recovery of a sense of personal identity, autonomy and agency, which is often diminished or lost in the process of trafficking. The longer-term objective is to work towards a situation of stability, safety, long-term recovery, social inclusion and financial independence, which can be supported further through training and employment assistance.

**Provision of safe and appropriate accommodation for victims of trafficking who need it is fundamental to the efficiency and success of NRMs.** It is integral to ensuring victims' safety from re-trafficking, maintaining their consistent contact with essential services, supporting their sustained recovery and therefore their gradual social inclusion and financial independence. The understanding of stakeholders working in any context as to what constitutes 'safe' and 'appropriate' accommodation can provide a basis for stakeholders to advocate for sufficient resources to support the accommodation of adults and children within the varying national systems, and to advance the progress of related laws and policies. (See: [accommodations for adults](#); [accommodations for children](#))

# THE FOUR NRM PILLARS

Identification  
plus Protection

Individual Support  
and Access to Services



Social  
Inclusion

Criminal Justice  
and Redress



## **PILLAR ONE: Identification + Protection**

**“As a victim of trafficking, you learn to be very scared.** My trafficker told me, ‘there is another girl who didn’t listen to me – she is in a wheelchair now.’ He threatened to kill members of my family and convinced me that if I told my story, no one would ever believe me. So many victims are afraid of what the authorities will do to them, they don’t know that they have any rights, and they don’t know where to turn.

We need a system that reaches out to help victims, rather than expecting them to simply come forward: clear, accessible information and guidance must be provided for all people who are in potential at-risk groups; early signs of human trafficking must be recognized and urgent action taken to prevent it; adults and children who have already been trafficked need swift initial identification and immediate protection.”

— **Judit Olah**, Anti-trafficking activist and survivor leader



**'Identification +' refers to NRM procedures for adults and children that have immediate measures for victims' protection and individual support as a *central and integral* component.**

**The two-stage identification process consists of:**

- **(Stage 1): Preliminary identification of 'presumed victims of trafficking'**: A positive preliminary identification decision automatically provides access to a recovery and reflection (R&R) period, allocation of a guardian advocate (for children) or independent advocate (for adults) and all attendant rights and entitlements, including access to safe and appropriate accommodation and multi-agency services (See: [accommodation for adults](#); [accommodation for children](#));
- **(Stage 2): Conclusive identification of victims of trafficking**: A positive conclusive identification decision results in continuation of support together with attendant rights and entitlements including residence permits (See: [conclusive identification](#)).

## 13.1 Introduction to Pillar One

Trafficking is a hidden and swiftly evolving crime. Victims can face myriad obstacles that prevent them from being detected or coming forward to seek help. Crucial opportunities for victim identification, protection and support are frequently missed, which means that many adults and children are subjected to re-trafficking, continued exploitation and other forms of crime and harm throughout their lives. Lack of effective identification of victims also means that traffickers are able to continue committing crimes with impunity. It contributes to low rates of prosecution, conviction and imprisonment for human trafficking across the globe. (See: [global prosecution and conviction rates](#))

***The only effective identification methods are multi-disciplinary, pro-active, non-discriminatory and trauma-informed.***

**The obligation for early, formal identification and recognition of victims of trafficking is fundamental to the success of NRMs.** It is an essential component of States' *due diligence obligation* to prevent trafficking and protect victims<sup>271</sup> and it is independent of States' obligation for effective criminal investigation.

**Appropriate identification, protection and individual support must be provided for all adults and children who:**

- (a) are initially detected as *possible* victims of trafficking;
- (b) have received a **(Stage 1) positive preliminary identification** and therefore have the status of 'presumed victims of trafficking'; and
- (c) have received a **(Stage 2) positive conclusive identification** and therefore have the status of 'victim of trafficking'.



**States should ensure that their approach to identifying victims of trafficking and investigating human trafficking crime is proactive and adequately resourced.**

**The non-conditionality of international law relating to the identification of victims of trafficking recognizes that it is a complex process.** It must respond to a crime that in many cases is hidden not only by the criminals, but also by victims who are too afraid to speak out or come forward. There are many possible reasons for this fear, which combine to prevent victims from requesting help from national authorities.<sup>272</sup> A criminal prosecution or conviction of a vic-

<sup>271</sup> UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000. In addition to these obligations to prevent trafficking in persons, Principle 2 of the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking also provides 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 European Court of Human Rights in the case of *Rantsev v. Cyprus and Russia*, Application no. 25965/04, Judgment of 7 January 2010, 51 EHRR 1, held that there are positive obligations on the State to take preventive measures to protect an individual from the actions of another individual. UN General Assembly (2015), [Report of the Special Rapporteur on trafficking in persons, especially women and children](#), 3 August 2015, A/70/260, para. 12.

<sup>272</sup> Article 10 of the Council of Europe Convention on Action Against Trafficking in Human Beings sets out in relation to identification that "1. Each Party shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified in a procedure duly taking into account the special situation of women and child victims and, in appropriate cases, issued with residence permits under the conditions provided for in Article 14 of the present Convention. 2. Each Party shall adopt such legislative or other measures as may be necessary to identify victims as appropriate in collaboration with other Parties and relevant support organisations. Each Party shall ensure that, if the competent authorities have reasonable grounds to believe that a person has been victim of trafficking in human beings, that person shall not be removed from its territory until the identification process as victim of an offence provided for in Article 18 of this Convention has been completed by the competent authorities and shall likewise ensure that that person receives the assistance provided for in Article 12, paragraphs 1 and 2. 3. When the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be accorded special protection measures pending verification of his/her age. 4. As soon as an unaccompanied child is identified as a victim, each Party shall: (a) provide for representation of the child by a legal guardian, organisation or authority which shall act in the best interests of that child; (b) take the necessary steps to establish his/her identity and nationality; (c) make every effort to locate his/her family when this is in the best interests of the child." Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Article 10. Council of Europe (2005), [Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings](#), paras. 127-137. EU Directive

tim's trafficker should not be a requirement in order for them to be conclusively identified and provided with the status of a victim of human trafficking, nor should co-operation with criminal justice proceedings be the only way in which a victim may secure entitlements related to that status, including provision of a residence permit and other forms of leave to remain (See: [non-conditional identification](#)).<sup>273</sup>



After surviving human trafficking, many victims are left in conditions of poverty and destitution and they often suffer related mental and physical health problems. They may be living in fear of threats and reprisals from their traffickers for years after they have left their direct control. In some cases, which have involved ritualised violence inflicted by traffickers, victims may also have extreme fears of malevolent supernatural forces.<sup>274</sup>

Victims commonly believe that if they ask for help from law enforcement or immigration authorities, they will be prosecuted, detained, imprisoned or deported. Traffickers often threaten victims that they have contacts within law enforcement or immigration authorities, and are working in league with them, which re-enforces this fear.

Victims may lack the understanding that they have been '*trafficked*' and that their traffickers have committed a serious crime against them. Many have no knowledge of the existence of systems designed to identify, protect and support them, or how they may access these.

All of these situations can cause victims to feel they have no option other than to continue living '*under the radar*.'

## 13.2 Initial detection and referral of victims to the NRM

### The role of professionals who work outside of NRM services

#### **Stakeholders who may initially detect and refer victims of trafficking to NRM first responders or competent authorities include:**

- NGOs workers and professionals working within civil society organizations;
- Health service providers, administrators and staff involved at all levels in hospitals, clinics and medical practices;
- Employees on airlines, ships, trains, taxis and other modes of transport used for trafficking;
- Employees in the hospitality and entertainment industries;
- Teachers, administrators and staff in schools, orphanages, colleges, universities and other educational centres;
- Labour, maritime, mining and agricultural inspectors and health and safety inspectors;
- Staff at all levels within administrative detention centres, pre-trial detention facilities and prisons;

2011/36/EU obliges Member States to "take the necessary measures to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in co-operation with relevant support organisations." [Directive 2011/36/EU](#) of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, 15 April 2011, OJ L 101, Art. 11(4). See also Guideline 2 of OHCHR (2002), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), p. 4-5.

<sup>273</sup> The identification and protection of trafficked victims cannot be depended on the criminal justice system and its ability to produce convictions. The criminal justice system operates under very different rules and procedures that the victim assistance and support. There can be many reasons why the trafficking crime cannot be prosecuted; traffickers are not found and brought to justice, for example.

<sup>274</sup> See van der Watt M., Kruger B. (2020), [Breaking Bondages: Control Methods, "Jujū," and Human Trafficking](#). In: Winterdyk J., Jones J. (eds), *The Palgrave International Handbook of Human Trafficking*. Palgrave Macmillan, Cham., pp. 935-951. See also Dunkerley, A. W. (2017), [Exploring the use of jujū in Nigerian human trafficking networks: considerations for criminal investigators](#), *Police Practice and Research*, 19(1), pp. 83-100.

- Lawyers working in all fields of law, including criminal law, asylum and immigration, mental health, housing, employment, social welfare, child and family law, and child protection or safeguarding cases (See: [legal advice and representation 1](#); [legal advice and representation 2](#)).
- Professional [interpreters and cultural mediators](#);
- Members of trade unions (See: [vulnerability of migrant workers](#));
- Statutory social service providers;
- Police and other law enforcement officials (non-specialized in trafficking), judiciary, including prosecutors, judges and other staff;
- Embassy and consular officials;
- Psychologists and counsellors (other than medical staff);
- Staff of employment/recruitment agencies and other intermediaries facilitating employment (including internationally) (See: [vulnerability of migrant workers](#); [traffickers' methods](#));
- Banking and financial sector personnel (See: [financial investigations](#));
- Information and Communications Technological (ICT) company personnel;
- Staff of religious institutions and places of worship; and
- Members of the general public. Many members of the general public have the level of human trafficking awareness required to be able to refer victims of trafficking to NRM competent authorities or first responders who can initiate onward referral to NRM identification procedures (See: [detection and referral](#); [detection and referral of children](#)).

**Professionals who work outside of the NRM structural framework are often well placed to detect victims of trafficking and to report to [first responders](#) or [NRM competent authorities](#) for further appropriate advice and action.** They should therefore be considered as *allied stakeholders* within NRMs, and resources should be committed for provision of anti-trafficking training which includes the [NRM Preparatory Guide and Protocol](#), [NRM principles](#) and [Recommended Standards](#).

In addition, designated [anti-trafficking focal points \(AFPs\)](#) should be allocated within specific professional service sectors. AFPs have training, contacts with stakeholders and routes for referring suspected victims of trafficking for NRM procedures and related services.

**Anti-trafficking training should be disseminated and incorporated into the training curricula for all professionals who work in related fields.** These include: law,<sup>275</sup> statutory authorities, schools, colleges, universities and professional training institutions, healthcare services and other mainstream services, labour unions, NGOs, public institutions and private companies. Professionals in all of these sectors may come into contact with victims of trafficking. With appropriate and regularized training they will be able to identify signs and indicators of trafficking and can operate as an effective network for the detection and onward referral of victims of trafficking to NRM competent authorities. This is best achieved by ensuring the allocation of trained and experienced AFPs.

**It is the responsibility of the state authorities to ensure that there are appropriate channels for reporting human trafficking crime.**<sup>276</sup> In many countries referring victims of trafficking and reporting trafficking crime is available via direct lines to the police, hotline numbers to call, or online forums. (See: [access to criminal justice and redress](#))

<sup>275</sup> See The Law Society (2020), [Victims of modern slavery – guidance for solicitors](#). Lawyers should have a basic awareness of human trafficking in order to be alert to indicators and to know how to refer to further specialist assistance.

<sup>276</sup> Guideline 5 of OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking states that, “[a]n adequate law enforcement response to trafficking is dependent on the co-operation 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.” Further, “States and, where applicable, intergovernmental and non-governmental organizations should consider: 1. Sensitizing law enforcement authorities and ... 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.” Guideline 5 of OHCHR (2002), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), p. 7-8.



States should establish communication channels for the general public to report presumed cases of human trafficking which are available 24-hours a day, 7 days a week. This can include hotlines, specialized desks, etc. States should promote these channels with the general public and raise public awareness on the crime of trafficking in human beings and the risks related to this crime. Reporting channels should be confidential, available in a variety of languages and child-friendly. Reporting should be free of charge.



Any service or hotline that receives reports of the human trafficking crime and/or NRM referrals should be staffed by professionals who are specialized in adult and child victim identification. It should be derived from, or directly linked to law enforcement authorities, statutory social services for adults and national child protection systems. Staff who answer referral calls and enquiries should be vetted to the highest level possible in the national jurisdiction and trained to work in accordance with national laws. They should be trauma-informed and specialized in adult and child victim identification.



**Referrals to NRMs are usually motivated by a referrer's concern for victims' safety and well-being, as well as concerns about trafficking crime.** It is important that NRM referrals are known to result in identification, protection and individual support for victims of trafficking. If referrals come to be associated with criminalization, imprisonment, detention or deportation of victims, this defeats the spirit and purpose of NRMs and can inhibit referrals being made. (See: [NRM principles](#); [non-punishment principle 1](#); [non-punishment principle 2](#))

The NRM referral pathway for preliminary identification procedures depends upon the jurisdiction of each country. (See: [preliminary identification](#)) However, whether it is via law enforcement or immigration authorities, specialist anti-trafficking NGOs or statutory social services, all further action for the victim should be undertaken with adults' informed consent and children's informed participation.<sup>277</sup> (See: [communications with children](#); [Lundy model](#); [informed consent 1](#); [informed consent 2](#)) Free access to legal advice should be offered with regard to entering NRM procedures in all cases where it is required. (See: [legal advice and representation 1](#); [legal advice and representation 2](#))

**Non-conditional support should be equally accessible to victims of trafficking who do not wish to consent to referral for NRM identification procedures and/or those who do not feel willing or able to co-operate with law enforcement investigations or criminal justice procedures.** Identification represents a very early stage in the process for victims to be able to make fully informed decisions, therefore early legal advice and representation should be available for those who wish to consider their next steps *prior* to their (Stage 1) preliminary identification.<sup>278</sup> (See: [non-conditional identification](#))

### 13.3 Initial detection and referral of child victims of trafficking



**Protecting any child from significant harm overrides all other considerations.** (See: [vulnerability of children](#); [traffickers' methods: children](#); [traffickers' methods: adolescents](#)). Any person who is concerned that a child may be a victim of trafficking should make a report to NRM first responders or competent authorities. NRM child services must be directly linked or derived from national child protection systems and child statutory services. It is the duty of States to make this route of referral both comprehensive and accessible for the referral of all possible child victims of trafficking, without discrimination or preference, in accordance with each child's *best interests* under the [UN Convention on the Rights of the Child](#).<sup>279</sup>

<sup>277</sup> See Council of Europe (2019), [Child Participation Assessment Tool: Indicators for measuring progress in promoting the right of children and young people under the age of 18 to participate in matters of concern to them](#). See also Promise (2019), [Standard 1.2: Child Participation Tool](#).

<sup>278</sup> See British Red Cross, the Human Trafficking Foundation, the Anti-Trafficking Monitoring Group, and Anti Trafficking and Labour Exploitation Unit (ATLEU) (2018), [Places of Safety: Principles that underpin early support provision for survivors of trafficking](#). See Kirsty Thomson (2014), [Upholding Rights! Early Legal Intervention \(ELI\) for Victims of Trafficking – Best Practice Principles](#).

<sup>279</sup> "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status." UN General Assembly (1989), [Convention on the Rights of the Child](#), Article 2.



**NRM child services should be partnered with, and build on existing national child protection systems. They should be staffed by child specialists and supported by civil society organizations that are directly linked to both NRM child services and national child protection systems.**



An appropriate, calm and caring response to any child who may be a victim of trafficking is crucial for establishing trust from the outset. It is essential not to alarm or intimidate children, communication with them should always provide explanation and be age-appropriate, trauma-informed and child rights-centred, whatever the context in which professionals are working. This supports immediate onward referral to national child protection systems and services, and helps the child to have some faith in systems designed to protect them. (See: [communications with children](#); [Lundy model](#))

**Children who are victims of trafficking may be identified at any location:**

**Common sites include:**

- **Private homes, foster homes, youth shelters, half-way homes, homeless shelters, hostels** (See: [accommodation for children](#); [traffickers' methods: children](#); [traffickers' methods: adolescents](#));
- **Childcare and educational institutions (nurseries, schools, colleges and vocational training);**
- **Formal and informal work sites;**
- **Healthcare services;**
- **Hotels, motels, bed and breakfasts and all sites pertaining to tourism/hospitality;**
- **Transport hubs including bus and train stations and airports;**
- **Juvenile and administrative detention centres;**
- **Sites of indoor or street prostitution;**
- **Recruitment agencies for junior sports and modelling; and**
- **Cyber-space, including online pornography and 'adult entertainment' sites or classified advertisement sites.** (See: [traffickers' use of internet](#); [traffickers use of dark web](#); [cyber-trafficking](#); [cyber-trafficking for sexual exploitation](#))

**Action to identify child victims of trafficking is required in nurseries, schools and colleges:**

Staff at nurseries, schools and colleges should be aware of all forms of child trafficking. They need to be able to identify domestic and transnational trafficking, as well as being equipped to educate children about the dangers of trafficking they may face online. It is not realistic for any educational institution, whether private or state-run, to believe that they are immune from the dangers of trafficking. It is vital that staff at all educational institutions have training from child trafficking specialists via anti-trafficking focal points who are directly linked to NRM child services and the national child protection system.

### **Investment in national children's services should be focused on supporting local authorities to ensure access to early help, intervention and identification services.**

- It is vital that children who are vulnerable to traffickers are not excluded or isolated and left without the help and support they need from schools and school networks in wider communities. Children and adolescents who are considered to be poorly behaved and are commonly suspended or excluded from school are disproportionately targeted by traffickers. Children who are in danger of being excluded at all should have a (BIC) assessment, together with an ongoing safety and care plan provided by child specialists, to ensure that they are specifically safe from the risk of trafficking. (See: [adult and child assessment guides for human trafficking](#); [BIC assessment and child ongoing safety and care plan](#))
- BIC assessments should be conducted at different 'reachable' moments as a child becomes visible to law enforcement, education or other services. A '*reachable moment*' could, for example, be at the point a child's school attendance changes or there are concerns about their behaviour. Or it may be at the point when a child is found in possession of a weapon when stopped and searched by police, or when they are arrested for drug related offences. All these instances should be red flags for safeguarding services – and they require a quick response.
- Any indications of trafficking of children should be recorded on national police, missing persons databases and children's statutory services databases. This will ensure the consistent identification of children who are at risk of trafficking or have previously been trafficked. It must include indicators of trafficking for the purpose of criminal exploitation.<sup>280</sup>

## **13.4 Rescue, recovery, raids and other on-site operations**

A human rights approach is required for all rescue, recovery raids and on-site operations to ensure that victims of trafficking are treated as victims of crime, irrespective of the method, nature or location of their trafficking. (See: [trauma-informed communications 2](#); [urgent healthcare needs](#); [multi-agency mobile teams and task forces](#)) The "*do no harm*" principle should be applied throughout.<sup>281</sup>

### **All efforts must be made to ensure that:**

- "Jurisdictional limitations, of any sort, do not impede rescue and post rescue activities in any way.
- There is no delay in rescue and post rescue activities.
- A rescued person's human rights are protected and are not further violated.
- Adequate care and attention is extended to rescued persons during and post rescue.
- All actions and decisions initiated are based on the principle of '*the best interest of the victim/rescued person.*'<sup>282</sup>

<sup>280</sup> "For every young person at risk of or experiencing exploitation and abuse there are 'reachable moments' where an appropriate intervention could protect them from harm. Some key examples include: ∅ Any police interaction ∅ Attending A&E ∅ Facing school exclusion ∅ Returning from a missing episode Reachable moments provide a crucial opportunity to safeguard young people from abuse", see: Children's Society (2020), Positive Engagement with Young People.

<sup>281</sup> The do no harm principle in the context of anti-trafficking work means that the anti-trafficking stakeholders have an obligation not to endanger, under any circumstances and at any time, the life, physical and psychological safety, freedom and well-being of victims, witnesses and all persons who come into contact with them in the course of their work. Anti-trafficking stakeholders must make every effort to do no harm in their work. Adapted from OHCHR (2011), [Manual on Human Rights Monitoring: Chapter 02 Basic Principles of Human Rights Monitoring](#), p. 4.

Department of Justice, Equality and Law Reform and the Anti-Human Trafficking Unit of Ireland & IOM (n.d.), [Human trafficking is a modern day form of slavery](#), p. 33.

<sup>282</sup> The obligation to remove from risk of harm. In a recent judgement, the European Court of Human Rights affirmed that if State authorities were aware, or ought to have been aware, of a risk of trafficking, a failure to take appropriate measures within the scope of their powers to remove the individual from that situation or risk is a violation of that person's rights. [Rantsev v. Cyprus and Russia](#), Application No. 25965/04, Judgement of 7 January 2010, para. 286. UNODC & Government of India (2007), [Protocol on Inter State Rescue and Post Rescue Activities Relating to Persons Trafficked for Commercial Sexual Exploitation](#), Vienna: UNODC, p. 7.

**Any adults or children who are recovered in rescue operations, immigration or police raids and other on-site operations could be victims of trafficking.** Therefore, the distinction that is often made between specific operations for the rescue of victims of trafficking and *other types of* raids and operations is artificial. Adherence to human rights standards and to appropriate identification procedures for victims of trafficking needs to be ensured.

**This includes the following measures:**

- **Preliminary identification of victims of trafficking, whether on or off site, requires a multi-disciplinary approach.** Mobile teams should include statutory services, social workers, recognized anti-trafficking specialist NGOs and vetted [interpreters and/or cultural mediators](#) where necessary.
- **The best interests of all children in accordance with the UN Convention on the Rights of the Child must be adhered to at all times in on-site operations.** Child specialist professionals who are formally recognized by national child protection systems should conduct all communications and actions with children. These include child social workers, guardian advocates, paediatricians and child psychologists or representatives from recognized, accredited child specialist NGOs. [Interpreters and cultural mediators](#) who are used for children must be vetted to the highest standards of child protection systems.
- **Regularly reviewed and updated protocols should be in place at every stage in raid and recovery operations.** This includes planning, implementation and post rescue activities, avoidance of re-victimization, safe transfer, trauma-informed methods of communication, attendance to immediate practical needs and medical health check. (See: [interpreters and cultural mediators](#); [urgent healthcare needs](#))



**The rights of all victims of trafficking who are in need of international protection must be recognized in accordance with international law. States must have procedures in place to identify those whose enforced return would violate the principle of non-refoulement. A full and competent risk assessment must be carried out before a decision to proceed with an enforced return of a victim of trafficking is considered. All victims of trafficking who may require asylum or other forms of international protection should be provided with early access to free, independent, specialist legal advice and have access to all other entitlements/protections proscribed under international law.**

The role of UNHCR includes prevention of human trafficking among asylum-seekers, refugees, other persons in need of international protection,<sup>283</sup> internally displaced and stateless people. It addresses the protection and assistance needs of those who become victims of trafficking. UNHCR ensures that potential international protection needs of victims of trafficking are properly identified and that they are afforded corresponding rights, as well as assisting States in ensuring that victims of trafficking who are without identity documents are able to establish their nationality status in order to prevent them from being rendered stateless.<sup>284</sup>

**Female professionals should be available wherever possible for victims of trafficking of any gender who have this preference.** This should apply to each of the professions represented in operational teams, including law enforcement, border and coastguards, immigration officers, [interpreters, cultural mediators](#) and representatives from IGOs and NGOs. There should always be female child-specialist professionals available for children. (See: [healthcare](#); [survivors' specific needs](#))

<sup>283</sup> Persons otherwise in need of international protection are "individuals who are outside their country of origin (typically because they have been forcibly displaced across international borders) but who may not qualify as refugees under international or regional law, but require international protection on a temporary or longer-term basis. This may include, for example, persons who are displaced across an international border in the context of disasters or the adverse effects of climate change but who are not refugees." UN High Commissioner for Refugees (UNHCR) (2017), [Persons in need of international protection](#), June 2017, p. 4.

<sup>284</sup> The role of UNHCR does not supersede the primary obligation of the State to protect these groups of people. UNHCR (n.d.), [Trafficking in Persons](#).

## Forensic examination



**Any possible trafficking crime scene must be preserved for the gathering of forensic evidence and materials for criminal investigations by law enforcement authorities.** Forensic examination of possible victims of trafficking should be undertaken only once they are in a safe and appropriate location and with their [informed consent](#). It must always be conducted in a trauma-informed, gender-sensitive and appropriate manner. (See: [trauma-informed communications 1](#); [trauma-informed communications 2](#); [gender sensitivity](#); [gender-sensitive communications](#)) Female forensic doctors should be available for victims of any gender who prefer to work with them. In any cases where it is not possible to work with a female doctor, a vetted professional woman should be available to accompany or support victims of trafficking if they prefer it.

In the case of children, female child specialist professionals who are derived from, or partnered with national child protection systems should always be available to conduct physical examinations of any kind, including a forensics exam.

- **Protection, care and individual support should be extended to recovered persons throughout rescue and post rescue.** It is helpful for the same professionals to remain consistently present throughout the process of recovering victims from trafficking sites, as changing of personnel can be confusing for victims to manage, particularly at an early stage.<sup>285</sup>
- **All persons recovered from possible trafficking sites or vessels should be taken to an off-site, safe and trauma-informed environment as quickly as possible so that identification procedures can take place, and they can have their urgent healthcare needs and practical needs met as quickly as possible.**
- **It is essential to ensure that victims are safe, and away from any contact (including being within hearing or sight) of traffickers or any other persons who have been recovered with them, in order to conduct preliminary identification procedures.** Separation from any other persons on the site can be distressing: it should be conducted as sensitively as the environment and situation allows in accordance with a trauma-informed and gender-sensitive approach.

### It is important to provide all recovered persons with:

- **A contact card**, containing a record of the contact details of the professional organization that is assisting them, together with a concise summary of their rights in a language and format that they can understand;
- **Blankets**, prioritizing those who are inappropriately dressed or who could be cold or unwell, and clean clothes for those who do not have sufficient clothing they can change into;
- **Water**: Hydration is important therefore all persons recovered should be provided with fresh drinking water; and
- **An [emergency kit](#).**

<sup>285</sup> OSCE OSR/CTHB (2019), [Uniform Guidelines for the Identification and Referral of Victims of Human Trafficking within the Migrant and Refugee Reception Framework in the OSCE Region](#).

## Ensuring trauma-informed communications throughout on-site operations



It is important for all professionals who come into contact with a person who has been trafficked to be aware that they will have been made susceptible to the belief that leaving the control of traffickers, or speaking about their experiences to others who offer assistance will result in a situation of *harm* rather than *help*. (See: [emergency kit](#); [trauma-informed communications 1](#))

Therefore, the first impression given by professionals needs to be one that immediately distinguishes them from traffickers and from other people who have harmed them. This impression is integral to *speech, movement, gesture and approach*. If communications are trauma-informed it helps victims to understand that professionals are committed to ensuring their health and safety. All professionals should follow simple, trauma-informed methods of communication from the outset, demonstrating a gentle but pro-active interest in victims' personal well-being.

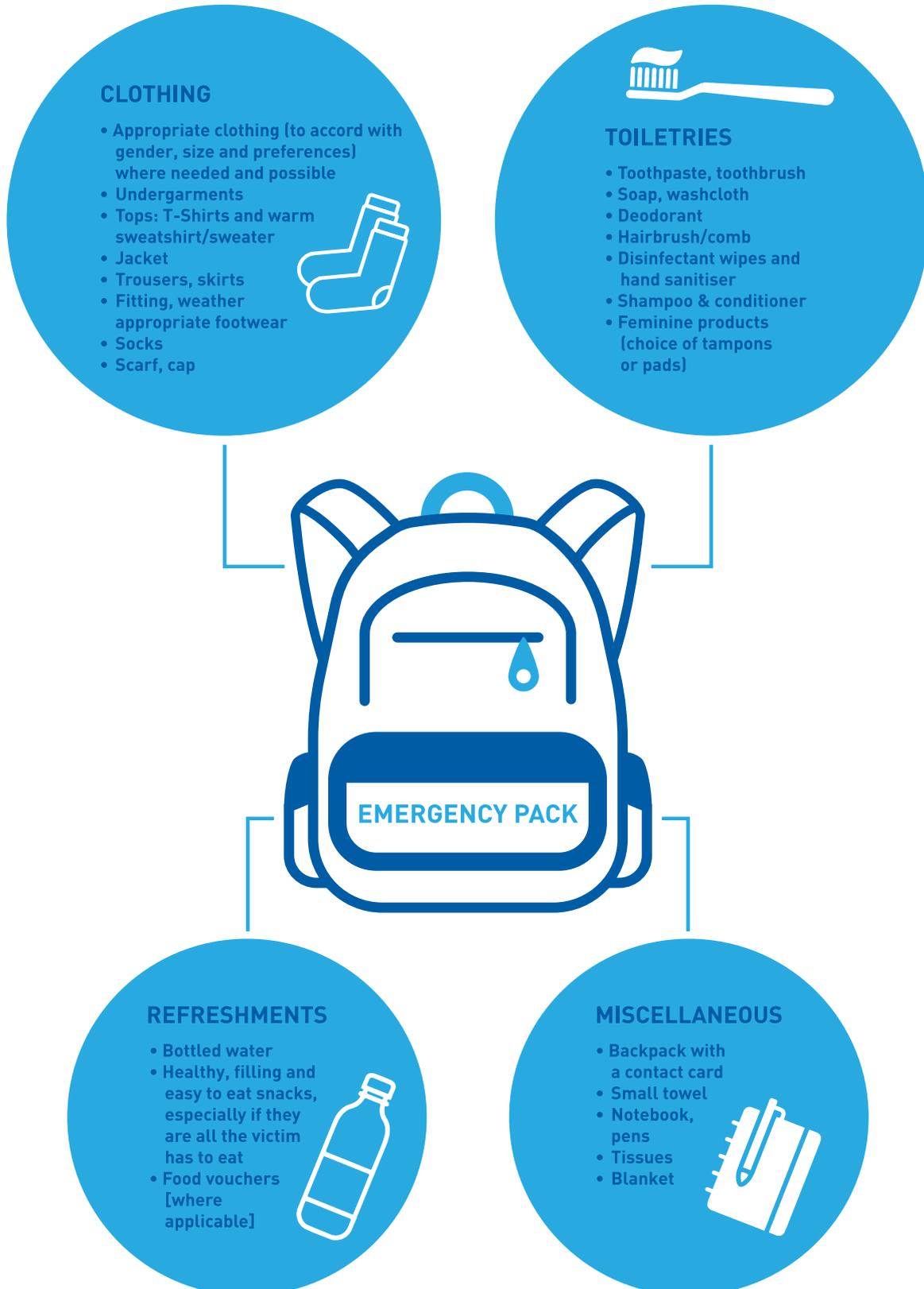
In many cases victims may feel unable to accept help that is offered at the time, but they will nonetheless remember their first impression and may feel more able to ask for help at a later point. This is a reason why it is essential to carry a contact card and provide it to victims at the earliest opportunity.

**Initial communications from all professionals should contain a clear explanation of the identity and role of the professional, together with their purpose in being there.** Victims who are still within or emerging from trafficking situations are under great pressure and are often physically or psychologically unwell. It can be difficult for them to be able to read or trust the motivations of others. Many will have suffered deception and betrayal from traffickers who have posed as family members, friends, protectors or even rescuers. It is common for traffickers to tell victims that they are in league with, or even working with law enforcement and immigration authorities to keep them in fear of any possible intervention or escape. (See: [vulnerabilities](#))

- **A trauma-informed approach maintains consistent awareness of all communications, gestures, speech and movement:** It is important to observe the same approach with all other people on site so as to maintain the assurance to victims that they are safe. This means, for example, that if shouting between colleagues has to take place in a crisis environment, it is done with as much consideration as possible to reassure any vulnerable, recovered persons who are also on the site.
- **Victims should be separated from others in as careful, sensitive and kind a manner as possible.** They should be taken to a private and safe space prior to being asked any questions that may identify them as possible victims of trafficking – including personal details such as their name, nationality or date of birth. It is always preferable for possible victims to be taken to a safe, trauma-informed environment away from the site for the process of preliminary identification. Victims may be traumatized by the whole process of on-site raids, even if the primary objective is clearly their *rescue*. Separation from any persons they have been living with closely, including other victims, but in some cases even traffickers and perpetrators, can be traumatizing if it is sudden and not explained carefully at the time it is taking place. Fears can be lessened by professionals' use of calm gestures and movements, a measured, friendly tone of voice that is *clear and certain* about actions that are required, but *reassuring and kind* in manner.
- **It is helpful to explain any action required for victims as being necessary for their safety.** Many victims have experiences of being summoned or escorted to private areas for sexual exploitation and/or other forms of violence committed against them, so they may be particularly frightened of having police officers or other officials walking behind them into closed spaces or areas. Many female victims may be frightened to be alone in the same room with a male police officer and wherever possible, a female police officer or other professional should be present. Some victims will also have histories of being in prisons or detention centres and confinement in small spaces while held in exploitation. **It is important to permit a sense of freedom of choice as much as possible within the boundaries of appropriate timeframe and safety in any on-site situation.**

## 13.5 Provision of Emergency Kits

**Emergency kits can be provided at any stage of contact.** These are in common use in many countries and should be provided free of charge to victims at any time that they are needed, including *before, during and/or after* their (Stage 1) preliminary identification. They should include the maximum and most useful contents for the specific environment and situational context. Emergency kit providers should always strive for the highest possible standards of provision.



**From the first contact with victims, consideration should also be given to intermediate and continued financial, practical and material provision.** This should be expedited in all cases of urgent need, particularly for victims who have dependent children. For unaccompanied children see: [guardianship for children](#) and [accommodation for children](#).

## 13.6 The two-stage NRM victim identification process

### Stakeholders for the identification of victims of trafficking

**In the context of human trafficking, designated first responders are individuals who are trained to identify human trafficking;** to stabilize and control a situation of human trafficking; prepare victims and pass information on to investigators with the victims' informed consent.<sup>286</sup>

#### **NRM designated first responders may include:**

- Police and other law enforcement agencies;
- Immigration (border guards, immigration officials, consular and visa officials, customs officers, naval services, coastguards, port authorities);
- Social workers from statutory social services;
- Children's statutory services & social workers;
- Labour inspectorates;
- Officials working in administrative detention centres, pre-trial detention facilities and prison contexts;
- Judges working in the fields of immigration and criminal justice; and
- IGOs and accredited professionals within trafficking specialist NGOs and civil society organizations

**First responders can refer possible victims of trafficking to NRM competent authorities for (Stage 1) [preliminary identification](#) and onward protection and support. In some jurisdictions, first responders are tasked with making the decision on (Stage 1) preliminary identification, and ensuring that 'presumed victims of trafficking' have a [recovery and reflection \(R&R\) period](#) and attendant rights, entitlements and services.**<sup>287</sup> In cases where preliminary identification does not depend upon the sole authority of law enforcement or national authorities, identification can be conducted with the benefits of multi-agency consultation, therefore victims do not have to experience the delays inherent in first stage decision making by national authorities. (See: [sub-national and local teams](#); [multi-disciplinary approach](#); [multi-agency mobile teams and task forces](#))

<sup>286</sup> The OSCE Ministerial Council "[e]ncourages participating States [...] to increase the capacity and broaden the scope of first line responders to identify child victims of trafficking and other sexual exploitation". See OSCE Ministerial Council (2017), [Decision No. 7/17 on Strengthening Efforts to Combat All Forms of Child Trafficking, including for Sexual Exploitation, as well as Other Forms of Sexual Exploitation of Children](#), 8 December 2017, MC.DEC/7/17, para. 11. This is reiterated in the recital of OSCE Ministerial Council (2018), [Decision No. 6/18 on Strengthening Efforts to Prevent and Combat Child Trafficking, including of Unaccompanied Minors](#), 7 December 2018, MC.DEC/6/18. See also UNODC (n.d.), [First Aid Kit for Use by Law Enforcement First Responders in Addressing Human Trafficking](#), page 3.

<sup>287</sup> The OSCE Action Plan is "[r]ecommending that relevant State authorities identify individuals as trafficked persons, who have suffered human rights abuses, as soon as there are reasonable grounds to believe that they have been trafficked, and, in accordance with national law, ensure that victims of THB are provided with assistance even before the investigation is initiated; ensuring that this assistance is not made conditional on the victim's willingness to participate in legal proceedings". OSCE Permanent Council (2013), [Decision No. 1107 on Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later](#), 6 December 2013, PC.DEC/1107/Corr.1, pp. 5-6.

## The NRM competent authorities

**States are required to have trained and qualified persons who are competent to identify victims of trafficking and refer them for assistance services, ensuring their protection.**<sup>288</sup> Stakeholders who are tasked by States with the formal identification of adult or child victims are known as NRM competent authorities. The most effective NRM competent authorities are those which comprise multi-agency membership in addition to state authorities, including frontline statutory services and anti-trafficking specialist NGOs.

### **Central NRM competent authorities may include:**

- Immigration (border guards, immigration officials, consular and visa officials, customs officers, naval services, coastguards, port authorities);
- Police and other law enforcement agencies;
- Other relevant government agencies, including statutory services; and
- Judges and magistrates.

### **Wider membership of the NRM competent authorities may include:**

- Labour inspectorates;
- Officials working in administrative detention centres and prison contexts;
- Specialized social workers from statutory social services; and
- Professionals from IGOs, recognized anti-trafficking NGOs and civil society organizations.

### **NRM competent authorities for the formal identification of children may include:**

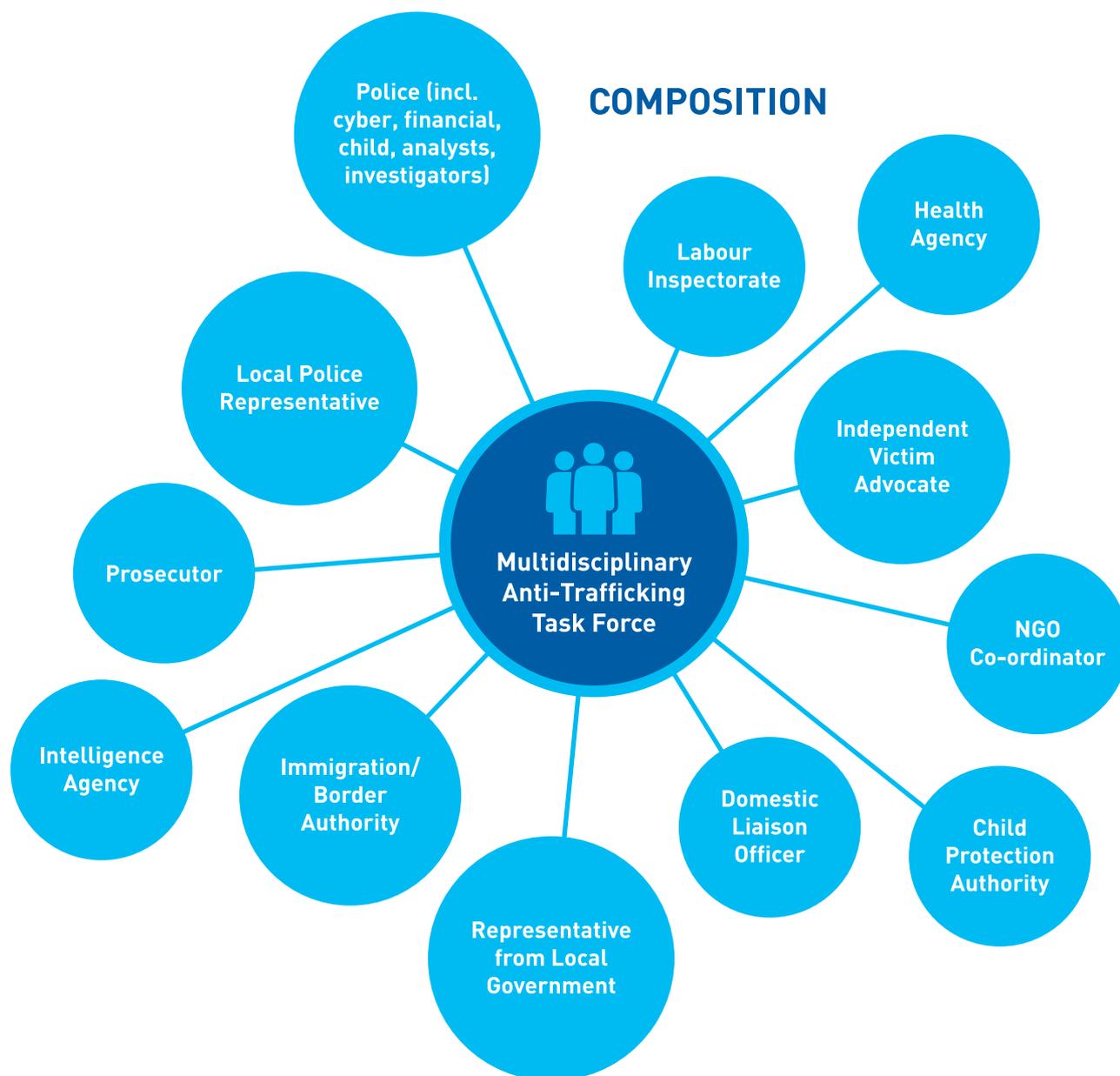
- Child national protection services; and
- Child specialist professionals from recognized anti-trafficking IGOs and NGOs for children and civil society organizations.

NRM competent authorities should strive for the highest standards of professional conduct and be subject to regular review and monitoring by the [NRM monitoring body](#).

**The (Stage 1) preliminary identification decision may be made by designated first responders and/or the NRM competent authorities, depending on the procedures of the national jurisdiction.** The (Stage 2) conclusive identification decision is always made, or delegated and officially approved by the NRM competent authorities. (See: [multi-agency and task forces](#))

<sup>288</sup> UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Art. 10. "Each Party shall provide its competent authorities with persons who are trained and qualified in [...] identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified in a procedure duly taking into account the special situation of women and child victims [...]" See Article 10 (1) of the Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Art. 10. Ministerial Council Decisions 5/05 and 6/17 "[u]rge the participating States to ensure that law enforcement agencies and where appropriate the judiciary co-operate with each other and with other bodies including social services, and where appropriate with relevant civil society organizations in order to enhance identification of victims of human trafficking; and to take appropriate measures for effectively combating human trafficking, by developing harmonized procedures and training courses, inter alia on identification and protection of trafficking victims, including for relevant authorities, civil society organizations, health care and social workers as well as others that may have first contact with victims. See OSCE Ministerial Council (2008), [Decision No. 5/08 on enhancing criminal justice responses to trafficking in human beings through a comprehensive approach](#), MC.DEC/5/08, para. 3; and *ibid* (2017), [Decision No. 6/17 on Strengthening Efforts to Prevent Trafficking in Human Beings](#), MC.DEC/6/17, para. 5.

## Multi-agency mobile teams and task forces for the two-stage identification of victims of trafficking



**Multi-agency mobile teams and task forces are the most effective systems for identification of adult and child victims of trafficking.**<sup>289</sup> This approach combines multi-disciplinary professionals, agencies and services and ensures a wide range of skills and knowledge. It also ensures there are integral checks and balances for identification decisions that cannot be provided by law enforcement or immigration authorities working on their own. Multi-agency teams and task forces can span the various remits of national authorities and law enforcement agencies and include statutory services, child specialist professionals, healthcare services, legal services and specialist anti-trafficking NGOs.

<sup>289</sup> Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Art. 10(1).

**Sub-national and local mobile teams and task forces have specific expertise on particular locations, cultures and local trafficking patterns.** They can source and utilize big data<sup>290</sup> and open-source intelligence<sup>291</sup> to detect places of high risk, identify victims of trafficking within *at-risk* groups, utilize information gathered from community informants and civil society, and hold data on local children and adults at risk. (See: [use of technology](#)) They have the capacity to respond immediately to reported trafficking cases in various locations and can therefore conduct preliminary identification procedures at rescue and recovery sites and vessels. They can detect potential victims of trafficking through outreach activities within communities with high-level vulnerability to trafficking or locations where the trafficking crime may take place.

## 13.7 The need for non-conditional identification procedures for all victims of trafficking

“Identification of victims is crucial, often tricky and necessitates detailed enquiries. Failure to identify a trafficking victim correctly will probably mean that victim’s continuing to be denied his or her fundamental rights and the prosecution to be denied the necessary witness in criminal proceedings to gain a conviction of the perpetrator for trafficking in human beings.

...The identification process provided for in [Article 10](#) is independent of any criminal proceedings against those responsible for the trafficking. A criminal conviction is therefore unnecessary for either starting or completing the identification process. Even though the identification process may be speedier than criminal proceedings (if any), victims will still need assistance even before they have been identified as such.”<sup>292</sup>

Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings



**Non-conditional provision of NRM services should be guaranteed to all victims of trafficking who feel unable or are unwilling to proceed with a criminal complaint against traffickers.**

**It is important that all adult and child victims, without exception, are recognized and given access to protection and individual support as quickly as possible.** A central component of any effective NRM is the provision of identification procedures with all attendant rights and entitlements. These must not depend on a victim’s co-operation with a criminal investigation or criminal justice proceedings. Many trafficking crimes do not result in police investigation and even fewer proceed to trial. Often victims who report trafficking crimes are informed by law enforcement authorities that there are not enough leads for a criminal investigation, or that criminal investigations will result in no further action. It is also the case that criminal justice proceedings against traffickers often arise significantly later than the identification stage. Victims who have been formally identified by competent authorities and have had access to the 4 NRM Pillars, are in a better position to make informed decisions about their future, and to pursue justice against their traffickers. (See: [access to criminal justice and redress](#))

**Some jurisdictions have established a non-conditional NRM which operates discretely from the national criminal justice system, although it is inter-linked.** In other jurisdictions a *dual* system for the (Stage 2) conclusive identification of victims of trafficking has been established which permits victims to choose whether they should be identified by law enforcement authorities **or** by a government appointed civil society authority, both of which provide their access to NRM services. By prioritizing the building of trust with victims through provision of non-conditional identification, protection and support, these systems can have the effect of encouraging and strengthening victims’ potential co-operation with criminal investigations.

<sup>290</sup> Big Data is defined as extremely large datasets that may be analysed computationally to reveal patterns, trends and associations, especially relating to human behaviours and interactions. See McAfee, A., & Brynjolfsson, E. (2012), [Big Data: the management revolution](#), Harvard Business Review, 90, pp. 60–68.

<sup>291</sup> Open-source intelligence is any and all information that can be derived from overt collection: all types of media, government reports and other documents, scientific research and reports, commercial vendors of information, the Internet, and so on. The main qualifiers to open-source information are that it does not require any type of clandestine collection techniques to obtain it and that it must be obtained through means that entirely meet the copyright and commercial requirements of the vendors where applicable. See George, R. Z., Kline, R. D., & Lownethal, M. M. (2005), *Intelligence and the national security strategist: Enduring issues and challenges*, Lanham: Rowman and Littlefield.

<sup>292</sup> Council of Europe (2005), [Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings](#), 16 May 2005, para. 127, 134.

The non-conditional identification of victims of trafficking is a fundamental principle reflected in various international documents including: the [Council of Europe Convention on Action against Trafficking in Human Beings](#); the [OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking](#); and in the [Report of the High Commissioner for Human Rights to the Economic and Social Council on Recommended Principles and Guidelines on Human Rights and Human Trafficking](#).<sup>293</sup>

## 13.8 (Stage 1): preliminary identification

*This section provides an overview on identification for adults and children; however, for procedures that specifically apply to children see [preliminary identification for children](#).*

**A positive (Stage 1) preliminary identification decision results in a person being given the status of ‘presumed victim of trafficking’.** This is issued by the national competent authorities **or** it is *delegated* by national competent authorities to first responders and other designated bodies. The legal threshold for this decision is intentionally low, in recognition of the complexity of the identification process, and the need to conduct identification in stages, in the meantime extending *benefit of the doubt*.<sup>294</sup> This ensures that access to victim protection and individual support can be delivered swiftly and appropriately, without leaving *risk gaps* during which time victims could disappear or be re-trafficked.



**All (Stage 1) preliminary identification procedures and decisions should be completed as soon as possible, and within five days for adults.**

### Use of trafficking indicators

**Trafficking indicators are useful tools that can be used for the preliminary identification of adult and child victims of trafficking.** Initial positive findings from trafficking indicators can lead to positive (Stage 1) preliminary identification. Although the presence or absence of any of the indicators *neither proves nor disproves* that human trafficking has taken place, the presence of trafficking indicators should lead to further investigation. As trafficking crime is constantly evolving in terms of methods of operation, targeting and trafficking of victims, trafficking indicators should be regularly reviewed and updated to ensure that they are relevant.<sup>295</sup>

<sup>293</sup> The obligation to actively identify victims of trafficking is the foundation upon which all other obligations with respect to victims rests. It is also essential when it comes to investigation and prosecution of traffickers because of the necessarily heavy reliance on victim co-operation and testimony. The obligation of identification is not contained within the Trafficking Protocol but is reflected in both the Council of Europe Convention on Action against Trafficking in Human Beings and the Recommended Principles and Guidelines on Human Rights and Human Trafficking, as well as the UN Economic and Social Council (2002), [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. Addendum](#), 20 May 2002, E/2002/68/Add.1, p. 6. The chapeau to Guideline 2 explains, very clearly why identification of victims is so important and why it is an obligation: “A failure to identify a trafficked person correctly is likely to result in a further denial of that person’s rights. States are therefore under an obligation to ensure that such identification can and does take place”. Gallagher, A. (n.d.), [Human Rights and Human Trafficking: A Preliminary Review of Australia’s Response](#). Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197. OHCHR (2002), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#). OHCHR (2014), [Human Rights and Human Trafficking: Fact Sheet No. 36](#).

<sup>294</sup> UNODC (2009), [Model Law against Trafficking in Persons](#). Council of Europe GRETA (2020), [Guidance Note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection](#). OSCE (2011), [Trafficking in Human Beings: Identification of Potential and Presumed Victims: A community policing approach](#).

<sup>295</sup> As traffickers become aware of the trafficking indicators to identify potential trafficking victims, they adjust their modus operandi. New and evolving types of the trafficking crime may also require additional trafficking indicators to be developed.



The [ILO Operational Indicators of Trafficking in Human Beings](#)<sup>296</sup> are based upon the Delphi method and developed in consultation with a wide range of experts.<sup>297</sup> They are considered to be authoritative by a wide range of national and international agencies who work with adult and child victims of trafficking because they are comprehensive and regularly reviewed and updated. ILO trafficking indicators specify a low threshold for finding that a person may be presumed a victim of trafficking.



**Trafficking indicators that are used to identify victims of trafficking should be regularly reviewed and updated to ensure that they are current as trafficking crime is constantly evolving into new patterns, methods, of operation and targeting of victims.**

**Organizations and agencies that have specialist knowledge about particular forms of trafficking or related geographic/cultural dynamics may additionally publish more detailed trafficking indicators, together with guidance relating to particular trafficking patterns and trends.**<sup>298</sup> There are many authoritative guides on trafficking that provide information on signs and indications of specific forms of trafficking exploitation of adults and children, for example, in the fields of health, nurseries, education (schools, colleges, industry and business), global supply chains, migrant worker agencies and law enforcement.<sup>299</sup>

**Trafficking indicator lists are not exhaustive.** However, they are a useful and appropriate tool to assist professionals in focusing on indications that a person may be a victim of trafficking. There are many other cues and indications that should be observed and considered, such as signs of trauma, subjugation, shame, fear and any indication that a person may be under the control and instruction of others, including those whom they may appear to love or care for. These indications can manifest in many individual ways and are not always quantifiable from a checklist.

## Use of preliminary identification interviews for adults

**Positive findings on the basis of trafficking indicators alone can be sufficient for the preliminary identification of a person as a 'presumed victim of trafficking'.** However, in most jurisdictions first stage identification involves an initial screening interview in which personal details are taken and indicators are further evaluated.



Screening interviews should be conducted to the highest standard, without personal bias, judgement or discrimination. Victims' initial contact with first responders and NRM competent authorities is a crucial opportunity to establish trust and help them to remain in contact with services.

Victims' vulnerability should be taken into consideration and their circumstances carefully assessed. They should be treated with respect for their dignity and human rights, observing the duty of care at all times.<sup>300</sup> (See: [pre-trafficking vulnerability](#))

<sup>296</sup> ILO & EU (2009), [Lists of indicators of trafficking in human beings](#), 28 October 2009.

<sup>297</sup> Linstone, H. A., & Turoff, M. (eds.) (2002), [The Delphi Method: Techniques and Applications](#).

<sup>298</sup> See for instance, United Nations Office on Drugs and Crime [UNODC] (n.d.), [Human Trafficking Indicators](#); UNODC (2019), [E4J University Module Series: Trafficking in Persons & Smuggling of Migrants: Module 6: Defining the Concept of Trafficking in Persons: Indicators of trafficking in persons](#), March 2019. International Labour Organization [ILO] & European Union [EU] (2009), [Lists of indicators of trafficking in human beings](#), 28 October 2009; France terre d'asile and Croatian Red Cross (2019), [The identification of victims of human trafficking in transit and destination countries in Europe: A practical guideline for frontline workers](#), February 2019.

<sup>299</sup> ILO & EU (2009), [Lists of indicators of trafficking in human beings](#), 28 October 2009.

<sup>300</sup> See UNODC (2008), [Toolkit to Combat Trafficking in Persons: Tool 5.16 Protecting victims during investigations](#), p. 241. "Final report of the Special Rapporteur, Mr. M. Cherif Bassiouni, submitted in accordance with Commission resolution 1999/33, UN Doc. E/CN.4/2000/62, January 2000:" [v]ictims should be treated by the State and, where applicable, by intergovernmental and non-governmental organizations and private enterprises with compassion and respect for their dignity and human rights, and appropriate measures should be taken to ensure their safety and privacy as well as that of their families. The State should ensure that its domestic laws, as much as possible, provide that a victim who has suffered violence or trauma should benefit from special consideration and care to avoid his or her re-traumatization in the course of legal and administrative procedures designed to provide justice and reparation." See Gallagher, A. (n.d.), [Human Rights and Human Trafficking: A Preliminary Review of Australia's Response](#), footnote xxix.



**All preliminary identification interview procedures for adults should be gender-sensitive and trauma-informed.** (See: [gender sensitivity](#); [gender-sensitive communications](#); [trauma-informed communications 1](#); [adult needs & risks assessment guide](#))

**Victims should have an allocated professional present who is employed independently of the proceedings, and can provide support by accompanying them for the preliminary identification interview.** This should be a social worker, lawyer, [independent advocate](#) or specialist NGO representative who is able to take notes and provide information to a wider team of professionals who are involved.



**Victims should have any urgent healthcare needs attended to prior to a preliminary identification interview taking place.** (See: [access to healthcare](#); [healthcare](#); [urgent healthcare needs](#); [health problems](#)) It is important that all professionals who are tasked with identification of victims are able to assess these on a basic level and make appropriate referrals to healthcare services. Victims of trafficking should not have to undergo any screening interview if they have urgent healthcare needs or are suffering pain, dehydration or malnourishment.

**Victims should have their immediate practical needs attended to as early as possible, at a minimum being provided with an [emergency kit](#).**<sup>301</sup> (See: [Maslow](#); [immediate provision for adults](#)) This helps to extend a sense of co-operation and trust, ensuring that victims have food, water, appropriate clothing and basic necessities to make them more comfortable for the screening interview.

**The preliminary identification interview should only involve questions that are specific to the purpose of preliminary identification as a victim of trafficking.** (See: [NRM Protocol](#)) Questions should be focused on the lower threshold required for the initial finding that a person is a 'presumed victim of trafficking'. Breaks in the preliminary identification interview and access to fresh water should always be offered and the guidance contained in the [NRM Preparatory Guide and Protocol](#) should be followed.



**If victims want to access legal advice prior to the screening interview, or the preliminary identification interview is a component of a wider legal procedure (for example, asylum/immigration or criminal justice proceedings),** they should be offered free, independent, specialist legal advice and representation. (See: [legal advice and representation 1](#); [legal advice and representation 2](#)) The finding that a person is a 'presumed victim of trafficking' should be made distinctly and separately from all other considerations.

## Immediate provision for adults who are positively identified as 'victims of trafficking'



**As soon as a positive (Stage 1) preliminary identification is made that an adult is a 'presumed victim of trafficking', they should be kept safe and protected by ensuring direct access to national adult safeguarding provided by statutory services and/or recognized, specialist anti-trafficking NGOs.** It is vital that there are no *risk gaps* after identification during which time a victim could disappear or be re-trafficked.

Victims who do not have a safe and appropriate place to reside should be offered a place of safety in which they can stay while they wait for any provision that cannot be delivered immediately. (See: [accommodation for adults](#)) If they do not wish to remain or take up the offer of services after preliminary identification, they should be provided with a contact card and the means to remain in mutual contact.



They should also be offered free, independent legal advice regarding entry to NRM services if they require it.<sup>302</sup> (See: [legal advice and representation 1](#); [legal advice and representation 2](#))

<sup>301</sup> Screening can only take place if the victim of trafficking is appropriately dressed or covered. Women, men, and children rescued from a site of sexual exploitation should be provided with appropriate clothing or at minimum a blanket to cover themselves. If the screening is conducted outside, at minimum, a warm blanket should be provided in case of cold weather, if other weather appropriate clothing is not immediately available.

<sup>302</sup> British Red Cross, the Human Trafficking Foundation, the Anti-Trafficking Monitoring Group, and Anti Trafficking and Labour Exploitation Unit (ATLEU) (2018, [Principles that underpin early support provision for survivors of trafficking](#), November 2018.

### **Within 48 hours of their (Stage 1) preliminary identification adults should have:**

- A referral to the NRM **or** to alternative services for support and protection if the victim does not wish to enter NRM procedures;<sup>303</sup>
- An extendable [recovery and reflection period](#) granted for a minimum 90 days;<sup>304</sup>
- Allocation of an [independent advocate](#) to conduct a needs and risks assessment and devise an ongoing safety and support plan with provision of individual support;
- Any [urgent healthcare needs](#) met;
- An [emergency kit](#) and other urgent practical needs met as quickly as possible;
- Access to [safe and appropriate accommodation](#) in all cases where this is required; and
- Access to free, specialist [legal advice](#) for all urgent legal matters.<sup>305</sup>

## 13.9 Stage 1: Preliminary identification for children



**All child victims of trafficking must have equal access to identification+ procedures, including all entitlements to child protection and support measures. This includes child victims of domestic and transnational trafficking for all forms of exploitation, regardless of immigration status or background.**

### Stakeholders for the identification of child victims of trafficking



**The identification of child victims of trafficking must be conducted by specialists in child protection who derive from, or are directly linked to the national child protection system.** They should be specifically trained in the identification of vulnerable children and child victims of trafficking and therefore able to apply child-rights centred, age-appropriate and trauma-informed methods of working. (See: [communication with children](#); [Lundy model](#); [trauma-informed communications 1](#))

<sup>303</sup> If a victim does not choose to enter the NRM, allocation of an independent advocate (or equivalent) and/or services, support and protection provisions of the NRM, depending on the jurisdiction, may be not be equally accessible outside of the NRM. See British Red Cross, the Human Trafficking Foundation, the Anti-Trafficking Monitoring Group, and Anti Trafficking and Labour Exploitation Unit (ATLEU) (2018), [Principles that underpin early support provision for survivors of trafficking](#).

<sup>304</sup> Zimmerman, C., Hossain, M., Yun, K., Roche, B., Morison, L., & Watts, C. (2006,) [Stolen Smiles: The physical and psychological health consequences of women and adolescents trafficked in Europe](#). London School of Hygiene & Tropical Medicine, London. Recommendations to States to "Implement a recovery and reflection period of a minimum of 90 days to ensure that women's cognitive functioning has improved to a level at which they are able to make informed and thoughtful decisions about their safety and wellbeing, and provide more reliable information about trafficking-related events." As for empirical evidence, it suggests that a minimum period of 90 days is required for the cognitive functioning and emotional strength of a trafficked person to increase to a level at which they are able to make well-considered decisions about their safety and co-operation with the authorities against the traffickers, as well as to offer detailed evidence about past events. Experts Group on Trafficking in Human Beings of the European Commission (2004), [Opinion of 18 May 2004 on reflection period and residence permit for victims of trafficking in human beings](#), paras. 3, 5. For instance, the Netherlands and Spain provide a 90 days Recovery and Reflection period. See for the Netherlands EU Commission, [Netherlands – 2. Institutional and legal framework](#); and Council of Europe GRETA (2015), [Fourth General Report on GRETA's activities, covering the period from 1 August 2013 to 30 September 2014](#), p. 47; and for Spain Article 59 BIS, Amendment of Organic Law 4/2000 on the Rights and Freedoms of Foreigners in Spain and their Social Integration (OL 2/2009, of 11 December and OL 10/2011, of 17 July), subsequently amended by Organic Law 10/2011, of 17 July. See also European Commission, [Together Against Trafficking in Human Beings: Spain](#).

<sup>305</sup> In the process of voluntary return, both returning and receiving states must protect the privacy of victims and provide them with the necessary information and legal support. ODIHR (2014), [Guiding Principles on Human Rights in the Return of Trafficked Persons](#).

### **Stakeholders for the identification of child victims include:**

- National child protection systems and children's statutory services;
- Law enforcement/police, including law enforcement bodies with police officers who are specialized in child protection, child abuse, domestic abuse/violence, sexual offences and trafficking (See: [access to criminal justice and redress](#); [investigative interviews for children](#); [Barnahus model](#); [special protection measures for child defendants](#));
- Competent child specialist NGOs that are directly linked to the NRM for children or national child protection systems; and
- Healthcare services for urgent or immediate healthcare needs, including mental health specialists. (See: [healthcare](#); [BIC assessment](#))

## **Use of trafficking indicators and screening interviews for the preliminary identification of children**

**In children's cases, trafficking indicators or trafficking vulnerability indicators should be sufficient for a positive (Stage 1) preliminary identification and 'presumed victim of trafficking' status.** (See: [trafficking indicators](#); [preliminary interviews for adults](#)) The most effective and appropriate method for the screening identification of possible child victims of trafficking is to situate the screening within the context of the [BIC assessment](#) and child ongoing safety and care plan. (See: [adult and child assessment guides for human trafficking](#))

### **Screening interviews for children**

**Children should not be interviewed without a [guardian advocate](#) or equivalent child specialist present who has had an opportunity to speak to the child beforehand.** The best and most effective method of identification for children is situated within, and central to the **BIC assessment** framework, which is conducted by child specialists. It should be multi-agency and multi-disciplinary in approach, including consultation with stakeholders who are involved with the child and/or are providing the child with services.

**If screening interviews for identification of children are considered to be necessary, they may should only take place:**

- **After the child has had all of their immediate practical and health needs met** (See: [urgent healthcare needs](#); [healthcare](#); [healthcare needs of children](#));
- **The child is known to be settled in safe and appropriate accommodation.** This may be provided in their own assessed family environment or it may require provision of safe and appropriate [child sheltered accommodation](#); and
- **The child is in receipt of individual support from appropriate child specialists**, including an allocated [guardian advocate](#) who can be present with them at the screening interview (See: [stakeholders for the identification of child victims of trafficking](#))



**All communications, interventions and actions with children should be conducted in child-centred, trauma-informed and safe environments.** The most effective and appropriate method for the screening identification of possible child victims of trafficking is to situate the screening within the context of the [BIC assessment framework](#). It should ideally be conducted *by*, or in the presence of, the child's [guardian advocate](#). (See: [Lundy model](#))

## Immediate provision for children who are positively identified as ‘presumed victims of trafficking’



Children who are initially identified as ‘presumed victims of trafficking’ must be immediately kept safe with child specialist, child-centred supervision from professionals who are derived from, or directly linked to the national child protection system. (See: [vulnerability of children](#))



All (Stage 1) preliminary identification procedures and decisions should be completed as soon as possible, within 48 hours for children.

Child victims of trafficking should be provided with [safe and appropriate accommodation](#) within 24-hours, with interim immediate, safe accommodation provided by the national child protection system in the meantime. (See: [Barnahus model](#))

All children (including those who are entitled to a legally appointed [parental guardian](#)) should have an allocated NRM-recognized [guardian advocate](#) who is trained in child protection, child trafficking and related risks and needs. A guardian advocate is knowledgeable about all systems and procedures pertaining to child victims of trafficking; they can accompany them for all further identification procedures and provide bridged access to a range of services. **States should ensure that the role of guardian advocates for all children who are victims of trafficking is defined in national legislation and allocated uniformly and on an equal basis to any child victims of trafficking, whether they are national citizens, foreign nationals, children with safe and appropriate family care or unaccompanied and separated children.** Guardian advocates should conduct ongoing assessments for each child and accompany the child for all sessions and meetings with services to act in their best interests at all times. (See: [BIC assessment guide](#); [accommodation for children](#); [accompanying survivors to access services](#))



**As soon as possible, within 24-hours of preliminary identification as a ‘presumed victim of trafficking’, children should be provided with the following:**

- All children who lack safe and appropriate family care, including unaccompanied or separated children, should have a legally appointed [parental guardian](#).<sup>306</sup>
- Referral to the NRM and national child protection system;
- An extendable [recovery and reflection period](#) of minimum 90 days;
- Attendance to their urgent and immediate healthcare needs;
- Attendance to their immediate practical needs (See: [immediate provision for children](#); [Maslow](#); [practical needs 1](#); [practical needs 2](#)); and
- [Safe and appropriate accommodation](#) for all children who need it.



**The status of ‘presumed victim of trafficking’ for a child should guarantee immediate access, within a maximum of 24-hours, to: a recovery and reflection period of a minimum 90 days; provision of immediate healthcare and attendance to practical needs; safe and appropriate accommodation (if required); a legally appointed parental guardian for any child who is without parental care and protection, including unaccompanied or separated children; and allocation of a guardian advocate who is trained in child protection, child trafficking and related risks and needs.**

<sup>306</sup> See European Union Agency for Fundamental Rights (2014), [Guardianship for children deprived of parental care: A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking](#).

## 13.10 The recovery and reflection (R&R) period

All victims of trafficking should have a recovery and reflection period granted to them as soon as they have their (Stage 1) preliminary identification as a 'presumed victim of trafficking'. (See: [recovery and reflection period for children](#)).

Long term, sustained recovery from the traumatic impact of trafficking will not be achieved within the limited duration of a recovery and reflection period. However, it provides an essential *pause* to allow a person to gradually feel safer and to recover, to an extent, from shock. This time is for "healing wounds...recovery from physical assault...and recovery of a minimum of psychological stability."<sup>307</sup>



**All adults and children who have a preliminary positive identification as a presumed victim of trafficking should be provided with a recovery and reflection period, which should be granted for a minimum of 90 days, irrespective of their co-operation with law enforcement.**

**The recovery and reflection period should be granted to all victims of trafficking including citizens and residents of the country in which they are identified and those who are seeking asylum or have irregular migration status.** Provision of the recovery and reflection period should never be conditional upon a victim's co-operation with criminal investigations or proceedings.<sup>308</sup> (See: [non-conditional identification](#))

**For victims who have irregular migration status in the country in which they are located, the recovery and reflection period provides a right of temporary residence permit during which time they will not be forcibly removed to their country of origin or any third country.**<sup>309</sup> During the recovery and reflection period they should be offered free, independent legal advice so that they can make informed decisions concerning application for asylum, other forms of international protection or regularization of immigration status. (See: [legal advice and representation 1](#); [legal advice and representation 2](#); [international protection for migrants](#); [rights of child migrants](#)) Those who wish to voluntarily return to their country of origin need to have time to process this option with provision of independent legal advice. They must not be pressured into this choice.<sup>310</sup> (See: [voluntary return](#))

**The recovery and reflection period recognizes the serious crime that victims have suffered, their vulnerability as a result of trafficking and their need for time and support to access essential services and reflect (to an extent) upon their next steps.** In all cases, the quality of any recovery progress made during this period relies upon victims' access to safe and appropriate accommodation and to allocated professionals to deliver individual support. Access to multi-agency services during the recovery and reflection period should be provided by statutory services and NRM services working in co-ordination to ensure maximum, high-standard service delivery. All rights and entitlements within multiple systems must be fully observed for every person based upon their individual needs and risks.

<sup>307</sup> "Article 13, paragraph 1, introduces a recovery and reflection period for illegally present victims during which they are not to be removed from the Party's territory. The Convention contains a provision requiring Parties to provide in their internal law for this period to last at least 30 days. This minimum period constitutes an important guarantee for victims and serves a number of purposes. One of the purposes of this period is to allow victims to recover and escape the influence of traffickers. Victims recovery implies, for example, healing of the wounds and recovery from the physical assault which they have suffered. That also implies that they have recovered a minimum of psychological stability." See Council of Europe (2005), [Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings](#), 173.

<sup>308</sup> Article 11(1) of the EU Directive 2011/36/EU states that "Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate period of time after the conclusion of criminal proceedings in order to enable them to exercise the rights set out in Framework Decision 2001/220/JHA, and in this Directive." [Directive 2011/36/EU](#) of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, 15 April 2011, OJ L 101, Art. 11(1). "When transposing the EU Directive, Member States are encouraged to include in their national legislation a reflection period of a minimum of 90 days for all victims of trafficking. For suspected child victims, such decisions should reflect consideration of their best interests." See OHCHR, UNHCR, UNICEF, UNODC, UN Women & ILO (2011), [Prevent, Combat, Protect Human Trafficking: Joint UN Commentary on the EU Directive – A Human Rights-Based Approach](#), November 2011, p. 11.

<sup>309</sup> Persons who fall within the scope of Dublin III Regulation and are presumed victims of trafficking shall not be subject to the Dublin transfer during the recovery and reflection period. Council of Europe GRETA (2020), [Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection](#), p. 13-14; European Migration Network (2014), [Identification of victims of trafficking in human beings in international protection and forced return procedures](#), p. 28-29.

<sup>310</sup> In addition, "[c]omplementary legislation in relation to return guarantees that any return order issued to persons identified as a victim within the provisions of Directive 2004/81/EC will not be enforced (for the duration of the reflection period), but this provision places significant onus on (Member) States to effectively identify victims so that the re-entry ban cannot apply." See European Migration Network (EMN) (2014), [Identification of victims of trafficking in human beings in international protection and forced return procedures](#), March 2014, p. 32.

**If the (Stage 2) conclusive identification decision is not made before the end of the recovery and reflection period, it may be extended, and provision of NRM services should be continued.** An interim residence permit should be provided until a conclusive identification decision is made. **It is essential that adult and child victims do not spend their recovery and reflection period in detention.**<sup>311</sup> (See: [NRM principles](#))

## The recovery and reflection period for adults

**The recovery and reflection period must be provided for all victims of trafficking, regardless of their status or background, or whether they have been trafficked domestically or transnationally.** (See: [recovery and reflection period for children](#)) All victims of trafficking should have the earliest access possible to no-cost healthcare services and free, independent, specialist legal advice, as well as a range of other services.<sup>312</sup> (See: [immediate provision for adults](#); [access to healthcare](#); [urgent healthcare needs](#); [healthcare](#); [legal advice and representation 1](#); [legal advice and representation 2](#); [Maslow](#); [practical needs 1](#); [practical needs 2](#))

**During the recovery and reflection period, victims should not be pressured in any way to make decisions on co-operating with criminal investigations and proceedings.** However, they may obtain advice about reporting to police or choose to inform, or co-operate with criminal justice investigations and other proceedings during the recovery and reflection period.<sup>313</sup> (See: [access to criminal justice and redress](#)) They may require access to free legal advice if they are considering acting as witnesses for trafficking investigations, depending upon the jurisdiction in which they are residing.<sup>314</sup> (See: [trafficking crime investigations](#)) Provision of the 4 NRM Pillars is not limited to the duration of the recovery and reflection period, and access to these is in all respects non-conditional upon victims' co-operation with criminal investigations and proceedings. Therefore, all actions concerning co-operation with police investigations of traffickers should be entirely voluntary.<sup>315</sup>

The capability of victims to give informed consent for any matter which has serious legal consequences for them will depend upon their individual recovery progress and therefore the quality of their recovery and reflection period.<sup>316</sup>

## Access to services during the recovery and reflection period

**All victims of trafficking should have bridged access to the following services** (See: [bridged referrals](#); [bridging letters](#); [accompanying to services](#)):

- **All measures necessary for their protection and safety;**
- **Needed medical treatment** (See: [urgent healthcare needs](#); [health problems](#))
- **Therapeutic support and psychological healthcare services** (See: [mental health problems](#); [therapeutic care model](#));
- **Safe and appropriate accommodation** (See: [accommodation for adults](#); [accommodation for children](#));
- **Practical, financial and material support** (See: [practical needs 1](#); [practical needs 2](#); [Maslow](#));
- **[Translation and interpretation services](#) for those who require it;**

<sup>311</sup> OHCHR (2010), [Recommended Principles and Guidelines on Human Rights and human Trafficking](#), p. 139. UNODC (2008), [Toolkit to Combat Trafficking in Persons: Reflection Period and Residence Permit](#), pp. 326-327.

<sup>312</sup> Council of Europe (2005), [Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings](#), Article 12.

<sup>313</sup> Victims of trafficking may be obliged, by the national criminal law, to provide information as persons informed about the commission of a crime.

<sup>314</sup> UNODC (2009), [Anti-human trafficking manual for criminal justice practitioners: Module 8. Interviewing victims of trafficking in persons who are potential witnesses](#).

<sup>315</sup> The 'reflection' component of the 'period refers to time to 'allow victims to come to a decision on co-operating with the competent authorities'. By this is meant that victims must decide whether they will co-operate with the law-enforcement authorities in a prosecution of the traffickers'. From that standpoint, the period is likely to make the victim a better witness: statements from victims wishing to give evidence to the authorities may well be unreliable if they are still in a state of shock from their ordeal. 'Informed decision' means that the victim must be in a reasonably calm frame of mind and know about the protection and assistance measures available and the possible judicial proceedings against the traffickers. Such a decision requires that the victim no longer be under the traffickers' influence." See Council of Europe (2005), [Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings](#), para. 174.

<sup>316</sup> It should be noted that in some cases trafficking victims do not have the option of providing witness evidence for police investigations because investigations are not being pursued, or may be closed early on. This should not affect the individual support and access to services provided.

- **Access to free, specialist legal advice and representation with regard to all actions and decision that have a legal consequence for victims' futures** (See: [legal advice and representation 1](#); [legal advice and representation 2](#));
- **Protection, support and advice to enable their rights and interests as victims to be presented and considered in relation to any criminal justice matters or proceedings; and**
- **Access to education for the children of adult victims of trafficking** (See: [protection and support through criminal justice proceedings](#); [support for parents](#); [social inclusion](#); [family accommodation](#)).

States may always exceed minimum standards in accordance with individual needs of victims of trafficking, which may include provision of financial, material and practical support and access to employment, education, skills training and language classes (where applicable).



**The status of an adult who has been identified as a 'presumed victim of trafficking' should guarantee immediate access to a recovery and reflection period. They should have attendance to their immediate healthcare and practical needs, access to safe and appropriate accommodation (if required), access to free, specialist legal advice and an independent advocate (or interim equivalent) allocated to provide individual, on-going support and access to voluntary return procedures.**

## The recovery and reflection period for children



Regardless of the duration of time passed since a child has left the control of their traffickers, they will need dedicated time and support from child specialist professionals in order to be able to adjust and stabilize and recover from traumatic experiences that have affected them at crucial stages of their development (See: [recovery and reflection period for adults](#)).

**Children need to be immediately kept safe from traffickers and individually supported to fully understand and be able to ask questions about all of the information that is provided to them.** This supports their informed participation in any proceedings that involve them, and can be achieved through use of the [Lundy model](#).<sup>317</sup> (See: [communications with children](#)) All child victims of trafficking, without exception, should have an allocated [guardian advocate](#) and other child specialists working with them. Children who are without parental care and protection<sup>318</sup> should have a legally appointed [parental guardian](#),<sup>319</sup> and also an allocated guardian advocate, as these are distinctly different roles.

<sup>317</sup> Council of Europe (2019), [Child Participation Assessment Tool: Indicators for measuring progress in promoting the right of children and young people under the age of 18 to participate in matters of concern to them](#). See also Promise (2019), [Standard 1.2: Child Participation Tool](#).

<sup>318</sup> European Network of National Observatories on Childhood (2012), [Alternative forms of care for children without adequate family support: sharing good practices and positive experiences](#), 4 October 2012.

<sup>319</sup> The main international and regional legal frameworks regarding guardianship includes: UN General Assembly (1989), [Convention on the Rights of the Child](#), 20 November 1989, Art. 18, 20; Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Art. 10(4)(a); [Directive 2011/36/EU](#) of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, 15 April 2011, OJ L 101, Art. 12(2), 15(1), 16; [Directive 2012/29/EU](#) of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 14 November 2012, OJ L 315, para. 60; [Directive 2011/95/EU](#) of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), 20 December 2011, OJ L 337, Art. 31; [Directive 2013/33/EU](#) of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, 29 June 2013, OJ L 180, Art. 24. [Directive 2013/32/EU](#) of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, 29 June 2013, OJ L 180, Art. 25. For a further explanation, see EU Fundamental Rights Agency (2015), [Guardianship systems for children deprived of parental care in the European Union: With a particular focus on their role in responding to child trafficking](#), pp. 15-20. This approach is likewise supported by the UNODC Legislative guide to the UN Trafficking Protocol through "appointing, as soon as the child victim is identified, a guardian to accompany the child throughout the entire process until a durable solution in the best interest of the child has been identified and implemented. To the extent possible, the same person should be assigned to the child victim throughout the entire process" UNODC (2010), [Legislative guide to the UN Trafficking Protocol](#), para. 65.

**The recovery and reflection period should be provided to all children who are victims of trafficking, regardless of their citizenship, residency or immigration status, whether they have been trafficked domestically or transnationally.** This prioritizes the urgent response that is required by States to address all forms of child trafficking crime. (See: [NRM principles](#))

**The duration of the recovery and reflection period for children varies across countries; however, it should be a minimum of 90 days, which is extendable as required.** It should permit sufficient time to engage with all children's NRM and statutory services and to resolve their individual legal rights and entitlements. Decisions that are to be made during and beyond the recovery and reflection period must be based solely on consideration of the best interests of each individual child.<sup>320</sup>

**The recovery and reflection period must be provided to all young people who may be children, including those whose minor age is disputed or otherwise uncertain.** They must be given the *benefit of the doubt* and treated as a child unless and until an appropriate age estimation assessment is conducted that determines that they are not a child and all avenues for appeal are exhausted. In such a case, they should receive all the measures of protection and support that is provided by NRMs for adult victims of trafficking including the recovery and reflection period. (See: [BIC assessment guide](#); [age dispute and age estimation assessment 1](#) ; [age dispute and age estimation assessment 2](#)) This should commence with a bridged and fully detailed handover from the acting [guardian advocate](#) to a newly allocated [independent advocate](#). (See: [bridged referrals](#))

**Child victims need to reside in safe and appropriate accommodation, whether this is within their assessed family setting or in sheltered accommodation for children.<sup>321</sup> They should have access to education and a range of child-centred services.** In cases where children require access to safe and appropriate accommodation, the recovery and reflection period will often coincide with the *Golden Day procedure*, which is designed to help children to feel safe and acclimatise to their new [accommodation](#).



**In the cases of migrant and refugee children, early access to free, specialist legal advice and representation, including representation for age dispute or estimation assessment if this arises, should be provided in cases where asylum applications and other forms of international protection can be made.<sup>322</sup>** (See: [legal advice and representation 1](#); [legal advice and representation 2](#); [international protection for migrants](#); [rights of child migrants](#); [residence permits for children](#)) Any advice regarding applications for asylum/international protection, must follow consultation with legal experts who specialize in children's law. **Focus should be on the child's asylum matters being fully resolved as soon as possible to avoid re-trafficking risks or continued insecurity in the future after they reach the age of majority.** (See: [duration of guardian advocate support](#))



Children will need to settle and adjust to a different routine and way of living that will be challenging in many cases. Child victims are often traumatized and experience dysregulation in their behaviour and emotions. Therefore, the recovery and reflection period requires a calm, consistent and child-centred approach from child specialists who can demonstrate understanding and lend individual support, allowing time for children to gradually adjust. It is helpful to set age-appropriate boundaries and expectations, ensuring that children have reassurance and explanation of what is happening at all times and feel confident enough to ask questions and make informed decisions.

The end of the recovery and reflection period should not result in termination of protection, support and access to services for child victims of trafficking, but be viewed as a gateway to continued, accommodation, individual support, education and care. (See: [social inclusion](#); [transition for children](#); [accommodation for children](#))

<sup>320</sup> OHCHR, UNHCR, UNICEF, UNODC, UN Women & ILO (2011), Prevent, Combat, Protect Human Trafficking: Joint UN Commentary on the EU Directive – A Human Rights-Based Approach, November 2011. "Any [natural] person who believes he or she is a victim of trafficking in persons shall have the right to submit a written request to the [competent immigration authority] to be granted a recovery and reflection period of not less than 90 days in order to make an informed decision on whether to co-operate with the competent authorities." United Nations (2009), [Model Law against Trafficking in Persons](#), p. 60.

<sup>321</sup> Children who are unaccompanied, separated or otherwise require safe and appropriate accommodation must be provided with child-specialist accommodation which is derived from, or directly linked to national child protection systems and services.

<sup>322</sup> All legal actions with regard to the child, including asylum application, will require informed consent of the legal guardian (natural or where not available, legally appointed for a specified temporary period or long-term) based on the best interest determination of the child and with the child's informed participation. Larson, A. (2016), [What is a Guardianship](#).

## 13.11 Stage 2: Conclusive identification decision

**A positive (Stage 2) conclusive identification provides the status of 'victim of trafficking'. This decision is issued by, or delegated from the NRM competent authorities.** (See: [preliminary identification](#); [preliminary identification for children](#))



**The (Stage 2) conclusive identification decision should be issued within a timeframe of 90 days from the positive (Stage 1) preliminary identification decision and correspond with the end of recovery and reflection period.<sup>323</sup>**

**In many cases the (Stage 2) conclusive identification decision takes significantly longer than the duration of the recovery and reflection period, and in some cases is subject to delays of months and even years, which should always be avoided.<sup>324</sup>** In such cases, it is imperative that victims of trafficking who lack secure immigration status are not penalised or forcibly removed from the country when the duration of the recovery and reflection period has ended. (See: [international protection for migrants](#); [rights of child migrants](#)) In cases where the (Stage 2) conclusive identification decision is delayed, any decision of enforced removal from the country should be suspended and they should be provided with extension of the recovery and reflection period or other form of temporary leave to remain until completion of the identification process establishes conclusively whether or not they are victims of trafficking and any reconsideration or appeal rights are exhausted.<sup>325</sup> Provision of a work permit is a recommended practice wherever possible within national legal frameworks.<sup>326</sup>

**The threshold for the (Stage 2) conclusive identification decision is based on the *balance of probabilities* that a person is a victim of trafficking.** The competent authorities have a duty to collate further information concerning any presumed victim of trafficking using a pro-active, investigative approach and issue a (Stage 2) conclusive identification decision.<sup>327</sup> The conclusive identification decision requires that, “the authorities collaborate with one another and with organizations that have a support-providing role. The support organizations could be non-governmental organizations (NGOs) tasked with providing aid and support to victims.”<sup>328</sup> The conclusive identification decision should be based on evidence that is collected by the competent authorities without creating an undue burden of proof on the presumed victim of trafficking.

<sup>323</sup> The UN Special Rapporteur on trafficking set out Draft basic principles on the right to an effective remedy for trafficked persons. Paragraph 8 states that “8. States shall: (a) Provide a non-conditional reflection and recovery period, during which trafficked persons are provided with measures necessary for the physical, psychological and social recovery, including, but are not limited to: appropriate housing, counselling and information about their situations and legal rights; medical, psychological and material assistance; and employment, educational and training opportunities.” OHCHR (2011), [Draft basic principles on the right to an effective remedy for trafficked persons](#), para. 8.

<sup>324</sup> The process of conclusive identification decisions for victims of trafficking vary across States. While the conclusive identification decision may be granted at initial identification stage in some States, in others the conclusive victim of trafficking status decision may only be granted upon a successful conviction in the case. It is recommended that a conclusive identification decision should be granted independently from the criminal justice procedures.

<sup>325</sup> “Chapter III of the Convention secures various rights to people who are victims of trafficking in human beings. Those rights would be purely theoretical and illusory if such people were removed from the country before identification as victims was possible. 132. The Convention does not require absolute certainty – by definition impossible before the identification process has been completed – for not removing the person concerned from the Party’s territory. Under the Convention, if there are “reasonable” grounds for believing someone to be a victim, then that is sufficient reason not to remove them until completion of the identification process establishes conclusively whether or not they are victims of trafficking. 33. The words “removed from its territory” refer both to removal to the country of origin and removal to a third country.” See Council of Europe (2005), [Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings](#), p. 23.

<sup>326</sup> ILO (2020), [Protection and assistance of victims of labour exploitation A comparative analysis](#), p. 16. UNODC (2008), [Toolkit to Combat Trafficking in Persons: Tool 7.2 Temporary or permanent residence permit](#), p. 340, 342.

<sup>327</sup> The OHCHR Recommended Principles and Guidelines Guideline 4 states that States should consider “[p]roviding legislative protection for trafficked persons who voluntarily agree to co-operate with law enforcement authorities, including protection of their right to remain lawfully within the country of destination for the duration of any legal proceedings”. OHCHR (2002), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), p. 7. In addition Principle 9 states that “[l]egal 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.” OHCHR (2002), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), p. 2. See also UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Art. 8(2). UN General Assembly (2001), [United Nations Convention against Transnational Organized Crime: resolution / adopted by the General Assembly](#), 8 January 2001, A/RES/55/25, Art. 25(3), 26.

<sup>328</sup> Council of Europe (2005), [Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings](#), p. 22.



**In some jurisdictions there will be a substantive interview with an NRM established competent authority.** Each adult victim should have an allocated [independent advocate](#) and/or legal representative who is present during the interview and they should be entitled to a verbatim record of the interview. (See: [legal advice and representation 1](#); [legal advice and representation 2](#)) All interviews with victims of trafficking should be conducted in accordance with international law and the [NRM Preparatory Guide and Protocol](#), NRM Principles and Recommended Standards.



**In some countries, preliminary identification of children can suffice for their (Stage 2) conclusive identification.**

## Rights and entitlements for conclusively identified adult victims of trafficking

**The rights and entitlements of conclusively identified victims of trafficking vary in different jurisdictions and depend upon the individual legal situation of each person.**

**Individual protection and support should continue in accordance with the individual needs and risks of victims of transnational and domestic trafficking.** In many cases, (Stage 2) conclusive identification can result in sudden cessation of support from NRM services. This places victims in situations of high risk and vulnerability in relation to poverty, destitution, ill health and re-trafficking. Therefore, it is important that there is continuation of access to existing services, safe and appropriate accommodation and support to navigate legal rights and entitlements after a positive conclusive identification decision is issued. This is key to maintaining victims' safety and helping them to work towards sustaining long-term recovery, gradual financial independence and social inclusion. (See: [individual support and access to services](#); [social inclusion](#))



**After a positive (Stage 2) conclusive identification, it is important that free, independent, specialist legal advice is available for:**

- Applications for regularization of immigration status including residence permits, asylum or other forms of international protection (See: [international protection for migrants](#); [rights of child migrants](#); [residence permits 1](#); [residence permits 2](#); [residence permits for children](#));<sup>329</sup>
- Child law and family reunification;
- Housing, welfare, employment (See: [accommodation for adults](#); [accommodation for children](#); [social inclusion](#));
- Access to criminal justice and redress including compensation (See: [access to criminal justice and redress](#)).

## Rights and entitlements for conclusively identified child victims of trafficking



The best interests of every child are paramount in all cases, regardless of their individual background and whether they are conclusively identified as a victim of trafficking or not.<sup>330</sup>

<sup>329</sup> "Having regard to the obligations of Parties to which Article 40 of this Convention refers, each Party shall ensure that granting of a permit according to this provision shall be without prejudice to the right to seek and enjoy asylum." See Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Article 14(5).

<sup>330</sup> The paramouncy principle applies to States Parties to the UN Convention on the Rights of the Child.



The (Stage 2) conclusive victim of trafficking status decision for children should be issued within a timeframe of 90 days from the (Stage 1) positive preliminary identification decision and correspond with the duration of the recovery and reflection period.

- **Children who are issued with a positive (Stage 2) [conclusive identification decision](#), must have continued support from their allocated [guardian advocate](#) and all other related protection support provided by the NRM and the national child protection system/statutory child services, until they are at least 18 years old.** (See: [rights and entitlements: children](#)) The age of 18 should not be treated as an arbitrary cut off point. It is recommended that continued and ongoing support is made available and offered to young adults. (See: [duration of guardian advocate support](#); [accommodation for children](#); [duration of accommodation for children and young people](#))
- **Young people who are awaiting the outcome of an age estimation assessment should continue to be treated as a child until the age estimation assessment is fully concluded.**<sup>331</sup> Those who are pursuing reconsideration or judicial appeal of a negative identification decision or age estimation assessment should be provided with continued support until all legal proceedings are fully and finally concluded. (See: [age dispute and age estimation assessment 1](#); [age dispute and age estimation assessment 2](#); [BIC assessment guide](#))
- **Children who have been trafficked domestically should be recognized as being at serious risk of re-trafficking, as well as having suffered significant traumatic experiences.** There is a high rate of domestic trafficking, in some countries it constitutes the highest figure of identified cases.<sup>332</sup> It is vital that victims of domestic trafficking have continued access to specialist NRM services and child services in addition to, or in co-ordination with, their access to mainstream, statutory services. Traffickers are often located in close proximity to domestic victims and it is vital that the vulnerability of young people and the re-trafficking risks that they face are not overlooked for any reason. They should not be disregarded for pro-active care and support if they have committed criminal offences, nor assumed to be 'fine and able to manage' if they speak the native language and have access to national statutory services.

## 13.12 Residence permits

A positive victim of trafficking status decision should result in the issuing of a renewable residence permit for victims who require it, in one or both of the following situations (See: [residence permits for children](#))

- (a) An NRM competent authority considers their stay is necessary owing to their personal situation;<sup>333</sup> and**
- (b) An NRM competent authority considers their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.<sup>334</sup>**

<sup>331</sup> Committee on the Rights of the Child, General Comment No. 6, para. 31(6) states that "in the event of remaining uncertainty, should accord the individual the benefit of the doubt such that if there is a possibility that the individual is a child, s/he should be treated as such." UN Committee on the Rights of the Child (CRC) (2005), [General comment No. 6: Treatment of Unaccompanied and Separated Children Outside their Country of Origin](#), 1 September 2005, CRC/GC/2005/6, para. 31(6).

<sup>332</sup> Missing Children Europe (2020), [Figures and trends 2019: From hotlines for missing children and cross-border family mediators](#). ECPAT UK & Missing People (2016), [Heading back to harm: A study on trafficked and unaccompanied children going missing from care in the UK](#). European Parliament (2017), [Disappearance of migrant children in Europe](#), March 2017. Hodal, K., & Kelly, A. (2016), [Child trafficking victims disappearing from UK care at 'alarming' rate](#). *The Guardian*, 14 November 2016. Dolce, M. (2018), [We Have Set Up a System to Sex Traffic American Children](#), Newsweek, 12 January 2018.

<sup>333</sup> Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Article 14(1a). The personal situation requirement takes in a range of situations, depending on whether it is the victim's safety, state of health, family situation or some other factor which has to be taken into account. "There is the additional victim-centered consideration of whether a similarly situated victim that is not able to or does not agree to co-operate or testify for whatever reason – intellectual disability, post-traumatic stress, fear of violent retribution etc. – would be eligible to temporarily or permanently stay in the country if that was necessary for recovery or other factors." See The Warnath Group (2020), [Using the Palermo Protocol as a Basis for Drafting and Amending Victim-Centered National anti-TIP Laws: Practice Guide](#), p. 15.

<sup>334</sup> Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Article 14(1b). "Immediate return of the victims to their countries is unsatisfactory both for the victims and for the law-enforcement authorities endeavouring to combat the traffic. For the victims this means having to start again from scratch – a failure that, in most cases, they will keep quiet about, with the result that nothing will be done to prevent other victims from falling into the same trap. A further factor is fear of reprisals by the traffickers, either against the victims themselves or against family or friends in the country of origin. For the law-enforcement authorities, if the victims continue to live clandestinely in the country or are removed immediately they cannot give information for effectively combating the traffic. The greater victims' confidence that their rights and interests are protected, the better the information they will give. Availability of residence permits is a measure calculated to encourage them to co-operate." Council of Europe (2005), [Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings](#), para. 181.

**The majority of residence permits provided to victims are for those who are co-operating with investigations and criminal proceedings.** It is often the case that the '*personal situation*' residence permit is overlooked by NRM competent authorities and relatively few victims of trafficking obtain the residence permit on this basis. However, the *personal situation* requirement for residence permits is an important standard for the protection and well-being of victims of trafficking.<sup>335</sup> It takes into account a range of significant issues in relation to the situation of each individual person, including the victim's safety, state of health, family situation or some other factor.<sup>336</sup>

**A clear, non-conditional route for identification and granting of a residence permit, which is entirely independent of criminal investigations or proceedings, is an important component of rights for victims of trafficking.** (See: [non-conditional identification](#)) This should be adopted in countries across the OSCE region, rather than only available in certain States. States should recognize that the conclusive status of a victim of trafficking obliges the NRM competent authorities to consider their requirement for a residence permit distinctly from all other legal matters.<sup>337</sup> In order to ensure the safety of victims of trafficking, any entitlement to a residence permit should be provided as swiftly as possible at the same time as the (Stage 2) [conclusive identification](#) decision is issued, regardless of other pending immigration/asylum/international protection decisions. In addition, provision of a work permit, in accordance with national law and policy, should be strongly considered.



**Residence permits should be provided: (a) based on appropriate consideration of humanitarian and compassionate factors, including the necessity of stay within the national territory owing to the victim's personal situation; or (b) if a victim's stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.**

<sup>335</sup> UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Art. 7. UNODC (2008), [Toolkit to Combat Trafficking in Persons](#), pp. 335-342.

<sup>336</sup> The Palermo Protocol states in article 7 that, "each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases [and] shall give appropriate consideration to humanitarian and compassionate factors. UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Art. 7. The Council of Europe Convention states in Article 10(1) that "Each Party shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified in a procedure duly taking into account the special situation of women and child victims and, in appropriate cases, issued with residence permits under the conditions provided for in Article 14 of the present Convention." Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Art. 10. Article 14 of the Convention sets out the provisions for the residence permit for victims of trafficking. Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Art. 14. For the EU, the Council Directive 2004/81/EC provides for the issue of a residence permit to victims of trafficking in human beings who are third-country nationals and Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 regulates the exercise of the right to move and reside freely in the territory of the Member States by citizens of the Union and their families, including protection from expulsion. [Council Directive 2004/81/EC](#) of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities, 6 August 2004, OJ L 261. [Directive 2004/38/EC](#) of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Text with EEA relevance), 30 April 2004, OJ L 158. See [PK \(Ghana\) v Secretary of State for the Home Department \[2018\] EWCA Civ 98](#), at para. 15, considering the executive policy, the National Referral Mechanism, that gives effect to the Council of Europe Convention on Action Against Trafficking in Human Beings." In [PK \(Ghana\) v Secretary of State for the Home Department \[2018\] EWCA Civ 98](#) the decision concerned the UK's obligations to victims of trafficking who require a residence permit to remain in the UK owing to their personal situation. In summary, with regard to obligations under the Council of Europe Convention on Action Against Trafficking in Human Beings, a renewal of a Residence Permit should be issued to a victim of trafficking where their stay is necessary in order for the UK to meet its obligation under the Trafficking Convention to provide protection and assistance to that victim. See Bradley, C. A. (ed.) (2019), [The Oxford handbook of comparative foreign relations law](#), Oxford University Press: New York.

<sup>337</sup> The Palermo Protocol states in article 7 that " each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases [and] shall give appropriate consideration to humanitarian and compassionate factors. UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Art. 7. The Council of Europe Convention states in Article 10(1) that "Each Party shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified in a procedure duly taking into account the special situation of women and child victims and, in appropriate cases, issued with residence permits under the conditions provided for in Article 14 of the present Convention." Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Art. 10. Article 14 of the Convention sets out the provisions for the residence permit for victims of trafficking. Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Art. 14. For the EU, the Council Directive 2004/81/EC provides for the issue of a residence permit to victims of trafficking in human beings who are third-country nationals and Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 regulates the exercise of the right to move and reside freely in the territory of the Member States by citizens of the Union and their families, including protection from expulsion. [Council Directive 2004/81/EC](#) of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities, 6 August 2004, OJ L 261. [Directive 2004/38/EC](#) of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Text with EEA relevance), 30 April 2004, OJ L 158.

## Residence permits for children



“The residence permit for child victims, when legally necessary, shall be issued in accordance with the best interests of the child and, where appropriate, renewed under the same conditions.”<sup>338</sup>

**Council of Europe Convention on Action Against Trafficking in Human Beings**



**Residence permits for children should be issued at the same time as the conclusive decision without leaving a ‘risk gap’ while other applications for leave to remain are resolved.** (See: [residence permits for adults](#)) Any outstanding application matters for asylum or other forms of international protection and/or family reunion should be resolved as quickly as possible with provision of access to child specialist legal advice and representation. (See: [legal advice and representation 1](#); [legal advice and representation 2](#)) It is detrimental for child victims of trafficking who are from other countries to be granted a residence permit or other leave to remain only until the age of 17.5 or 18, at which point they will face enforced removal from the country. In such cases support for them will also cease and finding and securing access to free, independent legal advice that they need can be far more difficult. This approach exacerbates young people’s vulnerability to exploitation or re-trafficking as well as significantly impeding the social inclusion process that is crucial for their safety. (See: [vulnerabilities](#); [vulnerability: migrants and refugees](#); [vulnerability: children](#); [social inclusion](#); [transition for children](#); [duration of guardian advocate support](#); [accommodation for children](#))

### 13.13 Reconsideration and judicial appeal for negative decisions at both identification stages

**Human trafficking cases are inherently complex and identification procedures should be understood as a process, through which more information can be obtained progressively over time.** It is also a process that can be fallible. It is essential that NRMs have systems of reconsideration and judicial appeal for negative (Stage 1) [preliminary](#) and (Stage 2) [conclusive](#) identification decisions. Victims should have access to free, independent legal advice and representation for reconsideration by the [competent authority](#) of any NRM decision and for further judicial appeal. (See: [legal advice and representation 1](#); [legal advice and representation 2](#))

**Reconsideration should be undertaken by a multidisciplinary panel, which has powers of decision making devolved from the competent authority.** This represents an important step to resolve matters within the NRM itself. Victims should also have access to an independent judicial appeal process.

**All forms of protection, individual support and access to services should be continued throughout any period in which a decision on reconsideration or judicial appeal is pending, in order to avoid loss of contact with the victim and avoid the risks of re-trafficking and other forms of harm.** In addition, the availability of legal assistance and support is crucial at this stage.



**All NRMs should have in-built rights of access to an effective, accessible judicial remedy, to challenge the merits of any negative decisions at both the preliminary and conclusive stage of the identification process.**

**A negative Stage 1 ([preliminary](#)) or Stage 2 ([conclusive](#)) identification decision, even after reconsideration or judicial appeal have been concluded, does not mean that a person is not otherwise vulnerable or in need of protection, assistance and support.** In all such cases, assessments of vulnerability should be conducted for both adults and children and onward referral for support and assistance services should be provided. **All children who are**

<sup>338</sup> Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Article 14(2).

without known safe and appropriate family care should be considered to be a vulnerable child at risk.

## Safeguarding for all children



**Any child who is being considered, screened, assessed or interviewed in relation to possible trafficking crime is a *vulnerable child*.** The *best interests of children* should be the motivation for every communication and action taken in relation to children. Whether or not a child is identified as a victim of trafficking, this does not discount them as being a vulnerable child who is in need of protection and individual support.

In all cases, there must be a BIC assessment and child ongoing safety and care plan that sets out all safeguarding measures and services (including parental guardians and safe and appropriate accommodation, where these are required) in order to implemented protect the child's *best interests*, ongoing protection, safety, care and education. (See: [BIC assessment guide](#)) National child protection systems and statutory services should have a respective mandate in accordance with their national legislation and, for States Parties, the [UN Convention on the Rights of the Child](#).

## 13.14 Age dispute and age estimation assessment in relation to identification of young people as victims of trafficking



**From the moment there are reasons to believe that a vulnerable person could be a child, the *benefit of the doubt* should be applied.** (See: [age dispute and age estimation 1](#)) They should, in all cases, be treated first and foremost as a child. In cases where the child is a possible victim of human trafficking, NRM Identification procedures should immediately afford them all of the integral protection and individual support offered by national child protection systems and NRM systems, including the allocation of a [guardian advocate](#). They should be treated as a child and their best interests prioritized throughout all further procedures, including their [BIC assessment and child ongoing safety and care plan](#), age estimation assessment, asylum/immigration applications, any criminal justice matters as victims, witnesses or defendants or voluntary return to their country of origin. (See: [voluntary return](#); [protection and support throughout criminal justice proceedings](#); [non-punishment principle for children](#); [therapeutic care for children in criminal justice proceedings](#); [investigative interviews for children](#); [Barnahus model](#); [special protection measures for child defendants](#)) The only exception to this occurs if an appropriate age estimation assessment is completed that determines them to be an adult. (See: [age estimation assessment](#))

### The challenges of age estimation

**Age estimation assessment is the process by which authorities seek to estimate the chronological age range of a person in order to establish whether they are a child or an adult.**<sup>339</sup> Chronological age is measured in years, months and days from the moment when a person was born.<sup>340</sup> **No method of age estimation can accurately determine a young person's exact age.** At most it can offer a broad estimate of age, with a margin of 5 years plus or minus on either side. Therefore, the term 'age estimation assessment' is used throughout the NRM Handbook.

**Professionals who come into contact with young victims of trafficking may not be aware of the specialist nature and complexity of age estimation assessment.** Moreover, guidelines in relation to decision making on age, and the consequences that can arise from it, can differ between different agencies and authorities.<sup>341</sup> Age estimation assessment is a complex undertaking and there is no method in existence that can accurately determine a young person's exact age. Often, children whose age is disputed are first encountered within the contexts of immigration/asylum systems and criminal justice systems where they may be viewed primarily as immigration or criminal offenders. This can

<sup>339</sup> European Commission (2021), [Answer given by Ms Johansson on behalf of the European Commission](#), E-005745/2020, 24 February 2021. OHCHR (2020), [Spain's age assessment procedures violate migrant children's rights, UN committee finds](#), 13 October 2020.

<sup>340</sup> European Asylum Support Office (2018), [EASO Practical Guide on age assessment estimation assessment, 2nd Ed.](#), Valletta: EASO.

<sup>341</sup> The UN High Commissioner for Refugees, the Refugee Children's Consortium, the Coram Children's Legal Centre, and the Children's Commissioner in the House of Lords House of Commons Joint Committee on Human Rights Human Rights of unaccompanied migrant children and young people in the UK First Report of Session 2013–14 inquiry, were among those who felt that, to a greater or lesser extent, the best interests of the child were subordinated to a wider concern with restricting immigration. This was apparent in a variety of areas, including the age assessments where the committee was told of a "culture of disbelief". House of Lords, House of Commons, Joint Committee on Human Rights (2013), [Human Rights of unaccompanied migrant children and young people in the UK: First Report of Session 2013–14](#).

result in assumptions made about their general credibility, including their age, leading to a failure to accurately identify them as vulnerable children and/or child victims of trafficking.



The denial of a child's claimed identity can be experienced as disregard. It can result in detrimental loss of trust from children who feel disbelieved and unsupported at a crucial time when they need urgent help and protection. It is not appropriate to assume that a young person is an adult on the basis of their physical appearance and conduct. Many migrant children, including those who are victims of trafficking, may appear and present as older or younger than their years for a variety of reasons:

- Within ethnic and national groups there are wide variations within the growth, development and ages of puberty in young people;
- In some cultures exact age and dates of birth may not be considered significant and young people may not know their date of birth;
- In some cultures, calendars are rarely used, and calendars also differ between countries so that conversion of dates can be challenging and mistakes can be made;<sup>342</sup>
- Children from certain cultural backgrounds may consider themselves to be adults because they are in positions of responsibility for their family members or they are considered to be of majority age in their country of origin;
- An apparently older appearance in children can be the result of arduous experiences on migrant journeys, situations of violence and adversity (often pre-dating trafficking, as well as resulting from trafficking), exhaustion, hunger, dehydration and mental health problems including post-traumatic stress disorder (PTSD) (See: [health problems](#); [mental health problems](#); [PTSD](#); [healthcare needs of children](#));<sup>343</sup>
- Children who have been trafficked may be dressed and presented to look older by traffickers so that they can 'pass' as adults for example, to proceed through airport customs alone on false documents, to be trafficked for the purposes of child marriage or other forms of child trafficking without questions being raised about their minor age. In such cases they may have been provided with fake accounts of their histories by traffickers to fit a false adult age. Child victims of trafficking are often under psychological control and manipulation of traffickers and may be naïve and trusting of their motivations, or living in fear of the consequences of disobeying them (See: [vulnerability of children](#); [vulnerabilities](#); [traffickers](#); [traffickers' methods](#); [traffickers' methods: children](#); [traffickers' methods: adolescents](#));
- Young adults can also be instructed by traffickers to enter ports and claim asylum using false identification documents with the birthdate of a child and/or an account that accords with them being of minor age. Traffickers may exploit young victims of trafficking in this way in order to traffic them onward from children's emergency or asylum accommodation that they know to be routinely used for incoming children and know to be insecure (See: [accommodation for children](#); [vulnerability of children](#); [vulnerability: migrants and refugees](#); [rights of child migrants](#)). It is also possible for traffickers to traffic young adults onward from reception and detention settings.

<sup>342</sup> "The low birth registration rates in some countries result in children having difficulties to prove their identity and age through documentary evidence, and as a consequence may end up unprotected and deprived of the rights they are entitled to. In addition to the lack of registration, the issuance of birth certificates may not be possible in countries experiencing war or armed conflict or where the authorities are unwilling to provide them. The absence of documents that prove that the child is under 18 years of age can have a direct effect on their recognition as child right holders. Consequently, children may end up being treated as adults on matters such as, among others, army service, marriage and access to the labour market and to justice. As chronological age does not play an important role in the acquisition of an adult status in all cultures, it is important to take the cultural factor into consideration." European Asylum Support Office (2018), [EASO Practical Guide on age assessment, 2nd Ed.](#), Valletta: EASO, p. 16. For these reasons, it is common that they may not know their chronological age and find it difficult to understand its importance in Western cultures. Since the chronological age may not be an identifying feature for their position in their community or relationship to others (in some regions children are always registered as having been born on the first of January of the year they were born in, irrespective of if they were born in any other month), this cultural difference may result in somewhat vague statements regarding dates of birth or age. UNICEF (2016), [Global Database: Birth registration](#).

<sup>343</sup> American Psychological Association (2020), ["Experiencing childhood trauma makes body and brain age faster"](#), Science Daily, 3 August 2020.

## General guidance on the process of formal age estimation assessment



### **European Asylum Support Office (EASO) age assessment guidance<sup>344</sup>**

Consideration of the best interests of the child when assessing the need for the age examination and when devising and undertaking an age assessment, using a holistic and multidisciplinary approach, must give attention to the needs and circumstances of the individual.<sup>345</sup>

**In accordance with UNHCR and other international human rights experts and clinical bodies, the following should be observed when conducting age estimation assessments:<sup>346</sup>**

- **Medical examinations and procedures should not be used for the purpose of age estimation assessment.** Due to their intrusive nature and the potential psychological damage to vulnerable young people of submitting to such methods, they are disproportionate. They also have a high margin of error that undermine their usefulness.<sup>347</sup> Other methods that involve practical observation of a young person within the framework of a BIC assessment and child ongoing safety and care plan are a more effective way of observing a young person, and gathering information concerning their age over time. (See: [BIC assessment guide](#))
- **The denial or dispute of a young person's age should never be assumed by professionals who are not trained and qualified in the age estimation assessment of vulnerable children.** Age estimation assessment can only be conducted by appropriate child specialists who are trained and qualified in child development and age estimation. The institutional competence for bodies referring a young person for age estimation assessment should be clearly regulated by law or policy. The institution should be impartial in the sense that it is guided by the best interests of the child when assessing the need for age estimation and deciding whether to submit a referral for assessment. A panel of experts with a multidisciplinary background may include social workers, forensic practitioners, child protection specialists and case workers with child-specific expertise. When this is not possible or in cases where only a single method is used, at least two child specialist experts should carry out the assessment.<sup>348</sup>
- **The only effective age estimation assessment process is conducted using a holistic and multi-disciplinary approach that ensures that all the necessary safeguards and principles are explored and in place and the human rights of each young person are protected.** All aspects of the assessment should place the young person at the centre and be adapted to their specific needs including in relation to gender, range of disputed age and cultural background.<sup>349</sup> Age estimation assessment is best conducted over different sessions with a young person, as more detail can be disclosed and observed over time by professionals who come to know the child.
- **The age of a young person who is a victim of trafficking is likely to become much clearer once they have received some rest, protection and support provided by child specialists who are experienced and trained in recognizing the needs and risks of vulnerable children.** Even after a formal age estimation assessment is concluded, further information can arise which confirms the minor age of a child whose age has been disputed. Age estimation is a process that should be flexible, allowing for further evidence or information to draw from and re-open the process, if necessary, at a later date.

<sup>344</sup> European Asylum Support Office (2018), [EASO Practical Guide on age assessment, 2nd Ed.](#), Valletta: EASO, p. 11.

<sup>345</sup> Authorities must consider the following when implementing the principle of the child's best interests: The impact of age assessment on other rights of the applicant and the motivation for the assessment; Applying the necessary principles and safeguards in the assessment process; Implementing the assessment process using a holistic and multidisciplinary approach; Using the EASO visual model of the potential process, highlighting the gradual use of methods to prevent unnecessary examinations; Exploring new methods to assess an applicant's age, the latest developments of the methods already in use and the impact of each method on the safeguards and rights of the applicant; and Addressing practical challenges that might appear prior to, after and at different stages during the process EASO tools and reference documents to complement the information provided in this practical guide.

<sup>346</sup> UNHCR, IOM & UNICEF (2019), ["A Refugee and then.": Participatory Assessment of the Reception and Early Integration of Unaccompanied Refugee Children in the UK](#), p. 11.

<sup>347</sup> Medical examinations and procedures referred to include dental observations, radiological tests, anthropometric assessments and sexual maturity assessments. European Asylum Support Office (2018), [EASO Practical Guide on age assessment, 2nd Ed.](#), Valletta: EASO, p.32, 34 and 40.

<sup>348</sup> "It should be guaranteed that the views of both qualified experts have been provided and both have agreed on a decision. If the experts cannot agree on a final decision, it could be recommended to escalate the case and have the decision taken by an experienced and qualified supervisor." European Asylum Support Office (2018), [EASO Practical Guide on age assessment, 2nd Ed.](#), Valletta: EASO, p. 43.

<sup>349</sup> European Asylum Support Office (2018), [EASO Practical Guide on age assessment, 2nd Ed.](#), Valletta: EASO, p. 11

- **In cases where a formal age estimation assessment is required, the reasons for this should be recorded, and clearly underpinned by the principles of the best interests of the child and within the framework of the [BIC assessment and child ongoing safety and care plan](#).** This means that, taking into account the difficulties and fallibility of the process, it is considered to be necessary, and in the best interests of the individual young person to have a formal assessment made of their chronological age. In line with international standards, the NRM Handbook recommends that age estimation assessment *is used as measure of last resort*, and justified by reasons that are carefully considered and recorded.<sup>350</sup>
- **Any young person who may be required to undertake an age estimation assessment should be treated as a vulnerable person, due both to their young age and the specific situation that has raised questions regarding their age.** Dispute of a child's claimed or documented age together with the intervention of formal age estimation can cause profound psychological damage to children who are already significantly vulnerable. (See: [vulnerability of children](#); [children's healthcare needs](#); [vulnerability: migrants and refugees](#); [rights of child migrants](#)).
- **[Interpreters or cultural mediators](#) must have the appropriate skills and qualifications to undertake their role and should be experienced in working with children and young people who require them.** In order to ensure that they can participate to the best of their ability in the assessment interview(s), it is vital that the child or young person being assessed understands the questions being asked of them and that their responses are accurately interpreted. (See: [communications with children](#); [Lundy model](#); [trauma-informed communications 1](#); [Barnahus model](#)) Consideration should be given to a young person's preference for the gender of professionals (including interpreters and cultural mediators) that they are working with, especially as age estimation assessment can involve consideration of pubescent age and development, and discussion of relationships which may give rise to accounts of traumatic histories, rape or other sexual violence. (See: [survivors specific needs](#); [BIC assessment guide](#))
- **The [guardian advocate](#) should be present throughout any process of age estimation assessment to support the young person,** to act in their best interests, safeguard their general well-being and ensure due process of assessment. [Parental guardians](#) exercise legal capacity on the child's behalf in jurisdictions where this is required. Guardian advocates will have an informed understanding of the age estimation assessment process and be able to ask questions. They should ensure there is transparency of conduct and accordance with national standards and take an independent and observational record of the assessment. They should ensure that the child has all information carefully explained in an age-appropriate, trauma-informed manner, that they understand the role of all professionals in the room and be able to ask questions and participate in the process, and provide their [informed consent](#). They can also ensure that assessment interviews are conducted sensitively with the child or young person in accordance with his/her particular needs, paying attention to both verbal and non-verbal communication. Guardian advocates may request a break when a child or young person seems stressed or upset, and ensure, for example, that they are not thirsty, hungry or tired during the interview(s). They may need to interrupt the direction of questioning if it is not relevant to an assessment of age or stop the assessment if they feel it to be inappropriate, or not in the best interests of the young person.
- **After the interview, the [guardian advocate](#), [parental guardian](#), lawyer and other involved child specialists should be kept informed and updated on the results, as well as understanding how they can be challenged.** (See: [legal advice and representation 1](#); [legal advice and representation 2](#))

## Results of an age estimation assessment

**Any decision on age estimation should be issued in writing and explained verbally in a face-to-face meeting with the young person and their [guardian advocate](#) and/or [parental guardian](#), together with their legal representative.** The experts' professional qualifications, experience and relevant training should be set out in the record, as well as the margin of error of the methods used.

**Where the results of the assessment conclude that a person is a child, or the results are *inconclusive*, their protection, support, rights and entitlements as a child must continue within the [BIC assessment framework](#).**

<sup>350</sup> UNICEF (2013), [Age assessment: A Technical Note](#), New York: UNICEF. See also Council of Europe (2017), [Age assessment: Council of Europe member states' policies, procedures and practices respectful of children's rights in the context of migration](#), September 2017.

Where the results of the assessment conclude that a presumed victim of trafficking is **not a child**, they should be informed (along with their [guardian advocate](#) and/or legal representative) of their right to **challenge the decision**. Children should be provided with access to free, child specialist legal advice and representation in order to do so. (See: [legal advice and representation 1](#); [legal advice and representation 2](#)) As the consequences of being identified as an adult or a child are far-reaching, the applicant should be given the opportunity to challenge the results in a prompt and accessible manner. In the meantime, the identification, protection and individual support as a presumed child victim of trafficking should continue until the matter of their age estimation assessment is fully resolved.<sup>351</sup>

Once resolved, if a young person is found **not to be a child**, they should have [bridged referral](#) into the care of an [independent advocate](#) for adult protection and individual support. They will need access to all adult NRM established services, statutory and healthcare services and, where possible, specialist/NGO support for young adults who are victims of trafficking.



#### **Relevant Guides and Resources**

- **EASO Practical Guide on Age Assessment<sup>352</sup>**
- **Council of Europe Age Assessment for Children in Migration: A human rights-based approach<sup>353</sup>**

<sup>351</sup> Financial costs incurred from challenging the age assessment decision shall not be borne by the applicant; otherwise the right to effective remedy would not be effectively exercised. As limitations in current methods may lead to an incorrect age assessment or estimation, a revision mechanism must be in place to correct an age that has been inserted incorrectly into the system. Once an age assessment has been identified as incorrect, appropriate actions should be taken immediately (change of accommodation, appointment of a guardian if the applicant is found to be a child, etc.).

<sup>352</sup> European Asylum Support Office (EASO) (2018), [EASO Practical Guide on age assessment Second edition](#).

<sup>353</sup> Council of Europe (2019), [Age Assessment for Children in Migration: A human rights-based approach](#).

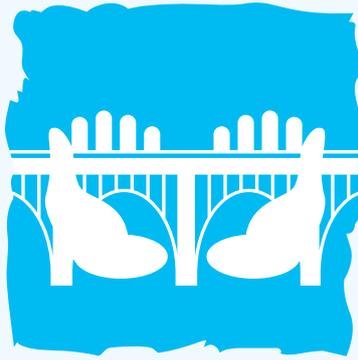


## **PILLAR TWO: Individual Support and Access to Services**

**“After escaping human trafficking I was rushed straight into criminal justice and immigration procedures.** However, I was still homeless and hungry, I felt entirely alone, and unsafe. I was not physically or mentally ready to talk about what had happened to me, or even to fully understand it myself. I was in desperate need of rest and recovery.

Much later, an NGO assigned me a social worker who changed everything. She took time to learn about my personal background, my culture, and the context of my trafficking. She always looked pleased to see me; even a smile was a gift at that time. She explained everything carefully and prepared me for what would happen next. We focused on the things I needed: food, clothing, transport, accommodation. Then counselling, language classes and other activities helped me to move forward with my life. Survivors need to have this support in place from the beginning. I know it would have better equipped me for the pursuit of justice against my traffickers.”

— **Shandra Woworuntu**, Chair of 1<sup>st</sup> ISTAC, Founder and CEO of Mentari Human Trafficking Survivor Empowerment Program Inc. and survivor leader



**Individual support and access to multi-agency services should follow directly on from Pillar One (Identification+ procedures) and continue for as long as possible for victims of trafficking.** This includes (but should not be limited to):

- Attendance to practical, financial and material needs (See: [practical needs 1](#); [practical needs 2](#); [Maslow](#));
- Allocation of individual support professionals, including [independent advocates](#) for adults and [guardian advocates](#) for children;
- Appropriate assessment and ongoing safety planning for adults and children (See: [Adult Needs & Risks assessment guide](#); [BIC assessment guide](#));
- Early and ongoing access to healthcare services (See: [access to healthcare](#); [health problems](#); [urgent healthcare needs](#); [healthcare](#); [therapeutic care](#); [therapeutic care for adults in criminal justice proceedings](#); [therapeutic care for children in criminal justice proceedings](#); [medico-legal documentation 1](#); [Istanbul Protocol](#));
- Early and ongoing access to free legal advice and representation for all legal matters (See: [legal advice and representation 1](#); [legal advice and representation 2](#); and
- Provision of safe and appropriate accommodation (See: [accommodation for children](#); [accommodation for adults](#)).



### **Article 6 of the Palermo Protocol: Assistance to and protection of victims of trafficking in persons**

“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 co-operation 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.”

#### **Article 5 states that:**

“Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.”<sup>354</sup>

The European Court of Human Rights affirmed that “if State authorities were aware, or ought to have been aware, of a risk of trafficking, a failure to take appropriate measures within the scope of their powers to remove the individual from that situation or risk is a violation of that person’s rights.”<sup>355</sup>

## **14.1 Introduction to Pillar Two**

**Victims of trafficking are at risk of re-trafficking and further forms of harm, crime and exploitation if they are left without protection and individual support.** Many victims disappear or are re-trafficked *after* they have been formally identified. (See: [vulnerabilities](#); [traffickers](#); [traffickers’ methods](#))

**In some cases, urgent protection measures may be provided by law enforcement authorities in the form of witness protection, for example, direct police protection, relocation of the victim, or restrictive measures against traffickers prior to trial.** In some rare cases, victims may be provided with a new identity.<sup>356</sup> (See: [protection and support throughout criminal justice proceedings](#)) However, the vast majority of victims will not have police protection and it is vital to ensure that all adults and children are kept safe with provision of allocated individual support, appropriate assessment and ongoing safety planning, together with consistent access to multi-agency services, in accordance with their individual needs and risks. (See: [adult needs & risks assessment guide](#); [BIC assessment guide](#))

<sup>354</sup> UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Art. 5.6. See also Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Art. 12, 28.

<sup>355</sup> [Rantsev v. Cyprus and Russia](#), Application No. 25965/04, Judgement of 7 January 2010, para. 286.

<sup>356</sup> UNODC (2009), [Anti-human trafficking manual for criminal justice practitioners: Module 12. Protection and assistance to victim-witnesses in trafficking in persons cases](#).

## 14.2 Stakeholders for provision of individual support

- [Independent advocates](#) (or equivalent) for adults;
- [Guardian advocates](#) (or equivalent) for children;
- Statutory social services for adults;
- National child protection systems; and
- National focal points (NFPs) for child victims of trafficking.<sup>357</sup>

### **Professional support and services:**

- Legal advisors and representatives who specialize in all relevant areas of law (See: [legal advice and representation 1](#); [legal advice and representation 2](#));
- Healthcare services (See: [access to healthcare](#); [health problems](#); [urgent healthcare needs](#); [healthcare](#));
- Accommodation services (shelters, safehouses, specialist and mainstream accommodation) (See: [accommodation for adults](#); [accommodation for children](#));
- Welfare services (financial assistance and material provision) (See: [practical needs 1](#); [practical needs 2](#); [Maslow](#));
- Recognized, specialist NGOs (anti-trafficking and other related specialisms); and
- Recognized community and faith-based organizations (See: [social inclusion](#)).

## 14.3 Early access to legal advice and representation



**“International standards apply to all victims of human trafficking.** The point in time at which victims of trafficking first obtain information and advice on their rights is crucial to their early protection and ongoing co-operation with other agencies, including law enforcement. Legal advice should be available for all relevant legal proceedings; and it should be available as soon as there is an indication of human trafficking.”<sup>358</sup>

**Victims of trafficking should be able to access free, independent, specialist legal advice and representation from the earliest stage and throughout the NRM process for all legal matters** related to their identification, protection, rights and entitlements as victims of trafficking.

<sup>357</sup> The OSCE has developed guidance about the role and responsibilities of a National Focal Point in one State when liaising and co-ordinating with the authorities in another State about presumed or identified child victims of trafficking, including those who went missing and those whom the authorities plan to return to their respective country of origin. OSCE OSR/CTHB (2020), [Establishing National Focal Points to Protect Child Victims of Trafficking in Human Beings](#).

<sup>358</sup> See Kirsty Thomson (2014), [Upholding Rights! Early Legal Intervention \(ELI\) for Victims of Trafficking – Best Practice Principles](#). “This paper sets down the following best practice principles: ELI should be available for all relevant legal proceedings. ELI is available as soon as there is an indication of human trafficking. Unmet areas of legal need in the area of ELI require to be identified and services targeted appropriately. The optimum point of ELI is as soon as there is an indication of human trafficking: This is regardless of whether such indicators have been reported to a “competent authority” in the meaning of the Explanatory Report to the Trafficking Convention or ELI should not be contingent upon the reporting of indicators of trafficking to a “competent authority” and any subsequent decision of that authority. It is therefore important that NGOs working with victims of domestic trafficking, migrants, children or in the violence against women sector are able to refer to specialist representation as soon as they think that there are indicators of human trafficking in a case. • ELI should be provided prior to any formal engagement of the client with law enforcement or immigration proceedings. From the research, best practice dictates that it is provided prior to any informal engagement with such proceedings, where first contact is not with law/border enforcement agencies. This is because of the possibility of such engagement rapidly turning into a formal engagement. At the very least, ELI must occur from the victim’s first contact with the competent authorities as described in the Trafficking Convention.” See also: Kids in Need of Defense (KIND) (2021), [Advancing Protection for Unaccompanied Children in Europe by Strengthening Legal Assistance](#).

## **Access to free, independent legal advice should be available for:**

- **Preliminary and/or conclusive identification interview/referral to National Referral Mechanism;**
- **Engagement with criminal justice processes for informants, witnesses and defendants** (See: [access to criminal justice and redress](#));
- **Procedures related to a person's immigration status, including claims for asylum or other forms of international protection** (See: [rights of child migrants](#); [international protection for migrants](#));
- **Support in document restoration, including identification documents;**
- **Assistance for recovery including housing, welfare, health, social support and financial benefits;**
- **Support in accessing rights and benefits non-related to trafficking victim status, such as disability benefits** (See: [survivors with disabilities](#));
- **Child and family law, including family reunification;**<sup>359</sup>
- **Age estimation and assessment procedures** (See: [age dispute and age estimation assessment 1](#); [age dispute and age estimation assessment 2](#)); and
- **Compensation and restitution including labour law procedures.**

### **Legal aid systems**

The most effective States in delivering legal advice and representation services are those that provide legal aid. Victims of trafficking have a right in international law to an effective and appropriate remedy. Remedies may be criminal, civil or administrative.<sup>360</sup> International law requires that States provide legal and other assistance,<sup>361</sup> specifically with legal aid, free of charge to victims of crime.<sup>362</sup> Legal assistance should be, “for the duration of any criminal civil or other actions against suspected traffickers.”<sup>363</sup> Free legal assistance should be provided to accused persons if the interests of justice require.<sup>364</sup> However, while legal aid is available for criminal matters in most countries,<sup>365</sup> this is not the case with civil procedures.<sup>366</sup> The European Court of Human Rights under [Article 6](#) of the [European Convention on Human Rights \(ECHR\)](#) has upheld the principle of legal aid, in both criminal matters and civil, in the interests of justice.<sup>367</sup> In Eastern Europe and Central Asia, many countries have reformed laws on legal aid, changing, for example, who can offer such a service.<sup>368</sup>

Legal aid can be provided by NGOs or service agencies, and there should be co-operation between relevant referral systems.<sup>369</sup> Victims should be given information on relevant court and administrative proceedings,<sup>370</sup> as well as the possibility of obtaining compensation. They should also be informed by police and others of “their right to information and their entitlement to legal aid, assistance and protection and of how to access such rights.”<sup>371</sup>

<sup>359</sup> Kids in Need of Defense (KIND) (2021), [Advancing Protection for Unaccompanied Children in Europe by Strengthening Legal Assistance](#).

<sup>360</sup> OHCHR (2002), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), Guideline 9.

<sup>361</sup> OHCHR (2002), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), Guideline 9. See also UN General Assembly (2005), [Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law: Adopted and proclaimed by General Assembly resolution 60/147](#), 16 December 2005, A/RES/60/147, para. 12(c). OHCHR (2011), [Draft basic principles on the right to an effective remedy for trafficked persons](#), para. 7(e).

<sup>362</sup> UNODC (2013), [United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems](#), Principle 4.

<sup>363</sup> OHCHR (2002), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), para. 9.

<sup>364</sup> UN General Assembly (1966), [International Covenant on Civil and Political Rights](#), 16 December 1966, Art. 14(3)(d).

UN Human Rights Committee (2007), [General comment no. 32, Article 14, Right to equality before courts and tribunals and to fair trial](#), 23 August 2007, CCPR/C/GC/32.

<sup>365</sup> IOM (2018), [IOM Handbook Protection and Assistance for Migrants Vulnerable to Violence, Exploitation and Abuse](#), p. 84. UN General Assembly (2011), [Trafficking in persons, especially women and children Note by the Secretary-General The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on trafficking in persons, especially women and children](#), 9 August 2011, A/66/283, para 40.

<sup>366</sup> UNODC (2016), [Global Study on Legal Aid Global Report](#).

<sup>367</sup> [Salduz v. Turkey](#), App. No. 36391/02, Judgment of 27 November 2008, ECHR 2008; [Airey v. Ireland](#), App. No. 6289/73, Judgment of 9 October 1979, ECHR 3.

<sup>368</sup> UNODC (2016), [Global Study on Legal Aid Global Report](#), p.38.

<sup>369</sup> UNODC (2013), [United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems](#), Guideline 9.

<sup>370</sup> UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Art. 6. OHCHR (2002), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), Guideline 6. UN General Assembly (1985), [Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power: adopted by General Assembly resolution 40/32](#), 29 November 1985, A/RES/40/34, annex, para. 5.

<sup>371</sup> UNODC (2013), [United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems](#), Guideline 9.

## 14.4 International legal protection for victims of trafficking who are migrants



States have obligations under international law towards all individuals within their jurisdiction, including to provide protection. (Geneva Refugee Convention and non-refoulement principle)

**The 1951 Refugee Convention and its 1967 Protocol**<sup>372</sup> enshrine the rights of refugees and the obligations of the 148 States that are party to one or both of these instruments. (See: [legal advice and representation 1](#); [legal advice and representation 2](#); [rights of child migrants](#)). Victims of trafficking who are outside of their country of origin should have access to free legal advice and representation for the purpose of claiming asylum.

**The principle of non-refoulement, “forms an essential protection under international human rights, refugee, humanitarian and customary law.** It prohibits States from transferring or removing individuals from their jurisdiction or effective control when there are substantial grounds for believing that the person would be at risk of irreparable harm upon return, including persecution, torture, ill treatment or other serious human rights violations. Under international human rights law the prohibition of refoulement is explicitly included in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).”<sup>373</sup>



**For the prevention of human trafficking, it is particularly important that States recognize and address the acute vulnerability of migrant adults and children to this crime.** (See: [vulnerabilities](#); [vulnerability: migrants and refugees](#); [vulnerabilities: vulnerability of migrant workers](#); [vulnerability of children](#); [traffickers](#); [traffickers' methods](#)) This includes those who are outside of their countries of origin, who are residing in countries where they are undocumented or have insecure immigration status, and those who are in the course of hazardous journeys across international borders.

**Low levels of protection for migrants, and discriminatory responses and attitudes towards them results in traffickers being able to access a consistent ‘source’ of vulnerable adults and children whom they can target with impunity, both transnationally, and domestically within national borders.** It is therefore essential that States fully understand and directly address these circumstances in anti-trafficking legislation and policy. As well as focusing on stopping the *demand* for human trafficking, they should also strive to address the *supply*, by preventing situations for migrants which increase their vulnerability and expose them to traffickers.

### **The Global Compact for Safe, Orderly and Regular Migration (GCM)**

On 19 September 2016, Heads of State and Government came together at the UN General Assembly to discuss issues related to migration and refugees. By unanimously adopting the [New York Declaration for Refugees and Migrants](#), the 193 UN Member States recognized the need for a comprehensive approach to human mobility and enhanced co-operation at the global level and committed to: “protect the safety, dignity and human rights and fundamental freedoms of all migrants, regardless of their migratory status, and at all times; support countries rescuing, receiving and hosting large numbers of refugees and migrants; integrate migrants – addressing their needs and capacities as well as those of receiving communities – in humanitarian and development assistance frameworks and planning; combat xenophobia, racism and discrimination towards all migrants; develop, through a state-led process, non-binding principles and voluntary guidelines on the treatment of migrants in vulnerable situations; and strengthen global governance of migration.”<sup>374</sup>

<sup>372</sup> UN General Assembly (1951), [Convention Relating to the Status of Refugees](#), 28 July 1951. UN General Assembly (1967), [Protocol Relating to the Status of Refugees](#), 31 January 1967. The following OSCE participating States have signed or ratified the 1951 Refugee Convention and its 1967 Protocol: Austria, Belgium, Denmark, France, Germany, Greece, Holy See, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Sweden, Switzerland, Turkey, and the UK.

<sup>373</sup> OHCHR (n.d.), [The principle of non-refoulement under international human rights law](#).

<sup>374</sup> IOM, [Global Compact for Migration](#). In addition, Objective 7(b) calls upon States to “[e]stablish comprehensive policies and develop partnerships that provide migrants in a situation of vulnerability, regardless of their migration status, with necessary support at all stages of migration, through identification and assistance, as well as protection of their human rights, in particular in cases related to women at risk, children, especially those unaccompanied or separated from their families, members of ethnic and religious minorities, victims of violence,

**This UN Declaration paved the way for the development and adoption of the Global Compact, which is designed to:**

- Support international co-operation on the governance of international migration;
- Provide a comprehensive menu of options for States from which they can select policy options to address some of the most pressing issues around international migration; and
- Give states the space and flexibility to pursue implementation based on their own migration realities and capacities.<sup>375</sup>



**The Council of Europe Convention on Action Against Trafficking in Human Beings includes provisions which deal specifically with the situation of migrants.** It provides for the non-removal of a possible victim until the identification process as a victim is complete. It also deals with the provision of residence permits to victims ensuring that counselling and information is available in a language they understand, among many other issues, which are particularly relevant to migrants who become victims of trafficking.<sup>376</sup>

## The rights of child migrants in international law



**Children are viewed as a profitable commodity by traffickers: any neglect of children's safety, protection, care, best interests<sup>377</sup> and human rights creates a significant risk of trafficking.**

(See: [international protection for migrants](#)) Children require access to appropriate protection and adult care at all times, without any gaps that might create risk. The vulnerability of migrant children who are outside of their country of origin and left without safe and appropriate family care, is multi-faceted.

Children can be trafficked both within and outside of their family, by relatives as well as non-family members. (See: [vulnerabilities: vulnerability: migrants and refugees](#); [vulnerability of migrant workers](#); [vulnerability of children](#); [traffickers](#); [traffickers' methods: adolescents](#))

**Effective prevention of human trafficking requires that all international and national legislation, standards and guidance relating to the protection and care of children applies to all those who are migrant or asylum-seeking children, without reservation, differentiation or preference.**<sup>378</sup> All NRM and trafficking prevention stakeholders must uphold legal rights and standards for children and refer to child specialists from national child protection systems in any case that involves victims under the age of 18 years. This means that all children have specific recognition in law and from national child protection systems. (See: [BIC assessment guide](#); [NRM overview](#); [NRM links to statutory services and national child protection systems](#); [guardianship for children](#); [individual support professionals](#); [guardian advocates](#); [preliminary identification for children](#); [recovery and reflection period for children](#); [rights and entitlements: children](#); [accommodation for children](#); [communications with children](#); [Lundy model](#); [access to criminal justice and redress](#); [non-punishment principle for children](#); [therapeutic care for children in criminal justice proceedings](#); [investigative interviews for children](#); [special protection measures for child defendants](#); [Barnahus model](#); [children's healthcare needs](#); [residence permits for children](#); [social inclusion](#); [transition for children](#))

including sexual and gender-based violence, older persons, persons with disabilities, persons who are discriminated against on any basis, indigenous peoples, workers facing exploitation and abuse, domestic workers, victims of trafficking in persons, and migrants subject to exploitation and abuse in the context of smuggling of migrants;" Global Compact for Migration (2018), [Global Compact for Safe, Orderly and Regular Migration](#), 13 July 2018, para. 7(b).

<sup>375</sup> The Global Compact for Safe, Orderly and Regular Migration recognizes the vulnerability of migrants, especially women and children to trafficking and calls on States to "[e]stablish comprehensive policies and develop partnerships that provide migrants in a situation of vulnerability, regardless of their migration status, with necessary support at all stages of migration, through identification and assistance, as well as protection of their human rights, in particular in cases related to women at risk, children, especially those unaccompanied or separated from their families, members of ethnic and religious minorities, victims of violence, including sexual and gender-based violence, older persons, persons with disabilities, persons who are discriminated against on any basis, indigenous peoples, workers facing exploitation and abuse, domestic workers, victims of trafficking in persons, and migrants subject to exploitation and abuse in the context of smuggling of migrants." Global Compact for Migration (2018), [Global Compact for Safe, Orderly and Regular Migration](#), 13 July 2018, para. 23(b)(c).

<sup>376</sup> Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Article 5.

<sup>377</sup> UN General Assembly (1989), [Convention on the Rights of the Child](#).

<sup>378</sup> In accordance with international standards, this includes age-disputed individuals. Such persons should be given the benefit of the doubt in cases of uncertainty, so that if there is a possibility that the person is a child, he or she should be treated as a child until an appropriate human rights-based age estimation assessment proves otherwise. See Committee on the Rights of the Child (2005), [General Comment No. 6](#), para. 31(A). [2013 EU Asylum Procedure Directive 2013/32/EU](#) (recast), Article 25(5). [2011 EU Anti-trafficking Directive](#), Article 13.2. [Council of Europe Convention on Action against Trafficking in Human Beings](#) Article 10.3. [UNHCR Guidelines on Child Asylum Claims, 2009](#), para. 75. United Nations High Commissioner for Refugees (2007), [Conclusion on Children at Risk No. 107 \(LVIII\)](#), 5 October 2007, par. g(ix). UNHCR, [Guidelines on Unaccompanied Children Seeking Asylum](#), 1997, para. 5.11 and 6. Council of Europe Parliamentary Assembly, [Unaccompanied Children in Europe: Issues of arrival, stay and return](#), Resolution 1810(2011), 15 April 2011, para. 5.10.



For EU Member States EU Regulation No. 604/2013, also known as the [Dublin III Regulation](#), contains specific provision with regard to the assessment of the best interest of the child in [Article 3\(c\)](#): “safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking.”<sup>379</sup>

## 14.5 Appropriate assessment and safety planning



*This section provides a basic outline related to assessments of adult and children, with the purpose of ensuring that professionals are aware of the information required and are equipped with the [Adult and Child Assessment and Safety Planning Guides](#).*

**Adults and children require specialist assessment of their needs and risks, together with planning for their safety.** (See: [adult needs & risks assessment guide](#); [BIC assessment guide](#)) Assessment and ongoing safety planning is best conducted by professionals who are able to build trust and establish consistent working methods over time with survivors. It should focus specifically upon each person’s individual needs and risks and therefore all of their safety and support requirements. Assessment is a *process* that requires regular review and updating.

## 14.6 Adult Needs and Risks assessment with ongoing safety and support planning



Survivors can be initially assessed and assisted through discussion to identify their own immediate needs and how they prioritize them. This process supports autonomy and informed decision making from the outset, as well as helping survivors to feel that they are part of a ‘team’ with mutually agreed goals and expectations.



**Adult needs and risks assessments should ideally be conducted by an allocated [independent advocate](#) or equivalent who is able to build a relationship of trust and provide and coordinate onward support.** It is vital that multi-agency professionals are involved in consultations and decision-making in response to individual needs and risks, therefore the independent advocate should have a recognized, central role and be able to communicate with all other professionals involved with the survivor’s informed consent. (See: [multi-agency mobile teams and task forces](#); [multi-disciplinary approach](#)) Assessments should be conducted applying trauma-informed and gender-sensitive methods of working in order to enable disclosure of personal, sensitive information. (See: [effective communications](#); [trauma-informed communications 1](#); [gender sensitivity](#); [gender-sensitive communications](#); [survivors with disabilities](#); [adult needs & risks assessment guide](#); [BIC assessment guide](#))



**All advocates who make referrals and bridge access to services for victims of trafficking should conduct appropriate adult or child assessments and safety planning on a regular basis and keep a record of the contact details of all services and professionals who are currently involved with the victim.**

<sup>379</sup> [Regulation \(EU\) No 604/2013](#) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, 29 June 2013, OJ L 180.

## Assessment of adult survivors' re-trafficking and other vulnerability risks



The prevention of risks of re-trafficking for individual victims directly 'dovetails' with meeting their specific needs. Therefore, in any effective assessment process, needs and risks will tally.



**Every possible risk of re-trafficking, exploitation or further harm to victims should be distinctly and carefully considered.** However, it is vital to ensure that survivors do not become overwhelmed with the assessment and planning process or lose contact with the service because they feel unable to continue. The focus should always be on ensuring that the survivor is able to maintain their current personal safety, has a next arranged appointment or meeting with their advocate and is provided with

the level of individual support that they need to stay safe and maintain their contact with services. It is vital that assessment is experienced as a gradual, relational process by survivors and never feels excessively intrusive or confrontational in any way.

**Consideration of risks should not be restricted to those presented by the survivor's original traffickers, but also take into account the possibilities of targeting by current and future perpetrators.** This requires prevention of, for example, situations of homelessness and poverty, as well as consideration of pre-existing and current vulnerabilities.

### **Re-trafficking risks that should be considered:**

- **Risks from original traffickers:** This requires consideration of any known risks from the original traffickers who conducted the trafficking crime and all of their known associates, as well as other victims who may still be under their control and could be in contact with the survivor. It is important to ensure that the survivor has a phone and contact details that are not known or discoverable by their traffickers. Survivors should be asked sensitively about any social media activity and current relationships to ensure they are safe in their use of the Internet and identify any risks for them online. (See: [vulnerabilities](#); [traffickers](#); [traffickers' methods](#))
- **Associates, relatives, friends, acquaintances or others who may be implicated in survivors' original trafficking.** In some cases, survivors will be fully aware of the involvement of others who are close to them; however, in others, survivors may not have recognized that a person to whom they remain close, or in contact is complicit in their trafficking. This should be approached carefully and sensitively, in a non-confrontational manner. It can take time for survivors to recognize and be able to fully confront the extraordinary deception practiced by traffickers who are their partners, friends, or their own family members being implicated in their trafficking. In such cases, they may require specialist, [therapeutic care](#). Assessors should therefore observe carefully and consider this possibility from the outset, without causing any alarm or demanding that the survivor confront issues directly at an early stage, unless it is necessary for their immediate safety.
- **Risk from potential/future traffickers who may target or groom the victim in order to commit further crimes against them:** This should always be considered to be a risk for survivors due to their increased vulnerability to trafficking after leaving the control of their original traffickers.<sup>380</sup> Re-trafficking risks can arise from continuing vulnerabilities relating to the impact of trafficking, including mental and physical health issues, as well as personal circumstances, such as living in destitution, experiencing situations of adversity or economic hardship.

### **Situations of particular vulnerability to re-trafficking and further exploitation:**

**It is important to be aware that survivors may enter into newly formed relationships with deceptive traffickers.** They may be persuaded into 'love' or 'care' relationships by traffickers who then traffic them onward and exploit them further or manipulate, blackmail, threaten or otherwise target them for re-trafficking.

<sup>380</sup> IOM (2010), [The Causes and Consequences of Human Trafficking: Evidence from the IOM Database](#).

## Survivors who are at particularly high risk include those who:

- **Are left living in situations of poverty or destitution** (See: [practical needs 1](#); [practical needs 2](#); [Maslow](#); [accommodation](#));
- **Are in need of basic subsistence, in some cases to care for their dependents;**
- **Are living in high-crime areas where traffickers and other perpetrators circulate** (See: [accommodation](#));
- **Are in situations of debt bondage or are obliged to send money to relatives** (See: [debt bondage](#));
- **Are from marginalized backgrounds and/or lack equal access to law enforcement and criminal justice** (See: [vulnerability: marginalisation and discrimination](#); [social inclusion](#); [access to criminal justice and redress](#)); and
- **Have substance dependency issues that have not been addressed.** (See: [healthcare](#))

### Relevant Guides and Resources

**ODIHR Assessment Tool:** [The Adult Needs & Risks Assessment and Ongoing Safety and Support Plan](#)

**UNODC Needs Assessment Toolkit on the Criminal Justice Response to Human Trafficking**<sup>381</sup>

**US Office for Victims of Crime Victim Service Provider Intake & Needs Assessment**<sup>382</sup>

**Needs Assessment: Human Trafficking and People with Disabilities**<sup>383</sup>

## 14.7 The best interests of the child (BIC) assessment and ongoing safety and care plan



The UN Committee on the Rights of the Child explains the “Best Interests of Children” as a threefold concept for decision making:

- (a) A substantive right. The right of the child to have his or her best interests assessed and taken as a primary consideration** when different interests are being considered in order to reach a decision on the issue at stake, and the guarantee that this right will be implemented whenever a decision is to be made concerning a child, a group of identified or unidentified children or children in general;
- (b) A fundamental, interpretative legal principle.** If a legal provision is open to more than one interpretation, the interpretation that most effectively serves the child’s best interests should be chosen; and
- (c) The justification of a decision must show that the *best interests of the child* have been explicitly taken into account.** In this regard, authorities must explain how the right has been respected in the decision, i.e., what has been considered to be in the child’s best interests, on what criteria it has been based, and how the child’s interests have been weighed against other considerations, be they broad issues of policy or individual cases.<sup>384</sup>

<sup>381</sup> UNODC (2010), [Needs Assessment Toolkit on the Criminal Justice Response to Human Trafficking](#).

<sup>382</sup> Office for Victims of Crime Training and Technical Assistance Center (OVCTTAC) (n.d.), [Victim Service Provider Intake & Needs Assessment](#).

<sup>383</sup> Adult Advocacy Center (2020), [Needs Assessment: Human Trafficking and People with Disabilities](#).

<sup>384</sup> UN Committee on the Rights of the Child (2013), [General comment No. 14 \(2013\) on the right of the child to have his or her best interests taken as a primary consideration \(art. 3, para. 1\)](#), 29 May 2013, CRC/C/GC/14, para. 6(a-c).

## The BIC assessment framework



**The BIC assessment framework is the appropriate basis for assessment for all children. It should be implemented without derogation or differentiation, regardless of a child's family situation or immigration status.**<sup>385</sup> It should apply to all children whether they are considered to be at risk of potential trafficking, have been preliminarily identified as a 'presumed victim of trafficking' or have been conclusively identified as having been trafficked.<sup>386</sup> It should apply equally for children who are citizens or residents of the country in which they were trafficked, and those who have irregular or temporary immigration status. The BIC assessment should be provided to any young person who may be a child or has had their minor age disputed by the authorities. This applies unless and until an appropriate age estimation assessment is conducted, which states that they are an adult, they have had access to legal advice and representation for the matter and all rights of appeal are exhausted.



**Legal rights and entitlements for children may vary in different jurisdictions.** However, having the BIC assessment and safety planning framework in place for all children is appropriate and it should ensure that there are no *risk gaps* left in their protection or any misunderstandings concerning their rights. The NRM Handbook recommends the allocation of guardian advocates for every child victim of trafficking. This is a child specialist professional who can work with them to provide the BIC assessment and ongoing safety and care plan, together with bridged access to schooling and all necessary services.

**In order to provide a comprehensive plan for the child's immediate and ongoing safety and care, the BIC assessment should take place as soon as possible after a child has been preliminarily identified as a 'presumed victim of trafficking'.** However, while the child's imminent needs and risks must be assessed immediately, the remainder of the assessment should not commence until their immediate practical and health care needs have been met, their guardian advocate allocated, and safe and appropriate accommodation provided (for any child who requires it). Children should have the opportunity to rest well, to establish an initial relationship with their guardian advocate and have procedures explained to them in a child-centred, age-appropriate manner. (See: [accommodation for children](#))

### **UN Committee on the Rights of the Child:**



"Determining what is in the best interests of the child should start with an assessment of the specific circumstances that make the child unique."<sup>387</sup> Children's individual identity, views and opinions should always be heard and taken into account as central to any procedure involving them, whether or not their wishes can be followed. "The ultimate purpose of the child's best interests should be to ensure the full and effective enjoyment of the rights recognized in the Convention [on the Rights of the Child] and the holistic development of the child."<sup>388</sup>

"For children in general, assessing best interests involves the same elements. The Committee considers it useful to draw up a non-exhaustive and non-hierarchical list of elements that could be included in a best-interests assessment by any decision-maker having to determine a child's best interests. The non-exhaustive nature of the elements in the list implies that it is possible to go beyond those and consider other factors relevant in the specific circumstances of the individual child or group of children. All the elements of the list must be taken into consideration and balanced in light of each situation. The list should provide concrete guidance, yet flexibility. Drawing up such a list of elements would provide guidance for the State or decisionmaker in regulating specific areas affecting children, such as family, adoption and juvenile justice laws, and if necessary, other elements deemed appropriate in accordance with its legal tradition may be added."<sup>389</sup> (See: [Lundy model](#))

<sup>385</sup> Article 3 of the Convention on the Rights of the Child states that "[i]n all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration". See UN General Assembly (1989), [Convention on the Rights of the Child](#), Art. 3. "The best interests principle applies to all children without discrimination. This means that it applies whether children are citizens of a State, are foreign nationals, including asylum-seekers or refugees, or are stateless. The principle also applies whether children are with their family members or are unaccompanied or separated. The best interests principle also applies to actions affecting children as a group, such as when a State drafts legislation and policies or allocates resources, and to all actions undertaken by public institutions and affecting individual children." See UNHCR (2018), [Guidelines on Assessing and Determining the Best Interests of the Child](#), p. 27.

<sup>386</sup> Article 2 of the UN Convention on the Rights of the Child states that the rights within the Convention should be respected for all children within the State Party's "jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status". UN General Assembly (1989), [Convention on the Rights of the Child](#), Art. 2.

<sup>387</sup> UN Committee on the Rights of the Child (2013), [General comment No. 14 \(2013\) on the right of the child to have his or her best interests taken as a primary consideration \(art. 3, para. 1\)](#), 29 May 2013, CRC/C/GC/14, para. 49.

<sup>388</sup> *Ibid.*, para. 51.

<sup>389</sup> "Consequently, elements that are contrary to the rights enshrined in the Convention or that would have an effect contrary to the rights under the Convention cannot be considered as valid in assessing what is best for a child or children." UN Committee on the Rights of the Child (2013), [General comment No. 14 \(2013\) on the right of the child to have his or her best interests](#)

## **The BIC assessment framework for children should be:**

- **Conducted by vetted, child specialist professionals who apply child rights centred, and trauma-informed methods of working.** Assessment is best undertaken by each child's [guardian advocate](#), who works with them directly and has an established relationship of trust;
- **Conducted to include appropriate, holistic consideration of all aspects of the child's safety at the current time, but also any previous issues concerning their safety in relation to indicators for the possibility of future risk and harm;**<sup>390</sup>
- **Conducted with a focus on *permanence planning* for each child.** This requires consideration and recording of long-term plans that provide the child with stability and a route to fulfilling their long-term potential; and
- **Conducted to ensure that all legal rights and entitlements of each child can be accessed for them or on their behalf** (depending on the jurisdiction). This requires legal categorisation of their case and access to free, specialist legal advice and representation from lawyers who specialize in working with children. (See: [legal advice and representation 1](#); [legal advice and representation 2](#))

## **Assessment of children's specific risks**



**Assessing the risks to children can be a complex process.** (See: [vulnerabilities](#); [vulnerabilities: children](#); [traffickers' methods](#); [traffickers' methods: children](#); [traffickers' methods: adolescents](#); [traffickers](#));. **It should be conducted by a [guardian advocate](#), with reference to all other agencies involved in the working with the child (for example, [parental guardian](#), social workers, lawyers, accommodation provider, vetted family members).**

**It is important to be aware that children can remain at high-risk both from their previous traffickers and other, new perpetrators.** They can be targeted for re-trafficking hours, days, months or even years after they are first identified. This is known to occur in any location where vulnerable children are accommodated or receive services, including safe-house or sheltered accommodation, child reception and service centres, youth shelters, residential homes and drop-in centres and children's foster homes. (See: [accommodation for children](#))

- **Some children may have developed long-term, continuing and secretive 'relationships' with traffickers who have had complete control over every aspect of their lives previously.** It is common for vulnerable children to privately believe that traffickers continue to have mental and physical control over them. They may feel strongly compelled to follow instructions they given by traffickers in ways that children can find impossible to depart from. They may believe that traffickers continue to 'love' or 'care' for them, have them held in debt bondage or will hurt, kill or traffic members of their families. In some cases, children have been subjected to ritualized violence and fear supernatural forces if they do not obey their traffickers.<sup>391</sup>
- **It is also common for traffickers to enforce the belief that any person or organization offering to help children out of their situation intends to harm them instead.** Traffickers often tell children that any other adults who offer to help them will make their situation much worse, and they are the only adults they can trust.



**Children must be protected from targeting and recruitment by traffickers.** Any child who is found targeting or recruiting other children will be under instruction or influence from traffickers and is highly vulnerable. In all such cases immediate reports should be made to law enforcement authorities, with measures taken to separate, protect and support children to cut ties with their traffickers.<sup>392</sup> Safety and care for any child acting under instruction of traffickers is paramount: the child [BIC assessment and child ongoing safety and care plan](#) should be consistently updated and progressed and additional measures for protection included.

[taken as a primary consideration \(art. 3, para. 1\)](#), 29 May 2013, CRC/C/GC/14, para. 49-51.

<sup>390</sup> This should be assessed with a view to ensuring "the right of the child to protection against all forms of physical or mental violence, injury or abuse, sexual harassment, peer pressure, bullying, degrading treatment as well as protection against sexual, economic and other exploitation, drugs, labour, armed conflict etc." UN Committee on the Rights of the Child (2013), [General comment No. 14 \(2013\) on the right of the child to have his or her best interests taken as a primary consideration \(art. 3, para. 1\)](#), 29 May 2013, CRC/C/GC/14, para. 73.

<sup>391</sup> van der Watt M., Kruger B. (2020), [Breaking Bondages: Control Methods, "Jujū," and Human Trafficking](#). In: Winterdyk J., Jones J. (eds), *The Palgrave International Handbook of Human Trafficking*. Palgrave Macmillan, Cham., pp. 935-951. See also Dunkerley, A. W. (2017), [Exploring the use of jujū in Nigerian human trafficking networks: considerations for criminal investigators](#), *Police Practice and Research*, 19(1), pp. 83-100.

<sup>392</sup> Family & Youth Service Bureau (n.d.), [Human Trafficking in Youth-serving Programs: A Blueprint for Organizations Working with Street Youth, Homeless Youth, and Youth at Risk](#).

### **Relevant Guides and Resources:**

ODIHR [Child Assessment Tool: Best Interest of the Child \(BIC\) Assessment and Ongoing Safety and Care Plan](#)

UNHCR's Guidelines on Assessing and Determining the Best Interests of the Child.<sup>393</sup>

European Asylum Support Office's Practical guide on the best interests of the child in asylum procedures.<sup>394</sup>

OSCE Child Trafficking and Child Protection: Ensuring that Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking<sup>395</sup>

Council of Baltic Sea States' Guidelines on Promoting the Human Rights and the Best Interests of the Child in Transnational Child Protection Cases.<sup>396</sup>

Scottish Get it right for every child (GIRFEC) National Practice Model.<sup>397</sup>

## **Continuation of assessment, safety planning and individual support beyond the age of majority**

**To consider the levels of risk to any young person, it is important to adopt the lens of traffickers in consideration of their individual vulnerability, living situation and economic circumstances.** (See: [duration of accommodation for children and young people](#); [transition for children](#); [duration of guardian advocate support](#)) Young people are often in situations of poverty and low socio-economic status after trafficking and lack the protective familial support crucial at this transitional time. They will continue to be of a highly commodifiable age for traffickers as young adults and are at risk of being trafficked, exploited or subjected to other forms of harm if they are suddenly left without a home and individual support. This is compounded if they lack opportunities for social inclusion in education, training and employment.

**Individual support of child victims of trafficking should continue after they have reached the age of 18, based on an assessment of their specific needs as they transition to young adulthood.** Consistent support and contact is needed to help them safely integrate as adults and obtain social inclusion through educational training and employment opportunities. In some cases, there may be developmental and mental health issues that may require continued legal guardianship or conservatorship to prevent vulnerability to re-trafficking and other forms of exploitation.<sup>398</sup>

## **14.8 Attending to practical, financial and material needs**

Attending to practical, financial, and material needs is vital for any person who has been held in trafficking exploitation. (See: [practical needs 1](#); [practical needs 2](#); [Maslow](#)) Trafficking crime leaves survivors without financial means and in urgent need of support and assistance. Lack of financial means after trafficking can significantly heighten all risks to a person, and specifically the risk of re-trafficking.<sup>399</sup>

National resources for provision of material and financial support for victims of trafficking vary widely. However, the aim should always be to provide the highest standard of practical and material assistance that is possible within the context in which professionals are working.

<sup>393</sup> UNHCR (2018), [Guidelines on Assessing and Determining the Best Interests of the Child: 2018 Provisional release](#).

<sup>394</sup> European Asylum Support Office (2019), [EASO Practical guide on the best interests of the child in asylum procedures](#).

<sup>395</sup> OSCE OSR/CTHB (2018), [Child Trafficking and Child Protection: Ensuring that Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking](#). Also OSCE OSR/CTHB (2020), [Establishing National Focal Points to Protect Child Victims of Trafficking in Human Beings](#).

<sup>396</sup> Council of the Baltic Sea States (2015), [Guidelines Promoting the Human Rights and Best Interests of the Child in Transnational Child Protection Cases](#).

<sup>397</sup> Scottish Government (2016), [GIRFEC National Practice Model](#).

<sup>398</sup> Office of the Public Guardian (Scotland) (n.d.), What is a guardianship order?. See also Disability Rights California (2017), Principles: Conservatorship of Persons with Disabilities, Adopted 2/19/2000, Amended 3/8/2014; Amended 3/24/2017.

<sup>399</sup> UNODC (2008), [Toolkit to Combat Trafficking in Persons: Tool 9.2 Addressing the root causes of trafficking](#). IOM (2010), [The Causes and Consequences of Human Trafficking: Evidence from the IOM Database](#).

Material assistance communicates a positive message of support that can help victims to establish trust and remain in contact with essential services. This is a vital first step for working towards more stable situations of sustained recovery and financial independence, therefore it should be considered an investment in each person's ongoing safety.

The longer-term objective of provision is to ensure that victims of trafficking have what they need in order to live safely, to be able to access a range of multi-agency services and work towards a situation of sustained recovery, financial stability and social inclusion.

***All forms of provision for victims of trafficking should be offered in the spirit of dignity, equality, kindness and respect.***

**All NRM stakeholders should do their utmost to meet the highest possible standards for provision of financial, material and practical support.** Early provision is key to ensuring that victims are supported to meet their practical needs, their children's needs and remain with services. (See: [support for parents](#); [family accommodation](#); [access to healthcare](#); [health problems](#); [urgent healthcare needs](#); [healthcare](#)) Support with finances means that victims can make independent choices in purchasing food, personal items and travel. This is essential for any person, but in the case of victims of trafficking particularly, it aids a sense of well-being and supports recovery of a sense of personal identity, autonomy and agency, which can be diminished or lost in the process of trafficking.

**The following items are recommended as the minimum basis of provision for all adult survivors and their dependent children throughout the recovery and reflection period, and for as long as possible beyond it.**<sup>400</sup>

### Food, personal items and travel funds

- **Sufficient funds and practical assistance** to purchase nutritious food and other necessities, for themselves and their dependents and children.
- **A gender-appropriate toiletry pack** including a toothbrush, toothpaste, shampoo, conditioner, a hairbrush/comb, deodorant, soap, body cream and a month's renewable supply of sanitary towels or tampons for women and girls.

**Funds for travel are important for individual freedom of movement, as well as attending meetings and appointments as needed.** These include for example, medical and legal appointments, support services and specialist NGOs, schools for children and educational/training services, etc. Victims should be supported to find out the most efficient and economic ways to travel, which take into consideration any disabilities, healthcare needs or their needs for travelling with children. (See: [survivors with disabilities](#); [access to healthcare](#); [health problems](#); [urgent healthcare needs](#); [healthcare](#))

**In some jurisdictions, a work permit may be provided to victims of trafficking from their (Stage 1) preliminary identification.** This accords with [Palermo Protocol, Article 6 \(3\) \(d\)](#), which outlines that assistance and protection to victims of trafficking should include *employment, educational and training opportunities*. They should be equipped with all that they need to travel to work and to access all that they require for entry into legitimate employment. (See: [social inclusion](#); [transition for adults](#); [transition for children](#))

### Clothing, bedding and towels

- **At least three changes of clothing**, including full sets of new underwear, a warm coat (if needed) and comfortable shoes.
- **Clean towels** (including bath sheets, medium towels and hand towels) and at least two full sets of bed linen for each person. Provision should be made for these to be laundered weekly.

<sup>400</sup> Adapted from evaluation by frontline professionals of the needs of victims of trafficking conducted by Kate Roberts, Human Trafficking Foundation (2018), [The Slavery and Trafficking Survivor Care Standards](#).

## Wi-Fi and Internet access

- **A mobile phone and access to Wi-Fi/Internet:** Victims will need the means to communicate (for example, with essential services including healthcare, police and emergency services, legal representatives, other support professionals and services and friends and family). Therefore, they should have access to a mobile phone, and access to Wi-Fi, a computer and printer. The provision of access to a different mobile phone and number and Wi-Fi should be based on regular safety assessments, ensuring that the policies and regulations of the provided accommodation are understood and complied with, for example in sheltered [accommodation](#).<sup>401</sup>



### **It is essential that victims of trafficking know how to stay safe on the Internet.**

The issue of safe use of mobile phones and social media should be raised in the course of any adult assessment and simple support and professional training should be offered. It is important that victims do not feel 'barred' from Internet use (and therefore lacking their own autonomy), but at the same time are aware of the dangers and how to manage them.

Mentoring and support provided by survivor networks and specialist charities can be particularly helpful for ensuring that victims are safe online, with an informed understanding of the opportunities and pitfalls specific to survivors of trafficking.

**Children must be kept safe in relation to all online and offline communication channels through careful supervision and Internet safety measures,** ensuring that they are not contactable by traffickers or other perpetrators in any format, whether that is by mobile phone, social media or other forums. Equally, they must not feel cut off from family, friends and supporting professionals who act in their best interests, as these are fundamental to social inclusion and the maintenance of positive and nurturing relationships.

## Provision for parents with babies and children

- **A renewable, age-appropriate child toiletry pack.** This should include, at a minimum, soap or shower gel, shampoo, hairbrush/comb and toothbrush and toothpaste, all of which are specifically appropriate for children. Service providers must be prepared to provide any additional products a parent may need for their child, such as nappies, nappy cream or child moisturising creams.
- **Baby equipment.** Parents with babies will need to be provided with nappies, baby changing facilities (at least a mat and wipes), baby clothes, pyjamas and underclothes, multiple muslin cloths (minimum of six), a cot and bedding. Nursing new mothers will need maternity bras. Mothers who want to bottle feed must be provided with appropriate milk bottles (and related items), sterilisation equipment to keep bottles clean and equipment designed for the purpose of safely warming formula milk bottles. If they do not already have one, parents should be provided with a clean buggy in good working order, as well as space to store it without having to climb stairs.
- **Age-appropriate and child-friendly spaces** should be available for nursing mothers and parents with small children and toddlers. Mothers should always be provided with a comfortable and private environment in which to breast or bottle-feed. For older children, supervised spaces where they may play or engage in suitable and age-appropriate activities should also be made available.
- **Children should be provided with the correct uniform/appropriate clothing, sports equipment, books and any other items they need for school.** Contact should also be made with other supporting professionals on families' behalf, including social workers and/or health visitors. Parents should be provided with the option of vetted childcare services that are registered with the national child protection system to allow them to attend interviews and appointment, as well as for respite. They should be given opportunities to familiarize their children with the provider in advance of leaving them in their care.

<sup>401</sup> Often traffickers are able to continue threatening or controlling victims of trafficking through social media, e-mail or phone and are able to locate them through GPS or social media posts after exiting their trafficking situation. This not only endangers the trafficking victim, but also other trafficking victims and staff in the same location.

## 14.9 Early and ongoing access to healthcare services



**Lack of financial means after trafficking crime should never be an obstacle to accessing healthcare services.** No-cost healthcare services should be provided to all survivors who require them. (See: [health problems](#); [urgent health needs](#); [access to healthcare](#); [healthcare](#))

**Professionals working with victims and survivors should have a basic knowledge of how to identify urgent health needs and risks and how to support victims to access healthcare services for provision of appropriate care and treatment.** They need to know how to support victims to access healthcare services, including a primary doctor who can assess their health needs, prescribe medication and make referrals for further treatment. All healthcare services and treatment require survivors' informed consent. (See: [informed consent](#); [bridged referrals](#); [bridging letters](#); [accompanying to services](#))

### Supporting survivors to access healthcare services



**It is important to support survivors by *bridging* referrals to healthcare services and providing practical support wherever it is needed.** (See: [bridged referrals](#); [bridging letters](#); [accompanying to services](#))

- ▶ **Obtain survivors' informed consent prior to engagement with any healthcare services.** Survivors should be provided with all relevant information, and encouraged and supported to make informed decisions with regard to meeting all aspects of their healthcare needs.
- ▶ **Identify a suitable general healthcare service and/or specialist service.**
- ▶ **Explain the procedures for accessing the services and provide help to initiate the patient registration process.**<sup>402</sup>
- ▶ **Provide funds for travel to healthcare services and applications for help with any healthcare costs, such as medical prescriptions.**
- ▶ **With the full understanding and [informed consent](#) of survivors, it can be helpful to provide letters, or to work with them on writing letters they can give to healthcare professionals.** These can assist survivors by raising any questions or requirements on their behalf about healthcare that they would like to be answered but may find difficult to raise themselves at a medical appointment.

#### Letters provided to healthcare services may contain:

- ▶ **Any practical information that is required to support the understanding of survivors by healthcare services and makes the process easier;**
- ▶ **Requests for appropriate [interpreters](#) to be present;**
- ▶ **Requests for additional time for appointments;**
- ▶ **Useful background history information that can assist healthcare professionals and protect survivors from having to recount traumatic experiences repeatedly** (See: [informed consent](#); [bridged referrals](#); [bridging letters](#); [accompanying to services](#); [data management and protection](#); [medico-legal documentation](#); [confidentiality](#)); **and/or**
- ▶ **Any relevant practical observations and concerns that have been noted by support professionals regarding survivors' health and well-being.** These can be written in straightforward, non-clinical language.

<sup>402</sup> This may include making the appointment, filling out of intake forms, provision of health information/family health history, insurance/payment information, consent to access previous medical records, etc.

**Healthcare professionals can benefit from a record or discussion of observations of survivors' needs and challenges outside of the healthcare setting (provided only with the survivor's consent and on a 'need to know' basis).** They should of course conduct an independent medical assessment to assess psychological and physical health issues, but this initial background information can be helpful.

## 14.10 Provision of safe and appropriate accommodation for victims of trafficking<sup>403</sup>

After leaving trafficking situations it is common for adults and children to experience destitution, street homelessness or unsafe and inadequate accommodation. This can result in high risks of re-trafficking, further forms of exploitation and mental and physical health problems. (See: [Maslow](#); [practical needs 1](#); [practical needs 2](#))

***Provision of safe and appropriate accommodation for victims of trafficking is fundamental to the safety of survivors, and therefore the efficiency and success of NRMs.***

**National systems and resources for provision of accommodation vary widely in different countries, therefore it is not possible to proscribe one standard accommodation model.** However, this section sets out minimum requirements for immediate accommodation needs, and provides guidance for all professionals on awareness of the risks relating to longer-term accommodation for victims of trafficking. It can also serve as a basis to advocate for resources in order to support access to safe and appropriate accommodation for adults and children, and to further improve national laws, policies and practice.

**For victims of trafficking who require accommodation, this usually divides into three stages:**

- **Immediate** – from the point of victims' preliminary identification;<sup>404</sup>
- **Intermediate** – moving on from initial accommodation (usually sheltered accommodation) to semi-independence; and
- **Longer term** – long-term accommodation for building independence and social inclusion.

**The three stages have equal significance in preventing cycles of re-trafficking, exploitation and other forms of further harm to victims.** Each stage should be envisaged from the outset and prepared in advance, wherever possible, via provision of individual support from an [independent advocate](#) (or equivalent) who can advocate for provision of safe and appropriate housing.

**There should be no 'risk gaps' permitted in transition between accommodation and victims should be provided with necessary resources they need in order to move.** In some jurisdictions, victims may require access to specialist legal advice and representation in relation to accommodation needs and benefits. (See: [legal advice and representation 1](#); [legal advice and representation 2](#))

## 14.11 Accommodation for adults



**Adult victims of trafficking should be provided with safe and appropriate accommodation within 48 hours of their preliminary identification, with safe interim accommodation provided in the meantime.**

**Provision of safe and appropriate accommodation must be prioritized for adults who need it.**<sup>405</sup> This applies for women, men and families, for those who have been trafficked domestically or transnationally, those who have insecure or irregular immigration status and those who left the control of their traffickers' months or even years previously.

<sup>403</sup> See Human Trafficking Foundation (2018), [The Slavery & Trafficking Survivor Care Standards](#).

<sup>404</sup> Immediate alternative safe accommodation should be provided earlier than the conclusion of the preliminary identification process, if the process is delayed and the potential victim is in urgent need of safe accommodation.

<sup>405</sup> It can apply earlier than the conclusion of the preliminary identification process, if the process is held up overnight for any reason and the victim is in need of accommodation.

**It is essential to avoid any situation in which a victim of trafficking is forced to return to their trafficking situation or other forms of exploitation or harm due to the lack of an immediate accommodation option.**



**Safe and appropriate accommodation should be in place to align with the commencement of the recovery and reflection period.** This means that in order to prevent risks and ensure the safety of adult victims, accommodation is provided as quickly as possible within 48 hours. It is important to maintain contact with victims and establish trust during any waiting period, ensuring that immediate practical and healthcare needs are met and that [independent advocates](#) (or equivalent) are allocated and can meet with victims as quickly as possible.

**If emergency specialist accommodation for adults is not immediately available, other temporary accommodation that is individually assessed as safe and appropriate for victims of trafficking should be used.** This may include NRM-recognized or designated crisis centres, domestic violence shelters, youth shelters (for young adults), hospitals (for those with immediate healthcare needs) and *as a last resort and for a short period of time* hotels/motels that have been fully assessed for trafficking safety should be made available. All temporary and interim accommodation should be assessed for each individual person as being safe and appropriate for their residential use. Asylum reception centres which lack anti-trafficking specialization and safeguards are not recommended for this purpose. (See: [vulnerabilities](#); [traffickers](#); [traffickers' methods](#))

## Assessment of adult victims' accommodation needs



**Adult victims of trafficking should have a needs and risk assessment that specifically relates to their accommodation needs.** (See: [assessment and safety planning](#); [BIC assessment and child ongoing safety and care plan](#); [adult needs & risks assessment guide](#)) This should be conducted by a professional who is in a recognized, supporting role, preferably their [independent advocate](#).



The needs and risk assessment for accommodation at this stage should focus directly upon victims' *current* needs and risks. It is best to avoid questioning victims about how they have survived thus far, or expect them to provide an account of all the places and locations in which they have lived since leaving the control of traffickers. This information can be provided further on when needs are not so pressing, and further trust has been built. To be asked for excessive detail at this early stage may risk victims being deterred from speaking openly or completely accurately about their history, and it may risk them ending their contact with services.

Questions should be asked using trauma-informed methods to find out whether they are currently residing safely, or if they may be at risk from traffickers, re-trafficking, other forms of exploitation or other related considerations. If this is suspected, it is important to make the offer of an alternative place to live, which they could take up at another time if needed. Such matters can be complex, and current risks from traffickers are often extremely difficult for victims to disclose at a first meeting with professionals.

**Any accommodation that is offered to victims should be explained fully in a language they understand, following the guidance in the [NRM Preparatory Guide and Protocol](#).** This includes observing [trauma-informed methods of communication](#), use of [interpreters and/or cultural mediators](#), the duty of [confidentiality](#) and obtaining [informed consent](#). After trafficking, moving to any new accommodation can be a challenging and fearful process: each person will need sufficient time to absorb information and to ask any questions they wish. Their views and wishes in relation to accommodation should always be acknowledged and respected.

- **Provision of sheltered accommodation for victims who require it should be provided unconditionally, without obligation to co-operate with law enforcement investigations.**
- **Victims who do not wish to accept the offer of specific accommodation or do not require it, should not forego any other NRM services and entitlements or access to statutory services.**

## Sheltered (or ‘safehouse’) accommodation

**Specialized sheltered accommodation should be made available for:**

- Women;
- Men;
- Parents with children; and
- Unaccompanied or separated children.

**Sheltered accommodation is highly secure and regulated to keep residents safe and secure from traffickers in a specialist support environment.** It should be made available for any victims of trafficking who are at risk *at any time* after their preliminary identification.

**Informed consent should be secured for sheltered accommodation placements, and procedures followed to maintain the confidentiality of the location and the privacy of other residents.** Victims who are not immediately at risk may be housed in less restrictive accommodation, which is assessed to be safe and appropriate in accordance with their individual needs.

**Regardless of how stringent security must be, or where accommodation is located, in all cases it is essential that housing providers, staff and environments are welcoming for residents, and trauma-informed.** Sheltered accommodation is designed to ensure both the safety and comfort of the residents. It should never operate in a ‘detention like’ manner, nor have the ‘*look and feel*’ of a detention facility.



The need for sheltered accommodation can arise *at any time* for victims who have left the control of traffickers. Although it is usually provided when victims are first identified, threats and reprisal actions from original traffickers are known to arise months or years later in the lives of many victims. Therefore, sheltered housing should always be available on the basis of need.

People who have already been trafficked can be at high-risk of trafficking generally due to accumulated vulnerabilities. (See: [vulnerabilities](#); [traffickers](#); [traffickers’ methods](#)) They may be targeted by new perpetrators, as well as being at risk from their previous traffickers. They should therefore be able to access sheltered accommodation if they are at risk in a dangerous situation, without risking the loss of any other accommodation rights and entitlements or access to services.

**The specifications for sheltered accommodation for victims of trafficking varies between countries.**<sup>406</sup> It may be provided by statutory authorities, IGOs, specialist NGOs, charities or faith-based institutions. In all cases, the period of stay for victims should accord with their individual needs and risks related to their trafficking history and current circumstances. Any accommodation move should be carefully planned and supported. The period of stay should never be shorter than the recovery and reflection period, and it should be extendable, by request, based on the needs and risk assessment.

**Sheltered accommodation should meet the following standards for external and internal safety:**

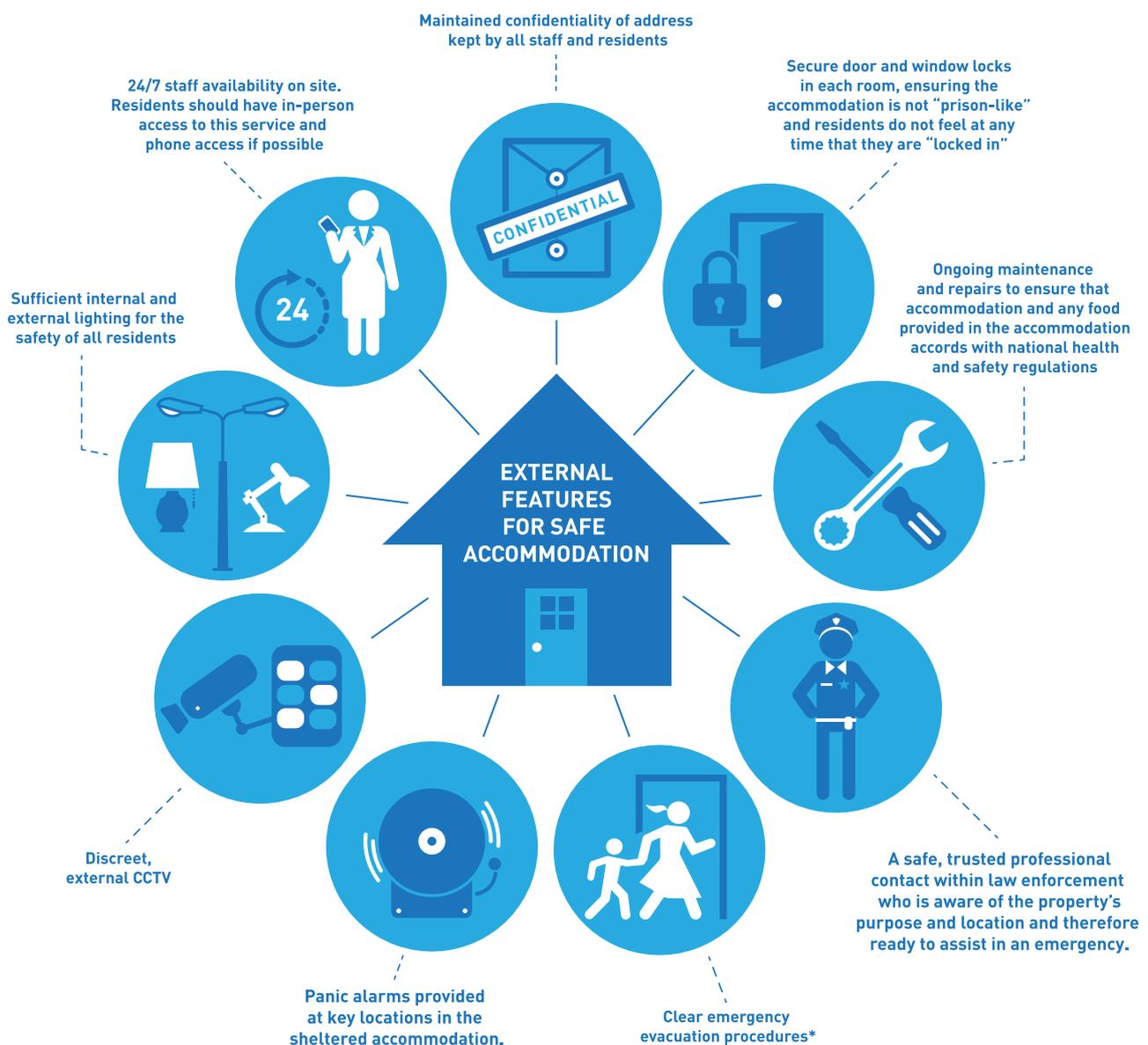
**External safety standards (for adult and child sheltered accommodation) include:**

- **Confidentiality of address (maintained by all residents and staff);**
- **Discreet, external CCTV;**
- **Other security measures, such as a panic button at key locations in the accommodation that can be used to call for help immediately and discreetly to alert trusted contacts or notify law enforcement;**<sup>407</sup>

<sup>406</sup> Human Trafficking Foundation (2018), [The Slavery and Trafficking Survivor Care Standards](#), p. 125.

<sup>407</sup> An example is a device called the [Silent Beacon](#) which relies on Bluetooth technology to connect to a phone and alert trusted contacts, trace the user’s location using GPS and, if need be, notify police. A built-in speaker allows for two-way communication, or for the person on the other end of the line to listen while the gadget is muted in especially volatile situations.

- **Secure locks for doors and windows in each room.** These are for the safety of residents and must be designed in a way that does not make them feel confined or restricted or without access to fresh air. For safety reasons rooms should be accessible by staff in cases of emergency. However, all non-urgent access should be discussed and mutually agreed in advance with residents;
- A trusted anti-trafficking focal point within the police should be informed of the property's purpose, and the requirement of confidentiality of the location, so that they are able to provide assistance as and when it is needed.
- Sufficient internal and external lighting for the safety of residents;
- Adequate repairs and maintenance systems;
- Accordance with national health and safety regulations, including fire and evacuation procedures; and
- An independent monitoring, inspection and regulation regime, conducted **regularly** by the [NRM monitoring body](#) or a reputable, independent, experienced and authorised body with care responsibilities, which ensures the requirement of confidentiality of the location.<sup>408</sup>



<sup>408</sup> This should aim to ensure that provided care meets the specific needs of victims. There should be transparency of findings, with the goal of improving provision and sharing learning.

## Internal safety standards<sup>409</sup>

**Staff and volunteers at all levels should be trained in all relevant aspects of trafficking protection and individualized support.** They must act in accordance with national laws and standards for safe and sheltered accommodation, and the [NRM principles](#) and [Recommended Standards](#). Staff well-being, supervision and [pastoral support](#) policies must be in place and fully implemented. Shelters should provide direct access to healthcare services and appropriate [therapeutic care](#) for residents.

### **There should be:**

- **24/7 availability of at least one staff on the premises for adults, and an appropriate number of staff for children;**
- **Disability access.** Persons with disabilities should have access, on an equal basis with others, to buildings and other indoor and outdoor facilities (See: [survivors with disabilities](#));
- **A general health screening** prior to joining other residents and staff, to safeguard against public health issues arising from communicable diseases. Staff and residents should have access to vaccination and regular health checks for communicable diseases;
- **An early mental health screening** should be offered early on to assess care, therapeutic and medication needs. This helps to ensure the safety and well-being of both residents and staff (See: [mental health problems](#); [mental health risks](#));
- **Immediate assessment, referral and access to substance dependency counselling, programmes and rehabilitation services.** Staff of these services should be trained in trauma-informed methods of communication and have a working knowledge of trafficking issues. (See: [vulnerability: substance dependency](#); [substance dependency](#); [trauma-informed communications 1](#))

### **All sheltered accommodation should provide support for the following special needs and requirements:**

- **Disability needs and accessibility** (See: [survivors with disabilities](#));
- **Physical health needs;**
- **Mental health needs, including access to [therapeutic care](#);**
- **Family-based needs for dependents, including children and babies in their care** (See: [family accommodation](#); [support for parents](#));
- **Substance dependency support** (See: [vulnerability: substance dependency](#); [mental health effects of substance dependency](#));
- **Gender-based needs** (See: [gender sensitivity](#); [gender-sensitive communications](#); [specific needs of survivors](#));
- **Cultural and religious needs in accordance with residents' free and individual, preference;**
- **Entry to the accommodation by any other person who is not normally resident, including people who are carrying out repairs and maintenance at the accommodation, should be vetted, discussed and residents should be made aware in advance; and<sup>410</sup>**
- **Residents' bedrooms should not open out onto communal spaces, if possible, where other residents gather.**
- **There must be an appropriate and accessible enquiry, complaints and incidents procedure in place.** Records should be kept of all complaints; however, they are communicated, together with a record of the action and measures taken in response. This should be made available to the independent inspection and monitoring regime (See: [key NRM stakeholders](#)).

<sup>409</sup> IOM (2007), [The IOM Handbook on Direct Assistance for Victims of Trafficking](#), Chapter 4. See also Human Trafficking Foundation (2018), [The Slavery and Trafficking Survivor Care Standards](#), p. 131-132. UN Women (2012), [Trafficking: Shelter](#).

<sup>410</sup> Residents should be given the opportunity to be present during any maintenance or repairs to their bedroom, together with a staff member if preferred. The only exception to these procedures is in cases where a person's life is believed to be at risk and urgent safeguarding measures need to be taken to enter their room.



## **Ensuring a trauma-informed internal culture and environment in sheltered accommodation**

First and foremost, there should be a calm and consistent culture of *welcome, equality and respect*. (See: [trauma-informed communications 1](#); [specific needs of survivors](#)) As well as ensuring the safety of all residents from traffickers, the key to maintaining safety and security in sheltered accommodation depends upon a trauma-informed internal culture and environment. Sheltered accommodation that lacks trauma-informed staff, communications and services can become a pressurized and stressful environment, which, in itself, creates risks.

**A friendly and welcoming attitude** can be extended by all specialist staff but should also be integral to the duties of administrative staff, receptionists, cleaners and all other employees and people who may be present.

**The physical layout of the safe-house environment should provide a safe, calm and consistent environment** with access for victims to both *personal space* and *communal space*. Every aspect of the accommodation provision, maintenance, management and communications should be designed with the needs and risks of victims in mind.

**Clean and hygienic environments are essential:** All premises for victims should be clean, tidy, habitable and support victims' recovery. For victims of violent crime, sexual assault and inter-personal trauma, hygiene and cleanliness is essential for sustaining the recovery process. Dirty or untidy living conditions are particularly distressing for people who are recovering from trauma.<sup>411</sup> It is best to use detergents and cleaning agents that do not have an overpowering smell.

**All environments can have light and space maximised to provide trauma-informed spaces.** Natural objects in the room such as a plant or pebbles can make a positive difference, and music can bring comfort and company to some victims who may suffer loneliness or night fears.<sup>412</sup>

**Avoid re-traumatisation triggers.** Residents may previously have lived in physical confinement, in cramped and impoverished conditions alongside other victims, for example in factories, brothels, agricultural or construction sites. All reminders of past situations in trafficking can be memory triggers, which can cause distress and re-traumatisation. It is important to learn from residents' responses, to acknowledge any fears and concerns and to consider how the physical layout and features of the accommodation may be adjusted or improved where possible.

## **14.12 Understanding the common needs and risks for victims of trafficking applied to all forms of accommodation provision<sup>413</sup>**



NRM stakeholders must remain vigilant in their duty to safeguard victims and persevere to obtain safe and appropriate accommodation for them when risks or difficulties arise.

Accommodation that is unsuitable or dangerous is costly at a human level, but also in societal terms because it is far more likely to result in the need for emergency services and interventions than safe and appropriate accommodation that enables victims to have settled, stable lives.

<sup>411</sup> See for example Badour, C. L., Feldner, M. T., Blumenthal, H., & Bujarski, S. J. (2013), [Examination of increased mental contamination as a potential mechanism in the association between disgust sensitivity and sexual assault-related posttraumatic stress](#), *Cognitive therapy and research*, 37(4), pp. 697-703. Powell, P. A., Overton, P. G., & Simpson, J. (Eds.) (2015), *The revolting self: Perspectives on the psychological, social, and clinical implications of self-directed disgust*, London: Karnac Books.

<sup>412</sup> Devices such as radios can be comforting for some victims, providing a voice or music in the room for them and helping them to feel less isolated. Others may not enjoy them and find the noise intrusive or disturbing, which is sometimes due to mental health difficulties. Radios should be offered and victims can make a choice. It is always better to purchase a radio with a lead, so that expensive batteries do not need to be replaced.

<sup>413</sup> Adapted from Human Trafficking Foundation (2018), [The Slavery and Trafficking Survivor Care Standards](#), p. 125-146.



**The needs and risks of victims in relation to accommodation provision should be assessed on an ongoing basis in order to identify any challenges that they may be facing with regard to their safety from traffickers and the safety of any children and family members.** Even in cases where risks cannot possibly be avoided, it is vital that independent advocates and other professionals, including accommodation providers, strive to fully understand these, maintain awareness, and consistently advocate for accommodation to meet victims' needs and minimize the risks they face.

- **Detention is contrary to the protection and safety of victims of trafficking.** It can significantly heighten risks of re-trafficking,<sup>414</sup> further harm,<sup>415</sup> and physical and mental health difficulties.<sup>416</sup>
- **Situations of destitution or homelessness greatly increase victims' vulnerability** and place them at high risks of re-trafficking, with no defence against traffickers and other perpetrators.<sup>417</sup>
- **Reception centres that lack specialization in provision of services and protection of trafficking victims** cannot ensure appropriate support, services and a safe and stable environment.
- **Private, informal accommodation arrangements that involve dependency upon other people can be unsafe for victims.** While some personal arrangements of this kind are positive, others can potentially result in abuse, violence, re-trafficking or forms of exploitation that victims may feel unable to disclose.<sup>418</sup> This may be the case from the outset of the arrangement, or a situation that develops over time. For this reason, it is important that victims have options available for alternative accommodation.
- **Unsafe communities and areas include all those in which victims have previously experienced trafficking, exploitation or other forms of crime or violence.** It also applies to any areas where there are known to be high levels of crime, prostitution, drug use or other anti-social activity.<sup>419</sup> Accommodation should be located as close as possible to services and transport links. This lessens the risks of non-viable distance from services and support, social isolation, mental health deterioration and social withdrawal. Therefore, it reduces the potential for victims being further targeted, controlled, trafficked or otherwise harmed.

### **The risks to victims of sharing accommodation with strangers**

Mixed gender accommodation is inappropriate for single victims of trafficking and those who are single parents with children. The only exception to this is accommodation that is specifically provided for families, which should be self-contained. (See: [family accommodation](#))

Women should not have to share a bedroom or a bathroom with men. These are common standards, universally understood across all countries, and they should be complied with vigilantly in the cases of victims of trafficking. In addition to the dangers of mixed-gender sharing of space (especially for people who have been trafficked for sexual exploitation), in some cultures, women will face long-term consequences for sharing any form of accommodation with men, putting them at further risk, and preventing their eventual reintegration into their families and communities. If same-sex shared accommodation is provided, it must still be assessed in all other respects to ensure it is safe and appropriate in accordance with the needs of each person. Trafficking is a highly specific crime and victims often have complex relational issues and fears that cannot be managed in an environment that is not designed to meet their needs or can give rise to risks from others to re-trafficking and other forms of exploitation and harm.

<sup>414</sup> Kelly, A. & McNamara, M. (2018), '[Modern slavery: how we exposed deadly sex trafficking in United States prisons](#)', Guardian, 5 July 2018. See also von Dacre, J.S. (2019), '[Secret Sex Trafficking of Female Prisoners in the USA](#)', Insideover, 5 June 2019.

<sup>415</sup> Villacampa, C., & Torres, N. (2015), '[Trafficked Women in Prison: The Problem of Double Victimization](#)', Eur J Crim Policy Res, 21, pp. 99–115. Blitz, C. L., Wolff, N., & Shi, J. (2008), '[Physical victimization in prison: the role of mental illness](#)', International journal of law and psychiatry, 31(5), pp. 385–393.

<sup>416</sup> "Detention can cause severe mental and physical suffering and victims of human trafficking are among those particularly vulnerable to harm in detention. Inadequate healthcare, including denial of medicine and disbelief of detainees, is creating long-lasting impacts on victims of human trafficking in detention." Labour Exploitation Advisory Group (2019), '[Detaining victims: human trafficking and the UK immigration detention system](#)', p. 11.

<sup>417</sup> It is common for victims to be left in situations of homelessness or destitution after leaving the direct control of traffickers. In all cases this heightens their vulnerability as victims of a serious crime and leaves them without any protection or defence against traffickers and other perpetrators. Even living on the streets can cause victims to become trapped in cycles of 'debt' because they have to pay 'rent' to criminals. They may suffer violence including sexual violence and rape, and can be forced or manipulated into sexual or labour exploitation in order to survive.

<sup>418</sup> Victims often do not have access to their own safe accommodation and often rely on others for the provision of shelter. While some situations are based on genuine assistance, others can result in abuse, violence or exploitation. It is common for people who have previously suffered total subjugation to others to find it difficult to understand, acknowledge or accept that a person who is providing them with shelter that they desperately need may not be acting in their best interests. Some may recognize they are being abused but feel unable to imagine there are other viable alternatives or how to access them. Victims often require gradual support to build the confidence to leave situations of dependency or control, no matter how harsh their living conditions.

<sup>419</sup> Where law enforcement is involved in a case, it can advise about which areas are not safe for victims to live in. However, lack of law enforcement involvement in a case should never raise a presumption that there are no safety risks, or that the risks a victim reports in a particular area are not valid.

- **Moving from an area in which victims have settled well.** Positive, settled community links reduce the vulnerability of victims to further trafficking and exploitation. (See: [social inclusion](#)) The value of victims' informal support networks (family, community links and friends) and continuous access to local services should not be underestimated in terms of their role in maintaining victims' safety and sustaining their recovery. These may include comprehensive healthcare services, nurseries, schools and higher education, places of worship, NGOs, community centres, and charities. In all cases where victims express the preference to remain in their local area, professionals should endeavour to fully understand their reasons and assist them with this as much as possible.

## Considerations for accommodating families with children



Accommodating families with children requires professional support provided by specialists who work with families. The location of the accommodation should be assessed in relation to the particular needs and risks of family members. Any family unit that includes survivors should be considered as a whole.

Challenges for families are greatly increased if parents or children have experienced trafficking in any form. Many children in such families will have suffered disruption and insecurity at various stages of their development, which can have a significant impact on their health and well-being, and this requires specific care.

**Vulnerable families can thrive if they feel safe and can find social inclusion in their local community.** Often the relationships between parents and their children are positive and healthy relationships, which them to move forward together, as a family unit. They will need to access services and organizations that help them as a family, as well as receiving support to ensure they can provide for their children and keep them safe. Once families are settled in a safe community where they have continuation of services and schools, they should be able to reside in that area.



**If there is significant evidence that a child is at risk from their parents or others with whom they are living, all safeguarding measures should be followed in accordance with national child protection laws and systems.** Situations should be professionally assessed by child specialists and resolved according to national safeguarding procedures. (See: [vulnerability: children](#); [traffickers](#); [traffickers' methods: children](#); [traffickers' methods: adolescents](#); [Barnahus model](#); [communications with children](#); [Lundy model](#); [assessment](#))

It is not possible to provide detail on all aspects of accommodation for families, but there are some common needs and risks that independent advocates, guardian advocates and all other relevant stakeholders should be aware of:

- **The safety of children is paramount, and accommodation provided should be specifically appropriate for families.** Placing parents who are with children in general accommodation, particularly with mixed gender adults, is dangerous, as there can be potential risks to children from other adults.
- **Same-sex shared accommodation for single women with children is beneficial, particularly if they are able to receive childcare support on the premises provided by the shelter staff.** They may also benefit from peer support while overcoming traumatic experiences to enable them to access services, employment opportunities, education and skill and language training.
- The most important factor for children is the parent's stability. Therefore, support to help parents to maintain the safety, health and well-being of their family is highly significant for their children. Many parents will be sole parents who have suffered traumatic experiences with their children. If they are housed in communities or accommodation where they are marginalised or discriminated against, they are likely to find it difficult to access, or engage with local schools and services. Individual support should be maintained, and access to statutory services, and family-specialized NGOs should be bridged for families wherever possible. (See: [bridged referrals](#); [bridging letters](#); [accompanying survivors](#))

## 14.13 Safe and appropriate accommodation for child victims of trafficking



Child victims of trafficking should always be housed in accommodation that upholds with the [UN Convention of the Rights of the Child](#). (See: [accommodation for adults](#)) The NRM Handbook recommends that the “End Child Prostitution in Asian Tourism” (ECPAT) guidelines for the safe accommodation of child victims of trafficking and the NRM Principles and [Recommended Standards](#) should always be followed.<sup>420</sup> This applies for all children equally and without discrimination, including those who have insecure or irregular immigration status.

**Detention of child victims of trafficking can give rise to serious re-trafficking risks.**<sup>421</sup> Traffickers may continue to target vulnerable children who are in detention or prison and may be able to reach them directly via phone calls and visits or by using other detainees and prisoners. They may offer incentives or issue threats to children who are in a known and fixed location in order to traffic them onward upon their release. (See: [non-punishment principle for children](#))

Processing any part of a child’s identification or provision at a detention centre, prison or juvenile facility will be frightening for them and it can deter them from remaining in contact with services. It can, therefore, put them at risk of traffickers who are looking to target them for re-trafficking by offering *an alternative life*.

Staff should wear appropriate plain clothes rather than uniforms, remaining at all times friendly and calm, and evenly accessible to all the children in their care.



**Child victims of trafficking should be provided with safe and appropriate accommodation within 24-hours, with alternative, interim accommodation provided by the national child protection system in the meantime.**

**All children who have been assessed as being *vulnerable to trafficking* or have been identified as ‘presumed victims of trafficking’ and are without a safe and appropriate home, must be provided with accommodation as quickly as possible within the first 24-hours after their initial identification.** This should be child-specialized sheltered accommodation or specialist foster care, which is derived from, or directly partnered with national child protection systems. (See: [NRM links to statutory services and national child protection systems](#))

### **ECPAT Guidelines for the safe accommodation of child victims of trafficking**<sup>422</sup>

*ECPAT is a global network of organizations working to end the sexual exploitation of children. Their guidelines apply to all stages of accommodation provision for children, from the provision of immediate shelter, through to longer-term placements and into young adulthood.*

<sup>420</sup> End Child Prostitution in Asian Tourism, ECPAT United Kingdom (2011), [On the Safe Side: Principles for the safe accommodation of child victims of trafficking](#).

<sup>421</sup> See inter alia UN General Assembly (1989), [Convention on the Rights of the Child](#), 20 November 1989, Art. 37(b). International documents regulating the detention of Juveniles are the Beijing Rules and the Havana Rules. See UN General Assembly (1985), [United Nations Standard Minimum Rules for the Administration of Juvenile Justice \(“The Beijing Rules”\): Adopted by General Assembly resolution 40/33 of 29 November 1985](#), para. 17. UN General Assembly (1990), [United Nations Rules for the Protection of Juveniles Deprived of their Liberty Adopted by General Assembly resolution 45/113 of 14 December 1990](#), paras. 11-16. UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000. UN General Assembly (2001), [Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography](#), 16 March 2001, A/RES/54/263. Council of Europe (2007), [Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse](#), 12 July 2007, CETS No.: 201. [Directive 2011/93/EU](#) of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, 17 December 2011, OJ L 335. [Directive 2011/36/EU](#) of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA, 15 April 2011, OJ L 101.

<sup>422</sup> ECPAT United Kingdom (2011), [On the Safe Side: Principles for the safe accommodation of child victims of trafficking, p. 4-5](#).

## PRINCIPLES FOR THE SAFE ACCOMMODATION OF CHILD VICTIMS OF TRAFFICKING



Source: ECPAT United Kingdom (2011)

Safe accommodation encompasses more than the mere provision of adequate placements; it also includes, within that response, consideration of the child's physical, psychological, legal, language and security needs. Importantly, it must include the child's own perception of safety.

ECPAT recognizes that national child protection systems have a duty of care and the legal responsibility to look after separated children.

All ten principles are intended to be used together. Selecting only one or two principles and using them in isolation will not provide the same quality of care and safety. Caution should be used when engaging with agencies or organizations using only some these principles in isolation and promoting it as their safe accommodation model.

## Understanding trafficking risks for accommodated children



**Traffickers are known to target children's services, children's shelters, foster homes, halfway homes or shelters for homeless or runaway youth and other child institutions in order to facilitate trafficking.** (See: [vulnerabilities](#); [vulnerabilities: children](#); [traffickers](#); [traffickers' methods: children](#); [traffickers' methods: adolescents](#))

Even in child services where the confidentiality of residents and safe data sharing procedures are scrupulously maintained, traffickers may come to know the locations of shelters and target children they have previously victimized, or other vulnerable children for trafficking.<sup>423</sup> (See: [data management and protection](#); [data sharing 1](#); [data sharing 2](#)) All staff of sheltered accommodation or services for children need to have training to be able to recognize any signs that a trafficker may have access to their shelter or service or to a specific child or children who are in their accommodation and immediately take appropriate safeguarding measures.<sup>424</sup>

**Traffickers' influence can feel omnipresent in the lives of children even when they are removed from their direct control.** Children may feel compelled to follow traffickers' instructions to leave their accommodation for a process of re-trafficking. It is often extremely difficult for them to depart from this, especially in the earliest stages of contact before trust with professionals has been fully established. Many child victims feel a huge weight of responsibility because they are held in the psychological control of traffickers. They can suffer from traumatic bonding with their traffickers (commonly referred to as 'Stockholm Syndrome').<sup>425</sup> They may have feelings of love or obligation to their traffickers, feelings of responsibility about threats made to their family members or others who remain under the control of their traffickers, beliefs that they are bonded by oaths made in ritualized ceremonies, and/or beliefs that they have the obligation to repay their way out of [debt bondage](#).

**It is the job of professionals to firstly respect and acknowledge these difficulties for children and help them to gradually detach from the hold of traffickers.** It is important for professional child-specialists to build relationships of trust with children who may be at risk and listen to them without disparaging anything they say that may be 'wrong' or 'questionable.' This is the most effective method of obtaining vital information about their individual trafficking history and also about the proximity and methods of traffickers who may attempt to subvert child protection systems. (See: [communications with children](#); [Lundy model](#); [BIC assessment and child ongoing safety and care plan](#))



Traffickers' attempts to manipulate or infiltrate child protection systems and services should never be used as a justification for reducing children's services or undermining their purpose and existence. The appropriate response in all cases is to improve the strength of child systems and services, ensuring provision of consistent, child-centred support for all children. This recognizes that children's own decision-making and informed participation in the services that they are involved with are core to maintaining their safety.

<sup>423</sup> Traffickers often recruit vulnerable youth from residential facilities and other youth-serving programmes by loitering nearby or sending youth in to recruit on their behalf. While it is important to be sensitive to the needs and traumas of all youth receiving services, programming should not allow some youth to harm or potentially victimize others. New York State Office of Children and Family Services (2016), [Responding to Commercially Sexually Exploited and Trafficked Youth: A Handbook for Child Serving Professionals](#), p.32

<sup>424</sup> Reichert, J. & Sylwestrzak, A. (2013), [National survey of residential programs for victims of sex trafficking](#). Chicago, IL: The Illinois Criminal Justice Information Authority.

<sup>425</sup> Stockholm Syndrome is a survival "technique that enables a hostage to survive. It is also a technique that victims of sex trafficking use to survive." There is an established body of literature documenting the contradictory relationship that develops between hostages and hostage-takers. This phenomenon is usually referred to as the Stockholm Syndrome; although it is sometimes known as the Hostage Identification Syndrome, Survival Identification Syndrome, or traumatic bonding." Julich, S. (2013), ['Stockholm Syndrome and Sex Trafficking: Why Don't They Do Something?'](#), Fair Observer, 21 August 2013.

## Providing a trauma-informed, child-centred environment

**Children who have been abused and violated need a consistent and non-intrusive level of kindness and reassurance, consistently applied, which they can come to expect and rely upon.** As well as the external specifications for safe and sheltered housing, the long-term safety of children relies upon the internal safety of their environment and the consistency of a child rights-centred, trauma-informed approach. (See: [accommodation for children](#); [guardian advocates](#))

**There should be reliable procedures to welcome and induct each new child to their new placement.** Friendly professionals should be on site and can demonstrate focus on the child's participation and settling them in, as well as their immediate health and practical comfort needs. An over-emphasis placed on administrative processes and procedures can make children feel isolated and overwhelmed. Friendly professionals should be on site and can demonstrate focus on the child's participation and settling them in, as well as their immediate health and practical comfort needs.



**Children of all ages, whatever their individual responses, should continue to be treated in a warm and welcoming style.** As the child adapts to their new, safe environment they are likely to experience periods of relapse in terms of behaviour and regression in skills, emotional responses, self-care and health. This must be understood in terms the context of their traumatic experiences and vulnerabilities.<sup>426</sup>

## Focusing on the initial welcome and settling period



**States should ensure the Golden Day approach. This is a period of intensive one-on-one individualized support and supervision of child victims who are at high-risk of immediate disappearance or re-trafficking for the first 72-hours or more after they enter the NRM.**

**Due to the dangers of children going missing and/or being re-trafficked,<sup>427</sup> child accommodation services are progressively incorporating specific safety measures into their protocols, policies, safety plans and practice guides.**

**The role of professional child specialists is significant to children's safety.** [Guardian advocates](#) (or equivalent) can build a relationship with the child, observing them and collating information in a way that is non-intrusive and ensures that the child remains comfortable. The [BIC assessment and child ongoing safety and care plan](#) embeds safety measures to manage risk around the child and reduce their likelihood of going missing. Other professionals also have a key role in extending consistency of approach and support to help settle children, for example [parental guardians](#), [cultural mediators](#), mentors, child specialist NGOs and other professionals who live or work in the accommodation. Consistent professional support, delivered as a 'team' to children must be maintained to ensure that they have access to all necessary services and that their status, rights and entitlements are recognized and resolved as quickly as possible. These include appropriate healthcare services, child specialized therapeutic care and legal advice and representation for all legal matters applicable in the jurisdiction, including claims for asylum/international protection and criminal justice matters, as well as access to nursery, school or college education. (See: [access to healthcare](#), [healthcare needs of children](#); [legal advice and representation 1](#); [legal advice and representation 2](#); [social inclusion](#); [rights of child migrants](#); [access to criminal justice and redress](#); [protection and support throughout criminal justice proceedings](#); [Barnahus model](#)) This approach, if applied consistently, can provide children with an incentive to stay and participate in their surroundings and activities.

<sup>426</sup> Green, E. J. & Myrick, A. C. (2014), [Treating complex Trauma in Adolescents: A Phase-Based, Integrative Approach for Play Therapists](#), International Journal of Play Therapy, 23(3), pp. 131-145.

<sup>427</sup> Lack of identification as a possible victim of trafficking has been shown to be a key risk for the disappearance of a child from care. See Simon, A., Setter C., & Holmes, L. (2015), [Heading back to harm: A study on trafficked and unaccompanied children going missing from care in the UK](#), ECPAT UK and Missing People, p. 15. See also ECPAT United Kingdom (2018), ['1 in 6 Trafficked and Unaccompanied Children in Care Are Reported Missing in the UK'](#), 20 December 2018. It is shown that many unaccompanied and/or trafficked children are at risk of going missing from care, often within the first 72 hours. Lancashire County Council (2020), [Unaccompanied Migrant Children and Child Victims of Trafficking and Modern Slavery](#). The first 72 hours in care are crucial to protect separated children who may be victims of trafficking and who all too often go missing when they first enter local authority care. The Children's Society (n.d.), [The importance of the first 72 hours in care for migrant children](#). More specifically, the first 24-hours after first contact with a child is therefore a critical time to give a child information about the risks facing them and to implement safety measures to help protect a child from their traffickers and prevent them going missing. This period of time is sometimes referred to as the 'golden hour' or 'golden day'. ECPAT United Kingdom (2011), [On the Safe Side: Principles for the safe accommodation of child victims of trafficking](#).

## Protection measures from the outset of children's arrival in new accommodation

- **Upon arrival at new accommodation, children are likely to feel anxious and exhausted whether they appear to be or not.** The immediate focus should be upon making them immediately comfortable: soft seating, a pillow or cushion, (for younger children a cuddly toy and activities) a warm drink, food, and a consistent, sensitive approach towards a child of any age may help to maintain calm and build a level of trust that enables them to *rest*. It is important to bear in mind that to maintain a child safely away from traffickers, they will need to have *incentive* to stay. While the offer of rest and comfort cannot achieve this by itself, an initial welcome, individualised support and a child-centred approach is something they can strongly remember and refer back to later.<sup>428</sup>
- **Children should be provided with a small written record** (equivalent to a contact card) **from their first contact with the accommodation placement.** It should provide the name and address of the sheltered accommodation or foster home, and the details of people, including their guardian advocate, whom they can contact. It is helpful to have an additional item in a child-attractive design such as a personal grooming item such as a hairbrush, notebook or book, small toy or toiletries bag, that has a contact number. This item should be designed to avoid drawing the attention of traffickers, should the child be re-trafficked. Children need to know that they can always contact the service, unconditionally, at any later point, no matter what has happened to them or what they have done. They may otherwise feel that if they have disobeyed the rules and regulations in any way, there will be no possibility of return or further support.
- **There should be an initial period of intensive individualised support and supervision of child victims of trafficking who enter children's accommodation, which can be referred to as the *Golden Day*.** The Golden Day is designed to interrupt and sever the controlling relationship of traffickers by creating the time, space and trauma-informed environment that is necessary for a child to take rest and to develop a mutual, working relationship of trust with professionals who are taking care of them. It must always be conducted in accordance with the principle of the best interests of the child, and respect for their dignity and human rights, as well as duty of care. It requires an informed understanding of how to build a mutual relationship of trust with children and communicate in a kind, age-appropriate, child-centred and trauma-informed manner, providing them with clear and honest information. (See: [communications with children](#); [Lundy model](#)) Children require attendance to their practical and healthcare needs, and around-the-clock presence and availability throughout this initial settling period. (See: [access to health-care](#); [healthcare](#); [urgent healthcare needs](#); [health problems](#); [children's healthcare needs](#))
- **During this initial period, it is important that personal mobile phones are removed and unsupervised access to the Internet is restricted, along with any other devices or methods by which a trafficker could contact the child victim.** This must happen, but it should be done in the least confrontational and most sensitive way possible. It is important to be aware that any messages or instructions provided to children by traffickers may be concealed in their clothes, personal items or on their body. It is important to find an appropriate point at which to check clothes and the child's mobile phone when the child is not present. In all cases, it is essential to act with kindness and sensitivity, and not cause any alarm to the child.
- **At this early stage, children may be extremely wary of unfamiliar adults, and afraid of losing contact with their trafficker.** They may also mourn the loss of their trafficker because they believe that there is a love or care relationship. It is important that children feel that professionals are friendly towards them, and they do not feel isolated or 'cut off' from anyone other than their traffickers: phone calls should be made, if necessary, at the sheltered accommodation to vetted numbers and with accompaniment of staff. Access to social media platforms and unsupervised access to Internet should not be available to children at this time, but access can be permitted to vetted child-friendly sites with staff supervision. As children progress and settle into accommodation a more individualized and flexible response to their schedule and activities can be gradually introduced.
- **Once children have had appropriate rest and a chance to settle, is important to explain their situation to them and any risks they may face, depending upon their maturity and the level of information they can manage.** In some cases, this will need to happen more urgently, depending upon their individual situation. Children need to know, and be reassured about *where they are, who is working with them, why there is concern for their safety, why it is important that they stay for a while* and get acclimatised to their new surroundings. Professionals who speak to children about their situation must be fully trained in child protection and understand how to communicate with them in a way that is child-centred and honest. It is particularly important not to lie to children or to be unclear with them about the situation they are in, or to make false promises, as this replicates the actions of traffickers, as well as being unethical and risking total loss of trust.

<sup>428</sup> Those children who were once within a caring family will remember and respond to it; those who have always lacked appropriate care and attention as children may instinctively recognize it as something they need.

**It is usually when a child feels sufficiently rested and a level of trust is established that they will feel able to talk in any depth about their identity and situation, as well as being able to absorb important information that is given to them.** This provides a more ideal situation in which to conduct a full assessment; however, the work of the [guardian advocate](#) (or equivalent) in observation of the child should have begun from the first contact. They should take note of the behaviours, wishes, needs and risks that arise in the course of communication with the child, and be in early contact with other accredited agencies and services, alerting them to information that they will require. They will record any detail that the child gives to them in the course of conversation so that it can be included in their [BIC assessment and child ongoing safety and care plan](#). (They should be considering the requirement for the child's long-term placement from the outset.)



“Explanation for children is key: the first contact with a child is a critical time to give them information about the risks that they are facing and to implement safety measures to help protect them from their traffickers and prevent them from going missing. We find that most children want the protection, and want to stay in our shelter when they understand the reasons.”

**NIDOS (interview)<sup>429</sup>**

## Duration of provision of accommodation for children and young people

Young adults are viewed as a saleable commodity by traffickers: they are less likely to be reported missing and highly vulnerable to targeting, particularly if they are without family protection, individual support and education, training or employment opportunities. (See: [duration of guardian advocate support](#))

**Accommodation for children should be provided up to and beyond the age of 18.** Young adults who are left without safe and appropriate accommodation, particularly those who have been victims of trafficking, are at high-risk of re-trafficking, exploitation and further harm. Reaching majority age should not be viewed as an arbitrary ‘cut off’ point for protection and support, but rather a transitional time which enables young adults who lack a stable home and support to obtain social inclusion as adults through opportunities in education, training and employment. (See: [social inclusion](#)) They should be referred to an independent advocate for continued protection, support and assistance as young adults.

<sup>429</sup> For more information, see [NIDOS](#).

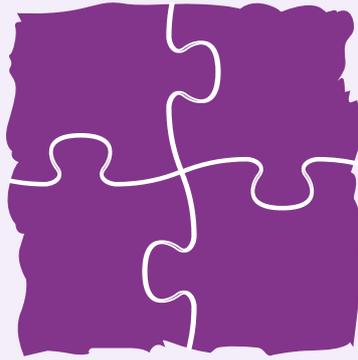


## PILLAR THREE: Social Inclusion

“Meaningful work and my family have always been the core themes of my life. After working in the hospitality industry for many years, I was falsely promised a job, exploited through use of debt bondage and trafficked for labour exploitation. The most terrible thing for me and the victims I was trapped with, were the vicious threats made to our families.

Unlike the others, I could speak the language and eventually I was able to get us help. We had a positive experience with the authorities because they were directly linked to organizations that gave us food, housing, everything we needed, and they treated us with respect and dignity. I got the services that I needed at the time that I needed them. Most significantly, I was able to reunite safely with my family, which means everything to me. I know that most victims are not assisted in this way and can remain in danger for a lifetime. If we are to combat human trafficking we must offer linked support with services to all victims, without any conditions attached.”

— **Ronny Marty**, Member of 1<sup>st</sup> ISTAC, Independent Anti-Labor Trafficking Consultant, CEO of MPCS and survivor leader



**Social inclusion must be part of the vision of NRM stakeholders from the outset of their work with survivors, and throughout all phases of assessment, support and delivery of services.**

Pillar Three sets out the components required for social inclusion, considering these in the context of the many significant challenges faced by victims and survivors of trafficking.

The transition from [Pillar Two](#) should be gradual and consistently supported, to ensure that survivors of trafficking are equipped to establish safe and independent lives.

## 15.1 Introduction to Pillar Three

“Assistance provided to trafficked persons should not only be aimed at removing them from their trafficking situations, but should also ensure their personal safety, agency, empowerment and independence in the long run. States should never return a victim to the situation that he or she was in before being trafficked. [...] [S]ocial inclusion should be the final goal of anti-trafficking action, both in countries of destination, and in countries of origin in the case of return or repatriation. The notion of social inclusion – similarly to the notion of social integration – conveys the idea of a process, of which recovery is the first step, the ultimate goal being the full and permanent restoration of all rights that had been violated before and during the trafficking cycle.”<sup>430</sup>

### Report of the Special Rapporteur on trafficking in persons, especially women and children

**Social inclusion represents the only lasting form of safety and stability for survivors of human trafficking, and the means by which generational cycles of vulnerability to trafficking can be halted.** (See: [vulnerabilities; vulnerability: family background; vulnerability: discrimination and marginalisation; vulnerability of children; vulnerability of migrants and refugees](#)) It is a *mutual and shared responsibility* between survivors and State authorities, societies and communities in which they reside. It also constitutes an integral part of the State’s obligations under the due diligence standard and the right to effective remedy.<sup>431</sup>

**It is vital that victims of trafficking are not returned to situations where they are vulnerable to re-trafficking.** This means that they must not suffer refoulement to countries where they are at risk, nor should they be subjected to situations of socio-economic deprivation, lack of access to pathways for social inclusion and discrimination. These are primary vulnerabilities for trafficking and re-trafficking.

**The success of social inclusion relies upon comprehensive and accessible pathways to rights, entitlements and services as needed.** Each adult and child’s assessment and safety planning should incorporate responses to their needs, risks and plans for the future with mutually agreed steps and actions for social inclusion.

- ▶ **For adults, continuous individual support from [independent advocates](#) draws to a close as social inclusion builds and they can make progress into building independent lives.**
- ▶ **For children, the support of guardian advocates must continue until the age of 18, after which support should continue to be available and offered in accordance with the young person’s wishes.** (See: [guardian advocates; duration of guardian advocate support](#)) This can be achieved via a phased handover to an independent advocate who can support their transition into social inclusion as an adult (education, training, employment and other needs).

## 15.2 Understanding the realities of survivors’ social exclusion



Survivors should not be left to struggle in isolation on the fringes of society wherever they reside. This only creates fertile ground for traffickers to operate with impunity and it can create trafficking risks for survivors, their families, and their future generations.

<sup>430</sup> UN General Assembly (2019), [Trafficking in persons, especially women and children: Report of the Special Rapporteur on trafficking in persons, especially women and children](#), 23 April 2019, A/HRC/41/46, paras. 5-7.

<sup>431</sup> UN General Assembly (2019), [Trafficking in persons, especially women and children: Report of the Special Rapporteur on trafficking in persons, especially women and children](#), 23 April 2019, A/HRC/41/46, para. 11.

**To support survivors in obtaining a life of safety and social inclusion, it is important to understand the realities of their situation.** There are many obstacles and barriers experienced by survivors including access to the main pathways to social inclusion: safe and appropriate housing, education, training and employment. (See: [guardian advocates](#); [duration of guardian advocate support](#))

- **Many survivors were originally trafficked due to vulnerabilities related to economic hardship, lives spent in adversity, marginalization and social exclusion.** This history, together with accumulated vulnerabilities from trafficking, can make the process of entering and sustaining a mainstream life after trafficking exceptionally difficult or, if they lack appropriate support, impossible.
- **Survivors who previously experienced a life of social inclusion before they were trafficked have suffered a life-changing crime, which often robs them of years away from everything that was familiar to them.** In many cases, there is no pathway back to their original life due to the danger they face from traffickers, or even from their own communities and families due to the stigma of having been trafficked. The change in their socio-economic circumstances, psychological and physical health, and the damage to their personal identity in the course of exploitation means that they must try to start rebuild a life, often in a different location.
- **Survivors commonly experience discrimination and severe socio-economic hardship. They often have to live with psychological and physical injuries and health difficulties, which create barriers to building a stable and independent future.**
- **Some survivors are burdened with criminal records for offences they were compelled to commit as a direct consequence of their trafficking.** (See: [clemency and pardons](#); [expungement and vacatur](#); [sealing of records](#))
- **It is common for survivors to continue to fear being seen, contacted or otherwise threatened by traffickers and their associates, which can cause them to continue a life effectively spent in hiding.** Many also live in fear for their families and loved ones, due to traffickers' threats and reprisals.
- **Cumulative vulnerability leads to situations where victims are not only at risk from traffickers but may also be targeted for other forms of crime, exploitation and harm.** This is especially the case if they are distanced from, or unable to access protection from law enforcement authorities and criminal justice systems.

## 15.3 (Re-)building a life after human trafficking



**Wherever survivors of trafficking are living, social inclusion is a gradual process of building a situation of stability and independence that can be maintained over time.** This requires the formation of positive relational networks within communities in which survivors can remain safely involved and participate – via interests and activities, education, training and employment and family pursuits.

**Survivors find themselves at the beginning of a process of building a new life, rather than being able to simply return to a situation of social inclusion that they had in the past.** They may be trying to re-settle after trafficking in new communities where they have relocated for safety, or they may be living in communities where they remain at risk from their traffickers. They may be settling in countries where they are seeking to, or have regularised their immigration status via claims for asylum or other forms of international protection. They may be returning to their countries of origin months or years after having left, during which time changes in their original country or community will have taken place. (See: [rights of migrants and refugees](#); [rights of child migrants](#))

**The pathways to social inclusion are always highly individual and will depend on a variety of factors pertaining to the efficient resolution of a survivor's legal rights and entitlements and the outlook and level of inclusivity offered by the society in which they reside.** (See: [rights and entitlements: adults](#); [rights and entitlements: children](#); [residence permits 1](#); [residence permits for children](#); [legal advice and representation 1](#); [legal advice and representation 2](#)) In most cases, long-term social inclusion is only achievable with the continuation of individual support, which gradually draws to a close as progressive independence is achieved. Social inclusion is more viable permanent, when individual support and services remain available for survivors to access or return to if they are needed. It is often

the case that professionals who have worked with victims while they are in the NRM process are the only people who will be fully aware of their specific trafficking history and therefore able to act swiftly to assist and advise in any adverse situation.



Survivors who lack ongoing access to individual support and services for social inclusion often have to remain in, or return to the same location, situation or circumstances that made them originally vulnerable to trafficking. This can leave them, their families and their children at risk of re-trafficking and other forms of crime.

### **The essential components of social inclusion are:**

- ▶ **Rights of residence, specifically the recognized right to reside and work.** This is fundamental to survivors' social inclusion. They will need to feel *safe* in order to build a stable and independent life. States should ensure that the rights of victims of trafficking to apply for residence permits, asylum/refugee status and other forms of international protection are upheld to the highest standard of fairness, and dealt with in a timely and efficient manner. Lengthy delays in decision making result in social exclusion of survivors, and give rise to significant re-trafficking risks. The safety, rights and *best interests of all children* born to survivors of trafficking must always be considered as central to considerations relating to the child's residency rights and social inclusion (See: [NRM principles](#); [vulnerabilities: family background](#); [support for parents](#); [family accommodation](#); [rights of child migrants](#); [rights of refugees and migrants](#));
- ▶ **Family reunification** is an important component of social inclusion, especially with immediate family members such as parents, spouses, children or siblings. As some trafficking cases directly or indirectly involve family members, family reunification should be pursued only upon the express wishes of survivors of trafficking. Once pursued it should be enacted swiftly and safely, without being subject to unnecessary delay;
- ▶ **Decent and dignified living conditions, safe and appropriate accommodation and ability to sustain self and family, including through social assistance schemes** (See: [accommodation for adults](#); [accommodation for children](#); [family accommodation](#));
- ▶ **Essential multi-agency services including healthcare, statutory social services and, in the case of children, the national child protection system** (See: [healthcare](#); [access to healthcare](#); [NRM links to statutory services and national child protection systems](#); [adult needs & risks assessment guide](#); [BIC assessment guide](#));
- ▶ **The protection of law enforcement and criminal justice systems, including availability of emergency numbers or hotlines** (See: [access to criminal justice and redress](#));
- ▶ **Free, specialist legal advice and representation should continue for all matters relating to survivors' status as a victim of human trafficking.** This is vital to prevent situations of vulnerability due to unresolved or discontinued legal rights and entitlements. Access to legal advice and representation should include any matters pertaining to the criminal justice process, including compensation, restitution, expungement and vacatur of criminal records; procedures related to a person's immigration or asylum status, renewal of any residence permits and naturalisation/citizenship; housing, welfare, social support and financial benefits; child and family law, including age estimation assessment and family reunification; and employment law procedures (See: [legal advice and representation 1](#); [legal advice and representation 2](#));
- ▶ **Integration programmes for survivors of trafficking who are granted long-term residence or citizenship;**
- ▶ **Birth registration and regularization of migration status of children conceived and born in the process of trafficking;**
- ▶ **E-inclusion, such as access to Wi-Fi, Internet and phone, is essential for access to services, the employment market, social inclusion and participation;**
- ▶ **National language(s) learning and intercultural communication training;**<sup>432</sup>

<sup>432</sup> "Language, held up as a sign of belonging, becomes a gatekeeper for inclusion/exclusion, regulating access to citizenship and education, health and legal protection." See Angouri, J., Polezzi, L., & Wilson, R. (2019), 'Language has become a tool for social exclusion', *The Conversation*, 21 February 2019.

- **Mainstream education, such as access to nurseries, schools, colleges, universities, including financial aid for higher level education;**
- **Vocational and professional training;**
- **The employment market, including employment schemes for survivors of trafficking that do not tie the worker to a single employer;<sup>433</sup>**
- **Drop-in centres, specialist NGOs and outreach support, in cases where needed, to provide continued support and advice, as required;**
- **Public services, including public safety, justice and security, as well as civic engagement and political participation;**
- **Community links, community centres, social networks, places of worship and activity; and**
- **Cultural, sporting and creative activities.**

## Access to multi-agency services as the gateway to social inclusion



Provision of bridged access to multi-agency services is key in helping victims to secure legal rights and entitlements so they can begin to access safe and appropriate services and pathways for social inclusion. (See: [guardian advocates](#); [independent advocates](#); [bridged referrals](#); [bridging letters](#); [accompanying survivors](#); [multi-disciplinary approach](#))

**Access to a range of multi-agency services is necessary from the point of detection and preliminary identification of presumed victims of trafficking.** (See: [access to healthcare](#); [social inclusion: multi-agency services](#); [multi-agency sub national and local teams and networks](#); [multi-agency mobile teams and task forces](#); [multi-disciplinary approach](#); [legal advice and representation 1](#); [legal advice and representation 2](#)). This is integral to the [recovery and reflection period](#); however, access to services should continue through social inclusion together with individual support (provided by independent advocates for adults and guardian advocates for children).

**Continuation of access to services should apply for all persons who have not yet had their (Stage 2) conclusive identification decision, and also those who have been positively [conclusively identified](#).** Dropping of support and service delivery at any of these stages is premature: it is best practice by all States to commit sufficient resources for continuation of individual support and services through social inclusion, ensuring that all legal rights and entitlements are resolved prior to support ending and that survivors leave support as matter of individual choice.

### **The range of multi-agency services required for adult and child victims of trafficking may include (but are not limited to):**

- [Independent advocates](#) for adults and [guardian advocates](#) for children together with assessment and safety planning (See: [adult needs & risks assessment guide](#); [BIC assessment guide](#))
- Drop-in services;<sup>434</sup>
- Accommodation and welfare services;

<sup>433</sup> "For many survivors, access to employment and hence to economic independence is the most important aspect that can lead to their social inclusion. Economic empowerment is of paramount importance for the psychological well-being of individuals, as it increases self-esteem and self-fulfilment, contributing to social recognition and inclusion." UN General Assembly (2019), Trafficking in persons, especially women and children: Report of the Special Rapporteur on trafficking in persons, especially women and children, 23 April 2019, A/HRC/41/46.

<sup>434</sup> Drop-in centers provide survivors of trafficking with case management, service provision and individual counseling, as well as supportive services which may include food, hygiene products, and clothing. They offer a safe environment, support groups and workshops for social inclusion, as well as personal empowerment groups. The staff can offer referrals for additional services as required. Survivors may require services only periodically or if their vulnerability is heightened at a particular moment and drop-in services provide that long-term safety net.

- Free legal advice and representation for resolution of all legal matters including asylum and other forms of international protection, immigration, criminal justice and civil proceedings, including expungement and vacatur of criminal records, and voluntary return to their country of origin (See: [legal advice and representation 1](#); [legal advice and representation 2](#); [rights of migrants and refugees](#); [rights of child migrants](#); [access to criminal justice and redress](#); [clemency and pardons](#); [expungement and vacatur](#); [sealing of records](#); [voluntary return](#));
- Healthcare services including services for physical and mental health, including therapeutic care, optician services, dental services, substance dependency rehabilitation services, services for pregnant women, or families (See: [healthcare](#); [access to healthcare](#); [pregnant survivors](#); [children's healthcare needs](#));
- Specialist services for [persons with disabilities](#);
- Child care/child-specific and family support and assistance;
- Services of [interpreters and/or cultural mediators](#);
- Family tracing for children/family reunification procedures;<sup>435</sup>
- Survivor support networks;<sup>436</sup>
- Support from religious and spiritual institutions (in accordance with individual preference);
- Skills training and educational opportunities, including illiteracy or limited literacy assistance, language classes and financial literacy;
- Tertiary education including college and university;
- Certification and translation of existing qualifications;
- Support with access to employment opportunities and employment services; and
- Reintegration and social inclusion post-return to the country of origin (See: [voluntary return](#))

## 15.4 Moving forward: The gradual transition from individual support

### Adults' transition towards social inclusion:



**As adult survivors make the gradual transition towards social inclusion, their [needs and risks assessment and ongoing safety and support plan](#) should increasingly include mutually agreed next steps.** This may include preparation and actions toward their independent pursuit of education, training, employment and the wider benefits of community links and social participation.

**[Independent advocate](#) support, together with needs and risks assessments and onward safety planning should remain available to adults who wish to have it until support can be *gradually and safely* brought to a close.** It is important that individual support is not suddenly and abruptly stopped, which can create a hiatus and leave survivors in a situation of heightened risk. Adults' individual needs and risks should be evaluated carefully *with them*, considering the context and situation they will be in once support ends. This is particularly important in the case of young adults who are transitioning from situations of sheltered accommodation and care. (See: [duration of guardian advocate support](#); [duration of accommodation for children and young people](#))

<sup>435</sup> ODIHR (2014), [Guiding Principles on Human Rights in the Return of Trafficked Persons](#).

<sup>436</sup> This may include support groups, survivor-led advocacy platforms, peer-to-peer mentorship, and empowerment programmes.

It is important to recognize that victims of trafficking who are *currently supported* will always appear to be less vulnerable than if they were left in a situation *without support*. Any assessment of vulnerability and protection needs must take this into account.

The question is not only 'how vulnerable is this person now?' but 'how vulnerable will they be if they are left without professional support'?



**It is vital to ensure that survivors are provided with information about all of their rights and entitlements for onward service provision and social support in a language they can fully understand, and that they know where and how to obtain further information, advice and support when it is needed.** Drop-in services and outreach services for survivors of trafficking are particularly useful and increasingly being established as promising practices in OSCE participating States.

## Children's transition to social inclusion as young adults



**NRMs must focus on children's safe, social inclusion from the outset, ensuring that their safety and care plan includes access to education, safety in community and peer group, the enjoyment of childhood and engagement in children's activities.**

**As children reach the majority age of 18, the transition from child protection must be gradual and carefully managed.** (See: [duration of guardian advocate support](#); [duration of accommodation for children and young people](#))

Ending social support abruptly at 18 can result in situations where young adults are extremely vulnerable to trafficking. Assessment and safety planning should prepare for young adult support. (See: [traffickers](#); [traffickers' methods](#); [traffickers' methods: children](#); [traffickers' methods: adolescents](#)) This ideally comprises continuation from their guardian advocate who knows them and can offer seamless continuation of support in accordance with the young adults needs and wishes. However, in some systems, it may need to be achieved via a gradual and staged handover from the guardian advocate to an [independent advocate](#) who is skilled and experienced in working with young adults who are making this transition.

**This crucial time of transition should be focused on social inclusion as young adults, with the offer of individual support for entry into fields of tertiary education, skills and vocational training and fulfilling employment.**

It is equally important to ensure that social and community links and networks are there for young adults to form safe and positive friendships.

## 15.5 Learning from promising practices in social inclusion for survivors



**Evidence-based design and funding of social inclusion programmes should be included in all NRMs and incorporated in all anti-trafficking policy development and implementation.**

**Although survivors may no longer require constant support and assistance, challenges may still arise from time to time, which require provision of advice and referral to services that they may find difficult to access.**

For example, many survivors have difficulty accessing the employment market and can be assisted with production of CVs, job interview training, understanding employment markets and cultures and identifying employment schemes from both government and private sectors. They can also benefit from survivor-led support, cultural mediation or mentoring with specialized programmes for education and vocational training.

**There are a range of promising practices in the OSCE participating States designed to support and sustain survivors throughout the process of obtaining gradual social inclusion.** These are mainly the work of specialist anti-trafficking NGOs, support and assistance services, drop-in centres and outreach support providers. Due to the significant role that they play in social inclusion and, therefore, the wider objectives of prevention of human trafficking in society, they deserve wider recognition and committed funding and resources to sustain, develop and strengthen their activity. This should include training and consultation with other national and international NRM stakeholders.

## 15.6 Voluntary return to countries of origin and social inclusion

It is the responsibility of any returning State to ensure that victims of trafficking who are within their territory are appropriately identified and have access to the 4 NRM pillars. (See: [rights of migrants and refugees](#); [rights of child migrants](#); [vulnerability of migrants](#); [legal advice and representation 1](#); [legal advice and representation 2](#)) They must ensure that voluntary return of victims of trafficking is conducted with due diligence in ensuring their social inclusion in the receiving country.<sup>437</sup>



**A victim of trafficking must be able to make a free and informed choice about voluntary return, including through the availability of complete, accurate and objective information on the situation in the country of origin, and access to specialist legal advice and representation. A voluntary return should not be subject to undue or unreasonable delays. The entire return process must be safe and conducted with due regard for the rights and dignity of the person being returned and the status of legal proceedings.**



**Reintegration measures that address the risk of re-victimization, including re-trafficking, are a critical aspect of safe return.** Plans for reintegration and social inclusion should be based on a thorough evaluation, in consultation with each victim of trafficking concerning their individual needs, and undertaking a pre-departure needs and risk assessment. (See: [adult needs & risks assessment guide](#); [BIC assessment guide](#); [assessment and safety planning](#))

- ▶ **Particular focus should be given to the family and community environment to which the victim is returning.** People who are provided with appropriate post-return assistance aimed at promoting their well-being and supporting their effective reintegration are much less likely to be re-trafficked. They may also, depending on the nature and quality of support provided, be less vulnerable to intimidation, retaliation, social isolation and stigmatization.
- ▶ **The safe, voluntary return of victims of trafficking requires co-operation between the returning and receiving States.** Any information regarding the status of a person as a victim of trafficking should only be shared with the receiving national authorities or civil society with their informed consent.<sup>438</sup> (See: [informed consent 1](#); [data management and protection](#)) Receiving States must facilitate return by, for example, conducting identification checks, undertaking risk and social-inclusion assessments prior to a trafficked victim's return, issuing the necessary personal, travel and other documents, and co-operating with returning states to determine whether the planned return of a victim of trafficking is safe. In addition, harmonised NRMs and well-designed transnational referral mechanisms built on NRMs are important vehicles for in-country and cross-border co-operation: they create strategic partnerships between government agencies, civil society and other stakeholders who are engaged in protecting and promoting the human rights of trafficked persons and combatting human trafficking. (See: [NRM overview](#); [key NRM stakeholders](#); [Law enforcement partnerships 1](#))
- ▶ **Co-operation within the State to which a victim of trafficking is being returned is important, particularly among agencies mandated to identify victims of trafficking and those responsible for their care and protection, as well as between authorities responsible for trafficking issues and those working in the field of migration and asylum.** States must ensure co-operation between the government and civil society organizations, including victim-support agencies, trade unions and business and employer organizations that may have a role to play in providing victims with assistance, supporting their reintegration and ensuring their safe return, including through provision of documentation needed post-return. This can only be undertaken with prior consultation and [informed consent](#) from the victim of trafficking.
- ▶ **Mutual co-operation between returning and receiving States can help to achieve a durable solution for victims of trafficking and to ensure their full and successful reintegration after their return to their communities, the education system and the labour market.** Provided they have the full and informed consent of the victim, both the returning and receiving countries should monitor their return and conduct needs and risk assessments. Monitoring activities conducted by the receiving country should be focused on ensuring the ongoing safety and security of each person. Such monitoring activities should be conducted in a non-intrusive manner and should not interfere with the human rights, family life, private life and dignity of the individuals involved. Monitoring

<sup>437</sup> Non-voluntary return of victims of trafficking should be conducted only as a last resort after full access to the Four NRM Pillars and all related NRM rights and entitlements, including access to legal advice and representation for all legal matters including return. Returns must be conducted with due diligence in ensuring the safety and social inclusion of in the receiving country.

<sup>438</sup> Some victims of trafficking would not want their national authorities or any other stakeholders in the receiving country to know they have been trafficked. In many cases this may put victims at further risk of re-trafficking, stigmatization and prevent social inclusion.

should continue for a reasonable period of time, ideally for at least a year following the return. State authorities should co-operate with the relevant victim-support agencies as part of monitoring.<sup>439</sup>



**Children's voluntary return must be stringently organized and be solely based on the child's best interest considerations.<sup>440</sup> Destination countries should ensure that child victims who are not nationals or residents of that country are automatically granted a temporary residence permit that entitles them to stay legally in the country until a BIC assessment is conducted, a detailed child ongoing safety and care plan is provided, and a durable solution is found.**

(See: [rights of migrants and refugees](#); [rights of child migrants](#); [residence permits for children](#); [BIC assessment guide](#)) Destination countries should appoint both a [parental guardian](#) (in cases where required) and a [guardian advocate](#) (in all cases) to child victims of trafficking, and, before referring them for to any procedures or proceedings, should provide the necessary access to child-specialist legal aid services. (See: [legal advice and representation 1](#); [legal advice and representation 2](#)) A child should be provided with a legal guardian when receiving immediate or long-term assistance, including during the child's integration in the country of destination or return and reintegration in the country of origin or in a third country.

**Return to the country or place of origin shall only be arranged if return is deemed, by child specialist professionals who have worked with the child, to be in the best interests of the child, taking into consideration their individual needs and wishes.** Relevant and necessary considerations include (but are not limited to):

- The safety and security of the child;
- The availability of family or care arrangements;
- Assessment of the family or guardianship situation for risks of exploitation or re-trafficking;
- The views of the child, assessed appropriately by child specialists using the Lundy model;
- The level of the child's integration in the country of destination; and
- The child's right to preserve her or his identity, including nationality, name and family relations, and the desirability of continuity in a child's upbringing (See: [NRM principles](#); [vulnerabilities](#); [vulnerabilities: children](#); [guardianship for children](#); [guardian advocates](#); [age dispute and age estimation assessment 1](#); [age dispute and age estimation assessment 2](#); [BIC assessment guide](#))



Non-rights-based arguments, such as those relating to general migration control, should never override children's best interest considerations.<sup>441</sup>



### **Guiding Principles on Human Rights in the Return of Trafficked Persons**

The guiding principles are intended for use by state authorities and civil society bodies, as well as inter-governmental organizations in the OSCE region involved in developing, applying, evaluating and reforming national laws, policies and practices related to trafficking, in particular to the return of trafficked persons.

<sup>439</sup> ODIHR (2014), [Guiding Principles on Human Rights in the Return of Trafficked Persons](#), pp. 27-28, 30-31.

<sup>440</sup> "Solely based on child's best interest considerations" applies to State Parties to UN Convention of the Rights of the Child.

<sup>441</sup> ODIHR (2014), [Guiding Principles on Human Rights in the Return of Trafficked Persons](#).



## **PILLAR FOUR: Access to Criminal Justice and Redress**

**“Criminal justice systems place victims of trafficking under a microscope that doesn’t apply to others.** It can feel like a blaming culture that puts them on trial. Investigative interviews are intensive and re-traumatizing; you are expected to keep repeating your story to detectives, victim services, recovery centres: repeat, repeat, repeat.

Training across criminal justice systems and victim support should be survivor-led, survivor-focused and delivered by people with frontline experience. The police can better identify victims if they take someone like me with them; a survivor leader who has a strong, cultural understanding and can assist with building trust. Judges sit for years on the bench: they need updated guidance to secure strong convictions; anti-trafficking laws must be consistently revised and updated. Trauma-informed courts are essential: special protection measures must be automatic, and innovatory methods, such as the use of therapy dogs, can lend calm and confidence to victims who are giving distressing evidence.”

— **Bridget Perrier**, Co-Founder and First Nations Educator at Sextrade101 and survivor leader



**Pursuit of criminal justice and redress should not be a conditional requirement for access to the NRM and all related rights and entitlements; however, it should always be *offered and available* for victims of trafficking at any stage before, during or after their involvement with NRMs.**

**Victims should be provided with consistent individual support and free, specialist legal advice throughout the following procedures:**

- [Identification](#) as a victim of trafficking crime;
- Victim and witness [protection and support](#) (treatment of victims as vulnerable witnesses);
- Invocation of the non-punishment principle and statutory defence (See: [non-punishment principle 1](#); [non-punishment principle 2](#); [non-punishment principle for children](#));
- Provision of residence permits for co-operation with law enforcement authorities (See: [residence permits 1](#); [residence permits 2](#));
- Measures to [monitor alleged traffickers](#);
- Trafficking crime investigations and interviews (See: [trafficking crime investigations](#); [evidence based interviewing](#); [cognitive interviews](#); [investigative interviews](#); [investigative interviews for adults](#); [investigative interviews for children](#); [Barnahus model](#));
- Criminal trials (for victims who are vulnerable witnesses and vulnerable defendants) (See: [criminal trials](#); [pre-trial arrangements](#); [evidence for trials](#); [medico-legal documentation 1](#); [country reports](#); [special protection measures](#); [special protection measures for child defendants](#));
- Retrospective actions for victims of trafficking who have been wrongly convicted of criminal offences (See: [retrospective actions](#); [clemency and pardons](#); [expungement and vacatur](#); [sealing of records](#)); and
- [Access to compensation](#) and restitution.<sup>1</sup>

<sup>1</sup> ODIHR (2008), [Compensation for Trafficked and Exploited Persons in the OSCE Region](#), 26 May 2008.

## 16.1 Introduction to Pillar Four

**The testimony of victims of trafficking is often a primary source of evidence used for the prosecution and conviction of traffickers.** However, victims of trafficking are often extremely vulnerable, living in situations where they remain under threat from traffickers and in some cases at risk of discrimination, stigmatisation, violence or social exclusion by their communities. (See: [vulnerabilities](#); [vulnerability: marginalisation and discrimination](#); [traffickers](#); [traffickers' methods](#)) Commonly victims are in situations of poverty and hardship after trafficking and impacted by ill health and trauma from their trafficking experiences.

**Traffickers have many methods of influencing or threatening victims without the need for physical proximity, including the use of their associates, other victims or threats made online.** In many cases, criminal investigations have to be closed due to lack of sufficient leads or evidence for prosecution, which can be traumatic and distressing for victims. Traffickers are usually careful to ensure that victims cannot name them and do not know the locations where they have been held. Therefore, the victim's knowledge of the traffickers' identity and operations, as well as locations, is often limited, making their involvement in criminal investigations even more challenging.

**Victims often feel compelled to pursue justice against their traffickers, but also fear invoking traumatic memories and the shame and stigma they associate with trafficking experiences, particularly while facing questioning in formal court environments.** Investigations can be lengthy and arduous, involving many months of victims giving evidence and identifying trafficking locations with police. Lengthy delays in legal procedures and decisions, which may take years, as well as the possibility of corruption, can deter victims from remaining with the process and also provide traffickers with the time to issue threats or carry out reprisals against victims and their family members.

**Victims of trafficking are often aware that they may be viewed negatively by jurors, defence lawyers and judges.** Interviews and testimonies in interview rooms and at trials puts victims in situations where issues relating to their credibility and character are questioned by authority figures.

**The behaviour and motivations of victims, while under the control of traffickers or after leaving their direct control, can be perceived retrospectively by decision-makers as not logical, typical or expected.** The strong psychological control traffickers can maintain over victims is becoming more widely understood; however, it is still the case that victims who had apparent freedom of physical movement in the course of their trafficking, but did not attempt to escape, are judged as being *non-credible*. There can also be situations of complex relationships between traffickers and victims in which exploitation can appear to be *consensual* or in some cases even instigated by a victim to a lay jury or to judges who may lack understanding of the myriad complexities of human trafficking.



**In some cases, the resilience of victims, which may be, for example, demonstrated by their escape and their survival, can lead to the misperception that they are not vulnerable and therefore not experiencing resultant trauma or mental health difficulties from their trafficking experience.** (See: [understanding vulnerability](#)) Often victims of trafficking have become habituated in trafficking to concealing, denying or simply 'living with' mental and physical injuries and they may suppress their symptoms when they are under pressure, for example when appearing in court rooms to give evidence or speaking in front of people they do not know. Problems with memory and recall from mental health difficulties related to trauma can be particularly marked when victims are under pressure, especially when they have to recount traumatic memories and experiences. In criminal justice systems, the majority of victims of trafficking will lack specialist legally required medical evidence that can support them with documentation of trafficking related health conditions and physical and mental injuries. (See: [medico-legal documentation 1](#); [medico-legal documentation 2](#))

**Victims can also be faced with others' expectations of 'perfect victimhood',** which means that if a victim has a record of previous criminal offences, anti-social or unpredictable behaviour or substance dependency their credibility as a whole can be undermined.

## 16.2 Protection and support for victims of trafficking in criminal justice systems in international law

All victims of trafficking are victims of a serious crime, whether they are acting as informants or witnesses in criminal investigations of their traffickers, or are persons accused themselves of criminal offences. Rights to protection and support for victims who are involved in criminal procedures is guaranteed to in international and national law and the OSCE commitments.



### **The Palermo Protocol**<sup>442</sup>

**Article 6** reminds States parties of the importance of the privacy of the victims. States should protect victims' privacy by ensuring that the law assures (as far as reasonably practical) that the identity of victims remains confidential. It acknowledges that court and administrative proceedings may be complex and so requires that States Parties ensure that:

"1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.

2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases: a) Information on relevant court and administrative proceedings; b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence. [...]

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."

### **Council of Europe Convention on Action Against Trafficking in Human Beings**<sup>443</sup>

Chapter III – Measures to protect and promote the rights of victims, guaranteeing gender equality: Articles 10 to 17

### **EU Anti-Trafficking Directive**<sup>444</sup>

Articles 11 to 17

### **OSCE Action Plan to Combat Trafficking in Human Beings**<sup>445</sup>

III. Investigation, law enforcement and prosecution: Paragraph 4 and V. Protection and assistance

<sup>442</sup> UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Art. 6. See also Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Chapter III-V. [Directive 2011/36/EU](#) of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, 15 April 2011, OJ L 101, Art. 3-12.

<sup>443</sup> Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Arts. 10-17.

<sup>444</sup> [Directive 2011/36/EU](#) of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, 15 April 2011, OJ L 101, Arts. 11-17.

<sup>445</sup> OSCE Ministerial Council (2003), [OSCE Action Plan to Combat Trafficking in Human Beings](#), 2 December 2003, MC.DEC/2/03 Annex, pp. 5, 13-17.

## 16.3 Criminal justice stakeholders

**All criminal justice stakeholders have responsibility for the protection and support of victims of trafficking within their various roles and remits, including:**

- **Law and policy makers;**
- **Law enforcement authorities**, including investigators, police officers and all other law enforcement personnel, who should be trained and specialized in victim support and can act as a focal point for cases;
- **Labour inspectors;**
- **Judges;**
- **Prosecutors;**
- **Court victim advocates;**
- **Border guards;**<sup>446</sup>
- **Penitentiary services;**<sup>447</sup>
- **Immigration officers;**<sup>448</sup>
- **Legal services**, including lawyers who specialize in advising and representing victims of trafficking who are informants, witnesses and defendants (See: [legal advice and representation 1](#); [legal advice and representation 2](#));
- **[Interpreters and cultural mediators](#)**; and
- **Probationary officers.**

**Key stakeholders who work in partnership with the criminal justice system for the protection and support of victims of trafficking within their various roles and remits, include:**

- **[Statutory or NRM services](#)** for provision of individual support;
- **[Independent advocates](#)** for adults;
- **[Guardian advocates](#)** for children; and
- **Specialist NGOs and other civil society organizations.**

<sup>446</sup> In some jurisdictions in the OSCE region, border guards are considered law enforcement.

<sup>447</sup> In some jurisdictions in the OSCE region, penitentiary officers are considered law enforcement.

<sup>448</sup> In some jurisdictions in the OSCE region, immigration officers are considered law enforcement.

## 16.4 The need to harmonize criminal justice responses to human trafficking



**Human trafficking should be a separate offence, clearly defined in national law together with appropriate sanctions for all persons connected at any level to acts of trafficking crime.**

**Robust and harmonized domestic anti-trafficking legislation is essential for the successful criminalization and prosecution of human trafficking crime but is also key to effective assistance and support to victims, prevention efforts and co-operation.**

- ▶ **States should harmonize their national criminal laws in line with the [Palermo Protocol](#) and other international and regional conventions, standards and definitions of trafficking.** (See: [international criminal law 1](#)) Human trafficking should be clearly defined in national criminal law and enshrined appropriate sanctions for all persons connected at any level to acts of trafficking crime.<sup>449</sup>
- ▶ **Sanctions for traffickers should be commensurate with the severity of the crime of trafficking, reflecting the serious impact upon the lives of victims and operating as a deterrent to potential traffickers.** Due to the serious nature of human trafficking, plea bargaining or a reduced sentence for traffickers should be cautiously considered.<sup>450</sup> alternative charges should not be preferred on the basis of securing an easier conviction, particularly where this may curtail victims' access to other forms of remedy, such as [compensation](#).<sup>451</sup>
- ▶ **The responses to trafficking by criminal justice systems in all countries should be harmonized to ensure that victims of any background or immigration status are supported and safe to recount their experiences, also so that they can provide evidence to law enforcement authorities against their traffickers in any country in which they are located.** (See: [mutual legal assistance](#), [joint investigation teams](#); [criminal justice stakeholders](#); [data sharing 1](#); [data sharing 2](#); [anti-trafficking training](#); [law enforcement partnerships](#); [task forces](#); [victim support co-ordinator](#); [protection and support throughout criminal justice proceedings](#); [non-punishment principle 1](#); [non-punishment principle 2](#); [NRM Preparatory Guide and Protocol](#))
- ▶ **All rights and entitlements of victims of trafficking crime should be clearly enshrined in national laws.** States should additionally adopt a **Code of Practice for Victims of Crime**.<sup>452</sup> This guidance and policy would include specific standards for the identification, protection and support and social inclusion of victims of all forms of human trafficking before, during and after all forms of criminal justice proceedings. This should align with international law and guidance and the [NRM principles](#) and [Recommended Standards](#).

<sup>449</sup> The OSCE Ministerial Council encourages participating States "to ensure that all forms of trafficking in human beings as defined in the OSCE Action Plan are criminalized in their national legislation and that perpetrators of human trafficking do not enjoy impunity." OSCE Ministerial Council (2008), [Decision No. 5/08 on enhancing criminal justice responses to trafficking in human beings through a comprehensive approach](#), 5 December 2008, MC.DEC/5/08, para. 1. EU Directive 2012/29/EU establishes minimum standards on the rights, support and protection of victims of crime. It includes the minimum standards on the rights to access information, support, protection and basic procedural rights in criminal proceedings, and contains more concrete and comprehensive rights for victims and clearer obligations for Member States. [Directive 2012/29/EU](#) of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 14 November 2012, OJ L 315. Art. 11 of the CIS Model Law includes a number of provisions which describe the particular features that punishment for a human trafficking crime should have. It requires that human trafficking crimes be described in national criminal law as serious and particularly serious crimes. The CIS Model Law also provides that in accordance with the legislation of the State, foreign citizens and stateless persons previously convicted of trafficking in persons are prohibited from entering the territory of the State or their visas are cancelled. Art. 13 of the CIS Model Law states that due to the extremely serious character of the crime, stricter punishment and sentences should be provided in cases of child human trafficking. Commonwealth of Independent States (2008), [Model Law of Commonwealth of Independent States: About assistance to the victims of human trafficking](#), Art. 11, 13.

<sup>450</sup> Fair Trials defines a plea bargain as a "negotiated agreement offered by the prosecutor whereby a criminal defendant accepts their guilt and gives away their right to a trial, in exchange for some benefit from government, most likely a reduced sentence or dropping certain charges." See Fair Trials (2016), [What is plea bargaining? A simple guide](#), 9 February 2016. The Palermo Protocol itself is silent, but its parent treaty, the United Nations Convention Against Transnational Organized Crime (UNTOC) appears to endorse a form of plea bargaining in Article 26 (2), which states: "Each State Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial co-operation in the investigation or prosecution of an offence covered by this Convention." UN General Assembly (2001), [United Nations Convention against Transnational Organized Crime: resolution / adopted by the General Assembly](#), 8 January 2001, A/RES/55/25, Art. 26(2). Bergin, J. (n.d.), [The Role of Plea Bargaining in Human Trafficking Cases](#).

<sup>451</sup> See UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Art. 5. There should be a broad definition of human trafficking set out in national legislation, as per Article 3. UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Art. 3. See Principle 12 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking requires that there is criminalization of related acts and components and the violations of rights related to trafficking, see OHCHR (2002), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), p. 189. It has been noted that as prosecuting the crime of human trafficking might be complicated, "it may be easier to investigate and prosecute more established and better understood offences such as debt bondage, sexual assault or forced labour". OHCHR (2010), [Commentary on the Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), p. 189.

<sup>452</sup> The Code of Practice for Victims of Crime is a UK Government statutory document that focuses on victims' rights and sets out the minimum standards of information, support and services that victims of crime are entitled to receive from criminal justice agencies. The Code covers the support victims can expect at every stage of the process, from reporting a crime to post-trial support. See UK Ministry of Justice (2020), [Code of Practice for Victims of Crime in England and Wales](#).



All rights and entitlements of victims of trafficking crime should be clearly defined in national laws. States should adopt a Code of Practice for Victims of Crime in their national legislation, guidance and policy that includes specific standards for the identification, protection and support and social inclusion of victims of all forms of human trafficking, with separate guidance for adults and children. This should align with international law and guidance.



The [European Union \(EU\) Victim's Rights Directive](#)<sup>453</sup> establishes minimum standards on the support and protection of victims of crime and requires that persons who have fallen victim to crime are recognized and treated with respect. Victims must also receive proper protection, support and access to justice.

With the adoption of the Directive, the EU considerably strengthened the rights of victims and their family members to information, support and protection, as well as victims' procedural rights in criminal proceedings. The Directive also requires that EU Member States ensure appropriate training on victims' needs for officials who are likely to come into contact with victims.

- ▶ **Human trafficking criminal offences should be clearly defined in national criminal law, with commensurate sanctions for all persons connected at any level to acts of trafficking crime.**
- ▶ **The non-punishment principle and statutory defence should be incorporated into national legislation, and guidance for prosecutors and judges.** Training should be provided for all criminal justice stakeholders on its scope and application. This includes an informed understanding of the requirement for specific consideration of the individual characteristics and vulnerabilities of victims and the situational context within which they may have committed criminal offences (See: [non-punishment principle for children](#); [non-punishment principle 1](#); [non-punishment principle 2](#); [vulnerabilities](#); [traffickers](#); [traffickers' methods](#); [traffickers' methods: children](#); [traffickers' methods: adolescents](#));
- ▶ **Targets and protocols: It is the duty of law enforcement authorities to investigate all crimes suspected in any situation, rather than focusing solely on the first crimes that they may identify.** All incidents of human trafficking should be recorded as serious crimes and law enforcement officers who identify victims should be incentivised through systems of formal targets that specifically recognize the protection of victims from trafficking crime exploitation and serious violations of their human rights (See: [performance targets for law enforcement](#); [protection and support throughout criminal justice proceedings](#)).<sup>454</sup>



**Criminal justice legislation that applies to children should accord fully with the [UN Convention on the Rights of the Child](#) and ensure the child-rights centred duties of care and protection in their best interests.**<sup>455</sup> All legislation and guidance concerning

children who are victims of trafficking must include children who lack secure immigration status, including children who have family care, as well as orphaned, unaccompanied or asylum-seeking children. It should be accompanied by published guidance for all professionals working with children across national child protection systems, statutory social services, healthcare services and police.

<sup>453</sup> [Directive 2012/29/EU](#) of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 14 November 2012, OJ L 315.

<sup>454</sup> Desilet, C. (2019), [Stopping Human Trafficking on the Law Enforcement Front Lines](#), Oakton, VA: Government Technology and Services Coalition.

<sup>455</sup> See Article 2 states that "1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members." UN General Assembly (1989), [Convention on the Rights of the Child](#), Art. 2. In accordance with international standards, this includes age-disputed individuals. Such persons should be given the benefit of the doubt in cases of uncertainty, so that if there is a possibility that the person is a child, he or she should be treated as a child until an appropriate human rights-based age assessment proves otherwise. See Committee on the Rights of the Child (2005), [General Comment No. 6](#), para. 31(A). [2013 EU Asylum Procedure Directive 2013/32/EU](#) (recast), Article 25(5). [2011 EU Anti-trafficking Directive](#), Article 13.2. [Council of Europe Convention on Action against Trafficking in Human Beings](#) Article 10.3. [UNHCR Guidelines on Child Asylum Claims, 2009](#), para. 75. United Nations High Commissioner for Refugees (2007), [Conclusion on Children at Risk No. 107 \(LVIII\)](#), 5 October 2007, par. g(ix). UNHCR, [Guidelines on Unaccompanied Children Seeking Asylum](#), 1997, para. 5.11 and 6. Council of Europe Parliamentary Assembly, [Unaccompanied Children in Europe: Issues of arrival, stay and return](#), Resolution 1810(2011), 15 April 2011, para. 5.10.

## 16.5 Development of performance targets and evaluation mechanisms for law enforcement.

**Development of anti-trafficking incentives, in the form of performance targets and evaluation mechanisms for law enforcement authorities, is required at all levels.** This helps to ensure that there are effective responses to victims from law enforcement authorities and accountability for the pursuit of traffickers through criminal investigations, prosecutions and convictions.

### **Statistics collected from criminal cases in order to measure anti-trafficking measures should include:**

- Number of cases initiated;
- Number of cases sent to trial;
- Number of cases closed before trial (preferably, with the reason). This should not be restricted to cases for which the charges have been dropped;
- Number of cases re-qualified to non-trafficking charges; Number of plea bargain agreements with alleged traffickers, in jurisdictions where this exists;
- Number of people convicted for human trafficking and details of trafficking offences;<sup>456</sup>
- Number of cases in which a person accused of human trafficking has had charges dropped, been acquitted or their appeal has been rejected;
- Number of victims detected and identified (whether a criminal investigation is opened or not);
- Number of victims who receive positive and negative (Stage 1) preliminary and (Stage 2) conclusive identification decisions issued by an NRM competent authority;
- Number of victims who are removed from the State under immigration rules, have opted for voluntary return or are provided with temporary or permanent residency permit;
- Number of victims identified while in immigration detention centres, prisons (in pre-trial detention or serving other terms of detention);
- Number of victims arrested or charged with criminal offences or indicted to attend trial as defendants;
- Number of victims who experienced sexual assault or other sexual offence crimes in the process of being trafficked;
- Number of victims who have sustained life-changing injuries or suffered fatalities in the process of being trafficked;
- Number of criminal investigations or trials in which the non-punishment principle has been applied and/ or the non-punishment statutory defence was invoked, together with recorded outcomes;
- Amount of funds and assets seized/ confiscated in trafficking cases;
- Amount of compensation granted to victims; and
- Other actions including specific orders, control measures or other restrictions imposed on persons suspected or convicted of human trafficking offences.

<sup>456</sup> Performance indicators should not be entirely quantitative and not solely focus on the number of criminal cases initiated or convictions obtained as such evaluation systems have shown some downsides. See ODIHR & Fair Trials (2020), [Eliminating Incentives for Torture in the OSCE Region: Baseline Study and Practical Guidance](#).

The performance of law enforcement authorities together with NRMs should be subject to regular performance evaluation of all activities, which is reported to the NRM co-ordinator, monitored by the independent national rapporteur and published annually. (See: [key NRM stakeholders](#); [national rapporteurs](#))

## 16.6 Recording, storage and sharing of criminal data and intelligence

**All criminal intelligence and information from victims should be collated and accurately recorded and stored by law enforcement authorities.** (See: [data management and protection](#); [data sharing 1](#); [data sharing 2](#)) It is required to investigate specific trafficking crimes, but also to link up and share criminal intelligence information across States and international borders. It should be stored securely for the long term to inform future, wider trafficking investigations, depending on jurisdiction. Research based upon anonymized data can create better understanding of relationships between trafficking networks and wider, related criminal activities. (See: [poly-crime](#); [interlinkage with other crimes](#); [recording investigative interviews](#); [recording interviews with children](#); [data management and protection](#); [data sharing 1](#); [data sharing 2](#))

## 16.7 Anti-trafficking training requirements for all criminal justice stakeholders



All criminal justice stakeholders should be aware that victims of trafficking who are acting as witnesses or human intelligence sources should be provided with access to free, specialist legal advice and representation. They should be able to pursue criminal justice and redress for the crimes committed against them by traffickers, as well as compensation, restitution and other measures.<sup>457</sup> They should also be allocated a police liaison officer or victim support officer who can be a contact for them throughout proceedings. This is additional to individual support provided by NRMs and can be co-ordinated with the victim's independent advocate. (See: [individual support and access to services](#))



**All criminal justice stakeholders including law enforcement, border guards, prosecutors, judges, lawyers, and penitentiary systems should be able to recognize trafficking indicators to ensure that where these are noted, appropriate referrals are made for victims to access NRM identification procedures and free, specialist legal advice.**

**Anti-trafficking training should be delivered on an ongoing basis to all law enforcement, criminal justice agencies and related departments.** It is vital to train staff at all levels from the most junior/local to the most senior/international and for the delivery of training to be systematic. Training should be mandatory and embedded in the qualification modules, procedures and protocols of entry level graduates of police academies. It should also be included in the ongoing training of all [criminal justice stakeholders](#), including middle and senior ranks, frontline police officers, and other stakeholders such as immigration officers, labour inspectors,<sup>458</sup> investigators, prosecutors, lawyers in all related fields<sup>459</sup> and the judiciary. In addition, all other peripheral and supporting departments should have anti-trafficking training appropriate to their specific role. Training should include mandate-specific tasks and multi-disciplinary co-operation.

<sup>457</sup> OSCE (2008), [Compensation for Trafficked and Exploited Persons in the OSCE Region](#), 26 May 2008.

<sup>458</sup> In some jurisdictions, immigration officers and labour inspectors are within the law enforcement sector.

<sup>459</sup> This includes inter alia any matters pertaining to the criminal justice process, including compensation, restitution, expungement and vacatur of criminal records; procedures related to a person's immigration or asylum status, renewal of any residence permits and naturalisation/citizenship housing, welfare, social support and financial benefits; child and family law including age estimation assessment and family reunification; employment law procedures.

**Levels and scope of training for law enforcement and related authorities and services will vary in accordance with official mandates, roles and remits; however, training should ensure that stakeholders are informed and/or trained in relation to the following:**

- ▶ **Identification of trafficking signs and indicators.** They must be adept at identifying trafficking indicators and other signs that a person may be a victim. This applies to anyone with whom they come into contact via walk-in to a police station, referral to police, apprehension or arrest, or in the process of investigating other suspected criminal offences. This includes adults and children who are recovered from any raid or recovery site (not limited only to suspected trafficking sites) (See: [identification+](#); [trafficking indicators](#));
- ▶ **Referral to the NRM.** Where there is any indicator, sign, suspicion or possibility that a person is the victim of human trafficking, including in cases where a person may have been exploited in criminal activities, all law enforcement officials must refer the victim, with their informed consent, to an NRM for identification, protection and support (See: [detection and referral](#); [detection and referral of children](#));
- ▶  **Victim-centred and trauma-informed methods of working** (See: [protection and support throughout criminal justice proceedings](#); [trauma-informed communications 1](#); [trauma-informed communications 2](#); [trafficking crime investigations](#); [trials](#)) These are central to securing detailed information and effective criminal justice outcomes, through a process of building trust with victims and obtaining their willing co-operation and disclosure.<sup>460</sup> For criminal justice procedures to be effective, protection and individual support must be provided throughout and beyond criminal investigations and trials; and
- ▶ **The non-punishment principle and statutory defence.** Training should include information on the individual nature of trafficking cases, the multiple possibilities and scenarios, and importantly the complex 'grey areas' of trafficking, which means that assumptions should not be made and stakeholders should be prepared to learn with each case (See: [NRM principles](#); [non-punishment principle 1](#); [non-punishment principle 2](#); [non-punishment principle for children](#); [vulnerabilities](#); [traffickers](#); [traffickers' methods](#)).

**Anti-trafficking training for all criminal justice stakeholders should be accessible, comprehensive and regularly updated. Its delivery should involve the participation of survivor-leaders and include, as appropriate:**

- ▶ International legal frameworks including, the [Palermo Protocol](#), [Council of Europe Convention on Action against Trafficking in Human Beings](#), [Convention on Elimination of All Forms of Discrimination Against Women](#) and [UN Convention on the Rights of the Child](#);<sup>461</sup>
- ▶ National child protection systems in relation to trafficking;
- ▶ Statutory services for adults and children in relation to trafficking;
- ▶ Referrals to the NRM for Identification+ procedures and other NRM services;
- ▶ The NRM Principles and Recommended Standards; and
- ▶ Application of the non-punishment principle and statutory defence.

<sup>460</sup> Many survivors experience psychological distress as a result of traumatic experiences. Some may develop mental health problems, including Post-Traumatic Stress Disorder (PTSD), Complex PTSD, anxiety and depression. The presence or absence of mental health conditions should not be assumed: wherever possible, survivors should have access to a comprehensive mental health assessment and to a programme of specialist therapeutic care provided by an experienced mental health professional. Office for Victims of Crime Training and Technical Assistance Center (OVCTTAC) (n.d.), [Human Trafficking Task Force E-Guide: Using a Trauma-informed Approach](#).

<sup>461</sup> UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000. See also Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197. UN General Assembly (1979), [Convention on the Elimination of All Forms of Discrimination Against Women](#), 18 December 1979. UN General Assembly (1989), [Convention on the Rights of the Child](#).

**Anti-trafficking training that is specifically designed for law enforcement authorities, judges, prosecutors and lawyers primarily corresponds with their specialization, role and remit. However, there should be additional focus on human trafficking at all levels, including general training for criminal justice stakeholders (above) with the inclusion of survivor leaders.** (See: [NRM principles](#); [survivors and survivor leaders](#); [social inclusion](#))

**The following training modules are recommended:**

- The [NRM principles](#) and [Recommended Standards](#);
- Labour exploitation (See: [forms of trafficking](#); [compensation](#))
- [Sexual violence and exploitation](#), including [cyber-trafficking](#);
- Gender and identity-based violence (See: [gender sensitivity](#); [vulnerabilities](#); [traffickers](#); [healthcare](#));
- Domestic violence;
- Intimate partner and familial trafficking and exploitation;
- Crimes against children and child sexual exploitation;
- Digital forensic evidence collection;
- Crypto currency and the dark web;
- Cognitive and forensic interviewing techniques (See: [trafficking crime investigations](#); [investigative interviews](#); [cognitive interviews](#));<sup>462</sup>
- Trauma-informed and victim-centred methods of working with victims of trafficking (See: [trauma-informed communications 1](#); [trauma-informed communications 2](#)); and
- Community policing approaches to human trafficking (See: [task forces](#); [victim support co-ordinator](#); [victim's trust](#))

## 16.8 National law enforcement partnerships and co-operation

**A common set of policies, procedures and strategies should be developed and implemented across law enforcement and criminal justice departments and agencies.** These should be frequently reviewed and revised between all parties to ensure that they are up to date and accord with international law, national legislation and guidance, as well as the [NRM principles](#), 4 Pillars and [Recommended Standards](#). (See: [identification+](#); [individual support and access to services](#); [social inclusion](#); [access to criminal justice and redress](#))

- **Commitment of national funding and resources is required for the formation, development and co-ordination of specialized anti-trafficking partnerships across law enforcement agencies.** This builds capacity to develop specialist police units with teams of dedicated investigators for trafficking investigations.<sup>463</sup> Specialist police units may include personnel specialized in particular cultures, regions and languages, financial investigations and cybercrime. Specialist law enforcement professionals bring vital, expert skills, experience and knowledge.<sup>464</sup> (See: [Law enforcement partnerships 1](#); [law enforcement partnerships 2](#); [task forces](#); [victim support co-ordinator](#); [mutual legal assistance](#); [joint investigation teams](#); [data sharing 1](#); [data sharing 2](#); [financial investigations](#); [performance targets for law enforcement](#); [anti-trafficking training](#))

<sup>462</sup> The cognitive interview "is a questioning technique used by the police to enhance retrieval of information about a crime scene from the eyewitnesses and victim's memory. The following four basic principles are used: mental reinstatement; report everything; change order; and change perspective." McLeod, S. (2019), [The Cognitive Interview](#), Simply Psychology, 11 January 2019. "Forensic interview models include the Child Cognitive interview, Step-Wise interview, and Narrative Elaboration. They have been shown to be more effective at helping children recall information than standard interviewing techniques. There are, however, some basic elements common to most forensic interviews, which usually include phases such as introduction, rapport building, developmental assessment (including learning the child's names for different body parts), guidelines for the interview, competency assessment (where, among other things, it is determined if the child knows the difference between lying and telling the truth), narrative description of the event or events under investigation, follow-up questions, clarification, and closure. Jordan Institute for Families (2002), [Conducting Forensic Interviews](#), Children's Services Practice Notes, 8(1)." See also Fisher, R. P., & Geiselman, R. E. (1992), [Memory enhancing techniques for investigative interviewing: The cognitive interview](#).

<sup>463</sup> Examples of these units include a Police Anti-Trafficking Team, a Combating Organized Crime and Regional Police Directorate, and National Unit of Combating Smuggling of Migrants and Human Trafficking.

<sup>464</sup> The unique added value of specialized CTHB police units stems from its nature as a group assigned to solely oversee trafficking investigations (including financial and human resources), they have received dedicated training on how to identify and respond to human trafficking cases and they have the know-how on how to respond to human trafficking cases as well as to whom to contact for victim assistance.

- **Collaboration across law enforcement agencies to share criminal intelligence for the investigation of trafficking crimes related to other detected crimes is necessary.** (See: [poly-crime](#); [interlinkage with other crimes](#); [trafficking crime investigations](#); [use of technology](#); [special investigation techniques](#); [combating cyber-trafficking](#); [Law enforcement partnerships 1](#); [law enforcement agencies](#); [mutual legal assistance](#); [joint investigation teams](#); [financial investigations](#)) This requires shared, updated and innovative technological systems that are maintained and managed for reliable, swift exchange of information together with maintained working relationships and effective communication systems across all national law enforcement agencies including:
  - Local and sub-national law enforcement agencies;<sup>465</sup>
  - Specialized human trafficking police units;
  - Specialist sex crimes police units;
  - Counter-terrorism police units;
  - Economic, anti-corruption, financial crimes units;
  - Serious and organized crime police units (e.g., focused on gang crime and narcotics);
  - Specialist police units for crimes against children (e.g., child abuse, exploitation and cybercrimes);
  - Cyber security and cybercrime police units (See: [cyber-trafficking](#); [traffickers' use of the internet](#); [traffickers use of dark web](#); [cyber-trafficking for sexual exploitation](#));
  - Traffic police;<sup>466</sup>
  - Prosecutors and investigators;
  - National intelligence agencies;
  - Immigration/customs, coastguard, port, transport and border police;
  - Labour inspectors;<sup>467</sup> and
  - Officials working in administrative detention centres and prison contexts.

## Law enforcement task forces with integral victim services

**Multi-agency partnership and collaboration can form task forces to provide efficient and effective law enforcement.** (See: [multi-agency mobile teams and task forces](#); [task forces](#); [Law enforcement partnerships 1](#); [law enforcement partnerships 2](#)) Law enforcement task forces are equipped to prioritize and centralize victim protection and support by providing a hub of partnered, multi-agency victim services. These may include statutory services, specialist anti-trafficking NGOs, healthcare services and support services. As multi-agency task forces have in-built attendant victim services, they are able to focus their skills and resources on identifying victims of trafficking, investigating and building cases and serving victims in pursuing criminal justice and redress.<sup>468</sup>

**Establishing mobile, multi-disciplinary police teams and task forces extends the reach of law enforcement and support services to marginalized communities which usually face higher rates of trafficking crime.** Community-based policing helps to shift the emphasis from police forces as the sole guardians of law and order, to a more holistic approach which involves communities as a whole and therefore enables more comprehensive, nuanced and effective responses to trafficking crime.<sup>469</sup> It allows for solutions to be locally tailored and engenders more fluid collaboration in communities that are often afraid or disinclined to approach the police. Victims may speak more easily to service providers who demonstrate an intricate understanding of the perspectives and experiences of individuals within the community, and can work collaboratively and sensitively to meet their needs.

<sup>465</sup> OSCE (2011), [Trafficking in Human Beings: Identification of Potential and Presumed Victims. A community policing approach](#).

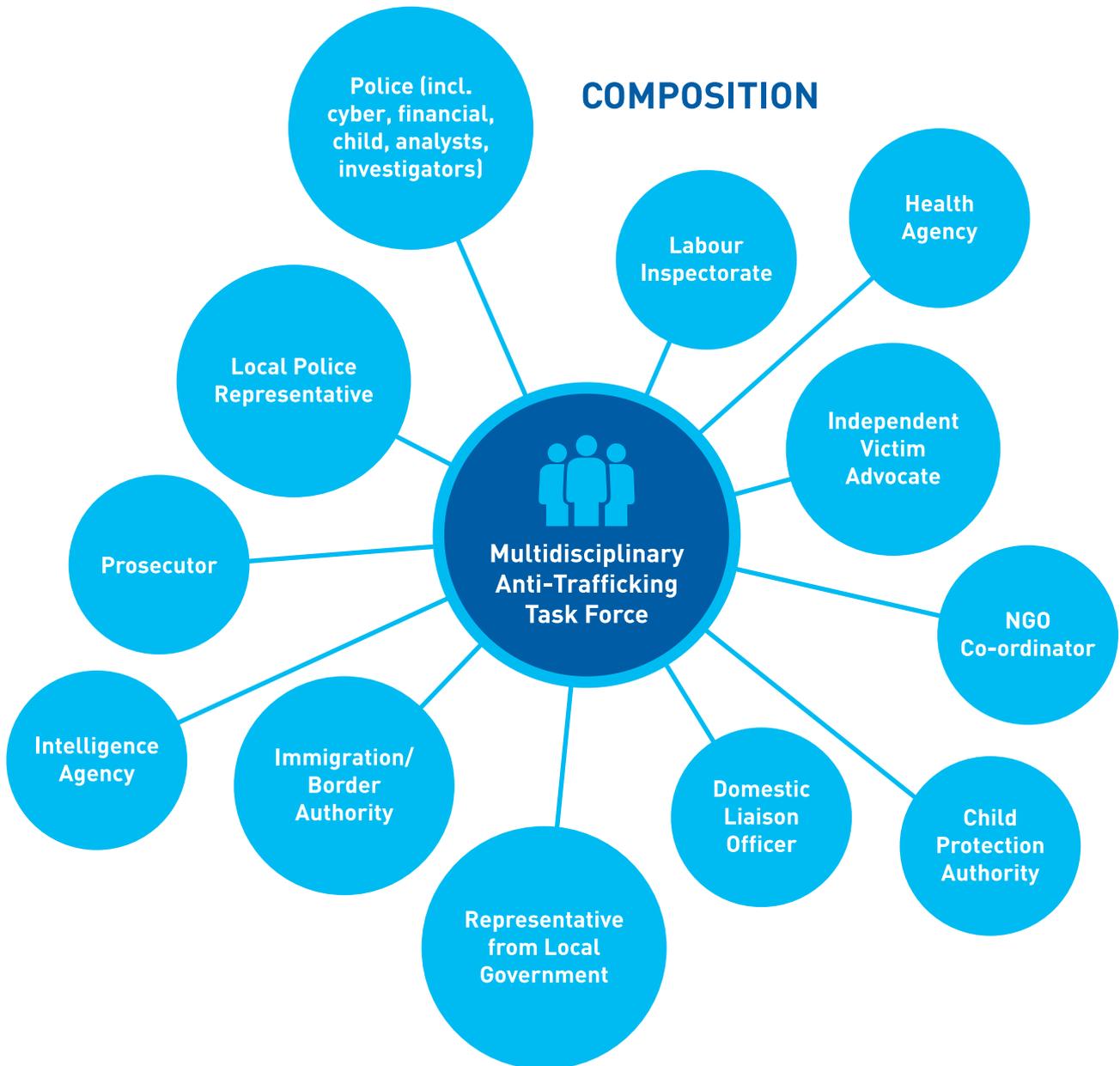
<sup>466</sup> Traffic police can identify potential trafficking cases during routine traffic stops or stop vehicles circulated by national police as of interest. ICMPD (2015), [Human Trafficking - How to Investigate It: Training Manual for Law Enforcement Officers](#).

<sup>467</sup> In some States, such as Italy, labour inspectors mandate fall within law enforcement, while in others under other government agencies. ILO (2009), [Combat Trafficking With Italian Carabinieri Labour Inspectors](#).

<sup>468</sup> See Office for Victims of Crime Training and Technical Assistance Center, [Human Trafficking Task Force e-Guide](#).

<sup>469</sup> U.S. Department of Justice (2015), [Trafficking in Persons and Worker Exploitation Task Force](#).

## COMPOSITION



### **Operational Partnership Protocols (OPPs) to form and maintain task forces**

**Task forces can be formalized via the use of Operational Partnership Protocols (OPPs).** These can be drafted and signed by each member agency and reviewed and updated on a regular basis. OPPs define the distinctive roles, responsibilities of each member agency and are signed by each member agency in the task force. They create partnered services that work jointly and collaboratively but retain the crucial independence of each member agency's roles and remit. This means that police who come into contact with victims can directly refer them to specialist support services who will honour their duty of confidentiality and non-conditionality for victims of trafficking in provision of all services and rights and entitlements. Equally they can ensure that if victims wish to report trafficking crime to the police, or are already willingly involved in criminal investigations or proceedings, that they have independent support provided throughout. OPPs ensure all parties involved communicate and work together in the best interests of the victim.

**OPPs can be replicated on national, sub-national and local levels, and adapted for these contexts and specific stakeholders.** The significance of OPPs should also be considered more widely, beyond the national level, to form international task forces as NRMs in all the participating States are harmonized and continue to progress.

## The role of victim support co-ordinator within task forces

**A victim support co-ordinator (from statutory services or civil society) is key to ensuring effective victim identification and establishing and maintaining victims' trust and confidence throughout the duration of investigations and criminal justice proceedings.** They can partner and co-ordinate a range of independent services for the task force, ensuring that they are resourced properly so that services are provided free of charge to victims. They can refer victims of trafficking to specialist support services within or outside the task force, via co-ordination and liaison, including with health services, [guardian advocates](#) for children and [independent advocates](#) for adults (See: [therapeutic care](#); [therapeutic care for adults in criminal justice proceedings](#); [therapeutic care for children in criminal justice proceedings](#); [access to healthcare](#); [health problems](#); [urgent healthcare needs](#); [healthcare](#); [medico-legal documentation 1](#); [Istanbul Protocol](#); [accommodation for adults](#); [accommodation for children](#); [family accommodation](#)).

**Services that are integral, or linked to, task forces may include:**

- **Healthcare services** (See: [therapeutic care](#); [therapeutic care for adults in criminal justice proceedings](#); [therapeutic care for children in criminal justice proceedings](#); [access to healthcare](#); [health problems](#); [urgent healthcare needs](#); [healthcare](#); [medico-legal documentation 1](#); [Istanbul Protocol](#));
- **Therapeutic care and counselling services** (See: [Therapeutic model of care](#); [therapeutic care for adults in criminal justice proceedings](#); [therapeutic care for children in criminal justice proceedings](#));
- **[Interpretation services and cultural mediation services](#)**;
- **[National statutory social services and child protection systems](#)**;
- **Services related to safe and appropriate accommodation and welfare**;
- **Specialist legal services for advice and representation for all legal matters to obtain rights and entitlements for victims. including criminal, civil and administrative, specialist child law, family law, asylum/international protection, compensation and restitution, and housing and welfare** (See: [legal advice and representation 1](#); [legal advice and representation 2](#));
- **Specialist NGO services**; and
- **Community based support services including recognized faith-based organizations (in accordance with victim's personal preferences)** (See: [social inclusion](#))

## 16.9 Protection and support for victims of trafficking throughout criminal justice proceedings

“‘Victims’ means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative in Member States, including those laws proscribing the criminal abuse of power.”

**UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power<sup>470</sup>**



**Victim protection and support must be integral and central to all law enforcement and criminal justice proceedings.** This section provides guidance on protection and support for adult and child victims of trafficking crime who:

- Provide criminal intelligence to law enforcement;
- Act as witnesses for trafficking investigations and criminal trials; and
- Are accused of criminal offences, including defendants in criminal trials.

<sup>470</sup> UN General Assembly (1985), [Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power: adopted by General Assembly resolution 40/34](#), 29 November 1985, A/RES/40/34, para. 1.

## Victim protection and support must be provided from first contact with victims and maintained throughout:

- Recovery and rescue [operations](#);
- Reporting of crime as a victim/witness or other initiation of investigation processes (See: [access to criminal justice and redress](#); [trafficking crime investigations](#));
- Criminal investigations against alleged traffickers (See: [trafficking crime investigations](#); [monitoring alleged traffickers](#); [pre-trial detention for traffickers](#));
- Pre-trial preparation (See: [pre-trial planning arrangements](#); [documentary evidence for trials](#); [medico-legal documentation 1](#); [medico-legal documentation 2](#); [country reports](#); [special protection measures](#); [special protection measures for child defendants](#));
- Procedures for obtaining all forms of [compensation](#);
- Follow up post-trial with victim-witnesses (See: [protection and support throughout criminal justice proceedings](#));<sup>471</sup> and
- Temporary or long-standing [witness protection](#).<sup>472</sup>

## Obtaining and maintaining victims' trust in law enforcement and criminal justice systems



Victims of trafficking need to have a clear understanding that their needs will be met without the condition or pressure to co-operate with law enforcement in the investigation of their traffickers. (See: [non-conditional provision of NRM services](#))

Whether victims were trafficked within countries or across international borders, they are first and foremost victims of serious crime and must be treated accordingly, without any form of discrimination. They are far more likely to build trust with law enforcement when clear guidance and procedures are in place to recognize their complex individual needs and risks and ensure that they are assisted and supported.<sup>473</sup>

Law enforcement and criminal justice professionals have a duty to ensure that measures to protect and individually support victims are maintained via formal referral links to NRM systems and services, even if they do not become witnesses in criminal proceedings or there is insufficient evidence provided to prosecute their traffickers.<sup>474</sup>

**Many victims of trafficking have had previous negative experiences with law enforcement authorities.** They also commonly have fears related to traffickers' ploy of threatening victims with the police or immigration enforcement if they escape their control. (See: [vulnerabilities](#); [traffickers](#); [traffickers' methods](#)) It is therefore crucial for all criminal justice stakeholders to establish a relationship of trust to build and maintain the confidence of victims with whom they are working. It is also vital to ensure public confidence in criminal justice systems through provision of clear, visible systems of support and protection for victims who are witnesses.<sup>475</sup> Civil society stakeholders, including NGOs, can contribute significantly in this process, as well as providing pathways to raise questions, concerns and complaints. Co-operation between the police, statutory services and NGOs can be formalized, strengthened and maintained through use of [Operational Partnership Protocols](#). (See: [sub-national and local teams](#); [multi-disciplinary approach](#); [task forces](#))

<sup>471</sup> While the end of a trial often signals closure for investigators and prosecutors, many victim service providers notice deterioration in victims' emotional and physical wellness after a verdict or plea bargaining arrangements. Service providers should be aware of and prepare for this possibility by engaging additional supports for victim-witnesses.

<sup>472</sup> "The protection may include but is not limited to police and judicial protection during investigation and the trial stage of a case to a full-blown witness protection programme, including measures such as physical relocation of such a witness or informant to a different location, with the identity and vital particulars changed." UNODC (2009), [Anti-human trafficking manual for criminal justice practitioners. Module 12: Protection and assistance to victim-witnesses in trafficking in persons cases](#), p. 1. See also UNODC (2008), [Good Practices for the Protection of Witnesses in Criminal Proceedings Involving Organized Crime](#).

<sup>473</sup> Office for Victims of Crime Training and Technical Assistance Center (n.d.), [Building a Strong Prosecution Team](#). The Anti-Trafficking Monitoring Group (2013), [In the Dock: Examining the UK's Criminal Justice Response to Trafficking](#). Fouladvand, S., & Ward, T. (2018), [Human trafficking, victims' rights and fair trials](#), *The Journal of Criminal Law*, 82 (2), pp. 138-155. In cases involving large numbers of suspects, the prosecution strategy may include who should be treated as witnesses and who should be treated as suspects. See Crown Protection Service (2011), [CPS Policy for Prosecuting Cases of Human Trafficking](#).

<sup>474</sup> See Canadian Department of Justice (2015), [A Handbook for Criminal Justice Practitioners on Trafficking in Persons](#), Ottawa: Canadian Department of Justice.

<sup>475</sup> See MOJ (2011), [Achieving Best Evidence: Guidance on Interviewing Victims and Witnesses, and Guidance on Using Special Measures](#).

## Law enforcement responses to victims of trafficking who have irregular immigration status.

**Concerns with immigration status must not impact the rights of victims of trafficking to be recognized as victims of serious crime with all NRM rights and entitlements.** Investigation and prosecution of the trafficking crime and protection of victims must be prioritized over concerns related to immigration status or offences. (See: [NRM principles](#); [legal advice and representation 1](#); [legal advice and representation 2](#); [rights of child migrants](#); [rights of migrants and refugees](#); [vulnerabilities](#); [traffickers](#); [traffickers' methods](#); [forms of trafficking](#))

Irregular immigration status should be understood to be a potential cause of vulnerability to human trafficking. Immigration offences and other crimes may be committed by victims as a consequence of having been trafficked. Any failure to investigate a trafficking crime due to a victim having irregular immigration status, or a criminal allegation or record, can place victims at high risk of re-trafficking and permits traffickers to operate with impunity.

**The initial responses of law enforcement and other authorities are particularly important for victims who have irregular immigration status.** Victims may fear the authorities not only because they have been trafficked but because of anxiety about their immigration status and previous negative experiences. They may also fear being criminalized if they have been compelled to commit offences in relation to their trafficking or have a previous criminal record. All adults and children must have equal access to identification, protection and individual support in accordance with the [NRM principles](#), 4 pillars and [Recommended Standards](#), irrespective of their migration status. (See: [identification+](#); [individual support and access to services](#); [social inclusion](#); [access to criminal justice and redress](#))



**Victims of trafficking with irregular immigration status should have access to free, specialist legal advice and representation for any legal matters that they need to resolve, including pursuit of criminal justice against their traffickers and access to redress and compensation.**

They have the right to claim asylum or other forms of international protection (See: [residence permits 1](#); [residence permits 2](#); [legal advice and representation 1](#); [legal advice and representation 2](#)).

## Law enforcement responses to victims of domestic trafficking

**Domestic trafficking crime must be fully understood and responded to appropriately by all criminal justice stakeholders** (See: [vulnerabilities](#); [traffickers](#); [traffickers' methods](#); [forms of trafficking](#)). Victims of all forms of domestic trafficking must be identified, protected and individually supported. This applies whether they are citizens, temporary residents or have irregular immigration status in the country within which they have been trafficked, and it should be provided whether or not they have access to mainstream statutory services. **It is vital that victims of domestic trafficking do not experience discrimination or marginalization at any level within criminal justice systems.** In all applicable cases, there should be a reference to the non-punishment principle and statutory defence for any cases that indicate trafficking for criminal exploitation. (See: [non-punishment principle 1](#); [non-punishment principle 2](#); [non-punishment principle for children](#)) Victims of domestic trafficking should also have access to free, specialist legal advice and representation for any legal matters, including pursuit of criminal justice against their traffickers and access to redress and compensation. (See: [legal advice and representation 1](#); [legal advice and representation 2](#))

## The advantages of evidence-based or 'victim-less' prosecutions<sup>476</sup>

The OSCE Ministerial Council calls upon participating States to “ensure that investigations into or prosecution of human trafficking shall not be dependent upon a report or accusation by a victim.”<sup>477</sup>

<sup>476</sup> Evidence-based prosecution', also termed as 'victimless prosecution' refers to a collection of techniques used by prosecutors to prosecute perpetrators without the co-operation of an alleged victim. It relies on the use of a variety of evidence to prove the guilt of an offender with limited or adverse involvement of the victim or even without any involvement at all.

<sup>477</sup> OSCE Ministerial Council (2008), [Decision No 5/08 on Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach](#), 5 December 2008, MC.DEC/5/08, para. 8.

**Pro-active investigations are considered to be the best method for trafficking crime investigations because they are not reliant upon the testimony and co-operation of victims as the main instigator.** (See: [trafficking crime investigations](#)) Due to victims' vulnerability and the complexity of their circumstances, reliance on victim's testimony involves numerous challenges and risks. (See: [vulnerabilities](#); [practical needs 1](#); [practical needs 2](#))

**Evidence-based or 'victimless' investigations and prosecutions do not require victims to attend court and testify against their traffickers, or to participate at all in some cases.** In some jurisdictions the crime of human trafficking can be prosecuted solely based on the *intention* to traffic (without the element of exploitation being carried out) and on other *preparatory* offences such as conspiracy or attempts.

**For a victimless prosecution to be successful, joint work between the police and prosecutors is vital.** This requires early consideration of a collaborative investigative/prosecution strategy and building of the case without reliance upon the complainant's active participation.

## The non-punishment principle and statutory defence<sup>478</sup>

**Recommendations put forward by the OSCE state that,** "[v]ictims of trafficking are also witnesses of serious crime. The non-punishment provision will, if applied correctly, equally and fairly, enable States to improve their prosecution rates."<sup>479</sup>



**Recital 14 of the EU Anti-Trafficking Directive<sup>480</sup>** refers to the aim of encouraging victims, "to act as witnesses in criminal proceedings against the perpetrators." Therefore, it is counter-intuitive to prosecute human trafficking victims for crimes they were compelled to commit as victims of trafficking as this can deter them from participating in subsequent criminal proceedings.<sup>481</sup> Note that the scope of the application of the non-punishment principle is at the discretion of States and may vary according to the gravity of the crime.<sup>482</sup>

**Principle 7 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking** states that the non-punishment principle requires that "trafficked persons shall not be detained, charged or prosecuted [...] for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons."<sup>483</sup> In addition, prosecutors should consider whether there is public interest in prosecution.

**Safeguards are only effective if all stakeholders with any connection to the criminal justice process are aware, and adhere to their spirit and detail.**<sup>484</sup>

<sup>478</sup> Working Group on Trafficking in Persons (2020), [Guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked](#), 15 June 2020, CTOC/COP/WG.4/2020/2.

<sup>479</sup> OSCE OSR/CTHB (2013), [Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking](#), p. 30.

<sup>480</sup> [Directive 2011/36/EU](#) of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, Recital 14 and Art. 8.

<sup>481</sup> It is important that these are considered not only immediately, but also for years moving forward, as other crimes and intelligence comes to light, witnesses who are needed to testify about their earlier trafficking are in bad situations after prison/prosecution/lack of support and are not available or may be unwilling.

<sup>482</sup> See ICAT (2020), [Non-Punishment of Victims of Trafficking: Issue Brief 8](#). UNODC (2009), [Model Law against Trafficking in Persons](#), 5 August 2009, Article 10(d).

<sup>483</sup> Principle 7 of OHCHR (2002), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), p. 1.

<sup>484</sup> Early identification of victims of trafficking is essential, if it is lacking it can lead to further breaches of human rights. Prompt NRM referral and decision making is required. There needs to be a full and proper assessment as a first step. This should be conducted by a suitably qualified person. The status of an identified victim of trafficking "may affect whether there is sufficient evidence to prosecute and whether it is in the public interest to do so. Any decision on whether or not to prosecute a potential victim of trafficking should – insofar as is possible – only be taken once a trafficking assessment has been made by a qualified person. This is particularly important where children are concerned." [V.C.L. and A.N. v. The United Kingdom](#), no. 77587/12 74603/12, § 4 and 6(1), ECHR 2021-II, para. 161. "No decision to progress charges against such individuals should be made until all relevant assessments have been undertaken. Prosecutors and Duty Solicitors have a duty to make full and proper enquiries in criminal prosecutions involving individuals who may be victims of trafficking and to be proactive in establishing if a suspect is a potential victim of trafficking. Therefore, information about concerns of trafficking should be fully shared with [prosecutors]." [V.C.L. and A.N. v. The United Kingdom](#), no. 77587/12 74603/12, § 4 and 6(1), ECHR 2021-II, para. 74(4). "Once a trafficking assessment has been made, any subsequent prosecutorial decision has to take that assessment into account." [V.C.L. and A.N. v. The United Kingdom](#), no. 77587/12 74603/12, § 4 and 6(1), ECHR 2021-II, para. 162. While the prosecutor might not be bound by those findings, they would need clear reasons consistent with the definition of trafficking contained in the international standards for disagreeing with it. To pursue prosecution they should have either (i) explained why they did not agree with the victim of trafficking decision; or (ii) if they agreed with it, they should have explained why there was no nexus between the exploitation and the crime. Prosecutors cannot sidestep any positive NRM decision without a properly focused and reasoned basis for such rejection. This ECHR decision helpfully injects a requirement that prosecutors undertake a full and careful analysis. [V.C.L. and A.N. v. The United Kingdom](#), no. 77587/12 74603/12, § 4 and 6(1), ECHR 2021-II. [Lacatus v. Switzerland](#), no. 14065/15, § 8, ECHR 2021-I.



The non-punishment principle and statutory defence provisions should be included in the national legislation and prosecution guidance for all countries and form a central component of the training of all NRM stakeholders. Pre-trial detention for accused persons who are victims of trafficking should be avoided, where jurisdictionally possible.

**The principle of non-punishment of victims of trafficking is a standard in international law recognized in many national jurisdictions.**<sup>485</sup> (See: [non-punishment principle 2](#); [non-punishment principle for children](#)) It should be included in the national legislation and prosecution guidance for all countries and form a central component of the training of all NRM stakeholders (not only criminal justice stakeholders) who work with victims of trafficking.

**Victims of trafficking may commit crimes because they have been compelled to do so by traffickers, or as a direct consequence of having been trafficked.** For example, they may use false documents, engage in street begging, prostitution, benefit fraud, petty crimes or they may be exploited by traffickers in criminal activities, such as fraud, shoplifting, burglary, transporting or cultivating prohibited drugs or recruitment of other trafficking victims.<sup>486</sup> Victims of trafficking may be arrested, detained, prosecuted, convicted, imprisoned or deported for criminal offences without being identified as a victim of human trafficking, even though they have passed through the procedures and scrutiny of a criminal justice system. (See: [vulnerabilities](#); [traffickers' methods](#); [poly-crime](#); [interlinkage with other crimes](#))

**People who have been trafficked are victims and witnesses of serious crime.** If they are *criminalized* themselves it deters them from providing valuable information on crimes committed against them and therefore results in the loss of vital intelligence that could be utilised by law enforcement to prosecute and convict their traffickers. Traffickers are known to prevent victims from future co-operation with law enforcement by forcing them to commit crimes or to otherwise believe they are complicit in criminal offences and activities.

**It can be initially difficult to identify people who have committed criminal offences as victims of trafficking. This applies to all victims who were compelled to commit criminal offences<sup>487</sup> in the process of being trafficked<sup>488</sup> or offences that are directly connected or related to their trafficking.** It is vital that in any case or situation in which a person has been a victim of human trafficking, criminal justice stakeholders, including police, prosecutors, the penitentiary and judges are able to recognize trafficking indicators and ensure that appropriate referrals are made for victims to access NRM procedures and specialist legal advice. The full context of each person's trafficking history and situation must be carefully considered and they must be provided with equal access to identification, protection and individual support to which they are entitled. (See: [NRM principles](#))

<sup>485</sup> Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Art. 26. [Directive 2011/36/EU](#) of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, Art. 8. According to Council of Europe GRETA, the following 17 Council of Europe members have specific legal provisions (as of 2020) concerning the non-punishment of victims of trafficking: Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Cyprus, Finland, Germany, Georgia, Latvia, Lithuania, Luxembourg, Malta, Romania, Slovak Republic, Spain, United Kingdom. A few other countries, while not having specific legal provisions, have provided guidance for prosecutors and law enforcement agencies on the application of the non-punishment provision: Belgium, Croatia, Denmark, Netherlands, Norway, Serbia. Spain and the United Kingdom are mentioned in both categories. See Council of Europe GRETA (2020), [9th General Report on GRETA's Activities: Covering the period 1 January to 31 December 2019](#), para. 179-180. The United States does not have a federal level law, but state level laws such as the Safe Harbour Act and Canada has non-punishment of victims of trafficking legal provisions. Kazakhstan, Tajikistan and Uzbekistan have also adopted non-punishment provisions.

<sup>486</sup> Anti-Slavery (2014), [Trafficking for Forced Criminal Activities and Begging in Europe: Exploratory Study and Good Practice Examples](#).

<sup>487</sup> Serious crimes and certain illegal conduct is not included in many national jurisdictions in the form of a Non-Punishment statutory defence.

<sup>488</sup> See Judgment *V.C.L. and A.N. v. the United Kingdom* - Failure to adequately protect two potential victims of child trafficking. [V.C.L. and A.N. v. The United Kingdom](#), no. 77587/12 74603/12, § 4 and 6(1), ECHR 2021-II. "In an expansion of its previous jurisprudence on positive obligations towards trafficked persons under Article 4 ECHR (prohibition of slavery and forced labour), the Court held that the decision to prosecute (potential) victims of trafficking – while not prohibited in itself under the ECAT or other international legal instruments – can nonetheless undermine States' duties to adopt protective operational measures where they are aware, or ought to be aware, of circumstances giving rise to a credible suspicion that an individual has been trafficked [158-159]. For the decision to prosecute (potential) victims of trafficking to be complaint with Article 4 of the ECHR, the individual suspected of committing a criminal offence must be referred to authorities trained to identify victims of trafficking as soon as this threshold is met, and a decision on prosecution should not be made until the process of identification is complete (which the Court stressed is particularly important cases involving suspected child victims) [160-161]. While prosecutors will not be bound by the determination of the qualified authority, they will need to present clear reasoning in line with the international legal definition of trafficking to reject it [162]. When new or expert evidence comes to light that a person may have been trafficked that too must be taken into account and cannot be dismissed, even if a trafficked person has pleaded guilty to the offence: victims of trafficking cannot be expected to identify themselves." One Pump Court (2021), [Parosha Chandran Of One Pump Court Chambers Wins Landmark Judgment On Human Trafficking And The Non-Punishment Principle Before The European Court Of Human Rights](#), 17 February 2021.

In many cases, the crime of trafficking committed against victims will pre-date any criminal offences that they are charged with. Therefore, in terms of considering a victims' individual liability, all crimes committed should be considered in chronological order of occurrence and set within the context of each victim's specific trafficking history, circumstances and vulnerabilities. (See: [criminal trafficking investigations](#); [investigative interviews](#); [cognitive interviews](#); [trauma-informed communications 1](#); [trauma-informed communications 2](#); [adult needs & risks assessment guide](#); [BIC assessment guide](#))

**To ensure that the non-punishment principle is effective in its operation:**

- **It should be provided for in law, related guidance and procedures;**
- **Comprehensive training on the non-punishment principle and statutory defence should be provided to all criminal justice stakeholders so that they are able to recognize trafficking indicators, and are aware of victims' circumstances, needs, risks and legal rights.** This includes all victim support professionals, police, prosecutors, defence lawyers and judges (See: [NRM Preparatory Guide and Protocol](#); [legal advice and representation 1](#); [legal advice and representation 2](#));
- **All victims of trafficking who are suspected of having committed offences are themselves victims of a serious crime, whether or not they are already involved in NRM procedures.** They are equally entitled to referral for NRM identification, protection and individual support. This includes the same range of special protection measures as are provided for vulnerable witnesses and early access to free, independent and specialist legal advice and representation (See: [criminal justice stakeholders](#); [individual support professionals](#); [independent advocates](#); [guardian advocates](#); [special protection measures for adults](#); [special protection measures for children](#));
- **Pre-trial detention of trafficking victims should be avoided in cases where they are accused of committing non-serious crimes while compelled to do so by traffickers, or have committed offences as a direct consequence of having been trafficked.** In cases where victims are accused of non-violent crimes unrelated to the offence of human trafficking itself, it is recommended that pre-trial detention should still be avoided. There should be full consideration of the risks in relation to the individual vulnerabilities of the victim if they are held in custody, detained or subjected to criminal sanctions. This requires careful assessment and justification for the suitability of any non-custodial sanctions. **Actions should always take into account the specific situation of trafficking victims and seek to avoid the traumatisation of victims by use of detention, confinement, handcuffs or other forms of restraint** (See: [NRM principles](#));
- **For any charges against victims of trafficking, all circumstances under which the crime was committed have to be carefully considered, including any mitigating circumstances of the trafficking victim/defendant.** Due regard should also be given to leniency in penalties or the subsequent possibility for pardon of the verdict (See: [non-punishment principle 1](#); [non-punishment principle 2](#); [retrospective actions](#));
- **Victims of trafficking who have previously been convicted of criminal offences but should have had the benefit of the non-punishment principle and statutory defence,** should be provided with access to free, specialist legal advice for access to [compensation](#) and restitution. This includes [expungement and vacatur](#), or [sealing of their court and criminal records](#).<sup>489</sup>

<sup>489</sup> "Vacatur is a form of relief that, in theory, effectively undoes a conviction: in most instances, it returns the movant to the position they were in when originally facing prosecution. Once vacated and dismissed, all records of the conviction are deleted, because the conviction itself no longer exists as a matter of law. Arrest records may remain, and may need to be expunged or sealed separately. An expunged conviction is removed from the movant's criminal record. However, the conviction itself is not undone, and the finding of guilt is not voided. Practically, expungement (or, in many jurisdictions, "expunction") relieves clients of many collateral consequences of the conviction—for example, an expunged conviction does not appear in a background check. Although a sealed conviction remains on the movant's record, the conviction cannot be seen or accessed without an order from the court. Also called nondisclosure, the sealed conviction may be accessible to law enforcement or government agencies, but it does not appear in standard background checks or to members of the public. People convicted of offenses can also seek a pardon, which in limited instances is granted by the Executive Branch of government and can restore many of the rights impacted by the conviction. This is a separate executive and/or administrative proceeding that does not involve the court system." See American Bar Association (2016), [Post-Conviction Advocacy for Survivors of Human Trafficking: A Guide for Attorneys](#), January 2016, p. 9. Working Group on Trafficking in Persons (2020), [Guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked](#), 15 June 2020, CTOC/COP/WG.4/2020/2, para. 47-51.

## The non-punishment principle and statutory defence in the cases of children



A child who is a presumed a victim of trafficking is first and foremost a child whose best interests accord with, and are safeguarded by, the UN Convention on the Rights of the Child. The serious crimes committed against a child must be prioritized over and above any offences that they are alleged to have committed.<sup>490</sup>

All professionals who are working with child victims of trafficking, including those working within national child protection systems and lawyers who work in criminal defence and prosecution, should be alert to the **non-punishment principle and statutory defence** in all cases where they *suspect or know* that a child suspect or defendant is a victim of trafficking. These cases must be handled sensitively with duties of care towards all children and child-rights centred and trauma-informed communication. (See: [communications with children](#); [Lundy model](#))

Child victims of trafficking are extremely vulnerable and may not perceive themselves as 'victims'. They are often still under the direct control or enduring psychological influence of their traffickers while criminal proceedings are ongoing. In some cases, attempts may be made to threaten, manipulate, coerce or abduct them. (See: [vulnerabilities](#); [vulnerability of children](#); [traffickers](#); [traffickers' methods: children](#); [traffickers' methods: adolescents](#))

**A range of criminal offences are commonly linked to trafficking of children for exploitation in criminal activities.** Children have a different level of criminal responsibility,<sup>491</sup> they are less likely than adults to serve long sentences of imprisonment and can be re-exploited by traffickers repeatedly. The most common offences committed by children entrapped in criminal exploitation include cannabis cultivation, pick pocketing, begging, possession of fraudulent identification documents, benefit fraud, driving offences, cash machine fraud, burglary, drug importation and distribution, sale of counterfeit goods and theft, and assisting traffickers in their trafficking operations, including recruitment and exploitation of other children.

**Consideration of any criminal actions taken by a child requires input from a range of multi-disciplinary child specialists who are trained and qualified in child related issues and child development.** It must include professionals who have worked with the individual child and therefore can understand their specific needs and risks using the BIC assessment and child ongoing safety and care plan. (See: [BIC assessment guide](#); [guardian advocates](#); [investigative interviews for children](#); [special protection measures for children](#); [Barnahus model](#)). They must ensure that they are informed of all aspects of the child's original trafficking and their specific contextual situation within the trafficking crime that has been committed against them.

**Child victims of trafficking should not be prosecuted. In considering any case, prosecutors must recognize that the means of their trafficking situation and any issue concerning their consent is irrelevant.** Therefore, it is only necessary to consider *whether or not an offence was committed as a direct consequence of, or in the course of, trafficking*.<sup>492</sup> (See: [Palermo Protocol](#))

<sup>490</sup> See [Directive 2011/93/EU](#) of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, 17 December 2011, OJ L 335, Art. 14, has a special provision for children. Art. 14 states: "Member States shall, in accordance with the basic principles of their legal systems take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on child victims of sexual abuse and sexual exploitation for their involvement in criminal activities, which they have been compelled to commit as a direct consequence of being subjected to any of the acts referred to in Article 4(2), (3), (5) and (6), and in Article 5(6)."

<sup>491</sup> The most common age of criminal responsibility in the OSCE region is 14 years old, although in some participating States like Ireland and Switzerland, children as young as 10 can be held criminally liable for some crimes, such as murder or rape. See Zimring, F. (2015), *Juvenile Justice in Global Perspective*, NYU Press, p. 21. For a global overview of the minimum age of criminal responsibility, see Child Rights International Network, [The minimum age of criminal responsibility](#).

<sup>492</sup> "Moreover, in the case of child victims of trafficking, since no means are required in order to establish their victim status, no literal test of "compulsion" [duress] can be applied. Instead, what needs to be established is the mere relation between the offence committed and their status of trafficking victims, which, once uncovered, must constitute necessary and sufficient ground to discontinue the proceedings or to expunge an already issued conviction, as well as to immediately release the child from detention facilities." See UN Special Rapporteur on trafficking in persons, especially women and children (2020), [The importance of implementing the non-punishment provision: the obligation to protect victims](#), para. 43. "The Court of Appeal considered aspects of the defence of duress under section 45 of the Modern Slavery Act 2015. The judgment restates the law concerning child victims of trafficking, confirming that once it had been established that the child was a victim of trafficking for the purposes of exploitation, the relevant consideration was whether there was a sufficient nexus between the trafficking and the offence; it was not necessary to show there was compulsion to commit the offence, as required for an adult. The court ruled that the provisions did not have retrospective effect. See Youth Justice Legal Centre (n.d.), [Court restates defence of duress for child victims of trafficking. R v VSJ and Others \(Anti-Slavery International Intervening\)](#) [2017] EWCA Crim 36.



### **The rights of young people whose minor age is disputed in criminal justice systems**

Children who are accused of criminal offences and whose age is questioned or disputed should be treated as children by law enforcement agencies and criminal justice systems *unless and until* an appropriate age estimation assessment has been carried out. If the age dispute is upheld, the young person is to be treated first and foremost as a victim of trafficking, with their youth considered carefully as a component of the wider context of their vulnerabilities and their need for provision of ongoing protection and support. (See: [age dispute and age estimation assessment 1](#); [age dispute and age estimation assessment 2](#); [BIC assessment guide](#))

#### **In the criminal justice system, a child who is wrongly deemed to be an adult:**

- will not be entitled to the support of an appropriate adult in criminal proceedings;
- will be unable to apply for special measures as a child in court proceedings;
- can be detained, sentenced to imprisonment or deported as an adult; and
- will have no access to age-appropriate services from national child protection system or NRM, including a guardian advocate.<sup>493</sup>

**In any case where this happens to a child, their risk of re-trafficking and further harm is extremely high. Appropriate, standardized procedures for consideration of age, and referral for age estimation assessment are required, and must be implemented across criminal justice systems globally.**

## **16.10 Residence permits for victims of trafficking who co-operate with criminal investigations and proceedings**



Article 7 of the Palermo Protocol says that, States “shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.”<sup>494</sup>

International good practice reiterates this principle by encouraging States to issue renewable residence permits if authorities consider this necessary due to the victim’s personal situation including compelling personal circumstances, or “for the purpose of this person’s co-operation with competent authorities in investigation or criminal proceedings ... granting of a permit according to this provision shall be without prejudice to the right to seek and enjoy asylum.”<sup>495</sup>

<sup>493</sup> Adapted from Coram Children’s Legal Centre (2017), [Age Disputes, Trafficking and the Criminal Justice System](#).

<sup>494</sup> UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Art. 7. In addition, Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Article 14.

<sup>495</sup> Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Article 14. Humanitarian and compassionate factors should be taken into account. The OSCE Action Plan deals with residence permits under Ch. V (8.2 and 8.3). Provision of 8.3 is expansive in that it even provides for a work permit for the victim. OSCE Permanent Council (2003), [Decision No. 557 on Action Plan to Combat Trafficking in Human Beings](#), 24 July 2003, PC.DEC/557. OSCE Ministerial Council Decision No. 1 states that participating States will consider adopting legislative or other appropriate measures, such as shelters, which permit victims of trafficking in persons to remain in their territories, temporarily or permanently, in appropriate cases. OSCE Ministerial Council (2000), [Decision No. 1 on Enhancing the OSCE’s Efforts to Combat Trafficking in Human Beings](#), 28 November 2000, MC(8).DEC/1/00, para. 10.

The following reasons for issuing residence permits to victims of trafficking are recognized in international law and both have significant benefits for criminal justice systems (See: [residence permits 1](#); [residence permits for children](#)):

- ▶ **Appropriate consideration of humanitarian and compassionate factors,<sup>496</sup> including the necessity of stay within the national territory owing to the victim's personal situation<sup>497</sup> may result in a provision of a residence permit.** This permits a range of considerations that are relevant to a victim's current personal situation and are not conditional upon co-operation with investigations and prosecutions. However, it is known that it often takes time, and a certain level of support and recovery for victims to feel able to provide intelligence to the police and to act as witnesses. While *humanitarian and compassionate factors* must be respected and understood distinctly from criminal justice concerns, a humanitarian approach to provision of residence permits has a longer-term benefit for criminal justice systems. Victim's progression towards sustained recovery and longer-term safety is key because investigations and collation of criminal intelligence is a constantly evolving process, whereby new cases and trafficking networks come to light and criminal justice systems may be assisted by witnesses who were trafficked previously. Victims who have received sufficient initial support are far more likely to be both willing and able to assist in pursuit of prosecution and conviction of their traffickers.
- ▶ **A victim's stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.**

This provides sufficient time for victims to proceed through criminal investigations and proceedings; however, long, and it should include time for post-trial follow up and support, further assessment and safety planning. Victims should have access to all NRM rights and entitlements. (See: [rights and entitlements: adults](#); [rights and entitlements: children](#))

## 16.11 Protection of victims who are witnesses



Articles 24 and 25 UN Convention against Transnational Organized Crime (UNTOC) enjoins State Parties to the Convention to adopt appropriate measures to protect witnesses and victims of crimes from potential retaliations or intimidation, and to provide them with assistance and protection.



Witness protection has a *twin track approach* of securing the physical safety of the witness and the maximum co-operation of the victim in the criminal justice process.<sup>498</sup> Assessing the reasons and needs for protection of a victim-witness is a dynamic and continuous process. It includes the assessment of prevailing circumstances, consistent communication with the victim and decisions that are based on their individual risk assessment and protection needs.<sup>499</sup>

**Any requirements for witness protection should be assessed from the outset with victims of trafficking and should be reflected in adult and child assessments and safety planning. Witness protection should be re-assessed at frequent intervals throughout the duration of investigations and criminal justice proceedings.** The need for witness protection in all cases is specific to each individual and it requires a collaborative approach from all stakeholders and services. All measures taken should be proportionate in relation to thorough assessment of the risk to themselves and to their family members.<sup>500</sup>



**Any requirements for witness protection should be assessed from the first contact with victims of trafficking, and re-assessed at frequent intervals throughout the duration of investigations and criminal justice proceedings.**

<sup>496</sup> UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Article 7.

<sup>497</sup> Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Article 14.

<sup>498</sup> UNODC (2009), [Anti-human trafficking manual for criminal justice practitioners. Module 12: Protection and assistance to victim-witnesses in trafficking in persons cases](#), p. 3.

<sup>499</sup> UNODC (2008), [Good practices for the protection of witnesses in criminal proceedings involving organized crime](#).

<sup>500</sup> Council of Europe (2017), [CCPE Opinion No. 12 \(2017\) on "The role of prosecutors in relation to the rights of victims and witnesses in criminal proceedings"](#), 30 November 2017, CCPE(2017)2Final.



Children who are victims of trafficking are to be treated as vulnerable witnesses in all cases and be provided with a comprehensive and consistent system of protection and support in accordance with the best interest principles of children of the UN Convention on the Rights of the Child.

**Witness protection measures for victims are relevant to all stages of criminal justice proceedings. They include:**

- ▶ Police protection (See: [protection and support throughout criminal justice proceedings](#));
- ▶ Measures to secure and/or monitor traffickers/defendants (See: [pre-trial detention for traffickers](#); [monitoring alleged traffickers](#); [special protection measures](#));
- ▶ Witness protection programmes;<sup>501</sup>
- ▶ Treatment of victims of trafficking as vulnerable witnesses<sup>502</sup> throughout investigations;
- ▶ Evidentiary rules of protection ('special protection measures') when testifying in court (anonymity, shielding, video conferencing) (See: [special protection measures](#); [special protection measures for child defendants](#); [Barnahus model](#));
- ▶ Use of unmarked transport, non-uniformed police and concealing identity of victim wherever possible;
- ▶ Permitted anonymity procedures to protect victims in line with national laws;
- ▶ Early warning systems to notify victim-witnesses if there is a change in the threat(s) they face (See: [information provision in criminal justice systems](#));
- ▶ Safe and appropriate accommodation based on risk assessment and safety planning (See: [accommodation](#); [accommodation for adults](#); [accommodation for children](#));
- ▶ Temporary relocation in safe areas/accommodations;
- ▶ Advice about offline and online communications, including with family members, friends all others who may potentially place them at risk (See: [adult needs & risks assessment guide](#); [BIC assessment guide](#); [assessment and safety planning](#));
- ▶ Advice on areas, locations and vicinities where victim witnesses are at risk of seeing traffickers or traffickers' associates; and
- ▶ The public nature of the hearing (including by the media) needs to be balanced against protecting the anonymity of the victim witness.<sup>503</sup>

<sup>501</sup> "In trafficking in persons cases, the use of full witness protection schemes is rare. There may be a number of reasons for this. In practice, in trafficking in persons cases full witness protection is psychologically often not the best solution for the victim. Many victims long for their families and loved ones and cannot imagine changing their identity and relocating. Moreover, some practitioners have reported that they have yet to encounter a human trafficking organization or syndicate that is sufficiently organized, widespread or equipped to pose the level of threat required of a full witness protection scheme. Caution should be exercised because every case is different. It cannot be ruled out that some trafficking in persons cases will involve witnesses who require protection to the degree found in the type of programme described, but it is believed that it will be rare." Lack of resources for witness protection is also another common reason." UNODC (2009), [Anti-human trafficking manual for criminal justice practitioners: Module 12. Protection and assistance to victim-witnesses in trafficking in persons cases](#), p. 7. "If full witness protection is not appropriate, the next question to consider is what would be needed in a composite protection plan." Ibid, p. 11. See also UNODC (2008), [Good practices for the protection of witnesses in criminal proceedings involving organized crime](#).

<sup>502</sup> "Victim-witnesses are generally the most vulnerable witnesses in trafficking in persons cases." UNODC (2009), [Anti-human trafficking manual for criminal justice practitioners: Module 12 Protection and assistance to victim-witnesses in trafficking in persons cases](#), p. 3. "To help victims give evidence in court, some countries have introduced special measures for vulnerable witnesses, including: allowing victims to give evidence by closed circuit television or video link, or alternatively from behind a screen, rather than in open court; imposing limits on the ability of defendants and members of the public to have contact or communicate with victims, including clearing the court of the public when sensitive or embarrassing testimony is given; allowing a support person to be present and sit in close proximity to the victim when they are giving evidence (or a social worker or counsellor to sit with or close to children when they are testifying); allowing evidence given in one trial to be admitted as evidence in later trials to minimize the risk of re-traumatization; allowing victims who are residing overseas to give evidence by video link rather than incur the risks and costs of travelling to the country in which the trial is conducted and where security is a greater issue; protecting the identity of victims and their families by prohibiting and creating offences for the unauthorized publication of their names and identifying details. In the context of legal proceedings, extra measures of protection that go beyond those guaranteed to adult witnesses must be afforded to children. These can include special interviewing techniques, as well as vulnerable witness directions by trial judges to prevent them testifying in the presence of their abuser. In some jurisdictions, audio-visual recording of hearings of children are used, while in others children may appear before the court behind a screen to prevent them from seeing the accused." See Rights of victims to justice and protection in UNODC (2019), [E4J University Module Series: Trafficking in Persons & Smuggling of Migrants: Module 9 Criminal Justice Responses to Trafficking in Persons](#).

<sup>503</sup> In some jurisdictions, to ensure anonymity, courts can make a reporting order in relation to witnesses which prohibits any matter relating to the witness to be included in any publication during the lifetime of the witness if it is likely to lead members of the public to identify the individual as a witness in criminal proceedings. In addition such bans should be considered for electronic communication and devices in the courtroom, which can result in leakage of witness identity. United Kingdom, Crown Prosecution Service (n.d.), [Witness protection and anonymity](#). In addition, the identification of the child victim in the media should be prohibited, where necessary to protect the privacy of the child. ECOSOC (1997), [Resolution 1997/30: Guidelines for Action on Children in the Criminal Justice System](#), 21 July 1997, Guideline 49.

## 16.12 Provision of information for victims of trafficking in criminal justice systems

**Victims, informants and witnesses should always be provided with all relevant information pertaining to criminal justice proceedings.** This includes arrangements, progress and actions before, during and after criminal investigations. With victim's informed consent, independent advocates and other support professionals should be kept updated separately. They can support victims by ensuring that they have secondary explanation and emotional support, that victims are provided with information in writing as well as verbally, and that they are informed of rights to review or appeal decisions.



**Information and updates may include, for example, decisions to prosecute a suspect, grant them bail or give them an out of court disposal (e.g., caution or decision not to prosecute the suspect), together with the reasons for this, as well as notification of a closure of investigation/case.** All matters pertaining to updates in criminal matters and legal cases are sensitive and can cause distress, particularly when a case is closed or a prosecution fails to result in conviction. They should be handled by professionals both in person and in writing, applying trauma-informed methods of communication.



**NRM support should not be withdrawn due to the ending of criminal justice proceedings. The needs and risks of victims of trafficking are based upon appropriate adult and child assessment and ongoing safety planning.**

**Information must be clear and comprehensible for victims, whether it is in written or verbal format.** All relevant information should be carefully explained in a language they fully understand (with interpretation or translation as necessary) as early as possible in any process. Special provisions should be made for those with disabilities.<sup>504</sup> (See: [Interpreters and cultural mediators](#); [survivors with disabilities](#), [specific needs of survivors](#))

### Information materials should be provided in victim's first language and should include:

- Law enforcement contact details with specific victim support/liaison officers;
- Protection measures for victims' immediate and longer-term safety;
- Access to free, specialist legal advice and representation (See: [legal advice and representation 1](#); [legal advice and representation 2](#));
- Rights of witnesses, court procedures and [special protection measures](#);
- Right to [non-conditional](#) referral and access to NRM services;
- Residence permits and other forms of international protection in the country after their (Stage 2) conclusive identification by the competent authority (See: [residence permits 1](#); [residence permits 2](#); [rights of migrants and refugees](#); [rights of migrant children](#));
- Right to return voluntarily to their country of origin if they choose to do so (See: [voluntary return](#));<sup>505</sup> and



Children should be provided with information in accordance with the [Lundy model](#). (See: [Barnahus](#)) Child-friendly verbal communication can be supported with child-friendly and age-appropriate materials which set out children's rights, and any decisions that are made. Children should have the opportunity to communicate with their [guardian advocate](#) and/or legal representative who can liaise on their behalf, but they should also have the option to speak directly to law enforcement authorities and decision makers themselves if they so wish. (See: [Lundy model](#); [Barnahus model](#); [communications with children](#); [accommodation for children](#))

<sup>504</sup> Office for Victims of Crime Training and Technical Assistance Center (OVCTTAC) (n.d.), [Communicating with Individuals with Disabilities](#).

<sup>505</sup> ODIHR (2014), [Guiding Principles on Human Rights in the Return of Trafficked Persons](#).

## 16.13 Forensic examination of adults and children

### **Forensic examination of adults**



Forensic examinations and resulting documentation can inform and help substantiate the trafficking case and [compensation](#) claim.<sup>506</sup> (See: [on-site operations](#); [healthcare](#)) To enable this, stakeholders (investigators, prosecutors, judges) should include respective questions to forensic experts when requesting such examination.

If it is disclosed or there is evidence of a recent sexual assault, consideration should be given to the need for an appropriate forensic examination by trained, clinical professionals. This should take place with the informed consent of the victim (See: [informed consent 1](#); [informed consent 2](#); [health issues related to sexual violence](#); [sexually transmitted infections](#)).

Any forensic examination of possible victims of trafficking should be provided quickly but conducted in a trauma-informed, gender-sensitive manner. (See: [trauma-informed communications 1](#); [trauma-informed communications 2](#); [gender sensitivity](#); [gender-sensitive communications](#); [specific needs of survivors](#)) In all cases where it is not possible to provide a female doctor, a vetted female professional should offer to accompany the victim in the room for both male and female victims of trafficking. Note that urgent referral to appropriate sexual health services should be offered and made if sexual assault is recent.<sup>507</sup>

### **Children**



A medical evaluation that is carried out for forensic investigative purposes must incorporate the child's physical well-being and recovery. Female clinicians who are child specialists should be available to conduct a physical examination of any kind, including a forensics exam. Any medical examination must be conducted by specialized clinical staff who are trained to recognize indicators of physical, sexual, and emotional abuse, as well as child neglect and human trafficking. (See: [children's healthcare needs](#); [healthcare](#); [Barnahus model](#))

## 16.14 Therapeutic care in the context of criminal justice proceedings



### **Understanding the effects of trauma in relation to victim-witnesses giving evidence for criminal investigations and trials**

All criminal justice stakeholders should have anti-trafficking training that includes the impact of trauma upon all victims of trafficking, together with an understanding that this applies to informants and witnesses and accused persons and defendants who are victims of trafficking. There are particular issues that may arise which affect victims' ability to recall events in chronological sequence or to manage their distress or traumatization in the context of an investigative interview or court environment while giving evidence. However, these issues can be managed, to an extent, with comprehensive, individual support that is provided from the outset.

In some cases, it may not be possible for victims to instruct lawyers or to act as witnesses in legal proceedings because they lack legal capacity. This should always be assessed and documented by independent clinicians who specialize in legal capacity assessments.

<sup>506</sup> "A forensic medical examination is a top-to-toe examination looking for injuries and taking samples that may be used as evidence in a police investigation and any subsequent prosecution. A forensic examination can be very time-consuming but is vitally important. Histories from caregivers should be obtained separately and as soon as possible; careful documentation is essential. A forensic examination should only be performed by a health professional who has the appropriate training and with appropriate facilities available." Rull, G. (2011), [Forensic Examination](#).

<sup>507</sup> Post exposure prophylaxis for HIV may need to be considered.

## Therapeutic care for adults who are involved in criminal justice proceedings



**The provision of appropriate therapeutic care is not a decision for the police, prosecutors or defence advocates.**<sup>508</sup> It is a decision to be taken by the victim themselves together with therapists who are trauma specialized and can consider this decision with them. Adults may require the support of their independent advocates who can bridge their access to trauma specialist therapeutic services which are appropriate for victims of trafficking. (See: [therapeutic care model](#), [access to healthcare](#); [mental health problems](#); [healthcare](#))

**It should be possible for witnesses to access therapy throughout the criminal justice process rather than having to wait until the trial is over.** This can provide valuable support for them as witnesses at a crucial time of stress and anxiety about their case.<sup>509</sup> The content of therapy should be regarded as highly sensitive and confidential to the therapeutic relationship. A record should, nonetheless, be maintained by the therapy service so that it can be produced if it is required by the court process, for example as a component of the disclosure process or for the purposes of compensation claims. The record should include details of the therapy(ies)/ the treatment employed, details of the persons present and a brief overview of the content and length of the therapy sessions. Victims should be informed of the possible requirement for disclosure of this private information and (subject to overriding legal requirements) be given the opportunity to give or withhold their informed consent. It is important that therapy is understood by all parties to be a confidential and sensitive process.

## Therapeutic care for children who are in criminal justice proceedings



**The purpose of therapy for children is to provide emotional support to decrease distress or psychological symptoms and behaviour or improve personal functioning.** Only qualified child/ adolescent specialist therapists should provide therapeutic care for children and it should be evidence based. Crisis support interventions may also be required for the child's (non-offending) family members/ caregivers also. Pre-trial therapy for children has been the subject of guidance which may be relevant to victims of trafficking.<sup>510</sup> (See: [Barnahus model](#); [children's healthcare needs](#))

## 16.15 Measures to monitor alleged traffickers to support the safety of victims



**Whether a trafficker/defendant is being held in custody or released before their trial it should be assumed that they may *directly or indirectly* attempt to threaten or intimidate victims, their family members or other people who are close to them.** It is essential that victims of trafficking who are acting as informants for investigations or witnesses at court are kept safe throughout the criminal justice process from investigation to post-trial. This applies equally to victims of domestic and transnational trafficking.<sup>511</sup> (See: [vulnerabilities](#); [traffickers](#); [traffickers' methods](#))

## Use of pre-trial detention for alleged traffickers

**Traffickers can exercise many methods of control over victims and issue threats without needing to have physical proximity to them.** They can also use their associates to threaten and confront victims. Pre-trial detention can prevent traffickers from re-offending and contribute to the safety of victims because the defendant is physically removed and their whereabouts is known to law enforcement. **It is strongly recommended that the safety of victims and witnesses is taken into consideration in decisions on the imposition of pre-trial detention, or in the context of any non-custodial measures that may be applied.** In case the victim is also detained, they must not be detained in the same prison as other defendants who are associates, victims or other witnesses.

<sup>508</sup> The NRM Handbook recommends a three-stage specialist therapeutic care model, which consists of consisting of (1) stabilisation, (2) evidence-based, trauma focused therapy and (3) re-integration to support the sustained recovery of victims of trafficking. Other evidence-based models of counselling and therapy may be appropriate. See Dillmann, S. M. (2011), '[Common Therapy Approaches to Help You Heal from Trauma](#)', GoodTherapy, 9 March 2011.

<sup>509</sup> UK Crown Prosecution Service (n.d.), [Therapy: Provision of Therapy for Vulnerable or Intimidated Adult Witnesses](#), London: CPS.

<sup>510</sup> See United Kingdom, Crown Prosecution Service (n.d.), [Multi-agency guidance, Provision of Therapy to Child Witnesses Prior to a Criminal Trial](#), London: CPS. See also UK Department of Education (2017), [Child Exploitation: Definition and Guide for Practitioners](#), London: UK Government.

<sup>511</sup> The United States T-Visa and family derivative: The United States government offers a special type of visa, T-1, to victims of trafficking already present in its territory, which allows them to remain in the United States to assist in investigations or prosecutions of human trafficking violators. Depending on their age, survivors of trafficking may be able to include spouses, parents, children, and unmarried siblings under 18. Family members may also qualify for derivative if they "face present danger because the T principal co-operated with law enforcement and/or escaped the trafficking situation. In this scenario, the T principal can include the spouses, parents, unmarried siblings under 18 years of age, and the children of derivatives, regardless of the principal's age at the time of filing." See Garcia, V. (2019), [Identifying Humanitarian Forms of Relief for Derivatives: T Nonimmigrant Status](#), Immigration Legal Resource Center.

**Legal restrictions and conditions for traffickers/defendants who are not held in pre-trial detention can help to keep victim witnesses safe and protected. These include:**

- **House arrest or curfew**,<sup>512</sup>
- **Restraining or protective orders** that prohibit a defendant from having any direct or indirect contact with the victim witness by any means, including via third parties or social media.<sup>513</sup> This may include the stipulation that the defendant stay away entirely from the victim's residential area or remain at a specified distance from the victim witness's residence, workplace, etc. Careful consideration should be given to cases where the defendant is not aware of the identity of the victim of trafficking to avoid inadvertent disclosure;
- **Reporting obligations** require the defendant to report to a police station on a regular basis in order to monitor them;
- **Restriction of movement or the order to remain within a particular geographical area**, for example through the use of electronic monitoring technologies;<sup>514</sup>
- **Residing with a surety at a specific, named address**, or if there is no surety, then the condition of living at a specific named address; and
- **Restriction from possessing any telecommunications devices or accessing the Internet** so that they are unable to contact and/or coerce or threaten victim-witnesses may apply in addition to other measures.

## 16.16 Trafficking crime investigations

**Effective trafficking crime investigations require:**

- **Commitment of national funding and resources for provision of qualified investigation specialists, staffing, equipment and investigation tools and training** (See: [criminal trials](#));
- **Referral of all victims of trafficking for NRM identification procedures, individual protection and support, regardless of whether they are involved in criminal justice proceedings or whether they are complainants, witnesses or defendants.** NRM referral and services should be integral to the investigation process and continue throughout law enforcement investigations, trial and follow up;
- **Prompt and expedited investigation without unnecessary delay.** Cases in which victims are known to be in a potential or currently unsafe situation always demand an urgent response; however, in every case evidential leads and intelligence information should be followed up in as timely and efficient a manner as possible, ensuring that victims are kept in contact, informed and updated (See: [protection and support throughout criminal justice proceedings](#));
- **Freezing, seizure and confiscation of all monies, funds and assets of trafficking networks at the outset of a criminal case.** This deprives traffickers of criminal proceeds, reduces their ability to continue operating and ensures that state funds are available to provide payment of compensation to victims in cases where this can be pursued (See: [financial investigations](#); [asset seizure](#); [compensation](#); [state funds for compensation](#));
- **The focus of law enforcement must be on every member of any trafficking network, including persons at any level whose actions contribute to, or are intentionally complicit in any way with a trafficking operation.** Any trafficking operation, whether large or small, will have key operators or heads who traffic victims themselves or instruct others in doing so. It is essential to target the heads of any trafficking operation. In larger networks they may be protected by a more distanced role in which they instruct others who facilitate and are complicit in trafficking crime. Diversification of trafficking into new routes and formations can be swift, therefore, the carefully prepared apprehension and arrest of all members is key. Investigators should aim to arrest and disrupt all members of trafficking networks simultaneously in order to terminate their entire operation. This may require the use of international law enforcement collaboration and information-sharing, including judicial co-operation, [mutual](#)

<sup>512</sup> There are different versions of house arrest, including the monitoring of all movement through a GPS tracker and inability to leave the premises of confinement. In some cases, the defendant may be allowed to maintain their employment and be allowed to travel within specified hours to the location of their employment. Curfews allow movement from the premises of confinement within specified hours.

<sup>513</sup> Even in cases where the accused is held in custody, the prosecutor should generally seek a direction that the accused abstain from communicating, directly or indirectly, with any victim, witness or other identified person. This direction should include the victim, family of the victim, witnesses, and associates of the accused.

<sup>514</sup> The order imposed by a judge not to leave one's place of residence or stay at a certain area without permission. Ellis, M. (2015), [Standards and Ethics in Electronic Monitoring: Handbook for professionals responsible for the establishment and the use of Electronic Monitoring](#), Council of Europe.

[legal assistance](#), [joint investigation teams](#), [special investigative techniques](#), and investigation of money flows and transactions.<sup>515</sup> If investigations are closed down after only a few traffickers are disrupted, the heads of the trafficking operation can simply replace them continuing to perpetrate and profit from the human trafficking crime;

- ▶ **Accurate and transparent crime recording at all stages.** Taking an official record of procedures with victims at every stage helps to ensure clear and accountable law enforcement and criminal justice procedures through the course of investigation to post-trial. It is important that all actions, procedures and evidence are clearly and accurately recorded in detail to the standards required for court trial (See: [data sharing 1](#); [data sharing 2](#); [investigative interviews](#); [recording investigative interviews](#); [recording interviews with children](#)).<sup>516</sup>

### **Crime recording**

Accurate and transparent crime recording provides a sound evidence base for criminal investigations. Close co-operation from the outset between police investigators and prosecutors ensures that all legal requirements have been complied with for crime recording and that it is admissible in court. It can be linked and cross-referred to other intelligence concerning trafficking operations so that a record is kept of how many crimes have been identified in any jurisdiction that may be connected to specific traffickers and networks. It can also provide crucial data for the development of wider trafficking prevention measures and audit information for allocation of criminal justice resources.

Crime recording prevents victims having to repeat accounts of traumatic events in their trafficking history, thereby reducing the risks of distress and re-traumatisation, which can cause victims to feel unable to continue with the criminal justice process. It may be used as a reference to support victims' requirement for access to a range of services, as well as compensation and restitution for the crimes committed against them.

## **Obtaining informed consent for victims' co-operation with criminal justice proceedings**

**Providing information and evidence about their traffickers can have huge implications for the lives and safety of victims of trafficking and their families.** (See: [informed consent 1](#)) However, it can also provide them with a vital chance to pursue justice, and it can represent an important marker for victims in the process of sustaining recovery and rebuilding their lives.

**A decision to co-operate with law enforcement is always one that needs to be carefully considered by victims who should provide full and informed consent.**<sup>517</sup> They should be informed of their rights and options in a language they can understand including information on their right not to self-incriminate, the right to silence, the right not to co-operate, or to withdraw their co-operation with law enforcement if they so choose.<sup>518</sup>

**In many cases, victims will need to have some thinking time to absorb the information provided after the first meeting, to ask further questions and consider their situation prior to giving their informed consent.** It is important that they are provided with an understanding of procedures, expected timeframes and outcomes in order to make this significant decision. They must have the support of an [independent advocate](#) (and/or equivalent support professionals in attendance such as social workers, lawyers in jurisdictions where applicable, or specialist NGOs) to provide secondary explanation to them, to liaise with police on their behalf and to assist with follow up meetings. (See: [legal advice and representation 1](#); [legal advice and representation 2](#))

<sup>515</sup> A trafficking network may not have direct contact from those in a source country via transit to destination. These networks may be more about a route that has developed as opposed to well-connected individuals or use of the Internet to establish a network. Therefore, investigators should not expect to find direct connections between each conspirator and will need to seek evidence to corroborate links via financial, Internet or telephone connections, for example.

<sup>516</sup> Crime recording should not be used to compel a victim to co-operate with law enforcement.

<sup>517</sup> OSCE (2013), [OSCE Resource Police Training Guide: Trafficking in Human Beings](#).

<sup>518</sup> UN General Assembly (1966), [International Covenant on Civil and Political Rights](#), 16 December 1966, Art. 14 (3g). Although not specifically mentioned in the European Convention on Human Rights, the right to remain silent and the privilege against self-incrimination are generally recognized international standards which lie at the heart of the notion of a fair procedure under Article 6. See European Court of Human Rights (2020), [Guide on Article 6 of the European Convention on Human Rights](#), para. 193-209. See also Chapter 5 on Right to be Presumed Innocent and Privilege against Self-Incrimination of ODIHR (2012), [Legal Digest of International Fair Trial Rights](#), pp. 89-106. "Miranda warning" refers to the constitutional requirement in the USA that once a person is detained by police, a police officer must give certain warnings to the detainee about his/her legal rights, including that he/she have the right to remain silent, that any statement that he/she make could be used against them in a court of law, that he/she have the right to contact a lawyer and that if he/she cannot afford a lawyer, that one will be provided. For a global overview of Miranda Warning equivalents, see Library of Congress Law (2016), [Miranda Warning Equivalents Abroad](#).

### **Victims should be advised about the following options:**

- Reporting the trafficking crime formally and acting as a witness for trial;
- Providing anonymous intelligence only to law enforcement without formally reporting the crime or acting as a witness for trial; and/or
- Choosing not to do either.



**Non-conditional continuation of protection and support is key:** Victims who feel unable to co-operate with law enforcement should continue to have their needs met in accordance with the [NRM principles](#), 4 Pillars and [Recommended Standards](#). It is important that they do not feel obliged or pressured to give evidence against traffickers. This helps to build victim's trust in criminal justice systems.

## **16.17 Evidence based investigative interviewing**

### **Cognitive interviews**

The Cognitive Interview (CI) is a systematic approach to interviewing witnesses with the goal of increasing the amount of relevant information obtained without compromising the rate of accuracy. (See: [investigative interviews for children](#); [Barnahus model](#)) The CI is based on scientifically derived principles of memory and communication theory, as well as extensive analyses of law-enforcement interviews. Most importantly, the CI has been found in empirical studies to produce significantly more information than standard question-and-answer type interviews, without decreasing accuracy.

“The sequence of the CI protocol provides a general framework for conducting an investigative interview of most persons, including civilian eyewitnesses, victims, police, and more recently, suspects. However, it is important to understand that interviewers must be flexible and alter their approaches to meet the needs of each witness rather than to use a rigid template, causing the witness to adapt. In this regard, the CI should be seen as a toolbox of techniques that can be drawn upon as the situation presents itself. The CI is more of a set of general guidelines or a collection of techniques than it is a recipe for conducting an interview. Each witness and situation will call for a slightly different approach.”<sup>519</sup>

### **The Cognitive Interview (CI) was specifically developed to improve victim and witness memory, particularly when recalling a traumatic event, while at the same time facilitating and maintaining a victim's well-being.**

Accordingly, it is consistent with a victim-centred approach. Each stage of the CI offers opportunities to build trust with victims, obtain full and accurate information and ensure that victims' best interests and safety are upheld.<sup>520</sup> Special interview techniques, including CI interviewing, should only ever be used by professionals who are trained in their use.<sup>521</sup>

<sup>519</sup> Fisher, R. P., & Geiselman, R. E. (2014), [Interviewing Witnesses and Victims](#), in: St. Yves, M. (ed.), *Investigative Interviewing: The Essentials*. Thomson Reuters Publishers, Toronto, p. 3.

<sup>520</sup> Geiselman and Fisher developed a Cognitive Interview (CI) method to enhance the interviewing of witnesses and victims, which is divided into five sections: “Although this is the conventional sequence, interviews invariably will deviate from this plan somewhat as unexpected information arises. First, an introduction is made that establishes a relationship between the witness and the interviewer. At this point, the interviewer explains the expected social dynamics for the remainder of the interview, emphasizing a witness-centered approach. The interviewer then gives the witness an opportunity to provide an uninterrupted narration of what s/he experienced. During this time, the interviewer is able to construct a strategy for eliciting additional information. Based on the contents of the uninterrupted narrative, the interviewer guides the witness through several information-rich memory representations (scenes, images). The interviewer then reviews the information generated during the entire interview, followed by the close of the interview in a manner that will extend its functional life.” Fisher, R. P., & Geiselman, R. E. (2014), *Interviewing Witnesses and Victims*, in: St. Yves, M. (ed.), *Investigative Interviewing: The Essentials*. Thomson Reuters Publishers, Toronto, pp. 29-62.

<sup>521</sup> College of Policing (2019), [Investigation: Investigative interviewing](#).

### **Relevant Guides and Resources:**

- Principles on Effective Interviewing for Investigative and Information Gathering Authorities;<sup>522</sup>
- Anti-human trafficking manual for criminal justice practitioners;<sup>523</sup>
- ABE police manuals;<sup>524</sup>
- U.S. Office for Victims of Crime Training and Technical Assistance Center;<sup>525</sup> and
- Achieving Best Evidence for Children and Vulnerable Adults.<sup>526</sup>

## Personnel for investigative interviews



**Victims should only be interviewed by appropriately trained and qualified investigative interviewers who have experience of working with vulnerable victims.** Interviewers must have knowledge of the individual case and be fully prepared to conduct the interview. If possible, they should have professional specialization in working with victims of trafficking. **It is advisable to use the same personnel throughout the process in order to ensure trust and maintain consistency and certainty, unless a change of personnel is requested by the victim.** (See: [specific needs of survivors](#); [gender sensitivity](#); [gender-sensitive communications](#))

- **Interpreters and cultural mediators should be vetted to national standards and appropriately trained and qualified.** They should be able to apply trauma-informed, gender and culture-sensitive methods to their work within their professional remit and should adopt this approach from the outset of first contact. (See: [effective communications](#))
- **Female investigative interviewers, interpreters and cultural mediators may be preferred by female and male victims.** Therefore, it is important to have female professionals available whenever possible. Meeting the preferences of victims can make them feel more confident and can therefore be key to the success of the interview.<sup>527</sup> It is worth waiting to ensure that the right personnel are in place for victims who are being interviewed.
- **The smallest possible number of officials at an interview is preferable and only one should take notes, so the victim does not feel outnumbered or overwhelmed.** Interviewers should wear plain clothes and speak to victims at all times with courtesy, demonstrating respect for their dignity and legal rights.

## Preparation for investigative interviews

**Preparation for investigative interviews is essential. Objectives should be set for obtaining informative evidence, and procedures and technology should be pre-tested to run seamlessly.**

**It is important to ensure that:**

- **All communications with victims before, during and after the interview are trauma-informed, gender-sensitive and demonstrate consistent respect for their dignity and human rights.**
- **Victims must be supported with funds for safe travel to the interview location. If they need to be taken to the interview by police, unmarked cars should be used and police should be in plain clothes.** All visits to accommodation where a victim is residing must be carefully pre-planned to ensure that victims are safe and are not observed with police in any way that may put them at risk. (See: [practical needs 1](#); [practical needs 2](#))

<sup>522</sup> Association for the Prevention of Torture, Anti-Torture Initiative & Norwegian Centre for Human Rights (2021), [Principles on Effective Interviewing for Investigations and Information Gathering](#). "The six Principles range from setting the foundations of effective interviewing, in science, law, and ethics, to offering guidance on the practice of interviewing, including for persons in situation of vulnerability, on training, accountability, and implementation. They are intended to inspire policymakers to take the measures necessary to review and reform the questioning practices within their jurisdiction. The United Nations General Assembly, the Human Rights Council, the UNODC Crime Congress, and the UN High Commissioner for Human Rights have welcomed the Principles."

<sup>523</sup> UNODC (2009), [Anti-human trafficking manual for criminal justice practitioners: Module 8: Interviewing victims of trafficking in persons who are potential witnesses](#).

<sup>524</sup> Ministry of Justice of United Kingdom (2011), [Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures](#).

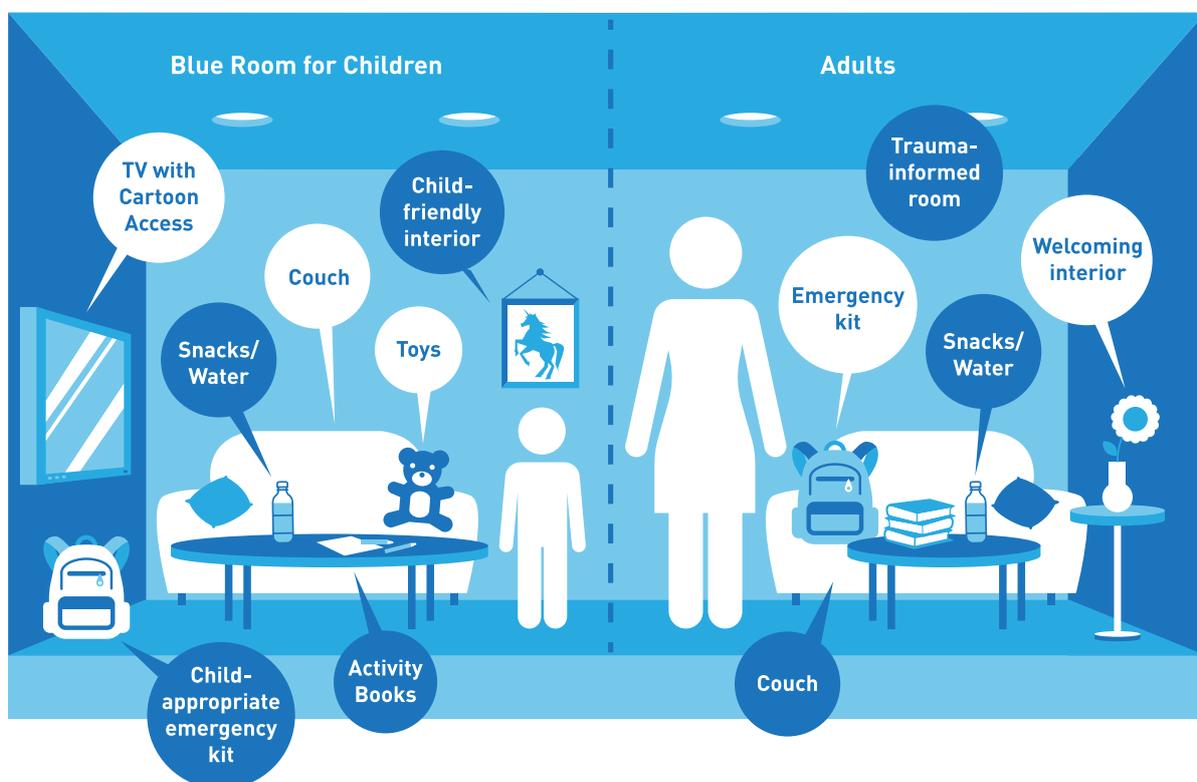
<sup>525</sup> Office for Victims of Crime Training and Technical Assistance Center (n.d.), [Trauma-informed Victim Interviewing](#).

<sup>526</sup> Craig Barlow Consultancy and Training, [Achieving Best Evidence - Children Knowledge Bank](#) and [Achieving Best Evidence - Vulnerable and Intimidated Adults Knowledge Bank](#).

<sup>527</sup> It is good practice to explore other preferences that victims may have with assistance from their support professionals. For example, some may feel fear or distress about working with personnel who are from their own cultural background while others may feel supported by this. Any fear, distress or inhibition experienced by victims can impede the quality and effectiveness of the interview.

- ▶ **The victim and, with their informed consent, their lawyer and independent advocate and/or other support professionals should have advance notice of the interview location, time and date.** It should not be the job of victims to inform their support professionals of the arrangements concerning investigation proceedings (See: [independent advocates](#); [legal advice and representation 1](#); [legal advice and representation 2](#))
- ▶ **Victims should be informed of all details of the interview in advance.** This includes who will be conducting the interview, the identity of all other participants who will be present, and how long the interview is likely to take. They should have the opportunity to ask questions, express preferences and know the extent to which their lawyer (in applicable jurisdictions) and independent advocate or appropriate adult<sup>528</sup> or support professional) may be permitted to attend. (See: [information provision in criminal justice systems](#); [protection and support throughout criminal justice proceedings](#); [victim's trust](#); [victim support co-ordinator](#); [task forces](#))
  - The victim's lawyer should be permitted to attend the interview in jurisdictions where this applies in order to provide legal advice and representation. (See: [legal advice and representation 1](#); [legal advice and representation 2](#))
  - The victim's [independent advocate](#) or other support professional who is vetted and recognized (additionally a social worker or trafficking specialists from a recognized NGO) can lend support to victims either throughout the interview or at the beginning, end and during breaks. This should be arranged in advance.
  - Adults who lack legal capacity must have the right to the attendance of an appropriate adult.<sup>529</sup>
- ▶ **Preparations should be made for adequate refreshment, ensuring that victims are able to have meals during the day, and access to drinking water throughout the interview.**

**Rooms where victims are interviewed must be comfortable and completely private and designed or adapted for victims' comfort.** There should be no possibility of the victims' traffickers or associates being in the building at the time of the interview or other victims interacting with them, and the room should be as comfortable, confidential, and sound- proof as possible. The venue must accommodate for the need for private consultation between the victim and their representative. Therefore, if the interview must be located in police stations or other official buildings they should be separate areas that are designed specifically for interviews of a sensitive nature with victims of serious crimes and sexual offences. Any environment that is used to interview victims can be adjusted in advance to make it one that is more trauma-informed. (See: [confidentiality](#); [survivors with disabilities](#); [specific needs of survivors](#); [trauma-informed communications 1](#); [trauma-informed communications 2](#); [gender sensitivity](#); [gender-sensitive communications](#))



<sup>528</sup> National Appropriate Adult Network (n.d.), [What is an appropriate adult?](#)

<sup>529</sup> "The role of the appropriate adult is to safeguard the interests, rights, entitlements and welfare of children and vulnerable people who are suspected of a criminal offence, by ensuring that they are treated in a fair and just manner and are able to participate effectively." National Appropriate Adult Network (n.d.), [What is an appropriate adult?](#)

## Recording investigative interviews

**The interview should be recorded in full, including information on the identities and professional roles of all people who are present in the interview room, and the date and time of interview.**

**In many cases, filming the interview is the most effective method, both for conducting the interview in an efficient manner and capturing all of the information provided by the victim in response to questions.** However, this must be handled sensitively and with care by interviewers, ensuring that victims have provided their informed consent specifically for filming, they understand the professional duties and obligations of all professionals involved, and know that [confidential use of the film](#) is restricted solely for criminal justice purposes. (See: [confidentiality](#); [informed consent 1](#))

**Consideration should always be given primarily to whether or not a video recorded interview is in the best interests of the victim, and if so, whether it will maximise the quality of the evidence provided.** The decision whether or not to video record an interview should take into account the needs and circumstances of the victim, including age, development, impairments, degree of trauma experienced and whether they are in a safe environment. It is important to consider the victim's state of mind (e.g., likely distress and/or shock), fears about intimidation and recrimination and fears about who may see the recording. (See: [specific needs of survivors](#); [healthcare](#))



Victims should be introduced to all professionals who are involved in the interview and filming beforehand, and to observe the film being confidentially sealed at the end of the interview. They should be given plenty of time to ask questions before and after the interview about the filming and be responded to with sensitivity and support.

Some victims will have been filmed by traffickers without their knowledge or used in films that have resulted in threats, blackmail and/or trafficking for the purpose of pornography production. Others can find any focus upon them or the prospect of being captured on film speaking about intricate and traumatic matters, highly stressful. In some cases, victims may feel unable to proceed with a filmed interview, in which case a written record of their statement should be taken instead.<sup>530</sup> They may begin to feel more comfortable about the prospect of filming as interviewing progresses but in all cases should be given the right to choose. In any case where filming has commenced but the victim feels unable to continue, the interview should be immediately stopped for a break before discussing the victim's preferences, and complying with them.

## Conducting investigative interviews for adults

**The purpose of investigative interviewing is to obtain and further establish accurate, reliable accounts about matters under investigation by law enforcement.** (See: [investigative interviews for children](#)) The quality and efficiency of investigative interviewing is key to successful investigations and therefore to the success of resulting arrests, prosecutions and convictions. It is a vital opportunity for victims to seek redress for the crimes committed against them, which can potentially result in their traffickers being convicted and possible access to compensation or restitution.

**In addition to the immediate case being investigated, investigative interviews can also provide valuable insight and intelligence on wider trafficking operations, patterns and trends.** The accounts of victims must be accurately recorded to withstand court scrutiny and capture all criminal intelligence that is provided. (See: [data management and protection](#))

**Interview style and content will vary in accordance with the professional training of investigative interviewers in different jurisdictions, and the evidence-based protocols that are used.** However, there are some basic supportive techniques for working with victims that can be employed in the course of any interview. These help interviewers to understand how to work with the victim for the best results, and also to lend confidence to the victim by demonstrating interest in their needs and preferences.

▶ **Interviews must be conducted without discrimination, personal bias or prejudice on behalf of interviewing officers.** It should be clear from the interview record that victims of trafficking have been treated as vulnerable witnesses and provided with all measures pertaining to that vulnerability. (See: [NRM principles](#))

▶ **The number of interviews required depends primarily upon the capacity and comfort of the individual victim and secondarily upon the needs of interviewers to obtain a full account.** In order to estimate the number and duration of interviews required, it is always best to

<sup>530</sup> Audio recordings may also be used in certain jurisdictions for this purpose. Where a statement contained in a tape is admissible as evidence, it may be proved by production of the tape or of a copy duly authenticated in court. It is not necessary to estimate the number and duration of interviews required, it is always best to



work together with the victim, by asking them what they can manage and how they prefer to conduct the interview: some may prefer to have several short interviews as needed, others to get the entire interview done at once. In most cases, there are distinct advantages to conducting a number of short interviews over time rather than just one, both in terms of building victim's trust and gaining a full and accurate picture of events over time. In cases where it is possible and sufficient, with the consent of the victim of trafficking, an independent advocate or other relevant stakeholder who is working with the victim may be able to provide the requested information (with their informed consent) in order to avoid the need for an additional interview.

- **At the outset of any interview, the victims must have their rights and the process explained, as well as the identity and professional role of all persons present in the room.** When opening the interview and building rapport, it is important to make victims feel at ease and as comfortable as possible. However, it is also ethical practice to help them to remain aware from the outset of the interview that they are speaking officially to law enforcement agencies who are recording what they are saying for evidential purposes to be used in court. Victims who are in jurisdictions that permit lawyers to be present at investigative interviews can be appropriately advised of their legal rights in parallel. However, all victims have rights that investigative interviewers must observe: in any case where a victim enters into any area of discussion where they may need legal advice and representation (for example where they may be at risk of self-incrimination), the interview should be terminated with immediate effect to permit them to obtain this, whether or not a lawyer is present. A victim has the right to withdraw from an investigation at any time. (See: [legal advice and representation 1](#); [legal advice and representation 2](#))



**It is possible to strictly observe police and criminal justice manuals and guidance while maintaining the core principles of trauma-informed conduct.** Trauma-informed methods of working permit time and space to victims to help them focus on providing their information without distraction or difficulty. They should be extended consistently in all settings, not only the interview room, in order to secure an effective interview. Trauma-informed communications are contained in the framing of verbal discourse but also in eye contact, gestures and movement. They help victims to feel supported and able to express their preferences and needs during the interview, for example to ask for specific questions to be repeated, for breaks, altered seating arrangements, as well as access to drinking water and bathrooms. This also establishes trust with victims of trafficking for longer term engagement.

It is vital that traumatic accounts are captured *once only* and victims are not expected to recount them repeatedly. These include those that involve any recounting of forms of violence, abuse and ill treatment or threats to the victim themselves or that they have witnessed. The use of medico-legal documentation is also recommended to document physical and psychological injuries from a trafficking history. (See: [medico-legal documentation](#); [forensic examination](#))

## Closing the interview

**It is important to permit enough time to close the interview so that victims can adapt to the change in pace and to closure.**

- **Summarize the information that the witness has provided as closely as possible to their own words.** Victims should feel confident to intervene if anything is incorrect and to ask any questions about the investigation, the interview and next steps. It is important that the interview does not end at a point when victims are so tired that they may agree to any summary of their information in order to leave the interview as quickly as possible.
- **Answer any questions the witness has, make sure they are thanked and acknowledged for their time and contribution in order that they leave the interview in as positive a frame of mind as possible.** This can be achieved by returning to neutral topics which are centred in the *here and now* which are friendly but also appropriate (for example, the weather today, travelling to and from the interview, how the rest of the day may be spent).

- ▶ **Check that the witness/interviewee has the contact details of the interviewer and department on a contact card together with their crime reference number.** They should know that they can follow up and provide further information if anything occurs to them that they have left out or have not said. In such cases, they should be able to inform their independent advocate (or equivalent) and legal representative (in jurisdictions where this applies). Further information provided to them must follow the legal regulations and victim-centred procedures of the interview.

## Investigative interviews for children



**Article 6(4) of the Palermo Protocol** says that, “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.”<sup>531</sup>



**The safety and privacy of children must be protected as a matter of primary importance.** Children who are possible victims of trafficking are to be treated as vulnerable witnesses in all cases and be provided with a comprehensive and consistent system of protection and support in accordance with the principle of the best interests of the child of the UN Convention on the Rights of the Child.

**Appropriate support for children requires the involvement of national child protection systems and child specialist stakeholders.** (See: [NRM links to statutory services and child protection systems](#)) This includes allocation of [parental guardians](#) (in cases where applicable) and [guardian advocates](#) who can accompany them to all meetings, interviews, appointments and proceedings, and child specialist professionals from law enforcement and criminal justice systems.

### **Prior to any investigative interviews taking place, children should have the opportunity to:**

- ▶ Have appropriate rest and nourishment;
- ▶ Settle in safe and appropriate accommodation (if required);
- ▶ Have the opportunity to meet and build trust with their [guardian advocate](#) (or equivalent);
- ▶ Have their practical, material and health care needs met (See: [practical needs 1](#); [practical needs 2](#); [access to healthcare](#)); and
- ▶ Have had time to settle into their recovery and reflection period and, where applicable, the Golden Day procedure (See: [recovery and reflection period](#); [recovery and reflection period for adults](#); [recovery and reflection period for children](#); [access to services](#); [accommodation for children](#)).<sup>532</sup>

**Forensic interviews of children should be conducted in accordance with evidence-based practice and protocols, which ensure the quality and quantity of the evidence obtained.**<sup>533</sup> The number of interviews should be limited to the minimum necessary determined by the individual developmental and psychosocial needs of the child.<sup>534</sup>

<sup>531</sup> UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Art. 6(4).

<sup>532</sup> “There may be circumstances where an examiner concludes a person is either not fit to interview or the interview would cause significant further traumatization. Generally, the advice in these circumstances is that the interests of the victim should come first. However, there may be circumstances where interviews should proceed despite this. Although it may be a very difficult decision to make, it may be that an individual victim has information that could lead to the recovery of others at risk of serious harm. The individual victim may be harmed by the interview but the result of the interview could save many others. In other circumstances, it may be that a victim could not provide information to an evidential standard but could provide valuable information/intelligence. Where a decision is taken to go ahead with an interview contrary to the recommendations of an assessment, interviews should only go as far as necessary to prevent serious wider harm. Extra support measures for victims may be required when this course of action is followed. In all cases the decision is a balance of the harm done to an individual versus the benefits to another individual or individuals.” UNODC (2009), [Anti-human trafficking manual for criminal justice practitioners. Module 8: Interviewing victims of trafficking in persons who are potential witnesses](#), p.15.

<sup>533</sup> “The freely available in many languages National Institute of Child Health and Human Development (NICHD) Protocol has been developed with reference to child development issues, including linguistic capabilities, memory, suggestibility, forensic needs, interviewer behaviour, and the effects of stress and trauma. It is the product of an interdisciplinary team that included researchers, forensic interviewers, police officers, and legal professionals seeking an evidenced-based approach to forensic interviewing.” Ball, E., Ball, J., La Rooy, D. (2017), [The National Institute of Child Health and Human Development \(NICHD\) Protocol: Interview Guide](#). National Children’s Advocacy Center Protocol (NCAC) builds on NICHD and makes only a small change on the recommendation for the use of scripts. National Children’s Advocacy Center (2018), [Foundation for the National Children’s Advocacy Center Child Forensic Interview Structure](#).

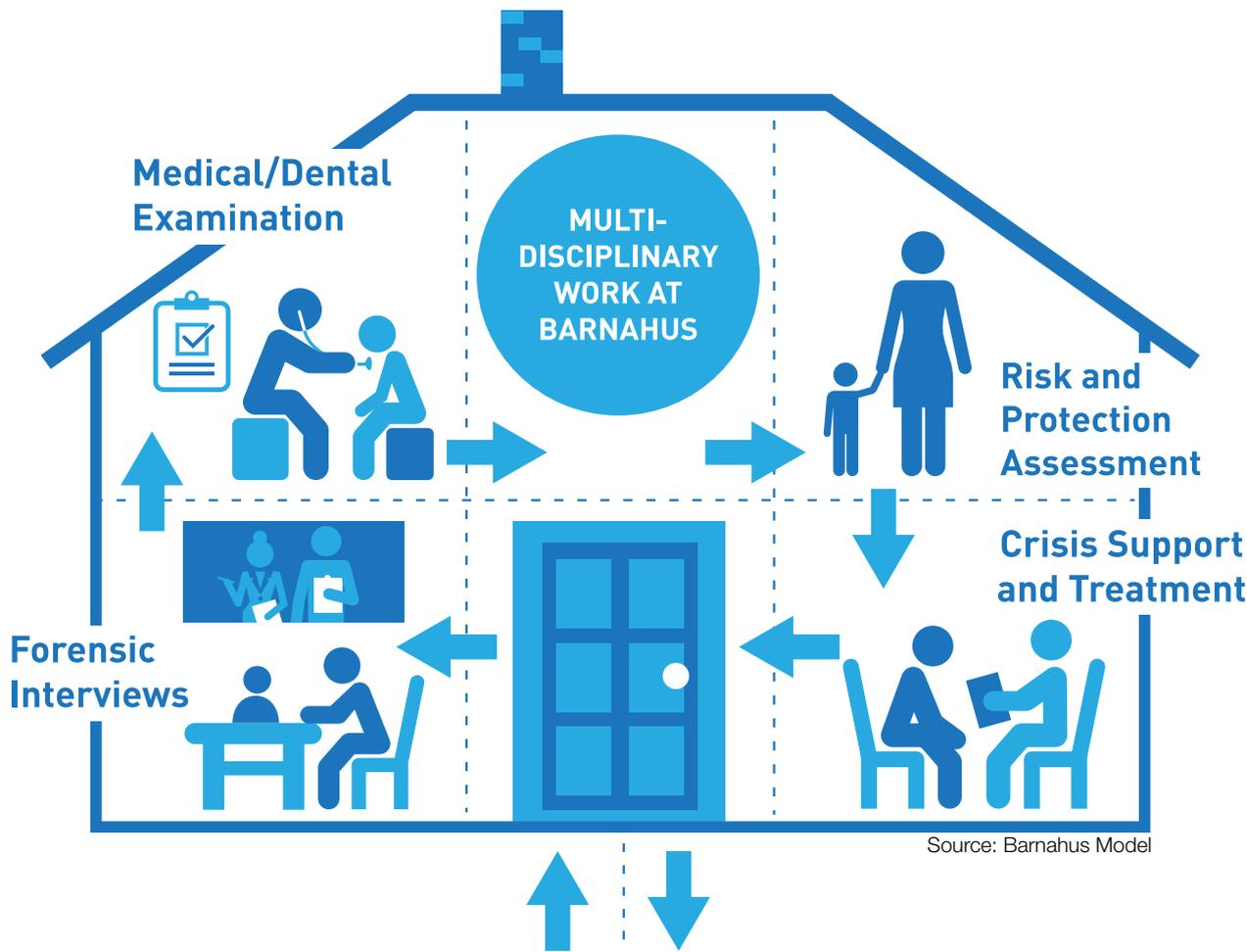
<sup>534</sup> For example, in Norway evaluations of the Norwegian legislation on child investigative interviews have concluded that the legislation was not adapted to the needs of children when they testify about their experiences of violence and sexual abuse in investigative interviews. “It was particularly noted that preschool children may need more than one single interview to talk about their experiences. Against this background, amendments to the Criminal Code allowed the possibility of adjusting the investigative interviewing to the individual child’s developmental

Consideration must be given to minimising the length of interviews, allowing breaks, and potentially conducting the interview over more than one session.

**Forensic interviews of children should be carried out by specialized staff members who receive regular training in conducting forensic interviewing and regular guidance, supervision and counselling, including through peer review** (See: [pastoral staff support](#)).

## Learning from the Barnahus model for investigative interviews of child victims of trafficking

**The Barnahus Model<sup>535</sup> for children is a useful basis and reference guide for the treatment of child victims and witnesses within criminal justice proceedings.<sup>536</sup>** The Barnahus model provides specialist forensic examination and therapeutic care and is a good practice model adopted in a range of countries. Some Barnahus centres also provide sheltered accommodation for children.<sup>537</sup>



and psychosocial needs during the interview, to a greater degree. The amendments expanded the opportunity for supplementary interviews." Langballe Å., & Davik T. (2017), [Sequential Interviews with Preschool Children in Norwegian Barnahus](#). In: Johansson S., Stefansen K., Bakkeiteig E., Kaldal A. (eds), *Collaborating Against Child Abuse*. Palgrave Macmillan: Cham, pp. 165-183.

<sup>535</sup> For additional detailed information on the Barnahus model, see Council of the Baltic Sea States Secretariat & Child Circle (2017), [Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence. Summary](#). Promise Barnahus Network (n.d.), [About Barnahus](#). Barnahus in Europe is inspired by the Children's Advocacy Centres in the US, there are also distinct differences between the two approaches. The most notable differences being that the centres in the United States are privately run, and children usually must be present in court. Promise Barnahus Network (n.d.), [About Barnahus](#).

<sup>536</sup> There are two child models currently in use: Barnahus ("Children's House") and Children's Advocacy Center (CAC). The first Children's Advocacy Center (CAC) was set up in the United States in 1985 with the aim to prevent re-traumatisation by providing a child-friendly, safe and neutral environment for forensic interviews, medical examination and treatment. Inspired by the CACs in the US, the Barnahus integrated the CAC forensic interview and multi-disciplinary child protection approach with the national social services, child protection and judicial system. The first Barnahus was set up in Iceland in 1998 and has since been adapted in other European countries. A key difference between the CAC and Barnahus is that Barnahus are embedded in the public welfare system and the judicial system, which gives them a legal standing as public organisations financed with public funds. In contrast, CAC centres are mostly set up as independent or private non-for-profit organisations. Another fundamental difference is that Barnahus provides a setting in which the child's disclosure is elicited to produce valid evidence for court proceedings, while respecting the rights of the defence. The CAC centres help prepare and support the child to appear in Court. Council of the Baltic Sea States Secretariat & Child Circle (2017), [Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence. Summary](#), p.13.

<sup>537</sup> Lithuania's Barnahus centre, for example, provides 10 places for children and their carers to stay overnight if needed. Promise (2019), ['Lithuanian MD/IA centre provides temporary accommodation, trains 1000+ specialists in identifying sexual abuse among children'](#), 11 January 2019.

“The whole point of the Barnahus model is that children do not belong at police stations or detention facilities. This especially applies for vulnerable children and those who are victims of trafficking. Barnahus environments are designed to be familiar to children and are furnished in a child-friendly and age-appropriate style.

Barnahus principles prioritize the interests of the child: their right not to be re-victimised, to give testimony without being re-traumatized, to be listened to, and kept informed and not to suffer unduly delays, which can greatly increase their vulnerability.”<sup>538</sup>

**Barnahus is a child-friendly, multi-disciplinary and interagency model responding to child victims and witnesses of violence, including victims of trafficking.** Its purpose is to offer each child a co-ordinated and effective response and to prevent (re)traumatisation during investigation and court proceedings without experiencing undue delays in their criminal justice procedures. Its values and components can be adapted into any system of working with children to ensure that child rights-centred, age-appropriate methods of working are applied and are therefore as effective as possible in maximising children’s safety, well-being and participation, as well as securing criminal intelligence.

**The Barnahus model is described as having four ‘rooms’ in a multidisciplinary and interagency environment:**

1. **Criminal investigation**, managed by the police;
2. **Protection**, managed by national child protection system;
3. **Physical health**, managed by paediatricians with support from other medical practitioners as needed; and
4. **Mental health**, managed by child and adolescent psychiatry.

**The Barnahus model for children comprises:**

1. “Respect for the participatory rights of the child by ensuring that she/he is heard and receives adequate information and support to exercise these rights;
2. Multi-disciplinary and interagency collaboration during investigations, procedures, diagnostic and needs assessments, and service delivery, with the aim of avoiding re-traumatization and securing outcomes that are in the best interests of the child;
3. Comprehensive and accessible services that meet the individual and complex needs of the child and her/his non-offending family or caregivers; and
4. Ensuring high professional standards, training and sufficient resources for staff working with child witnesses and victims of violence.”<sup>539</sup>

**Barnahus serves as a co-operation hub for child service agencies and as a knowledge hub for information sharing about violence and criminal activities against children.** The national child protection system has primary responsibility and co-ordination of all services. The members of Barnahus teams and all involved agencies are provided regular training in their specific areas of expertise and are offered joint training in cross-cutting issues and interagency collaboration.

<sup>538</sup> Council of the Baltic Sea States Secretariat & Child Circle (2017), [Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence. Summary.](#)

<sup>539</sup> Council of the Baltic Sea States Secretariat & Child Circle (2017), [Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence. Summary.](#)

**The following information is adapted from the Barnahus system for children guidance:**<sup>540</sup>

- **A management-level contract/agreement between the co-operating parties in the social services, law enforcement authorities, the public prosecutor's office, forensic medicine and healthcare providers** is an essential pre-condition of effective, appropriate collaboration.<sup>541</sup>
- **Forensic interviews of children should be conducted in specialized, child-friendly interview rooms.** Interview rooms should be equipped with a camera and a high-quality sound system for recording the interview. Interviews should be audio-visually recorded to avoid the need for repeated interviewing, and recordings stored in a safe location with restricted access.
- **Interviews should be conducted by a trained child specialist, with the child's (non-offending) parent, parental-guardian and/or guardian advocate present.** There are facilities available for all other involved professionals to have live observation of interviews on screen in another room, or view the interview from a recording later on. Observers are able to communicate directly with the interviewer through an earpiece or another device.
- **The interview should be adapted to the child's age, development and cultural background. It is important to consider their individual vulnerabilities, including any interpretation needs and educational needs.** Interviewers should be fully aware beforehand of each individual child's situation and characteristics in terms of their age, development, linguistic, cognitive and social level, cultural background and emotional state.
- **The main aim of the interview is to avoid (re)traumatisation and to elicit the child's free narrative, in as much detail as possible, while complying with the rules of evidence and the rights of the defence.** If a second interview is requested, it should be confined to additional questions only and be carried out by the same professional who conducted the first interview.
- **In cases where interpretation is required, the interviewer should explain the role of the interpreter to both the child and the interpreter.** If possible, the interpretation should be checked by a second interpreter to ensure accuracy. Interpreters and cultural mediators should be fully vetted for working with children, and have proven experience of working with child victims of trafficking. (See: [Interpreters and cultural mediators](#))
- **An assessment of protection needs is carried out. This includes consideration of the child's siblings and other family members.**
- **A checklist guides the observing team and ensures that all personnel involved are clear about their roles and responsibilities.**
- **Family members and caregivers are not permitted to observe the forensic interview.**
- **Respecting the defendant's right to a fair trial and upholding the principle of 'equality of arms'.** Arrangements should be in place that allow the defence lawyer to pose questions to the child victim/witness only via a forensic interviewer.<sup>542</sup>

<sup>540</sup> Rådda Barnen (2013), [Inuti ett Barnahus: A Quality Review of 23 Swedish Barnahus](#).

<sup>541</sup> Council of Europe (2019), [National Guidelines for Barnahus in Slovenia](#), para. 78.

<sup>542</sup> "The defence lawyer is offered an opportunity to question the child following disclosure, for example through a second interview of the child; if a second interview is requested, it is confined to additional questions and does not include a repetition of questions from the first interview; if a second interview is requested, it is carried out by the same professional who conducted the first interview; The accused perpetrator does not have access to the Barnahus premises, but can be allowed to observe the interview through an audio-visual transmission." Council of the Baltic Sea States Secretariat & Child Circle (2017), [Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence, Summary](#), p. 78.

## Recording interviews with children



**Rules on admission of video evidence vary in different countries:** In some jurisdictions it is not permitted (although this is increasingly changing), in others, video-taped interviews are permitted in court because legislation prevents children under the age of 14 and/or vulnerable child witnesses from testifying/giving evidence. (See: [data sharing 1](#); [data sharing 2](#); [data management and protection](#); [recording investigative interviews](#)) In some jurisdictions this may also apply to persons who were *of minor age at the time of the offence*.<sup>543</sup>



**Video recording must be explained to children in a child rights-centred, age-appropriate way.** In some cases, children will have been filmed by traffickers for production of on line child sexual abuse material (CSAM) or other purposes. They will need to have explanation of the filming in a child-centred, age-appropriate way that distinguishes it in their minds from any negative or confusing experiences of being filmed. Older children need to understand what the tape is for, how it is sealed and who may see it. The time taken by child experts with this process is an investment in establishing trust. (See: [communications with children](#); [Lundy model](#))

## 16.18 Criminal trials

**Involvement in trials can be arduous, intimidating, and potentially re-traumatising for victims of trafficking.** (See: [trafficking crime investigations](#)) Protection and individual support from an [independent advocate](#) (or in cases where children must appear in court, their [guardian advocate](#) must be provided), together with pro-active support from criminal justice stakeholders. This is essential for any victim of trafficking participating at a trial, whether as witness or defendant. It needs to be provided consistently before, during and after trial.



**The NRM Handbook recommends that child witnesses should not have to appear in court.**<sup>544</sup> International best practice utilizes video-recordings of children's evidence only (as per the Barnahus model) or at minimum the use of child-specialist courts and hearings. **Any child who is a witness or a defendant is vulnerable due to their minor and developmental age, alongside all other vulnerabilities which must be assessed and understood.**

In any case where children must appear in court, they should attend for as little time as possible, be granted full special protection measures (preferably giving evidence on live feed from a room separate to the court), and have child specialist professionals in attendance, including their guardian advocate who can accompany and support them at all times.

Guardian advocates (or equivalent) must be trained to navigate and understand court procedures. They should have a recognized role, within and outside of criminal justice procedures, to act as a focal point for communications with all other criminal justice stakeholders.

## Pre-trial planning arrangements

**It is important that victims feel as reassured as possible about criminal justice procedures and the process of giving evidence.**

<sup>543</sup> "In the UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (UN Economic and Social Council Resolution 2005/2020), it is pointed out that the participation of child victims and witnesses in a criminal proceeding is necessary for effective prosecutions. According to the Committee on the Rights of the Child, 'every effort has to be made to ensure that the child is consulted on relevant matters with regard to involvement in a case and be enabled to freely express views and concerns regarding the judicial proceedings', para 63. This is linked to the right to be informed about several issues, 'such as the availability of health, psychological and social services, the role of a child victim and/or witness in the criminal proceeding, the ways in which the 'questioning' is conducted, existing support mechanisms for children when submitting complaints and participating in investigations and court proceedings, the specific places and times of hearings, the availability of protective measures, the possibility of receiving reparation and the provisions for appeal', para 64 (CRC/C/GC/12, 63–64)." Kaldal, A. et al (2017), [Children's Right to Information in Barnahus](#). In: Bakkeiteig, E. et al (eds), *Collaborating Against Child Abuse: Exploring the Nordic Barnahus Model*, p. 209.

<sup>544</sup> UNODC (2009), [Toolkit to Combat Trafficking in Persons: Tool 5.19 Special considerations relating to the protection of child witnesses](#), p. 258.

An effective plan for arrangements prior to trial includes input from:

- **Independent advocates and guardian advocates;**
- **Lawyers representing victims as vulnerable witnesses** (See: [legal advice and representation 1](#); [legal advice and representation 2](#); [special protection measures](#); [special protection measures for adults](#); [special protection measures for children](#));
- **Lawyers representing victims as vulnerable defendants** (See: [legal advice and representation 1](#); [legal advice and representation 2](#); [special protection measures for victims/defendants](#); [special protection measures for child defendants](#));
- **Prosecutors;**
- **Judges;**
- **Court staff, including victim and court advocates;**<sup>545</sup>
- **Law enforcement authorities; and**
- **Expert witnesses.**<sup>546</sup>

**Intermediaries** for vulnerable witnesses are provided in some jurisdictions. An intermediary provides a report and assists as directed by the judge. The judge then decides measures necessary for effective participation of the vulnerable person. Intermediaries should always be considered useful for victims of trafficking of any age and provided as standard for children's cases. Their function is to facilitate complete, accurate and coherent communication with the vulnerable witness or vulnerable defendant.



**States should allocate intermediaries to all victims of trafficking who are vulnerable witnesses in judicial proceedings. Their function is to facilitate complete, accurate and coherent communication with the vulnerable witness or vulnerable defendant.**

- **Pre-trial planning arrangements should include the facilitation of victims' transport to and from court, the means to travel, appropriate clothing for court and provision of food and drink for days spent in court.**
- **Entrance and exit from court should be planned in advance.** When a victim is attending court, a comprehensive plan should be in place to ensure that the paths of the victim do not cross with the defendant or any other person who could pose a threat to the victim or cause them to feel intimidated, including media or the general public. There must be secure routes in and out of court for any victims of trafficking who are giving evidence and different times for court entry and exit by victims and defendants, all carefully arranged in advance. It should be borne in mind that awareness of the presence of a trafficker from across a court foyer can be enough to intimidate a witness. **It is important that victims are accompanied to keep them safe while travelling into and out of any court that is in an area where their traffickers could be operating or based on a risk assessment. Separate waiting rooms must be provided for victim witnesses and defence witnesses.**

<sup>545</sup> "Court victim advocates have a wide range of duties, all geared toward helping crime victims cope with the trauma that the crime has brought about and navigate the criminal justice system. These responsibilities can include: Counsel crime victims and witnesses; Co-ordinate with staff at providing organizations; Transport victims to court; Stand by victims during court proceedings; Assist victims when filing protective orders; Help victims seek restitution." Roberts, M. (2019), '[What Does a Victim Advocate Do?](#)', The Balance Careers, 20 September 2019.

<sup>546</sup> "The adequate use of experts enables jurors and judges to better understand the respective context and setting as well as the unfamiliar actions of the victims in context to support and enhance the credibility of their testimony at trial." Office of Victims of Crime Training and Technical Assistance Center (OVCTTAC) (n.d.), [Human Trafficking Task Force e-Guide: Present Human Trafficking Experts](#).

## The advantages of pre-trial court visits



Many victims will never have been in court or at a trial or have spoken publicly in a formal environment. Others may have had previous experiences of being on trial in courts and associate them with negative or traumatic experiences.

It is common for victims who are witnesses to believe or to fear that judges have authority over their immediate life and liberty and that *they are themselves on trial*, so it is always important to calm unnecessary fears and ensure that victims feel able to ask any questions.

It is helpful for victims to be shown the layout of the court prior to the hearing and have an explanation of court procedures, the roles and positions of personnel in court, the location where they will be seated and where professionals who are supporting them will be sitting. Victims are reassured to know that defence lawyers are professionals and have duties to the court in any cross-examination and summing up. This is because statements and arguments in any case can be stressful for victims to have to hear.

Promising practices include the victim witness being spoken to by the judge and lawyers beforehand in order to understand proceedings and feel more assured about the process. If possible, victims and witnesses should be permitted to be absent from the court room during proceedings that may be particularly traumatic.

It is common for defendants who are victims of trafficking to fear that they will not receive a fair trial, and that speaking in court will put them at risk. It is important to explain procedures fully beforehand to help them to visualise and prepare for the trial, and to ensure that their *status as a victim of trafficking, and consideration as a vulnerable defendant based on a national definition of a vulnerable defendant*,<sup>547</sup> is known to the court and clarified with all parties beforehand.<sup>548</sup>

- ▶ **Ground rules hearings are used for judges to make directions for the fair treatment and effective participation of vulnerable defendants and vulnerable witnesses.** A ground rules hearing must take place if the defendant is vulnerable or if a vulnerable witness is due to give evidence.<sup>549</sup> Therefore, this applies to some cases involving victims of trafficking.
- ▶ **Closed-door hearings can protect victim privacy and confidentiality:** by restricting reporting, by keeping the proceedings confidential by excluding members of the public or media, or by imposing limits on the publication of specific information that could permit identification of the victim. The right to a public hearing must be balanced against the victim's right to privacy.<sup>550</sup>

<sup>547</sup> In some countries a vulnerable defendant is defined by age below 18, as well as person suffering from a mental disability or otherwise having a significant impairment of intelligence and social functioning or having a physical disability, etc. Meysman, M. (2014), [Quo vadis with vulnerable defendants in the EU?](#), European Criminal Law Review 4(2), pp. 179-194.

<sup>548</sup> "Prosecutors should be aware of measures to assist vulnerable defendants, including defendants with a mental disability, in the court process. The primary responsibility lies with the court and the defence but prosecutors should, consistent with their duty to the court, be aware of these measures and be ready to draw them to the attention of the court and/or defence if necessary." See United Kingdom, Crown Prosecution Service (2019), [Mental Health: Suspects and Defendants with Mental Health Conditions or Disorders](#). "Support for vulnerable defendants: 1 Special measures available to vulnerable witnesses and vulnerable defendants should be equitable in law (see also The Bradley Report, Department of Health, 2009:61); in particular: a. Child defendants and vulnerable adult defendants should have access to Registered Intermediaries (or their equivalent) to prepare for and during court proceedings, according to personal need. 2 Responsibility for ensuring that special measures and other reasonable adjustments are made for vulnerable defendants, according to personal need, should be clarified; the particular role of the judiciary, court staff and defence lawyers in fulfilling that responsibility should be specified. 3 An integral part of liaison and diversion services/criminal justice liaison services should be to facilitate special measures and other reasonable adjustments for vulnerable defendants, according to personal need, and to provide guidance to members of the judiciary and criminal justice staff on how particular impairments and disabilities can manifest themselves in court proceedings." See Prison Reform Trust (2012), [Fair Access to Justice? support for vulnerable defendants in the criminal courts](#), pp. 3-4.

<sup>549</sup> Courts must take reasonable steps to ensure the effective participation of vulnerable defendants and witnesses. This might include removing wigs and gowns, screening and advance notice of questions the advocates plan to ask. The requirements for a ground rules hearing apply to vulnerable defendants in the same way that they do to vulnerable witnesses. Where the defendant is also a victim of trafficking, there are likely to be vulnerabilities which ought to be brought to the attention of the court at such a hearing so that any necessary adaptations can be considered. Measures can be adopted when evidence is given by witnesses so that a vulnerable defendant can follow the proceedings. [Resolution](#) of the Council of 30 November 2009 on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings, 4 December 2009, OJ C 295. For the EU, six Directives outline the rights to interpretation and translation (2010/64/EU), to information (2012/13/EU), to access to a lawyer (2013/48/EU), to legal aid (2016/1919/EU), the presumption of innocence (2016/343/EU), and procedural safeguards for children suspected or accused in criminal proceedings (2016/800/EU). [Directive 2010/64/EU](#) of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, 26 October 2010, OJ L 280. [Directive 2012/13/EU](#) of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, 1 June 2012, OJ L 142. [Directive 2013/48/EU](#) of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty, 6 November 2013, OJ L 294. [Directive \(EU\) 2016/1919](#) of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings, 4 November 2016, OJ L 297. [Directive \(EU\) 2016/343](#) of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings, 11 March 2016, OJ L 65. [Directive \(EU\) 2016/800](#) of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, 21 May 2016, OJ L 132.

<sup>550</sup> ICMPD (2006), [Anti-Trafficking Training Material for Judges and Prosecutors: Handbook](#). Also art. 6 ECHR itself states that "the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the

## Documentary evidence for trials

**Trafficking cases are complex, particularly in the areas of health and country information. It is important that States make provisions to fund expert evidence, which is not generic but directly concerned with the individual case.** Lack of financial means should not be a barrier to accessing criminal justice for victims of trafficking who need decision-makers and courts to fully understand their history and circumstances. This can apply in criminal, civil, administrative and immigration/asylum matters.

### 16.19 Medico-legal documentation



**Independent expert medical evidence, produced in accordance with the [Istanbul Protocol](#),<sup>551</sup> can assist investigators, prosecutors and judges.** (See: [medico-legal documentation](#))

Clinical documentation of physical and psychological injuries can help to minimize the risk of re-traumatization of victims from investigative questioning and it can also be critical in explaining the difficulties that the victim may face in giving a coherent and consistent account of past events. The [Istanbul Protocol](#), developed in the context of investigation and documentation of torture and other ill-treatment, contains useful guidance also in the context of documenting injuries sustained by victims of trafficking.

**A medico-legal report can document any limitations on the victim's ability to give oral testimony and recommend specific conditions that should be put in place in order to support them with this, including the need for use of [special protection measures](#).**

The full range of special protection measures should be available as standard in any court where there are vulnerable witnesses or defendants. Medico-legal evidence provided by clinical experts can also set out specific protection measures that are required in court in relation to both vulnerability and disability or other difficulty.<sup>552</sup>

## Expert country information reports

**Expert country evidence related to individual trafficking cases can provide courts and other decision makers with significant information, which is likely to be outside the experience and the knowledge of a judge or jury.** (See: [rights of migrants and refugees](#); [rights of migrant children](#)) Evidence from independent country experts can explain specific regions, languages, trafficking histories and cultures. Therefore, their reports can be extremely helpful in trafficking cases where the regional context, cultural behaviours or motivations of victims need to be considered and understood. The duty of an expert witness is to help the court to achieve the overriding objective by providing an informed opinion that is objective and unbiased, in relation to matters within their expertise. This is a duty that is owed to the court and overrides any obligation to any party.<sup>553</sup>

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extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice". See Council of Europe (1950), [European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14](#), 4 November 1950, Art. 6.

<sup>551</sup> OHCHR (2004), [Istanbul Protocol: Manual on the effective investigation and documentation of torture and other cruel and inhuman degrading treatment or punishment](#).

<sup>552</sup> It should not be assumed that all medical experts have detailed knowledge of the court environment or the scope of special measures that are available. Legal practitioners should provide specific instructions, and fully advise medical experts so that they are in a position to comment on the likely impact of the court or tribunal proceedings upon the victim, and make clinical recommendations on the special measures likely to assist. It should be noted that there are many cases in which victims of trafficking are unable to obtain expert medical evidence that meets the standard required for court purposes, and this should not create an unfair disadvantage. Special measures should be requested in every case that involves victims of trafficking. See Southwell, P., Brewer, M., & Douglas-Jones, B. (2020), [Human Trafficking and Modern Slavery Law and Practice](#), Bloomsbury Professional.

<sup>553</sup> The European Commission for the Efficiency of Justice (CEPEJ) of the Council Of Europe has developed guidelines for court-appointed experts in judicial proceedings. See CEPEJ (2014), [Guidelines on the role of court-appointed experts in judicial proceedings of Council of Europe's Member States: Document adopted by CEPEJ at its 24th Plenary meeting](#), Strasbourg, 11 – 12 December 2014.

## 16.20 Special protection measures for victims of trafficking in court trials



Special protection measures are procedural adaptations that should be automatically provided in any case involving vulnerable victims of trafficking who are witnesses and defendants. (See: [special protection measures for children](#); [Barnahus model](#))

**Special protection measures for trials should be provided as standard for all children, as well as adults who are vulnerable witnesses or defendants.**<sup>554</sup>

**Special protection measures in court can significantly reduce the burden placed on a victim when providing testimony.**<sup>555</sup> These require an understanding of the individual issues, needs and risks for each participant for the particular trial. This can be provided to a high standard in detailed medico-legal reports but it should not be necessary to rely upon medical evidence. If special protection measures are not provided as standard they should be advocated for clearly and in advance in any case involving victims of trafficking.

**Special protection measures may include:**<sup>556</sup>

- ▶ **Video links, audio links and other communication technology.** This can be facilitated either from rooms within the court to the courtroom, or from outside the court building for hearing the evidence of witnesses. In some cases, it is possible to facilitate video links from outside the country;
- ▶ **Everything possible should be done to make the court environment less intimidating for vulnerable witnesses.** Prosecutors and judges should wear plain clothes (without formal wigs and gowns) and conduct themselves in a manner conducive to working with vulnerable witnesses and defendants. Court staff must be available who are trained to support, assist and help to protect vulnerable witnesses in a friendly and accessible manner. They should have a full understanding of the purpose and significance of all of the special protection measures that are in place, as well as the requirement for trauma-informed methods of working;
- ▶ **While the parties to a case have the right to call and examine witnesses, anonymity is possible if necessary to protect the witness, including from intimidation.** It may be possible, for example, that records and listings related to the trial do not state the name of victims of trafficking and their names are not stated verbally in open court. The use of one initial or a pseudonym may be permitted, for any record or verbal address. Additional considerations may be needed in balancing anonymity with subsequent publication of any judgment or decision (See: [confidentiality](#));
- ▶ **Where hearings or trials are conducted outside of media presence and the public in a closed courtroom or other appropriate, confidential forum,** this must be in line with the right to a public hearing. Exceptions to the right to a public hearing are only possible in limited circumstances, for example, to protect the identity of victims of certain crimes. In cases where media interest is unavoidable, measures must be taken to protect and support victim witnesses;<sup>557</sup>

<sup>554</sup> "Where the safety of a child victim or witness may be at risk, appropriate measures should be taken to require the reporting of those safety risks to appropriate authorities and to protect the child from such risk before, during and after the justice process." See ECOSOC (2005), [Guidelines on justice in matters involving child victims and witnesses of crime](#), 25 May 2005, E/CN.15/2005/L.2/Rev.1, para. 32. See also UNODC (2015), [Introducing the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice: A New Tool for Policymakers, Criminal Justice Officials and Practitioners](#). See the annex of UN General Assembly (1998), [Crime prevention and criminal justice measures to eliminate violence against women: resolution adopted by the General Assembly](#), 2 February 1998, A/RES/52/86.

<sup>555</sup> [EU Directive 2012/29/EU](#) of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 14 November 2012, OJ L 315, Art. 23. According to the Directive, the following measures shall be available during criminal investigations to victims with specific protection needs identified: "interviews with the victim being carried out in premises designed or adapted for that purpose; interviews with the victim being carried out by or through professionals trained for that purpose; all interviews with the victim being conducted by the same persons unless this is contrary to the good administration of justice; all interviews with victims of sexual violence, gender-based violence or violence in close relationships, unless conducted by a prosecutor or a judge, being conducted by a person of the same sex as the victim, if the victim so wishes, provided that the course of the criminal proceedings will not be prejudiced. In addition, the following measures shall be available for victims with specific protection needs during court proceedings: measures to avoid visual contact between victims and offenders including during the giving of evidence, by appropriate means including the use of communication technology; measures to ensure that the victim may be heard in the courtroom without being present, in particular through the use of appropriate communication technology; measures to avoid unnecessary questioning concerning the victim's private life not related to the criminal offence; and measures allowing a hearing to take place without the presence of the public."

<sup>556</sup> IA & Ors, R. v [2013] [EWCA Crim 1308](#) (25 July 2013).

<sup>557</sup> Amnesty International (2014), [Fair Trial Manual: Second Edition](#), pp. 122-124. See also OSCE (2012), [Legal Digest of International Fair Trial Rights](#), pp. 79-84.

- ▶ **Separate waiting rooms, entrances and exits should be provided for victim witnesses, suspects and defence witnesses.** Entrances, exits and routes to the courtroom and/or timings should be prepared in advance and vulnerable witnesses accompanied in and out of court. Any proximity of a trafficker to a victim where they are within their vision or hearing can intimidate a witness, therefore this must be avoided at all costs.

**The ability to give testimony behind a screen must be balanced against the defendant's right to a fair trial and their ability to examine the witness.** Measures, such as screens can protect the identity of the witness or avoid trauma when having to face their abuser. They can shield the witness so that they cannot see the defendant but, the witness should still be seen by the judge and, if appropriate, jury.

## Special protection measures for victim/defendants



**It is far more challenging to obtain special protection measures in court for vulnerable defendants.** However, in cases involving victims of trafficking who are accused of criminal offences and meet the criteria of a vulnerable defendant, case preparation by defence lawyers requires an informed understanding and consideration in relation to both the non-punishment principle and their requirement for special protection measures at any appearance at a court trial.

**Criminal justice systems must have specific measures in place to protect victims of trafficking whether they are acting as a witness or they are a defendant.** The evidence of both witnesses and defendants who are victims of trafficking may implicate traffickers and can therefore put them at risk of threats or reprisals. It is important to bear in mind that traffickers can pose a threat to victims and their families in many cases without the need for personal proximity of location, for example, traffickers may be able to carry out threats and reprisals via associates while they are held in pre-trial detention or are under restraining orders and other restriction measures. (See: [vulnerabilities](#); [traffickers](#); [traffickers' methods](#))

**Trafficking cases (including cases that contain any elements of trafficking) should be heard in courts that are equipped to offer special protection measures for victims of trafficking and specific staff support for vulnerable witnesses.** These are further explained for child defendants below. If the required range of special protection measures for an individual victim are not available, or a court is located in a dangerous geographical area for victims, it should be possible to transfer cases to another, more specialized court. In cases where transfer is not possible, courts should be prepared to make necessary adjustments.<sup>558</sup>

**Everything possible should be done to make the court environment less intimidating for vulnerable witnesses.** Prosecutors and judges should wear plain clothes (without formal wigs and gowns) and conduct themselves in a manner conducive to working with vulnerable witnesses and defendants. Court staff must be available who are trained to support, assist and help to protect vulnerable witnesses in a friendly and accessible manner. They should have a full understanding of the purpose and significance of all of the special protection measures that are in place, as well as the requirement for trauma-informed methods of working.

### Summary of the EU 'Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings'<sup>559</sup>

**“Measure A: Translation and Interpretation** The suspected or accused person must be able to understand what is happening and to make oneself understood. A suspected or accused person who does not speak or understand the language that is used in the proceedings will need an interpreter and translation of essential procedural documents. Particular attention should also be paid to the needs of suspected or accused persons with hearing impediments.”

**“Measure B: Information on Rights and Information about the Charges** A person that is suspected or accused of a crime should get information on his/her basic rights orally or, where appropriate, in writing, e.g.

<sup>558</sup> “Consider some measures you can adopt in court hearings to protect victim-witnesses. Examples include separate waiting rooms, screens for witnesses, closed-door hearings, video links and use of pseudonyms. These measures need not be complex or expensive.” See UNODC (2009), [Anti-human trafficking manual for criminal justice practitioners: Module 11. Victims' needs in criminal justice proceedings in trafficking in persons cases](#).

<sup>559</sup> [Resolution](#) of the Council of 30 November 2009 on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings, 4 December 2009, OJ C 295. See also Committee on Rights of the Child (2007), [Children's Rights in Juvenile Justice. Committee on the Rights of the Child General Comment No. 10](#), CRC/C/GC/10. Children's rights in juvenile justice, CRC/C/GC/10, sets out rights of the child and also includes presumption of innocence, effective participation in proceedings, prompt indication of charges; freedom from compulsory self-incrimination, presence and examination of witnesses, right to an appeal, respect for privacy rights, access to an interpreter, etc.

by way of a Letter of Rights. Furthermore, that person should also receive information promptly about the nature and cause of the accusation against him or her. A person who has been charged should be entitled, at the appropriate time, to the information necessary for the preparation of his or her defence, it being understood that this should not prejudice the due course of the criminal proceedings.”

**“Measure C: Legal Advice and Legal Aid:** The right to legal advice (through a legal counsel) for the suspected or accused person in criminal proceedings at the earliest appropriate stage of such proceedings is fundamental in order to safeguard the fairness of the proceedings; the right to legal aid should ensure effective access to the aforementioned right to legal advice.”

**“Measure D: Communication with Relatives, Employers and Consular Authorities:** A suspected or accused person who is deprived of his or her liberty shall be promptly informed of the right to have at least one person, such as a relative or employer, informed of the deprivation of liberty, it being understood that this should not prejudice the due course of the criminal proceedings. In addition, a suspected or accused person who is deprived of his or her liberty in a State other than his or her own shall be informed of the right to have the competent consular authorities informed of the deprivation of liberty.”

**“Measure E: Special Safeguards for Suspected or Accused Persons who are Vulnerable** In order to safeguard the fairness of the proceedings, it is important that special attention is shown to suspected or accused persons who cannot understand or follow the content or the meaning of the proceedings, owing, for example, to their age, mental or physical condition.”

**“Measure F: A Green Paper on Pre-Trial Detention** The time that a person can spend in detention before being tried in court and during the court proceedings varies considerably between the Member States.”

As outlined by the European Court of Human Rights, individuals should only be held in pre-trial detention for a reasonable time, determined by reference to “all the circumstances arguing for and against the existence of a genuine requirement of public interest justifying, with due regard to the principle of the presumption of innocence, a departure from the rule of respect for individual liberty.”<sup>560</sup>

**Convention on the Rights of Persons with Disabilities** requires the state authorities to undertake reasonable accommodation to ensure persons with disabilities enjoy rights on an equal basis with others.<sup>561</sup>

## Special protection measures for child defendants



A European Parliament Directive provides procedural safeguards for children who are suspects or accused persons in criminal proceedings or subject to a European Arrest Warrant.<sup>562</sup> “The purpose of the Directive is to ensure that children, meaning persons under the age of 18, who are suspects or accused persons in criminal proceedings, are able to understand and follow those proceedings, and to exercise their right to a fair trial, and to prevent children from reoffending and foster their social integration.”<sup>563</sup> The Directive establishes minimum rules on the protection of procedural rights of such children, which include the following:

- A right to information;
- The right to have the holder of parental responsibility informed;
- Assistance by a lawyer;

<sup>560</sup> [Case of Assenov and Others v. Bulgaria](#), no. 90/1997874/1086, § 3, 6, 13, ECHR 1998-VIII, para. 154.

<sup>561</sup> UN General Assembly (2007), [Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly](#), 24 January 2007, A/RES/61/106. For a discussion of vulnerability and common law defences, see Chapter 8 of Cooper, P., & Norton, H. (Eds.) (2017), *Vulnerable People and the Criminal Justice System*, Oxford: Oxford University Press.

<sup>562</sup> [Directive \(EU\) 2016/800](#) of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, 21 May 2016, OJ L 132. See also Committee on Rights of the Child (2007), [Children's Rights in Juvenile Justice. Committee on the Rights of the Child General Comment No. 10](#), CRC/C/GC/10. Children's rights in juvenile justice, CRC/C/GC/10, sets out rights of the child and also includes presumption of innocence, effective participation in proceedings, prompt indication of charges; freedom from compulsory self-incrimination, presence and examination of witnesses, right to an appeal, respect for privacy rights, access to an interpreter, etc.

<sup>563</sup> [Directive \(EU\) 2016/800](#) of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, 21 May 2016, OJ L 132.

- The right to an individual assessment concerning protection, education, training and social integration;
- The right to a medical examination;
- Audiovisual recording of questioning;
- A limitation on the deprivation of liberty;<sup>564</sup>
- Non-custodial alternative measures to detention;
- Separate detention from adults;
- Timely and diligent treatment of cases;
- The right to protection of privacy;
- The right to be accompanied by the holder of parental responsibility during the proceedings;
- The right to appear in person and participate in their trial;
- The right to legal aid;
- Effective remedies for breach of rights; and
- Specific training of law enforcement agencies and of detention facilities that handle cases involving children to a level appropriate to their contact with children with regard to children's rights, appropriate questioning techniques, child psychology, and communication in a language adapted to the child. This includes the judiciary, the legal profession and child support organizations.

## 16.21 Retrospective actions for victims of trafficking wrongly convicted of criminal offences



Victims of trafficking who have a criminal record because they have been compelled to commit criminal offences as a result of having been trafficked can face social stigma and discrimination as well as barriers to social inclusion. (See: [social inclusion](#); [survivors' social exclusion](#); [re-building lives](#); [transition for adults](#); [transition for children](#); [clemency and pardons](#); [expungement and vacatur](#); [sealing of criminal records](#)) It also affects victim's children and (non-offending) family members.

The existence of a criminal record can result in significant obstacles in accessing education and training, legitimate employment, safe and appropriate accommodation and social networks and community links. It impacts upon survivors' sense of personal identity and self-esteem and increases the risks of targeting for re-trafficking and further exploitation.

**Situations of human trafficking often remain hidden behind other criminal offences that are related to trafficking situations.** (See: [poly-crime](#); [interlinkage with other crimes](#)) **Victims of trafficking may be forced to commit criminal offences either as a main form of exploitation or as one of multiple forms of exploitation.** Offences that are prevalent in criminal exploitation include shoplifting, cannabis cultivation, pickpocketing, benefit fraud, drug trafficking and forced begging, illegal cigarette production lines and 'meth labs', sham marriage, illegal adoption, metal theft, street crime and human trafficking.

<sup>564</sup> *Ibid.*, Article 10: "1. Member States shall ensure that deprivation of liberty of a child at any stage of the proceedings is limited to the shortest appropriate period of time. Due account shall be taken of the age and individual situation of the child, and of the particular circumstances of the case. 2. Member States shall ensure that deprivation of liberty, in particular detention, shall be imposed on children only as a measure of last resort. Member States shall ensure that any detention is based on a reasoned decision, subject to judicial review by a court. Such a decision shall also be subject to periodic review, at reasonable intervals of time, by a court, either ex officio or at the request of the child, of the child's lawyer, or of a judicial authority which is not a court. Without prejudice to judicial independence, Member States shall ensure that decisions to be taken pursuant to this paragraph are taken without undue delay."

Victims of trafficking who are in jurisdictions where any engagement in prostitution is illegal may be convicted for various offences and in some cases, required to register as sex offenders.<sup>565</sup> This results in social stigma and barriers to social inclusion. The shame and humiliation that victims experience from having a criminal record of this kind can prevent them from coming forward to seek help and pursuing justice against their traffickers.



**In cases where the non-punishment principle and statutory defence should have been applied, but were not, victims of trafficking who have been convicted for criminal offences should be provided with retrospective criminal record remedies such as vacatur, expungement or sealing of their court and criminal records.**

## Clemency and pardons, including commutation

**Systems of clemency or pardons should be considered for victims of trafficking wherever they are applicable and appropriate in relation to the alleged offence.**<sup>566</sup> This can restore many of the rights impacted by the conviction.

- ▶ **Granting clemency** is the act of reducing a penalty for a particular criminal offense without clearing the person's criminal history. Clemency petitions may be made by an individual, organization or prisons service, depending on the jurisdiction.
- ▶ **Granting a pardon** is when a government official forgives a particular criminal offense, either because the individual was wrongfully convicted of the crime or the punishment was inappropriate.<sup>567</sup> Another option is a remission or commutation of the sentence, reducing the sentence.

**Neither clemency nor pardons overturn convictions or remove them from the public record.** The power to grant a clemency or pardon is usually held by the executive branch of the government and does not involve the court system.<sup>568</sup> In some jurisdictions, it can be exercised by a governor, head of a region or state within a country.<sup>569</sup>

## Expungement (expunction) and vacatur (vacation) of criminal records

**For victims who have been convicted of criminal offences for which the non-punishment principle and statutory defence was not applied, some countries have adopted *expunging* and *vacatur* provisions.**<sup>570</sup>

<sup>565</sup> See further: Goodmark, L., & Mogulescu, K. (2019), '[Clemency for War Criminals but not Survivors of Trafficking and Violence?](#)', The Gender Policy Report, 30 May 2019.

<sup>566</sup> For post-sentencing dispositions see the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules). Rule 9 states that "The competent authority shall have at its disposal a wide range of post-sentencing alternatives in order to avoid institutionalization and to assist offenders in their early reintegration into society", which may include various forms of parole; remission; and pardon. Rule 9(3) notes that "the decision on post-sentencing dispositions, except in the case of pardon, shall be subject to review by a judicial or other competent independent authority, upon application of the offender". UN General Assembly (1990), [United Nations Standard Minimum Rules for Non-custodial Measures \(The Tokyo Rules\): Adopted by General Assembly resolution 45/110 of 14 December 1990](#), 14 December 1990, A/RES/45/110, para. 9.

<sup>567</sup> According to UNODC, "Pardon, which ordinarily means release following the setting aside of the conviction or sentence, is also a form of unconditional release. It is usually an act of grace and favour by the head of state. A pardon takes two forms. In one, a pardon releases the offender and entirely sets aside his conviction and sentence. The other form, also known as amnesty, moves forward the release date of an offender or class of offenders. A head of state would also order an amnesty. This terminology is not fixed, though, and pardon and amnesty are used interchangeably." UNODC (2007), [Handbook of basic principles and promising practices on Alternatives to Imprisonment](#), pp. 49-50. Haddad, K. (2020), '[What's the difference between a pardon and clemency?](#)', Click on Detroit, 27 February 2020.

<sup>568</sup> See American Bar Association (2016), [Post-Conviction Advocacy for Survivors of Human Trafficking: A Guide for Attorneys](#), January 2016, p. 9.

<sup>569</sup> Norwood, C. (2019), '[Sex Trafficking Victim Convicted of Murder Granted Clemency by Tennessee Governor](#)', *Governing*, 8 January 2019.

<sup>570</sup> "Where it is concluded that a person has been trafficked, their criminal file should be cleared so that that person has no criminal record with regard to offences committed in the course, or as a result, of having been trafficked." See OSCE OSR/CTHB (2013), [Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking](#), para. 76. Guideline 4 of OHCHR's Recommended Principles and Guidelines on Human Rights and Human Trafficking states that States should consider "[e]nsuring that legislation prevents trafficked persons from being prosecuted, detained or punished for the illegality of their entry or residence or for the activities they are involved in as a direct consequence of their situation as trafficked persons". See OHCHR (2002), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), Guideline 4 para. 5. See also CEDAW General recommendation No. 38, para 98, states that "the non-punishment principle must be enshrined in legislation and implemented through proper training to ensure responders are able to identify trafficking victims for such relief; not compel victims to provide evidence or testimony in exchange for immunity from prosecution redress or services and provide recourse for trafficking victims to clear their criminal records in cases where they have been convicted of crimes that were committed as a direct consequence of being a victim of trafficking". Committee on the Elimination of Discrimination Against Women (CEDAW) (2020), [General recommendation No. 38 on trafficking in women and girls in the context of global migration](#), 20 November 2020, para. 98.

- **Expungement refers to the process of sealing arrest and conviction records,**<sup>571</sup> resulting in the conviction being removed from a person's criminal record.<sup>572</sup> In some jurisdictions, there is a mechanism to enable specific individuals to expunge or seal previous arrests or convictions upon certain conditions. This may apply to arrests or convictions that occurred in the process of a person being trafficked, or as a consequence of their being trafficked. However, the conviction itself is not undone, and the finding of guilt is not voided. In practical terms, expungement relieves clients of the collateral consequences of the conviction, for example, an expunged conviction will not appear in a background check. Although a sealed conviction (also referred to as 'non-disclosure') remains on the person's record, the conviction cannot be seen or accessed without an order from the court. It may be accessible to law enforcement or government agencies, but it does not appear in standard background checks or to members of the public. Arrest records may remain, therefore these may need to be expunged or sealed separately.
- **Vacatur provisions (vacation) delete criminal records as if they never existed.** Once vacated, all records of the conviction are deleted, because the conviction itself no longer exists as a matter of law.

## Sealing of court records

**Sealing of court records involves whole or partial sealing, which removes the court record from public view.**

It may apply for example, in cases involving conviction of juveniles for criminal offences, child sex offence cases and other cases in which witness protection is required. The court records may still be reviewed under specific circumstances; however, this requires a court order to unseal the records.<sup>573</sup> Sealing of court records or expungement applications/petitions can be made by the victim of trafficking or a legal representative on their behalf.

## 16.22 Access to compensation

**The OSCE Permanent Council calls upon participating States to** “considering legislative provisions for confiscation of the instruments and proceeds of trafficking and related offences, specifying, where not inconsistent with national legislation, that the confiscated proceeds of trafficking will be used for the benefit of victims of trafficking [and] [g]iving consideration to the establishment of a compensation fund for victims of trafficking and the use of the confiscated assets to help finance such a fund.”<sup>574</sup>

The terms “compensation,” “damages,”<sup>575</sup> “restitution” and “reparations” are often used to refer to the same or very similar concepts, i.e., “to make amends to someone for loss, injury or wrong, especially by suitable payment.”<sup>576</sup> **Here the term “compensation” is used to refer to the overall concept of payment to a person, regardless of the source of payment or the mechanism used or the types of losses to be compensated.** (See: [state funds for compensation](#)) Occasionally one of these terms has a definition in the national context that is not used in other contexts. For example, in the United States “restitution” means a payment by a criminal defendant to their victim as a result of a court order but in the United Kingdom and France “restitution” means the return of goods and property to the rightful owner. Compensation, thus, includes awards made by state-funded schemes as well as awards resulting from criminal, civil or labour law proceedings.<sup>577</sup>

<sup>571</sup> UNODC's legislative guidance to better understand and apply the Trafficking in Persons Protocol explains that, “[i]f a person was arrested or convicted for an offence committed as a direct consequence of being a victim of trafficking in persons, the person may apply to the court for relief of his or her convictions and arrests”. UNODC (2020), [Model Legislative Provisions against Trafficking in Persons](#), p. 45. For example, some United States states have enacted provisions that provide survivors the ability to seek a court order vacating or expunging criminal convictions entered against them that resulted from their trafficking situation, see United States Department of State (2018), [Protecting Victims from Wrongful Prosecution and further Victimization](#). See also Shared Hope (2016), [National State Law Survey: Expungement and Vacatur Laws](#).

<sup>572</sup> For example, the process in United States varies according to jurisdiction with some requiring a criminal court decision by a judge. See FindLaw (2019), [The Expungement Process](#). In the United Kingdom, the exceptional case procedure may be used. The Information Hub (n.d.), [Retention and deletion of police cautions and convictions](#). In the European Union, “the ECHR's Article 8 guarantees a right to have data related to criminal procedures reviewed and, after some time and in most cases, removed. The mere storing of data relating to an individual by a public authority amounts to an interference within the meaning of “private life” and Article 8 ([Leander v. Sweden](#), par. 48; [Rotaru v. Romania](#), par. 43–44).” See Toplak, J. (2020), [The ECHR and the right to have a criminal record and a drink-drive history erased](#), Strasbourg Observers, 20 May 2020.

<sup>573</sup> UNODC (2016), [Implementation of the United Nations Convention against Transnational Organized Crime: Needs Assessment Tools](#), p. 46. The UNODC guidance explains that “Under article 24, each State party is required to take appropriate measures within its means to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by the Convention and, as appropriate, for their relatives and other persons close to them. Those measures may include: [...] sealing the records of the trial”.

<sup>574</sup> OSCE Permanent Council (2003), [Decision No. 557 on Action Plan to Combat Trafficking in Human Beings](#), 24 July 2003, PC.DEC/557, p. 3.

<sup>575</sup> “Damages” is used more narrowly because it refers to the sum of money which a person wronged is entitled to receive from the wrongdoer as compensation for the wrong. Damages thus excludes compensation where the source of the funds is a state-funded scheme so the term “damages” is used when discussing the civil and labour procedure context. See Borovyk, A., Lapkin, L., Maryniv, V., Stolitnii, A., & Yevtieieva, D. (2019), [Compensation for Damage Caused by Offences as the Way of Protection of Victims' Rights \(On the Example of Ukraine\): The Economic and Legal Aspects](#), Journal of Legal, Ethical and Regulatory Issues, 22(3).

<sup>576</sup> Definition of compensation in Robinson, M. (2004), Chambers 21st Century Dictionary, Edinburgh: Chambers.

<sup>577</sup> ODHR (2008), [Compensation for Trafficked and Exploited Persons in the OSCE Region](#), 26 May 2008, p. 24, 70, 95.

**International standards relating to trafficking of human beings include the right of victims to be paid compensation by their trafficker.** Payment of compensation may be achieved *voluntarily* or *by compulsion*.<sup>578</sup>

- **Voluntary agreements for compensation** can be arrived at as part of a mediated settlement in a collective or individual action that takes place outside of litigation (e.g., with a view to litigation); through plea agreement negotiation or a mediated settlement in a criminal case; or as a negotiated settlement during a civil or labour law case.
- **Compulsory orders for compensation** are made by order of a court in criminal, civil or labour proceedings.<sup>579</sup>

“In every country, different terminology is used for the elements of loss that make up a compensation claim. However, broadly speaking, compensation claims are made up of elements that fall into two separate categories: compensation for **material damages** and compensation for **moral damages**.

**Material damages** refers to financial or pecuniary losses, e.g., medical, funeral and hospital costs, loss of future earnings and employment-related benefits, unpaid wages, and costs of damage to property. The definition and scope of material damages in the national setting is specified in law (or through case-law precedent in common-law countries) and varies from country to country. Some compensation mechanisms enable all forms of material damages to be claimed while others allow only limited categories to be claimed.

**Moral damages** refers to other non-financial or non-pecuniary losses, e.g., emotional suffering, loss of reputation or “honour,” “pain and suffering,” inconvenience, loss of enjoyment of life, loss of society and companionship. Again, the definition and scope of moral damages in the national setting is specified in law (or through case-law precedent in common-law countries) and varies from country to country. Some compensation mechanisms allow for all types of moral damages to be claimed, some allow only specific types of moral damages to be claimed and others do not allow moral damages to be claimed at all.”<sup>580</sup>



**States should ensure that their domestic legal system contains measures that offer victims of trafficking the possibility of obtaining compensation for damage suffered. This should include access and ability to claim compensation from the trafficker, through criminal law, civil law or labor law procedures or from the State fund, state run compensation schemes and/or administrative proceedings (where available).**

## Understanding the challenges for victims of trafficking in obtaining compensation

**In all countries, there is a significant problem of compensation awards not being paid, which leaves victims of trafficking with the burden of pursuing enforcement proceedings against the trafficker.** Enforcement actions for payment are often unsuccessful, which means that, despite the existence of several compensation mechanisms, it is rare for victims of trafficking to receive compensation payment awards.<sup>581</sup>

**A major challenge victims face with regard to obtaining compensation is lack of information provided to them about its availability and the opportunities for them to pursue it, as well as lack of support vital to pursuing compensation claims.** The process of claiming compensation is generally a lengthy one, may take years and often requires legal assistance for the victim of trafficking. It may require costly repeated travel, as well as legal and court fees. The amounts of compensation granted and the calculation processes for compensation claims vary greatly between countries and in different regions of countries.

**In trafficking cases, a common problem is that proceeds of traffickers are often spent or transferred out of the country by traffickers before the freezing and seizure of assets and funds can take place.** This is why freezing and seizure should always take place as soon as possible at the outset of any criminal case. (See: [financial](#)

<sup>578</sup> *Ibid.*

<sup>579</sup> *Ibid.*

<sup>580</sup> See ODIHR (2008), *Compensation for Trafficked and Exploited Persons in the OSCE Region*, 26 May 2008, p. 16.

<sup>581</sup> Compact (2012), *Guidance on representing trafficked persons in compensation claims: A practical tool for lawyers, counselling centres and service providers*. The Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings in paragraph 198 states: “However, even though it is the trafficker who is liable to compensate the victim, by order of a civil court or – in some countries – a criminal court, or under a judicial or extrajudicial transaction between the victim and the trafficker, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared himself bankrupt.” See Council of Europe (2005), *Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings*, para. 198.

[investigations](#); [asset seizure](#)) However, many criminal justice practitioners see the need to substantiate the claim and secure the assets of the suspect from early stages of investigation to enable future compensation as an additional burden that is not directly linked to prosecution. As an outcome, by the time compensation is claimed, there is nothing to confiscate. Monies may be in cash only or cryptocurrencies, compounding the difficulties of disbursement of compensation payment awards.



### **The challenges of obtaining compensation are amplified in the case of child victims**

“Legal procedures are more intimidating for children, and legal advice and representation, which is provided by lawyers who specialize in working on children’s trafficking cases, are needed to work collaboratively with their child support professionals to enable them to understand the legal system and their entitlements. There are also issues, including the need for effective, strong systems of social work and guardianship, to ensure that the expenditure of any compensation money can be monitored and secured for the child’s future. This includes ensuring that children are protected from parents or guardians who do not act in the child’s best interests.”<sup>582</sup>

**Each of the routes to compensation for victims of trafficking has inherent challenges.**

## **Compensation via criminal procedures**

**In many countries, compensation claims can be pursued by a victim of crime in the course of a criminal procedure.** The criminal court can order compensation to be paid by the perpetrator at the sentencing stage. However, such route to compensation is fraught with obstacles. It requires a victim to have been identified by the authorities and for the perpetrator to have been prosecuted and found guilty.<sup>583</sup> Given the low rate of prosecution and even lower conviction rates for trafficking crime, most victims are not able to successfully pursue compensation claims in the course of the criminal procedure against their trafficker. Another factor is that pursuit of compensation in this setting may create the perception of the judge or jury that the victim is only or mainly participating for financial gain, which can negatively affect the reliability of the victim’s testimony.

Additionally, criminal procedures for compensation require the wrongdoer to be both within the jurisdiction and financially solvent. “The presence of the victim of trafficking in the country in which remedies are being sought is also a practical – and sometimes a legal – requirement if that person is to secure remedial action. In some countries, civil action to recover damages cannot commence until criminal proceedings have been concluded. Repatriation that does not take account of the victim’s right of access to remedies will inevitably obstruct the free and effective exercise of that right.”<sup>584</sup> When an order is not paid voluntarily enforcement proceedings must be taken by the trafficked victim, presenting further difficulties.<sup>585</sup>

## **Civil law procedures for compensation appended to a criminal case**

**In some countries, a civil claim for damages can be filed by the victim against the wrongdoer and appended to the criminal case.** Such a claim would be calculated on the same or a similar basis to a claim in regular civil proceedings.

**Civil proceedings that are appended to a criminal case have the dual advantage of having two procedures in one, and also of the prosecutor being responsible for gathering and presenting the evidence on the liability of the wrongdoer.** A possible disadvantage, however, is that where these appended civil claims are made, the civil judgment depends on the success of the criminal case. This means that where a decision is taken not to prosecute or where a defendant is acquitted, the civil claim against the same defendant can be nullified.<sup>586</sup>

<sup>582</sup> ODIHR (2008), [Compensation for Trafficked and Exploited Persons in the OSCE Region](#), 26 May 2008, p 162.

<sup>583</sup> Cusveller, J. (2015), [Compensation for Victims of Human Trafficking: Inconsistencies, Impediments and Improvements](#).

<sup>584</sup> OHCHR (2010), [Commentary on the Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), p. 180. Article 7 of the Palermo Protocol states “State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases”. UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Art. 7(1). OHCHR (n.d.), [Draft basic principles on the right to an effective remedy for trafficked persons](#), para. 9(b)(iv). See also Principle 9 and Guideline 4.7 of OHCHR (2002), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#).

<sup>585</sup> ODIHR (2008), [Compensation for Trafficked and Exploited Persons in the OSCE Region](#), 26 May 2008, p. 27.

<sup>586</sup> *Ibid.*, p. 25.

## Civil law procedures without a criminal case

**In some countries, victims of trafficking can pursue a civil claim for compensation as a private individual on the basis of a wrongdoing that has caused them loss, e.g., based in tort law (fraud, assault, imprisonment, debt), breach of contractual rights or another cause of action as defined in national law.** Civil proceedings are available in all countries and can be made against the person who is liable for the wrongdoing, which can be an individual or a corporation, including an employer.

**Civil claims can be made independently, and regardless of whether criminal proceedings are being instigated.** They have a different standard of proof than a criminal case. While in criminal court the prosecution has to prove all elements of the alleged offence *beyond reasonable doubt*, the standard of proof for civil claims is the *balance of probabilities*. Although civil claims may appear to be more accessible to victims, if a criminal case has not been concluded, victims of trafficking have to prove that the person they are suing is liable for the *wrongdoing*, and that *the wrongdoing caused loss and damages*. They will have to provide evidence of the nature and extent of the loss and damages (i.e., receipts, bills, oral testimony). They will almost always have to make court appearances and give testimony to provide evidence of these issues. This can be intimidating, re-traumatizing or impossible for victims, especially when they lack the certainty provided by conviction of their traffickers or if the case was closed during investigation.<sup>587</sup>

**Civil cases, like criminal cases, are also likely to be lengthy and complex (lasting years in some countries).** They cost money in the form of court, legal and expert's fees and are less likely to be eligible for legal aid. Victims require specialized legal assistance to present the case facts and legal argument to the court.<sup>588</sup>

## Labour law procedures

**Victims of trafficking may also pursue a claim against a trafficker through labour law in jurisdictions where the national law recognizes the labour rights of that person.** In some countries, they may have labour rights regardless of whether they have a contract or regardless of the provisions of their contract. Alternatively, a victim of trafficking may have an action for breach of a labour contract (oral or written) that is actionable in a labour court, employment tribunal or equivalent.

**Labour rights and contractual breaches can be enforced against a wrongdoer (e.g., the exploitative employer or trafficker) and compensation can be claimed. Such claims can be pursued in addition to or instead of criminal proceedings.**<sup>589</sup> This can vary according to the victim's immigration status, the basis and nature of the employment contract, and whether the work is legal. In addition, there are national bodies that regulate labour standards, for example labour inspectorates may have the power to institute actions against employers or refer cases to judicial bodies, which can lead to compensation being paid, for example, for unpaid wages or for injuries at work. This type of third-party action against an exploitative employer assists victim of trafficking by avoiding the need for them to pursue a case individually.

**Although there are different routes for compensation available, there have been low compensation rates across countries for victims of trafficking in practice.** In addition, when compensation is granted to victims of trafficking, it is often challenging for them to receive it due to difficulties with collection of awards, especially if the assets are located outside of the country where the trial takes place.<sup>590</sup>

Successful compensation claims by victims of trafficking are usually limited to cases where the trafficker has been prosecuted and convicted of trafficking offences or has been located and sued in a civil action.

**Widening of legal routes to compensation in countries where it is only available through criminal proceedings, and strengthening the viability of all routes to compensation that exist is vital to ensure that victims of trafficking obtain appropriate redress.** It is also necessary to establish a standardized, national approach to calculation of compensation claims to ensure equitable treatment of all victims of trafficking in pursuit of compensation claims. **Compensation often provides an essential gateway for victims to sustaining long-term recovery and re-building their lives.**

<sup>587</sup> *Ibid.*, pp. 26-27.

<sup>588</sup> *Ibid.*, p. 27.

<sup>589</sup> *Ibid.*

<sup>590</sup> "Nevertheless, several states are signatory to a number of treaties providing for mutual recognition and enforcement of judgements. These include the Brussels Regulation 2001 and Lugano Convention 1988, which provide for the recognition and enforcement of judgements obtained from the courts of other member states." Compact (2012), [Guidance on representing trafficked persons in compensation claims: A practical tool for lawyers, counselling centres and service providers](#), pp. 12-13.

**Victims need individual support and legal advice and representation in order to navigate access to compensation via any legal route, whether it is criminal, criminal/civil, civil or labour law related.** This includes:

- ▶ **Pro-active support and accompaniment by their [independent advocate](#) (or equivalent for adults) or [guardian advocate](#) (or equivalent child specialist for children);**
- ▶ **Access to free, specialist legal advice and representation** in order to make any form of a compensation claim and to ensure the successful disbursement of compensation payment awards (See: [legal advice and representation 1](#); [legal advice and representation 2](#)); and
- ▶ **Expungement, vacation and sealing of criminal records and court records for victims of trafficking related to crimes committed in the process of being trafficked** in all cases where this should apply so that these are not a bar to pursuing compensation.

## Use of state funds for compensation to victims of trafficking

**In addition to the ability to claim from the trafficker, in some countries there is also the possibility to claim compensation from a State Fund.** (See: [financial investigations](#); [asset seizure](#)) Payments from state funds are usually restricted to victims of crimes of violence or cases in which injury has been sustained. These systems usually compensate specified types of material (financial) loss although in some countries other types of damage (such as *pain and suffering*) can also be claimed. These mechanisms are relatively straightforward in terms of procedure and they guarantee payment.

Seizure and forfeit of traffickers' funds and assets can contribute to a State fund to provide financial compensation victims of trafficking in addition to annual State provision of funding to the fund.<sup>591</sup> Every country should utilize law enforcement seizure of traffickers' criminal proceeds to establish an accessible fund for compensation of victims.

State funds have restrictions placed on which victims are eligible for support. Foreign victims can be excluded, and some funds only award compensation to those who are considered victims of violent crime, which often excludes labour exploitation victims.<sup>592</sup> Other restrictions may include a limit on the maximum amount, or on the types of damage that can be claimed. In addition, access to them may be hindered by application criteria or requirements for costly documentation, translation or necessity of having a bank account in the country to transfer the compensation.

<sup>591</sup> In the Netherlands, victims of trafficking "can be entitled to state financed compensation under the Violent Offences Compensation Fund Act. The Fund is a division of the Ministry of Justice and is financed by general tax revenues." In criminal proceedings, if the perpetrator is ordered to pay compensation but fails to pay the full amount, the State pays the outstanding debt and recovers it from the perpetrator. EU Commission (n.d.), [Netherlands – 3. Implementation of Anti-Trafficking Policy](#).

<sup>592</sup> ODIHR (2008), [Compensation for Trafficked and Exploited Persons in the OSCE Region](#), 26 May 2008.



# Health

**“Access to healthcare is crucial:** survivors can suffer devastating psychological and physical effects before, during and after human trafficking, including injuries and illnesses, post-traumatic stress disorder, difficulty in forming relationships, depression, memory loss, anxiety, fear, guilt and shame. They require healthcare services that are trauma-informed and culturally sensitive to their individual needs.”

— **Itohan Okundaye**, Member of ISTAC, Anti-trafficking activist and survivor leader

*Portrait of **Isoke Aikpitanyi**, Anti-trafficking activist and survivor leader*



After suffering the serious crime of human trafficking, the ability to access free healthcare services and treatment is fundamental to survivors' dignity, safety and human rights. (See: [access to healthcare](#); [health problems](#); [urgent healthcare needs](#); [therapeutic care](#); [therapeutic care for adults in criminal justice proceedings](#); [therapeutic care for children in criminal justice proceedings](#); [medico-legal documentation 1](#); [Istanbul Protocol](#))

**This chapter is intended for professionals in all fields of discipline who work with survivors of trafficking.** It aims to provide a basic understanding of survivors' health issues in order that their difficulties may be better understood, and appropriate referrals to healthcare services can be made. In all cases, healthcare referrals, consultation and treatment can only be undertaken with survivors full and [informed consent](#).

## 17.1 Introduction

**The physical and psychological impact of human trafficking on survivors relates to the nature of the abuse they have suffered, and their individual health issues.** In many cases, abuse, adversity and resulting health problems will have been experienced *prior* to trafficking. Therefore, in addition to causing injuries, illnesses and health problems, trafficking can exacerbate and worsen any existing health problems. It is also common for survivors to experience situations of adversity and hardship *after* leaving the control of traffickers, which further impacts their mental and physical health.

Survivors may experience a host of health conditions including injuries from physical violence, sexual health problems, chronic health conditions, psychosomatic disorders and long-term mental health difficulties. Injuries and health conditions should be considered in terms of how pain and suffering is experienced individually by each person, and how it affects their ability to manage the challenges of their daily lives.

**To assist easy reference within this chapter** the clinical identification of *physical health* (i.e., that which affects the physical body) and *mental health* (i.e., that which affects the mind and emotional state) are broadly separated, while it is recognized that there is considerable overlap between them.

## 17.2 The challenges of identifying survivors' healthcare needs



It can be difficult to discern the overall impact of trafficking on survivors' health at the initial stages of contact with them. Psychological and physical symptoms are not always visible or obvious, even to healthcare professionals. It often takes some time for these to be disclosed or to become apparent.

**Injuries and health conditions may be concealed by survivors who have developed psychological patterns of behaviour that directly relate to a history of trafficking.** For example, they may attempt to deny or minimize the effects of injuries due to enforced and habitual secrecy imposed upon them by traffickers. They may also have become conditioned to ignoring their health needs due to their long-term experiences of enduring hardship in silence, without access to appropriate healthcare.

Many survivors experience psychological distress, such as feelings of extreme shame and humiliation in relation to their injuries and health conditions. Disclosure of rape and sexual violence is particularly distressing and may be deliberately avoided. Sexual violence can be experienced by people who have been trafficked for any form of exploitation. It can devastate self-esteem and cause profound and long-lasting feelings of shame and self-blame. Even when discussing *unrelated* matters, survivors may be fearful of any mention of the subject of rape or sexual violence arising, whether or

not it has been previously disclosed. They may therefore avoid speaking about traumatic aspects of their history and/or may not disclose the full extent of the sexual violence or other forms of violence they have suffered.

Professionals need to bear in mind that trafficking cases are complex and multi-faceted. It is only when appropriate time is spent with survivors that a working relationship of trust can be established, leading to a fuller understanding of their individual concerns and needs.

### 17.3 Recognizing & responding to the healthcare needs of children<sup>593</sup>



**All forms of abuse and torture can have profound psychological, developmental and physical health impacts on child victims.** A child's health should be considered in the context of their life experiences *before, during* and *after* trafficking. The health consequences of human trafficking are particularly severe in children due to the impact of psychological threat, physical violence and a lack of safety, love and nurture on the *developing* brain and body. In unpredictable, frightening or traumatic environments, the child's brain development prioritises ways to keep themselves alive. Learning, executive function, relational and communication skills may all be affected by trauma and responses to adversity. The child's physical body is also impacted by stress hormones and related responses to stress and danger.

The behaviour of child victims of trafficking can be understood as a form of communication, which reflects survival mechanisms they may have had to develop. The behaviour of children may range from being withdrawn, quiet and hidden through to more aggressive ways of protecting themselves. In many cases children have been lied to or have had to tell lies in order to survive, or to reduce the risk of being hurt. Children can develop complex psychological protection mechanisms, including ways to mask deep distress and pain from themselves and from others.

Children who have been groomed for exploitation by traffickers may not recognize that they are being abused. They may believe that they are loved by the perpetrator and/or believe they are in a romantic or other desirable relationship with them. Children may have been told that their abuse is *normal* or *needed* in order for them to be 'lovable.' Professionals must be alert to these scenarios, especially where sexual exploitation of a child is suspected.

Child victims of trafficking will have been instructed by traffickers not to trust adults who are in authority, which can make understanding and recognizing their health needs challenging. Health professionals must use trauma-informed communications and methods of working with children, understanding how trauma and adversity shapes children's development, health and behaviour. Ensuring the safety of each child and building trust is vital. This requires investment in children's overall health, well-being and sustained recovery from trauma, as well as symptom management. Wherever possible, referral to specialist children's services should be made.

#### **Children who are victims of human trafficking: Key considerations for health**



**For many children, being trafficked is not the only risk to their health and development.** It is important to consider each child and their health in the context of their living conditions and experiences **before, during** and **after** exploitation. Sharing appropriate information about the child's life will also help health professionals assess and support the needs of the child.

- **Before trafficking:** Consider underlying learning difficulties or disabilities (i.e., possible foetal alcohol syndrome or drug exposure, autism), undiagnosed congenital or other health problems, malnutrition, experiences of childhood neglect, abuse, rejection, bereavement or severe stress and other causes of early trauma, health or developmental harm. Children may not have received standard vaccinations or had access to medical or dental care.
- **During trafficking:** Consider the living conditions of the child and the associated health risks including malnutrition, neglect, exposure to the elements, unhygienic environments and infestations, contact with dangerous chemicals, psychological, physical and sexual violence (including witnessing and/or forced participation in the abuse of others), pregnancy (consider miscarriage, forced abortion and/or early parenthood), risk of accident and injury, dependence on alcohol, illicit drugs or other substances, sleep deprivation and lack of access to healthcare.

<sup>593</sup> This section is adapted for the NRM Handbook from Wood, L. C. N. (2020), [Child modern slavery, trafficking and health: a practical review of factors contributing to children's vulnerability and the potential impacts of severe exploitation on health](#), BMJ Paediatrics Open, 4.

- **After trafficking:** Consider the living conditions of the child including lack of physical and emotional safety, ongoing risks of severe stress (including fear of legal or asylum systems), exacerbation of any underlying conditions, symptoms of mental health problems and psychological distress including self-harm, suicidality, depression, anxiety and trauma symptoms. Children may need support to recover from addictions or unhealthy coping mechanisms (e.g., self-harm and alcohol, non-prescribed or illicit drugs). Risks of abuse and further trafficking may still be present.
- **Into adulthood:** Adverse Childhood Experiences (ACE) research<sup>594</sup> demonstrates that abuse, neglect, severe stress and adverse events in childhood increase the long-term relative risk of physical, mental, emotional, social and relational health problems. When a trafficking survivor becomes a legal adult, their childhood experiences and the impact on their health and development remain very significant and must be considered. Support should continue to be provided, and transition arranged to appropriate adult healthcare services.<sup>595</sup>

## 17.4 The value of medico-legal reports for documentation of injuries, illnesses and health conditions

**Medical documentation of physical and psychological injuries can help to minimize the risks of re-traumatization for survivors.** (See: [medico-legal documentation](#)) It sets out their medical information clearly, thereby assisting them to avoid potentially confrontational or adversarial investigative questioning. It can also be critical in explaining the difficulties that survivors may face in giving a coherent and consistent account of past events. A medico-legal report can document any limitations on a person's ability to give oral testimony and recommend specific conditions for vulnerable witnesses that should be put in place to support them with this.

## 17.5 Use of the Istanbul Protocol (IP)

The Istanbul Protocol Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol [IP])<sup>596</sup> provides a sound basis upon which to document torture and ill-treatment and provides key indicators for treatment. The IP provides authoritative guidelines on the rigorous and systematic documentation of the physical and psychological effects of torture.

In cases of human trafficking, it assists decision-makers if the independent expert medical evidence reports provided to them is produced in accordance with the IP.

The principles and practice advice set out in the IP are broadly applicable to the documentation of the effects of human trafficking. At the time of writing, the IP did not include specific guidance on trafficking, and so medical experts should also be guided by research evidence on the complex mental and physical responses to trauma suffered by survivors of trafficking.

## 17.6 Overview of healthcare concerns in survivors of trafficking

Survivors of trafficking often have complex co-morbidities including poor physical health, a high risk of personal injury, exposure to communicable disease and a high prevalence of mental health problems. (See: [access to healthcare](#); [health problems](#); [urgent healthcare needs](#);) )

<sup>594</sup> Hughes K., Bellis M.A., Hardcastle K.A., Sethi D., Butchart A., Mikton C., Jones L., & Dunne M.P. (2017), [The effect of multiple adverse childhood experiences on health: a systematic review and meta-analysis](#), *Lancet Public Health*, 2(8).

<sup>595</sup> *Ibid.*

<sup>596</sup> OHCHR (2004), [Istanbul Protocol: Manual on the effective investigation and documentation of torture and other cruel and inhuman degrading treatment or punishment](#). The Istanbul Protocol is currently in the process of being updated.

**Medical concerns include:**

- Injuries from physical and sexual violence;
- Injuries from occupational hazards;
- Illnesses from poor environmental conditions;
- Communicable diseases;
- Sexual health, gynaecological or urological problems;
- Pregnancy or the consequences of past pregnancies or forced terminations;
- Poorly controlled chronic medical diseases;
- Dental problems;
- Skin problems;
- Malnutrition, vitamin deficiencies; and
- Non-specific symptoms or somatic symptoms (headaches, back pains, dizziness, exhaustion).

**Mental health and behavioural concerns include:**

- Nightmares, flashbacks, and distressing memories of traumatic events;
- Anxiety and panic symptoms;
- Depression;
- Dissociative symptoms (experiencing a disconnection from surroundings, memories, thoughts and feelings);
- Negative thoughts and emotions, including guilt, self-blame, shame, hopelessness and anger;
- Low self-esteem and confidence;
- Lack of autonomy and agency;
- Emotional withdrawal;
- Cognitive problems, including poor memory and concentration;
- Difficulties trusting others and problems with relationships;
- Suicidal ideation and self-harm; and
- Substance dependence.

## 17.7 Physical health problems in survivors of trafficking

### Physical violence and injuries

It is useful to bear in mind that the intentional infliction of physical injuries and their psychological impact are intertwined. For example, traffickers may inflict physical injuries that are specifically intended to subjugate victims, and therefore result in severe psychological injury and distress. Psychological control, which can range from emotional manipulation to threats of violence or being forced to witness violence against others may cause a person to self-harm or attempt suicide, thereby resulting in further, self-inflicted physical injury.

## Various forms of physical violence and injury can be suffered by victims of trafficking.<sup>597</sup>

### Physical violence and injuries may include (but are not limited to):

- **Beating** (including kicking, pushing, slapping, whipping, punching or hitting) using hands, feet and/or implements such as belts, sticks, iron bars, canes, boots, whips, iron wire, etc. This may result in bruises, fractures, tendon and ligament injuries, damage to internal organs, and persistent, specific or generalized pain. Injuries to the head can cause headaches, post-concussional syndromes, subdural haematomas, post-traumatic epilepsy, and/or cognitive impairments.
- **Stabbing, slashing and cutting** with knives, broken crockery, or other implements. This may result in disfigurement, internal injuries, and soft tissue injuries including injuries to ligaments, tendons and muscles.
- **Dental injuries from assault**, for example, broken or missing teeth caused by punches to the face or blows to the side of the mouth. Injuries from punches to the jaw area can result in pain from contusions, fractures or dislocations of the jaw, which can cause difficulties with opening the mouth and with eating or drinking.
- **Burning with cigarettes or hot implements, scalding with hot liquids, chemical burns.** These may cause disfigurement and damage to muscle and soft tissues. Severe burns can cause contractures and significant resultant disability.
- **Being tied with ropes, chains and/or handcuffs.** This can cause nerve damage, fractures, and persistent pain the relevant joints.
- **Being constricted or forced into unusual or prolonged positions** can result in musculo-skeletal damage, including muscle, ligament and tendon injuries and persistent pain.
- **Eyes or ears may be directly targeted**, e.g., direct violence can cause orbital fractures or retinal damage, toxic substances such as chili powder can be rubbed into the eyes, causing persistent eye pain and redness. Eyes may be affected by constant exposure to light (e.g., in cannabis farms) or to dark. Perforated ear drums are seen due to trauma to the ears or to the side of the head.
- **Cosmetic ill-treatment** such as enforced use of skin lightening cream (causes disfiguring striæ [stretch marks]), lip or other cosmetic face procedures, surgical procedures such as breast augmentation, tattooing, micro-chipping or penile implants.
- **Tattooing or burning with a specific hot object** (“branding”) as a mark of ownership or gang membership.
- **Injuries to the genital areas** (including breasts and anal areas) –including cutting, kicking, biting and burning. The sequelae of rape can include soft tissue injuries, deep ligament damage, uterine perforations and fistulas. Anal injury can include rectal perforations, sphincter injuries, fistulas and anal fissures.
- **Physical injuries can cause scarring, disfigurement, pain and disability that can act as a constant reminder of violence and trauma experienced.** Tattoos, branding, implants or any form of cosmetic surgery or cosmetic procedures enforced by traffickers are traumatizing and can also place survivors at risk of being identified by traffickers or re-trafficked. It is important both for their continuing health and for their safety that survivors of trafficking are able to have any such procedures surgically reversed or removed free of charge and as quickly as possible if there is a clinical or safeguarding need (which would include a detriment to their mental health).

## Experiencing pain

**Survivors may experience pain from specific injuries, or pain that is more generalized.** Pain can be *cumulative* stemming from pre-trafficking injuries, illnesses or conditions, which are then exacerbated by the process of trafficking and/or by lack of necessary treatment. Pain can be caused directly by the violence of traffickers and the process of exploitation itself, and it can be worsened by adverse situations experienced after trafficking. Aches and pains all over the body may not have a single identifiable cause because there may be multiple causes or there may be elements of psychosomatic pain (see below), which makes assessment of pain complex.

<sup>597</sup> Zimmerman C., Hossain M., Yun K., Roche B., Morison L., & Watts C. (2006), [Stolen smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe LSHTM](#). Oram, S., Abas, M., Bick, D., Boyle, A., French, R., Jakobowitz, S., Khondoker, M., Stanley, N., Trevillion, K., Howard, L., & Zimmerman, C. (2016), [Human Trafficking and Health: A Survey of Male and Female Survivors in England](#), American journal of public health, 106(6), pp. 1073–1078. IOM (2012), [Caring for trafficked persons: guidance for health professionals](#).

Pain experienced by survivors is often longstanding or chronic, which can be particularly distressing. Stress, anxiety, poor sleep and mental health difficulties can act in a 'vicious cycle' with chronic pain, each worsening the other. This requires an approach which combines physical and mental healthcare with trauma-informed methods of working.

Some of the physical pain survivors describe may be *psychosomatic*, which means that reported symptoms have no clearly identifiable physical cause and are therefore considered to be a physical manifestation of mental distress. Psychosomatic pain is common in survivors of trafficking. Typical complaints include back pain, musculoskeletal pain and headaches. Some physical pain and discomfort may also be directly related to traumatic memories, and present in the form of a 'physical flashback', in which a person feels the physical pain of a past traumatic episode as if they were experiencing that trauma again in the present moment. It is important to remember that pain is real, distressing and disabling whatever its cause, and that the related needs of survivors need to be understood and acknowledged.

The absence of physical evidence should not be construed to suggest that abuse did not occur. Acts of violence may not necessarily leave marks or permanent scars, may have disappeared by the time the victim is detected as such and examined by a doctor, or traces of abuse may be of a mental rather than a physical nature. There are useful existing medical guidelines and literature around non-accidental injuries that may help clinicians to evaluate the likelihood of physical injuries being caused through assault.<sup>598</sup>

## Injuries from occupational hazards

**Injuries also result from the consequences of hazardous working conditions or from fatigue and the fearful actions of victims.** Examples of such injuries may include burns from cooking or handling chemicals, injuries from falls or accidents, muscular strains and injuries from repetitive work. Contact dermatitis, exacerbation of asthma or irritation of the eyes may result from hazardous chemical use such as cleaning agents or pesticides. Hearing problems may occur from unprotected noise exposure. Other forms of environmental toxicity may need to be considered such as lead poisoning in children or carbon monoxide poisoning from unsafe accommodation or working conditions. In cases where victims are forced to carry drug packages internally, there is the risk they can break, which can cause intestinal obstruction or rupture, acute toxicity and collapse.

## Health problems from living in conditions of exploitation

**Adults and children who live at their exploitation site or in other accommodation provided by their traffickers often experience unsanitary conditions with overcrowding, extremes of temperature or a lack of natural light or ventilation.** They may be deprived of a bed, sufficient sleep, personal space and the ability to take proper care of their personal health and hygiene. They are commonly deprived of adequate food. In some cases (particularly in cases of sexual exploitation or criminal exploitation) they may be forced to ingest alcohol, drugs and other substances. Survivors may also have been destitute or street homeless for periods of time after leaving the direct control of traffickers.

Deprivation in overcrowded and/or unsanitary living conditions together with lack of access to basic medical services is detrimental to physical health. For example, there may be an increased risk of developing or exacerbating infectious diseases, such as tuberculosis, measles or scabies, or of chest infections such as bronchitis or pneumonia, wound infections and gastro-intestinal infections. People who are restricted to confined, uncomfortable spaces may suffer back and joint pains. Malnutrition or vitamin deficiencies may add to physical debilitation, lethargy and weakness. Such conditions add to survivors' sense of personal degradation and can contribute to mental ill-health and low self-esteem.

## Non-specific health symptoms

**Survivors often present with non-specific physical symptoms.** These may include fatigue, weight loss, headaches, dizzy spells, loss of memory, fainting, stomach and abdominal pain, chest and heart pain, breathing difficulties, or back pain. Some of these symptoms will be linked to injuries or physical illnesses (e.g., a chest infection) or mental health disorders such as panic attacks or anxiety; however, others have no clearly identifiable physical cause and are therefore considered to be a physical manifestation of mental distress.

<sup>598</sup> See: Zimmerman C., Hossain M., Yun K., Roche B., Morison L., & Watts C. (2006), [Stolen smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe LSHTM](#). Oram, S., Abas, M., Bick, D., Boyle, A., French, R., Jakobowitz, S., Khondoker, M., Stanley, N., Trevillion, K., Howard, L., & Zimmerman, C. (2016), [Human Trafficking and Health: A Survey of Male and Female Survivors in England](#), American journal of public health, 106(6), pp. 1073–1078. IOM (2012), [Caring for trafficked persons: guidance for health professionals](#).

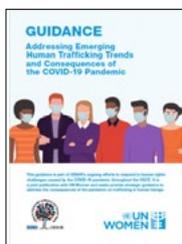
## Communicable diseases

**Lack of immunization or incomplete immunization (due to poor or interrupted access to comprehensive healthcare systems) can increase risk of infections such as diphtheria, tetanus, pertussis, polio, typhoid, measles, rubella, tuberculosis or hepatitis B.** It is, therefore, important that healthcare professionals try to verify any previous immunization history and ‘catch up’ immunization is offered if it is incomplete or unknown.

Overcrowded, unhygienic conditions, poor ventilation, extremes of temperature, inadequate nutrition and overwork-related fatigue all combine to increase the risk and severity of infection. These risks are further exacerbated by poor general health. Infections from poor environmental conditions may include tuberculosis, chest infections (e.g., bronchitis or pneumonia), skin infections (e.g., scabies, wound infections) and/or gastro-intestinal infections.

**Scabies** is a common skin infection in survivors of trafficking. Professionals working with survivors therefore need to be able to identify scabies. It is skin infestation by mites that is intensely itchy and is spread through close physical contact, and it can lead to secondary bacterial infection. Without treatment it can persist, causing significant discomfort. Scabies outbreaks are more common in communities living in below-standard residential environments and accommodation.

**Tropical diseases** may need to be considered depending on the person’s country of origin or their history of travel. These include malaria, dengue fever or parasitic infections, such as schistosomiasis (a flatworm infection), strongyloides or filariasis (roundworm infections). They may remain present for years after leaving the geographical area in which the infection was acquired.



### Severe Acute Respiratory Syndrome Coronavirus (SARS-CoV-2 or COVID-19) in Victims and Survivors of Human Trafficking

Survivors of trafficking and exploitation are particularly vulnerable to the adverse effects of natural disasters, such as pandemics. The global COVID-19 pandemic has likely increased the vulnerability of millions of adults and children to exploitation and human trafficking, both directly through the health impact of the virus, and indirectly through the economic effects of the virus and through societal efforts to control its spread.<sup>599</sup>

Isolation, poverty, poor employment and housing conditions, underlying health conditions, lack of access to appropriate care and essential services (including vaccination), and experiences of marginalization all contribute to survivors being particularly vulnerable to contracting COVID-19 and to suffering ill effects as a consequence.

COVID-19 has worsened barriers to healthcare worldwide. Language barriers, phone and digital poverty, as well as lack of trust in authorities and increased levels of deprivation are significant barriers to accessing healthcare. These have all been exacerbated by the pandemic. Many survivors of trafficking will be deterred from accessing the help they need, risking increased community transmission, health complications from the virus as well as inappropriate use of home treatments, and avoidable deaths. Indeed, survivors of trafficking often have complex physical and mental health conditions that will put them at greater risk of developing serious illness from COVID-19. Those survivors who rely on healthcare and social services already will become increasingly isolated and vulnerable. At the same time, the stress, uncertainty, anxiety and isolation caused by the pandemic mean that survivors’ mental health, often already poor, may deteriorate further, increasing their vulnerability to harm and possibly increasing their reluctance to engage with healthcare.

While many other interventions are necessary in response to the pandemic, COVID-19 vaccines are key and must therefore be made available to all people. The United Nations Deputy Secretary-General has urged, “no one to be left behind” during the COVID-19 pandemic. In order for national public health responses to COVID-19 to be maximally effective, everyone must be included. The United Nations High Commissioner for Refugees UNHCR and International Organization for Migration have called on national governments to ensure vaccines are made available to people in vulnerable situations who are often neglected without discrimination and prioritized for those who are most exposed and vulnerable. This must include victims and survivors of trafficking who may struggle to access vaccines or the information that is needed for them to make informed decisions about their need for vaccination. Deteriorating mental health, anxiety, lack of access to support services and lack of autonomy may all contribute to a poor uptake of vaccination and trafficking-aware, trauma-informed services must be developed to ensure that this is not the case.

<sup>599</sup> ODIHR & UN Women (2020), [Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic](#).

## Screening for contagious diseases

**Screening for Tuberculosis and for HIV, Hepatitis B and C infections can usually be done at any medical centre or sexual health clinic, with the informed consent of the individual.**

**Tuberculosis (TB) screening:** Screening for latent TB should be carried out in those who have been in a country with a high TB incidence, or if there is a high clinical risk. Symptoms of TB should be asked about, and active TB considered in anyone presenting with symptoms, which include persistent cough, coughing blood, fever, night sweats, significant weight loss and unexplained fatigue.

**Blood borne viruses:** Hepatitis B and C and HIV screening should be considered depending on the prevalence of the disease in any countries that the person has been in, and additional risk factors, particularly a history of sexual violence. Some people are reluctant to be screened for HIV because they may be fearful of a positive result (especially if they have come from countries where they have seen people die from such diseases and where it is associated with stigma). They can often be reassured that due to advances in the treatment of blood-borne infections, early diagnosis and treatment is associated with better outcomes. The life expectancy outlook for people who test positive for HIV and receive appropriate treatment and monitoring is now better than it is for many other serious illnesses.

## Non-communicable health concerns

- **Chronic diseases:** Chronic diseases in survivors of trafficking can include diabetes, cardiovascular disease, congenital problems, asthma, arthritis or cancers. These may be pre-existing illnesses which have never been treated adequately or have had interrupted treatment. Conditions that exist during exploitation (for example, stress, damp, inadequate diet) may induce or exacerbate such illnesses. **If left without treatment, chronic diseases can lead to severe illness or disability, therefore it is important to help survivors to access adequate healthcare for investigation and treatment of any such conditions.**
- **Nutritional Concerns:** Survivors of trafficking may be at risk of malnutrition after having been deprived of adequate nutrition for months or years – both prior to their trafficking and while under the control of traffickers. Malnutrition can cause a weak immune system and an increased vulnerability to diseases (particularly infections), delayed wound healing, gastro-intestinal disturbance, impaired cardiac and respiratory functioning and depression. Important specific nutrient deficiencies include anaemia, Vitamin D and Vitamin A deficiency. Survivors may need to be supported to access healthcare for assessment of their nutritional status.
- **Dental health:** Poor dental health is a common problem in survivors of trafficking. This can be due to the absence of dental services in their home countries, or during exploitation, as well as lack of ability to maintain oral hygiene. Violence inflicted to the head and face may have caused dental injury. Survivors should be helped to access dental care and additional support with dental hygiene if it is needed.
- **The physical effects of drug and alcohol dependency:** The physical effects of drug and alcohol use may include an acute presentation of intoxication or collapse from a drug or alcohol overdose. The effects of drug use will depend on the type and amount of the drug, any other substances that a person is using, and their individual health history. Many drugs may impact blood pressure, and cocaine use increases the risk of cardiac arrest. Changes in appetite, sleeplessness or insomnia, increased heart rate, slurred speech, changes in cognitive ability and loss of co-ordination are all short-term effects of drug use. Longer term damage to the respiratory system can result from drugs that are smoked and inhaled; kidney damage can result from heroin or ketamine use; liver damage can occur as a complication of alcohol overuse. There is also a significant increase in risk of infections such as infective endocarditis (affects the heart and cardiovascular system) or HIV, hepatitis B or C.

The effects of withdrawal from drugs also needs to be considered. It is important to locate substance dependency services and treatment that is trauma-informed and specifically appropriate to meet the needs of each individual person.

## Neurodevelopmental disorders<sup>600</sup>

**Survivors may have cognitive difficulties for a range of reasons, including head injuries, illnesses and pre-existing conditions.** In some cases, survivors may have pre-existing cognitive difficulties as a result of neurodevelopmental disorders:

<sup>600</sup> The terminology for conditions related to intellectual disability and other learning disabilities varies according to the diagnostic manual used, the most widely used being ICD-11 and DSM-5. The terminology used here is from the DSM-5.

- **A specific learning disorder** is a condition that presents a barrier to a specific aspect of learning but does not affect a person's overall intellectual functioning. For example, Autistic Spectrum Disorder would be classed as a specific learning disorder. A primary doctor or a professional in an education setting can refer a person for a specialist multi-disciplinary assessment if they observe the person having specific difficulties. This usually takes place at a child or adult neuropsychology service.
- **A global intellectual disability** is a developmental condition resulting in a significantly below average intellectual functioning and ability to carry out everyday activities and tasks. Intellectual disability is known to heighten the risks of vulnerability to trafficking.<sup>601</sup> It can be difficult to distinguish from some of the effects of psychological trauma and other health problems, especially in a context of illiteracy or lack of formal education. Formal clinical assessments that are adapted to allow for the effects of educational and cultural background, can therefore be a helpful step in identifying a person's needs. The identification of intellectual disabilities is important because it may contribute to the understanding of an individual survivor's past or current vulnerability. Some people with an intellectual disability may have difficulty in describing any health symptoms clearly, which can result in no diagnosis or misdiagnosis of their health problems. Some signs of intellectual disability may become apparent when a survivor gives an account of past or current daily life.

Where there are any indicators of an intellectual disability, no formal procedures involving survivors should commence<sup>602</sup> without an appropriate clinical assessment being conducted. This assessment should identify the presence and degree of any intellectual disability, and provide guidance on the specific actions that should be taken and/or adaptations that must be made. **Referral to specialist services is necessary in order that clinical assessment, care and safeguarding plans are informed by knowledge of the person's level of intellectual functioning and any related vulnerabilities.**

## Health issues related to sexual abuse and exploitation

**Survivors who are trafficked for any form of exploitation can be subjected to sexual abuse.** This is the case for men, women and children. The impact of such abuse can be profound and enduring both physically and psychologically. Rape, sexually transmitted diseases, the effects of recurrent pregnancies and forced terminations or enforced use of contraception hormones can cause long term consequences for women's health. The fear of infertility or an inability to have normal relationships in the future is a concern often voiced by survivors. Survivors may also have difficulties in negotiating safe relationships and may need help to manage issues such as consent and self-assertion. Pregnancy, childbirth and parenthood may offer increased challenges and further need for individual support.

## Survivors' experiences of rape

**It is vital that all professionals apply trauma-informed, gender-sensitive methods of communication with any survivor who has or may have suffered rape and sexual violence.** (See: [trauma-informed communications 1](#); [trauma-informed communications 2](#); [gender sensitivity](#); [gender-sensitive communications](#)) Many people find it extremely difficult or impossible to disclose rape and sexual abuse due to shame, stigma and fear of being shunned by their communities and families. **A full sexual health review from a clinician, which includes questions about whether they have experienced sexual violence, may be needed as part of any initial assessment.**

If a recent sexual assault is disclosed or suspected, urgent referral to appropriate services should be offered. Post-exposure prophylaxis for HIV and sexually transmitted infections (STIs) may need to be considered among other available measures for recent sexual assault. Consideration should be given to the need for a forensic examination and an appropriate sexual health assessment by trained professionals.

Any clinical investigation and treatment must only take place with the informed consent of the survivor.

<sup>601</sup> Reid, JA. Sex Trafficking of Girls with Intellectual Disabilities: an exploratory mixed methods study. *Sexual Abuse*, vol. 30, 2: pp. 107-131.

<sup>602</sup> For example any official/formal interviews, criminal justice proceedings, immigration proceedings and court hearings.

## Physical symptoms from rape

**It is important to recognize that there may be no physical signs or symptoms after male or female rape, even in a person who has suffered multiple rapes over a period of many years.**

- **Chronic lower abdominal pain** is a common symptom in women who have suffered rape and sexual abuse. Investigations (such as ultrasound scanning) that are often used to investigate this pain often fail to identify any physical cause. Investigation is nonetheless essential: for example, pelvic inflammatory disease as a result of untreated sexually transmitted infections is an important possible cause of lower abdominal pain.
- **Ligamentous or other tissue injury** may be caused by the mechanical trauma of rape (i.e., use of physical force to the pelvis). This can result in long term pain even though there may be no medically identifiable pathology.
- **Menstrual disorders** such as menorrhagia (heavy periods) or dysmenorrhœa (painful periods) are common in women who have experienced sexual violence. **Dyspareunia** (pain in the genital or pelvic area on sexual intercourse) is also common.
- **Genito-urinary symptoms** can occur due to the physical trauma of rape and/or sexually transmitted infections.
- **Anal rape is common in trafficking cases but is often not disclosed by victims or is only disclosed with great difficulty and at a late stage, due to the feelings of intense shame experienced.** Men and women who have suffered anal rape may have severe injuries such as rectal perforations or sphincter injuries, but more commonly sustain less severe injuries, such as anal fissures. These present with constipation, anal pain and/or bleeding. These symptoms can last a long time, especially if they are left untreated.<sup>603</sup>

**Survivors may engage in behaviour that results in physical harm to themselves as a result of their psychological distress after rape.** This can include, for example, problems such as excessive washing, or using harsh products on areas of the body. A distressed person may inflict deliberate harm (e.g., by cutting or burning) to areas of the body associated with trauma. Therefore, it is important that an assessment of consequences of rape includes an exploration of any change in the survivor's behaviour towards their body.

## Sexually Transmitted Infections (STIs)

**Screening for STIs should be conducted as early as possible with the informed consent of survivors (as for all health tests and treatment).** Many STIs can cause life threatening or distressing complications if they are left untreated. Some (e.g., Hepatitis B, HIV or Chlamydia) may not be associated with obvious current signs or symptoms.

**Time should be spent addressing survivors' specific concerns about STI screening.** The importance of STI screening and the screening services that are available, should be carefully explained. It is important to bear in mind that some survivors may not have knowledge about the importance of identifying and treating STIs. They should be provided with information (with interpretation and translation if it is needed) to support their decision-making about going ahead with tests as soon as possible.

**Survivors should be helped to obtain access to an STI screening service where they will be treated with appropriate understanding and sensitivity.** This may include helping to make appointments, providing routes for travel, or arranging transport. An offer should be made by appropriate support professionals to accompany survivors to appointments. However, if they prefer not to be accompanied, provision of a summary letter explaining their history and needs (**with their informed consent**) can be helpful.

<sup>603</sup> Rectal examination is not necessary to make the diagnosis of sphincter injury and does not contribute usefully to the identification of past anal rape. It should therefore be avoided since it is likely to be extremely painful and distressing.

It is important to note that a negative result from STI screening should not undermine a person's claim that they have been raped any more than a lack of physical signs of injury.

A person who has suffered multiple rapes, even over a period of many years, may nonetheless have no signs or symptoms.



**Survivors of trafficking may be at increased risk of STIs and related health complications due to exposure from rape and other sexual violence, and lack of access to testing and treatment.**

They should have access to trauma-informed specialist services which can support them to be aware of these risks and to recognize, seek help. They may have difficulty in asserting their right to consent to sexual relationships and other related issues, such as the need for protection against STIs. Many survivors experience profound lack of confidence in relationships, and can benefit from specialist support. They should also be advised to report any further targeting, grooming and harassment. It is important that any support is focused on the survivors' individual needs and wishes, with an emphasis on providing information in their own language, and facilitating them in making positive decisions for themselves.

## 17.8 Family health and care

**Past and current pregnancies should be explored in an initial health assessment.** Some women and girls will have experienced enforced terminations of pregnancy outside of usual healthcare settings. Some may have given birth to children who have died or whose whereabouts are unknown. Such histories are highly sensitive and may take some time to disclose. This requires a sensitive, trauma-informed approach from professionals, together with combined physical and mental healthcare.

**Consideration of pregnancy testing and smear testing is also important.** Such tests can only be carried out with appropriate explanation and strict observation of the duty of confidentiality and informed consent.

**Female genital mutilation (FGM):** It is important to be aware of the possibility of FGM, which may also be referred to as 'female circumcision' or 'cutting'. The term refers to the practice of deliberate alteration or injury to the female genital organs for non-medical reasons. FGM has no medical benefit and is associated with significant complications for girls and women including pain, bleeding, infection, and obstetric complications.<sup>604</sup>

The prevalence of FGM varies globally: it is most common in regions of Eastern, North-Eastern and Western Africa, and in some areas of Asia and the Middle East. FGM can be practiced at any age, and has also been reported after migration to countries where it is not traditionally practiced,<sup>605</sup> and so it should not be assumed that a person who has migrated at an early point in their lives have not had FGM. Disclosure can be difficult for many women and girls. It is helpful to bear in mind that this procedure may have been facilitated by caregivers who believed it was necessary and in the best interests of the girl, and that the person who has undergone FGM may not view it as a harmful practice, or associate any medical problems with this procedure. Women who have undergone FGM may need to be referred into appropriate local services, particularly if they describe or manifest physical or psychological complications.<sup>606</sup> Pregnant women who are from countries where FGM is practiced should be supported to discuss this with appropriate health services as soon as possible. They may need access to specialist services before their due date to ensure that they are prepared for the labour experience, both physically and psychologically.

<sup>604</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW) (1990), [CEDAW General Recommendation No. 14: Female Circumcision](#), A/45/38. Ibid. (2010), [Resolution 54/7 on Ending female genital mutilation](#), contained in E/CN.6/2010/11, pp. 33-36. Ibid. (2008), [Resolution 52/2 on Ending female genital mutilation](#), contained in E/CN.6/2008/11, pp. 16-20. Ibid. (2007), [Resolution 51/2 on Ending female genital mutilation](#), contained in E/CN.6/2007/9.

<sup>605</sup> For FGM prevalence data from the UK, see [UK National Health Service](#).

<sup>606</sup> WHO (2016), [WHO guidelines on the management of health complications from female genital mutilation](#).

**It is important to enquire about the risk of exposure to FGM (or potential FGM) for women and girls. This involves consideration of the local community in which they are residing or travel or return to countries of origin.<sup>607</sup> Safeguarding concerns may need to be raised.**

## Assisting pregnant women who are survivors of trafficking

**Women may become pregnant or give birth to children while under the control of traffickers or after having escaped from traffickers.** They will need special care and assistance from all professionals who are working with them, whether their pregnancy is a result of rape or not, and whether the father is present or absent in the life of the child.

**Some survivors who are pregnant may have received no antenatal care or have only received it late in their pregnancy.** Lack of timely antenatal care means that women will have missed important screening appointments. This makes it harder for women to prepare in the event of the baby having any condition that requires additional care. Late access to antenatal care can also present a problem for women who have other conditions such as high blood pressure or STIs which can complicate the pregnancy or delivery. **Access to a range of specialist support services and long-term care is essential to keep pregnant women safe, and to protect their unborn child.**

Some pregnant women will have previous histories of being forced by their traffickers to ingest contraceptive pills or other substances, have an intrauterine device inserted or undergo injections as a form of birth control. Some women may have consumed alcohol or drugs during pregnancy. Others have suffered forced abortions within or outside medical services or have had their babies or children taken away by traffickers. In some cases, women have put themselves in danger to escape traffickers to save their unborn baby.

All of these scenarios can impact the woman's feelings about pregnancy and may require early access to mental health care. There is increasing evidence that unborn children are adversely affected by maternal stress, therefore all efforts to manage any stress in pregnancy should be made.

**Being cut off or outcast from their family network and community is a frequent consequence of trafficking for sexual exploitation, and of pregnancy outside of marriage due to the shame and stigma associated with these experiences in many cultures.** Women may also be at risk of honour-based violence and abuse from their families and communities. Professionals should be aware of these additional needs and risks when planning the support of survivors who are pregnant and consider referral to appropriate agencies. **This can include organizations that specialize in supporting women who are at risk of honour-based violence, support and befriending organizations, or peer group meetings for vulnerable parents.**

## Health service support for pregnant women

**In all cases of current pregnancy:**

- **Ensure that women understand the need for regular antenatal care and ensure that they are referred to appropriate local healthcare services.** If survivors provide their informed consent, ensure that obstetricians and midwives are aware of their history of trafficking, or at least understand that they are a vulnerable person with a traumatic history. In some hospitals, safeguarding midwives can be provided for the care of vulnerable pregnant women. It may be useful to write a letter, or offer to accompany a woman to antenatal appointments, to help outline the risks and concerns to healthcare professionals who may not be experienced in working with survivors of trafficking.
- **Support women to access a doctor or specialist healthcare professional to discuss all health-related options available to them concerning their pregnancy.**
- **Support survivors to access screening tests for [sexually transmitted infections \(STIs\)](#).** (See: [healthcare](#))

<sup>607</sup> UNHCR (2013), [Female Genital Mutilation & Asylum in the European Union: A Statistical Overview](#).

- **Bridge referrals for support in preparing for arrival of a baby, including sourcing equipment and clothing, and referrals for antenatal support and advice on self-care.** (See: [bridged referrals](#); [bridging letters](#); [accompanying survivors](#))
- **Ensure that women have the extra support they need during the delivery of their baby over and above the usual healthcare services.** Some charities provide birth companions or doulas for women who would otherwise be unaccompanied during delivery of their baby.
- **Ensure appropriate review of prescribed medication.** If a pregnant woman is currently taking medication, she should be supported to discuss this with her primary-care physician or midwife as soon as possible. The healthcare professional will consider and monitor the risks and benefits of continuation or change of medication throughout pregnancy and breastfeeding. The effects of withdrawal from medication may increase the need for consistent therapeutic care.
- **Be aware that some women who have experienced rape may be particularly fearful of delivering their baby due to the physical nature of childbirth, which can cause re-traumatization.** Interventions during antenatal care or delivery may make them feel frightened and trigger traumatic memories. It may be possible to refer to specialist services to support women to give birth: for example, perinatal mental health services to assist with psychiatric and psychological care, and organisations that provide doulas who are trained in assisting pregnant women who have mental health difficulties.
- **Monitor mood during and after pregnancy.** The risk of postnatal depression is high in this client group and careful monitoring of mood in the postnatal period will be important.

## Support for parents with children

Survivors who are parents raising children in situations of poverty face extreme challenges, including long-term health problems and wider social disadvantage.

This can leave parents and their children vulnerable to harm from others. It is imperative that they have continued access to primary health care services and appropriate support.

- **Wherever possible, support parents to access provision of respite childcare, statutory child services and specialist child services.** Statutory social services and national child protection systems may need to be made aware of pregnant women or parents with young children towards whom they have a duty of care.
- **Ensure that survivors have access to services for support with their parenting.** This is a fundamental component of care and protection and significantly lowers the risk of further harm and exploitation.

## Working with parents

- **Acknowledge the presence of babies and children** in a positive way and understand the challenges for the parents regarding practical matters such as travel, attendance of appointments and breastfeeding.
- **Communicate respect and support** for the bond between parent and child.
- **Always ensure that mothers have an appropriate, private and comfortable space for breastfeeding** if they require it, and that they feel welcome to breastfeed wherever and whenever they choose to do so.
- **Ensure that parents have ongoing emotional support and contact with professionals before, during and after the birth of their child.** As well as access to essential medical care, try to ensure that they have access to ongoing care and support from specialist charities and services before, during and after the birth.
- **Ensure that parents do not suffer social isolation at this crucial time.** Professionals who are working in support of parents should have an informed understanding of trafficking issues, as well as the complexity of trauma.

## 17.9 Mental Health Problems in Survivors of Trafficking

### Introduction



**Trafficking is a violation of individual integrity, a threat to existence, and therefore a source of chronic interpersonal trauma.**<sup>608</sup> Survivors describe having endured high levels of adversity and trauma, as well as multiple losses and threats to their safety. In the initial aftermath of these experiences, almost all survivors present with some degree of psychological distress. This can manifest in different ways, and many survivors develop persistent problems with their mental health. However, it is important to remember that every survivor has individual experiences and coping strategies. **The presence or absence of mental health problems should not be assumed but determined by a qualified clinician via a trauma-informed mental health assessment.**

Survivors' traumatic experiences may inhibit them from coming forward to seek help and cause them difficulties in being able to fully explain their situation or their mental health symptoms. In some cases, they may be pre-occupied with trying to manage and suppress intrusive and distressing symptoms, which can result in avoidance of social situations and in some cases, withdrawal and social isolation. **Trauma-informed communications and methods of working are essential, together with pro-active support for referral to appropriate mental health services.**

### Recognition of mental health risks and immediate safeguarding procedures

**Many survivors report thoughts of self-harm and suicide, and some have a history of self-harming behaviours or suicide attempts.** Survivors may believe that self-harming and suicidality are shameful, therefore they find such thoughts and behaviours difficult to disclose.

**If a person expresses imminent intent to end their life or to harm themselves, immediate help and advice should be sought from healthcare services while a professional person remains with them to ensure their safety.** In any case where a person appears very distressed and expresses a strong intent, emergency services must be contacted. This also applies if the survivor is acutely mentally unwell and does not appear to be able to look after their basic needs.

**If a person expresses thoughts of suicide or self-harm, or discloses recent self-harm or suicide attempts, it is important to inform their primary care doctor and any mental health services involved in their care, without delay.** It should not be assumed that these healthcare professionals are already aware of any risk-related disclosures.

**A thorough mental health risk assessment is best conducted by a clinician. However, it is possible for other professionals to ask sensitive questions and to encourage an open style of communication about risk.** They should explain that they are trying to understand what the person needs in terms of individual care and support. It is helpful to ask the person directly:

- If they have harmed themselves recently;
- If they currently have thoughts of suicide or self-harm;
- Whether they feel safe now; and
- If they feel able to look after themselves.

It is helpful to know that these questions are unlikely to trigger self-harm or increase risk.

**Note: If there are indicators that a survivor is at immediate, high risk from other people, it may be necessary to contact the police and/or adult or child social services.**

<sup>608</sup> Oram S., & Domoney, J. (2018), [Responding to the mental health needs of trafficked women](#), Healthcare, Counselling and Psychotherapy Journal, 18(2).

## Making referrals to mental health services

Some people may be fearful of referral to mental health services. They may be concerned about suffering stigma and other negative consequences from receiving a psychiatric diagnosis.<sup>609</sup>

When asking about survivors' difficulties and referring them to mental health services, professionals should respond in ways that support and validate understandable distress in response to traumatic events.

**Any non-urgent referral to mental health services should be discussed with survivors, and should not proceed without their informed consent.** A person's own values and views about their difficulties and care needs should be central to any conversation about mental health. It is important that survivors do not feel 'labelled' or diminished if they are given a psychiatric diagnosis. They should be supported via referrals to mental health services in order to access appropriate evidence-based treatment.

### The best mental health and support services for survivors of trafficking

- Practice a multi-disciplinary, trauma-informed and holistic outlook and approach;
- Offer comprehensive assessments and evidence-based interventions and treatment;
- Involve clinicians who have specialist knowledge of the mental health impact of repeated trauma and abuse;
- Include a collaborative and flexible intervention plan that takes into account the individual experiences and priorities of each individual person; and
- Have systems of working collaboratively and effectively with other specialist services for survivors with multiple, complex needs.

## 17.10 Overview of mental health problems in survivors of trafficking

**The most prevalent mental health problems among survivors are Post-Traumatic Stress Disorder (PTSD), Complex Post-Traumatic Stress Disorder (CPTSD),<sup>610</sup> depression and anxiety.<sup>611</sup>** It is important for all professionals to recognize that many survivors can experience a range of psychological difficulties that can vary over time and may not fit neatly within diagnostic categories.

**Survivors often describe problems with feelings of guilt and shame, and may even blame themselves for their experiences.** Difficulties with trust are also common and can affect survivors' ability to form trusting, positive relationships.

### Post-Traumatic Stress Disorder (PTSD) and Complex Post-Traumatic Stress Disorder (CPTSD) in Survivors of Human Trafficking

#### PTSD

**Survivors of human trafficking have typically experienced multiple traumatic events, resulting in a high prevalence of PTSD.<sup>612</sup>** Traumatic events include direct threats to the person's life or physical integrity. Witnessing

<sup>609</sup> This could include fears of being detained in a psychiatric hospital against their will, or having their children removed by the authorities.

<sup>610</sup> Ottisova, L., Smith, P., & Oram, S. (2018), [Psychological consequences of human trafficking: Complex posttraumatic stress disorder in trafficked children](#). Behavioral Medicine, 44(3), pp. 234–241.

<sup>611</sup> Oram et al (2016), [Human trafficking and health: a cross-sectional survey of male and female survivors in contact with survivors in England](#), American Journal of Public Health, 106(6), 1073-1078; Kiss L., Pocock N., Naisanguansri V., et al (2015), [Health of men, women, and children in post-trafficking services in Cambodia, Thailand, and Vietnam: an observational cross-sectional study](#), Lancet Glob Health, 3, e154–e161; Ottisova L., Smith P., Shetty H., Stahl D., Downs J., Oram S. (2018), [Psychological consequences of child trafficking: An historical cohort study of trafficked children in contact with secondary mental health services](#), PLoS One, 13(3), e0192321.

<sup>612</sup> Ottisova et al (2016), [Prevalence and Risk of Violence and the Mental, Physical and Sexual Health Problems Associated with Human Trafficking: An Updated Systematic Review](#), Epidemiology and Psychiatric Sciences, 25(4), pp. 317-41.

trauma towards others, or in some cases, hearing about traumas experienced by loved ones may also result in PTSD. For children the loss or absence of adequate caregivers can be a traumatic event. Indicators and symptoms of PTSD can only be assessed and diagnosed by a qualified clinician.

Symptoms of PTSD include nightmares and flashbacks of traumatic experiences, along with persistent attempts by survivors to avoid any reminders of the traumas. This is accompanied by negative alterations in cognitions and emotions, and hyper-arousal symptoms.<sup>613</sup> For some people with PTSD, flashbacks and nightmares will occur occasionally, while for others, they may occur multiple times each day and night. This can cause survivors to feel that they are in a state of constant or intermittent danger. During these episodes, they re-experience the high levels of fear and/or other emotions that they may have had at the time of the trauma (for example shame, helplessness, guilt, anger), as well as physiological symptoms associated with the traumatic events, such as shaking, sweating and an accelerated heart rate.

This set of reactions can be disabling and terrifying and can leave survivors uncertain as to whether their symptoms are a result of a mental health problem, a physical health problem or an actual repeat of the trauma. For example, they might be concerned that someone is breaking into their room at night to attack them even though their door is locked and there is no objective indication that this is happening. They may interpret a fast heart rate and associated chest discomfort as signs of a heart attack, or of their impending death. These symptoms are frequently accompanied by attempts to avoid thoughts, feelings and reminders of traumatic events, as they are so distressing to recall. Sometimes a person will lack conscious awareness of their own avoidance behaviour.

As a result of their traumas, survivors may experience a change in their world view, and their view of themselves. For example, they may describe beliefs such as *'I will never be safe,'* or *'I am worthless,'* as well as related emotions, such as fear or sadness. The impact of frequently re-experiencing traumas in a vivid form will lead a person to be hyper-vigilant about danger, affecting all aspects of their daily life and impacting their sleep and concentration. This combination of symptoms can affect their ability to converse fully and confidently with professionals and can therefore impede their access to appropriate mental health care. Survivors benefit from a practical explanation of their PTSD symptoms at an early stage. This helps them to make sense of the symptoms they are experiencing and to make decisions about care and intervention. This is a significant component of **Phase 1 (safety and stabilization)** in the [3-Phase Therapeutic Model](#).

## Complex PTSD

**Complex PTSD (CPTSD) has been recognized as a diagnostic category in the ICD 11 classification system.<sup>614</sup> It can develop in people who have been exposed to prolonged and repeated traumas. It is therefore prevalent in survivors of trafficking and childhood abuse.** In addition to PTSD symptoms (see above), it is further characterized by emotional dysregulation, interpersonal difficulties and a negative self-concept.

- **Emotional dysregulation:** A person who has difficulties with emotional regulation may become easily overwhelmed, and can have problems with both managing their distress, and calming or soothing themselves. They may experience sudden changes in their emotions that they struggle both to make sense of to themselves and to explain to others. Some people experience emotional numbness, or a reduction in their capacity to **access** their emotions. It is important for professionals to recognize that they may be experiencing severe and debilitating mental health symptoms despite appearing to be 'emotionally numb' or detached, and therefore calm.
- **Inter-personal difficulties:** Many survivors describe interpersonal difficulties, including problems with trusting other people and forming safe relationships. They may therefore isolate themselves from others. There is also a risk that, having lost their sense of the normal boundaries and expectations of human relationships, they may be overly trusting and easily persuadable or led by others. This can result in situations whereby survivors find it difficult to interpret the true motivations of other people towards them, which can in turn increase their vulnerability and therefore, their re-trafficking risks.
- **Negative self-concept: Survivors commonly describe experiencing persistent negative beliefs and emotions about themselves.** For example, they may blame themselves for harm done by others, have intense feelings of worthlessness or a sense of failure. These reactions can leave survivors with a profound lack of confidence in making choices and decisions about their lives.

<sup>613</sup> American Psychiatric Association (2013), [Diagnostic and Statistical Manual of Mental Disorders: Fifth Edition](#).

<sup>614</sup> World Health Organization (2018), [International classification of diseases for mortality and morbidity statistics \(11th Revision\)](#).

## Depression

**Social, psychological and biological factors interact to cause depressive disorders.** Life experiences involving adversity, hardship, loss and powerlessness that are frequently reported by survivors are commonly associated with depression.

As well as recognizing the traumas suffered by survivors, it is important to understand the significance of the *losses* they have experienced. These include the loss or absence of regular contact with loved ones, belonging in a community, enjoying mutual friendships, taking pleasure in regular daily activities, having personal space, privacy and sufficient rest. Survivors may grieve particularly for time-limited opportunities, such as having their own families, raising their children, caring for family members, or being able to spend time with family members who have now died. These losses are additional to the financial independence, education, training and work opportunities they have also lost. Survivors may have endured long periods of time during which they were powerless to change their situation, resulting in persistent feelings of helplessness. **All associated consequences of trafficking should be held in mind when considering a person's losses and their current needs.**

Symptoms of depression include persistent low mood, sleep disruption, lack of enjoyment and interest in activities, low levels of energy and problems with appetite.<sup>615</sup> Cognitive symptoms of depression can include distressing negative emotions and thoughts about oneself, such as self-blame, shame and low self-esteem. The aftermath of trafficking, when survivors have the time and space to take stock of their experiences and consider what they have lost, can be a time when they are at particularly high risk of developing symptoms of depression. **Professionals should therefore remain aware of this risk throughout the course of working with survivors and offer appropriate referrals to healthcare services.**

## Anxiety

**Fear and anxiety are normal responses to danger, and most people have experienced elevated anxiety when under the control of traffickers.** Survivors commonly describe an ongoing sense of danger and may develop persistent anxiety symptoms.<sup>616</sup>



In some cases, it can be difficult for the survivor, and occasionally for the professionals working with them, to distinguish anxiety which is related to a *previous threat*, from that which is related to a *current risk*. For example, a person may be reluctant to leave their accommodation, because they fear encountering others. This could be caused by their high levels of anxiety related to trauma memories, or it could be due to their living in a community where traffickers operate, and they are too fearful to fully explain this.

**A high level of anxiety may prevent a person from thinking practically about risk. Safeguarding and protection must therefore be a central component of any assessment and safety planning.**

There are different manifestations of anxiety, ranging from generalized anxiety to that which is focused on specific preoccupations and concerns. This can result in frequent worry, difficulties in focus and concentration, inability to relax and to feel safe, or to rest and sleep. Physical symptoms of anxiety include chest pains, sweating, breathlessness and shaking. In some cases it can escalate to panic attacks.

Some survivors may experience specific anxiety disorders, which will require diagnosis and treatment by appropriate clinicians.<sup>617</sup> Anxiety disorders can have a marked impact on the daily lives of survivors. There are effective psychological interventions for anxiety disorders and it is advisable to offer survivors referral for appropriate assessment and treatment as early as possible.

Survivors often have to live with *realistic* fears for their ongoing personal safety and that of their families. However, all can benefit from clinical assistance to manage and reduce anxiety symptoms. This supports them to be able to think more clearly, engage with safety planning and potentially improve the quality of their daily life.

<sup>615</sup> American Psychiatric Association (2013), Diagnostic and Statistical Manual of Mental Disorders: Fifth Edition.

<sup>616</sup> Oram et al (2016), [Human trafficking and health: a cross-sectional survey of male and female survivors in contact with survivors in England](#), American Journal of Public Health, 106(6), pp. 1073-1078.

<sup>617</sup> Specific anxiety disorders include phobias (for example agoraphobia and claustrophobia), social anxiety disorder (intense feelings of self-consciousness and fear in social situations), and obsessive-compulsive disorder (OCD) (distressing, obsessive thoughts that can lead to engaging in compulsive behaviour to relieve distress).

## Dissociation

**Dissociation involves a person experiencing a disconnection between themselves and the world around them.** A person may dissociate when they are reminded of a traumatic memory, or when they are under severe stress. They may lose track of time and place, feel detached from their body, or feel as if the world around them is not real. It is helpful to be aware of some of the signs of dissociation, which can include a person appearing to go blank, stare into space, and stop responding to what is happening around them.

Dissociation may last for a very brief period of time (seconds or minutes), or in some cases can extend for hours or days at a time. The severity of dissociation varies: in mild cases a person may remain partly aware of their current surroundings; in severe cases they may lose contact with their surroundings entirely.

Dissociation is a symptom of PTSD and Complex PTSD, but it may also co-exist with a range of other mental health difficulties. A person with very severe symptoms of dissociation may be diagnosed with a dissociative disorder.<sup>618</sup>

A flashback of a traumatic event is a form of dissociation. If a survivor experiences a flashback, it can be helpful to call their name gently, to advise them where they are, and to try to orient them to the present moment. Making loud noises or touching the person should be avoided, as this could inadvertently intensify the impact of any flashback they may be experiencing.

## Guilt and shame

**Survivors can be left with a range of distressing emotions after their trafficking experiences, of which guilt and shame are among the most common.** Traffickers may use methods of sexual abuse, humiliation, ritualized violence, and degrading forms of exploitation and control that leave victims with high levels of shame. Many survivors describe strong feelings of guilt, often related to events they could not control, for example, being separated from family members and unable to provide financially for loved ones, witnessing harm inflicted on others by traffickers, leaving other victims behind in a trafficking situation when they escaped, or having been trafficked originally. Survivors often have great difficulties in disclosing information associated with feelings of guilt or shame.

## Relationship difficulties

**Trafficking can shatter a survivor's sense of safety, and their trust in other people.** This can result in avoidance of contact with other people, personal isolation and social withdrawal. In some cases, survivors are unable to maintain safe relationship boundaries, for example becoming overly trusting and intimately involved with other people who are manipulating them. People with relationship and trust difficulties will require extra support to be able to engage with the help that is offered to them.

## Emotionally Unstable Personality Disorder (EUPD)

**Some people may experience a wider range of difficulties with their emotions and relationships. Emotionally Unstable Personality Disorder (EUPD)** (also known as Borderline Personality Disorder [BPD]), is a diagnosis strongly associated with a history of childhood adversity.<sup>619</sup> People with EUPD may have problems with intense and highly changeable moods and find it hard to manage their emotions. Some people with EUPD describe behaving impulsively in ways that can put them at risk. In some cases, they may enter into substance dependency or self-harming behaviours in order to cope with feelings of distress. They may experience strong feelings of emptiness and abandonment and can have paranoid thoughts.

Some survivors may feel stigmatized upon receiving a personality disorder diagnosis whereas others may find it a helpful way of framing their difficulties and accessing effective interventions. Some of the symptoms of Complex PTSD overlap with those of EUPD/BPD. It is helpful to seek mental health advice in order to assist survivors to make sense of their symptoms and support them to access the most suitable therapeutic interventions.

<sup>618</sup> The International Society for the Study of Trauma and Dissociation provides fact sheets about trauma and dissociative disorders [on their website](#).

<sup>619</sup> Porter C., Palmier-Claus J., Branitsky A., Mansell W., Warwick H., & Varese F. (2019), [Childhood adversity and borderline personality disorder: a meta-analysis](#), Acta Psychiatrica Scandinavica, 141(1), pp. 6-20.

## Psychotic symptoms

**Psychosis (such as schizophrenia or bipolar disorder) is less common than PTSD, anxiety or depression in trafficking survivors.**<sup>620</sup> However, it is still quite prevalent and is associated with high rates of psychiatric inpatient admission, including compulsory admission.<sup>621</sup> A person with psychosis may experience symptoms such as hearing voices, having visual hallucinations, or expressing unusual ideas (often referred to as delusions), disorganized thinking and behavior, which reflects these experiences.<sup>622</sup>

Some indicators of psychosis can be difficult to differentiate from those observed in people with PTSD, which is why an assessment from a mental health professional is crucial. For example, people with psychosis and those with PTSD-related flashbacks may both behave as if they are hearing or seeing things that others who are present in the room cannot hear or see. They may suddenly look scared or distracted, or look around the room as if responding to a voice or a noise. Often such experiences are extremely frightening and distressing.

People who are experiencing psychosis may say or do things that are hard for others to understand in the current context. They may believe that others are trying to control them, or are observing, following, or monitoring them. These experiences are not unusual in the context of trafficking, and can relate to PTSD-flashbacks or nightmares, as well as psychotic illnesses. While it is always helpful to enquire gently about unusual behaviour, a person's symptoms may prevent them from being able to fully describe what they are experiencing.

**Any person with psychotic symptoms is highly likely to have significant difficulties with managing their everyday life and keeping safe. They are also at greater risk of impulsive self-harm. Any indicators of psychosis should prompt an urgent referral to mental health services, and a prioritized collaborative plan for the individual's ongoing mental health care needs.**

## Eating problems and eating disorders

**Survivors may develop a problem with eating that has a marked impact on their health and well-being.** This may be directly related to experiences of trafficking and exploitation; traffickers can use food and withhold food as a method of control. Survivors may have problems with food and eating if it reminds them of traumatic events. Some may have developed specific problems with eating that are due to trying to manage distress through abnormal eating behaviour.

Some survivors may develop an eating disorder. In such cases, the individual's main problem is abnormal eating behaviour and preoccupation with food, along with body weight and shape concerns.<sup>623</sup> There are many causes of eating disorders, and a history of trauma has been identified as a precursor to their development.<sup>624</sup> **Eating disorders have the highest mortality rate of all psychiatric disorders, due both to the physical consequences of the disorder and an increased rate of suicide.** This requires an assessment from a primary-healthcare doctor, who may then refer them on to specialist eating disorder services.

## Mental health effects of substance dependency

**Some survivors may have had a pre-existing alcohol or other substance dependency that contributed to their vulnerability prior to trafficking.** (See: [vulnerability: substance dependency](#)) Others with no pre-existing problem may have been forced by traffickers to use drugs and or alcohol and have become substance dependent.<sup>625</sup> Survivors may also resort to drugs or alcohol to cope with their distress during or after a period of exploitation, particularly if it is the only easily accessible means for them to relieve their trauma symptoms. As well as jeopardizing their health, alcohol and substance use can prevent survivors from remaining safe, maintaining contact with services and engaging

<sup>620</sup> World Health Organization (2018), [International classification of diseases for mortality and morbidity statistics \(11th Revision\)](#).

<sup>621</sup> Oram S., Khondoker M., Abas M., Broadbent M., & Howard L.M. (2015), [Characteristics of trafficked adults and children with severe mental illness: a historical cohort study](#), *Lancet Psychiatry*, 2(12), pp. 1084-91.

<sup>622</sup> It is important to bear in mind that many survivors will have had experiences that are outside of the professionals areas of knowledge, and could sound unusual or unexpected. It is helpful for professionals to keep an open mind and assist the survivor in feeling as safe as possible in order to be able to gradually gather information to understand the links between their history and current mental health. Survivors will have experienced being controlled by others, often in extreme ways for prolonged periods of time. Some survivors may have had threats from traffickers that cause them to fear current monitoring or control. It is helpful to keep this in mind when assessing mental health.

<sup>623</sup> World Health Organization (2018), [International classification of diseases for mortality and morbidity statistics \(11th Revision\)](#).

<sup>624</sup> Molendijk, M., Hoek, H., Brewerton, T., & Elzinga, B. (2017), [Childhood maltreatment and eating disorder pathology: A systematic review and dose-response meta-analysis](#), *Psychological Medicine*, 47(8), pp. 1402-1416.

<sup>625</sup> One study which interviewed survivors of sexual exploitation found that 84 per cent reported substance use during the trafficking, of which 28 per cent reported that the substance use was forced by the traffickers. Lederer, L. J. & Wetzel, C. A. (2014), [The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities](#), 23 *Annals Health L*. 61. Rates in survivors within the health system are reported to be lower. Oram, et. al. found that 10 per cent of survivors in a United Kingdom health services had been identified as having a problem with alcohol or drug use. See Oram, et. al. (2016), [Human trafficking and health: a cross-sectional survey of male and female survivors in contact with survivors in England](#), *American Journal of Public Health*, 106(6), pp. 1073-1078.

in appropriate medical treatment and therapeutic care. As a result, the effects of dependency on alcohol and drugs can impede survivors' recovery progress and increase their vulnerability to targeting for re-trafficking. Children may be particularly vulnerable to significant physical, mental and developmental harm through substance abuse. (See: [vulnerability of children](#))

Conventional substance dependency services are often inappropriate for survivors of trafficking. They require holistic intervention by professionals who have an understanding of their individual vulnerabilities, and how these relate to their specific trafficking history and use of substances.

Survivors who have substance dependency alongside mental health problems should be offered effective, evidence-based treatment, in services that combine treatment for substance dependency together with psychological interventions that specialize in the impact of trauma.

## 17.11 The 3-Phase Model of Therapeutic Care

### Introduction

**Survivors of trafficking should be offered evidence-based therapy delivered by a qualified therapist who is registered with a recognized professional regulatory body.** Therapists should have training and experience in the provision of evidence-based psychological treatments as defined in recognized guidelines such as those developed by the National Institute of Clinical Excellence (NICE),<sup>626</sup> which covers recommended treatment for children and adults.

**Evidence-based models of therapy include Cognitive Behavioural Therapy (CBT)<sup>627</sup> for PTSD, depression and anxiety disorders; Narrative Exposure Therapy (NET)<sup>628</sup> and Eye Movement Desensitisation and Reprocessing (EMDR)<sup>629</sup> for PTSD.**

All of these evidence-based therapies involve a collaborative approach: the survivor and therapist agree goals and a plan for treatment together, including identifying problems that the survivor feels ready to address. Treatment aims to help each person to understand how their symptoms have developed, to build skills at managing these symptoms, and to find different ways of dealing with distressing thoughts and feelings.

### The 3-phase model of therapy for survivors of trafficking

**A phased approach to treatment is helpful because it allows survivors to engage in their recovery in a gradual and paced way.** The 3-phase model of therapy (set out below) can play a key role in survivors' sustained recovery and is recommended for those who wish to have therapeutic treatment.<sup>630</sup>



Each person may require different levels of professional help and support at various stages of their recovery process. All therapeutic care should be delivered in the context of a wider, multi-agency framework of protection and individual support. A flexible approach to delivery of the 3-phase model is essential to allow for the personal choices and decisions of each survivor as well as variations in their individual needs and circumstances. Some people may not feel ready to progress through all three phases successively: they may need to have breaks in between or may have to repeat earlier phases. **It is important that each survivor is able to take a collaborative role alongside professionals in planning an intervention that fits with their needs and priorities.**

<sup>626</sup> National Institute of Clinical Excellence is a United Kingdom based body that provides guidance and advice to improve health and social care. For more information, see its [website](#).

<sup>627</sup> For more information on CBT, see [BABCP's website](#).

<sup>628</sup> For more information on NET, see [Vivo International's website](#).

<sup>629</sup> For more information, see [Eye Movement Desensitisation and Reprocessing's website](#).

<sup>630</sup> This 3-phase model of therapeutic care is in practice at the Helen Bamber Foundation where it is used in the context of a wider model of integrated care for survivors. A 3-phase model of treatment for survivors of trauma was first outlined by Judith Herman in her book *Trauma and Recovery* (1992) and is the basis for this recommended approach for survivors of trafficking. Herman, J. (1992), *Trauma and Recovery: The Aftermath of Violence from Domestic Abuse to Political Terror*, New York: Basic Books.

### **The 3-phase model comprises:**

- **Phase 1: Safety and stabilization;**
- **Phase 2: Trauma-focused therapy for PTSD or therapy for other primary mental health problems; and**
- **Phase 3: Integration.**

In practice, the three phases of intervention over-lap and survivors may need to go back and forth between the phases. This depends upon the challenges they are facing in their daily lives and their individual responses to therapeutic intervention.

### **Phase 1: Safety and stabilization:**

**In Phase 1, a survivor is assisted to gradually (re-) build a sense of personal safety through understanding and management of their symptoms, thereby reducing vulnerability and risk.** Phase 1 provides the essential foundation for trauma-focused treatment (for PTSD) and forms of therapy for other mental health problems. It supports survivors to make sense of their symptoms and to understand and cope with what is happening to their mind and body, for example when they experience nightmares, flashback or panic attacks. The knowledge that their symptoms are all normal and understandable responses to highly traumatic events can increase their confidence and support ongoing therapeutic engagement. Survivors can begin to feel more in control of their lives and less afraid of the impact of their symptoms.

Symptom management techniques are introduced that can help survivors to 'self-manage' some of their most problematic symptoms and to feel more able to engage in their daily lives. For survivors with problems associated with high risk, such as repeated suicide attempts, self-harm and substance misuse, the priority during Phase 1 (safety and stabilization) is for them to have treatment for these specific problems. Some may also have underlying PTSD or other mental health problems and can have targeted interventions for these difficulties at a later point.

For survivors with concerns about ongoing risk from others, a careful assessment of this risk and establishment of a safety plan is a key part of Phase 1.<sup>631</sup> Safety planning should consider an individual's likely psychological state in response to encountering a trafficker or other perpetrator. This may include a therapeutic intervention to manage anxiety and reduce the likelihood of survivors experiencing a 'freeze' response to a threat.<sup>632</sup> Practical preparation to make use of plans is also important, for example, building skills in asking for support or advice, repeated practicing the use of a personal alarm, planning how to seek help from others (for example in a nearby shop) or calling emergency services. The combination of anxiety management skills and learning and practicing a routine to get help (until it becomes a habitual response) can enable a survivor to respond practically to risks, even when they are extremely frightened.

### **Phase 2 for PTSD: Trauma-focused therapy**

Evidence has shown that **trauma-focused therapy, which is delivered in Phase 2 of the 3-Phase model is highly effective for addressing PTSD symptoms.** However, it is common for survivors to need time and therapeutic support to be able to approach engagement with any therapeutic interventions that involve re-visiting past traumas.

There are various models of trauma-focused therapy, among the most commonly used are trauma-focused Cognitive Behavioural Therapy (CBT), Eye Movement De-sensitization and Reprocessing (EMDR) and Narrative Exposure Therapy (NET). These models each have a research evidence-base for adults,<sup>633</sup> which has shown that a course of treatment can lead to a significant improvement and sometimes a full recovery from PTSD.<sup>634</sup>

<sup>631</sup> In this context a safety plan refers to a tailored set of actions agreed with a survivor to get help in the event that they encounter a trafficker or other person who is a threat to them.

<sup>632</sup> A "freeze" response is a natural response all humans can have to danger, where they find themselves with limited ability (and sometimes no ability) to move or speak. It is an automatic bodily response to danger, which along with other responses such as fight, flight and appease, that are understood to be part of our evolved ways of protecting ourselves against threats. Any of these responses may happen more quickly in a person who has a prior history of trauma, and in some circumstances, they may increase rather than reduce risk.

<sup>633</sup> For an overview of evidence-based interventions, see Brady F., Katona C., Walsh E., & Robjant K. (2021), [Psychotherapy and refugees](#), in: Oxford Textbook of Migrant Psychiatry, Ch. 58, Oxford University Press. NET has been found to be an effective treatment for survivors of trafficking. Robjant K., Roberts J., & Katona C. (2017), [Treating posttraumatic stress disorder in female victims of trafficking using narrative exposure therapy: A retrospective audit](#), Front Psychiatry, 8, 63.

<sup>634</sup> Complex PTSD is a relatively new diagnosis and so the evidence base is still developing. It is regarded as best practice to offer a longer duration of treatment using the evidence-based models for PTSD, and if needed, to offer earlier interventions for any symptoms that make trauma-focused work difficult (such as emotional dysregulation).

CBT and EMDR have also been found to be effective for children,<sup>635</sup> and there is emerging evidence for NET with unaccompanied adolescents<sup>636</sup> as well as younger children<sup>637</sup>. As with any healthcare matter, decisions about psychological interventions for any child should involve their parent or legal guardian.

**Phase 2 of therapeutic intervention for survivors with PTSD and Complex PTSD consists of trauma-focused psychological treatment.**<sup>638</sup> Trauma-focused therapy is based on an understanding of PTSD as primarily a memory disorder, whereby trauma memories are not properly processed in a person's brain.<sup>639</sup> This is understood to be due to a high level of distress at the time of the traumatic events.

Most memories of every day events are encoded into long-term, chronologically sequenced memory. However, trauma memories are stored in a more visceral, fragmented way, in the form of images, sounds and sensations.

These fragments lack any contextual '*time-tag*' through which a person would normally have the full sense of a memory being connected to a specific point in the past. As a result, these trauma memories are '*re-lived*' as if the event is happening again in the present moment, in the form of flashbacks and nightmares, which are accompanied by emotional distress and threat-focused physiological responses.

**Treatment for PTSD involves gradual exposure to a traumatic event which has caused traumatic memories.** In the course of intricate therapeutic work, the therapist will support the survivor to make sense of these events and place them in the context of their past. The aim of this treatment is to reduce the survivor's level of fear and distress when they are reminded of traumatic events, by gradually working on them until they are no longer 're-experienced' as flashbacks and nightmares but are recalled with more contextual information, such as *time* and *place*. This leads to a reduction in PTSD symptoms, such as intrusive memories and nightmares.

## Phase 2 for survivors with other mental health problems

**The phased model of therapy was designed primarily for PTSD treatment, however, it can also be a useful treatment framework for survivors who have a different main presenting problem and require a phased approach to their care and intervention.**<sup>640</sup> For example, if the primary problem is substance dependency, the preparatory work done in Phase 1 (safety and stabilization) should address these difficulties, with the aim of enhancing survivors' ability to feel safe and stable in their everyday life. This can be followed with a review of their mental health and if appropriate, a course of treatment for any underlying mental health problem.

As with PTSD treatment, the length of other Phase 2 interventions should be sufficient to meet the individual needs of survivors. This may involve close collaboration between different services in order to plan and carry out a tailored, phased therapeutic intervention.

<sup>635</sup> [NICE Guidelines](#) (2018) recommend CBT and EMDR for children, with adaptations depending on age.

<sup>636</sup> Said G., & King D. (2020), [Implementing Narrative Exposure Therapy for unaccompanied asylum-seeking minors with post-traumatic stress disorder: A pilot feasibility report](#), *Clin Child Psychol Psychiatry*, 25(1), pp. 213-226.

<sup>637</sup> Schauer, M., Neuner, F., & Elbert, T. (2017), Narrative exposure therapy for children and adolescents (KIDNET), in: Landolt, M. A., Cloitre, M., & Schnyder, U. (Eds.), [Evidence-based treatments for trauma related disorders in children and adolescents](#), Springer International Publishing, pp. 227–250.

<sup>638</sup> Many individuals with Complex PTSD will require a longer phase 1 intervention to assist with symptoms, including emotional dysregulation. In some cases they may not feel able to engage in trauma-focused treatment.

<sup>639</sup> Brewin, C. R. (2011). [The nature and significance of memory disturbance in posttraumatic stress disorder](#), *Annual Review of Clinical Psychology*, 7, pp. 203-227.

<sup>640</sup> Herman, J. (1992), *Trauma and Recovery: The Aftermath of Violence from Domestic Abuse to Political Terror*, New York: Basic Books.

## Phase 3: Integration

Planning of Phase 3 should be considered from the outset of any therapeutic intervention, and reviewed regularly as survivors progress through the other two phases. Even survivors who have severe symptoms and significantly impaired functioning benefit from being encouraged to think about their hopes and goals, and to begin to make plans for their future.

**Once the basic components of stability are in place and trauma-focused treatment has been undertaken, Phase 3 aims to help the survivor to build or rebuild a safe and good quality daily life.** It focuses on areas of daily life that have been identified as a priority for each person and which initially require professional assistance and support. It could for example involve interventions to improve assertiveness skills and assistance in developing new safe friendships and relationships. It should also consider each person's individual need to acquire practical skills for daily living (including languages, where needed) as well as helping them to explore their aspirations and identify opportunities to participate in education, training, work and career development.

Phase 3 may be initially guided by a therapist who can work collaboratively with the survivor to begin a process of integration. The involvement of multi-agency professionals, local community networks and services often needs to continue beyond the duration of therapy so that a person can gradually move towards connection to the wider life that they wish to have.

### Measuring therapeutic progress

**Progression through the 3-phase therapy model will vary for each person according to their specific mental health needs and circumstances as treatment progresses.** Therapists should use standardized symptom measures at the start and end of treatment to evaluate changes.<sup>641</sup> It is important to understand that even evidence-based interventions may not lead to complete resolution of an individual survivor's symptoms, particularly in cases where traumatic experiences have been severe and long-term. Therefore, a reduction in symptoms is a more realistic aim in many cases.

The sustained recovery of survivors of trafficking is a long-term process, which can fluctuate between positive steps forward, points of stasis and setbacks, ranging from moderate to extreme.

The gateway to healthcare and other services needs to remain open and flexible for survivors long-term. It is more effective to provide prompt and moderate support and interventions over time, than to delay or omit these and risk severe health deterioration and the need for emergency measures and resources at a later phase. Not meeting the health needs of victims of trafficking can leave them vulnerable to destabilization, to re-trafficking and to further harm.

<sup>641</sup> Examples of standardized measures include the CAPS for PTSD, the PHQ-9 for depression, and the ITQ for Complex PTSD, all of which are available in several languages.

## PART THREE:

### 18 Fifty-Seven Recommended Standards



#### NRM Framework

<b>1</b>	<b>Access to the NRM 4 Pillars</b>	<p>NRMs must ensure respect for the human rights and dignity of all adults and children who are victims of trafficking. They must be designed by States to provide all victims of trafficking with access to the 4 NRM Pillars, as detailed in the relevant chapters of this Handbook:</p> <ul style="list-style-type: none"><li>➤ Identification plus Protection;</li><li>➤ Individual Support and Access to Services;</li><li>➤ Social Inclusion; and</li><li>➤ Criminal Justice and Redress.</li></ul>
<b>2</b>	<b>Professionalization of NRM</b>	<p>NRMs should be staffed at all levels by professionals who have the skills and competency in their specific area of anti-trafficking work and have received anti-trafficking training which accords with the NRM principles, protocol, pillars and recommended standards.</p>
<b>3</b>	<b>National co-ordinator or equivalent mechanism</b>	<p>Each NRM should establish, operationalize and adequately resource the role of national co-ordinator or an equivalent mechanism. The role of an NRM national co-ordinator should be delegated to a relevant government institution that is appointed to chair the NRM Inter-agency co-ordination working group. It is responsible for co-ordinating the execution of all activities which are related to NRM implementation with the pro-active support of all relevant government institutions and civil society.</p>
<b>4</b>	<b>NRM inter-agency co-ordination working group</b>	<p>Each NRM should establish and operationalize an NRM interagency co-ordination working group to contribute to the co-ordination and resourcing of the NRM within their relevant mandates.</p>
<b>5</b>	<b>NRM inter-agency co-ordination working group</b>	<p>Each State should mandate, operationalize and adequately resource the role of a national NRM monitoring body or an equivalent mechanism to fulfil its role for oversight of the cost, quality, accountability and performance of the NRM, including competencies and fulfilment of the responsibilities of each NRM stakeholder. The NRM monitoring body should provide annual NRM assessment reports to the national co-ordinator and have an easily accessible complaints mechanism for victims and survivors of trafficking.</p>
<b>6</b>	<b>National survivors advisory body</b>	<p>A national survivors' advisory body composed of survivor leaders should be established to support the work of each NRM. It provides advice on all aspects of NRM structures, service delivery and procedures as well as anti-trafficking legislation, governmental policy making, public awareness raising, provision of education and training, as well as ensuring high standards of frontline support for victims and survivors.</p>
<b>7</b>	<b>Inclusion of civil society</b>	<p>Effective NRMs require ongoing co-operation between government agencies and civil society. NRMs should facilitate the inclusion and participation of civil society (within their specific areas of competence) in the NRM interagency co-ordination council and in relation to all other relevant NRM activities: identification, protection and individual support, access to multiagency services, social inclusion, pursuit of criminal justice process and redress and prevention of human trafficking.</p>

8	<b>NRM procedures and all services for children</b>	NRM procedures and all services for children should be partnered with, and build on existing national child protection systems. They should be staffed by recognized child specialists and supported by civil society organizations and specialist NGOs that are directly linked to national child protection systems. All communication, interventions and actions with child victims of trafficking should be conducted within child-friendly, safe environments, in a child-centred, gender-sensitive, age-appropriate, trauma-informed manner.
9	<b>Multi-disciplinary approach</b>	To ensure equal access to NRM procedures and services for all victims of trafficking, States must ensure that they dedicate resources to building and maintaining NRMs that can exercise multi-agency partnership. This combines multi-disciplinary professionals, agencies and services to provide the high level of skills and experience required for an integrated and holistic approach to both victim identification and meeting each person's individual needs. These can span the different remits of national authorities and law enforcement agencies and include statutory services, child specialist professionals and specialist anti-trafficking NGOs.
10	<b>Sub-national teams and networks</b>	The authority, structure and composition of sub-national and local teams and networks vary across different countries and localities. However, they should include, at a minimum, regional NRM co-ordinators, representatives from local law enforcement authorities, municipal/local authorities and councils, statutory services, social services, healthcare services and specialist, anti-trafficking and other related NGOs.
11	<b>Operational Partnership Protocols</b>	Operational Partnership Protocols (OPPs) should be used to clearly define the purpose and co-ordination of a joint working relationship while ensuring the maintenance of each party's independence within the mandate and remit of their role. OPPs can create and maintain integral and direct links within NRMs, between law enforcement authorities, statutory services, national child protection systems and healthcare services.
12	<b>Code of Practice for Victims of Crime</b>	All rights and entitlements of victims of trafficking crime should be clearly defined in national laws. States should adopt a Code of Practice for Victims of Crime in their national legislation, guidance and policy that includes specific standards for the identification, protection and support and social inclusion of victims of all forms of human trafficking, with separate guidance for adults and children. This should align with international law and guidance.
13	<b>International co-operation</b>	States should conclude appropriate bilateral or multilateral agreements or arrangements to foster international co-operation in investigating cases and ensuring the protection and the rights of victims and survivors of trafficking.
14	<b>Gender-sensitive NRMs</b>	NRM procedures and services should be gender-sensitive, as well as being based on a developed national policy and strategy to address the gender dynamics of human trafficking. This should be tailored for victims of trafficking throughout the 4 NRM Pillars.
15	<b>Reporting mechanism for the human trafficking crime</b>	States should establish communication channels for the general public to report presumed cases of human trafficking which are available 24-hours a day, 7 days a week. This can include hotlines, specialized desks, etc. States should promote these channels with the general public and raise public awareness on the crime of trafficking in human beings and the risks related to this crime. Reporting channels should be confidential, available in a variety of languages and child-friendly. Reporting should be free of charge.

<b>16</b>	<b>Quality of reporting mechanisms</b>	Any service or hotline that receives reports of the human trafficking crime and/or NRM referrals should be staffed by professionals who are specialized in adult and child victim identification. It should be derived from, or directly linked to law enforcement authorities, statutory social services for adults and national child protection systems. Staff who answer referral calls and enquiries should be vetted to the highest level possible in the national jurisdiction and trained to work in accordance with national laws. They should be trauma-informed and specialized in adult and child victim identification.
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<b>17</b>	<b>Data protection</b>	All data pertaining to victims and survivors must be protected and managed to the highest standard of the jurisdiction in which it is collated and recorded. When victims' information is shared (with their informed consent) it is essential to observe the highest standards for safe and appropriate information sharing.
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## Operational

<b>18</b>	<b>Vetted professionals</b>	All professionals and services should be reputable, vetted and recognized for working with vulnerable persons including victims of trafficking.
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<b>19</b>	<b>Trauma-informed approach</b>	All NRM Stakeholders (including First Responders) should be trained in trauma-informed methods of communication.
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<b>20</b>	<b>Communication with victims and survivors of trafficking</b>	All communication with survivors should be conducted with a trauma-informed, gender-sensitive and culturally congruent approach. It is essential that victims and survivors of trafficking receive a clear explanation of the identity and role of each professional who is working with them, together with their purpose in being there.
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<b>21</b>	<b>Confidentiality</b>	The confidentiality requirement should be clearly reflected in national laws and NRM provisions in order to provide guidance to each agency. Any agency, organization or service that interacts or works with survivors of trafficking must have a clear and comprehensive confidentiality policy that applies for all professionals, volunteers and service users. A system of independent monitoring, evaluation and accountability must be in place to ensure that the policy is adhered to, regularly reviewed and updated.
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<b>22</b>	<b>Proactive identification and investigations</b>	States should ensure that their approach to identifying victims of trafficking and investigating human trafficking crime is proactive and adequately resourced.
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<b>23</b>	<b>Trafficking indicators</b>	Trafficking indicators that are used to identify victims of trafficking should be regularly reviewed and updated to ensure that they are current as trafficking crime is constantly evolving into new patterns, methods, of operation and targeting of victims.
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<b>24</b>	<b>Referral to NRM by criminal justice stakeholders</b>	All criminal justice stakeholders including law enforcement, border guards, prosecutors, judges, lawyers, and penitentiary systems should be able to recognize trafficking indicators to ensure that where these are noted, appropriate referrals are made for victims to access NRM identification procedures and free, specialist legal advice.
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<b>25</b>	<b>Non-conditional protection and support</b>	Non-conditional provision of NRM services should be guaranteed to all victims of trafficking who feel unable or are unwilling to proceed with a criminal complaint against traffickers.
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26	<b>Access to legal advice and representation</b>	All adults and children who are presumed victims of trafficking should have access to free, independent and specialist legal advice and representation.
27	<b>Equal access to NRMs</b>	All people who have been trafficked are victims of a serious crime and they should be equally entitled to access NRMs in accordance with the NRM Principles, 4 Pillars and Recommended Standards. This includes victims who are citizens and residents, persons with permanent or temporary leave to remain status (including refugees and asylum applicants), persons with irregular immigration status and/or internally displaced persons. Victims of trafficking must not be excluded from NRMs because they are, or have been accused of a criminal offence. All victims should be equally entitled to NRM identification+ procedures, protection and individual support.
28	<b>Risk and needs assessment</b>	All advocates who make referrals and bridge access to services for victims of trafficking should conduct appropriate adult or child assessments and safety planning on a regular basis and keep a record of the contact details of all services and professionals who are currently involved with the victim.
29	<b>The non-punishment principle and statutory defense</b>	The non-punishment principle and statutory defence provisions should be included in the national legislation and prosecution guidance for all countries and form a central component of the training of all NRM stakeholders. Pre-trial detention for accused persons who are victims of trafficking should be avoided, where jurisdictionally possible.
30	<b>Recovery and reflection period</b>	All adults and children who have a preliminary positive identification as a presumed victim of trafficking should be provided with a recovery and reflection period, which should be granted for a minimum of 90 days, irrespective of their co-operation with law enforcement.
31	<b>Right of appeal of negative status decisions</b>	All NRMs should have in-built rights of access to an effective, accessible judicial remedy, to challenge the merits of any negative decisions at both the preliminary and conclusive stage of the identification process.
32	<b>Residence permits</b>	Residence permits should be provided: (a) based on appropriate consideration of humanitarian and compassionate factors, including the necessity of stay within the national territory owing to the victim's personal situation; or (b) if a victim's stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.
33	<b>Voluntary return</b>	A victim of trafficking must be able to make a free and informed choice about voluntary return, including through the availability of complete, accurate and objective information on the situation in the country of origin, and access to specialist legal advice and representation. A voluntary return should not be subject to undue or unreasonable delays. The entire return process must be safe and conducted with due regard for the rights and dignity of the person being returned and the status of legal proceedings.
34	<b>Non-refoulement</b>	The rights of all victims of trafficking who are in need of international protection must be recognized in accordance with international law. States must have procedures in place to identify those whose enforced return would violate the principle of non-refoulement. A full and competent risk assessment must be carried out before a decision to proceed with an enforced return of a victim of trafficking is considered. All victims of trafficking who may require asylum or other forms of international protection should be provided with early access to free, independent, specialist legal advice and have access to all other entitlements/ protections proscribed under international law.

35	<b>Witness protection</b>	Any requirements for witness protection should be assessed from the first contact with victims of trafficking, and re-assessed at frequent intervals throughout the duration of investigations and criminal justice proceedings.
36	<b>Intermediaries for vulnerable witnesses and defendants</b>	States should allocate intermediaries to all victims of trafficking who are vulnerable witnesses in judicial proceedings. Their function is to facilitate complete, accurate and coherent communication with the vulnerable witness or vulnerable defendant.
37	<b>Continued support after criminal proceedings</b>	NRM support should not be withdrawn due to the ending of criminal justice proceedings. The needs and risks of victims of trafficking are based upon appropriate adult and child assessment and ongoing safety planning.
38	<b>Criminal record remedies</b>	In cases where the non-punishment principle and statutory defence should have been applied, but were not, victims of trafficking who have been convicted for criminal offences should be provided with retrospective criminal record remedies such as vacatur, expungement or sealing of their court and criminal records.
39	<b>Compensation</b>	States should ensure that their domestic legal system contains measures that offer victims of trafficking the possibility of obtaining compensation for damage suffered. This should include access and ability to claim compensation from the trafficker, through criminal law, civil law or labor law procedures or from the State fund, state run compensation schemes and/or administrative proceedings (where available).
40	<b>Social inclusion</b>	Evidence-based design and funding of social inclusion programmes should be included in all NRMs and incorporated in all anti-trafficking policy development and implementation.
41	<b>Prevention of trafficking in cyberspace</b>	In collaboration with technology companies and online platforms, States should establish and strengthen legal, policy and regulatory frameworks to combat all forms of trafficking in cyber-space, including through the development of new tools and technologies to prevent distribution and assist in removal of all online trafficking-related content.

## Adults

42	<b>Preliminary identification procedures for adults</b>	All (Stage 1) preliminary identification procedures and decisions should be completed as soon as possible, and within five days for adults.
43	<b>Independent advocate</b>	Adult victims of trafficking should have an allocated advocate to provide individual support, needs and risks assessment, and to act as a co-ordinating focal point for all involved professionals and services. The role of independent advocate should be a recognized professional role, accredited or officially recognized by competent authorities, national authorities, law enforcement authorities and statutory social services.
44	<b>The status of presumed victim of trafficking for adults</b>	The status of an adult who has been identified as a 'presumed victim of trafficking' should guarantee immediate access to a recovery and reflection period. They should have attendance to their immediate healthcare and practical needs, access to safe and appropriate accommodation (if required), access to free, specialist legal advice and an independent advocate (or interim equivalent) allocated to provide individual, on-going support and access to voluntary return procedures.

45	<b>Conclusive victim of trafficking status decision for adults</b>	The (Stage 2) conclusive identification decision should be issued within a timeframe of 90 days from the positive (Stage 1) preliminary identification decision and correspond with the end of recovery and reflection period.
46	<b>Access to safe and appropriate accommodation for adults</b>	Adult victims of trafficking should be provided with safe and appropriate accommodation within 48 hours of their preliminary identification, with safe interim accommodation provided in the meantime.
47	<b>Informed consent of adult victims of trafficking</b>	Informed consent of the victim should be obtained at all stages, including at the time of referral to the NRM, receiving protection and individual support, co-operation with criminal justice proceedings, and sharing of their personal data. Informed consent should be obtained with the use of an interpreter if needed to ensure full explanation and understanding.

## Children

48	<b>NRMs for children</b>	NRM child services should be partnered with, and build on existing national child protection systems. They should be staffed by child specialists and supported by civil society organizations that are directly linked to both NRM child services and national child protection systems.
49	<b>Equal access to identification procedures for children</b>	All child victims of trafficking must have equal access to identification+ procedures, including all entitlements to child protection and support measures. This includes child victims of domestic and transnational trafficking for all forms of exploitation, regardless of immigration status or background.
50	<b>Preliminary identification procedures for children</b>	All (Stage 1) preliminary identification procedures and decisions should be completed as soon as possible, within 48 hours for children.
51	<b>The status of presumed victim of trafficking for children</b>	The status of 'presumed victim of trafficking' for a child should guarantee immediate access, within a maximum of 24-hours, to: a recovery and reflection period of a minimum 90 days; provision of immediate healthcare and attendance to practical needs; safe and appropriate accommodation (if required); a legally appointed parental guardian for any child who is without parental care and protection, including unaccompanied or separated children; and allocation of a guardian advocate who is trained in child protection, child trafficking and related risks and needs.
52	<b>Conclusive victim of trafficking status decision for children</b>	The (Stage 2) conclusive victim of trafficking status decision for children should be issued within a timeframe of 90 days from the (Stage 1) positive preliminary identification decision and correspond with the duration of the recovery and reflection period.
53	<b>Guardian advocates for children</b>	States must ensure that the role of guardian advocates for all children who are victims of trafficking is enshrined in national legislation and allocated uniformly and equally to all child victims of trafficking, whether they are citizens, residents or foreign nationals, children with safe and appropriate family care or unaccompanied and separated children. Guardian advocates should conduct Needs and Risk assessments for each child victim of trafficking with responsibility for a maximum of 20 children at any given time (depending on the complexity of needs). Child victims of trafficking should be accompanied to all sessions and meetings with services by their guardian advocate.

54	<b>Access to safe and appropriate accommodation for children</b>	Child victims of trafficking should be provided with safe and appropriate accommodation within 24-hours, with alternative, interim accommodation provided by the national child protection system in the meantime.
55	<b>Golden Day approach for children</b>	States should ensure the Golden Day approach. This is a period of intensive one-on-one individualized support and supervision of child victims who are at high-risk of immediate disappearance or re-trafficking for the first 72-hours or more after they enter the NRM.
56	<b>Informed participation of child victims of trafficking</b>	The informed participation of child victims of trafficking should guarantee meaningful involvement of the child in all stages and decisions about them. A record of the child's opinions and views throughout should be kept. Children should be provided with age-appropriate and child-friendly information and materials about their rights. They should be informed of their right to participate, and to ask questions about all decisions pertaining to them.
57	<b>Vulnerable child witnesses</b>	Children who are victims of trafficking are to be treated as vulnerable witnesses in all cases and be provided with a comprehensive and consistent system of protection and support in accordance with the best interest principles of children of the UN Convention on the Rights of the Child.

## 19 Promising Practices

**This annex features promising practices and legislation which illustrate specific aspects of the NRM Handbook in practice.** Each demonstrates innovation and expertise which collectively offer a vital contribution to the development and strengthening of anti-trafficking responses and NRMs. They have been identified through ODIHR's NRM country assessment visits, survivor and practitioner surveys, submissions by governmental and non-governmental stakeholders and wider research.

Promising practices from all OSCE regions are included; however, while a geographically comprehensive approach was the aim, it has not been possible to reference all 57 OSCE participating States. The examples are illustrative rather than exhaustive and their use intends to share information about measures and practices. They may be updated, as new and strengthened practices come to light. They should not be read as an overall endorsement of any one country, system, organization or agency, and the focus for each is only upon those matters which directly relate to the guidance in the Handbook. This annex is divided into two sections: The first section focuses on promising practices related to policy frameworks, practices, and institutions; the second section covers selected provisions from national and regional legal frameworks.

### I. Featured promising practices

#### National data and statistics

*Human trafficking is a continuously evolving crime which requires current data and statistics to identify trends and patterns and ensure the design and implementation of tailored and effective responses.*



#### **Portugal: The Observatory on Trafficking in Human Beings (OTSH)/Ministry of Home Affairs**

**The OTSH is the responsible body of the National Monitoring System on human trafficking.** It is mandated to produce, collect, analyse and disseminate information on human trafficking and other forms of gender-based violence. It collects harmonized, disaggregated and anonymized data from more than 30 data providers including governmental bodies (including law enforcement agencies and the Social Security Institute), non-governmental bodies, NGOs (including specialist shelters and multi-disciplinary specialist teams for the support of victims of human trafficking) and inter-governmental organizations.

Information from all providers is registered and held centrally. The OTSH begins its data collection process at the point when an adult or child is given the preliminary status of 'presumed victim of trafficking' by a law enforcement agency, and it uses a system of classifications in accordance with the EU Directive on Trafficking in Human Beings. It collects additional information provided for the register by NGOs or other civil society bodies which is classified as: 'presumed by NGO/other bodies.' The register also classifies cases in terms of whether Portugal is: (a) a country of destination; (b) the country of origin (for both domestic and transnational trafficking within and from Portugal) or (c) a country of transit.<sup>642</sup>

#### Key NRM Stakeholders

*NRMs should be as inclusive as possible in terms of stakeholder participation, co-operation and strategic partnership. The role and remit of all NRM stakeholders should be clearly defined and maintained to ensure the protection and promotion of the human rights of victims of trafficking in all circumstances.*



#### **Netherlands: National Rapporteur on Trafficking in Human Beings**

The **National Rapporteur on Trafficking in Human Beings for the Netherlands** is legally appointed for an extendable four-year term. The National Rapporteur operates entirely independently of government and all other state agencies and has access to information from a wide range of sources. He/she reports directly to the government and provides advice to national and local government, other administrative bodies, international organizations and professionals across all related sectors, on prevention and combating of human trafficking overall, and ending sexual violence against children. To this end, the National Rapporteur maintains close contact with organizations that work on these issues, as

<sup>642</sup> European Commission (2020), [Data collection on trafficking in human beings in the EU](#), p. 74. For the official website, see the [Observatory on Trafficking in Human Beings \(OTSH\)](#).

well as with the media, political actors, business and industry, and research institutes. The National Rapporteur aims to identify human trafficking issues, formulate policy approaches and bring networks together, publishing monitoring reports, thematic studies, letters and news reports.<sup>643</sup>

## National Survivors Advisory Councils

*The consistent presence of survivor leaders through the establishment of national survivors advisory councils enables all other stakeholders to better understand trafficking crime and how to meet the needs of victims and survivors. It also helps to de-stigmatize experiences of trafficking, to raise awareness of trafficking crime and develop effective trafficking prevention and response strategies.*



### **Albania: Advisory Board for the Potential and Identified Victims of Trafficking**

The **Coalition of Shelters for Victims of Trafficking** has an **Advisory Board for the Potential and Identified Victims of Trafficking** composed of three survivors of trafficking, with its own Regulation and Code of Conduct.<sup>644</sup> The Board advises one state-run shelter and three NGO-run shelters on addressing the specific needs of victims in relation to identification, protection and support and consistently improving the shelters' policies and practices. This includes recommendations on police liaison, communications with shelter residents, appropriate interviewing conditions, efficacy of trafficking criminal investigations and trial procedures, and access to longer term, independent move-on accommodation. The Advisory Board participates in bi-annual meetings with the **National Anti-Trafficking Coordinator** and/or the **National Referral Mechanism Working Group**.



### **United States: The Survivors Advisory Council on Human Trafficking**

The **Survivors' Advisory Council on Human Trafficking** comprises 11 survivor leaders who advise the **President's Inter-agency Task Force to Monitor and Combat Trafficking in Persons (PITF)** and the **Senior Policy Operating Group (SPOG)**.<sup>645</sup> It has two committees: the Under-served Populations Committee and the Survivor-Informed Leadership Committee.

The Survivors' Advisory Council reviews US federal policy and programmes to combat human trafficking including those relating to victim service provision, and provides recommendations to improve and strengthen federal anti-trafficking responses. It serves as a focal point of contact for federal agencies, reaching out to human trafficking survivors for input on anti-trafficking programming and policies in the US. It gathers information from US government agencies, states, and the community, and publishes its **Annual Report of the U.S. Advisory Council on Human Trafficking**.<sup>646</sup>

## Multi-agency sub-national and local teams and networks

*In addition to the implementation of a national, centralised NRM it is important to have devolved, multi-agency sub-national and local teams and networks. These can ensure swift and even responses to human trafficking nationwide and within local communities, with a strong focus on victims' timely identification, protection and individual support.*



### **Bosnia and Herzegovina: Regional Monitoring Teams**

**There are four regional anti-trafficking monitoring teams in Bosnia and Herzegovina (in Banja, Luka, Tuzla, Sarajevo and Mostar).**<sup>647</sup> These teams create functional links between relevant institutions in Bosnia and Herzegovina which conduct anti-trafficking activities. The **Ministry of Security** and the **Ministry of Human Rights and Refugees**, in consultation with representatives of governmental institutions and non-governmental organizations, have created specific guidelines to enhance co-operation and facilitate the work of the regional monitoring teams.<sup>648</sup>

<sup>643</sup> See [Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children](#), and its [informational brochure](#) (2020).

<sup>644</sup> In April 2019, the Coalition of the Albanian Shelters for Victims of Trafficking, composed of three NGO-run and one state-run shelter, signed a co-operation agreement, which enabled the establishment of the Advisory Board for the Potential and Identified Victims of Trafficking. This Promising Practice was submitted by the OSCE Presence in Albania as part of a survey in 2018/2019.

<sup>645</sup> The Survivors Advisory Council on Human Trafficking was established on 29 May 2015 by section 115 of the Justice for Victims of Trafficking Act (JVTA) of 2015, Pub. L. 114-22, also known as the Survivors of Human Trafficking Empowerment Act. For more information, see the website of the [US Survivors Advisory Council on Human Trafficking](#).

<sup>646</sup> For the annual report, see the website of the [US Survivors Advisory Council on Human Trafficking](#).

<sup>647</sup> Monitoring teams in Bosnia and Herzegovina resulted from the State Action Plan on Combatting Trafficking in Human Beings 2008/12.

<sup>648</sup> Ministry of Security of Bosnia and Herzegovina (n.d.), [Guidelines for Work of Regional Monitoring Teams for Combatting Trafficking in Human Beings in Bosnia and Herzegovina](#). These were produced in consultation with governmental institutions and anti-trafficking NGOs. This Promising Practice was submitted by the OSCE Mission to Bosnia and Herzegovina as part of a survey in 2018/2019.



### **Poland: Regional Anti-Trafficking Teams**

**Anti-Trafficking Teams are established in each of Poland’s 16 regions (‘voivodships’) in order to co-ordinate training, provide assistance to victims and engage in trafficking-prevention activities and awareness-raising campaigns.** The regional teams include representatives of the regional administrations and structures of the Police, Border Guards, the State Labour Inspectorate, Customs, Employment, Social Assistance and NGOs. The institutions to which regional team members belong cover the teams’ operational costs.<sup>649</sup>



### **Portugal: Specialist, Multi-disciplinary Anti-Trafficking teams**

**Portugal has five specialist, multi-disciplinary anti-trafficking teams which are managed by the Family Planning Association (APF) NGO, and funded by the State Secretariat for Citizenship and Equality.** The teams consist of three members each, including psychologists and social workers, and are located in Porto (which covers the north of Portugal), the central area, the Lisbon area, the Alentejo region and the Algarve. They intervene regionally, coordinating their respective regional support and protection networks for victims of trafficking, which are composed of relevant public bodies and NGOs, providing technical assistance for identifying victims of trafficking and conducting awareness-raising and training activities.<sup>650</sup>



### **Spain: Policía Nacional and Guardia Civil: Social Interlocutors**

**Spain has established a system of Social Interlocutors within the National Police and Guardia Civil.** Social Interlocutors are responsible for the coordination, co-operation and promotion of actions for combating human trafficking within their geographical area. They serve as permanent points of contact with the **State Attorney General’s Office**, the **Labour Inspectorate**, specialized NGOs and other actors with proven experience in assisting victims of trafficking. Information can be shared between law enforcement agencies and specialist bodies via a social interlocutor ‘by fast and efficient means’ and through maintaining regular contact and meetings. In addition, there is a **Liaison Social Interlocutor Officer** in the State Attorney General’s Office, who is tasked with increasing multidisciplinary cooperation between the **General Council of the Judiciary** and other specialized prosecutor’s offices (including International Cooperation, Cybercrime, etc.).<sup>651</sup>



### **Sweden: Regional Co-ordinators against Trafficking in Human Beings**

**The Swedish National Co-ordinator’s office disseminates Sweden’s NRM across 290 municipalities, training local stakeholders in its use.**<sup>652</sup> Regional Co-ordinators in Sweden’s police regions are employed by the municipal social services and are mandated to support local organizations with trafficking cases, ensuring that victims receive appropriate protection and support. The Regional Co-ordinators provide a crucial link between national and local police and social services and help to increase co-operation between the municipal authorities and NGOs.

Due to Sweden’s administrative structure in which the functions of municipal authorities are broadly independent, most initial referrals of presumed victims of trafficking are made by regional co-ordinators from social services or **Migration Agency** staff. Municipal authorities have responsibility for providing various forms of support and protection for people who are in need, regardless of their citizenship. These activities are co-financed by the **County Administrative Board of Stockholm (CABS)** and the municipal authorities. Since 2018, the **Swedish Gender Equality Agency**, is responsible for the coordination of regional co-ordinators, as well as planning assistance for assisted voluntary return to country of origin.<sup>653</sup>



### **Uzbekistan: Federation of Trade Unions (FTUU) Mobile Monitoring Groups**

**The Uzbekistan government and the Federation of Trade Unions have established four mobile monitoring groups to monitor the cotton harvest in all regions of the country.** These operate independently of **Uzbekistan’s**

<sup>649</sup> For more information, see the project [Improved National Cooperation Structures to Prevent Trafficking in Human Being](#). See also Council of Europe GRETA (2017), [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Poland: Second evaluation round](#), 7 July 2017, para. 25.

<sup>650</sup> More information is available in Portuguese at [Associação para o Planeamento da Família](#). See also European Commission, [Together Against Trafficking in Human Beings: Portugal](#).

<sup>651</sup> See European Commission, [Together Against Trafficking in Human Beings: Spain](#). Guardia Civil (2016), [El Ministerio del Interior intensifica la colaboración con organizaciones y entidades sociales en la lucha contra la trata de seres humanos](#), 17 June 2016. See also Council of Europe GRETA (2016), [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Spain: Second evaluation round](#), 23 March 2018, para. 137. This Promising Practice was submitted by the Spanish National Police as part of a survey in 2018/2019.

<sup>652</sup> See National Task Force Against Prostitution and Human Trafficking (2016), [National Referral Mechanism: Protecting and supporting victims of Trafficking in Human Beings in Sweden](#). See also the [National Task Force Against Prostitution and Human Trafficking’s website](#). Council of Europe GRETA (2018), [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Sweden: Second evaluation round](#), 23 March 2018, para. 22, 25, 104.

<sup>653</sup> See [Swedish Gender Equality Agency](#). This Promising Practice was submitted by the Swedish Gender Equality Agency as part of a survey in 2018/2019.

**National Labour Inspectorate** with the purpose of identifying and responding to employment violations. Each mobile monitoring group includes representatives from trade unions, employers' organizations, women's committees and youth organizations, and conducts a minimum of three unannounced site visits per day at locations which are selected using random GPS coordinates.

The **Ministry of Employment and Labour Relations** and the **Federation of Trade Unions (FTUU)** have established feedback mechanisms via a telephone hotline number as well as an online bot on the messaging service Telegram, for reporting employment violations. Use of these has increased over recent years and cases have been received from all provinces of Uzbekistan. The **International Labour Organisation (ILO)** has been granted full access to the feedback mechanisms to monitor the effectiveness of the system and track individual cases. In addition, Uzbekistan has 400 labour inspectors across the country dedicated to investigating cases. The Ministry also publishes statistics on its website and organizes press conferences to discuss its findings.<sup>654</sup>



### **Republic of North Macedonia: Anti-trafficking mobile teams**

**The Republic of North Macedonia has anti-trafficking mobile teams in operation in Skopje, Bitola, Gevgelija, Kumanovo and Tetovo.** The mobile teams include social workers, police officers and NGOs. Mobile teams are responsible for identifying vulnerable persons, including victims of trafficking, initial referral and identification, early risk assessment, identification of the alleged victim as a victim of trafficking, providing information on the possibility of inclusion in the programme for help and support.<sup>655</sup> They received training from the OSCE Mission to Skopje on identifying trafficking indicators and on Standard Operating Procedures when working with trafficking victims, as well as protection, early risk assessment, human rights and gender-sensitive communication and referral and re-integration standards in line with national legislation and international standards.<sup>656</sup>

### **Multi-agency, mobile task forces (law enforcement led)**

*Task Forces consist of law enforcement authorities which are directly connected to victim services, which may include statutory and healthcare services, specialist NGOs and immigration authorities.*



### **US: Miami The South Florida Human Trafficking Task Force (SFHTTF)**

**The SFHTTF was formed through a collaboration of the Miami-Dade Police Department and the International Rescue Committee with federal funding from the Department of Justice Office for Victims of Crime and the Bureau of Justice Assistance.** It works in partnership with the **United States Attorney's Office for the Southern District of Florida, U.S. Immigration and Customs Enforcement, and Miami Homeland Security Investigations (HSI).**

The SFHTTF has over 400 members from various sectors in the Tri-County area and works with NGOs and law enforcement within South Florida in order to identify, and provide services to victims of trafficking, and co-ordinate criminal investigations. The SFHTTF uses a victim-centred, trauma-informed approach mandated by law<sup>657</sup> in which the identification, rescue, and needs of victims should be treated with equal importance to the apprehension and prosecution of traffickers.<sup>658</sup>

### **Safeguarding/Service Hubs (Civil society/statutory services directed)**

*Safeguarding/service hubs may be formed by civil statutory authorities, healthcare services and/or specialist NGOs which are linked to law enforcement authorities and immigration authorities as equal and independent parties.*



### **Canada: Timmins and Area Women in Crisis (TAWC) Anti-Human Trafficking Initiative**

The NGO **TAWC659** runs an anti-human trafficking initiative funded by Ontario's provincial government. The team consists of four workers: an Indigenous anti-human trafficking co-ordinator, a counsellor, a traditional healer and an

<sup>654</sup> Based on information received from the OSCE Project Coordinator in Uzbekistan. U.S. Department of Labor (2019), [2019 Findings on the worst forms of child labor: Uzbekistan](#). See also ILO (2020), [Third party monitoring of child labour and forced labour during the 2019 cotton harvest in Uzbekistan](#). This Promising Practice was submitted by the OSCE Project Co-ordinator in Uzbekistan as part of a survey in 2018/2019.

<sup>655</sup> North Macedonia (2019), [Report submitted by the authorities of North Macedonia on measures taken to comply with Committee of the Parties Recommendation CP\(2018\)8 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings](#), 1 March 2019, p. 2.

<sup>656</sup> OSCE (2018), [Mission to Skopje provides training for the anti-trafficking mobile teams](#).

<sup>657</sup> [Trafficking Victims Protection Act of 2017](#) (as of December 21, 2018).

<sup>658</sup> South Florida Human Trafficking Task Force (n.d.), [About us](#).

<sup>659</sup> For more information, see [Timmins and Area Women in Crisis \(TAWC\)](#).

outreach/court support worker. They are tasked with travelling to five remote communities (Moosonee, Moose Factory, Fort Albany, Kashechewan and Attawapiskat) and 11 rural Indigenous communities<sup>660</sup> to provide counselling, education and support to victims and survivors of human trafficking. The mobile team visits the remote communities once a year and the rural communities twice a year and provides virtual online support via email or video-conferencing. Feedback from survivors is gathered in the form of surveys and conversations with service providers at set 'check-in' points.<sup>661</sup>



### **Spain: APRAMP's Mobile Unit**

**APRAMP has a mobile unit comprised of survivors of trafficking from diverse backgrounds.** It searches and assesses possible trafficking sites at various times of the day in order to identify trafficking activity and assist women and girls who are entrapped in situations of sexual exploitation. APRAMP has developed its own methodology of approach with the objectives of locating trafficking sites where women and girls trapped in exploitation can be identified, delivering frontline work from survivors with lived experience.

APRAMP has survivors from different backgrounds on staff because they can identify exploitation better than anyone. Survivors of sexual exploitation and human trafficking, who are employed at APRAMP have themselves received support from APRAMP's programmes and have freely chosen to help other individuals in the same situation as their profession. APRAMP's methodology has contributed to the recovery of more than 500 trafficked and exploited individuals every year in partnership with Spain's **State Security Forces** and the **Public Prosecutor for Foreigners**.<sup>662</sup>



### **Italy: On the Road Società Cooperativa Sociale (NGO)**

**'On the Road' has mobile units which identify victims of sexual exploitation, labour exploitation and exploitation in criminal activities** and are linked with the Bureaus and District Police of Teramo, Pescara and Campobasso. They include educators, outreach social workers, legal services, medical practitioners and linguistic-cultural mediators.

On the Road observes, maps and monitors human trafficking, with a focus on meeting with victims, assessing their needs, and supporting them to access local services. It designs and distributes information materials in different languages concerning health and legal rights and offers support to victims to exit from situations of exploitation. It also offers counselling services and a toll-free number through which callers can be connected to NGOs and housed in safe accommodation away from areas of exploitation. On the Road also plays an important role in mediation with local communities to provide information on human trafficking.<sup>663</sup>



### **UK: Marac System**

**Multi-Agency Safeguarding Hubs (MASH) are a model for local arrangements designed to fulfil the need for effective information sharing and multi-agency working in order to ensure positive safeguarding outcomes for children.** Local areas will develop their own protocols within each individual MASH in order to effectively respond to the specific challenges faced by the locality and each agency's statutory duties. This is based on three principles: information sharing, joint decision making and coordinated intervention. The composition of a MASH can vary from a large team from various different agencies, to only a few members of staff from health agencies, Children's Services and the local police force. Co-locating staff is a feature of many hubs and has been highlighted as instrumental in the development of multi-agency arrangements. These hubs examine concerns regarding children, adults or both. Most models act as a first and single point of contact.<sup>664</sup>

## **Joint Investigation Teams**

*Joint investigation Teams (JITs) are established for a limited time period to carry out specific criminal investigations. They are formed via specific agreements made between two or more States' judicial authorities (judges, prosecutors, investigative judges) and law enforcement agencies to facilitate the coordination of investigations and prosecutions that are conducted in parallel across several States.*

<sup>660</sup> These include Constance Lake, Hornepayne, Wahgoshig, Taykwa Tagamou, Matachewan, Beaverhouse, Mattagami, Missanabie, Chapleau Cree, Chapleau Ojibwe and Brunswick House.

<sup>661</sup> Northern News (2020), [Mobile anti-human trafficking team to start in January](#), 30 December 2020.

<sup>662</sup> See [APRAMP](#).

<sup>663</sup> For more information, see [NGO On the Road](#).

<sup>664</sup> 'These models have been established to enable safeguarding partners to respond to their statutory duties under section 11 of the Children Act (2004) (as amended by the Children and Social Work Act (2017)) and are recommended by various reviews, statutory guidance and policy documentation.' ECPAT UK & Independent Anti-Slavery Commissioner (2020), [A review of what works in multi-agency decision making and the implications for child victims of trafficking](#).



### **Norway & Romania: ‘Strengthening the police cooperation between Romania and Norway, to fight criminal itinerant groups and human trafficking’**

**Norway and Romania set up a joint project to strengthen co-operation in the fight against organized crime groups and human trafficking.** The project was specifically dedicated to the reduction of crime within the Schengen Area, and combating threats from criminal networks. The specific objectives of the project were to enhance the investigative capabilities of the two countries through strengthened information verification and exchange between the Romanian Police, the Norwegian National Police Directorate and international police cooperation bodies including Europol, through the use of Joint Investigation Teams. Romanian police officers were deployed in Norway in order to build capacity and improve the infrastructure and resources of the Romanian Police in criminal investigation of trafficking through training, skills development and technical capabilities.<sup>665</sup>



### **Joint Investigative Team of Spain, Finland, Sweden, Europol and Eurojust**

**In 2016, a joint investigation was launched focusing on a transnational criminal organization of mainly Finnish nationals, based in Spain, who were involved in laundering the proceeds of human trafficking in Northern European countries.** The criminal organization used online advertisement platforms for sexual services to exploit victims of trafficking and it had companies, bank accounts and other activities in at least 15 other countries.

**EUROPOL and EUROJUST** co-ordinated a Joint Investigation Team (JIT) of Spanish, Finnish and Swedish law enforcement authorities in order to investigate the international dimension of the criminal activities. The JIT issued seven European investigation orders to Romania, Malta, Bulgaria, Estonia, the Netherlands, the United Kingdom and Germany, and issued five letters of request to the US, the Russian Federation, Hong Kong, Panama and Columbia. This joint investigation resulted in six simultaneous arrests in Spain, Finland, Romania and Malta in addition to 17 search operations in Spain, Finland, Romania, Malta and the People’s Republic of China. It ensured the freezing of large sums of money, movable and immovable assets, some of which had been used to launder the profits made from criminal activities.<sup>666</sup>

### **Specialized human trafficking police units**

*It is essential to develop specialist police units with teams of dedicated investigators for trafficking investigations, who bring vital, expert skills, experience and knowledge. Specialist police units may include for example, personnel with specialism in particular cultures, regions and languages, financial investigations and cybercrime.*



### **Spain: National Police Anti-Trafficking Unit with geographic specialization**

**Cuerpo Nacional de Policía of Spain has a General Immigration and Borders Headquarters which includes a Central Unit against Trafficking in Human Beings and Criminal Smuggling Networks.** This unit has two central Brigades: **The Central Brigade against Trafficking in Human Beings** and the **Central Network Investigation Brigade**.

The Central Brigade against Trafficking in Human Beings is made up of nine units with specialist knowledge of specific geographical regions: Latin America, Eastern Europe, Africa and Asia. It also has groups which specialize in cyber-trafficking, and human trafficking for the purpose of labour exploitation. These groups are responsible for leading investigations of international and national criminal organizations and ensuring international cooperation with other countries. This model is replicated throughout Spain, with each province having a police brigade specialized in human trafficking investigations, among other functions. The advantages of specialization by nationality include better knowledge and understanding of forms of recruitment, migratory routes, coercion and threats used by traffickers and subsequent forms of exploitation in trafficking. It helps improve the methods of contact with specialized police in different countries, engagement in consistent work with interpreters and cultural mediators, and overall an enhanced victim-centred approach.<sup>667</sup>



### **US: Homeland Security Investigations Cyber Crimes Centre (C3)**

**The Homeland Security Investigations Cyber Crimes Center (HSI C3) is responsible for identifying and targeting any cyber-crime activity for which HSI has jurisdiction, and provides programmatic oversight and coordination of investigations of cyber-related criminal activity.** It has a range of forensic, intelligence and inves-

<sup>665</sup> EEA Grants (n.d.), [PDP 1 “Strengthening the police cooperation between Romania and Norway, to fight criminal itinerant groups and human trafficking”](#).

<sup>666</sup> Europol (2019), [Parallel investigations bring down sexual exploitation network and freeze criminal profits in 12 countries](#), 10 July 2019.

<sup>667</sup> This Promising Practice was submitted by the Spanish National Police as part of a survey in 2018/2019.

tigative support services across all HSI programmatic areas and brings together highly technical resources dedicated to conducting trans-border criminal investigations of cyber-related crimes. Among its top priorities is the protection of the public from crimes and in particular the prevention and fight against child exploitation domestically and abroad, which is supported by the HSI Child Exploitation Investigations Unit (CEIU). HSI C3 is committed to utilizing its comprehensive authority, international footprint and strong government and non-government partnerships to:

- Identify and rescue child victims.
- Identify and apprehend offenders.
- Prevent transnational child sexual abuse.
- Help make the internet a safer place for children.

HSI employs the latest technology to collect evidence and track the activities of individuals and organized groups who sexually exploit children using the dark web, chat rooms, peer-to-peer trading and other internet-based platforms.<sup>668</sup>

## International Criminal Intelligence and Data Sharing

*Innovations in technology and information sharing are advancing at high speed, but require continuous resourcing, development and co-ordination to keep pace with the evolving and diversifying methods of traffickers. International Trafficking Crime Intelligence Databases and Data-sharing Hubs are used to share and analyse international trafficking information to identify specific trafficking networks, patterns and trends.*



### **Europol Information System (EIS)**

**The Europol Information System (EIS) is Europol's central criminal information and intelligence database.**

It covers all of Europol's mandated crime areas, including terrorism. It was launched in 2005 and is available in 22 languages. The EIS is used by Europol officials, Member State liaison officers, and seconded national experts who are stationed at Europol headquarters, as well as staff in the Europol National Units and in competent authorities in the Member States. In addition, some of Europol's co-operation partners can store and query data via Europol's operational centre.

The EIS contains information on serious international crimes, suspected and convicted persons, criminal organization structures and criminal offences **and the means used to commit them**. It is a reference system that can be used to check for information relating to specific persons or objects of interest (for example a car, a telephone or an e-mail message) which may be unavailable in national jurisdictions. The data in the EIS is stored within different online 'entities' which correspond to people and to objects such as cars and identity documents. The online 'entities' can be linked to each other in different ways so as to create a structured picture of a criminal case. The system also allows for storage and automatic cross-checking of biometrics (DNA) and cybercrime-related data.<sup>669</sup>



### **Interpol: International intelligence sharing**

**Interpol has 18 databases for sharing intelligence on organized crime networks globally.** Their purpose is to support criminal investigations, leading to the identification and arrest of criminal leaders and financiers through improvement of intelligence collation and exchange, analysis of organized criminal networks, and avoidance of duplication of efforts by national law enforcement.<sup>670</sup>

Interpol's **International Child Sexual Exploitation (ICSE)** image and video database is an intelligence and investigative tool which allows specialized investigators from more than 60 countries to analyse and compare child sexual abuse images and to share data on cases of child sexual abuse. It holds more than 2.7 million images and videos and has helped to identify 23,500 victims worldwide.<sup>671</sup> The **ICSE** database uses image and video comparison software to enable investigators to make connections between victims, abusers and locations. By analysing the digital, visual and audio content of photographs and videos, victim identification experts can retrieve clues, identify any overlap in cases and combine their efforts to locate victims of child sexual abuse.

<sup>668</sup> For more information on Cyber Crimes Center (C3), see [US Immigration and Customs Enforcements](#).

<sup>669</sup> Europol, [Europol Information System](#).

<sup>670</sup> See Interpol, [Our 18 databases](#).

<sup>671</sup> See Interpol, [International Child Sexual Exploitation database](#).



## **US: Defense Advanced Research Projects Agency (DARPA)**

**Innovative technologies have been developed under the auspices of the Defense Advanced Research Projects Agency (DARPA).** Companies including **Marinus Analytics** and **Giant Oak** have produced technological tools and systems which enable law enforcement authorities to have an unprecedented view of criminal organizations' activities and can pinpoint leads that will enable law enforcement to identify possible criminal relationships and activities.<sup>672</sup>

The Giant Oak tool **GOST** allows national security and law enforcement agencies to identify criminals by their behavioural pattern rather than labelling them with predefined terms, which risks bias and can lead to misleading assumptions about causalities. By leveraging information on the open and deep web and applying search parameters focused on behaviour, GOST allows government agencies to efficiently generate leads while also preserving privacy.<sup>673</sup>

## **Financial Investigations and asset seizure**

*Human trafficking is a financially motivated and cash-intensive criminal enterprise. Breaking the production line and business model of trafficking requires intervention and disruption at every stage: Neutralizing the financial flow used by traffickers can potentially disable an entire trafficking network.*



## **International: Unlocking Potential: A Blueprint for Mobilizing Finance Against Slavery and Trafficking (FAST)**

**FAST was created by the Liechtenstein Initiative.** It is a public-private partnership between the Governments of Liechtenstein, Australia and the Netherlands, the United Nations University Centre for Policy Research (acting as Secretariat) and the **Liechtenstein private sector and foundations.** The Blueprint calls for collective action and provides the financial sector with a 5-goal framework and toolkit for implementation to demonstrate their commitment to accelerating action to end human trafficking. Each goal has 3 'Act Now' measures for immediate action by financial sector actors, and three 'Initiate' actions that may have a longer development period.<sup>674</sup>



## **International: Western Union, Thomson Reuters Foundation (TRF) and the U.S. Banks Alliance: Anti-Human Trafficking Toolkit**

**The Anti-Trafficking Toolkit uses financial data to identify and report irregularities in financial transactions that may be linked to human trafficking activity.**<sup>675</sup> This builds upon Western Union's previous work on trafficking through its **Financial Intelligence Unit (FIU).** The Toolkit is shared on a confidential basis with financial institutions, expert anti-trafficking NGOs, and other key stakeholders including financial crime compliance standard-setting bodies, national Financial Intelligence Units (FIUs), and law enforcement agencies. It includes a set of human trafficking indicators which are tailored specifically to different types of financial institutions operating in the United States.

The Toolkit also contains an extensive collection of case studies of human trafficking-related investigations and additional resources designed to help financial institutions detect suspicious patterns in financial transactions, customer data and behaviour that may be linked to human trafficking and to report them to law enforcement, maintaining consistency with all applicable data privacy laws.<sup>676</sup>



## **US: Financial Coalition Against Child Sexual Exploitation (FCACSE): Coalition between public and private sectors to combat commercial child sexual abuse material (CSAM)**

**The Financial Coalition of partners has been formed to recognize the crucial relationship between public and private sectors in preventing human trafficking.** It is managed by the **International Centre for Missing & Exploited Children (ICMEC)** and the **National Center for Missing & Exploited Children (NCMEC).** The coalition comprises financial institutions including banks, credit-card companies, third-party payment companies and internet service companies, and it covers most of the US credit-card industry.

<sup>672</sup> See [Defense Advanced Research Projects Agency](#).

<sup>673</sup> For more information on GOST, see [Giant Oak's website](#).

<sup>674</sup> The Liechtenstein Initiative for a Financial Sector Commission on Modern Slavery and Human Trafficking was formally launched in September 2018. It responds to calls from the G7, G20, United Nations General Assembly and United Nations Security Council for governments to partner with the private sector to address modern slavery and human trafficking. For more information, see [Liechtenstein Initiative FAST](#).

<sup>675</sup> Treacy, C. (2018), [Press Release: Western Union Crack Down on Human Trafficking](#), 6 August 2018.

<sup>676</sup> Thomson Reuters Foundation (2018), [Thomson Reuters Foundation launches resource to help financial institutions tackle human trafficking](#), 19 July 2018.

Its mission is to disrupt financial business related to production and distribution of child sexual abuse material (CSAM) by following flows of funds and shutting down accounts which are used by criminal individuals and networks. As a result of the coalition's work, the use of credit cards to purchase CSAM on the internet has been made more difficult worldwide.<sup>677</sup>

## Use of technological tools for cyber-trafficking investigations

*Technological tools can be used to directly target online human trafficking activities without having to rely solely upon the victim's testimony. Every technological communication, collaboration, transaction and actions between traffickers and others provides law enforcement authorities with opportunities to collate criminal evidence. Technological tools can also multiply law enforcement efforts by identifying patterns in big data, save time in analysing data and information, and result in an increase operational capacity.*



### **US/International: Traffic Jam**

**Marinus Analytics developed the tool 'Traffic Jam', which uses artificial intelligence, including facial recognition, to assist law enforcement to locate victims of trafficking and track down and investigate organized criminal networks.** By deploying graph analytics to detect organized crime and purpose-driven algorithms to identify vulnerability indicators, Traffic Jam has revolutionized the ability of detectives to stop and prevent human trafficking, recover victims, and dismantle organized criminal networks, as well as informing frontline professionals of hidden exploitation. This is accomplished through online searching for vulnerability indicators of human trafficking, information discovery for case building; organized crime detection for disrupting systemic trafficking; and geo-location mapping of brothels and massage parlours. The tool is utilized by law enforcement agencies in the United States, Canada and the United Kingdom, and the company partners with more than 80 law enforcement agencies globally.<sup>678</sup>



### **Canada: Canadian Centre for Child Protection: Project Arachnid**

**Project Arachnid is an innovative technological tool which was developed and is operated by the Canada Centre for Child Protection to combat the growing proliferation of child sexual abuse material (CSAM) on the internet.** The Project Arachnid platform was initially designed to crawl links on websites containing CSAM that had been reported to **Cybertip.ca**.<sup>679</sup> It detected the location of CSAM images/videos online so that a notice could be sent to the host provider requesting its removal.

Project Arachnid's capabilities have since been further developed for detection of CSAM; for example, **Shield** has been developed for use by electronic service providers (ESPs) to improve upon and accelerate the detection of harmful online material and facilitate its speedy removal. Processing tens of thousands of images per second, Project Arachnid detects content at a pace that far exceeds that of traditional methods of identifying and addressing this harmful material: over 100,000 unique images per month that require analyst assessment, a number which is increasing each month.

This system has been significantly enriched by collaborating with child protection hotlines around the world. In 2017, the Canadian Centre created the **Arachnid Orb**, a device that allows other international hotlines to work collaboratively within Project Arachnid. The Arachnid Orb enables analysts worldwide to pool their collective expertise, thus reducing the duplication of assessment and ultimately increasing the number of notices that can be sent through Project Arachnid.<sup>680</sup>



### **US: Microsoft: PhotoDNA**

**Microsoft PhotoDNA is a technology tool donated by Microsoft to the National Centre for Missing & Exploited Children (NCMEC).** It matches images of children with a database of previously identified illegal images to help detect, disrupt and report the distribution of child exploitation material. PhotoDNA creates a unique digital signature (known as a 'hash') of an image. This hash or signature is computed to be resistant to changes in the image, including resizing and minor colour changes, so it can be compared against signatures (hashes) of other photos to find copies of the same image. The tool has not only enabled content providers to remove CSAM from the internet, but has also helped to convict perpetrators and, in some cases, rescue victims before they were physically harmed. It is available free

<sup>677</sup> For more information, see [FCACSE](#). See also Sykiotou, A. P. (2017), *Cyber trafficking: recruiting victims of human trafficking through the net*, 26 April 2017.

<sup>678</sup> For more information, see Traffic Jam on [Marinus Analytics' website](#).

<sup>679</sup> Cybertip.ca is Canada's tipline mandated to protect children from online sexual exploitation by receiving and processing tips from the public about potentially illegal material, as well as activities regarding the online sexual exploitation of children, and referring any relevant leads to the appropriate law enforcement agency and/or child welfare agency; and providing the public with information and other resources, as well as support and referral services, to help Canadians keep themselves and their families safe while using the internet. See [About Cybertip.ca](#).

<sup>680</sup> See Canadian Centre for Child Protection, [Project Arachnid](#).

of charge for law enforcement and qualified organizations, businesses and non-profit organisations.<sup>681</sup>



### **US: Thorn: Spotlight**

**Thorn is an anti-trafficking organization dedicated to harnessing the power of technology to protect children from sexual abuse.** Its Engineering and Data Science Teams are focused on the development of new technologies to combat online child sexual abuse. **Thorn's** flagship tool, **Spotlight**, is a web-based application which assists investigators to prioritize leads in criminal investigations of trafficking of minors for sexual exploitation by aggregating online data. It combines publicly available data from classified ads and online forums with intelligent algorithms to help law enforcement identify child victims of trafficking for sexual exploitation.<sup>682</sup>



### **US: Memex**

**Memex is a US Government research programme developed by the Defense Advanced Research Projects Agency (DARPA).** It is designed to help law enforcement officers and intelligence agencies to perform online investigations and pursue traffickers. It does this by analysing online behavioural signals which are linked to human trafficking online through forums, chats, advertisements, job postings, hidden services, etc.

**Memex** has a large dataset and software application tools for surface web and deep web intelligence. It can locate 'escort' advertisements and sex buyer reviews across the web and identify relationships among seemingly disparate online advertisements using common attributes, such as telephone numbers, email addresses and website URLs. **Memex** can also interpret content and images (which are typically more difficult for machines to interpret) to complete network mapping. An index which is curated for the counter-trafficking domain and configurable interfaces for search and analysis provides new opportunities to uncover and defeat human trafficking enterprises. Cross-referencing (associative indexing) enables users to quickly and flexibly search huge amounts of information and more efficiently gain insights from it.<sup>683</sup>



### **US: Hyperion Gray: The Dark Web Map V2**

**The Dark Web Map by Hyperion Gray is a visualization of the structure of the dark web which can illuminate hidden services.** It maps thousands of dark web sites with screenshots of sites which are clustered by topics. Each site is represented in the map as a screenshot, and sites with structural similarity are connected with a line. Groups of sites that are similar to each other are arranged into clusters. Users can move around the map and zoom in to areas of interest. Hyperion Gray has also developed a tool called Avatar to conduct investigations on the dark web into child exploitation, digital crime, financial crime and terrorism.<sup>684</sup>

## **Gender-sensitive approach to combating human trafficking**

*All approaches to combating human trafficking should be gender sensitive, based on a developed national policy and strategies to address the gender dynamics of human trafficking.*



### **Spain: State Pact against Gender Violence**

**In 2014, institutions including the UN, the World Future Council and Unión Interparlamentaria (UIP) acknowledged Spain's Organic Law 1/2004 as one of the most effective regulations in the world for combating gender-based violence.**<sup>685</sup> The **State Pact against Gender Violence** (adopted in 2017 for the period 2018-2022)<sup>686</sup> has measures aimed at human trafficking for sexual exploitation of women and girls, including forced marriages. In addition, Spain's **Comprehensive National Action Plan for the Fight Against the Trafficking of Women and Girls** (2015-2018) provided the framework for a gender-sensitive approach and recognition of the specific needs of women and girls who are victims of trafficking for sexual exploitation. Cases of trafficking for the purpose of sexual exploitation can be heard in courts which are specialized for cases of gender-based violence.<sup>687</sup> Furthermore, the government's

<sup>681</sup> To view the PhotoDNA tool, see Microsoft [PhotoDNA tool](#).

<sup>682</sup> More on Thorn's work can be found on [their website](#).

<sup>683</sup> DARPA's mission and Memex programme information can be found on [their website](#). See Meyer, L. F., & Shelley, L. I. (2020), [Human Trafficking Network Investigations: The Role of Open Source Intelligence and Large-Scale Data Analytics in Investigating Organized Crime](#), International Journal of Criminology, 7(2), pp. 87-100.

<sup>684</sup> More can be found on Hyperion Gray's work by visiting [their website](#).

<sup>685</sup> Government of Spain (2019), [Guide to the System of Action and Coordination in Cases of Gender Violence in Spain](#).

<sup>686</sup> The Government Delegation for Gender-Based Violence, was created by article 29 of Organic Law 1/2004 of 28 December, on Integral Protective Measures against Gender-Based Violence To see its scope and functions, see Royal Decree 816/2018 of 6 July, to develop the basic organic structure of the Ministry of the Presidency, Relations with Parliament and Equality. Government of Spain (2019), [Guide to the System of Action and Coordination in Cases of Gender Violence in Spain](#).

<sup>687</sup> US Department of State (2021), [2020 Trafficking in Persons Report](#).

**Delegation Against Gender-based Violence** plays a central role in coordinating efforts against trafficking for sexual exploitation, including coordination meetings which are composed of central and regional government officials and NGO representatives.<sup>688</sup>



### **Ireland: Ruhama**

**Ruhama is an Irish NGO working nationally with women affected by prostitution, including victims of trafficking for sexual exploitation.** It offers a free, confidential, non-judgmental and holistic service which is led by women's own priorities. Ruhama's person-centred care plan assists women in a broad range of ways including provision of emergency accommodation, counselling & trauma healing, helping women to report crimes to the police, education and personal development support, career guidance and practical help to obtain housing and social welfare entitlements, assistance with immigration matters, and other support depending on women's individual needs. Ruhama is also a lobbying and campaigning organization which aims to raise awareness and change public attitudes and policies in relation to the exploitation of prostitution and sex trafficking.<sup>689</sup>

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## **Cultural congruence**

*The promotion of cultural congruence in all anti-trafficking approaches is essential. Cultural congruence is in attitudes, policies and practice which are rooted in: valuing and adapting to diversity; being capable of honest self-assessment; being conscious of the dynamics inherent when cultures intersect; and institutionalizing cultural knowledge.*



### **Italy: Cultural Mediators**

**Trained cultural mediators are hired and their use is resourced by the Italian Government and NGOs.** Cultural mediators are used by prosecutors, local officials and NGOs in order to improve communication with refugees and migrants who are victims of trafficking. The Region of Emilia-Romagna has been at the forefront in legislating for clarification of the profession and the role of language mediators in this specific context as well as in other sectors (particularly health and education).

The Region has promoted and funded training programmes for cultural mediators and a range of other integration-related measures for survivors. These programmes train candidates in a broad range of activities that include pro-active measures such as conflict-prevention and project-planning and implementation, as well as translation and interpreting activities. In this model, cultural mediators are seen as bridging figures, whose responsibility is not only to help interlocutors avoid misunderstandings and anticipate areas of conflict, but also to construct a shared basis or cultural-cognitive platform which facilitates a successful reciprocal understanding.<sup>690</sup>

In the Venice region, survivor leaders who have been trained as cultural mediators actively contribute to helping other victims. This is instrumental in building trust with victims.<sup>691</sup>

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## **Child-centred practice models**

*An appropriate, non-intrusive and caring response to any child who may be a victim of trafficking is crucial for establishing trust from the outset. The aim should be to help children to recognize an even, sensitive and kind approach, which demonstrates concern for their immediate safety and well-being.*



### **Lithuania: Barnahus**

**The Barnahus Support Centre for Sexually Abused Children was launched in 2016 in Lithuania, with the support of EEA Grants.** It is the only service in Lithuania which provides specialized, comprehensive services for sexually abused children and their family members. The Centre is unique among the European Barnahus centres, in that it has 10 places for children and also their carers to stay overnight if needed. The average stay is about 3 days, sometimes longer.<sup>692</sup>

<sup>688</sup> This was based on Comprehensive plan to fight against trafficking in women and girls for sexual exploitation. See Government of Spain (n.d.), [Comprehensive Plan to Fight against Trafficking in Women and Girls for Sexual Exploitation: 2015-2018](#).

<sup>689</sup> For more information, see [Ruhama's website](#).

<sup>690</sup> Pesare, F., & Rudvin, M. (2015), [Interpreting and Language Mediation for Victims of Human Trafficking: The Case of cie, Detention centres for undocumented migrants in Bologna, Italy](#). Trans. Revista de Traductologia, 19(1), pp. 95-108. US Department of State (2021), [2020 Trafficking in Persons Report](#).

<sup>691</sup> UN General Assembly (2014), [Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo: Addendum. Mission to Italy](#), 1 April 2014, A/HRC/26/37/Add.4.

<sup>692</sup> Promise (2019), 'Lithuanian MD/IA centre provides temporary accommodation, trains 1000+ specialists in identifying sexual abuse among children', 11 January 2019. For the full scope of the Barnahus model please see the (CR relevant sections of NRM Handbook)



### **UK: Happy Baby Community**

**The Happy Baby Community is a charity in London which is connected to 23 partner charities.** It has two centres which are run by volunteers, including survivors of trafficking and a range of specialist staff, such as child and parenting specialists, general practitioners and midwives. It offers specialist support for pregnant women and mothers with babies and infants, who are survivors of trafficking and other forms of gender-based violence, and a community in which women and children have time to eat together (facilitated by **FoodCycle**), form friendships and engage in activities while children play, as well as engage in other activities with their children such as yoga, swimming and relaxation. GPs, midwives, birth doulas (birth companions) and breastfeeding specialists are available to support and advise through pregnancies and beyond to help ensure enjoyable and safe experiences of pregnancy, birth, and motherhood. The Happy Baby Community offers specialist, trauma-informed massage for babies and mothers, welfare advice, specialist therapeutic care, listening and counselling, English lessons, knitting and crafts; charities **Pram Depot** and **Little Village** provide essential items for new mothers, including baby-grows, blankets, nappies, buggies and other equipment.

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### **Services for survivors who have disabilities**

*It is important to be aware if victims and survivors have any disabilities or difficulties and make appropriate provision to ensure that comfort, understanding of information and ease of access are maximised in accordance with their individual needs.*



### **International: International Organisation for Adolescents (IOFA)**

**The National Human Trafficking & Disabilities Working Group (NHTDWG) ‘promotes a survivor-centred, collaborative approach, steeped in disability and racial justice, for the prevention of trafficking of people with disabilities and Deaf individuals and ensure an accessible and appropriate response to survivors’** in the US. It conducts research, policy analysis, technical assistance, and training. The NHTDWG Steering Committee is formed from experts and self-advocates from the fields of human trafficking and disabilities.<sup>693</sup>

### **Identification training for first responders and national authorities**

*Specialised training for first responders is critical to enable them to refer potential victims of trafficking to the NRM competent authorities for preliminary identification and further protection and assistance.*



### **Greece: Multi-disciplinary and victim-centred identification procedures**

**The NRM in Greece is coordinated and supervised by the Office of the National Rapporteur on Trafficking in Human Beings and managed by the National Centre for Social Solidarity (EKKA).** It includes a range of stakeholders from the public sector and civil society and serves as a hub for coordinated action and partnership building. This does not only concern law enforcement (police and prosecutors), but involves additional front-line professionals, such as labour inspectors, health providers, migration services, local administration authorities and other stakeholders who may come across vulnerable populations who are at risk from trafficking. The overall target of this more inclusive and victim-centred identification regime has been pursued through extensive trainings on human trafficking indicators and victim protection Standard Operating Procedures (SOPs) which are offered to frontline professionals.<sup>694</sup>

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### **Identification in asylum systems and procedures**

*Adults and children who are seeking asylum, or persons who lack secure immigration status in the country in which they are born or are residing, should be considered to be at higher risk of trafficking. It is therefore crucial to build the capacity of relevant stakeholders in order to ensure appropriate identification procedures in asylum systems.*



### **Italy: Guidelines on the identification of victims of trafficking among asylum seekers and referral procedures**

**UNHCR and the Italian Ministry of the Interior (Moi) have developed ‘Guidelines on the identification of victims of trafficking among asylum seekers and within referral procedures’.** This guidance aims at improving the capacity of the Moi’s territorial commissions responsible for processing international protection claims to effectively iden-

<sup>693</sup> IOFA, [National Human Trafficking & Disabilities Working Group](#).

<sup>694</sup> The NRM was officially launched in Greece on the 1st of January 2019 in accordance with Ministerial Decision 3003/2016. Ministry of Foreign Affairs of the Hellenic Republic, [Trafficking in Human Beings](#). This Promising Practice was submitted by the Office of the National Rapporteur on Combating Trafficking in Human Beings, National Centre for Social Solidarity, Ministry of Labour, Social Security and Social Solidarity, Ministry of Foreign Affairs, Hellenic Republic as part of a survey in 2018/2019.

tify victims of trafficking who are undergoing asylum procedures and aims to strengthen the referral mechanism between the territorial commissions and anti-trafficking projects.

In order to do so, **Standard Operating Procedures** were developed within the procedures to recognize the need for international protection. The guidelines include trafficking indicators for use in asylum procedures, including indicators which frequently arise in refugee status determination procedures, specific indicators for victims of trafficking for sexual exploitation and labour exploitation as well as specific indicators for minors.<sup>695</sup>

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## Training and awareness in schools

*School children can be targeted for trafficking for sexual exploitation or criminal activities through face-to-face interactions or online, through social media and other platforms. Effective awareness-raising training and strategies in schools which use online and offline media, campaigns, education and public information are important tools for prevention.*



### **Serbia: UNITAS: Training in schools and the Manual for the Education System to Protect Pupils from Human Trafficking**

**The programme, 'Prevention and education for children and youth about human trafficking' was established through collaboration of the Ministry of Education, Science and Technological Development of Republic of Serbia, the Center for Protection of Human Trafficking Victims and the UNITAS Fund in 2016/17.** Its original purpose was to train 80 professors and experts from 18 school districts from Serbia. It was then expanded to train 6,273 teachers to support them in organizing informative workshops on trafficking in schools. Approximately 54,000 children were informed about human trafficking by the programme and 4,190 parents attended the workshops.<sup>696</sup> This led to the **'Manual for the Education System: Protecting Pupils from Human Trafficking'**<sup>697</sup> which all educators across Serbia can use as a basis for informative workshops. Copies of the manual were printed and sent to every primary and secondary school in Serbia.



### **US: The Prevention Project: Trafficking awareness and prevention in schools)**

**The Prevention Project is an award-winning education programme aimed at middle and high school students which was developed by human trafficking survivors, educators, advocates and law enforcement authorities.** It recognizes that in-depth efforts are required to prevent the exploitation of young people who have specific trafficking risk factors, for example a traumatic childhood history or involvement in the child welfare or juvenile justice systems. The Prevention Project's middle school program includes two lessons of 45-50 minutes with lesson plans including learning objectives, videos, homework assignments, and other activities. Teachers can access the Prevention Project curriculum through the official website.<sup>698</sup>

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## Training and awareness in healthcare services

*As victims of trafficking may seek medical care, healthcare professionals have a role in preventing human trafficking by identifying those at risk and offering services to address vulnerabilities.*



### **International: HEAL Trafficking**

**HEAL is an integrated network of over 3,500 survivors and multidisciplinary professionals located in 35 countries.** It is dedicated to ending human trafficking and supporting survivors from a public health perspective. **HEAL Trafficking** brings together physicians, advanced practice clinicians, nurses, dentists, psychologists, counsellors, public health workers, health educators, researchers, social workers, attorneys, administrators, and other professionals who work with and advocate for survivors of human trafficking.

The HEAL Advocacy Committee advances the public health response to trafficking by working to improve public policies and supports anti-trafficking efforts at the local, regional, national, and international levels. The HEAL Direct Service Committee works to improve the clinical care for trafficked persons by providing opportunities for service providers to

<sup>695</sup> UNHCR (2017), [L'identificazione delle vittime di tratta tra i richiedenti protezione internazionale e procedure di referra](#), August 2017 [only in Italian].

<sup>696</sup> UNITAS (n.d.), [UNITAS Anti Human Trafficking Programs In Europe](#). This Promising Practice was submitted by UNITAS as part of a survey in 2018/2019.

<sup>697</sup> Centre for Human Trafficking Victims Protection, Ministry of Education, Science and Technological Development of Serbia, & UNITAS Fund (2016), [Manual for the Education System: Protecting Pupils from Human Trafficking](#).

<sup>698</sup> The Prevention Project curriculum as well as implementing partner received several awards, including from the National Association of Counties, AT&T. Richmond Justice Initiative (n.d.), [Prevention Project](#).

connect, access support, share information and promising practices, identify best practices, and expand the referral network. The HEAL Education and Training Committee focuses on educating health care providers about trafficking and making relevant, evidenced-based training resources more accessible for healthcare providers. It supports members to collaboratively standardize evidenced-based protocols for the identification, care, and referral of survivors of human trafficking.<sup>699</sup>



### **US: Health and Human Services SOAR training (Stop, Observe, Ask, Respond)**

**Many victims and survivors of trafficking come into contact with healthcare and social service professionals during and after their exploitation, but are not identified. SOAR** training is targeted for health care providers, social workers, public health professionals and mental health professionals. The SOAR framework is a trauma-informed, culturally and linguistically appropriate response to human trafficking, providing health care professionals with tailored information on how to identify and respond to human trafficking within their field.

SOAR training consists of three tiers:

- **Tier 1** – Develop online, on-demand content to equip participants with the knowledge and skills to identify and respond to human trafficking.
- **Tier 2** – Develop online, blended learning content for organizations which is focused on enhancing their institutional response to human trafficking.
- **Tier 3** – Develop in-person training content for communities which is focused on identifying strategic partnerships and building capacity to effectively respond to human trafficking.<sup>700</sup>



### **Mexico: Proyecto Antenas**

**Antenas por los Niños A.C. is a non-profit NGO dedicated to ensuring access to justice and mental health support for vulnerable children.** It is located in seven states of the Mexican Republic: Mexico City, Hidalgo, Zacatecas, Chihuahua, Coahuila, Nuevo Leon, Oaxaca and Estado de México. Antenas por los Niños supports children who are in vulnerable situations with a unique method, enabling an expert psychologist to speak to a child in real time through a cartoon character called **Antenas** using a cabled system of audio and video. **Antenas** is delivered free of charge for children and has been used in children's hospitals since 2005.<sup>701</sup>

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## **Training and awareness in tourism/hospitality**

*Travel and tourism infrastructure (for example hotels, motels, short let properties) are all locations where trafficking for sexual exploitation of adults and children can take place. Training and awareness of staff from hospitality and transportation is therefore essential to identify victims of trafficking and prevent human trafficking overall.*



### **International: The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism**

**The Tourism Code is a multi-stakeholder initiative with the mission to provide awareness, tools and support to the tourism industry in order to prevent the sexual exploitation of children.** It aims to address child trafficking crime by creating a highly aware and well-trained tourism industry which has the ability to detect and prevent potential child abuse and establish zero tolerance environments.

The Tourism Code is based on six criteria:

- To establish policies and procedures which prohibit the sexual exploitation of children
- To train employees
- To include a clause in all contracts through the value chain stating a common repudiation and zero tolerance policy of sexual exploitation of children
- To provide information for the awareness of travellers and tourists

<sup>699</sup> For information, see [HEAL Trafficking's](#) website.

<sup>700</sup> Office on Trafficking in Persons, [SOAR Online](#).

<sup>701</sup> For more information see [Proyecto Antenas](#). See also BBC Stories (2017), [Mexico's Cartoon Therapists](#). Kenny, R. (2017), 'Cartoon alien helps children in Mexico deal with trauma', BBC, 24 July 2017. Bornstein, D. (2010), 'A Safe Haven in Cartoon Confidants', The New York Times, 22 November 2010. This Promising Practice was submitted by Antenas por los Niños A.C as part of a survey in 2018/2019.

- To support, collaborate and engage all stakeholders
- To report annually on the implementation of the criteria to the Code Management Team

The **Tourism Code** has been acknowledged as good practice by various countries, United Nations organizations, the tourism private sector and NGOs. Several governments and organizations have incorporated the Tourism Code into overarching policy and sustainable tourism programmes.<sup>702</sup>



### **US: Airline Ambassadors International**

**The focus of the Airline Ambassadors International (AAI) programme is to raise the ability and awareness of flight, ground, and hotel staff to identify and report incidents connected to human trafficking. AAI** collaborates with **Homeland Security** and the **U.S. Department of State** to train airline and travel industry personnel with anti-human trafficking approved curricula at major airline hubs. It provides seminars and training materials which are presented by a team of three to four trainers, including survivor leaders. The training is tailored to airline/airport personnel, hotel employees, law enforcement and ground transportation personnel. **AAI** is the first organization to have its curriculum adopted by the International Tourism Management Institute.<sup>703</sup>



### **International: The Joint ICAO-OHCHR Guidelines for Training Cabin Crew on Identifying and Responding to Trafficking in Persons (Cir 352)**

**The Joint ICAO-OHCHR Guidelines provide States and operators with training material for cabin crew members which focuses on the identification and response to human trafficking.** The guidelines were developed through a process of consensus with experts from the **Civil Aviation Authority**, operators, aircraft manufacturers and training organizations, and was thereafter submitted for an extensive peer review to collect and take into account comments from the aviation expert community. The content of the guidelines is not only aimed at flight crew members, but can also be adapted and used to create training packages for various stakeholders at airports, as well as for other modes of transportation, including trains, buses or cruise ships.<sup>704</sup>

## **Provision of emergency kits/relief to survivors**

*The use of emergency kits for victims of trafficking is common in many countries. They should include the maximum and most useful contents for the specific environmental and situational context of victims and should be provided free or charge to victims whenever needed, before as well as after their preliminary identification.*



### **International: Catholic Relief Services**

**The Catholic Relief Services (CRS) offers Welcome Kits to survivors of trafficking to provide them with essential items as soon as they arrive.** The kits include hygiene items, clothes and bedding. In addition, the public can donate to fund the Welcome Kits on the CRS website. CRS works to prevent human trafficking worldwide and protect and assist victims of trafficking, including by providing psychosocial support and job training.<sup>705</sup>

<sup>702</sup> Membership of The Code is a requirement of achieving fair trade tourism status in South Africa and acquiring TourCert certification in Europe. The government of Costa Rica has integrated The Code into the Costa Rican Tourism Institute's Certification in Sustainable Tourism programme. Several national tourism ministries are also active in promoting The Code as a responsible tourism initiative in their countries. See [The Code](#).

<sup>703</sup> For more information, see [Airline Ambassadors International](#).

<sup>704</sup> ICAO is funded and directed by 193 national governments to support their diplomacy and cooperation in air transport as signatory states to the Chicago Convention (1944). Its core function is to maintain an administrative and expert bureaucracy (the ICAO Secretariat) supporting these diplomatic interactions, and to research new air transport policy and standardization innovations as directed and endorsed by governments through the ICAO Assembly, or by the ICAO Council which the assembly elects. See International Civil Aviation Organization (ICAO) & OHCHR (2018), [Guidelines on Identifying and Responding to Trafficking in Persons](#).

<sup>705</sup> See the [website of the Catholic Relief Services](#).

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## The 2-Stage identification process

*Identification of a victim of trafficking must connect directly to measures for their protection in all cases. It is not sufficient for a competent authority to identify a victim of trafficking without this resulting directly in actions for their protection.*



### **Georgia: NRM Dual system of victim identification**

**In order to effectively identify victims of trafficking, the Georgian NRM provides two possible pathways for victims to access state identification, protection, support and assistance.** Georgian law differentiates the status of victim of trafficking and the status of statutory victim of trafficking.<sup>706</sup> The aim of these two statuses is to protect and assist persons who are trafficking victims who are not able or willing to co-operate with law enforcement/criminal justice proceedings or need immediate assistance from the state authorities.

Victim of trafficking status is a status which is granted by the **Permanent Group of the Georgian Anti-Trafficking Inter-Agency Council**. A mobile, multi-agency team of representatives from five NGOs conduct identification procedures within 48 hours for victims of trafficking who do not wish to speak to the law enforcement authorities.

Statutory victim of trafficking status is granted by law enforcement authorities in accordance with the Criminal Procedure Code of Georgia (CPC) for victims who agree to co-operate with criminal justice proceedings.

Victims of both statuses and their dependent minors are provided with state run services, regardless of their immigration status. The national State Fund can provide each victim of trafficking with payment of 1,000 GEL (approximately 265 EUR) in one-off compensation.<sup>707</sup>

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## Provision of the recovery and reflection period

*The recovery and reflection period recognizes the serious crime that victims have suffered, their vulnerability as a result of trafficking and their need for time and support to access essential services and reflect (to an extent) upon their next steps. It should be granted to all presumed victims of trafficking and should never be conditional upon victim's co-operation with criminal investigations or proceedings.*



### **Netherlands: B9 Procedure – 90 days**

**Under the B9 procedure, victims of trafficking in the Netherlands are granted a recovery and reflection period of 3 months if there is 'the slightest indication' that they may be a victim of trafficking.** The period is intended to permit victims to begin recovery and to make an informed decision about co-operating with law enforcement/criminal justice proceedings. During this period, the victim has access to safe housing, psychological, medical and material assistance and legal aid.

It is the duty of the police to inform victims about the B9 procedure. If the victim decides at the end of this period to co-operate with law enforcement/criminal justice proceedings they will be granted a residence permit for the duration of the criminal proceedings until the end of the trial, which is renewable each year.<sup>708</sup>

The recovery and reflection period applies primarily to non-EU nationals but also to EU, EEA and Swiss nationals where they do not derive a right to stay in the Netherlands from other instruments.<sup>709</sup> Dutch and EU victims, as well as third-country nationals with legal residence in the country, have access to all forms of support and assistance, regardless of whether they co-operate with the investigation and prosecution.

<sup>706</sup> The Ministry of Justice of Georgia is the leading Agency of the Georgian Inter-Agency Council on Combating Trafficking in Human Beings. The [Governmental Decree N284](#) on the National Referral Mechanism is only available in Georgian. The anti-trafficking measures taken by the Georgian Government have upgraded Georgia to a Tier 1 Country according to the US State Department Reports on Trafficking in Persons. See U.S. Department of State (2020), [Trafficking in Persons Report 2020](#). This Promising Practice was submitted by the Ministry of Justice of Georgia as part of a survey in 2018/2019.

<sup>707</sup> Council of Europe GRETA (2016), [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia: Second evaluation round](#), 11 March 2016.

<sup>708</sup> EU Commission, [Netherlands – 2. Institutional and legal framework](#).

<sup>709</sup> Council of Europe GRETA (2015), [Fourth General Report on GRETA's activities, covering the period from 1 August 2013 to 30 September 2014](#), p. 47.

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## Age dispute and age estimation assessment

The NRM Handbook recommends age estimation assessments that do not use invasive medical procedures of any kind. There are indications that medical testing has wide margins of error and that the techniques often used are not always in the best interests of the child.<sup>710</sup>



### UK: The Merton Principles

**Practice in the United Kingdom moved away from medical testing following the case of R v Merton<sup>711</sup>, which led to the adoption of the ‘Merton principles’.** This governs the guidance and minimum standards which must be applied to age assessment by local authorities. The Court in this case found that ‘[g]iven the impossibility of any decision maker being able to make an objectively verifiable determination of the age of an applicant who may be in the age range of, say, 16 to 20’, a medical report was not necessary. Instead, the guidelines that resulted state that in cases where the age of an applicant is not clear, and no reliable documentary evidence exists, the credibility of the applicant, their physical appearance and behaviour must be assessed. This assessment must also consider the general background of the applicant, which includes ethnic and cultural considerations, family circumstances and education. Equally, the Court emphasised that assessing a person’s age does not equate with assessing a person’s reasons for seeking international protection, thus any inconsistencies between the account of why a person has had to flee their country of origin, and the person’s account of their age do not necessarily indicate that an applicant’s account of their age is to be doubted. Since this case, the courts have repeatedly confirmed the Merton principles and further developed their view on what they consider to be a lawful age assessment.

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## Access to free, independent, specialist legal advice and representation

*Legal advice and representation is an important safeguard for victims and survivors of trafficking, therefore it should be offered at the earliest opportunity and free of charge.*



### International: Thomson Reuters TrustLaw

**Thomson Reuters TrustLaw is the largest global pro bono network in the world, with more than 5,500 members across 175 countries.** It offers free legal assistance to NGOs, victims of trafficking and social enterprises and uses research programmes to inform its advocacy. TrustLaw works with its members from NGOs and law firms to highlight how existing anti-trafficking laws are applied and to provide recommendations to improve their application, including avenues for obtaining compensation for victims of trafficking.<sup>712</sup>



### UK: AIRE Centre

**The AIRE Centre provides specialist support for victims of trafficking and undertakes UK-based advocacy and litigation that specifically covers human trafficking.** It offers free advice and representation for EU victims of trafficking to assert their rights to protection and assistance under the Council of Europe Convention on Action Against Trafficking in Human Beings including the right to a residence permit, social assistance, and social security appeals. In addition, it has delivered essential training sessions for practitioners working with trafficked persons. With support from the **Esmee Fairburn Foundation**, the AIRE Centre has been able to significantly expand its ability to provide advice and representation for victims of trafficking and their representatives and engage with these issues at the policy level, both nationally and at the European level.<sup>713</sup>



### UK: JustRight Scotland

**JustRight Scotland has been part of national and international efforts to develop better anti-trafficking laws, systems, policy and practice.** JustRight lawyers were intricately involved with the creation and journey of the Human Trafficking & Exploitation (Scotland) Act 2015 from a bill into law, and with the establishment and development of the existing **Scottish Guardianship Service** since 2010.

<sup>710</sup> European Council on Refugees and Exiles (2015), [Detriment of the Doubt: Age Assessment of Unaccompanied Asylum-Seeking Children](#), December 2015.

<sup>711</sup> *R (B) v Merton* [2003] EWHC 1689 (Admin).

<sup>712</sup> See [Thomson Reuters TrustLaw](#).

<sup>713</sup> See AIRE Centre, [Human Trafficking](#).

The **Scottish Anti-Trafficking and Exploitation Centre** is one of JustRight's four specialist law centres.<sup>714</sup> It provides free, specialist legal advice and representation to adult and child survivors of trafficking and exploitation in Scotland regardless of their nationality, gender, type of exploitation and geographical location. This is provided in all areas of law related to human trafficking (apart from criminal defence in cases where the victim of trafficking has been charged with offences, as JustRight does not have specialised practice in criminal law). As well as providing early legal intervention, support is also focused on the medium to long term needs of victims. JustRight operates an integrated specialist advice provision model with the Scottish Guardianship Service where the respective advocacy and legal advice services are streamlined to provide an efficient, best practice model. This includes a 2nd-tier advice service for guardians to assist them in their role.<sup>715</sup>



### **US: The City Bar Justice Center's Immigrant Justice Project (IJP)**

**IJP assists asylum seekers who are fleeing persecution in their home countries and survivors of violent crimes and human trafficking in the United States.** It provides legal assistance for survivors, matching and mobilizing lawyers, law firms, corporate legal departments and other legal institutions to provide pro bono legal services. This includes assistance with procedures relating to legal protection, visas, asylum representation, temporary protected status applications, and other forms of immigration relief. IJP has over 1,000 pro bono and the largest free civil legal hotline in New York State. Its staff regularly conduct trainings, outreach events, and legal clinics in the community.<sup>716</sup> IJP also provides representation before the **U.S. Citizenship & Immigration Service** and the **Executive Office for Immigration Review**.

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## **Independent specialist legal advice and representation for children**

*Child victims of trafficking require specialist child lawyers who are trained on all aspects of children's rights and entitlements.*



### **UK and international: Coram Children's Legal Centre**

**The Coram Children's Legal Centre is part of the Coram group of charities.** It promotes and protects the rights of children in the UK and internationally in line with the UN Convention on the Rights of the Child. Coram has legal experts in all areas of children's rights: immigration, asylum, NRMs, child protection, education and juvenile justice. It provides legal advice and representation, research and evidence informing law, policy, practice and system reform. Its aim is to build the capacity of professionals and practitioners through training and advice provision, challenge laws and policies that negatively impact children and their rights, and provide children, young people, their families, carers and professionals with free legal information, advice and representation as well as international consultancy on child law and children's rights.<sup>717</sup>



### **US: The Children's Law Center**

**The Children's Law Center is based in Washington DC and provides services to more than 5,000 children and their families each year.** It partners with hundreds of pro-bono lawyers, paediatricians and city leaders to work with children in the city's poorest neighbourhoods. It advocates for children in and out of court for to support a path to a better education, good health and a stable, loving family. It is committed to combating child trafficking through 'persistent investigation, innovative legal representation and systemic advocacy'.<sup>718</sup>

<sup>714</sup> The three others are: [The Scottish Women's Rights Centre](#), which provides advice on legal rights and access to protection to women who have suffered gender-based violence; [The Scottish Migrant and Refugee Centre](#), which works with people from abroad to ensure equal access to protection and support; and [The Scottish Just Law Centre](#), which aims to empower people and civil society organizations to use the law as a tool for social change, focusing initially in the areas of disability justice and trans justice.

<sup>715</sup> For more information, see JustRight Scotland, [Scottish Anti-Trafficking & Exploitation Centre](#). This Promising Practice was submitted by JustRight Scotland as part of a survey in 2018/2019.

<sup>716</sup> For more information, visit [City Bar Justice Center](#).

<sup>717</sup> For more information, see [Coram Children's Legal Centre](#). For a focus on domestic trafficking of children, see Just For Kids Law & Children's Rights Alliance for England (2020), [Excluded, exploited, forgotten: Childhood criminal exploitation and school exclusions](#).

<sup>718</sup> For more information, see [Children's Law Center](#).

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## Individual support provision for adults

*Victims of trafficking are at risk of re-trafficking and further forms of harm, crime and exploitation if they are left without protection and individual support. Individual support should be integral to, and follow directly from, the Identification+ procedure.*



### **UK: Victim Care Contract (MSVCC)**

The UK Government has a nationwide Victim Care and Coordination Contract which is designed to provide survivors of human trafficking/modern slavery with frontline support and access to:

- Safe accommodation (where needed)
- Practical help and advice
- Interpretation and translation services
- Financial support
- Healthcare to meet physical, emotional and mental health needs
- Specialist legal advice
- Education for school-aged dependent children
- Transport to important appointments
- Future-planning support<sup>719</sup>

The contract is currently managed UK-wide by the Salvation Army, which sub-contracts the frontline support for survivors who are undergoing NRM procedures to a range of regional specialist centres which offer safehouse accommodation and outreach services. Frontline support workers are allocated to accompany and assist survivors throughout the NRM identification process, the Recovery & Reflection period and for a transitional period after they are conclusively identified.

The UK victim care contract applies to provision of support for all victims of trafficking (domestic and transnational) who are accepted into UK NRM procedures. It operates independently of criminal justice proceedings and is not conditional upon victims' co-operation with law enforcement authorities or criminal proceedings against their traffickers, which is in line with the international legal principle of non-conditionality. The Victim Care Contract is independently monitored by the **Care Quality Commission (CQC)**.<sup>720</sup>

Once a victim of trafficking receives a conclusive identification decision from the NRM competent authority, they may be provided with a renewable discretionary residence permit in accordance with Article 14 of the Council of Europe Trafficking Convention: (a) the competent authority considers that their stay is necessary owing to their personal situation; (b) the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.

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## Guardian advocates and assessment/safety planning for children

*Guardian advocates are professionals with a specific mandate for protection and support of child victims of trafficking. They accompany child victims and survivors through the process of the NRM maintaining in-person contact and conducting appropriate assessments and devising safety plans. Their role includes co-ordinating individual support, advocating for victims' access to needed services, and acting as a focal point for communications with all other parties, authorities, agencies and services.*



### **Netherlands: Nidos: Guardianship service & European Guardianship Network (EGN)**

**The European Guardianship Network (EGN)** is a network of guardianship authorities and agencies, (local) authorities and international and non-governmental organizations. EGN aims to promote guardianship and improve guardianship services for unaccompanied and separated children in EU Member States by exchanging good practices, expertise and

<sup>719</sup> Salvation Army UK, [New 2021 Victim Care Contract](#).

<sup>720</sup> The Care Quality Commission (CQC) is an executive [non-departmental public body](#) of the [Department of Health and Social Care](#) of the United Kingdom. It was established in 2009 to regulate and inspect health and social care services in England. The CQC's stated role is to make sure that hospitals, care homes, dental and general practices and other care services in England provide people with safe, effective and high-quality care, and to encourage those providers to improve. It carries out this role through checks during the registration process which all new care services must complete, as well as through inspections and monitoring of a range of data sources that can indicate problems with services.

other relevant information and sharing ideas and co-operation on common challenges and cross border work.

**Nidos<sup>721</sup> is a founding member of EGN, providing guardianship, support and care for children as well as child-specialist accommodation.** It is appointed as a legal guardian under Dutch law for unaccompanied children arriving in the Netherlands. There are approximately 180 guardians working at Nidos, supported by a team which includes guardianship administration, a legal department and ICT department. Nidos has been involved in many international projects on guardianship and reception of unaccompanied and separated children. It cooperates with the European Commission, European Asylum Support Office (EASO) and the EU Agency for Fundamental Rights (FRA).<sup>722</sup>

A court appointed guardian acts as the child's legal representative and is responsible for their welfare and the task of protecting them. A core element of the guardian's role is the provision of appropriate assessment and an ongoing Child Safety Plan.

Nidos is appointed as guardian by the court if the child is unaccompanied or their parents are unable to exercise parental authority over the child. Guardianship is carried out by professionals with specific expertise who primarily act in the best interest of the child with respect for their cultural background and based on mutual commitment. Guardians are responsible for a maximum of 16 children at any one time, or less depending on individual children's levels of need. Nidos is responsible for managing the child's development to independence and intervening if this development is at risk of stagnation in any way.

*The approach of Nidos concerning unaccompanied children who are seeking asylum recognizes that cultural uprooting, limited knowledge of this new environment, combined their uncertain legal position make children specifically vulnerable. They require an education, and support which is based on respect, safety and protection. Every child comes from a different culture, has their own story, own expectations of the future, own will and driving force.*<sup>723</sup>



#### **UK: The Scottish Guardianship Service for unaccompanied and separated children**

**In Scotland, the Guardianship Service for children allocates a guardian for each unaccompanied, asylum-seeking child who can provides independent advocacy, advice and support on welfare, immigration, asylum and NRM procedures.** Any local authority or agency in Scotland can make a referral to the Scottish Guardianship Service. The service was awarded the 2016 Children's Champion award by ECPAT (Every Child Protected Against Trafficking) in recognition of the service's child-centred model of practice with unaccompanied, separated and trafficked children in Scotland.

The Guardianship Service has developed from initially three guardians supporting approximately 30-45 new children each year to 15 guardians supporting 165 new children each year, with an average caseload of about 300 children and young people. The service has continued to innovate, by introducing complimentary services and projects to support young people's needs. For example, in addition to the legal service provision, it has introduced a befriending service as well as mental health peer support for young men.<sup>724</sup>

All children have their own tailored integration plan in the guardianship service. The service continuously feeds into, and updates the **integrated children's plan** which is supervised by social work services as part of the national **GIRFEC (Getting it Right for Every Child)** policy.<sup>725</sup> GIRFEC ensures child-centred assessment and care management as part of the multi-agency response to child welfare in Scotland from initial contact to recovery and integration which under the Scottish legislation can continue up until the age of 26.<sup>726</sup>

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### **Provision of safe and appropriate accommodation for adults and children**

*Provision of safe and appropriate accommodation for victims of trafficking, when it is required by them, is fundamental to the efficiency and success of NRMs. It is integral to ensuring victims' safety from re-trafficking, their consistent contact with essential services, their ability to work towards sustained recovery and therefore social inclusion and independence.*

<sup>721</sup> The information was provided through interviews with representatives from Nidos. NIDOS (2020), Personal interview [Personal interview], 1 September 2020. For more information on the Dutch national guardianship institution, visit [NIDOS](#).

<sup>722</sup> For more information, visit [European Guardianship Network \(EGN\)](#). FRA published a thematic handbook, which is informed by NIDOS projects and publications on child guardianship. See FRA (2014), [Guardianship for children deprived of parental care: A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking](#).

<sup>723</sup> See [Vision of Nidos](#).

<sup>724</sup> Aberlour, [Scottish Guardianship Service](#).

<sup>725</sup> Scottish Government, [GIRFEC \(Getting it Right for Every Child\)](#). This Promising Practice was submitted by the Looked After Children Unit, Care and Protection Division, Children and Families Directorate, Scottish Government as part of a survey in 2018/2019.

<sup>726</sup> Thomson, K. (2020), Personal interview [Personal interview], 1 September 2020.

## ***Sheltered accommodation for women, and mothers with children***



### **Germany: Solwodi**

**In Germany, SOLWODI ('Solidarity with Women in Distress') has 19 specialized counselling centres and seven shelters for provision of accommodation,** with 22 places for individual women, 9 places for mothers with children, and 6 places for adolescents. Social workers with experience of trafficking cases are allocated to support and assist each resident. SOLWODI's work includes psycho-social support, organization of medical and legal support, helping survivors to find housing and jobs, and arranging German language courses and vocational training.<sup>727</sup>



### **Denmark: Young Women's Christian Association (YWCA) Social Work Crisis Centre**

**The aim of the YWCA is to provide accommodation and promote comprehensive recovery and social inclusion of female victims of trafficking.** It is a self-governing institution which has developed specialist knowledge and competence in relation to both Danish and foreign women exposed to prostitution-related violence, including physical violence, sexual assault, rape, harassment, persecution, stalking, and violence and covert threats of violence. The shelter also accepts pregnant women and women with children up to 14 years. At the Crisis Centre, there is room for 6-8 children depending on age. Women are able to look after their children and take care of shopping, cleaning and laundry with the offer of support and guidance from the staff. The staff at the crisis centre offer language and cultural skills and have a great deal of knowledge about social work initiatives which aim to reduce the harmful effects of violence and prostitution.<sup>728</sup>



### **US: Mosaic House**

**Mosaic House provides services including sheltered accommodation for women and children who are survivors of domestic violence and human trafficking.** These services include 24-hour hotline assistance, comprehensive case management, legal services, immigration assistance, interpretation and translation, assistance with medical care, counselling, educational opportunities, job training and meeting other needs. Mosaic House includes a large outdoor play area, a garden, play and art therapy rooms, two kitchens, and a light-filled living space for up to 46 people. Residents are provided with culturally sensitive, structured services to help them to rebuild their lives and lead them toward independence and self-sufficiency. A child advocate coordinates services for the children at the shelter, who have often been witnesses or victims of abuse. Child advocacy services include age-appropriate safety planning for children and parenting classes for mothers to help them understand how family violence can affect children.<sup>729</sup>



### **Georgia: Batumi Institution for the Service of Victims of Trafficking**

**The Batumi Institution runs a shelter specifically for women and child victims of trafficking. It can accommodate up to 13 residents, and is staffed by a nurse, a social worker, a lawyer, a psychologist and security officers.** Accommodation for different categories of victims is provided in separate sections, for example for women with children. The shelter provides services including psychological and social rehabilitation, medical services, legal assistance, translation and other services, as required. There are also indoor play areas for children.<sup>730</sup>

## ***Accommodation for men***



### **Austria: MEN VIA**

**MEN VIA was established in 2013 by the Austrian Government.** It provides specific support for men who are victims of human trafficking, including an emergency shelter for 6 to 10 residents. It offers psycho-social support in more than 10 languages, assistance throughout legal proceedings, medical aid and other services.<sup>731</sup>



### **UK: Olallo House**

**Olallo House offers accommodation and specialist client-focused support in London to homeless men and women.** It is for non-UK and UK nationals, all deemed vulnerable due to a range of factors which may also include sub-

<sup>727</sup> See SOLWODI, [About us](#).

<sup>728</sup> See [KFUKs Sociale Arbejde](#).

<sup>729</sup> See Mosaic Family Services, [Shelter](#).

<sup>730</sup> See ATIPFund Georgia, [Shelters for Trafficking Victims](#).

<sup>731</sup> For more information, see [MEN VIA](#). This Promising Practice was submitted by MEN Via as part of a survey in 2018/2019.

stance misuse and poor mental and/or physical health. Clients of the service include victims of trafficking, migrants, TB patients and homeless people on discharge from hospital. Provision includes: direct observation and medical treatment, a personalized plan of support, structured daily routine support, specialist one-to-one key worker support, health and well-being support, referral and accompaniment to services including healthcare appointments. Olallo House conducts assessments to find out more about each individual's situation and needs to create a clear action plan with them.<sup>732</sup>



### **Portugal: NGO Saúde em Português**

**The NGO Saúde em Português has been running a shelter specifically for male victims of trafficking since 2013.** This has a capacity of eight places (plus an additional place in case of emergency), with the average stay of residents being one year. The shelter hosts foreign as well as domestic victims of trafficking. Presumed and detected victims of trafficking are referred by the Judicial Police, the Immigration and Border Service or multi-disciplinary anti-trafficking teams. The shelter is staffed around the clock and the staff team comprises social workers and lawyers. The shelter provides access to medical care, language courses, vocational training, and assistance with finding jobs.<sup>733</sup>



### **Moldova: IOM Shelter for Male Victims of Trafficking**

**The International Organization for Migration (IOM) opened a shelter for male victims of trafficking in 2021, which provides psychological, social, and legal support and assistance with social reintegration.** This initiative was the result of close collaboration between the **Ministry of Health, Labour and Social Protection**, the **National Agency for Social Assistance** and **IOM Moldova**, the latter part funded by the **US Department of State (J/TIP)**.<sup>734</sup>

### ***Accommodation for children***



### **Netherlands: Nidos sheltered accommodation for children**

**Nidos provides a variety of specialist sheltered accommodation for the children in its care as well as high standards of guardianship.**<sup>735</sup> Children aged between 13 and 18 are cared for in special care locations during the first three months in the Netherlands with a lot of face-to-face contact with the child. This allows for a period of rest and preparation, to go through the general asylum procedure, and to formulate advice for the follow-up care. The guardian then decides which care setting is best for the child, according to the child's needs, independence and resilience. In addition to foster families, Nidos provides children's accommodation units to children who are not yet sufficiently independent and resilient. An average of 12 children lives in a children's accommodation unit. Mentors are present 24 hours a day, who teach the children life skills to become more independent. For children between 15 and 18 who are already reasonably independent but still need regular support, Nidos has small accommodation units consisting of approximately four children. For every four children, a mentor is present 28.5 hours a week to prepare them to live independently when they turn 18. Moreover, for children between 15 and 18 who are independent and resilient, Nidos has a special campus. At the campus, girls and boys have their own department. Mentors are present on campus to support them along with the guardian. The campus also accommodates child families, who are brothers and sisters coming to the Netherlands together, without their parents.<sup>736</sup>

*Every six weeks, there is a meeting with children's guardians, police, an anti-trafficking team and mentors from the shelter. In addition, there is a meeting every three months with all of the partners at the shelter. As child specialists working with the children, Nidos has the decision on actions for the child, rather than the police. The guardian of each child takes direct responsibility for them. If a child runs away, mentors from the shelter are directly linked to the police. They investigate the neighbourhood and make a report of the missing child. The first phase of establishing trust ensures that children understand that they could always come back.*<sup>737</sup>



### **Russia: The St. Petersburg Government Transit Centre for children**

**The St. Petersburg Transit Centre provides 24-hour child-friendly and age-appropriate supervision, with no**

<sup>732</sup> For more information, see [Olallo House](#).

<sup>733</sup> See NGO [Saúde em Português](#). See also Council of Europe GRETA (2016), [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal: Second evaluation round](#), 2 December 2016, para. 117.

<sup>734</sup> IOM (2021), [Moldova Opens First Shelter for Male Victims of Trafficking](#), 28 April 2021.

<sup>735</sup> The EU Agency for Fundamental Rights published a thematic handbook, which is informed by NIDOS projects and publications on child guardianship. See FRA (2014), [Guardianship for children deprived of parental care: A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking](#).

<sup>736</sup> See Nidos, [Where will you live?](#)

<sup>737</sup> NIDOS (2020), Personal interview [Personal interview], 1 September 2020.

**more than five children per carer, and a multi-disciplinary staff of psychologists, educators, lawyers, social workers and health professionals.** To ensure protection from re-trafficking and other forms of exploitation, children are not left unattended when outside their rooms and when the children leave the premises to go to school or other activities, they are always accompanied by a staff member. The centre also has external and internal security measures.<sup>738</sup>



### **Romania: Reaching out Romania (ROR)**

**Reaching out Romania was opened in Pitesti 1999 as the first shelter for girls who are victims of trafficking in Romania (capacity 12) with a second shelter opening in Cluj in 2016 (capacity 4).** Victims are referred to ROR by the **Child Protection Department**, police officers and NGOs from destination countries. ROR also organizes direct recovery of victims. The shelters are staffed by a team consisting of a manager, social workers, psychologists and facilitators with 24-hour supervision. The aim of the shelter is to respond to the immediate needs as identified by girls: a shelter, protection, psychological assistance and medical assistance. The programme combines educational and vocational programmes, life skills (including cooking, cleaning, budgeting, crafts), medical and psychological assistance, legal counselling, protection during court cases, and support to obtain employment. The shelters are under camera surveillance and monitored 24/7 by a security company.<sup>739</sup>



### **US: Gem Girls: Transitional Independent Living Program for girls and young women (TIL) and Imani House**

**Gem Girls' TIL shelter provides 24-hour support for young women aged 16-24 and Amani House provides an independent living programme for young women ages 18-24.**

Gem Girls' Educational Initiative aims to support all residents to (re-)engage in the educational process, to obtain their high school diploma or General Educational Development (GED) certificate, and succeed in tertiary education or vocational training through provision of educational support services. Another focus is on youth development which aims to address young women's developmental, social and emotional needs through daily strengths-based recreational, educational and therapeutic groups and programming.

Gem Girls also runs a survivor leadership programme that fosters the development of critical thinking, leadership and community organizing skills, and deepens members' understanding of the social conditions that keep commercial sexual exploitation and trafficking in place. Gem Girls also engages in court advocacy by promoting the Alternative to Incarceration programme through the **Human Trafficking Intervention Courts and Family Court Advocacy**.<sup>740</sup>



### **US: Specialized Therapeutic Foster Home Model**

**The CHANCE Programme was developed by the Citrus Health Network, a non-profit community mental health centre, through partnership with the Florida Department of Children and Families and Our Kids of Miami-Dade/Monroe, with research by the University of South Florida.** Children in the CHANCE programme receive individual clinical care and treatment. The Citrus Health Network provides prospective foster parents with required training for licensing, and additional training for the specialized therapeutic foster care environment for commercially sexually exploited children (CSEC) victims and set up Specialized Therapeutic Foster Homes.<sup>741</sup>

Los Angeles County followed the model developed by Citrus Health Network of establishing Specialized Therapeutic Foster Homes in response to the County's finding that many children who have been subjected to trafficking for sexual exploitation do not have a viable home or placement at the time they are identified. The County has therefore contracted a foster home that is available to provide emergency accommodation at any time of day or night, every day of the week, for up to six girls for an initial placement of 72 hours. The providers at the foster home have received specialized training on working with CSEC in order to meet their needs and to play an active role in a multidisciplinary team which oversees their care while they are living at the home. The homes have staff available to provide overnight supervision when a child is first introduced, and additional supervision is provided in accordance with need.<sup>742</sup>



### **Portugal: Akto Shelter and Protection Centre (CAP)**

<sup>738</sup> For more information [Russian only], see [Shelter Tranzit](#).

<sup>739</sup> See Reaching Out Romania, [About us](#).

<sup>740</sup> See Gem Girls, [What We Do](#).

<sup>741</sup> See Citrus, [CHANCE Programme](#).

<sup>742</sup> County of Los Angeles (n.d.), Law Enforcement First Responder Protocol for CSEC.

**The Akto Shelter and Protection Centre (CAP) was established in 2018 as the first shelter in Portugal for child victims of trafficking.**<sup>743</sup> CAP is based on a system of multi-disciplinary intervention and networking with civil society organizations/NGOs which can guarantee promotion and sustainability of the project. It provides specific support and protection for child victims who have been referred by police or a specialist NGO. It has capacity for six children, with multi-disciplinary staff available for 24 hours a day, and it aims to ensure temporary shelter, in a safe place, providing children with a dignified and welcoming environment.

Akto aims to promote children's' integral development, providing medical, legal and psycho-social support. Children are helped to develop their personal, social, school and professional skills through specific training programmes. Akto ensures that children have the necessary means for personal development through school and professional training in cooperation with schools, professional training structures and the community. It also has a 24-hour telephone support line.<sup>744</sup>

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## Regularization of immigration status

*Persons who do not have secure immigration status in the country in which they were born or reside may be particularly vulnerable to trafficking. Insecure or temporary immigration status often results in situations of poverty, destitution or residence in inadequate and unsafe makeshift camps and poor-quality accommodation; hence appropriate measures by authorities and anti-trafficking stakeholders are particularly important.*



### **Austria: UNDOK**

**In Austria, the UNDOK drop-in and counselling centre for undocumented workers** provides basic counselling about issues of labour law, social security and assistance with administrative procedures for any persons working in Austria who do not have a residence and/or work permit and are not paid the agreed wage, or are harmed by their employers in any other way.<sup>745</sup>



### **Kyrgyz Republic: Addressing Statelessness**

In 2019, the Kyrgyz Republic addressed the issue of statelessness that had been prompted by the collapse of the Soviet Union in the 1990s by providing documentation for undocumented persons to reduce their vulnerability due to lack of citizenship. Encouraged by the **UNHCR-led #I Belong campaign**, launched in 2014 to end statelessness, the government and its partners had identified 13,700 people without nationality in the country. Among them were more than 2,000 children. By reaching out and registering stateless persons and issuing birth certificates and passports, the country was able to reduce this number to zero within five years of implementation.<sup>746</sup>

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## Social inclusion via move-on accommodation

*Decent and dignified living conditions, safe and appropriate accommodation are an essential component of social inclusion of survivors of trafficking.*



### **Austria: LEFÖ**

**The Austrian Government supports LEFÖ to provide women who are victims of trafficking with housing arrangements in residential buildings. Residents have regular neighbours, communal spaces and shared responsibilities.** Counsellors from **LEFÖ** accompany women and girls through this process and lend practical support, for example with managing household expenses, use of the public transport system and shopping, with the ultimate aim of facilitating their social inclusion.<sup>747</sup>



### **UK: Solace Women's Aid: The Amari Project, with Commonweal Housing**

**The Amari Project is a collaborative 'action learning project' between Solace Women's Aid<sup>748</sup> and Com-**

<sup>743</sup> This followed Council of Europe GRETA recommendations to Portugal. See Council of Europe GRETA (2016), [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal: Second evaluation round](#), 2 December 2016.

<sup>744</sup> For more information, visit [Akto - Human Rights and Democracy](#). This Promising Practice was submitted by Akto - Human Rights and Democracy as part of a survey in 2018/2019.

<sup>745</sup> Council of Europe GRETA (2016), [Compendium of good practices on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings](#), p. 9.

<sup>746</sup> UNHCR (2019), [Kyrgyzstan ends statelessness in historic first](#), 4 July 2019.

<sup>747</sup> UN General Assembly (2019), [Report of the Special Rapporteur on trafficking in persons, especially women and children](#), 23 April 2019, A/HRC/41/46, para. 44.

<sup>748</sup> Solace Women's Aid provides 22 refuges offering 178 rooms across 7 London boroughs for women and children fleeing abuse who need a safe place to stay to recover from their trauma and rebuild independent lives. It also has a specialist multiple disadvantage refuge in Camden offers 24-hour support to women with mental health needs and problematic substance use. See Solace Women's Aid, [Solace Accommodation](#).

**monweal Housing.**<sup>749</sup> The Amari Project was developed specifically to provide second stage accommodation for women who have been sexually exploited through prostitution or trafficking. Amari Project housing is for adult women who have exited trafficking and are single or have a child under the age of two. They will have lived successfully in primary accommodation and be ready to move on and commit towards settling in more permanent, long-term housing as well as engaging with support, including employment, education or training programmes. This housing comprises second stage apartments which are leased to Solace from Commonwealth Housing, a charitable organization that works to provide social justice solutions for quality housing.



### **Hungary: Chance for Families 2005 Foundation**

**The Chance for Families Foundation has established a system of half-way houses for women and families.**

The basic aim of the half-way house service is to enable survivors of trafficking to develop their independent life following their initial period of crisis support at Chance's temporary shelters. The four separate half-way houses are located near to the temporary shelters so that staff can provide professional help effectively where it is needed. The half-way house aims to provide social re-integration to victims of trafficking with a view to their new start in life.

The four half-way houses have a capacity of four people each and the maximum duration of the half-way house service is five years. Residents are mentored by social workers whose role includes providing emotional support, assisting adaptation to the new residential environment, administrative assistance, individual case management and support with child and family care. Social workers liaise with other professionals and engage in collaborative joint working where it is needed. A psychologist provides advice to social workers and can provide psychological counselling. Residents can also obtain legal advice for their ongoing legal cases, which often last for several years. The lawyer involved in the case remains in contact with the social worker who is coordinating the resident's care.<sup>750</sup>

## **Social inclusion via employment**

*Vocational and professional training as well as employment programmes for survivors of trafficking that do not tie the worker to a single employer are essential for the social inclusion of survivors of trafficking.*



### **Serbia: The Atina Program**

**The Atina Program offers economic inclusion mechanism for victims of trafficking through specific tax exemptions for employers who provide jobs to victims of trafficking.**<sup>751</sup> It also provides a waiver of taxes for a three-month period (extendable for a year), to support victims of trafficking in setting up a micro-business with some time to become profitable and stable. As a direct project activity, victims of trafficking have been recognized for the first time as a group at risk and in need of special attention from the Serbian National Employment Service (NES).<sup>752</sup>



### **US: Polaris: Survivor Innovation Labs**

**Polaris has recently launched Survivor Innovation Labs.** This project has established a database of survivors who are offered a variety of paid consultancies in the anti-trafficking field and who can choose when, where, how often, and on which topics they work. For the many survivors who do not want to engage in anti-trafficking work, Polaris also works to establish corporate partnerships in sectors such as hospitality, social media, technology and aviation to create scalable survivor-centred employment models.<sup>753</sup>



### **US: Annie Cannons**

**Annie Cannons focuses specifically on professional development and full-time employment of survivors of trafficking related to software development.** It provides survivors with a six-month training programme where they can spend four hours a day, four days a week, engaging in professional skills building and technology training, including data literacy, HTML, CSS, and JavaScript coding as well as full stack development, cybersecurity and visual design. During and following the training programme, survivors of trafficking are given the opportunity to take on paid projects with external clients.<sup>754</sup>

<sup>749</sup> Commonwealth Housing uses charitable resources, including properties with reduced rents, to test different housing models to find solutions to specific social injustices. See Commonwealth Housing, [How we work](#).

<sup>750</sup> For information, see [Chance for Families 2005 Foundation's website](#). This Promising Practice was submitted by Chance for Families 2005 Foundation as part of a survey in 2018/2019.

<sup>751</sup> Council of Europe GRETA (2016), [Compendium of good practices on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings](#), p. 8.

<sup>752</sup> IOM, [Sustainable Labour Market Response to VoT Economic Inclusion](#).

<sup>753</sup> UN General Assembly (2019), [Report of the Special Rapporteur on trafficking in persons, especially women and children](#), 23 April 2019, A/HRC/41/46, para. 26.

<sup>754</sup> See [Annie Cannons' website](#).



### **Italy: Associazione Comunità Papa Giovanni XXIII**

**In Italy, Associazione Comunità Papa Giovanni XXIII (APG23) supports a variety of initiatives for women survivors to access employment, including in high-end fashion dress production in some parts of Italy.**<sup>755</sup>

The **Cooperativa 'Il Pungiglione'** (located in Massa Carrara) has joined with other co-operatives to facilitate the employment of women survivors of trafficking in honey production and distribution, and with **Satis**, (a project funded by the Tuscany region) to provide training for survivors for employment in the catering sector. In 2019, a production plant in the Florence area was opened which employs survivors and produces leather goods, decorated printed shirts and high-end fashion dresses. Survivors have access to professional training courses which are created in collaboration with **CISL Firenze, Accademia delle Belle Arti di Firenze** and a group of retired leather goods' artisans.<sup>756</sup>



### **UK: The Co-operative group (Co-op): Bright Future Programme**

**In 2017, the Co-operative Group (Co-op) together with City Hearts and charity partners established the Bright Future programme.** This provides survivors with a pathway to paid employment, offering survivors a four-week paid work placement in the Co-op's food business, leading to a non-competitive interview. If both of these elements are successful, the candidate is then offered a full-time job. This is the first innovation of its kind in the UK and the first time that a major UK business has offered work placements specifically for survivors of trafficking. It welcomes other businesses becoming involved in the scheme.<sup>757</sup>

## **Financial social inclusion**

*Initiatives aimed at enabling survivors of trafficking to support themselves and their families, including through financial support programmes, are crucial for their social inclusion.*



### **International: United Nations Hope for Justice Initiative**

**The United Nations Hope for Justice Initiative offers bank accounts, debit cards and other financial service products for survivors of trafficking in partnership with leading banks from Austria, Canada, the United Kingdom and the United States.** This can provide survivors with an essential 'life line', especially if they have had their financial identity stolen by traffickers or their credit rating destroyed.<sup>758</sup>

## **Mental health/counselling/well-being for social inclusion**

*To ensure social inclusion, survivors of trafficking may need individual support in the areas of mental health, counselling and overall well-being.*



### **Uzbekistan: Istiqbolli Avlod**

**Istiqbolli Avlod runs a project which aims to help provide reintegration services, medical services, psychological services, and legal services, vocational training and employment for female trafficking survivors.**

The project, which was launched in 2011, has helped more than 3,000 survivors.<sup>759</sup> In 2020, Istiqbolli Avlod organized a large-scale month-long campaign, '30 Days in Partnership against Human Trafficking' to de-stigmatize trafficking and create awareness of the issues for survivors. It is partnered with over 200 organizations from across government, as well as non-governmental organizations, businesses, media companies and the public, with a specific focus on young people. With such diverse partners, the campaign was able to reach a wide segment of the population and messages about anti-trafficking resonated across Uzbekistan's society.<sup>760</sup>



### **UK: The Helen Bamber Foundation (HBF)**

**The Helen Bamber Foundation (HBF) is a multi-disciplinary human rights and clinical charity based in Lon-**

<sup>755</sup> See [Associazione Comunità Papa Giovanni XXIII](#). See also UN General Assembly (2019), [Report of the Special Rapporteur on trafficking in persons, especially women and children](#), 23 April 2019, A/HRC/41/46, para. 53.

<sup>756</sup> Associazione Comunità Papa Giovanni XXIII (2018), [Submission to UN Special Rapporteur on trafficking in persons, especially women and children](#).

<sup>757</sup> The Co-operative is a major British brand with over 4,000 food retail outlets. It annually publishes their progress in the modern slavery statement. Furthermore, it commissioned the University of Liverpool to carry out an independent interim review of Bright Future. See The Co-operative Group, [Bright Future programme: Offering employment to survivors of modern slavery](#). UN General Assembly (2019), [Report of the Special Rapporteur on trafficking in persons, especially women and children](#), 23 April 2019, A/HRC/41/46, para. 56.

<sup>758</sup> Hope for Justice (2019), [United Nations launch for Hope for Justice partner project](#), 27 September 2019.

<sup>759</sup> See Istiqbolli Avlod, [Facts and Figures](#).

<sup>760</sup> USAID (2020), [Anti-human Trafficking Campaign Reaches Nearly a Million People in Uzbekistan](#), 15 September 2020.

**don.**<sup>761</sup> It provides a long-term model of integrated care which is tailored to the individual needs and risks of survivors of human trafficking, torture and other forms of human cruelty. This includes medical advice, medico-legal documentation of physical and psychological injuries, legal protection, support with housing, welfare, and social/community integration and activities. HBF's Counter-Trafficking Programme is focused on clients' safety and the prevention of re-trafficking risks, providing expert assessment, documentation and ongoing trauma-informed contact and safeguarding support.

HBF's Therapy Team delivers a 3-phase model of specialist, evidence-based therapeutic care which is adapted for flexible delivery to survivors in accordance with their individual needs and the many practical challenges they face. The 3-phase model comprises Phase 1 Safety and stabilization; Phase 2 Trauma-focused therapy for post-traumatic stress disorder (PTSD) or therapy for other primary mental health problems and Phase 3 Integration.<sup>762</sup>

## Reintegration and social inclusion

*Social inclusion represents the only lasting form of safety and stability for survivors of human trafficking, and the means by which generational cycles of vulnerability to trafficking can be halted. It is a mutual and shared responsibility between survivors and State authorities, societies and communities in which they reside.*



### **Netherlands: NGO Humanitas**

**Humanitas has developed a system of 'buddies' for survivors of trafficking and other forms of violence.** The buddy system is designed to support victims of trafficking to find their place in the host society. The buddies are volunteers, often survivors of trafficking themselves. They serve as guides for navigating society and the labour market in the Netherlands, as well as psychological support, often with the insight and understanding of lived experience. A buddy is assigned to each survivor after careful consultation between the survivor and his or her counsellor.<sup>763</sup>



### **India: Apne Aap Women Worldwide: 10 X 10 approach**

**Apne Aap's programme aims to reduce the risk of girls and women of being trafficked for sexual exploitation and provide an exit strategy for women and girls who are entrapped in prostitution.** Apne Aap's 'Organizing for Independence' concept focuses on obtaining 10 'assets': (1) safe space; (2) education; (3) self-confidence; (4) political power; (5) government authorized identification documents; (6) government subsidies such as low-cost food, housing, healthcare and loans; (7) legal support to file police complaints and testify in court; (8) savings and bank accounts; (9) livelihood linkages for example vocational training, markets, jobs; and (10) nine friends or membership of a self-empowerment group.

Once a woman or girl has gained all ten assets, she can provide mentorship to ten other girls at risk. This creates a multiplier effect for the Apne Aap network, and gives each woman the opportunity to campaign individually and collectively for changes.<sup>764</sup>



### **Sweden: Talita**

**Talita offers women who are victims of trafficking for sexual exploitation a 12-month rehabilitation programme.** The programme has been positively evaluated by Malmö University and is based on the **Talita method** which supports women with provision of safe-housing, trauma therapy, education and life skills, job training, planning for the future, internships, transition to independent living and integration into society. Talita also provides transitional apartments to accommodate women for an additional year.

The Talita method is a unique, trauma-informed exit-programme based on knowledge and experience gathered over the 20 years working with Talita's target group of women who have been exploited in prostitution, pornography and human trafficking for sexual purposes. Talita also collaborates with other organizations by providing them with a resource package based on their method, which includes educational materials in book form, instructional films for all lessons, a compendium with relevant documents (e.g. template for future planning), and written tutorial materials on the method as a whole. The Talita method is also offered in Mongolia, Romania and Kenya through partner organizations.<sup>765</sup>

<sup>761</sup> See [Helen Bamber Foundation](#).

<sup>762</sup> A 3-phase model of treatment for survivors of trauma was first outlined by Judith Herman in her book *Trauma and Recovery* (1992) and is the basis for this recommended approach for survivors of trafficking. Herman, J. (1992), *Trauma and Recovery: The Aftermath of Violence from Domestic Abuse to Political Terror*, New York: Basic Books.

<sup>763</sup> See [Humanitas' website](#). See also UN General Assembly (2019), [Report of the Special Rapporteur on trafficking in persons, especially women and children](#), 23 April 2019, A/HRC/41/46, para. 28.

<sup>764</sup> See [Apne Aap](#).

<sup>765</sup> See Talita, [What are we doing?](#)



### **UK: Snowdrop Project**

**The Snowdrop Project follows a long-term approach to facilitating assistance for survivors of human trafficking which is tailored to meet the needs of each individual person.** This assistance can last from a few months to a few years and is carried out by a senior caseworker or a trained volunteer caseworker, complimented by the work of volunteer befrienders, whose role is to advocate for survivors, sign posting services and organizations, and providing friendship. Snowdrop delivers a diverse variety of types of therapy designed to help survivors to deal with the psychological impact of their experiences as well as providing coping strategies for everyday symptoms of post trauma.

Snowdrop seeks to empower survivors to live independently. It provides weekly English classes with onsite childcare and has partnered with the **Co-op's Bright Future Programme** to offer paid work-experience opportunities for survivors. Snowdrop has a unique housing renovation programme, for survivors who are provided with permanent accommodation. It provides cleaning, painting, decorating, furniture sourcing, and making sure the home is hygienic and safe in accordance with the wishes and decisions of the residents. Snowdrop also engages in awareness-raising campaigns and community activities to provide opportunities for survivors to build friendships in the community. It shares expertise through trainings and consultancies.<sup>766</sup>



### **US: Fair Girls: Leadership Development Programmes**

**Fair Girls has created leadership development programmes for survivors of trafficking for sexual exploitation.** Through a series of practical life-skills workshops, participants develop skills in budgeting, employment search and maintaining employment, health and wellness, stress management, interpersonal communication and community service.

(a) **Dare to Thrive** provides a series of interactive 12-week workshops which are focused on 3 core competencies: financial literacy and money management, self-care and self-esteem, career exploration and job readiness. The programme also includes a mentor programme and community service project as well as practical experience opportunities to provide exposure to a diverse range of career options. Upon completion of the programme, participants have a professional portfolio and a network of peers and mentors. Dare to Thrive provides every young survivor who completes its programme with a scholarship and a graduation reception to celebrate her transformation into a leader in her own life and beyond.

(b) Through **JewelGirls**, participants come together each week to create unique jewellery while gaining access to therapy, new life skills, financial management skills, and pathways toward a future free of poverty and violence. Fifty per cent of the proceeds go directly to the individual artist while the remaining 50 per cent go toward purchasing new supplies and materials to sustain the survivors participation in the programme.<sup>767</sup>

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## **Voluntary return and social inclusion**

*It is the responsibility of any returning State to ensure that victims of trafficking who are within their territory are appropriately identified and have access to the four NRM pillars. They must ensure that voluntary and forced return of victims of trafficking is conducted with due diligence in ensuring their social inclusion in the receiving country.*



### **Switzerland: International Organization for Migration (IOM)**

**The IOM office in Bern was mandated by the State Secretariat for Migration in 2015 to implement specialized assistance for the return of victims and witnesses of human trafficking, with an annual project budget of around 98,000 EUR.** This programme is available to EU citizens and third country nationals. The State Secretariat for Migration has issued a circular addressed to the cantonal migration authorities, cantonal assistance authorities and cantonal advisory service for return which specifies the different steps to be followed by each of them to assist the voluntary return of victims of human trafficking. Victims wishing to benefit from assisted return must contact the cantonal advisory service which makes the application to the State Secretariat for Migration. After approving the application, the State Secretariat for Migration mandates IOM to organize assistance for return on the spot and monitor the person's reintegration. IOM assesses the risks in the country of return and provides an analysis of the possibilities of rehabilitation and reintegration. IOM organizes return to the country of origin in co-operation with the canton concerned, which bears the costs of departure. Victims receive an initial financial aid of CHF 1,000 (approximately 930 EUR) per adult, and a supplementary aid of CHF 5,000 (4,635 EUR) for a reintegration project (e.g. housing, company start-up, training).<sup>768</sup>

<sup>766</sup> See [Snowdrop Project](#).

<sup>767</sup> See [FairGirls](#).

<sup>768</sup> See IOM Bern, [Rückkehrhilfe für Betroffene von Menschenhandel](#) [only available in German and French].



## **International: HIT Foundation & colleagues: Monitoring of Returned Minors (MRM)**

**HIT Foundation** develops innovative solutions to tackle complex challenges at the crossroads of labour and migration. Through action research and practical experiments HIT provides new input to advance policy and practice, both in the Netherlands and across borders. **Each year thousands of children are sent back from the EU to countries from which they have fled, or to which they were trafficked alone, or together with their families. MRM** is a research project aimed at developing a monitoring and evaluation instrument that contributes to more sustainable and safer return of minors. The project was initiated by the HIT Foundation on behalf of the **European Commission** and it was executed in close collaboration with **Nidos, Micado Migration, the University of Groningen** and local researchers.

The project began with the conviction that independent, systematic, methodology-based monitoring of returned minors would enable better decision-making and assistance for individual children. First and foremost, it was seen as an instrument that would lead to return policies that are better tuned toward the needs of returning minors.

The MRM model has taken a systematic approach:

- It is based on the Children's Rights Convention (CRC), ratified by all member states. The CRC articles were translated into 14 conditions which determine the child's rearing conditions and its developmental perspective;
- It uses four questionnaires to measure positive as well as negative influences on development;
- The 14 conditions are translated into country-specific local standards (baseline);
- The instrument is self-improving: the more it is used, the better conclusions and validation.

MRM shows that it is possible to monitor the wellbeing of children upon return to improve policies and practical assistance in a methodological and structured way, against limited costs. The model is applicable in any country of origin; however, the baseline (the interpretation of the 14 development conditions in the local context) has to be developed separately for each country of origin. More cases improve the instrument in general as well as the country-specific baseline. MRM does not require fixed structures for implementation and is relatively easy to implement.<sup>769</sup>

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### **Equal access to criminal justice and redress**

*Systems should be in place, which enable victims of trafficking to report crimes without any fear of consequences from national authorities. This initial step forward for victims can provide law enforcement authorities with vital information for trafficking investigations. It can also lead to victims of trafficking receiving advice that can help them towards formal identification, protection and support, should they wish to take it at any time.*



#### **Netherlands: Firewall Protections and the 'Free in, Free Out Policy'**

**Some localities in the Netherlands have developed what is known as 'firewall protection' policies which provide a clear separation between the provision of essential public services and immigration enforcement. This prevents law enforcement and service providers from sharing information about the immigration status of irregular migrants with immigration authorities when providing essential services.**<sup>770</sup> The 'free in, free out' policy allows irregular migrants who have been a victim or witness of crime to enter into a police station to report the crime, and be guaranteed to freely leave without being arrested or detained on account of their irregular status. The policy began as a local pilot project in the city of Amsterdam and was introduced nationally in 2015 alongside the implementation of the **EU Victims' Directive**.<sup>771</sup>

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### **Anti-trafficking training for criminal justice stakeholders**

*Anti-trafficking training should be delivered on an ongoing basis to all law enforcement, criminal justice agencies and related departments. It is vital to train staff at all levels from the most junior/local to the most senior/international and for delivery to be systematic.*

<sup>769</sup> See Nidos (n.d.), [Monitoring of Returned Minors](#).

<sup>770</sup> Timmerman, R. I., Leerkes, A., Staring, R., & Delvino, N. (2020), '[Free In, Free Out: Exploring Dutch Firewall Protections for Irregular Migrant Victims of Crime](#)', *European Journal of Migration and Law*, 22(3), pp. 427-455.

<sup>771</sup> [Directive 2012/29/EU](#) of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 14 November 2012, OJ L 315.



## **International: International Association of Women Judges (IAWJ)**

**IAWJ is an international network of women judges which is uniquely positioned to work on gender and access to justice.** In 2008 IAWJ voted to prioritize anti-human trafficking efforts by ensuring judicial leadership, domestically and across borders, in order to collect and share evidence and enforce decisions. Throughout its chapters around the world, members lead awareness campaigns and bring local government and civil society actors together to address cross-sectoral challenges to combat human trafficking. IAWJ members help draft laws and provide expert testimony to legislators to create or enhance anti-trafficking laws. They develop curriculum to train judicial peers on the application of new laws and explore emerging trends such as the links between human trafficking and terrorism. IAWJ in the US has prepared a Training Guide for judicial training centers and local chapters, IAWJ members in Argentina and Haiti have trained peers on counter-trafficking laws.<sup>772</sup>

### **Prevention of domestic trafficking**

*The Palermo Protocol and other international human trafficking laws and standards apply equally to victims of international and domestic trafficking. Forms of domestic trafficking correspond with the specific, national characteristics of each country, therefore prevention requires knowledge of environment and communities in which it takes place and it is viewed as a localized crime.*



### **Canada: The Native Women’s Association of Canada Accord**

**The Native Women’s Association of Canada Accord was signed in 2019 by the Government of Canada and the Native Women’s Association of Canada (NWAC).**<sup>773</sup> Through the accord, Canada and NWAC are working together to identify joint priorities and co-develop policy, programmes and legislation to include the distinct perspectives of Indigenous people. The accord specifically focuses on several aspects of preventing and addressing violence against Indigenous communities (in particular women and girls) through:

- Development of a cross-government strategy to combat human trafficking, by providing multi-million funding and establishing a National Human Trafficking Hotline;
- Investment in housing, education and the transformative reform of child and family services with a focus on prevention, as well as promoting actions to help address violence against Indigenous women and girls;
- Review and strengthening of the criminal justice system and policing, by fostering Indigenous self-governance, community-based justice programmes and community wellbeing, and introducing legislation that includes measures to address violence against women;
- Improvement of national oversight and awareness, including strengthening investigations of missing persons and sudden deaths, and developing cultural competency and trauma-informed gender-based violence training for relevant staff.
- Focus on violence prevention and victim support by increasing funding and expanding the network of shelters and transition houses for those who are fleeing violence.
- Fostering family and community support by providing dedicated funding to support the implementation of First Nations, Inuit and Métis housing strategies, with some programmes focusing on women transitioning out of emergency shelters, mentoring for youth, community wellness, pre-employment support and cultural awareness, as well as a tax-free monthly Canada child benefit payment targeted for low and middle-class income families.

### **Victim-less prosecutions**

*Pro-active investigations are considered to be the best method for trafficking crime investigations because they are not reliant upon the testimony and co-operation of victims as the main instigator. Evidence-based or ‘victimless’ investigations and prosecutions do not require victims to attend court and testify against their traffickers, or to participate at all in some cases.*

<sup>772</sup> For more information, visit [International Association of Women Judges](https://www.iawj.org/).

<sup>773</sup> Government of Canada (2019), [Canada and the Native Women’s Association of Canada Sign Accord](https://www150.ca/en/press-releases/2019/02/canada-and-the-native-women-s-association-of-canada-sign-accord), 1 February 2019.



## **UK: R v Nguyen, Nguyen & Tran, 2017, Stafford Crown Court**

**The traffickers in this case were convicted in an evidence-based (virtually victimless) prosecution. The case concerned the trafficking of young Vietnamese victims who were moved around the UK for labour exploitation in nail bars owned by the defendants.** The criminal investigation involved three police forces, and required consideration of complex issues of law and fact, telephone records and cell-site analysis, significant financial records and circumstantial evidence. Legal arguments included submissions of the admissibility of age assessments including dental ageing and Merton-compliant age assessments.<sup>774</sup>

### **Criminal investigations**

*The safety and privacy of children during criminal investigations must always be protected as a matter of primary importance. Children who are possible victims of trafficking should be treated as vulnerable witnesses in all cases and be provided with a comprehensive and consistent system of protection and support in accordance with the best interest principles of children of the UN Convention on the Rights of the Child.*



## **Iceland: Barnahus model**

**The Barnahus ('Children's House') is a child-friendly, interdisciplinary and multiagency centre whereby different professionals work under one roof in investigating suspected child sexual abuse cases and providing appropriate support for child victims.** Barnahus' activities in Iceland are based on partnership between the **State Police**, the **State Prosecution**, the **University Hospital** and the local child protection services as well as the **Government Agency for Child Protection** which is responsible for its operation. It has been a role model for the establishment of around fifty such centres during the recent years in the Nordic Countries. It has received the **Multidisciplinary Award by IPSCAN** (the International Society for the Prevention of Child Abuse and Neglect). The model is recommended as good practice in Council of Europe standards as well as by the **Lanzarote Committee**.<sup>775</sup>

The Barnahus provides a child friendly environment for investigative interviews which reduces the level of anxiety of the child and is crucial for successfully eliciting the child's disclosure. It is located in a residential area and its child-centred interior is designed to maximize the child's comfort. The child is interviewed in a special room by a trained investigative interviewer according to evidence-based protocol. The interview is observed in a different room by a judge, who is formally in charge of the procedure, a social worker from the child protection authorities, the police, the prosecution, the defence attorney and the child's advocate. The interview is videotaped and is used in court at the main proceedings if an indictment is made.

This arrangement makes it possible for the child to be interviewed only once as the child does not need to appear in court. After the interview the child may have the medical examination in the medical room of the house. The findings are documented by paediatricians through the use of a colposcope, a state-of-the-art equipment that records the examination on a video. The House also provides treatment services for child victims of sexual abuse and their families. The child is assessed for therapeutic purposes and an individual treatment plan is designed and executed either at the facilities or, if the child lives outside of the capital area, as near to her/his home as possible.

The basic concept of Barnahus is to avoid subjecting the child to repeated interviews by many agencies in different locations. Research has shown that when this happens, it can be very traumatic for the child and even have more harmful effects on the child than the abuse itself. Furthermore research has shown that repeated interviews carried out by people that are not specifically trained in forensic interviewing are likely to distort the child accounts of events by suggestive questioning with detrimental effect on the criminal investigation.



## **US: The Utah Children's Justice Center (CJC) Programme**

**The CJC programme is administered by the Utah Attorney General.** Children's Justice Centers (also known as Children's Advocacy Centers in other states) offer a child-focused, facility-based programme in which representatives from law enforcement, child protection, prosecution, mental health, medical services, and victim advocacy work together to conduct interviews and make team decisions about investigation, prosecution, and treatment of child abuse cases. It has 20 locations statewide and is dedicated to helping local communities respond to allegations of child abuse in effective ways that minimize trauma for the child. In an average year, Utah's CJsCs conduct about 4,500 interviews, handle 5,500 cases, and serve as many as 15,000 people.<sup>776</sup>

<sup>774</sup> 36 Crime Group (n.d.), [Modern Slavery and Human Trafficking](#). HM Crown Prosecution Service Inspectorate (2017), [The CPS response to the Modern Slavery Act 2015](#), December 2017.

<sup>775</sup> Iceland Government Agency for Child Protection (n.d.), [The Children's House in Iceland – "Barnahus"](#).

<sup>776</sup> Government of Utah, [Children's Justice Centers](#).



## **Bulgaria: Blue Rooms for children**

**In Bulgaria, ‘Blue Rooms for children’ have been established to accord with European Directive 2012/29 which establishes minimum standards for the rights, support and protection of victims of crime.** Children who are victims of violence are not questioned in police or court premises, but in part of a room separated by a one-way mirror in which the judge and prosecutor can sit with the child. The defendant and their lawyer sit in another part of the room which is separate. The resulting video tape is recognized as evidence for the trial. ‘A total of 14 blue rooms are now ready and used in Bulgaria by the court, prosecution, the police investigative bodies and social workers.’<sup>777</sup>

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### **Specialist courts**

*Involvement in trials can be arduous, intimidating, and potentially re-traumatizing for victims of trafficking. Protection and individual assistance together with pro-active support from criminal justice stakeholders is essential for any victim of trafficking participating at a trial, whether as witness or defendant. It needs to be provided consistently before, during and after trial.*



## **US: G.R.A.C.E. Court: Specialist child courts for victims of trafficking**

**The G.R.A.C.E. Court stands for ‘Growth Renewed through Acceptance, Change and Empowerment’. It was launched in Florida in 2015 as the first specialized court in the US which is dedicated to the needs of child victims of trafficking.** It refers families and children to local service providers and integrates local court partners to provide children with appropriate legal representation.

All participants, including the judge running the court, are fully trained in human trafficking. Each child has an initial needs assessment to determine which services they require, and is appointed a legal representative to ensure that their voice is heard. The court’s approach is specifically trauma-informed and more time is allocated for hearings. Inside the courtroom, all potential aspects for children are taken into account, including for example, provision of stress balls as well as therapy dogs to help relieve anxiety. Child specialist therapists accompany children at all times in court.

If a case concerns juvenile criminal activity, the state attorney and the public defender attempt to resolve the case in a way that best serves the needs of the child.<sup>778</sup> The court has issued the **G.R.A.C.E Court Benchbook**<sup>779</sup> which provides guidance including the essential step of matching a child’s needs with the appropriate trauma-informed service providers. It further includes information on common human-trafficking street terminology, recurring elements of human-trafficking cases, resources, contact information, and guidance on how to proceed when a child is identified as a possible victim of human trafficking.<sup>780</sup>



## **US: New York State Human Trafficking Intervention Courts**

**Human Trafficking Intervention Courts were established in New York State in 2013.** They include 11 specialized courts across the state that seek to identify victims of trafficking for sexual exploitation who are arrested for prostitution-related offenses, recognising them as persons in need of critical services. With the collaborative support of the court’s stakeholders and service providers they work to connect individuals to meaningful court-mandated interventions. This means that all cases with charges of ‘misdemeanour prostitution’ or related charges that continue past arraignment are transferred to a specialized Human Trafficking Intervention Court where they can be evaluated by onsite specialist staff. The court connects victim-defendants to tailored services, which range from shelter and health care to immigration assistance, drug treatment, and counselling. Counsellors and social workers also screen for indicators of human trafficking. A victim-defendant’s charges may be dismissed or reduced if they comply with court-mandated services and programmes.<sup>781</sup>

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### **Witness intermediaries in court trials**

*Intermediaries for vulnerable witnesses are provided in some jurisdictions. An intermediary provides a report and assists as directed by the judge. The judge then decides measures necessary for effective participation of the vulnerable person. Intermediaries should always be considered useful for victims of trafficking of any age and provided as standard for children’s cases. Their function is to facilitate complete, accurate and coherent communication with the vulnerable witness or vulnerable defendant.*

<sup>777</sup> Stanchev, Z. (2016), ‘Blue Room now instrument of Bulgarian justice as well’, Bulgarian National Radio, 19 January 2016.

<sup>778</sup> Sampedro-Iglesia, M. (2018), [Florida’s GRACE Court](#).

<sup>779</sup> GRACE Court (2017), [G.R.A.C.E. Court Benchbook](#). See also the [website of Miami Dade Clerk](#).

<sup>780</sup> For more on the G.R.A.C.E Court, visit this [website](#).

<sup>781</sup> See New York State Unified Court System (n.d.), [Human Trafficking Intervention Courts](#). See also OVCTTTAC (n.d.), [Human Trafficking Courts](#)



## **UK/International: England, Wales, Northern Ireland, New South Wales Australia: Witness Intermediaries in use in the criminal justice system**

In 2010 the Court of Appeal (England and Wales) issued a judgment about the questioning of vulnerable witnesses, in which the Lord Chief Justice of England and Wales highlighted the role of the witness intermediary.

*In England and Wales the intermediary was first used in the criminal justice system in 2004. Witness intermediaries are now utilized across the justice system in England and Wales. Witness intermediary schemes based on the English model have also been introduced in Northern Ireland since 2013 and, more recently, in New South Wales, Australia since 2016. Across all three jurisdictions, the purpose of the witness intermediary is to facilitate communication with, and specifically the questioning of, vulnerable people.*<sup>782</sup>

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## **Prevention of human trafficking for labour exploitation**

*Governments, the business sector as well as the public are responsible to prevent human trafficking for labour exploitation.*



## **US: Bureau of International Labor Affairs (ILAB): Applications and tools**

**Sweat and Toil: Child Labor, Forced Labor, and Human Trafficking Around the World is a comprehensive resource developed by ILAB documenting child labour and forced labour worldwide.** The app offers to check individual countries' efforts to eliminate child labour, providing information on government actions to end child labour, laws and ratifications and child labour data and information. Users of the app can browse specific goods and see whether they are produced with child labour or forced labour. Data and research in this app are taken from ILAB's three flagship reports: Findings on the Worst Forms of Child Labor; List of Goods Produced by Child Labor or Forced Labor; and List of Products Produced by Forced or Indentured Child Labor.<sup>783</sup>

The **List of Goods Produced by Child Labor or Forced Labor** is a list of goods and their source countries maintained by ILAB which it has reason to believe are produced by child labour or forced labour in violation of international standards. This is required under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005 and subsequent reauthorizations. The List of Goods Produced by Child Labor or Forced Labor comprises over 150 goods and is regularly updated.<sup>784</sup>

**Comply Chain: Business Tools for Labor Compliance in Global Supply Chains is an app is designed for companies and industry groups who are seeking to develop robust social compliance systems for their global production.** The app provides a practical, step-by-step guide on critical elements of social compliance, and is targeted at companies that do not have a social compliance system in place or those needing to strengthen their existing systems. An integrated social compliance system includes: engagement of stakeholders and partners, assessment of risks and impacts, development of a code of conduct, communication and training across supply chains, monitoring compliance, remediating violations, independent review, and regular reporting on performance and engagement. The app contains many examples of specific good practices that companies, industry groups, and multi-stakeholder initiatives have put in place in these eight areas.<sup>785</sup>

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## **Prevention: International co-operation**

*Effective and sustainable prevention strategies require the targeted co-operation of multidisciplinary actors to combat human trafficking around the world.*



## **International: The Inter-Agency Coordination Group against Trafficking in Persons (ICAT)**

**ICAT is a policy forum mandated by the UN General Assembly to improve coordination among UN agencies and other relevant international organizations to facilitate a holistic and comprehensive approach to preventing and combating trafficking in persons, including provision of protection and support for victims of trafficking.**

<sup>782</sup> Cooper, P. & Mattison, M. (2017), [Intermediaries, vulnerable people and the quality of evidence: An international comparison of three versions of the English intermediary model](#), The International Journal of Evidence & Proof Vol. 21(4), pp. 351–370.

<sup>783</sup> US Department of Labor, [ILAB Mobile Applications](#).

<sup>784</sup> US Department of Labor, [List of Goods Produced by Child Labor or Forced Labor](#).

<sup>785</sup> US Department of Labor, [Comply Chain: Business Tools for Labor Compliance in Global Supply Chains](#).

ICAT's functions are:

- to provide a platform for exchange of information, experiences and good practices on anti-trafficking activities;
- to support activities of the UN and other international organizations with the aim of ensuring a full and comprehensive implementation of all international instruments and standards of relevance for the prevention and combating of trafficking in persons, and protection and support for victims of trafficking;
- to work towards a comprehensive, coordinated and holistic approach to human trafficking, which is gender and age-sensitive and grounded in a human rights based-approach;
- to promote effective and efficient use of existing resources, using, to the extent possible, mechanisms already in place at the regional and national level.<sup>786</sup>



### **International: Task Force of the Council of the Baltic Sea States (CBSS)**

**The Task Force of the CBSS is composed of experts from relevant government ministries in all the CBSS capitals.** Its work is co-ordinated by the Senior Advisor at the CBSS Secretariat in Stockholm, Sweden. The main objective and mandate of Task Force on human trafficking is to counteract trafficking in the Baltic Sea area through preventive and protective measures. Its actions aim to strengthen assistance to victims: promoting cooperation, abolishing gaps in existing approaches and improving legislation.

The CBSS States have established the **Harmonized Operational Framework in the Baltic Sea Region (HOF-BSR)** which is a project aimed to develop a model region in identification and provision of comprehensive and sustainable assistance to victims of human trafficking.

Specifically, the project aims to:

- Maximize effectiveness and unify practical cooperation among experts involved in the fight against human trafficking by developing a Transnational Referral Mechanism in the Baltic Sea Region.
- Address the gender dimension of human trafficking and 'victim-blaming' stereotypical attitudes by providing mass media with the knowledge and tools needed to report on human trafficking cases.
- To strengthen and expand the co-operation network by establishing contacts with main countries of origin for victims of human trafficking.<sup>787</sup>



### **US: Operation Angel Watch**

**Operation Angel Watch is an intelligence-driven programme which targets registered sex offenders who are traveling abroad and whom the U.S. Immigration and Customs Enforcement (ICE) has identified as likely to engage in child sex tourism.** It is conducted under Homeland Security Investigations' Operation Predator<sup>788</sup>, an international initiative to protect children from sexual predators. It is managed by the Child Exploitation Investigations Unit of the ICE Cyber Crimes Center and is a joint effort with U.S. Customs and Border Protection (CBP) and the U.S. Marshals Service.<sup>789</sup>

By evaluating patterns and trends, ICE identifies high-risk countries to compare with the travel plans of registered sex offenders. Through Operation Angel Watch, Homeland Security Investigations (HSI) uses publicly available sex offender registry information and passenger travel data to strategically alert foreign law enforcement partners through its HSI attaché offices of a convicted child predator's intention to travel to their country.

<sup>786</sup> The ICAT is composed of Council of the Baltic Sea States (CBSS); Counter-Terrorism Committee Executive Directorate (CTED); Department of Peace Operations (DPO); Department of Political and Peacebuilding Affairs (DPPA); International Centre for Migration Policy Development (ICMPD); International Civil Aviation Organization (ICAO); International Criminal Police Organization (ICPO-Interpol); International Labour Organization (ILO); International Organization for Migration (IOM); International Telecommunication Union (ITU); Office of the High Commissioner for Human Rights (OHCHR); Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict; Organization for Security and Co-operation in Europe (OSCE); Organization of American States (OAS); United Nations Children's Fund (UNICEF); United Nations Development Program (UNDP); United Nations Educational, Scientific and Cultural Organization (UNESCO); United Nations High Commissioner for Refugees (UNHCR); United Nations Interregional Crime and Justice Research Institute (UNICRI); United Nations Joint Program on HIV/AIDS (UNAIDS); United Nations Office on Drugs and Crime (UNODC); United Nations Office on Genocide Prevention and the Responsibility to Protect; United Nations Population Fund (UNFPA); and UN Women. The World Bank For more information, see [Inter-Agency Coordination Group against Trafficking in Persons](#).

<sup>787</sup> See Council of the Baltic Sea States, [Anti-trafficking](#).

<sup>788</sup> Since the launch of Operation Predator in 2003, HSI has arrested more than 14,000 individuals for crimes against children, including the production and distribution of online child pornography, traveling overseas for sex with minors, and sex trafficking of children. In fiscal year 2019, HSI initiated 4,200 child exploitation cases in fiscal year 2019, resulting in approximately 3,771 criminal arrests. See U.S. Immigration and Customs Enforcement (2019), [ICE HSI opens Angel Watch Center to combat child sex tourism, announces FY19 child exploitation investigative results](#), 14 November 2019.

<sup>789</sup> U.S. Immigration and Customs Enforcement, [Child Exploitation Investigations Unit](#).



### **International: The Counter-Trafficking Data Collaborative (CTDC)**

**The Counter-Trafficking Data Collaborative is the first global data hub on human trafficking.** It was launched in 2017 and it publishes harmonized data from counter-trafficking organizations around the world. The goal of CTDC is to break down the barriers to information-sharing and equip the international counter-trafficking community with up to date, reliable data on human trafficking. CTDC data has so far been accessed by users in over 150 countries and territories.<sup>790</sup>



### **International: The United Nations Voluntary Trust Fund for victims of human trafficking**

**The United Nations Voluntary Trust Fund for Victims of Human Trafficking is managed by UNODC. It was established in 2010 within the framework of the UN Global Plan of Action to Combat Trafficking in Persons (resolution A/RES/64/293).** It seeks to provide humanitarian, legal and financial aid to victims of human trafficking. Each year it supports over 3,500 individuals directly through its NGO partners.<sup>791</sup>

## **II. Featured legal national and regional frameworks**

### **Use of technological tools for cyber-trafficking investigations**

*Technological tools can be used to directly target online human trafficking activities without having to rely solely upon the victim's testimony.*



#### **Germany: Expanded powers for online child abuse investigators**

**The German Parliament has passed in 2019 a set of measures which permit investigators of online child abuse to conduct anti-trafficking operations in online chatrooms using computer-generated material which resembles the sexual abuse of children.** This means that if an online user attempts to groom or recruit an investigator who is posing as a child or user online, they can now be charged and prosecuted for a criminal offence, whereas previously this attempt was not punishable by law.<sup>792</sup>

### **Gender-sensitive methods of working**

*All approaches to combating human trafficking should be gender sensitive, based on tailored legislative frameworks to address the gender dynamics of human trafficking.*



#### **Sweden: The Nordic Model ('Equality Model')**

**The Nordic Model, also known as the Equality Model, is based on a set of laws and policies first adopted in Sweden in 1999, and followed by similar versions in Norway, Iceland, Canada, Northern Ireland, France, and the Republic of Ireland.** It has three main goals:

1. To promote equality between men and women.
2. To address trafficking for sexual exploitation in laws which hold every actor in the exploitation chain accountable (buyers, pimps, traffickers, etc.)
3. To recognize the vulnerability of persons in prostitution and provide them with support, including to exit the trade.

Prostitution and human trafficking for sexual purposes receives particular attention in the Swedish government's 10-year national strategy for the elimination of men's violence against women. The strategy is co-ordinated by the **Swedish Gender Equality Agency** and it includes responsibility for work carried out within the framework of the **National Task Force against Prostitution and Human Trafficking (NMT)**.<sup>793</sup>

<sup>790</sup> IOM, [The Counter-Trafficking Data Collaborative](#).

<sup>791</sup> UNODC (2020), [The United Nations Voluntary Trust Fund for Victims of Human Trafficking](#), Vienna: UNODC.

<sup>792</sup> Cabinet of Germany (2019), [Cybergrooming: Greater protection against online abuse](#), Federal Government of Germany.

<sup>793</sup> Swedish Gender Equality Agency (n.d.), [Prostitution & Human Trafficking](#). Equality Now (n.d.), [The Equality Approach to Addressing Sex Trafficking](#).



## **France: Law to fight human trafficking that is related to prostitution**

**In 2016, the French government promulgated Law No. 2016-444, which aims to end prostitution and fight human trafficking that is related to prostitution.**<sup>794</sup> The two principal aspects of the Law are furtherance of helping prostitutes transition out of prostitution and the introduction of new rules to penalize clients of prostitution. It ensures comprehensive provisions for exit services.

As a result of the adoption of Law №. 2016-444, public solicitation by prostitutes is no longer a punishable offence, although hiring a prostitute is punishable with a fine.<sup>795</sup> The Law mandates that the government take additional measures to protect victims of prostitution and human trafficking and to provide them with special assistance, such as access to shelters and social reintegration centers. (Id. art. 5.) The government is also required to set up a special programme to help victims find jobs and activities that would allow them to leave prostitution behind and re-enter normal society.

### **Non-conditional residence permits**

*A clear, non-conditional route for identification and granting of a residence permit which is entirely independent of criminal investigations or proceedings is an important component of rights for victims of trafficking.*



## **Italy: Residence permits obtained via the ‘social path’ and ‘judicial path’**

**In Italy, victims of trafficking may be granted a residence permit on the basis of their personal situation (‘social path’) or for co-operating with the authorities (‘judicial path’) in accordance with Article 18 of the Consolidated Immigration Act No. 286/1998.**<sup>796</sup>

**Under the ‘social path’:** the residence permit is requested by NGOs or public social services from the Questura (Police Headquarters) in cases where they have identified a situation of violence or serious exploitation against a foreign national. The victim in such cases is not obliged to co-operate in criminal proceedings.

**Under the ‘judicial path’:** the public prosecutor makes a request for a residence permit to be issued to a victim by the Questore [Italian Chief of Police] when the victim decides to co-operate with the police and prosecution in the framework of criminal proceedings.

The residence permits which are issued under both systems have a duration of six months. They can be extended for one year or for a longer period, dependent on the time required to conclude the criminal proceedings.

Child victims of trafficking in Italy automatically receive a residence permit until they reach the age of 18. The residence permit can be converted into a residence permit for the purpose of education or work; however, this is tied to the conclusion of an employment contract.



## **Montenegro: Humanitarian residence permit**

**In Montenegro, a residence permit can be granted independently of a victim’s co-operation with the law enforcement authorities.** The provision of temporary residence permits on humanitarian grounds for victims of trafficking is stipulated in Article 52 of the Law on Foreigners, according to which: *‘A temporary residence permit for humanitarian reasons may be issued to: 1) a foreign national presumed to have been the victim of a crime of trafficking in human beings or of a crime of domestic violence; 2) a foreign minor, who has been abandoned or is a victim of organised crime, or is without parental care for other reasons, or is unaccompanied, or according to the employment regulations is illegally employed; [...] A temporary residence permit for humanitarian reasons shall be issued based on the appropriate evidence produced by an international organisation, nongovernmental organisation, or state administration authority who provides assistance and protection to the foreign national referred to in paragraph 1 of this Article, or evidence produced by a competent state authority confirming that the foreign national collaborates in the investigation of criminal offences. A temporary residence permit for humanitarian reasons shall be issued with the validity period of up to one year and may*

<sup>794</sup> [Loi n° 2016-444 du 13 avril 2016](#) visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées (1) [Law No. 2016-444 of April 13, 2016, Aiming to Strengthen the Fight Against the Prostitution System and to Assist Prostituted Persons (1)].

<sup>795</sup> Boring, N. (2016), [France: New Law to Punish Prostitution Clients](#), Library of Congress, 28 April 2016.

<sup>796</sup> Consolidated Immigration Act No. 286/1998 is available in Italian, see [Decreto Legislativo 25.7.1998, n. 286 recante "Testo Unico delle Disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero"](#). See also Council of Europe GRETA (2018), [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Italy: Second Evaluation Round](#), 7 December 2018, para. 197.

be extended as long as the reasons referred to in paragraph 1 of this Article exist.<sup>797</sup>



### **Spain: Humanitarian Residence Permit for victims of labour exploitation**

**Under Spain's Art 126 Royal Decree,<sup>798</sup> a humanitarian residence permit provides protection on several different grounds for victims of labour exploitation, hate crimes and domestic violence who are third country nationals.<sup>799</sup>**

With regard to labour exploitation, the Article refers explicitly to Articles 311-315 of the Spanish Criminal Code.<sup>800</sup> These Articles cover different forms of labour exploitation, from trafficking to the denial of labour rights established through collective agreements, to preventing an individual from exercising their freedom of association in relation to trade unions and failure to register an employee in the Spanish social security system. A victim who has experienced one of the crimes regulated therein is eligible for humanitarian protection.

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### **Provision of the recovery and reflection period**

*The recovery and reflection (R&R) period should be granted to victims who are citizens and residents, as well as those who have temporary residence and those who are seeking asylum or have irregular migration status. Provision of the R&R period should never be conditional upon victim's co-operation with criminal investigations or proceedings.*



### **Spain: Article 59 bis**

**Article 59 bis 145 establishes a specific status for undocumented migrants who are victims of human trafficking.** Upon victim's receipt of a positive preliminary identification as a presumed victim of trafficking, they are provided with a period for recovery and reflection of at least 90 days. This means that their temporary stay in Spain is authorized and sanctioning procedures are not initiated during the identification process and the R&R period. Victims are provided with resources for subsistence and necessary measures for their safety and protection. There are specific assistance measures for children and persons with disabilities. Support is provided in relation to assisted return to country of origin, authorization of residence and, if applicable, a work permit for victims who are over 16 years of age.

Once the R&R period is completed, the competent public administrations conduct an assessment of the personal situation of the victim for the purpose of extending the period. Exceptionally, safety and protection measures can be further extended to cover people who are in Spain and have family or other ties with the victim when it is attested that a situation of lack of protection otherwise constitutes an insurmountable obstacle which prevents the victim from cooperating.

There is the possibility of exemption from administrative liability (arising from the irregular situation of the victim in the country) and proposal of authorization of residence and work in exceptional circumstances:

- As a result of the victim's cooperation for the purposes of investigation or criminal proceedings.
- In view of the victims' personal situation.

In the processing of the authorizations for residence and work, victims may be exempted from submitting documents if obtaining these would pose a risk for them. The victim will also be eligible for assisted return if he or she declares his or her wish to return to his or her country.<sup>801</sup>

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### **Age dispute and age estimation assessment**

**The NRM Handbook recommends age assessments which do not use invasive medical procedures of any kind.** Despite indications that medical testing has wide margins of error, techniques used are not always in the best interests of the child.

<sup>797</sup> See Montenegro, [Decree on Promulgation of the Foreign Nationals Law](#), entered into force on 19 February 2018. See also Council of Europe GRETA (2016), [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Montenegro: Second Evaluation Round](#), 8 July 2016, para. 124-125.

<sup>798</sup> [Real Decreto 557/2011](#), de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009, Artículo 126. [Royal Decree 557/2011, On 20 April, Which Approves The Regulations Of The Organic Law 4/2000, On The Rights And Freedoms Of Foreigners In Spain And Their Social Integration, Following Its Reform By Organic Law 2/2009, Article 126.]

<sup>799</sup> To be eligible for the residence permit, applicants must not have a criminal record, either in Spain or in any of their previous countries of residence during the last five years, and not have an entry ban. The procedure requires applicants to submit a final judicial decision that establishes that they have been the victim of one of the above-mentioned crimes. The applicant also needs to submit a copy of their passport, ID or travel document with a validity of at least four months. The documents should be submitted to the local Immigration Office. Spanish Immigration Office, [Autorización residencia temporal por circunstancias excepcionales por razones humanitarias](#).

<sup>800</sup> [Ley Orgánica 10/1995](#), de 23 de noviembre, del Código Penal. [Organic Act 10/1995, of 23 November, on the Criminal Code.]

<sup>801</sup> Article 59 BIS, Amendment of Organic Law 4/2000 on the Rights and Freedoms of Foreigners in Spain and their Social Integration (OL 2/2009, of 11 December and OL 10/2011, of 17 July), subsequently amended by Organic Law 10/2011, of 17 July. See also European Commission, [Together Against Trafficking in Human Beings: Spain](#).



## **Italy: ‘Zampa Law’ (law n. 47/17): Protection Measures for Unaccompanied Minors**

**The Zampa law (Law No. 47/17)<sup>802</sup> contains detailed provisions on age determination for unaccompanied minors including children who have been victims of trafficking and those who have not yet been identified.**

According to the law, the procedure for assessing the social and medical age of young people may be ordered by the competent judicial authorities if there is reasonable doubt as to a young person’s claimed age, or it is not possible to assess their age on the basis of documents.

Age assessment procedures, aims, methods and consequences must be explained to the child and they must be treated as a minor until the assessment is concluded. The assessment is conducted by multi-disciplinary methods, involving professionals who have the appropriate expertise, with a cultural mediator present at all stages. The result has to indicate the margin of error and the benefit of doubt has to be given to the child. Both the person concerned and their guardian have to be informed about the final decision adopted by the competent judicial authority and given the possibility to appeal it.<sup>803</sup>

### **Reconsideration and judicial appeal for negative decisions at both identification stages**

**Reconsideration and/or appeal procedures should be available for both the preliminary identification decision as to whether an adult or a child is a presumed victim of trafficking and the conclusive decision made as to whether they should be granted victim of trafficking status by an NRM Competent Authority.** This requires clear legal routes to reconsideration and/or judicial appeal/oversight of NRM identification decisions. Victims and survivors of trafficking should continue, throughout these proceedings, to have access to free, specialist legal advice and representation which is provided by systems of state-funded legal aid.



## **UK: Developments in the process of reconsiderations and appeals against NRM decisions**

**In the UK, developments in case law have defined victims’ rights in relation to reconsideration and appeal of NRM decisions.** On the role of legal representatives in relation to reconsideration and appeal:

- **The role of lawyers in submitting requests for reconsideration:** In the case of *DS, R (On the Application Of) v Secretary of State for the Home Department*<sup>804</sup> the court clarified that victims of trafficking have the right to have lawyers to submit requests for reconsideration of NRM Competent Authority decisions, rather than limiting consideration of such requests to First Responders and specific support organizations. The High Court issued an immediate amendment<sup>805</sup> so that victims may get help from someone other than a first responder or support organization to challenge a negative trafficking decision.<sup>806</sup>
- **The role of the UK courts in relation to NRM decisions:** The judgment in the case of *MS Pakistan*<sup>807</sup> in the Supreme Court reinstated the Upper Tribunal (judicial court’s) jurisdiction to find that a person is a victim of trafficking. The court is not bound by a negative reasonable grounds decision which has been issued by the NRM Competent Authority.
- **Introduction of a Single Competent Authority:** In April 2019 the UK Home Office launched a new **Single Competent Authority** to handle all referred trafficking cases. Previously identification decisions on NRM cases were sent to different departments of the Competent Authorities according to whether they had outstanding immigration matters.<sup>808</sup>
- **Introduction of independent, multi-agency panels:** Within the same package of improvement measures, the Home Office introduced independent, multi-agency panels to scrutinize all negative NRM Conclusive Grounds decisions made by the Single Competent Authority.<sup>809</sup>

### **Access to free, independent, specialist legal advice and representation**

*Legal aid provisions for victims of trafficking are a key element in ensuring a human rights-based approach.*

<sup>802</sup> [LEGGE 7 aprile 2017, n. 47: Disposizioni in materia di misure di protezione dei minori stranieri non accompagnati](#), 17G00062, GU Serie Generale n.93 del 21-04-2017.

<sup>803</sup> Rozzi, E. (2017), *The new Italian law on unaccompanied minors: a model for the EU?*, EU Immigration and Asylum Law and Policy, 13 November 2017.

<sup>804</sup> *DS, R (On the Application Of) v Secretary of State for the Home Department* [2019] EWHC 3046 (Admin) (15 November 2019).

<sup>805</sup> UK Home Office (2021), *Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland, Version 2.1*.

<sup>806</sup> European Database of Asylum Law (2018), *United Kingdom – Upper Tribunal delivers ruling on international protection status determination in case of human trafficking*, 6 September 2018.

<sup>807</sup> *MS (Pakistan) (Appellant) v Secretary of State for the Home Department (Respondent)* [2020] UKSC 9.

<sup>808</sup> UK Home Office (2020), *National referral mechanism guidance: adult (England and Wales)*, 22 January 2020.

<sup>809</sup> UK Government (2019), *Ten independent chairs announced to scrutinise modern slavery cases*, 31 May 2019.



### **Finland: Legal Aid Provision**

**In Finland, once a criminal offence is reported to the police, victims of human trafficking can receive legal aid for legal counsel/advice and representation during the pre-trial investigation of the trafficking offence.**

The victim's right to receive legal aid counsel is based on the Criminal Procedure Act (689/1997)<sup>810</sup> and Legal Aid Act (272/2002).<sup>811</sup>

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### **Guardian advocates and assessment/safety planning for children**

*Guardian advocates are professionals with a specific mandate for protection and support of child victims of trafficking. They accompany child victims and survivors through the process of the National Referral Mechanism, maintaining in-person contact and conducting appropriate assessments and devising safety plans. Their role includes co-ordinating individual support, advocating for victims' access to needed services, and acting as a focal point for communications with all other parties, authorities, agencies and services.*



### **Greece: Guardianship Law**

**The Ministry of Labour, Social Security and Social Solidarity developed the Guardianship Law which promotes the protection and social inclusion of unaccompanied minors.** Law №. 4554 of 18 July 2018 introduced a regulatory framework for guardianship.

According to the Guardianship Law, a guardian will be appointed to a foreign or stateless person under the age of 18 who arrives in Greece who is not accompanied by a relative or a non-relative exercising parental guardianship or custody. The law provides a best interest of the child determination procedure following the issuance of standard operational procedure to be issued (article 21). Under the framework, appointed guardians have responsibilities related to the integration of unaccompanied minors. The guardians are professionals who receive training on how to sensitively support children in all their activities.<sup>812</sup>

The law sets out the terms for the appointment and replacement of a **Guardianship Commissioner for Unaccompanied Minors** as well as the creation and functions of a **Supervisory Guardianship Board**, which is responsible for ensuring legal protection for unaccompanied minors with respect to disabilities, religious beliefs and custody issues. Additionally, the law establishes the **Department for the Protection of Unaccompanied Minors** at the **National Center for Social Solidarity**, which will have the responsibility of guaranteeing safe accommodation for unaccompanied minors and evaluating the quality of accommodation services provided.<sup>813</sup>

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### **Individual child assessment and safety planning**

*Assessing the risks to children can be a complex process and it should only be conducted by child specialist professionals, preferably their guardian advocate. The Best Interests of Children (BIC) assessment framework is the appropriate basis for assessment for all children.*



### **Finland: Finnish Child Welfare Act regarding child assessment**

**The Finnish Child Welfare Act provides that the best interests of the child must be given priority when determining welfare measures in response to the child's needs.** The Act defines the core elements that must be considered in making a best interest determination (4.2):

- Balanced development and well-being, close and continuing human relationships
- The opportunity to be given understanding and affection, as well as supervision and care in line with the child's age and level of development
- An education consistent with the child's abilities and wishes
- A safe environment in which to grow up, and physical and emotional freedom
- A sense of responsibility in becoming independent and growing up

<sup>810</sup> Finland, [Criminal Procedure Act](#), 689/1997 English.

<sup>811</sup> Finland, [Legal Aid Act](#), 257/2002 English. Ihmiskauppa, [Victims of human trafficking have rights in Finland](#).

<sup>812</sup> UN General Assembly (2019), [Report of the Special Rapporteur on trafficking in persons, especially women and children](#), 23 April 2019, A/HRC/41/46, para. 47.

<sup>813</sup> [Law no. 4554 of 18 July 2018](#) on the regulatory framework for the guardianship of unaccompanied minors in the Hellenic Republic. This Promising Practice was submitted by the Office of the National Rapporteur on Combating Trafficking in Human Beings, National Centre for Social Solidarity, Ministry of Labour, Social Security and Social Solidarity, Ministry of Foreign Affairs, Hellenic Republic as part of a survey in 2018/2019.

- The opportunity to become involved in matters affecting the child and to influence them
- The need to take account of the child's linguistic, cultural and religious background<sup>814</sup>

## Non-punishment statutory defence

*The principle of non-punishment of victims of trafficking is a standard in international law which has been recognised in national jurisdictions in the form of a non-punishment statutory defence. It should be included in the national legislation and prosecution guidance for all countries and form a central component of the training of all NRM stakeholders (not only criminal justice stakeholders) who work with victims of trafficking.*



### **Azerbaijan: Article 17.7 of the Law on Combating Trafficking in Human Beings**

**According to Article 17.7 of the Law on Combating Trafficking in Human Beings, persons subjected to human trafficking shall be free from civil, administrative and criminal responsibility for acts committed under compulsion or instigation as a direct result of being in a condition of the victim of human trafficking in the order and under circumstances provided for by the legislation of the Republic of Azerbaijan.**<sup>815</sup> In respect of victims of trafficking, the non-punishment principle should be applied at the prosecution stage, so that they are not charged if they are identified as victims of trafficking. The Council of Europe GRETA reported that Azerbaijani authorities have pointed to cases in which female victims of trafficking for sexual exploitation who had been forced to participate in the recruitment of other women were not held accountable for the crimes they allegedly committed.<sup>816</sup>



### **Cyprus: Article 29 of Law 60(I)/2014**

**Article 29 of Law 60(I)/2014<sup>817</sup> provides that victims of trafficking are not to be prosecuted and penalised for their involvement in unlawful acts, if those were a direct consequence of the fact that the persons were victims of trafficking.** The same article provides that victims of trafficking who are third-country nationals are not prosecuted for unlawful entry, unlawful residence, unlawful employment or employment contrary to the terms of employment. If it is revealed during the trial that the actions of a defendant were related to the state of victimization, the proceedings are either suspended or concluded with no penalty imposed on the victim of trafficking even if found guilty. Victims involved in illegal activities as a direct consequence of being trafficked have full access to their rights, including compensation.<sup>818</sup>

## Child victims who are accused/defendants



### **US: The Safe Harbour Act**

**When New York State enacted the Safe Harbour for Exploited Children Act, it became the first state in the United States to recognize that sexually exploited minors are victims—and not perpetrators—of crimes.** Across the US, 34 states have since adopted the Safe Harbour for Exploited Children Act. A child who is charged in Family Court with committing an act of prostitution is a victim of human trafficking as defined in US federal law. The court must convert the proceeding to a 'Person in Need of Supervision' proceeding, and specialized services for the child must be provided. The **Safe Harbour Act** defines a sexually exploited child as 'someone under the age of 18 who may be subject to sexual exploitation because they engaged or agreed or offered to engage in sexual conduct in return for a fee, food, clothing, a place to stay, has stripped being filmed or photographed doing sexual acts, traded sex for drugs or loitered for the purpose of engaging in a prostitution offense.'<sup>819</sup>



### **US: Sara's Law**

**Sara's Law is a proposed law named in memory of a child sex trafficking victim who killed her trafficker and rapist and was then sentenced to life in prison without parole.** In all cases in which child victims have engaged in violence against their offenders, whether or not the act is intentional, courts should be as flexible as possible in creating a trauma-informed and age-appropriate response. This includes the suspension of any sentencing or the referral of a

<sup>814</sup> Finland, [Child Welfare Act, No. 417/2007](#); amendments up to 1292/2013 included.

<sup>815</sup> Republic of Azerbaijan, [Law of the Republic of Azerbaijan on Fight Against Human Trafficking](#), adopted June 2005.

<sup>816</sup> Council of Europe GRETA (2018), [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Azerbaijan: Second evaluation round](#), 13 July 2018, para. 164-165.

<sup>817</sup> Cyprus, [Law N° 60\(I\) of 2014 on the Prevention, Fighting against Trafficking in and Exploitation of Human Beings and Protection of Victims](#), adopted 15 April 2014 [only available in Greek].

<sup>818</sup> Council of Europe GRETA (2020), [Evaluation Report Cyprus: Third evaluation report](#), 11 June 2020, para. 91.

<sup>819</sup> See [The Safe Harbour For Exploited Children Act](#).

child victim to the youth or child welfare system for treatment and care.

A federal bill to enact Sara's Law was introduced in Congress in 2019, which would allow courts to impose a sentence below the mandatory minimum for any juvenile who was convicted of a violent offence against a person who engaged in certain conduct (e.g., trafficking, abuse, or assault) against the juvenile. It would also allow courts to suspend any portion of an imposed sentence under these circumstances.<sup>820</sup>

## Victims' rights (Victims Codes of Practice)



### **EU: The Victims' Rights Directive**

**The EU Victim's Rights Directive establishes minimum standards on the rights, support and protection of victims of crime, and ensures that persons who have fallen victim to crime are recognized and treated with respect.** They must also receive proper protection, support and access to justice. The Directive considerably strengthens the rights of victims and their family members to information, support and protection as well as victims' procedural rights in criminal proceedings. The Directive also requires that EU countries ensure appropriate training on victims' needs for officials who are likely to come into contact with victims.<sup>821</sup>

## Residence permits for victims who co-operate with criminal investigations and court trials

*Law enforcement can issue residence permits for victims of trafficking for the purpose of their cooperation with the competent authorities in investigation or criminal proceedings, which provide them with sufficient time from the outset to proceed through investigations to post-trial follow up.*



### **US: T-Visa**

**T-Visa status was created by US Congress in 2000 as part of the Victims of Trafficking and Violence Protection Act.** The T-Visa system permits certain victims of trafficking to remain in the US for up to four years if they have assisted law enforcement in a criminal investigation or prosecution for human trafficking. T-visas offer protection to victims who lack regular immigration status and are therefore specifically vulnerable to traffickers. The T-Visa provides them with lawful residence status, access to the employment market and a range of federal and state benefits and services.

T-Visa status can become permanent residence with provision of a green card, and it can also extend to victims' qualifying family members. By keeping witnesses and their families safe in a way that provides them with the ability to support themselves, the T-Visa system has greatly strengthened the ability of law enforcement agencies to investigate trafficking crime and secure successful convictions of traffickers.<sup>822</sup>

## Special protection measures (for adults and children as vulnerable witnesses and as vulnerable defendants)

*Special protection measures in court can significantly reduce the burden placed on a victim when providing testimony. These require an understanding of the individual issues, needs and risks for each participant for the particular trial.*



### **Austria: Special protection measures**

**Under §§ 66ff of the Austrian Criminal Procedure Code, in cases where persons who have been trafficked breach the law and are therefore accused in criminal proceedings, they do not lose their status as a victim of human trafficking and therefore they keep their rights as a victim.**<sup>823</sup> There are different protection procedures in place for male and female victims.

Particularly vulnerable victims have the right: (1) to demand to be interrogated by a person of the same sex in the preliminary proceedings, if possible; (1a) to demand that interpreting services (§ 66 (3)) during questioning of the victim in the preliminary proceedings and in the main hearing be provided by a person of the same sex, if possible; (2) to refuse to answer questions about details of the offence, the description of which they consider unreasonable, or about circumstances from their own personal sphere of life (§ 158 para. 1 lines 2 and 3, para. 2); (3) to demand to be questioned in

<sup>820</sup> [Sara's Law](#), H.R.1950, 116th Cong. (2019).

<sup>821</sup> [Directive 2012/29/EU](#) of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 14 November 2012, OJ L 315.

<sup>822</sup> U.S. Citizenship and Immigration Services (2018), [Victims of Human Trafficking: T Nonimmigrant Status](#). Washington, DC: USCIS.

<sup>823</sup> [Strafprozeßordnung 1975](#), Fassung vom 22.10.2020. [Criminal Procedure Code 1975, version of 20.10.2020.]

a gentle manner in the preliminary proceedings and in the main hearing (§§ 165, 250 para. 3), namely a minor victim who may have been injured in his or her sexual sphere by the crime charged to the accused, in any case in the manner described in § 165 para. 3, if necessary by an expert; (4) to demand that the public be excluded from the main hearing (§ 229 (1)); (5) to be informed immediately ex officio in the sense of §§ 172 para. 4, 177 para. 5 and 181a; and (6) to involve a person of his or her confidence in a hearing (§ 160, Subsection 2).



### **Czech Republic: Vulnerable victims' rights**

**Act no. 45/2013 Coll., on Victims of Crime contains a provision which aims to protect victims of trafficking by granting them the status of *particularly vulnerable victims who have special rights*.**<sup>824</sup> Particularly vulnerable victims are entitled to free legal aid and special protection measures to prevent secondary victimization in criminal proceedings. Investigative and prosecutorial authorities are required to inform such victims of their rights at first contact and offer assistance at all times. The Act also provides particularly vulnerable victims with the right to be protected from contact with the perpetrator and during testimony.<sup>825</sup>



### **Canada: Video evidence for Court Trials involving children**

**An Act to amend the Criminal Code of Canada and the Canada Evidence Act in 2006 regarding testimony given by children and vulnerable adults provides for mandatory use of testimonials aids for persons under the age of 18 unless these would interfere with the proper administration of justice.**<sup>826</sup> Testimonial aids include closed-circuit television (CCTV), witness screens, a support person who may be present during the delivering of testimony, and the appointment of a lawyer to conduct the cross-examination of witnesses when the accused is self-represented. Other Criminal Code provisions permit the judge to exclude the public from the courtroom, to allow the use of video recorded evidence and impose a ban on publication of any identifying information. In any criminal justice proceeding in which a victim or other witness was a child (under the age of 18) at the time an alleged offence was committed, a video recording made within a reasonable time, in which they describe the acts complained of can be admitted as evidence unless the presiding judge or justice opines that its admission would interfere with the proper administration of justice.<sup>827</sup>

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## **Access to Compensation**

*International standards relating to trafficking of human beings include guidance on the right to compensation from the trafficker/exploiter to the victim(s). This may be achieved voluntarily or by compulsion.*



### **Spain: Compensation in Criminal Cases**

**In Spain, prosecutors are obliged by the Criminal Procedure Law (Articles 105 and 108) to request compensation from the defendant for victims of crime.** Prosecutors have received instructions from the **State Prosecutor's Office** to be particularly vigilant in relation to those obligations when it comes to victims of trafficking. This applies regardless of the victim's role in proceedings, unless the victim expressly waives this right.<sup>828</sup> Pursuant to Article 108, the prosecutor must file a civil action together with the criminal action regardless of whether the injured party is involved as a civil claimant ('private prosecutor') in the case. Compensation depends on the physical and psychological suffering of the victim and is calculated on a case-by-case basis. The Statute of Crime Victims (which has been in force since 2015), uses a wide concept of victim and provides for the right to compensation, inter alia, of victims of trafficking, regardless of the purpose of exploitation and without the need to have sustained grievous physical or mental damage.<sup>829</sup>



### **Netherlands: The Dutch compensation order and the advance payment model**

**In criminal cases, a Dutch criminal court can issue ex-officio a compensation order against the offender which requires the payment of compensation to the victim for the harm suffered, even if the victim has not filed an application.** This instrument allows it to be carried out by the **Public Prosecution Service** and not by the

<sup>824</sup> Czech Republic, Act No. 45/2013 Coll., Crime Victims Act.

<sup>825</sup> Council of Europe GRETA (2019), [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Czech Republic: First evaluation round](#), 21 November 2019, para. 18, 165.

<sup>826</sup> Northcott, M. (2009), [Facilitating Testimony for Child Victims and Witnesses](#), Victims of Crime Research Digest, 2. See also Department of Justice Canada (2013), [Enhancing Safety: When Domestic Violence Cases are in Multiple Legal Systems](#), 2nd Edition.

<sup>827</sup> Northcott, M. (2009), [Facilitating Testimony for Child Victims and Witnesses](#), Victims of Crime Research Digest, 2.

<sup>828</sup> La Strada International (2018), [Justice at Last: European Action for Compensation for Victims of Crime. Legal assessment: Compensation Practices](#), Working Paper.

<sup>829</sup> European e-Justice (2019), [If my claim is to be considered in this country – Spain](#). See also Council of Europe GRETA (2018), [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Spain: Second Evaluation Round](#), 23 March 2018, paras. 206-216.

victim. It provides for advance payment of compensation by the state to the victim if the offender has failed to pay the compensation to the victim within eight months of the final judgment.<sup>830</sup>

## Addressing demand for sexual exploitation

*Human trafficking for sexual exploitation can occur in any forum or medium in which prostitution and pornography are provided, either online or offline. It is therefore important for all relevant stakeholders to be alert to the associated risks of human trafficking and engage immediately and with urgency in the prevention of sexual exploitation.*



### **US: Department of Defence: Uniform Code of Military Justice**

**In 2005, under Article 134 of the Uniform Code of Military Justice, which applies to all service members, the U.S. military's statutory criminal law made 'patronizing a prostitute' a specific chargeable offence for service members wherever they are deployed.**<sup>831</sup> The U.S. Department of Defence argued the policy stating that 'demand for commercial sex drives the sex trafficking industry and by making it a criminal offense, the Department of Defence is striving to end demand. This offense provides commanders another tool in maintenance of good order and discipline, in support of DOD's programme to combat trafficking in persons.'<sup>832</sup>

## Employment rights for workers

*Legal rights in the form of labour laws, guidance and regulations should be implemented for all persons who are employed in public and private sectors, whether their labour is financed within the country of employment or outside of it. Labour rights for workers should be guaranteed by a comprehensive framework of employment rights.*



### **EU: Employer Sanctions Directive**

**EU countries have committed to an important provision to ensure migrant workers are able to report underpayment.** The Employer Sanctions Directive established basic labour rights for undocumented workers in all European Union Member States (except Denmark, Ireland and the UK who opted out). It sets out that all migrant workers have the right to access unpaid wages and that, in case of a dispute, the Member State should presume an employment relationship of at least three months and demand backpay for the migrant worker. The Directive also requires Member States to develop secure reporting systems to ensure all workers are able to disclose cases of underpayment without fear of immigration consequences.

**Article 13(1)** sets out that Member States shall ensure that there are effective mechanisms through which third-country nationals in illegal employment may lodge complaints against their employers, directly or through third parties designated by Member States such as trade unions or other associations or a competent authority of the Member State when provided for by national legislation. Moreover, the designated third parties should be protected, when providing assistance to lodge complaints, against possible sanctions under rules prohibiting the facilitation of unauthorized residence.<sup>833</sup>



### **Canada: Manitoba: Worker Recruitment and Protection Act (WRAPA)**

**In Manitoba recruiters are banned from charging any fees related to recruitment to foreign workers and employers are prohibited from recovering recruitment fees from workers.** This applies to migrant workers in all labour migration programmes and Manitoba requires the licensing of all recruitment agencies and employer registration together with proactive enforcement measures.

Recruiter licensees must hold a professional licence as a lawyer, paralegal or immigration consultant. They are required to pay a security deposit of \$10,000 CDN (approximately 6,800 EUR), keep detailed records on all recruitment agreements and be willing to undergo comprehensive investigations of their character, history and general eligibility for a licence. These requirements have limited the number of recruiters licenced to recruit foreign workers.<sup>834</sup>

<sup>830</sup> La Strada International (2018), [Justice at Last: European Action for Compensation for Victims of Crime. Legal assessment: Compensation Practices](#), Working Paper. National Rapporteur on Trafficking in Human Beings (2012), [Trafficking in Human Beings: Case law on trafficking in human beings 2009-2012. An analysis](#), The Hague: BNRM, pp. 135-136, 146-150. In particular, see Supreme Court of the Netherlands, [ECLI:NL:HR:2011:BR0448](#), 20 December 2011.

<sup>831</sup> For definition of 'patronizing a prostitute' offence under Article 134, see Joint Service Committee on Military Justice (2019), [Manual for Courts-Martial United States: 2019 Edition](#), IV.135.

<sup>832</sup> U.S. Department of Defense (2019), ['Human Trafficking: How We Can Recognize and Combat It'](#), 9 January 2019.

<sup>833</sup> [Directive 2009/52/EC](#) of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, 30 June 2009, OJ L 168.

<sup>834</sup> ILO (2015), [Regulating labour recruitment to prevent human trafficking and to foster fair migration: Models, challenges and opportunities](#). See also UNODC (2015), [The Role of Recruitment Fees and Abusive and Fraudulent Practices of Recruitment Agencies in Trafficking in Persons](#), p. 55.

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## Addressing demand and supply for trafficking for labour exploitation

*The globalized economy is characterized by complex supply chains, with goods, materials and labour sourced from all around the world. Trafficking is rife in global supply chains because they are often complex and multi-layered, making exploitation easy to conceal. Governments can adopt legal frameworks which address the use of trafficked labour exploitation in companies' supply chains.*



### **France: Duty of Vigilance Act**

**In 2017 the French Parliament adopted the Corporate Duty of Vigilance Law.**<sup>835</sup> The law requires the largest French companies<sup>836</sup> to publish annual public vigilance plans to assess and address the adverse impacts of their activities on people and the planet. This includes impacts linked to their own activities, the companies under their control, suppliers and subcontractors with whom they have an established commercial relationship.

Companies must establish and implement an effective Vigilance Plan which includes 'the reasonable vigilance measures to allow for risk identification and for the prevention of violations of human rights and fundamental freedoms, serious bodily injury or environmental damage or health risks resulting directly or indirectly from the operations of the company and of the companies it controls'.<sup>837</sup> When companies default on these obligations, the law empowers victims and other concerned parties to bring the issue before a judge. Judges can apply fines of up to 10 million EUR when companies fail to publish plans. Fines can go up to 30 million EUR if this failure resulted in damages that would otherwise have been preventable.



### **France: Joint and Several Liability**

**Workers' rights are protected in sub-contracting processes by establishing the joint liability of the client, the principal contractor and the sub-contractor for payment of workers' salaries, taxes and social security contributions which are owed to the subcontractor's workers in cases of recourse to illegal work.** This joint liability includes undeclared work, bogus sub-contracting and human trafficking. France has put in place specific procedures for the transfer and receipt of any payments owed including after the worker has been returned to the country of origin.<sup>838</sup> These provisions have been implemented based on compliance with the EU Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.<sup>839</sup>



### **Netherlands: Child Labour Due Diligence Law**

**The Dutch law introduces a duty of care to prevent the supply of goods or services which have been produced using child labour.** This establishes a generic duty to exercise due diligence. Several aspects make the Dutch law distinct in the wider legislative trend:

- It dictates the appointment of a regulator (art. 3), who publishes the corporate human rights due diligence statements in an online public registry (4.5).
- It is the first Dutch law to introduce criminal sanctions for a failure to exercise human rights due diligence.
- The law attempts to incorporate an existing mechanism of responsible business conduct.<sup>840</sup>



### **UK: Modern Slavery Statement**

**Under Section 54 (Transparency in Supply Chains) of the Modern Slavery Act 2015 certain commercial organizations<sup>841</sup> must publish an annual statement setting out the steps they take to prevent modern slavery in their business and their supply chains.** The Statement should cover the steps taken to prevent modern slavery in

<sup>835</sup> For the French and English version of the Corporate Duty of Vigilance Law, see [Business & Human Rights Resource Centre](#).

<sup>836</sup> This applies to: any company that at the end of two consecutive financial years, employs at least five thousand employees within the company and its direct and indirect subsidiaries, whose head office is located on French territory, or that has at least ten thousand employees in its service and in its direct or indirect subsidiaries, whose head office is located on French territory or abroad.

<sup>837</sup> French Parliament (2017), [Corporate Duty of Vigilance Law](#), Art. 1.

<sup>838</sup> [Ordonnance n° 2016-131 du 10 février 2016](#) portant réforme du droit des contrats, du régime général et de la preuve des obligations, NOR: JUSC1522466R [only available in French]. Houwerzijl, M., Jorens, Y., & Peters, S. (2012), [Study on the protection of workers' rights in subcontracting processes in the European Union: Final Study](#), p. 28. PICUM (2015), [Employers' Sanctions: Impacts On Undocumented Migrant Workers' Rights In Four EU Countries](#).

<sup>839</sup> [Directive 2009/52/EC](#) of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, 30 June 2009, OJ L 168.

<sup>840</sup> Business & Human Rights Resource Centre, [Dutch child labour due diligence law: a step towards mandatory human rights due diligence](#).

<sup>841</sup> A commercial organization is required to publish an annual statement if all the criteria below apply: it is a 'body corporate' or a partnership, wherever incorporated or formed; it carries on a business, or part of a business, in the UK; it supplies goods or services; it has an annual turnover of £36 million or more. With regard to overseas organizations trading in the UK or

all the organizations within that group that meet the criteria, and their supply chains should clearly name the parent and subsidiary organizations it is covering. The Modern Slavery Statement should be updated annually and published on the organization's website. It covers 6 areas:

- Supply chains
- Policies in relation to slavery and human trafficking
- Due diligence processes
- Risk assessment and management
- Key performance indicators to measure effectiveness of steps being taken
- Training on modern slavery and trafficking

The statement should demonstrate that organizations are acting transparently and disclosing information about any modern slavery risks they have identified and what actions they have taken in response to them, targeting their actions where they can have the most impact by prioritising risks, making year-on-year progress to address those risks and improve outcomes for workers in their business and supply chains.<sup>842</sup>



### **US: California transparency in supply chains act (State of California, 2010)**

**The California Transparency in Supply Chains Act<sup>843</sup> requires that retail sellers and manufacturers who conduct business in California, and have annual worldwide gross receipts exceeding USD 100 million must disclose their efforts to eradicate slavery and trafficking in persons from their direct supply chains for all tangible goods offered for sale.**

The intention of the Act is to educate consumers on how to purchase goods that are produced by companies that responsibly manage their supply chains. The retail seller or manufacturer should disclose, at a minimum, to what extent it engages in verification of product supply chains to evaluate and address the risks of human trafficking and slavery. The disclosure should specify if the verification was not conducted by a third party. Section 2(i) of the Act states that *'Absent publicly available disclosures, consumers are at a disadvantage in being able to distinguish companies on the merits of their efforts to supply products free from the taint of slavery and trafficking. Consumers are at a disadvantage in being able to force the eradication of slavery and trafficking by way of their purchasing decisions.'*<sup>844</sup>

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UK organizations trading overseas, if an organization has a demonstrable business presence in the UK and meets the other criteria, it should publish an annual statement. Charities and Investment Trusts and Franchises must publish an annual statement if they meet the criteria.

<sup>842</sup> For further information, see UK Home Office (2021), [Guidance: Publish an annual modern slavery statement](#). See also Ethical Trading Initiative, [Modern Slavery Statement Framework](#). CORE Coalition (2016), [Beyond Compliance: Effective Reporting Under the Modern Slavery Act. A civil society guide for commercial organisations on the transparency in supply chains clause](#). See also Short Guides on Modern Slavery Reporting at [Corporate Justice Coalition](#).

<sup>843</sup> Office of the Attorney General in California, [The California Transparency in Supply Chains Act](#).

<sup>844</sup> Office of the Attorney General in California, [The California Transparency in Supply Chains Act](#).

# 20 Adult and Child Assessment Guides For Human Trafficking

## Overview/introduction to the assessment guides

The NRM Handbook assessment guides for human trafficking are applicable for victims of trafficking for the purpose of any form of exploitation and from any demographic profile or background. They have been developed with the participation of ODIHR's NRM Advisory Panel experts on assessment of adults and children.

Designed to be used in conjunction with the NRM Handbook, in particular the NRM Preparatory Guide and Protocol, this tool consists of a five-part assessment guide for adults and a five-part assessment guide for children, with the following sections for each:

1. Key details
2. Immediate risk assessment (with next steps)
3. Core needs and risk assessment
4. Ongoing safety and support plan
5. Template record for all assessments and reviews

The assessment guides are intended only for use by recognized anti-trafficking professionals who are conducting assessment within their formal professional role and remit. They should be conducted in accordance with the NRM Preparatory Guide and Protocol. The guides are designed to be fully comprehensive, and as such gather a large amount of sensitive personal information. **They should therefore be used according to the highest standards of managing, protection and sharing of survivor's data and information, and observation of the duty of confidentiality and informed consent, which are detailed in the NRM Handbook. This is particularly important given the large number of agencies involved in trafficking responses and NRMs.**

Assessment should be conducted by an appropriate supporting professional such as a social worker, NGO specialist, independent advocate (for adults) or guardian advocate (for children) who build and maintain a relationship of trust. It is particularly helpful if they have worked with the person previously and will continue to do so in the future. Attending to needs and risks further to any assessment requires a multi-agency and multi-disciplinary approach: assessors should be in contact with a wide range of professionals and prepared to bridge referrals and accompany survivors where necessary, to other reputable organizations and services.

**The adult assessment guide and the child assessment guide are tailored to reflect the specific needs and risks of adults and children. The assessment guides are not intended to replace other international and national assessment tools and guides which are already in use by assessors.** They provide baseline guidance on the components of assessment which can be applied to any adult or child who is a *possible, potential, presumed or conclusively identified* victim of domestic and/or transnational trafficking. Use of ILO trafficking indicators and other recognized trafficking indicators and other existing assessment tools may also be used as appropriate.

**Effective assessment should not be a single, one-off event but rather an ongoing process of 'assessment, review, and action' that is tailored to the individual needs and risks of each individual person and conducted with their informed consent.** This relies upon the skills of assessors in using person-centred, gender-sensitive, trauma-focused methods of communication from the outset and throughout, ensuring survivors' informed and engaged participation in the process, and recording their individual viewpoint at all stages. Children must be assessed by child specialists who understand how to communicate in a way that is child rights-centred, in accordance with the Lundy Model.

**To ensure that any previous and current human trafficking and all related risks are identified, and persons assessed are appropriately protected and individually supported, a wide range of current and background information is required.** However, no matter how wide the scope of information that is required to keep an adult or child safe, they must not experience an assessment process that is arduous, distressing or exhausting. While different components of assessment may be used and adapted in accordance with professional's role and remit, the key details for each adult and child are always recorded and re-checked at each further assessment or review, and that the immediate risk assessment is conducted initially.



### **The Trauma-informed Code of Conduct for all Professionals Working with Survivors of Trafficking (TiCC)**<sup>845</sup>

has been developed in order to help professionals to understand the existence of underlying mental health difficulties and symptoms experienced by survivors. It provides simple methods and techniques to ensure that all communications and practice, including for assessments, are trauma-informed, and effective in achieving the challenging task of obtaining detailed disclosure. **The TiCC is intended for use only within the strict parameters of each professional's allocated role and remit.**

Many survivors experience psychological distress as a result of traumatic experiences. Some may develop mental health problems, including Post-Traumatic Stress Disorder (PTSD), Complex PTSD, anxiety and depression. The presence or absence of mental health conditions should not be assumed: wherever possible, survivors should have access to a comprehensive mental health assessment and to a programme of specialist therapeutic care provided by an experienced mental health professional.

The TiCC includes guidance on how to provide a calm, consistent and welcoming environment, establishing a mutual relationship of trust and communicating a sense of safety. It provides advice on vetting others who accompany survivors without raising alarm, setting realistic goals and objectives, and supporting survivors to give a full account of their trafficking background. It contains explanation of simple, trauma-informed techniques which apply to all working tasks such as **'creating the illusion of time'** and **'referring back to the here and now to instill calm'**.

#### **The TiCC advises on asking survivors for sensitive personal information:**

- **It is extremely difficult for any person to give a stranger information that is highly personal or painful.** Therefore, this should only ever be requested or discussed within the remit of a professional task and in an appropriately confidential environment. Survivors' lives have often been shattered through sequential, traumatic events including violence and loss, so they can find the prospect of providing personal information extremely distressing. It is essential that survivors do not lose contact with organizations and services because the arduous nature of providing personal information makes them feel that they need to avoid it.
- **Do not give the impression that the only important task of a meeting is simply to gather as much information as possible, or act in a hurried or impersonal manner.** In the course of trafficking, survivors become used to having the significance of their lives and emotions completely disregarded and diminished by others. Therefore, this response towards them should not be reflected or re-enforced in any way. Maintaining contact with survivors relies upon consistent kindness and professionalism.
- **Always demonstrate sensitivity when approaching distressing questions, for example about the loss of family members, health difficulties, rape or injury.** This can be achieved in the course of any work task, including making a phone call on their behalf or filling out extensive administrative forms or records. In some cases it will be helpful to introduce a sensitive topic before asking a question (for example *'I am now going to ask you about your family...'* *'this is going to be a health question'...* *'I have some questions about the person who brought you to this country...'*), and check that they feel able to go ahead.
- **When sensitive information arises in the course of an interview or discussion, survivors' feelings about it should be briefly and respectfully acknowledged.** Recognizing that information is distressing does not undermine professional objectivity or prevent professionals' ability to later review an account in full and come to a different conclusion. It provides a reliable and supportive framework for the provision and receipt of sensitive information, and it emphasizes the duty of professionals to act in survivors' best interests. Brief acknowledgment is appropriate, and enables the conversation to progress forward without lingering for too long on a difficult subject.

<sup>845</sup> Witkin, R. & Robjant, K. (2018), [The Trauma Informed Code of Conduct For all Professionals working with Survivors of Human Trafficking and Slavery](#).

- **The subject of survivors' pregnancies (whether they resulted in birth or not), and their children (whether raised by their parents or not) can be particularly distressing.** Women who have experienced trafficking for sexual exploitation may have become pregnant and had children as a result of rape; they may also have been forced to abort pregnancies, or have miscarried as a result of inflicted injury or ill-health. Some women will feel particular shame and distress about having had children outside of marriage or having been raped, which in some cultures would be perceived as being their own fault. Men and women may have had their children killed, maimed or taken from them in the course of being trafficked.

## The Adult Needs & Risks Assessment and Ongoing Safety and Support Plan

### Overview

Effective assessment for adults requires establishing a working relationship of trust in order to identify each person's individual needs and risks, to answer their questions and discuss their viewpoint, taking a record of their wishes and preferences.

It should be conducted by a professional who is able to use trauma-informed methods of working, ensuring that each person has a confidential space to be able to speak freely. They should capture information in a way that feels comfortable for each person, minimizing any distress and re-traumatization. An adult ongoing safety and support plan should be completed in parallel to ensure implementation of further actions via a multi-disciplinary approach. Assessment should always be underpinned by the duty of confidentiality and informed consent.

**Adults who are not assessed and assisted with urgency may be at high risk of trafficking or re-trafficking and may not return or be able to return for further assessment procedures.** This guide sets out the information that should be collated for the assessment of any adult who is a *possible, potential, presumed or conclusively identified* victim of domestic and/or transnational trafficking. The most effective assessment adult is conducted within a needs and risks framework by an experienced professional who specialises in working with vulnerable persons. It is best undertaken by a professional who is working with the adult already (for example a social worker or independent advocate) and will continue to work with them moving forward.

**Adult assessment, review and action should always be conducted in accordance with the NRM Preparatory Guide and Protocol, with the highest standards of managing, protection and sharing of survivor's data and information, and observation of the duty of confidentiality and informed consent. Accurate record keeping is essential: the key details of each person should be recorded and re-checked at each assessment or review.** It is vital to have the latest accurate information in case a person later disappears, is trafficked or otherwise loses contact with services.

**A multi-agency and multi-disciplinary approach is fundamental to the success of assessment:** it is vital for assessors to be in contact with other recognized professionals and services to obtain as much information as possible beforehand and to share data and information, using methods which are appropriate and follow the highest international and national standards for managing, protecting and sharing of survivors' data and information.

**Assessors should ensure that each person has any disability access needs met and their personal comfort is attended to prior to commencement of the assessment.** They must know how to apply person-centred, gender-sensitive and trauma-informed methods of working.

**Assessors should accurately record the individual viewpoint and preferences of adults in parallel to the assessment, adopting verbatim narrative where helpful.**

## Adult's viewpoint and preferences:

The person being assessed should be given the opportunity throughout assessment to raise any questions or say how they feel and express any views or preferences. This can be done at every stage of the assessment in the form of a free-flowing discussion about the person's individual situation and related needs. They should be encouraged, and given time to ask questions and participate, but should not feel pressured to do so. It is important to accurately record their input and ensure that it is shared appropriately with professionals and services with the person's informed consent.

## The 5 components of the adult needs and risks assessment framework

The needs and risks assessment guide has 5 components which can be adapted by professionals in accordance with their specific assessment and support planning tasks:

### **(1) Adult's key details for each assessment or review**

The [adult's key details](#) must be recorded and re-checked at the outset of each assessment and review. This sets out the person's main identity details, and information on any specific arrangements required for working with them.

### **(2) Adult's immediate risk assessment (with next steps)**

The [immediate risk assessment](#) must be prioritized for use by all assessors from the outset of the assessment process. It is designed to ensure that urgent safeguarding needs are prioritized for action. Its purpose is to identify if an adult is at immediate and present risk of significant harm.

### **(3) Adult's core needs & risks assessment**

The [adult's core needs & risks assessment](#) captures detailed information about each person's family, their current situation and their previous history. It can provide vital information related to adult's specific, individual needs for ongoing support and safety planning.

### **(4) Adult's ongoing safety and support plan**

The [adult's ongoing safety and support plan](#) should be completed in parallel with all aspects of the needs and risks assessment and shared with recognized specialist professionals. It is vital that for each matter relating to an adult's needs and risks, the contact details for relevant professionals and agencies are recorded, together with scheduled next steps for implementation of action, including bridged referral to appropriate services.

### **(5) Template record of all assessments and reviews**

The [template for recording all assessments and reviews](#) is provided at the end of the Guide. These must be scrupulously recorded and dated by all assessors and reviewers.

## (1) Adult's Key Details for each Assessment or Review

The adult's key details must be recorded at the outset of each assessment and review. It is important that these are kept up to date in the event of an adult going missing or being re-trafficked. See also adult's further identity and contact details in case the person is at risk of disappearance or (re)-trafficking.

Adult's Key Details		Notes and additional details	Document sources with dates. <i>Attach copies if possible.</i>
First name:			
Middle name:			
Surname:			
Prefers to be known as:			
Date of birth/age:			
Gender:			
Religious belief/religion:			
National or ethnic origin:			
<p><b>Is there any dispute concerning age?</b></p> <p><b>See handbook chapter:</b> <a href="#">Age dispute and age estimation assessment</a> in relation to identification of young people as victims of trafficking</p>	<p><b>No</b></p>	<p><b>Yes</b></p> <p>In case of doubt the person should be treated as a child. <a href="#">A BIC assessment and ongoing safety and care plan</a> should be conducted by a child specialist professional. Record this matter on the Adult Assessment.</p>	
<p><b>Does the person have dependent children who are living with them?</b></p>	<p><b>No</b></p>	<p><b>Yes</b></p> <p>Ensure that this is completed in <a href="#">family information</a>.</p> <p>Each child of a vulnerable adult should have a <a href="#">BIC assessment and ongoing safety and care plan</a>.</p>	<p><b>Name and contact details of child specialist professionals to contact.</b></p>

<p><b>Is an interpreter required?</b></p> <p><i>See handbook chapter: <a href="#">Working with interpreters and cultural mediators</a></i></p>	<p><input type="checkbox"/> <b>Yes</b></p> <p><input type="checkbox"/> <b>No</b></p>	<p><b>Language &amp; dialect</b></p>	<p>Record adult's preference for female or male interpreter or a previous interpreter.</p> <p>If they prefer not to work with an interpreter at all, provide detail here.</p>
<p><b>Is disability access?</b></p> <p><i>See handbook chapter: <a href="#">Working with survivors who have disabilities</a></i></p>	<p><b>No</b></p> <p>Even where there are no disabilities stated or apparent, observe and check if the adult has any other individual needs for access support and record these.</p>	<p><b>Yes</b></p> <p>Provide full details with any information provided or which arises from the person in the course of their assessment.</p>	<p><b>Access arrangements required:</b></p> <p>Ensure that any previous recorded disability needs are known and actioned prior to assessment.</p>
<p><b>Has someone accompanied the person to the assessment?</b></p> <p>If they are not an allocated or appointed professional you are aware of, they should not attend the substantive assessment.</p>	<p>If a person accompanying is doing so in a professional capacity, provide name, organization and all contact details.</p>	<p>If the person accompanying is not doing so in a professional capacity, provide name and contact details, together with any notes on their relationship to the person they are accompanying.</p>	<p><b>If there are concerns about a person accompanying an adult, record them.</b></p> <p><b>If there are urgent immediate concerns, follow your organisation's safeguarding procedures.</b></p> <p>If it is not clear whether there are concerns, refer to advice.</p> <p>TiCC (see: vetting others who accompany survivors).</p>

## (2) The Adult Immediate Risk Assessment

**An immediate risk assessment must be prioritized in all cases.** It is used to identify any present and immediate risks which require urgent safeguarding and protection measures. It can be helpful to use a 'traffic light' colour code system for quick reference to the level of risk and the need for next actions.

### **When completing the immediate risk assessment:**

The certain or suspected presence of any of the listed factors may necessitate further exploration of the topic and an immediate safeguarding or anti-trafficking response which should be recorded in the adult ongoing safety and support plan together with clear next steps for implementation of action.

- It is essential to record the full details of professionals and agencies which must be contacted and schedule urgent actions for implementation.
- In any case in which the respective factors are unknown, the action required to obtain this information should be recorded and implemented.
- If there are no concerns regarding a listed factor, this should still be recorded.

<b>Adult's current situation</b>	<b>Certain</b> Detail the immediate action which must be taken	<b>Suspect</b> Provide as much detail as possible as to why there are suspected concerns	<b>Unknown</b> Detail next steps that will be taken to find out more	<b>No Concerns</b> Detail why there are no concerns
<b>Trafficking history</b>				
<b>Does the person have a known or suspected trafficking history?</b> See: <a href="#">adult's background history</a>				
<b>Family/Carer</b> See: <a href="#">family information</a>				
<b>Is the adult living with family members or other persons who are suspected or known to be abusive towards them?</b>				
<b>Have family members or a carer been involved in any part of exploitation concerning the person – for example facilitation, taken payments or introduction to persons who have subsequently trafficked them or subjected them to harm?</b>				

<p><b>Does the adult appear to require, or say that they require, regular support for their daily needs from an individual who is <u>not</u> working in a recognized professional capacity, for example supporting them professionally with their disability needs or needs relating to mental health or cognitive difficulties? If so this should be sensitively explored and their name and contact details recorded.</b></p>				
<p><b>Does the adult have dependent children?</b></p> <p>In all cases consult child specialist professionals to ensure a Best Interests of the Child (BIC) assessment of all children is conducted, and the safety of the family as a whole is considered.</p>				
<p><b>Health</b></p> <p><b>For guidance on health risks see handbook chapter: <a href="#">The Healthcare Needs of Survivors of Human Trafficking</a></b></p>				

<p><b>Are there immediate and acute health concerns? These may include substance dependency, sexual health or mental health issues.</b></p> <p><b>Is the adult considered to be at risk of:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>suicide</b></li> <li><input type="checkbox"/> <b>self-harm</b></li> <li><input type="checkbox"/> <b>self-neglect</b></li> <li><input type="checkbox"/> <b>having accidents due to mental health problems or cognitive difficulties.</b></li> </ul> <p>In all such cases ensure the involvement of appropriate healthcare services.</p>				
<p><b>Risks of abuse and exploitation</b></p> <p><i>The <b>immediate risk assessment</b> should be completed with reference to the <a href="#">ILO Trafficking Indicators</a> and other tools and trafficking indicators used by professionals within their specific remit. Note that indicators are not required to prove the existence of exploitation but can represent elements of exploitation the adult may suffer.</i></p>				

<p>Is the person exhibiting visible signs of or disclosing current physical abuse or assault?</p>				
<p>Is the person exhibiting signs of or disclosing current sexual abuse or assault?</p>				
<p>Is the person exhibiting signs or disclosing current and acute psychological stress or abuse?</p>				
<p>Is the person disclosing any other concerns about exploitation or abuse?</p>				
<p>Are there any other signs or indicators of exploitation?</p>				
<p><b>Financial subsistence</b></p>				
<p>Does the person lack access to regular food and water? Is there any food insecurity?</p>				

<p><b>Is the person without regular means of financial subsistence?</b></p>				
<p><b>Is the person destitute, homeless or living on the streets?</b></p>				
<p><b>Is it known, or are there indicators that the adult is:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> in debt to others</li> <li><input type="checkbox"/> making informal payment to others</li> <li><input type="checkbox"/> paying others for services including (but not limited to) legal advice or representation.</li> </ul> <p>Note that having to pay for services can result in debts and further exploitation. Therefore this is a risk factor which should be sensitively explored.</p>				

**Accommodation**

<p><b>Is the person <u>not</u> safe in their current accommodation for any reason?</b></p> <p>This may include threat of others within the accommodation or in the area.</p>				
<p><b>Has the person had any episodes of disappearance from their residence or from contact with services?</b></p>				

## Legal status

All persons who are facing immigration, asylum or criminal justice procedures should have access to free specialist legal advice and representation.

## Immigration

See: [legal matters and legal status](#)

<b>Is the person undocumented or without regular immigration status?</b>				
<b>Is any other person in possession of the person's identity documentation?</b> If so provide full details.				
<b>Is the person travelling to a further onward destination either soon or in the future? If so is there any concern that this is a trafficking risk?</b>				
<b>Is the person currently held in immigration detention?</b>				
<b>Is the person facing imminent or scheduled removal to their country of origin or a third country?</b>				

## Criminal Justice

<b>Is the person in current conflict with the law?</b>				
<b>Has the person been recently arrested or investigated for criminal offences?</b>				

Is the person a defendant in a trial?				
Has the person been subjected to criminal exploitation?				

<b>IMMEDIATE NEXT STEPS</b> <i>Ensure to record all necessary details, plans and actions in the ongoing safety and support plan</i>	<b>Assessment</b>	<i>Record all professionals and agencies to contact or liaise with urgently.</i>
<b>Are there immediate safeguarding concerns?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe	
<b>Is there an imminent safety risk in relation to exploitation or human trafficking?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe	
<b>What do you plan to do to begin to address these issues?</b>		

### (3) Adult Core Needs and Risks Assessment

#### National background and language details

<b>Place of Birth:</b>			
<b>Country:</b>			
<b>Region/County:</b>			
<b>City/town/village:</b>			
<b>Birth registration document:</b>			
<b>National or ethnic origin:</b>			

<b>Nationality:</b>	<b>Passport or travel document</b> Record title and date of document, reference number and dates of duration and expiry – attach copies if possible)	<b>Other ID documents</b> Record date of document, reference number and dates of duration and expiry – attach copies if possible)	<b>Who is in possession of document:</b> Provide notes and contact details of person who is holding it.
<b>Language:</b>	<b>Speaking: Fluent/partial</b>	<b>Reading and writing:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Notes</b>
<b>Primary languages spoken:</b> Preferred dialect (if any) <b>Other Language(s) spoken:</b> Preferred dialect (if any) <b>Preferred language:</b> Preferred dialect (if any)			
<b>Other languages:</b>			
<b>Is an Interpreter required?</b> This applies for any person who is not entirely fluent in the language being spoken	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Language &amp; dialect</b>	<b>Adult's preference for either female/male or previous interpreter (notes)</b> If an adult prefers not to work with an interpreter at all, but is not fluent in the working language, provide detail here.

### **Adult's further Identity and Contact Details**

The purpose of capturing the following additional identity and contact details is two-fold:

1. To ensure that in any case of disappearance or (re-)trafficking, all identity and contact details have been recorded.
2. To open up a discussion with the person which may lead to finding out more about whether they have been trafficked or are at current risk of (re-)trafficking.

<b>Further identity and contact details.</b>			
List all other <b>full names the adult</b> is known by, and record/attach copies of any related documents.			
List any <b>nicknames or familiar names</b> the adult is known by and state who uses them and source of nickname.			
List all other <b>dates of birth</b> recorded for the person and record/attach copies of any related documents.			
<b>CONTACT DETAILS CHECK</b>	<b>Address of current residence and address for correspondence</b>	<b>Telephone numbers</b>	<b>Contact emails and social media accounts</b>
	<p>If the person resides or stays in more than one residence, list these.</p> <p>Check if it is safe and appropriate to send letters to current residence. Detail reasons for this where possible.</p> <p>Is the address listed for correspondence permanent? Is the address listed for correspondence safe? How often does the person have access to pick up correspondence?</p>	<p>Check who owns and/or has access to the phone.</p> <p>Is it safe and appropriate to use this telephone number?</p> <p>Check if the person can receive and send texts or make phone calls</p> <p>Check if the person has sufficient mobile credit for SMS, calls and data.</p> <p>Check if the person receives and sends texts or makes phone calls via telephone apps such as Whatsapp, Viber, Instagram, Signal, Snap Chat, Facebook, etc.</p> <p>Check if the person answers their phone.</p> <p>Check if the person keeps the phone charged.</p> <p>Ensure that the person has a telephone number to contact for professional help and assistance at any time.</p>	<p>Check who owns and/or has access to the email address. How was the email set up?</p> <p>Is it safe and appropriate to use a particular email provided?</p> <p>How many email addresses does the person have?</p> <p>Which email addresses do they regularly check? How do they check them?</p> <p>Check if the person can receive and send emails.</p> <p>Ensure that the person has an email address they can use to contact for professional help and assistance at any time.</p> <p>Have a discussion about social media – does the person use social media? Which forums and names do they use?</p>

## Family Information

Family details	Full names and contact details or location if contact details not provided:	All notes and any further actions:
<p><b>Marital status:</b></p> <p><input type="checkbox"/> <b>Single</b></p> <p><input type="checkbox"/> <b>Married</b></p> <p><input type="checkbox"/> <b>Traditionally married</b></p> <p><input type="checkbox"/> <b>Long-term partner</b></p> <p><input type="checkbox"/> <b>Divorced</b></p> <p><input type="checkbox"/> <b>Widowed</b></p> <p><input type="checkbox"/> <b>Missing partner</b></p>	<ul style="list-style-type: none"> <li>➤ Name of partner or spouse</li> <li>➤ Length of relationship</li> <li>➤ Date of marriage (if applicable)</li> <li>➤ Partner or spouse's current address/ country of residence (if known)</li> <li>➤ Current contact with partner or spouse</li> </ul>	
<p><b>Is the person residing with other family members?</b></p>	<p><input type="checkbox"/> <b>No</b></p> <p>Provide details of family members living elsewhere.</p>	<p><input type="checkbox"/> <b>Yes</b></p> <p>Provide details of each member of family with whom they are residing.</p>
<p><b>Does the person have a child(ren) of their own?</b></p>	<p><input type="checkbox"/> <b>No</b></p>	<p><input type="checkbox"/> <b>Yes</b></p> <ul style="list-style-type: none"> <li>➤ names and dates of birth</li> <li>➤ record any other names and dates of birth used</li> <li>➤ record if child had disabilities or serious illnesses</li> <li>➤ record if child has is deceased.</li> </ul> <p><b>If children are currently located in another area or country,</b> provide details and their current care arrangements or record if they are a separated, missing or unaccompanied child.</p> <p><b>If children are currently located with the parent,</b> arrangements should be made for child specialist professionals to provide a BIC assessment for each child. See: <a href="#">BIC assessment and ongoing safety and care plan</a>.</p> <p>Provide contact details for school/s or nursery/s or other educational institutions children are attending.</p> <p>Provide contact details for any places of training, work experience, or employment.</p>

## Pregnancy

Ensure that women have access to pregnancy testing if it is needed.

<p><b>If woman is pregnant:</b></p>	<p><b>If they are in receipt of pre-natal healthcare:</b></p> <ul style="list-style-type: none"> <li>➤ Provide due date (if known)</li> <li>➤ Hospital contact details</li> <li>➤ Doctor's office contact details</li> <li>➤ Doctor and/or midwife's contact details</li> </ul>	<p><b>If they are not in receipt of adequate pre-natal healthcare:</b></p> <p>Provide a plan including the name and contact details of relevant professionals to provide access to pre-natal healthcare services.</p>
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## Accommodation

<p><b>Consider if any accommodation provided is specifically safe and appropriate for the individual person.</b></p>	<p><b>Address, name of homeowner, landlord or key accommodation provider:</b></p>	<p><b>All notes and any further actions:</b></p> <p><i>Capture any information concerning expected duration of residence/ expiry date for residence.</i></p> <p><i>Are there any concerns about trafficking exploitation in relation to accommodation?</i></p>
<p><b>Homeless, without accommodation</b></p>		
<p><b>Family accommodation (give full details)</b></p>		
<p><b>Sheltered accommodation ('safe house')</b></p>		
<p><b>State-funded residential accommodation</b></p>		
<p><b>NGO-funded residential accommodation</b></p>		
<p><b>Private housing arrangements</b></p>		<p>Include any details of moving from place to place, intermittent periods of destitution and relationships within private accommodation arrangements.</p>

<p><b>Lawyers and other professionals for accommodation matter</b></p>	<p><b>No</b></p> <p>Record actions to obtain a lawyer and the details of other relevant professionals.</p> <p>Record the name and contact details of any previous lawyers and other professionals involved.</p>	<p><b>Yes</b></p> <p>Name and Contact Details</p> <p>Is lawyer provided by:</p> <ul style="list-style-type: none"> <li>➤ legal aid</li> <li>➤ pro bono legal services</li> <li>➤ private funding</li> </ul>
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## Financial and material subsistence

<b>Financial, material subsistence</b>	<b>Provide full details:</b>	<b>All notes and any further actions:</b> <i>Capture any information concerning expected duration of financial and/or material support.</i> <i>Are there any concerns about trafficking exploitation in relation to financial or material subsistence?</i>
<b>No means of financial support/subsistence</b>		
<b>Employment salary</b>		Detail form of employment, whether part time or full time and how paid.
<ul style="list-style-type: none"> <li>➤ <b>State-funded financial support</b></li> <li>➤ <b>State-funded material support</b></li> </ul>		
<ul style="list-style-type: none"> <li>➤ <b>NGO/charity-funded financial support</b></li> <li>➤ <b>NGO/charity-funded material support</b></li> </ul>		
<b>Supported by family/ friends or acquaintances</b>		
<b>Source of income unknown</b>		

## Educational Background

<b>Educational background</b>	<b>No</b>	<b>Yes</b> ( <i>Provide age when began and age when left</i> )	<i>Provide relevant details. It is useful to find out if the person experienced any difficulties with education. If they have experienced difficulties with learning, provide details.</i>
<b>Primary school</b>			
<b>Secondary school</b>			
<b>Tertiary education (college/technical/training or apprenticeship)</b>  <b>Other, for example vocational training, language classes or IT training</b>		State if adult currently attending and whether full or part time.  If they have left the course record duration dates.	How are they funding the course: <ul style="list-style-type: none"> <li>➤ privately</li> <li>➤ privately with a loan</li> <li>➤ no cost to them (e.g. scholarship, financial aid, etc.)</li> <li>➤ other</li> </ul>

<b>Qualifications</b>	<input type="checkbox"/> Secondary school graduation <input type="checkbox"/> Tertiary education <input type="checkbox"/> Vocational training <input type="checkbox"/> Degree <input type="checkbox"/> Post-Graduate	Attach notes and copies of relevant documents.
<b>Is the adult seeking current educational or training opportunities?</b>	Provide details so that opportunities and any needs for support to access education or training opportunities may be identified.	Record next actions.

**Adult's Current Health**

**This section relates to the potential vulnerabilities/needs in respect of current health issues.**  
*Consider which professionals you should liaise with to support this assessment.*

<b>Physical health issues, including current prescriptions and allergies</b>	
Details:	
<b>Cognitive difficulties</b>	
Details:	
<b>Mental health issues:</b> <b>Is the person considered to be at risk of:</b> <ul style="list-style-type: none"> <li>➤ <b>suicide</b></li> <li>➤ <b>self-harm</b></li> <li>➤ <b>self-neglect</b></li> <li>➤ <b>having accidents due to mental health problems or cognitive difficulties</b></li> </ul>	
Details:	
<b>Sexual health issues</b>	
Details:	
<b>Substance dependency</b>	
Details:	
<b>Have any of these factors been an issue or addressed in the past?</b>	
Details:	

<b>Healthcare professionals and services</b>	<b>No</b> <i>Provide a plan including the name and contact details of relevant professionals to schedule registration with a primary doctor and/or health check with adult's informed consent.</i>	<b>Yes</b> <i>Provide name and contact details of a primary doctor or other health professionals and clinic/hospital or practice.</i>
<b>Is the person registered with a primary doctor?</b>		
<b>Is the person undergoing healthcare appointments or treatment for physical healthcare?</b>		
<b>Is the person undergoing healthcare appointments or treatment for mental healthcare?</b>		

<b>Employment background</b>			
<b>Is the person in current employment?</b>	<b>No</b>	<b>Yes</b> Provide relevant details including form of employment, type of work, name of employer and contact details. <input type="checkbox"/> Salaried part time <input type="checkbox"/> Salaried full time <input type="checkbox"/> Freelance <input type="checkbox"/> Formally Self-employed <input type="checkbox"/> Informal labour <input type="checkbox"/> Other	<b>Are there any concerns about exploitation in any form of labour or employment?</b> Is the person receiving at least the national minimum wage for their work. Detail health and safety conditions. Use the <a href="#">ILO indicators</a> .
Provide details of any previous employment		Provide relevant details including form of employment, type of work, name of employer and contact details. <input type="checkbox"/> Salaried part time <input type="checkbox"/> Salaried full time <input type="checkbox"/> Freelance <input type="checkbox"/> Self-employed <input type="checkbox"/> Other	<b>Are there any concerns about trafficking or exploitation?</b> Did the person receive at least the national minimum wage for their work. Detail health and safety conditions.
Is the person currently seeking employment?		Provide relevant details including form of employment, type of work, name of employer and contact details. <input type="checkbox"/> salaried part time <input type="checkbox"/> salaried full time <input type="checkbox"/> freelance <input type="checkbox"/> self-employed <input type="checkbox"/> other	Is the person receiving support with their job search? If so what source? Provide relevant details and contact information  Does the person want / require further support to access employment? If so provide details – it may include for example, job search, preparation of CV, interview skills, other.

### **Adult's Social Inclusion**

This section relates to the potential vulnerabilities and needs of adults in respect to inclusion and discrimination issues. For each item consider appropriate professionals and services that are required to support social inclusion.

<b>Peer support:</b>	
<b>Friends in the community or in accommodation:</b>	
<b>Access to public transport links:</b>	
<b>Access to local shops and services:</b>	
<b>Access to community services:</b>	
<b>Access to safe online services:</b> ➤ Has the adult received safe internet access advice or training?	
<b>Cultural and/or religious needs supported (e.g., religious observances, dietary needs, etc.):</b>	
<b>Education or training:</b>	
<b>Employment or work experience:</b>	

### **Adult's Legal Matters and Legal Status**

This section relates to all matters pertaining to victim identification, administrative and criminal justice proceedings.

#### **National Referral Mechanism**

<b>NRM Status</b>	<b>Not in NRM</b> <i>If not in NRM record and schedule any further actions for legal advice and other professional support concerning referral</i>	<b>NRM Identification stage:</b>	<b>Relevant documents including copies of documents submitted and decisions received:</b>	<b>Notes and contact details for relevant professionals including legal representative or lawyer:</b>	<b>Next steps:</b>
<b>Stage 1: Preliminary identification</b>		<input type="checkbox"/> Possible victim of trafficking (pre-NRM) <input type="checkbox"/> Positive decision (in R&R period) <input type="checkbox"/> Negative decision			

<b>Stage 2: Conclusive identification</b>		<input type="checkbox"/> Pending decision <input type="checkbox"/> Positive decision <input type="checkbox"/> Residence permit <input type="checkbox"/> Negative decision <input type="checkbox"/> Reconsideration <input type="checkbox"/> Judicial appeal			
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<b>Lawyers for NRM matter</b>	<b>Yes</b> <b>Name and Contact Details</b> Is lawyer provided by <input type="checkbox"/> Legal aid <input type="checkbox"/> Pro bono legal services <input type="checkbox"/> Private funding	<b>No</b> <i>Record actions to obtain a lawyer and the details of other relevant professionals.</i> Take the name and contact details of any lawyers and/or other relevant professionals involved previously.
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**Immigration/international protection status**

<b>Immigration Status</b>		Notes: Attach or record documents and dates of expiry
<b>Citizenship</b>		
<b>Refugee status</b>		
<b>Residence permit</b>	Details and nature of residence permit	
<b>Undocumented</b>		
<b>Stateless</b>		
<b>Other</b>		

<b>Lawyers for immigration or international protection matter</b>	<b>Yes</b> <b>Name and Contact Details</b> Is lawyer provided by <input type="checkbox"/> Legal aid <input type="checkbox"/> Pro bono legal services <input type="checkbox"/> Private funding	<b>No</b> <i>Record actions to obtain a lawyer and the details of other relevant professionals.</i> Note the name and contact details of any previous lawyers involved.
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**Immigration detention**

<b>Previous and/or current administrative immigration detention</b>	Detention centres and contact details:	Periods of detention (dates of duration):	<p>If adult is currently in administrative detention:</p> <p>Assessors must notify and/or appoint relevant professionals urgently to secure their safe release, e.g. lawyer and social worker or independent advocate. They must provide a detailed record in the adult’s ongoing safety and support plan</p>	Attach all relevant documentation including any reports from detention: including detention health records.
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<b>Lawyers for detention matter</b>	<p><b>Yes</b></p> <p><b>Name and Contact Details</b></p> <p>Is lawyer provided by</p> <p><input type="checkbox"/> Legal aid</p> <p><input type="checkbox"/> Pro bono legal services</p> <p><input type="checkbox"/> Private funding</p>	<p><b>No</b></p> <p><i>Record actions to obtain a lawyer and the details of other relevant professionals.</i></p> <p>Note the name and contact details of any previous lawyers involved.</p>
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**Criminal Justice**

**Criminal justice: adult victim of trafficking is an informant or witness**

<b>Criminal Justice matters</b>	<b>Description of criminal justice matter and any relevant dates (whether current or previous).</b>	<b>Is the adult supported throughout criminal justice matters? Y/N</b>	<b>Key contact professional (name and details):</b>	<b>Outcome if case is concluded:</b>	<b>Attach all relevant documentation received and submitted.</b>  <i>Detail any further/next steps</i>
<b>Informant or witness for criminal investigation</b>	<p>Details of criminal investigation</p> <p>Include crime reference number if available.</p>	Notes on the support provided to the adult specifically on the criminal justice matter	<p>Police force and key contact within the police</p> <p>How is the adult supported for criminal justice procedures?</p>		
<b>Is there a scheduled or intended meeting with police or lawyer</b>	Details of meeting	Key contact professional: Name and details	Attendees in support of the adult		
<b>Does the person have a claim for criminal compensation</b>	Details of compensation claim	Complete lawyer section below			

<p><b>Lawyers for criminal justice matters where victim of trafficking is an informant or witness</b></p>	<p><b>No</b></p> <p>Record actions to obtain a lawyer and the details of other relevant professionals.</p> <p>Provide a detailed record of action in the adult's ongoing safety and support plan.</p> <p>Record the name and contact details of any previous lawyers involved.</p>	<p><b>Yes</b></p> <p><b>Name and Contact Details</b></p> <p>Is lawyer provided by</p> <p><input type="checkbox"/> Legal aid</p> <p><input type="checkbox"/> Pro bono legal services</p> <p><input type="checkbox"/> Private funding</p>
<p>Is a lawyer representing the person in relation to a claim for criminal compensation</p>	<p><b>No</b></p> <p>It is important to ensure that free legal advice relating to criminal compensation is provided by a lawyer.</p>	<p><b>Yes</b></p> <p>Name and contact details, if different to the lawyer for criminal justice matter above.</p>

**Criminal Justice – adult is alleged to have committed an offence**

<p>Criminal Justice matters</p>	<p>Is the adult supported throughout criminal justice matters?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>Key contact professional: Name and details</p>	<p>Outcome if case is concluded:</p>	<p>Attach all relevant documentation received and submitted.</p> <p>Detail any further/next steps</p>
<p>Description of criminal justice matter and any relevant dates (whether current or previous)</p>				
<p>Does the adult have a criminal record or a previous history of involvement by law enforcement.</p>	<p>Date of criminal record</p>		<p>Provide details and names of any lawyers or law enforcement officers/detectives involved.</p> <p>Contact details of relevant lawyer</p>	
<p>Alleged current criminal offences</p>	<p>Details of alleged offences and crime reference number (if available)</p>		<p>Key contact regarding offences matter</p>	
<p>Accused in a criminal trial</p>	<p>Details of key contact professionals and any scheduled meetings</p>	<p>Details of criminal trial including location and dates</p>	<p>How is the adult supported for criminal justice procedures?</p>	<p>Notes</p>
<p>Previous conviction with detention or duration of pre-trial detention.</p>	<p>Location/Dates/duration</p>		<p>Notes</p>	

<b>Lawyers for criminal justice matters as person suspected of alleged offences or an accused.</b>	<p><b>No</b></p> <p>Record actions to obtain a lawyer and the details of other relevant professionals.</p> <p>Provide a detailed record of action in the adult's ongoing safety and support plan</p> <p>Record the name and contact details of any previous lawyers involved.</p>	<p><b>Yes</b></p> <p><b>Name and Contact Details</b></p> <p>Is lawyer provided by</p> <p><input type="checkbox"/> Legal aid</p> <p><input type="checkbox"/> Pro bono legal services</p> <p><input type="checkbox"/> Private funding</p>
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**Civil procedures**

<b>Civil matters</b>	<b>Details:</b>	<b>Key contact person and details:</b>	<b>Attach all relevant documentation received and submitted.</b> <i>Detail any further/next steps</i>
<b>Access to compensation</b>			
<b>Access to education, training or employment</b>			
<b>Other</b>			

<b>Lawyers for civil procedures</b>	<p><b>No</b></p> <p>Record actions to obtain a lawyer and the details of other relevant professionals.</p> <p>Provide a detailed record of action in the adult's ongoing safety and support plan</p> <p>Record the name and contact details of any previous lawyers involved.</p>	<p><b>Yes</b></p> <p><b>Name and Contact Details</b></p> <p>Is lawyer provided by</p> <p><input type="checkbox"/> Legal aid</p> <p><input type="checkbox"/> Pro bono legal services</p> <p><input type="checkbox"/> Private funding</p>
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**Adult's background history:**

**The purpose of collating information relating to an adult's background history is to understand the person's family circumstances and wider context in order to identify relevant current risks or vulnerabilities.**

**A background history should be prepared by assessors beforehand with reference to existing professional contacts, documentation and information.** It should be conducted as a gentle conversation, using trauma-informed methods of working, to obtain key information needed to ensure a person's individual protection, support and wellbeing.

## The TiCC<sup>846</sup> Advises on Supporting Survivors to Give a Full Account of Their Trafficking Background

- **The only truly effective way to obtain full, detailed and accurate accounts of trafficking histories is by establishing a working relationship of mutual trust.** Survivors need to be sure that professionals they are working with have their best interests in mind and will not judge them negatively before they can feel able to fully discuss issues such as rape, assault, shame, stigma or intricate family details. Supporting survivors to gain the confidence to discuss their history, and permitting them as much time as they need to do so, is the best way of obtaining detailed disclosure. There is a lot to be said for a few simple words or expressions of positivity, kindness and recognition of the experiences that a person has been through. It is important to remember that any outward expression of disbelief or indifference from professionals, no matter how minor, is detrimental to building a relationship of trust.
- **Professionals' style of asking questions will vary in accordance with their specific training and the particular work task in hand. However, survivors should not be expected to understand highly professionalised or legalistic language, acronyms or other 'short-cut' terminology.** To obtain an accurate history, all questions asked and advice given needs to be as simple and straightforward as possible.
- **Interrogative methods of questioning, or those which commence from a place of doubt or disbelief, are never effective for obtaining disclosure from vulnerable people who have traumatic histories. This simply serves to make them feel nervous and intimidated.** In cases where there is scope to adapt communications flexibly, ask each person whether they prefer questions which enable them to give longer or shorter answers. Alter methods of questioning as survivors' individual responses are observed and their needs become clearer.
- **It is helpful to bear in mind that some people will prefer 'open' questions and speaking in an 'open-ended' manner so that they have the freedom to express themselves fully, while others may feel more secure and able to manage communications are contained within a short-form question and answer format.** In most cases, survivors' preferred style will fall somewhere between the two, but the latter is particularly helpful for those who have intrusive memories from trauma, or experience overwhelming feelings of shame. In such situations, professionals should not feel they are doing something wrong by asking simple questions requiring 'yes' or 'no' answers. In fact, this is the most appropriate approach in cases of severe trauma when it is necessary to obtain an understanding of traumatic events endured. This can be introduced by saying *"I need to understand what has happened to you, but I can see that you do not want to talk about the details, and that is fine. Do you think you could just say 'yes' or 'no' to my questions? If you want to, we can then speak in more detail about them afterwards."*
- **Survivors should be reassured that they can take the time that they need to process their thoughts and to provide further detail or describe events in their own way. Any hesitation or lengthy consideration of an answer should not be taken as an indication that a person is being untruthful or does not know the answer.** It is important not to hasten survivors' responses by trying to summarise what they are saying in an attempt to move their account forward. Drawing any conclusions on survivors' behalf is also unhelpful. Gaps and silences do not need to be filled unless a person is suffering distress, and even then, survivors' may prefer to have a few moments in silence to process their thoughts and emotions. All communications with survivors are assisted by *'creating the illusion of time'*.
- **Check that all of the information provided to survivors has been fully understood and that they feel able to ask questions, or to request a break whenever they wish.** Professionals should carefully observe responses to questions, and ensure they are aware of any indications that survivors need to pause, or stop the session entirely. It is better to draw a meeting to a close and arrange to obtain further details of an account at another time, than to risk a person becoming overwhelmed and therefore unable to continue.
- **Always acknowledge any memory intrusions or symptoms that survivors appear to be experiencing.** If a person feels that they have to focus on suppressing or concealing intrusive memories it will affect their ability to provide a full account of their history. This can be discussed in a simple, practical way with the aim of ensuring that each person is as comfortable and unimpeded as possible. Mental health symptoms are far less likely to inhibit or distress a person when they are reassured that the professional with whom they are working understands that this is difficult for them, and demonstrates a sympathetic and supportive response.
- **All fully detailed histories of trafficking 'begin at the beginning'.** Survivors often have complex backgrounds: in many cases they have experienced sequential traumatic events leading to circumstances which have culminated in their being targeted for trafficking. There are many scenarios of trafficking, for example some people have been

<sup>846</sup> [The Trauma-Informed Code of Conduct for all Professionals working with Survivors of Human Trafficking and Slavery](#), by Rachel Witkin and Dr. Katy Robjant, Helen Bamber Foundation

trafficked from birth or early childhood, while others may have had a more positive start in their life and education, and then suffered circumstances that made them specifically vulnerable to traffickers. Regardless of the common features found in trafficking patterns and networks, each individual person's history is entirely unique. It is most useful to begin with questions about birth and early childhood and proceed onward from there in order to build up an accurate picture of survivors' origins and circumstances. This is an effective way to capture details, because it aids survivors' recall to work progressively and chronologically through a sequence of related events, and link their relationship to each other.

- **People who have suffered trauma may lose whole areas of memory, or they may not understand the full significance of parts of their history.** Take the time needed to work through a history, paying particular attention to understanding survivors' relationships with others. It is important to understand the reasons why events have occurred in relation to how each person perceives other people and the world around them. This approach can provide crucial insight into the nature of survivors' vulnerability to trafficking as well as leading to information on the identity and operation of traffickers.
- **In the course of taking an account of a trafficking history it can be helpful to recognise and affirm the individual strengths of each person that they have shown in surviving their experiences, as well as recognising any positive relationships they have made along their way.** There are always positive individual traits and elements that professionals can briefly pick up on, which helps to limit the impression that a person's life is a long-term sequence of negative outcomes. It is common for survivors feel that their misfortune is such that they must be 'cursed by fate' or that they are somehow to blame and at fault, so it is good practice to emphasise their courage and positive strengths.

**Take time to consider an account rather than dismissing anything that is said in the early stages of contact because it seems flawed.** Professionals who work closely with survivors over multiple sessions often find that a whole account becomes more coherent as a relationship of trust is established and they are more able to speak openly and fully about their experiences. Over time, apparently inaccurate or inconsistent aspects of an account may be resolved and clarified.

### Taking a full history

It is important to follow TiCC methods and work with each person to ensure that the environment and the assessment is as comfortable as possible for them. The table below is a guide to components that must be included in any full account of background history.

<b>Record details of the person's history:</b>	<b>Provide full details and relevant dates:</b> <i>If chronological dates cannot be provided, partition the account into person's ages or stages/markers.</i>	<b>Name and contact details of relevant professionals and services and notes for next action (if applicable).</b>
<b>Any known history of human trafficking:</b>		
<b>Is there a known trafficking history?</b>	Record all trafficking events, traffickers and forms of exploitation including mixed exploitation.	
<b>Have any of the person's family members been involved with human trafficking:</b> <input type="checkbox"/> as a trafficker <input type="checkbox"/> as a victim <input type="checkbox"/> as a person at risk of trafficking	Record all trafficking events, traffickers and forms of exploitation including mixed exploitation.	

<b>Family and childhood history</b>		
<p><b>Include details of:</b></p> <ul style="list-style-type: none"> <li>➤ Birth and nature of upbringing/ childhood</li> <li>➤ Key family members</li> <li>➤ Relevant family history</li> <li>➤ Attendance at school, college and/or university</li> <li>➤ Significant events during childhood</li> <li>➤ Marriages, partnerships, children</li> <li>➤ Dependent, missing or separated children</li> <li>➤ Any family situations involving abuse/violence, criminal activity</li> <li>➤ Any family history of mental and/or physical illness</li> <li>➤ Family experience of poverty, poor living conditions and/or marginalisation/discrimination for any reason</li> <li>➤ Whether the person was particularly sheltered in their family/ not familiar with settings outside of the family</li> </ul>		
History as an adult (since age of 18):		
Immigration history, including immigration detention (if applicable):		
Any situations of contact with law/ police/criminal justice system including history of arrest, prosecution, conviction or imprisonment (in all countries):		
Any history of reporting a crime to the police or acting as a witness or informant:		
Any history of political persecution, war or community violence (including identity based and gender-based violence):		
Any history of environmental hazard or disaster, pandemic and/or global health issues:		

#### (4) Adult's Ongoing Safety and Support Plan

**It is important to identify the lead professional responsible for ensuring that the adult's ongoing safety and support plan is adhered to, and its implementation is monitored.** It provides the overall, detailed plan for the adult who is assessed. It must be completed in parallel with any assessment and kept updated at every further assessment or review. Consider all relevant professionals who are needed to work with to implement this plan and ensure their names and contact details are fully recorded together with next steps for action.

Immediate safeguarding risks	Lead agency, professional or service and their contact details	Completed date or ongoing
<p>In terms of human trafficking or exploitation concerns, the issues identified below all need to be considered to support protection:</p> <ul style="list-style-type: none"> <li>➤ Are there immediate safeguarding concerns?</li> <li>➤ Is there an imminent safety risk in relation to exploitation or human trafficking?</li> <li>➤ What do you plan to do to begin to address these issues?</li> </ul>		
<p><b>Family / community contact:</b> Details (who to contact / when / contact details):</p>		
<p><b>Accommodation:</b> Details (who to contact / when / contact details):</p>		
<p><b>Health:</b> Details (who to contact / when / contact details):</p>		
<p><b>Education / training / employment:</b> Details (who to contact / when / contact details):</p>		
<p><b>Legal support / immigration:</b> Details (who to contact / when / contact details):</p>		
<p><b>Social inclusion:</b> Details (who to contact / when / contact details):</p>		

<b>Are there suspected risks online for the adult:</b>  <i>Detail action to be taken: will online mentoring/education/training and support be provided?</i>		
<b>Date of initial completion:</b>		
<b>Date of next review:</b>		

**(5) Template Record for all Assessments and Reviews**

<b>Assessors:</b>	<b>Dates of Assessments:</b>	<b>Location of Assessments (address):</b>	<b>Duration of Assessments:</b>	<b>Date of next review(s):</b>	<b>Lead Agency/ Decision Maker:</b>

**Details for each Assessment or Review**

<b>Date of Assessment:</b>	<b>Location:</b>	<b>Organisation/ agency:</b>	<b>Contact details:</b>	
<b>Assessor: Name and professional role</b>	Organization/agency and contact details	Professionals and other persons present (for fuller notes, input in specific questions on professionals)		
<b>Independent advocate (or equivalent) – if not the Assessor</b>	Organization or agency and contact details	Name and contact details of independent advocate	If there is no independent advocate detail next steps to locate an independent advocate or equivalent	Independent advocate direct contact with adult and regularity of meetings
<b>Interpreter, if present:</b>		Language and dialect	Agency, full name, contact details	Proof of vetting/ police check
<b>Adult services and organizations involved with the child</b>	Provide the details and contact information of all agencies involved with the adult (in all countries)	Main contact name and service/org	Official address, email and phone number for service or organization	Notes: Nature of involvement with the child.  See: legal matters and status

# Best Interest of the Child (BIC) Assessment and Ongoing Safety and Care Plan

## Overview



The “best interests of the child” is a right, a principle and a rule of procedure based on an assessment of all elements of a child’s or children’s interests in a specific situation.

The “best-interests assessment” consists in evaluating and balancing all the elements necessary to make a decision in a specific situation for a specific individual child...is carried out by the decision-maker and staff – if possible a multidisciplinary team, and it requires the participation of the child.<sup>847</sup>

**Children can be at high risk of trafficking and disappearance if they are not assessed and assisted with urgency.** This Guide to the [BIC assessment](#) and [child ongoing safety and care plan](#) sets out the information that should be collated for the assessment of any child who is a *possible, potential, presumed or conclusively identified* victim of domestic and/or transnational trafficking. The most effective assessment for children is conducted within the BIC framework and undertaken by a qualified child specialist. It is best undertaken by a professional who has worked in support of the child already (for example a social worker or guardian advocate) and will continue to work with them moving forward.

**Child ‘assessment, review and action’ should always be conducted in accordance with the NRM Preparatory Guide and Protocol, with the highest standards of managing, protection and sharing of survivor’s data and information, and observation of the duty of confidentiality** and informed participation of the child. Accurate record keeping is essential: the [key details](#) of each child should be recorded and *re-checked* at each assessment or review. It is vital to have the latest accurate information in case a person later disappears, is trafficked or otherwise loses contact with services.

**A multi-agency and multi-disciplinary approach is fundamental to the success of assessment:** it is vital for assessors to be in contact with other recognised professionals and services to obtain as much information as possible beforehand, and to share data and information using methods which are appropriate and follow the highest international and national standards for managing, protecting and sharing of survivors’ data and information.

**Assessors should ensure that each child has any disability access needs met and their personal comfort is attended to prior to commencement of the assessment.** They must know how to apply child rights-centred, age-appropriate, gender-sensitive and trauma-informed methods of working. A multi-agency and multi-disciplinary approach is fundamental to the success of assessment: it is vital for assessors to be in contact with other recognised professionals to obtain as much information as possible beforehand and to share data and information, using methods which are appropriate and following international and national information sharing guidelines.

**Assessors should accurately record the viewpoint of children in parallel to the assessment, adopting verbatim narrative where helpful.**

<sup>847</sup> UN Committee on the Rights of the Child (2013), [General comment No. 14 \(2013\) on the right of the child to have his or her best interests taken as a primary consideration \(art. 3, para. 1\)](#), 29 May 2013, CRC/C/GC/14, paras. 46-47. The BIC is derived from Art. 3 of the UN Convention on the Rights of the Child. See UN General Assembly (1989), [Convention on the Rights of the Child](#), Art. 3.

**The BIC assessment and ongoing safety and care plan has a specific focus on identifying a history of human trafficking and current and potential risks of trafficking or re-trafficking.**

“Children must be helped to understand how child protection procedures work, how they can be involved, and how they can contribute to decisions about their future. Children’s views must be sought and listened to at every stage of the child protection process and given information about the decisions being made as appropriate to their age, stage and understanding”.<sup>848</sup> Any additional support or protection needs to ensure the child’s full involvement in the proceedings should be provided after a thorough assessment to the child and to the family as well, if needed.

**Assessment should not be experienced by a child as an onerous ‘form filling exercise’.** Assessment and planning requires working in the best interests of each child, conversing with them kindly and sensitively, with time allowed for their questions and informed participation. Assessors of children should communicate in accordance with the Lundy Model and the advice concerning working with children which features throughout the NRM Handbook.<sup>849</sup> Children should feel that they are having a gentle, flowing discussion about their lives and circumstances with a person who is willing to listen and respects their viewpoint. It is important to record (or permit children themselves to record) their questions and viewpoint in relation to any aspect of the assessment that may arise.

A section for the child’s viewpoint is included within the Ongoing Support and Care Plan, and sufficient space for whatever the child wishes to say should be provided. The use of genograms<sup>850</sup> is also useful for helping children to talk about family and relationships.

**Working with children who have suffered trauma**

Understanding and responding to trauma of child victims of trafficking is crucial in ensuring a safe and supported process for children by professionals throughout all assessment and information gathering processes. A particular behavior or a reaction from a child may be a result of trauma and this should be a consideration.<sup>851</sup>

**The importance of family life for children**

International law defines the importance of family relationships for a child including contact with his/her parents, if it is not contrary to the child’s best interests. When considering whether to keep a child with their biological family, it is a difficult balance between keeping a family together and protecting the child from harm. Alternate forms of placement for a child may include foster or residential care, where the child can maintain contact with his/her biological family and pursue family reunification, if it is in the best interest of the child. If the child can’t be reunified with their family, they may be permanently removed and/or adopted.<sup>852</sup>

Parents or parental guardians play an important role in the interview process and any follow up actions and their view should be taken into account and recorded unless deemed to put the child at significant risk of harm. If one of the parents or family members was involved in the abuse of the child, assistance and support to the non-abusing parent or family member as well as other family members taking care of the child should be provided to help them appropriately care for the child and with the situation.<sup>853</sup>

<sup>848</sup> Government of Scotland (2021), National guidance for child protection in Scotland 2021, p. 109.

<sup>849</sup> Note that: older teenagers will prefer to be thought of as a young person rather than ‘a child.’ This should be reflected in the outlook and approach of assessors in conversing with them. However, reference to child/children remains throughout the guide, because it is the term that provides persons who are under eighteen years of age with their best interests, rights and entitlements. It should also apply to any person who may be a child, including those whose age is disputed, unless and until they an age estimation assessment process has been carried out to conclusion and states that the person is an adult. See handbook chapter: Age dispute and age estimation assessment in relation to identification of young people as victims of trafficking.

<sup>850</sup> Pope, Natalie D. and Lee, Jacquelyn (2015), [A Picture Is Worth a Thousand Words: Exploring the Use of Genograms in Social Work Practice](#).

<sup>851</sup> Child Protection Committee Glasgow (2020), [Child Trafficking & Exploitation Inter Agency Guidance](#), June 2020, p. 4.

<sup>852</sup> European Union Agency for Fundamental Rights and Council of Europe (2015), Handbook on European law relating to the rights of the child, p. 94. See also UN General Assembly (2010), Guidelines for the Alternative Care of Children: resolution / adopted by the General Assembly, 24 February 2010, A/RES/64/142, paras. 48–51; UN Committee on the Rights of the Child (2013), General comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), 29 May 2013, CRC /C/GC/14, paras. 58–70. UN General Assembly (1989), Convention on the Rights of the Child, 20 November 1989, Art. 22. UN Committee on the Rights of the Child (2005), General Comment No. 6 on Treatment of unaccompanied and separated children outside their country of origin, 1 September 2005, CRC/GC/2005/6, paras. 81–83.

<sup>853</sup> Government of Scotland (2021), [National guidance for child protection in Scotland 2021](#), p. 110.

## The 5 components of the Best Interests of the Child (BIC) assessment framework

The BIC assessment guide has 5 components which can be adapted by professionals in accordance with their specific assessment and care planning tasks:

### (1) Child's key details for each assessment or review

The child's key details must be recorded and re-checked at the outset of each assessment and review. This sets out the child's main identity details, and information on any specific arrangements required for working with them.

### (2) Child's Immediate Risk Assessment (and immediate next steps)

The child's immediate risk assessment must be prioritized for use by all assessors from the outset of the assessment process. It is designed to ensure that urgent safeguarding needs are prioritised for action. Its purpose is to identify if a child is at *immediate and present risk of significant harm*.<sup>854</sup>

### (3) Child's core BIC Assessment

The core BIC assessment captures detailed information about the child's family or care arrangements, current situation and previous history. It can provide vital information on the child's individual and specific needs ongoing support, safety and care planning.

### (4) Child's ongoing safety and care plan

The child's ongoing safety and care plan must be completed in parallel with all aspects of the assessment and shared with recognised child specialist professionals. It is vital that for each matter relating to a child's needs and risks, the contact details for relevant professionals and agencies are recorded, together with scheduled next steps for implementation of action, including bridged referral to appropriate services.

### (5) Template for recording of all assessments and reviews

The template for recording all assessments and reviews is provided at the end of the Guide. These must be recorded and dated by all assessors and reviewers.

### Child's viewpoint:

The child should be given the opportunity throughout assessment to raise any questions or say how they feel and express any views. They should be encouraged, and given time to do so, but should not feel pressured. It is important to accurately record this. A child's viewpoint may be communicated in different ways depending on a child's age and understanding, for instance a child may wish to write something in their own words or even do a drawing. Support must be provided to enable a child's viewpoint to be shared, for instance through translation or support services.

## (1) Child's Key Details for each Assessment or Review

**The child's key details must be recorded and re-checked at the outset of each assessment and Review.** It is important that these are kept up to date in the event of a child going missing or being re-trafficked. See also child's further identity and contact details which should be captured at the first meeting in case a child is at risk of disappearance or (re)-trafficking.

<sup>854</sup> Angus Child Protection Committee (2019), Interagency Guidance for Professional Staff, p. 7.

<b>Child's key details</b>		<b>Notes and additional details</b>	<b>Document sources with dates.</b> Attach copies if possible.
<b>First name:</b>			
<b>Middle names:</b>			
<b>Surname:</b>			
<b>Prefers to be known as:</b>			
<b>Date of birth/age:</b>			
<b>Gender:</b>			
<b>Religious belief/religion:</b>			
<b>National or ethnic origin:</b>			
<b>Is there any dispute concerning age?</b>	<b>No</b>	<b>Yes</b> If so, the person should continue to be treated as a child.	
<b>Is child currently in nursery, school or college?</b>	<b>No</b> Take details of circumstances if child is of obligatory school age.	<b>Yes</b> Take all contact details and name of key contact professional	
<b>Is an interpreter required?</b> Female interpreters should be available to work with children.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Language &amp; dialect</b>	Record if child has preference for a previous interpreter
<b>Is disability access required?</b>	<b>No</b> Even where there are no disabilities stated or apparent, observe and check if the adult has any other individual needs for access support and record these.	<b>Yes</b> Provide full details together with any information which arises from observation of the child in the course of their assessment.	<b>Access arrangements required:</b> Ensure that any previous recorded disability needs are known and actioned prior to assessment.

<p><b>Has someone accompanied the child to the assessment today?</b></p> <p>If a parent or legally appointed parental guardian is to attend the substantive assessment, this must be assessed as a safe situation for the child, and be arranged by agreement beforehand.</p> <p>Otherwise, only a specialist professional who is working with the child may accompany them to the substantive assessment by arrangement beforehand.</p>	<p>If the person accompanying is doing so in a professional capacity, provide their name, organization and all contact details.</p>	<p>If the person accompanying is not doing so in a professional capacity, provide name and contact details, together with any notes on their relationship to the person they are accompanying.</p>	<p>If there are concerns about a person accompanying or influencing a child, record them here and on the <a href="#">immediate risk assessment</a>.</p> <p><b><u>If there are urgent immediate concerns, follow urgent safeguarding procedures without causing alarm to the child.</u></b></p> <p>If it is not clear whether there should be concerns, refer to advice in <a href="#">TICC</a> regarding vetting others who accompany survivors.</p>
<p><b>Does the child have dependent children?</b></p>	<p><b>No</b></p> <p>If the child is a parent of a child/children record all details.</p>	<p><b>Yes</b></p> <p>Take full details of each child.</p> <p>Refer directly to child specialist professionals working in the national child protection system.</p> <p>See: <a href="#">family information</a></p>	<p><b>Record next actions.</b></p>

## (2) Child's Immediate Risk Assessment

**An immediate risk assessment must be prioritized in all cases.** It is used to identify any present and immediate risks which require urgent safeguarding and protection measures. It can be helpful to use a 'traffic light' colour code system for quick reference to the level of risk and the need for next actions.

### **When completing the immediate risk assessment:**

The ***certain*** or ***suspected*** presence of any of the listed factors may necessitate further exploration of the topic and an immediate safeguarding or anti-trafficking response which should be recorded in the [child's ongoing safety and care plan](#) together with clear next steps for implementation of action.

- It is essential to record the full details of professionals and agencies which must be contacted and schedule urgent actions for implementation.
- In any case in which the respective factors are unknown, the action required to obtain this information should be recorded and implemented.
- If there are no concerns regarding a listed factor, this should still be recorded.

<b>Child's current situation</b>	<b>Certain</b> The immediate action which must be taken	<b>Suspect</b> Provide as much detail as possible as to why there are suspected concerns	<b>Unknown</b> Detail next steps that will be taken to find out more	<b>No Concerns</b> Detail why there are no concerns
<b>Trafficking history</b>				
<b>Does the child have a known or suspected trafficking history?</b> See: <a href="#">child's background history</a>				
<b>Family/Carer</b> See: <a href="#">child family or carer information</a>				
<b>Is the child alone?</b> See: <a href="#">unaccompanied or separated child</a>				
<b>Is the child in a country, area or town where they are not originally from or usually reside?</b> See: <a href="#">child family or carer information</a>				
<b>Is the child living with family members or other persons who are suspected or known to be abusive towards them?</b>				
<b>Does the child have dependent children?</b> In all cases consult child specialist professionals to ensure the <b>BIC assessment</b> of all children and the safety of the family as a whole.				

<p>Is there a person with the child, in contact with the child or otherwise influencing the child who is <u>not</u> a parent/ carer or working in a recognised professional capacity?</p> <p>See: <a href="#">child family or carer information</a>.</p>				
<p>Are there concerns about the family/ carer regarding exploitation or abuse: of the child, and/ or of other family members?</p>				
<p>Has the family/carer been involved in any part of exploitation concerning the child – for example facilitation / taken payments or neglect resulting in exploitation by others?</p>				
<p><b>Health</b></p> <p><i>For guidance on health needs and risks see handbook chapter: The Healthcare Needs of Survivors of Human Trafficking</i></p>				

<p><b>Are there immediate and acute health concerns? These may include substance dependency, sexual health and/ or mental health issues. Is the child considered to be at risk of:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>suicide</b></li> <li><input type="checkbox"/> <b>self-harm</b></li> <li><input type="checkbox"/> <b>self-neglect</b></li> <li><input type="checkbox"/> <b>accidents due to mental health problems or cognitive difficulties</b></li> </ul> <p>In all such cases ensure the involvement of appropriate healthcare services.</p>				
<p><b>Risks of abuse and exploitation.</b></p> <p>The <b>immediate risk assessment</b> should be completed alongside the <a href="#">ILO Child Trafficking Indicators</a> and other tools and trafficking indicators used by professionals within their specific remit. Note that indicators are not required to prove the exploitation of children, but these can characterize the elements of exploitation that children may suffer.</p>				
<p><b>Is the child exhibiting visible signs of or disclosing present physical abuse/ assault?</b></p>				

Is the child exhibiting signs of or disclosing present sexual abuse or assault?				
Is the child exhibiting signs or disclosing present and acute psychological stress or abuse?				
Is the child disclosing any other concerns about exploitation or abuse?				
Are there any other signs or indicators of exploitation?				
<b>Financial subsistence</b>				
Does the child lack access to regular food and water? Is there any food insecurity?				
Is the child adequately dressed?				
Is the child's hygiene maintained?				
Is the child destitute, homeless or living on the streets?				

<p><b>Is it known, or are there indicators that the child is:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">in debt to others</a></li> <li>• making informal payment to others</li> <li>• paying others for any services including (but not limited to) legal advice or representation.</li> </ul> <p><b>Note that having to pay for services can result in debts and further exploitation. Therefore this is a risk factor which should be sensitively explored.</b></p>				
<p><b>Accommodation</b></p>				
<p><b>Is the child <u>not</u> safe in their current accommodation for any reason?</b> This may include threat of others within the accommodation or in the area.</p> <p>For a child to have safe, secure and appropriate accommodation, they must feel safe at all times when they are there and be able to follow a daily child-centred routine which includes recreational activities.</p> <p>See: <a href="#">child family or carer information</a> and <a href="#">unaccompanied or separated child</a></p>				
<p><b>Has the child had any episodes of disappearance from their residence or from contact with services?</b></p>				

<p><b>If the child is of school age, are they not enrolled in school or not attending school?</b>  <b>See: <a href="#">child's education</a></b></p>				
<p><b>Legal status</b></p> <p>Complete: <a href="#">child's legal matters and legal status</a></p> <p>All children who are facing immigration, asylum or criminal justice procedures should have access to free child specialist legal advice and representation.</p>				
<p><b>Immigration</b></p>				
<p><b>Is the child an unaccompanied migrant?</b></p>				
<p><b>Is the child undocumented or without regular immigration status?</b></p>				
<p><b>Is a person who is not the child's parent or legally appointed guardian in possession of the child's identity documentation?</b></p> <p>Any concerns regarding family members, should be recorded in the <a href="#">family/carer</a> section above. See also: <a href="#">child's national background and language details</a> and <a href="#">child's legal matters and legal status</a></p>				

Is the child currently held in immigration detention? Has the child previously been held in immigration detention?				
Is the child's immigration status dependent upon an adult who is suspected or known to be abusive towards them?				
Is the child travelling to an onward destination either soon or in the future? If so, is there any concern that this is a trafficking risk?				
Is the child facing imminent or scheduled return to their country of origin or a third country?  See: <a href="#">child's legal matters and legal status</a>				
<b>Criminal Justice</b>  See: <a href="#">child's legal matters and legal status</a>				
Is the child in current conflict with the law?				
Has the child been recently arrested or accused of criminal offences?				
Is the child a defendant in a trial?				
Has the child been subjected to criminal exploitation?				

<b>IMMEDIATE NEXT STEPS</b> These should also be recorded in the <a href="#">ongoing safety and support plan</a> .	<b>Yes/No/ Maybe</b>	<b>Record all professionals and agencies to contact or liaise with urgently.</b>
<b>Are there immediate safeguarding concerns?</b>  <b>Is there an imminent safety risk in relation to exploitation / trafficking?</b>  <b>What do you plan to do to begin to address these issues?</b>  <b>Ensure to record all necessary details, plans and actions in the <a href="#">child's ongoing safety and care plan</a></b>		

### (3) Core BIC Assessment

#### Child's national background and language details

<b>Place of Birth:</b>			
<b>Country:</b>			
<b>Region/state/county:</b>			
<b>City/town/village:</b>			
<b>Birth registration document:</b>			
<b>National or ethnic origin:</b>			
<b>Nationality:</b>	<b>Passport or travel document</b> Record title and date of document, reference number and dates of duration and expiry – attach copies if possible.	<b>Other ID documents</b> Record title and date of document, reference number and dates of duration and expiry – attach copies if possible.	<b>Who is in possession of document:</b> Provide notes and contact details of person who is holding it.
<b>Languages:</b> See: <a href="#">education</a>	<b>Speaking:</b> <b>Fluent/partial</b>	<b>Reading and writing:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Notes</b>
<b>Primary languages spoken:</b> Preferred dialect (if any)  <b>Other Language(s) spoken:</b> Preferred dialect (if any)  <b>Preferred language:</b> Preferred dialect (if any)			

<b>Other languages:</b>			
<b>Is an Interpreter required?</b>  This applies for any child who is not entirely fluent in the language being spoken.  Female interpreters should be available for work with children.	<b>Language &amp; dialect</b>		<b>Child's preference for a previous interpreter (Notes)</b>

**Child's further Identity and Contact Details**

**The purpose of capturing the following additional identity details is two-fold:**

- 1) To ensure that in any case of disappearance or trafficking, all identity details of the child are known, including persons who may have influence or with whom they care in contact.
- 2) To open up discussion with the child which may lead to finding out more about whether a child has been trafficked or is at risk of human trafficking.

<b>Further identity &amp; contact details.</b>			
List all other <b>full names</b> child is known by, and record/attach copies of any related documents:			
List any <b>nicknames or familiar names</b> the child is known by and state who uses them and source of nickname.			
List all other <b>dates of birth</b> recorded for the child and record/attach copies of any related documents.			

<b>CHILD'S CONTACT DETAILS CHECK</b>	<b>Address of current residence and main contact</b>	<b>Telephone numbers</b>	<b>Contact emails and social media</b>
	If child resides or stays in more than one residence list this also.	Check who owns and/or has access to the child's phone.	How was the email set up?
	Check if it is safe and appropriate to send letters to current residence. Detail reasons for this where possible.	Check if the child has sufficient phone credit for SMS, calls and data.	How many email address does the child have?
		Check if the child receives and sends texts or makes phone calls via telephone apps such as Whatsapp, Viber, Instagram, Signal, Snap Chat, Facebook, etc.	Which email addresses do they regularly check? How do they check them?
		Check if the child answers their phone.	Check if the child can receive and send emails.
		Check if the child keeps the phone charged.	Ensure that the child has an email address they can use to contact for professional help and assistance at any time.
		Ensure that child has a telephone number to contact for professional help and assistance at any time.	Have a discussion about social media – does the child use social media?
			Which forums and names/handles do they use?

### **Unaccompanied or separated child information**

<b>Unaccompanied or separated child:</b>	<b>Details:</b>	<b>All notes and further actions:</b> <i>Record contact details for relevant professionals and services.</i>
<b>What are the child's circumstances?</b> See: <a href="#">child background assessment</a>		
<b>Does the child have a legally appointed parental guardian?</b>	Full names and contact details	Relationship notes

<b>Child has no appropriate parental/state care:</b>		Detail in Child Plan the scheduled next steps to locate a parental guardian
<b>Child State/statutory services or national child protection agency involved with the child:</b>		
<b>Is child in State residential care?</b>	Address and contact details of key contact	Notes and details  Include information on others who share residence. [If it is a large residential if a residential home state age range and client intake]
<b>Other child services, NGOs or charities involved:</b>		

#### Child's Family/Carer Information

<b>Family/carer information</b>	<b>Full names and contact details</b>	<b>Relationship notes and actions</b>
<b>Parental Care:</b>		
<b>Care by other family members:</b>		
<b>Care from parental guardian or carer (legally appointed):</b>		
<b>Care from any person who is not a legally appointed parental guardian/carer</b>		
<b>Other members of family including siblings:</b> See: <a href="#">BIC assessment</a>		

<p><b>Does the child have a child/children of their own?</b></p> <p><b>In all cases consult child specialist professionals to ensure the safety of all children and the family as a whole.</b></p> <p>See: <a href="#">child's family or carer information</a></p>	<p><b>No</b></p>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Names and dates of birth.</li> <li>Record any other names and dates of birth used.</li> <li>Record if a child is deceased.</li> </ul> <p><b>If children are currently located in another area or country,</b> provide details and their current care arrangements or record if they are a separated, missing or unaccompanied child. Detail any plans for family reunion.</p> <p><u>Any concerns about a child's safety should be passed on to the relevant agency in accordance with child safeguarding procedures.</u></p> <p><b>If children are currently located with the parent,</b> arrangements should be made for child specialist professionals to provide a BIC assessment for each child. See: <a href="#">BIC assessment guide</a> and <a href="#">ongoing safety and care plan</a>.</p>
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**If child has a partner:**

<p><b>If the child refers to having a current or previous partner<sup>855</sup></b></p>	<p><b>Full names, age and contact details, or location of the partner if contact details not provided.</b></p> <p><b>Record the duration of the relationship and the current and latest contact.</b></p>	<p><b>Any further actions</b></p>
<p><b>Which of the following apply:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Has a sexual/romantic partner</b></li> <li><input type="checkbox"/> <b>Is married</b></li> <li><input type="checkbox"/> <b>Has a traditional or arranged marriage</b></li> <li><input type="checkbox"/> <b>Is in a forced marriage</b></li> </ul>		

**If child is pregnant:**

Ensure that girls have access to **pregnancy testing** if needed.

<p><b>If child is pregnant:</b></p>	<p><b>Check and record whether they are in receipt of pre-natal healthcare:</b></p> <ul style="list-style-type: none"> <li>Provide due date (if known)</li> <li>Hospital contact details</li> <li>Doctor's surgery contact details</li> <li>Doctor and Midwife's contact details</li> </ul>	<p><b>If they are not in receipt of adequate pre-natal healthcare:</b></p> <p>Provide a plan including the name and contact details of relevant professionals to provide access to pre-natal healthcare services.</p> <p>Ensure that child specialist support is in place.</p> <p>Record all actions in the <a href="#">child ongoing safety and care plan</a>.</p>
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<sup>855</sup> Sexual relations between adults and individuals below the age of 18 are regulated by national and/or regional/state jurisdictions and may constitute statutory rape depending on the jurisdiction and the age of the minor.

**Accommodation**

Consider if any accommodation provided is specifically safe and appropriate for the individual child.	Address, name of homeowner, landlord or key accommodation provider.	All notes and any further actions. Capture any information concerning expected duration of residence/expiry date for residence. Are there any concerns about trafficking exploitation in relation to this accommodation?
Homeless, without accommodation		
Family accommodation (give full details)		
Accommodation with legally appointed parental guardian or foster carer		
Sheltered child accommodation ('safe house')		
State-funded residential accommodation		
NGO-funded residential accommodation		
Private housing arrangements		Include any details of moving from place to place, intermittent periods of destitution and relationships within private accommodation arrangements.

Lawyers and other professionals for accommodation matter	No Record actions to obtain a lawyer and the details of other relevant professionals.  Record the name and contact details of any previous lawyers and other professionals involved.	Yes Name and Contact Details Is lawyer provided by:  <input type="checkbox"/> legal aid <input type="checkbox"/> pro bono legal services <input type="checkbox"/> private funding

**Financial and material subsistence**

<b>Financial, material subsistence for the child</b>	<b>Provide full details:</b>	<b>All notes and any further actions:</b> <i>Capture any information concerning expected duration of financial and/or material support. Are there any concerns about trafficking exploitation in relation to financial or material subsistence?</i>
<b>No means of financial support/subsistence</b>		
<b>Form of payment for labour or employment</b>		Detail form of employment, whether part time or full time and how paid. See: <a href="#">employment</a>
<input type="checkbox"/> <b>State-funded financial support</b> <input type="checkbox"/> <b>State-funded material support</b>		
<input type="checkbox"/> <b>NGO/charity-funded financial support</b> <input type="checkbox"/> <b>NGO/charity-funded material support</b>		
<b>Supported by family/friends or acquaintances</b>		
<b>Source of income unknown</b>		

**Child's Education**

<b>Education</b>	<b>State if child is attending currently:</b>	<b>Address and details:</b>	<b>Key contact person and contact details:</b>	<b>Age when child left educational institution:</b> <b>Any significant periods of absence?</b> <b>Any history of suspension or exclusion?</b>
<b>Primary School:</b>				
<b>Secondary School:</b>				

<b>Tertiary Education (college/technical/training or apprenticeship):</b>				
<b>Qualifications:</b>				
<b>Has child been reported missing from school or tertiary education?</b>				

### **Child's Current Health**

**This section relates to the potential vulnerabilities or needs for children in respect of current health issues. Consider which professionals should be liaised with to support this assessment.**

<b>Physical health issues, including current prescriptions and allergies:</b>  <i>Details:</i>		
<b>Learning difficulties / developmental issues:</b>  <i>Details:</i>		
<b>Mental health issues:</b> <b>Is child considered to be at risk of:</b> <ul style="list-style-type: none"> <li>• suicide</li> <li>• self-harm</li> <li>• self-neglect</li> <li>• having accidents due to mental health issues</li> </ul> <i>Details:</i>		
<b>Sexual health issues:</b>  <i>Details:</i>		
<b>Substance dependency:</b>  <i>Details:</i>		
<b>Have any of these factors been an issue / addressed in the past:</b>  <i>Details:</i>		

<b>Healthcare professionals and services</b>	<b>No</b> Provide a plan including the name and contact details of relevant professionals to schedule registration with a primary doctor and/or health check with adult's informed consent.	<b>Yes</b> Provide name and contact details of primary doctor or other health professionals and clinic/hospital or practice.
Is the child registered with a primary doctor?		
Is the child undergoing healthcare appointments or treatment for physical healthcare		
Is the child undergoing healthcare appointments or treatment for mental healthcare		

### **Employment Background**

<b>Employment background</b>	<b>No</b>	<b>Yes</b>	
Is the person in current employment?		Provide relevant details including form of employment, type of work, name of employer and contact details: <ul style="list-style-type: none"> <li>• Salaried part time</li> <li>• Salaried full time</li> <li>• Freelance</li> <li>• Formally self-employed</li> <li>• Informal labour</li> <li>• Other</li> </ul>	<b>Are there any concerns about child labour, exploitation in any form of labour or employment?</b> Is the child receiving at least the national minimum wage for their work? Detail health and safety conditions. Use the <a href="#">ILO indicators</a> .
Provide details of any previous employment:		Provide relevant details including form of employment, type of work, name of employer and contact details: <ul style="list-style-type: none"> <li>• Salaried part time</li> <li>• Salaried full time</li> <li>• Freelance</li> <li>• Self-employed</li> <li>• Other</li> </ul>	<b>Are there any concerns about child labour, trafficking or exploitation?</b> Detail wages provided and health and safety conditions:

<p><b>Is the child currently seeking employment?</b></p>		<p>Provide relevant details including form of employment, type of work, name of employer and contact details.</p> <ul style="list-style-type: none"> <li>• Salaried part time</li> <li>• Salaried full time</li> <li>• Freelance</li> <li>• Self-employed</li> <li>• Other</li> </ul>	<p><b>If the child is of obligatory school age, complete 'Child's education section' and schedule next actions to ensure continuation of education in the child's <a href="#">child ongoing safety and care plan</a>.</b></p> <p>If the child is of working age, are they receiving support with education/training and/or their job search? If so what source? Provide relevant details and contact information</p>
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**Child's Social Inclusion**

**This section relates to the potential vulnerabilities / needs for children in respect of inclusion / discrimination issues.** For each item, consider appropriate professionals and services that are required to support social inclusion.

<p><b>Child's Social Inclusion</b></p>	
<p><b>Peer support:</b></p>	
<p><b>Friends in the community/ accommodation:</b></p>	
<p><b>Access to public transport links:</b></p>	
<p><b>Access to local shops and services:</b></p>	
<p><b>Access to community services:</b></p>	
<p><b>Access to safe online services:</b></p> <ul style="list-style-type: none"> <li>• Does child have unsupervised access? Have they received safe access advice?</li> </ul>	
<p><b>Cultural and/or religious needs supported (e.g., religious observances, dietary needs, etc.):</b></p>	
<p><b>Education and/or training:</b></p>	
<p><b>Employment or work experience placement:</b></p>	

## Child's Legal matters and Legal Status

### Age dispute

<b>Dispute or uncertainty about minor age</b>	<b>Is there a dispute about the child's age?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Details:</b>	<b>Age estimation assessment required, requested or scheduled?</b>	<b>Related documents and key contacts</b>
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<b>Lawyers for age dispute matter</b>  <b>See handbook chapter:</b> <a href="#">Age dispute and age estimation assessment in relation to identification of young people as victims of trafficking</a>	<b>Yes</b>  Name and Contact Details	<b>No</b>  Record actions to obtain a lawyer and the details of other relevant professionals including social worker, parent or parental guardian, and guardian advocate. Provide a detailed record of action in the child's <a href="#">ongoing safety and care plan</a> .
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### National Referral Mechanism

<b>Child's NRM Status</b>	<b>Not in NRM</b> <i>If not in NRM record and schedule any further actions for legal advice and other professional support concerning referral</i>	<b>Identification stage:</b>	<b>Notes and contact details for relevant professionals including legal representative or Lawyer</b>	<b>Next steps:</b> <b>If not in NRM state any relevant actions for referral</b>
<b>Stage 1: Preliminary identification</b>		<input type="checkbox"/> Possible victim of trafficking-decision/Pre-NRM <input type="checkbox"/> Positive decision (in R&R period) <input type="checkbox"/> Negative decision		
<b>Stage 2: Conclusive identification</b>		<input type="checkbox"/> Pending decision <input type="checkbox"/> Positive decision <input type="checkbox"/> Residence permit <input type="checkbox"/> Negative decision: <input type="checkbox"/> Reconsideration <input type="checkbox"/> Judicial appeal		

<b>Lawyers for NRM matter</b>	<b>Yes</b> Name and Contact Details	<b>No</b> Record actions to obtain a lawyer and the details of other relevant professionals.
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**Immigration/international protection status**

<b>Child's Immigration Status</b>		<b>Notes:</b> <i>Attach or record documents</i> <i>Dates of expiry</i>
<b>Citizenship:</b>		
<b>Refugee Status:</b>		
<b>Residence Permit:</b>		
<b>Undocumented:</b>		
<b>Stateless:</b>		
<b>Other:</b>		

<b>Lawyers for immigration, asylum or international protection matter</b>	<b>Yes</b> <b>Name and Contact Details</b> Is lawyer provided by: <input type="checkbox"/> legal aid <input type="checkbox"/> pro bono legal services <input type="checkbox"/> private funding	<b>No</b> <i>Record actions to obtain a lawyer and the details of other relevant professionals.</i> Take the name and contact details of any previous lawyers involved.
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**Immigration detention**

<b>Child's previous or current administrative immigration detention</b>	Detention facility	Period of detention (dates of duration)	If child is currently in administrative detention: <i>Assessors must notify and/or appoint relevant professionals urgently to secure their safe release, e.g. social worker, parent or parental guardian, lawyer and guardian advocate. They must provide a detailed record of section in the <a href="#">child's ongoing safety and care plan</a></i>
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<b>Lawyers for immigration detention matter</b>	<b>Yes</b> <b>Name and Contact Details</b> <b>Is lawyer provided by:</b> <input type="checkbox"/> legal aid <input type="checkbox"/> pro bono legal services <input type="checkbox"/> private funding	<b>No</b> <i>Record actions to obtain a lawyer and the details of other relevant professionals.</i> <i>Record the name and contact details of any previous lawyers involved.</i>
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## Criminal Justice

### Criminal Justice – Child is informant or witness

<b>Criminal justice matters</b>	<b>Description of criminal justice matter and any relevant dates (whether current or previous):</b>	<b>Is the child supported throughout criminal justice matters? Yes or No</b>	<b>Key contact professional: Name and details</b>	<b>Outcome if case is concluded:</b>
<b>Informant or witness for criminal investigation</b>	Details of criminal investigation Include crime reference number if available.	Notes on the support provided to the child specifically on the criminal justice matter	Police force and key contact within the police How is the child supported for criminal justice procedures?	
<b>Is there a scheduled or intended meeting with police or lawyer</b>	Details of meeting	Key contact professional: Name and details	Attendees in support of the child	
<b>Does the child have a claim for criminal compensation</b>	Details of compensation claim	Complete lawyer section below		

<b>Lawyers for criminal justice matter as informant or witness</b>	<b>No</b> Record actions to obtain a lawyer and the details of other relevant professionals including social worker, parent or parental guardian, and guardian advocate. Provide a detailed record of action in the <a href="#">child's ongoing safety and care plan</a>	<b>Yes</b> Name and Contact Details
<b>Is a lawyer representing the child in relation to a claim criminal compensation?</b>	<b>No</b> It is important to ensure that free legal advice relating to criminal compensation is provided by a lawyer.	<b>Yes</b> Name and contact details, if different to the lawyer for criminal justice matter above.

**Criminal Justice – child is alleged of offence**

<b>Criminal Justice Matters</b>	<b>Is the child supported throughout criminal justice matters? Y/N</b>	<b>Key contact professional: Name and details</b>	<b>Outcome if case is concluded</b>	<b>Attach all relevant documentation received and submitted.</b> <i>Detail any further or next steps</i>
<b>Is the child currently in prison or another detention facility?</b>	Yes No	Name and address of facility	Key contact person	Notes and next steps
<b>Does the child have a criminal record or a previous history of involvement by law enforcement?</b>	Date of criminal record		Provide details and names of any lawyers or law enforcement officers/detectives involved  Contact details of relevant lawyer	
<b>Alleged current criminal offences:</b>	Details of alleged offences and crime reference number (if available)		Key contact regarding offences matter	
<b>Accused in criminal trial:</b>	Details of key contact professionals and any scheduled meetings	Details of criminal trial including location and dates	How is the child supported for criminal justice procedures?	Notes

<b>Previous conviction with detention or duration in pre-trial detention or juvenile detention centre:</b>	Location/dates/duration		Notes	
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<b>Lawyers for criminal justice matter as a person suspected of criminal offences and/or an accused.</b>	<b>No</b>	<b>Yes</b>
	<p>Record actions to obtain a lawyer and the details of other relevant professionals including social worker, parent or parental guardian, and guardian advocate.</p> <p>Provide a detailed record of action in the child's <a href="#">ongoing safety and care plan</a></p> <p>Record the name and contact details of any previous lawyers involved.</p>	<p>Name and Contact Details</p> <p>Is lawyer provided by:</p> <p><input type="checkbox"/> legal aid</p> <p><input type="checkbox"/> pro bono legal services</p> <p><input type="checkbox"/> private funding</p>

**Civil procedures – child is involved in civil procedures or claiming compensation**

<b>Civil matters</b>	<b>Details:</b>	<b>Key contact person and details:</b>	<b>Outcome if case is concluded:</b>	<b>Attach all relevant documentation received and submitted.</b> <i>Detail any further/next steps:</i>
<b>Access to Compensation:</b>				
<b>Access to specialist support services, welfare, health services, access to education:</b>				
<b>Other:</b>				

<b>Lawyers for civil procedures</b>	<b>Yes</b>	<b>No</b>
	<p>Name and Contact Details</p> <p>Is lawyer provided by</p> <p><input type="checkbox"/> Legal aid</p> <p><input type="checkbox"/> Pro bono legal services</p> <p><input type="checkbox"/> Private funding</p>	<p>Record actions to obtain a lawyer and the details of other relevant professionals including social worker, parent or parental guardian, and guardian advocate. Provide a detailed record of action in the <a href="#">child's ongoing safety and care plan</a></p>

## **Child's background history:**

**The purpose of collating information relating to a child's background history is to understand the child's family circumstances and wider context in order to identify related current risks or vulnerabilities.** Failure to assess a child's background and provide appropriate individual support may result in future increased vulnerability to trafficking and exploitation.

Reference to the Scottish Government's **Child Trafficking Assessment Guide** may help professionals to identify possible vulnerability issues. A detailed **chronology, Ecomap and genogram**<sup>856</sup> are useful tools which can aid dynamic assessment. These should identify significant events, developmental milestones, and quality of relationships.

**A background history of a child's life should be prepared by assessors beforehand with reference to existing professional contacts and documentation.** It must never be an onerous process for the child, if it is conducted as a gentle conversation, using trauma-informed methods of working, it can provide a gateway to key information needed for the child's protection and wellbeing.

<b>Record details of the following since the child was born:</b>	<b>Provide full details and relevant dates.</b>  If chronological dates cannot be provided, partition the account into person's ages or stages/markers.	<b>Name and contact details of relevant professionals and services and notes for next action.</b>
<b>Is there a known trafficking history?</b>	Record all trafficking events, traffickers and forms of exploitation including mixed exploitation.	
<b>Have any of the child's family members been trafficked themselves or otherwise been involved with human trafficking:</b> <input type="checkbox"/> as a trafficker <input type="checkbox"/> as a victim <input type="checkbox"/> as a person at risk of trafficking	Record all trafficking events, traffickers and forms of exploitation including mixed exploitation.	
<b>The child's family/ carer history</b>		
<b>If the child has come to your attention as a separated child at what age did they become separated from carers?</b>		

<sup>856</sup> A genogram maps families and relationships and is therefore particularly useful for child trafficking. Scott, Hannah (2021) Using genograms in social work practice. See: Calder, Martin C., McKinnon, Moira, Sneddon, Rikki in partnership with Garth Associates (2012). National Risk Framework to Support the Assessment of Children and Young People.

<b>Family's migration status</b>		
<b>Family history</b>		
<b>Was child the head of the household or have caring responsibilities?</b>		
<b>Did the family experience marginalization or discrimination?</b> <b>Is there any history of the family being socially isolated, without any support networks?</b>		
<b>Did the family experience environmental or community poverty?</b>		
<b>Did the family experience conflict with the law?</b>		
<b>Did the family experience political persecution?</b>		
<b>Any history of violence and physical abuse in family?</b>		
<b>Any history of sexual abuse in family?</b>		
<b>Any history of mental health issues within family?</b>		
<b>Any history of physical health issues in family?</b>		
<b>Any history of substance dependency issues in family?</b>		
<b>The child's home environment since birth?</b>		
<b>Quality of housing?</b>		

<b>Frequent changes of accommodation / no stable accommodation/ homelessness?</b>		
<b>Any history of the child's home environment being unsafe/ chaotic/violent/ dangerous?</b>		
<b>Any history of child living on the streets or with others who are not carers?</b>		
<b>Any history of child living in State residential care?</b>		
<b>Any history of child being held in detention or prison?</b>		
<b>History of crisis or difficulty external to home and family?</b>		
<b>Is the child from an area of war/conflict?</b>		
<b>Has the child experienced natural/human disaster?</b>		
<b>Has the child experienced pandemic/ global health issues?</b>		
<b>Are there other vulnerability issues present?</b>		

#### (4) Child's Ongoing Safety and Care Plan

**It is important to identify the lead professional responsible for ensuring that the child's ongoing safety and care plan is adhered to, and its implementation is monitored.** It provides the overall plan for the child who is assessed. It must be completed in parallel with any assessment and kept updated at every further assessment or review. Consider all relevant professionals who are needed to work with to implement this plan and ensure their names and contact details are fully recorded together with next steps for action.

<b>Immediate safeguarding risks:</b>	<b>Lead agency, professional or service and contact details:</b>	<b>Completed date or ongoing:</b>
<p><b>In terms of trafficking / exploitation concerns the issues identified below all need to be considered to support protection</b></p> <ul style="list-style-type: none"> <li>➤ <b>Are there immediate safeguarding concerns?</b></li> <li>➤ <b>Is there an imminent safety risk in relation to exploitation / trafficking?</b></li> <li>➤ <b>What do you plan to do to begin to address these issues?</b></li> </ul>		
<p><b>Family / community contact</b> Details (who to contact / when / contact details)</p>		
<p><b>Accommodation</b> Details (who to contact/when/contact details)</p>		
<p><b>Health</b> Details (who to contact / when / contact details)</p>		
<p><b>Education / training</b> Details (who to contact / when / contact details)</p>		
<p><b>Legal support / immigration</b> Details (who to contact / when / contact details)</p>		
<p><b>Social inclusion</b></p>		
<p><b>Are there suspected risks online for the child</b> – detail action to be taken and services consulted.</p> <p>Record scheduled actions for online safety advice, mentoring/education or training, together with lead professional or agency.</p>		
<p><b>Date of initial completion</b></p>		
<p><b>Date of next review</b></p>		

## (5) Template Record for all Assessments and Reviews

Assessors	Dates of Assessments	Location of Assessments (address)	Duration of Assessments	Date of next review(s)	Lead agency or decision maker

### Details for each Assessment or Review

Date of assessment:	Location of assessment:	Organization or agency:	Contact details:	
<b>Assessor: Name and professional role</b>	Organization or agency and contact details	Professionals and other persons present (for fuller notes, input in specific questions on professionals)		
<b>Guardian advocate (or equivalent) – if not the assessor</b>	Organization or agency and contact details	Name and contact details of guardian advocate	If there is no guardian advocate detail next steps to locate a guardian advocate or equivalent	Guardian advocate direct contact with child and regularity: notes
<b>Interpreter if present</b>		Language and dialect	Agency, full name, contact details	Proof of vetting/ police check
<b>Child services and organizations involved with the child</b>	Provide the details and contact information of all agencies involved with the child (in all countries)	Main contact name and service/org	Official address, email and phone number for service or organization.	Notes: Nature of involvement with the child.  See: <a href="#">legal matters and status</a>

## 21 Glossary of Terms

### **Agreements, bilateral/multilateral**

Shall refer to an international instrument for co-operation involving two parties for bilateral agreements, and three or more parties for multilateral agreements. Each party owes the same obligations to all other parties, except to the extent that they have stated reservations. In the context of human trafficking, States should consider bilateral or multilateral agreements or arrangements to give effect to their law enforcement or judicial assistance obligations in investigating, prosecuting and trying human traffickers. Bilateral or multilateral agreements and arrangements reflect the realization that transnational crimes, including human trafficking, can be addressed effectively only through the collaboration of law enforcement and judicial agencies.<sup>857</sup>

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### **Anti-trafficking focal leads**

Shall mean, in the context of NRMs, trained and experienced actors allocated within specific sectors who have contacts and routes of referral and to whom suspected cases can be directly referred.

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### **Asylum**

Refers to the obligation of States to grant international protection to individuals who are in well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, are outside the country of their nationality and are unable or, owing to their fear, unwilling to avail themselves of the protection of that country, as enshrined in the Convention Relating to the Status of Refugees, also known as the 1951 Refugee Convention or the Geneva Convention of 28 July 1951.<sup>858</sup> In some countries, laws provide for different procedures for asylum claims (processes of “affirmative asylum” for individuals who are not in removal proceedings and “for persons who raise such fears in the context of removal proceedings (“defensive asylum processes”).<sup>859</sup>

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### **Asylum seeker**

Shall mean an “individual who is seeking international protection. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every recognized refugee is initially an asylum seeker.”<sup>860</sup>

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### **Best interests determination**

Shall mean a “[f]ormal process with strict procedural safeguards designed to determine the child’s best interest for particularly important decisions affecting the child.”<sup>861</sup>

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### **Child**

Any person under 18 years of age.<sup>862</sup>

<sup>857</sup> UNODC (2008), [Toolkit to Combat Trafficking in Person: Tool 4.9 Bilateral and multilateral co-operation agreements or arrangements](#), p. 166.

<sup>858</sup> UNHCR (2011), [The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol](#), p. 3.

<sup>859</sup> UNHCR (n.d.), [Defensive Asylum](#); See also *Ibid.* (n.d.), [Affirmative Asylum](#).

<sup>860</sup> IOM (2019), [Glossary on Migration](#), p. 14.

<sup>861</sup> UNHCR (n.d.), [Best interest determination](#).

<sup>862</sup> UN General Assembly (1989), [Convention on the Rights of the Child](#), 20 November 1989, Article 1.

**Child sexual abuse material (CSAM)**

Shall refer to materials depicting acts of sexual abuse and/or focusing on the genitalia of the child.<sup>863</sup> CSAM takes many forms including photos and videos chronicling sexual abuse, live-streaming videos of abuse on-demand, and other “forms of material representing child sex abuse and exploitation, such as audio files, written story lines, or other potential forms of recording.”<sup>864</sup> There is a significant degree of overlap between the markets for CSAM and child sex trafficking; a trafficked child may be exploited not only for direct sale to purchasers, but may also be exploited through the online trade and sale of photos and videos of the child in sexual situations or being sexually abused.<sup>865</sup> CSAM can be used as a form of online marketing to advertise victims of child sex trafficking as “pimps use pornography, especially online, to sell trafficking victims to Johns.”<sup>866</sup> While the CSAM market bolsters the demand for and tolerability of child sexual exploitation, including technology facilitated child sex trafficking, legislative and preventive efforts directed towards banning CSAM do not sufficiently encompass technology-facilitated child sex trafficking.

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**Compensation**

Shall mean any payment, received through domestic legal systems measures, for the damage victims of human trafficking have suffered. States Parties to the Palermo Protocol “shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.”<sup>867</sup>

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**Consent**

Shall mean the permission for something to happen or agreement to do something. In the context of human trafficking and as it applies to a victim of trafficking under Article 3 of the Palermo Protocol, consent shall be irrelevant where any of the means set forth in subparagraph (a) of this article have been used. Under the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, states parties agree to, “punish any person who, to gratify the passions of another procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person.”<sup>868</sup>

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**Contact Card**

Shall mean a piece of information for victims of trafficking containing a record of the contact details of the professional organization that assists them, together with a concise summary of their rights in a language and format that they can understand.

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**Country of destination**

Shall refer, in the context of human trafficking, to the country where a trafficked person has been taken or is being taken for the purpose of her or his exploitation.

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**Country of origin**

Shall refer, in the context of this publication, to a country or countries of nationality or, for stateless persons, of former habitual residence. In certain instances, including, for example, under the EU Dublin Regulation, this may also refer to a country of transit.

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**Country of transit**

Shall refer, in the context of this publication, to a country through which human beings are trafficked transnationally and temporarily prior to arrival to the destination country.

<sup>863</sup> ECPAT (n.d.), [Fact Sheet on Child Sexual Abuse Material](#).

<sup>864</sup> [Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Interagency Working Group on Sexual Exploitation of Children](#), Luxembourg, 28 Januar 2016, 59, pp. 39-40.

<sup>865</sup> Lillie, M. (2014), [The Connection Between Sex Trafficking and Pornography](#), Human Trafficking Search.

<sup>866</sup> Sellars P. (2016), [‘The Relationship Between Pornography, Trafficking, and the Sexual Abuse of Children’](#), D2L, 9 August 2016.

<sup>867</sup> UN General Assembly (2000), [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Article 6(6).

<sup>868</sup> UN General Assembly (1949), [Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others](#), 2 December 1949, A/RES/317, Article 1(1).

**Criminal justice sector** Shall mean a system or a set of institutions that is directly involved in apprehending, investigating, prosecuting, defending, sentencing, and punishing those who are suspected or convicted of criminal offenses.<sup>869</sup> It is a set of legal and social institutions for enforcing the criminal law in accordance with a defined set of procedural rules and limitations.<sup>870</sup>

**Debt bondage** Shall mean, “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.”<sup>871</sup>

**Demand** Shall mean, in the context of human trafficking, individuals’ acts and behaviors, and socio-cultural systems that lead to fostering all forms of exploitation of persons, especially women and children, that lead to trafficking. Under international law, states are required to adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral co-operation, to discourage the demand for cheap goods and services, prostitution, slavery or practices similar to slavery, servitude or the removal of organs, which, respectively, lead to all forms of human trafficking.<sup>872</sup>

**Discrimination against girls and women** Shall mean directly or indirectly treating girls and women differently from boys and men in a way that prevents them from enjoying their rights, simply because they are male or female, rather than on the basis of objective criteria or their individual situation. Discrimination can be direct or indirect. Direct discrimination against girls and women is generally easier to recognize as the discrimination is quite obvious. For example, in some countries, women cannot legally own property; they are forbidden by law to take certain jobs; or the customs of a community may not permit girls to attend higher education. Indirect discrimination against girls and women can be difficult to recognize. It refers to situations that may appear to be unbiased but result in unequal treatment of girls and women. For example, a job for a police officer may have minimum height and weight criteria that women are unlikely to fulfill. As a result, women may be unable to become police officers.<sup>873</sup>

**Exploitation** Shall include, in the context of human trafficking, 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.<sup>874</sup>

**Exploitation of prostitution** Shall mean, “the unlawful obtaining of financial or other material benefit from the prostitution of another person.”<sup>875</sup> The 1949 Convention requires parties to that Convention to punish any person who exploits the prostitution of another person, even with the consent of that person.<sup>876</sup> Article 6 of CEDAW requires States parties to, “take measures to suppress all forms of traffic in women and exploitation of the prostitution of women.”<sup>877</sup>

<sup>869</sup> Lexico (n.d.), [criminal justice system](#).

<sup>870</sup> Frase, R. S., & Weigner, Robert R. (2002), Criminal Justice System, in: Dressler, J. (ed.) Encyclopedia of crime & justice, 2nd Ed.

<sup>871</sup> UN General Assembly, [Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery](#), 30 April 1956, Article 1(a).

<sup>872</sup> UN General Assembly, [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Article 9(5).

<sup>873</sup> See UN Women (n.d.), [Gender Equality Glossary](#).

<sup>874</sup> UN General Assembly, [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Art. 3(a).

<sup>875</sup> UNODC (n.d.), [Model Law against Trafficking in Persons](#), p. 13.

<sup>876</sup> [Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others](#), 2 December 1949, A/RES/317.

<sup>877</sup> UN General Assembly (1979), [Convention on the Elimination of All Forms of Discrimination Against Women](#), 18 December 1979, Article 6.

<b>Expungement of convictions</b>	Shall mean the removal of a conviction, “from the movant’s criminal record. However, the conviction itself is not undone, and the finding of guilt is not voided. Practically, expungement (or, in many jurisdictions, ‘expunction’) relieves clients of many collateral consequences of the conviction—for example, an expunged conviction does not appear in a background check.” <sup>878</sup>
<b>First responders</b>	Shall mean, in the context of human trafficking, individuals trained to identify human trafficking, to stabilize and control a situation of human trafficking, to assist victims and pass information on to investigators. <sup>879</sup>
<b>Forced labour</b>	Shall mean, “all work or service that is exacted from any person under the menace of any penalty and for which the said person has not offered himself [or herself] voluntarily.” <sup>880</sup>
<b>Gender</b>	Shall refer to the social attributes and opportunities associated with being a man and a woman and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context/time-specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader socio-cultural context. <sup>881</sup>
<b>Gender-sensitive approaches</b>	Shall mean the attempt to redress existing gender inequalities when designing and implementing projects, programmes and policies. <sup>882</sup>
<b>Gender equality (Equality between women and men)</b>	Shall refer to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women’s and men’s rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women’s issue but should concern and fully engage men, as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development. <sup>883</sup>
<b>Gender mainstreaming</b>	Shall mean to “situate principles of gender equality at the centre of policy decisions, medium-term plans, programme budgets, and institutional structures and processes,” <sup>884</sup> and, “calls for the integration of a gender perspective in development activities.” <sup>885</sup>
<b>Gender perspective</b>	Shall refer to a way of seeing or analyzing issues that look at the impact of gender on people’s opportunities, social roles and interactions. This way of seeing is what enables one to carry out gender analysis and subsequently to mainstream a gender perspective into any proposed programme, policy or organization. <sup>886</sup>

<sup>878</sup> American Bar Association (2016), [Post-Conviction Advocacy for Survivors of Human Trafficking: A Guide for Attorneys](#), January 2016, p. 9.

<sup>879</sup> UNODC (n.d.), [First Aid Kit for Use by Law Enforcement First Responders in Addressing Human Trafficking](#), page 3.

<sup>880</sup> International Labour Organization (ILO), [Forced Labour Convention](#), C29, 28 June 1930, Article 2(1).

<sup>881</sup> See definition of gender as defined by UN Women. UN Women (n.d.), [Concepts and definitions](#).

<sup>882</sup> See UN Women (n.d.), [Gender Equality Glossary](#).

<sup>883</sup> See UN Women (n.d.), [Gender Equality Glossary](#).

<sup>884</sup> Office of the Special Advisor on Gender Issues and Advancement of Women (2001), [Gender Mainstreaming: Strategy for Promoting Gender Equality](#).

<sup>885</sup> UNICEF (2016), [Human Rights-based Approach to Programming](#).

<sup>886</sup> *Ibid.*

**Gender-based Violence (GBV)**

Shall refer to an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (gender) differences between females and males. The nature and extent of specific types of GBV vary across cultures, countries and regions. Examples include sexual violence, including sexual exploitation/abuse and exploitation of prostitution; domestic violence; human trafficking; forced/early marriage; harmful traditional practices such as female genital mutilation; honour killings; and widow inheritance.<sup>887</sup> There are different kinds of violence, including (but not limited to) physical, verbal, sexual, psychological and socioeconomic violence.

**Golden Day**

Shall refer to an initial period of intensive individualized support and supervision of child victims of trafficking who enter children's accommodation. The Golden Day is designed to interrupt and sever the controlling relationship of traffickers by creating the time, space and trauma-informed environment that is necessary for a child to take rest and to develop a mutual, working relationship of trust with professionals who are taking care of them.

**Grooming**

Shall refer, in the context of human trafficking, to the solicitation of adults and children for all forms of exploitation, including sexual exploitation. "Grooming/online grooming" refers to the process of establishing/building a relationship with an adult or child either in person or through the use of the Internet or other digital technologies to facilitate either online or offline sexual contact with that person.<sup>888</sup> "Online grooming is the process by which an individual befriends a person for online sexual contact, sometimes with the involvement of webcams that can allow 'sharing' of the exploitation among networks of child sexual abusers, and sometimes extending to a physical meeting to commit sexual abuse."<sup>889</sup> The areas of cyberspace that enable abusers to groom potential victims include chat rooms, social networking sites, gaming platforms and instant messaging.

**Human rights-based approach**

Shall refer to a conceptual framework that is normatively based on regional and international human rights standards and that is operationally directed at promoting and protecting human rights. A human rights-based approach to gender issues uncovers how human rights issues affect women and men differently and how power relations and gender-based discrimination affect the effective enjoyment of rights by all human beings.<sup>890</sup>

**Human trafficking, trafficking in human beings, or trafficking**

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, abduction, fraud, deception, the abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.<sup>891</sup>

**International protection**

Shall refer to actions taken that, on the basis of international law, aim to protect the fundamental rights of a specific category of persons located outside their countries of origin who lack the national protection of their own countries.

**Legal redress**

Shall mean that each state shall ensure that victims have access, as from their first contact with the competent authorities, to relevant judicial and administrative proceedings, including the right of victims to compensation from the perpetrators. It includes the provision of information in a language that they can understand; as well as legal assistance and free legal aid for victims under the conditions provided by law.<sup>892</sup>

<sup>887</sup> See UN Women (n.d.), [Gender Equality Glossary](#).

<sup>888</sup> ECPAT International (2016), [Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse](#), p. 51.

<sup>889</sup> UNICEF (2011), [Child Safety Online: Global challenges and strategies](#), p. 2.

<sup>890</sup> UNICEF (2016), [Human Rights-based Approach to Programming](#).

<sup>891</sup> See the definition of THB as defined in the [UN General Assembly Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children](#), Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000, Article 3(a).

<sup>892</sup> Council of Europe (2005), [Council of Europe Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197, Article 15.

<b>Migrant</b>	Shall refer to an “umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students.” <sup>893</sup>
<b>Migration</b>	Shall mean the “movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes the movement of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification.” <sup>894</sup>
<b>Mixed exploitation</b>	Shall mean, in the context of human trafficking, forms of sexual exploitation; exploitation for forced labour; slavery or practices similar to slavery, servitude or the removal of organs human, that can overlap, such as being trafficked for both forced labour and sexual exploitation. Mixed forms of exploitation and trafficking for the purpose of committing a crime can also occur, such as being trafficked for begging, production of pornography, benefit fraud, illegal adoption or armed combat.
<b>Mixed movements</b>	Shall mean situations in which human beings travel across regions and cross-border for varying needs and may include asylum-seekers, refugees, stateless people, victims of trafficking, unaccompanied or separated children, and migrants in an irregular situation. “Mixed movements are often complex and can present challenges for all those involved.” <sup>895</sup>
<b>National Plan of Action, or National Action Plan (NAP)</b>	Shall mean government-directed goals and policies of a State that identify and address main obstacles to the promotion and protection of human rights, and in the case of human trafficking, its prevention, suppression and punishment. A strong national plan of action develops priorities, conducts thorough research and presents concrete proposals of administrative, legislative, political and cultural solutions to address the issues of focus.
<b>National Referral Mechanism</b>	Shall refer to a co-operative framework within which state actors fulfil their obligations to protect and promote the human rights of trafficked persons by co-ordinating their efforts in a strategic partnership with civil society. <sup>896</sup>
<b>Non-punishment Principle</b>	Shall mean the obligation of States under the Palermo Protocol to establish procedures that exempt victims of trafficking from punishment or prosecution for unlawful acts committed by them as a direct consequence of their situation as trafficked persons or where they were compelled to commit such unlawful acts. <sup>897</sup>
<b>Non-refoulement</b>	Shall refer to a concept under international (refugee) law, under which it is illegal for States to expel or return (“refouler”) refugees who have a well-founded fear of persecution upon their return. The principle is part of customary international law and is, therefore, binding on all states whether or not they are parties to the UN Convention against Torture or other relevant international treaties.

<sup>893</sup> IOM (2019), [Glossary on Migration](#), p. 132.

<sup>894</sup> WHO (n.d.), [Refugee and migrant health: Definitions](#).

<sup>895</sup> UNHCR (n.d.), [Asylum and Migration](#).

<sup>896</sup> See the definition of national referral mechanism as defined in ODIHR (2004), [National Referral Mechanisms – Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook](#).

<sup>897</sup> Inter-agency Co-ordination Group against Trafficking in Persons (ICAT) (2020), Issue brief: [Non-punishment of Victims of Trafficking](#).

**Potential victim of trafficking**

Shall mean a person who has not yet been exploited, but who, due to her or his vulnerable situation, may become a victim of trafficking; a person who manifests certain indicators that suggest they may be a victim of trafficking, but who has not been formally identified as such by the authorities; or a person who has declined to be formally identified as such.

**Presumed victim of trafficking**

Shall mean a person for whom there are reasonable grounds to believe that he or she is likely to have been trafficked, but who has not (yet) been formally identified as such by the authorities, or who has declined to be formally identified as such. Because victims of trafficking are often reluctant to identify themselves as victims and formal identification takes time, the term “presumed trafficked persons” is used to describe persons who are likely to be victims of trafficking and who should therefore come under the general scope of anti-trafficking programmes and services.

**Reflection and Recovery period**

Shall refer to a period of time granted to victims of trafficking to allow them to recover and escape the influence of the perpetrator(s) of the crime, and to give them the opportunity to make an informed decision as to whether to co-operate with the competent authorities.

**Refugee**

Shall mean a person whose right to remain has been recognized due to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group in their country of nationality or former habitual residence, and who is unable or unwilling to avail themselves of the protection of that country.<sup>898</sup>

**Remedy, right to an effective remedy**

Shall encompass, in the context of this publication, both “a substantive right to reparations, as well as the procedural rights necessary to access reparations. In substance, this means adequate reparations for the harms suffered, which may include restitution, compensation, recovery, satisfaction and guarantees of non-repetition. In procedural terms, it refers to access to a competent and independent authority in order to successfully obtain reparations. At a minimum, this includes: the provision of information concerning rights, the reparations available and the existence of and modalities for accessing reparation mechanisms; legal, medical, psychological, social, administrative and other assistance necessary to seek remedies; and a reflection and recovery period for the trafficked person, followed by the granting of residence status while the trafficked person seeks remedies.”<sup>899</sup>

**Restitution**

Shall mean the process through which the State, whenever possible, restores the victim to the original situation before the gross violations of international human rights law occurred. “Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one’s place of residence, restoration of employment and return of property.”<sup>900</sup>

**Return**

Shall refer, in the context of human trafficking, to the process of returning victims of trafficking from the country in which they were identified as trafficked persons to their country of origin. The process can be voluntary, forced and assisted or, alternatively, forced and not assisted.

**Returning state / country**

Shall mean a State that has returned or is in the process of returning a trafficked person from its territory back to the victim’s country of origin.

<sup>898</sup> See Article 1A of the [Convention of 28 July 1951 relating to the status of refugees](#), as amended by the New York Protocol of 31 January 1967.

<sup>899</sup> See the concept of remedies as defined in the Draft Basic Principles on the right to an effective remedy for trafficked persons, developed by the UN Special Rapporteur on trafficking in persons, especially women and children, and presented by the Special Representative in her thematic report to the UN Human Rights Council in 2011. UN Human Rights Council (2011), [Report of the Special Rapporteur on trafficking in persons, especially women and children](#), Joy Ngozi Ezeilo, 13 April 2011, A/HRC/17/35, Annex I.

<sup>900</sup> UN General Assembly (2006), [Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#) : resolution / adopted by the General Assembly, 21 March 2006, A/RES/60/147, para. 19.

<b>Right to remain</b>	Shall mean the right of trafficked persons to stay in the country to which he or she was trafficked. “States Parties shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.” <sup>901</sup>
<b>Risk gaps</b>	Shall mean, in the context of this publication, any situation in which there is a gap in identification, protection or support which gives rise to re-trafficking and other risks for victims and survivors.
<b>Sealing of convictions</b>	Shall mean that, “the conviction cannot be seen or accessed without an order from the court, [although a sealed conviction remains on the movant’s record]. Also called nondisclosure, the sealed conviction may be accessible to law enforcement or government agencies, but it does not appear in standard background checks or to members of the public.” <sup>902</sup>
<b>Separated children</b>	Shall mean children separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from their relatives. This can include children who are accompanied by adult family members other than their parents.
<b>Sexual exploitation</b>	Shall mean, “any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.” <sup>903</sup>
<b>Social Inclusion</b>	Shall refer to the notion that, “conveys the idea of a process, of which recovery is the first step, the ultimate goal being the full and permanent restoration of all rights that had been violated before and during the trafficking cycle. Hence, social inclusion should be understood as a process of improving the terms of participation in society for people who are disadvantaged – through enhanced opportunities, access to resources, voice, and respect for their rights. Furthermore, social inclusion is the opposite of social exclusion – the latter being a root cause of trafficking in persons – and thus implies empowerment of survivors and the participation of survivors in all decisions affecting them as its key component.” <sup>904</sup>
<b>Special protection measures</b>	Shall mean procedural adaptations that should be automatically provided in any case involving vulnerable victims of trafficking who are witnesses and defendants.
<b>Standard Operating Procedures (SOPs)</b>	Shall mean a set of step-by-step instructions compiled by an entity (e.g., government institution, NGO) to guide its actors to carry out complex routine operations relating to combating human trafficking. SOPs aim to achieve efficiency, quality output and consistency of performance while reducing miscommunication and non-compliance with regulatory requirements.
<b>Statutory service</b>	Shall refer to a type of government-mandated care or service provided to the public and, in the context of this publication, to victims and survivors of trafficking.

<sup>901</sup> UN General Assembly, [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000, Article 7.

<sup>902</sup> American Bar Association (2016), [Post-Conviction Advocacy for Survivors of Human Trafficking: A Guide for Attorneys](#), January 2016, p. 9.

<sup>903</sup> WHO (2017), [Sexual Exploitation and Abuse Prevention and Response: Policy and procedures](#).

<sup>904</sup> UN General Assembly (2019), [Trafficking in persons, especially women and children: Report of the Special Rapporteur on trafficking in persons, especially women and children](#), 23 April 2019, A/HRC/41/46, para. 7.

## **Survivors of trafficking**

Shall refer to a non-legal term for a person who has been able to exit and overcome their situation of trafficking. It does not connote a permanent status of victimhood, but that of survival. Survivors of trafficking know first-hand the human rights violations inherent in human trafficking and are of vital importance in informing effective anti-trafficking efforts.<sup>905</sup> The term ‘victim’ is used only for: (a) contexts in which a person is under the direct control of traffickers, or (b) contexts in which the formal recognition of a person’s status as a victim of trafficking is directly relevant to obtaining specific legal rights and entitlements.

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## **Smuggling**

Shall mean the procurement in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person, transnationally, into a State Party of which the person is not a national or a permanent resident.<sup>906</sup> Smuggling, contrary to human trafficking, does not require an element of exploitation, coercion, or violation of human rights. The distinctions between smuggling and human trafficking are often very subtle and sometimes they overlap.

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## **Trafficking for the purposes of labour exploitation**

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 for forced labour or services, slavery or practices similar to slavery, or servitude. The consent of a victim of labour trafficking to such intended exploitation shall be irrelevant where any of the means set forth above have been used.<sup>907</sup>

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## **Trafficking for the purposes of sexual exploitation**

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, which includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, slavery or practices similar to slavery or servitude. The consent of a victim of sex trafficking to such intended exploitation shall be irrelevant where any of the means set forth above have been used.<sup>908</sup>

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## **Trafficking of children**

Shall mean the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, even if this does not involve any threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.<sup>909</sup>

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## **Transnational referral mechanism**

Shall refer to the concept of a co-operative agreement for the cross-border comprehensive assistance and/or transfer of identified or potential trafficked persons, through which state actors of different countries fulfil their obligations to promote and protect the human rights of trafficked persons.<sup>910</sup>

<sup>905</sup> Equality Now, ‘[Listen to survivors – don’t jeopardize efforts to prevent sex trafficking](#)’, 21 September 2013.

<sup>906</sup> UN General Assembly (2000), [Protocol against the Smuggling of Migrants by Land, Sea and Air](#), Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000, Article 3(a).

<sup>907</sup> [UN General Assembly Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children](#), Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000, Article 3(a).

<sup>908</sup> [UN General Assembly Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children](#), Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000, Article 3(a).

<sup>909</sup> *Ibid.*, see the definition of trafficking of children in Article 3(c).

<sup>910</sup> See the definition of transnational referral mechanism as defined in ICMPCD (2010), [Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe](#).

<b>Trauma-informed approach</b>	Shall refer to methods of working that are based upon an understanding of the harmful effects of traumatic experiences together with fundamental principles of compassion and respect. Any form of professional communication with a person who has suffered human trafficking should be treated as an opportunity to help them to progress towards a long-term situation of safety, stability and well-being. <sup>911</sup> In this context, States must protect victims from further trauma and provide holistic services, including psycho-social counseling.
<b>Unaccompanied children</b>	Shall mean children who have been separated from both their parents and relatives during migration and are not being cared for by the adult or adults who bear legal or customary responsibility for doing so.
<b>Vacatur</b>	Shall refer to “a form of relief that, in theory, effectively undoes a conviction: in most instances, it returns the movant to the position they were in when originally facing prosecution. Once vacated and dismissed, all records of the conviction are deleted, because the conviction itself no longer exists as a matter of law. Arrest records may remain, and may need to be expunged or sealed separately.” <sup>912</sup>
<b>Victim-centred approach</b>	Shall mean the provision of services by States in a way that ensures trafficked persons are offered the assistance of highly qualified providers and ensure adequate access to justice, shelter, medical care, legal services, psycho-social counseling, culturally sensitive and native language support, and assistance for purposes of reintegration into society. This approach shall be in compliance with international standards, including non-punishment, witness protection, non-refoulement, reflection period, compensation, and access to justice. <sup>913</sup>
<b>Victim of trafficking, trafficked person</b>	Shall refer to a person who is formally identified as a victim of trafficking, a potential or presumed victim of trafficking.
<b>Violence against women</b>	<p>“Shall refer to any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Violence against women shall be understood to encompass, but not be limited to, the following:</p> <ol style="list-style-type: none"> <li>1. Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, FGM and other traditional practices harmful to women, intimate partner violence, non-spousal violence and violence related to exploitation;</li> <li>2. Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment in public spaces and sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and exploitation of prostitution; and</li> <li>3. Physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs.”<sup>914</sup></li> </ol>

<sup>911</sup> [The Trauma-informed Code of Conduct For all Professionals working with Survivors of Human Trafficking and Slavery \(TICC\)](#), Rachel Witkin and Dr. Katy Robjant, Helen Bamber Foundation 2018.

<sup>912</sup> American Bar Association (2016), [Post-Conviction Advocacy for Survivors of Human Trafficking: A Guide for Attorneys](#), January 2016, p. 9.

<sup>913</sup> United States State Department (2007), [Trafficking in Persons Report 2007](#).

<sup>914</sup> See UN Women (n.d.), [Gender Equality Glossary](#).

## 22 Selected International Convention and other Commitments on Human Trafficking

All lists appear in chronological order.



### International conventions

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- League of Nations, [Convention to Suppress the Slave Trade and Slavery](#), 25 September 1926
- International Labour Organization (ILO), [Forced Labour Convention](#), 28 June 1930, C29.
- UN General Assembly, [Universal Declaration of Human Rights](#), 10 December 1948.
- UN General Assembly, [Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others](#), 2 December 1949.
- UN General Assembly, [Convention Relating to the Status of Refugees](#), 28 July 1951.
- UN Economic and Social Council (ECOSOC), [Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery](#), 7 September 1956.
- International Labour Organization (ILO), [Abolition of Forced Labour Convention](#), 25 June 1957, C105.
- UN General Assembly, [International Convention on the Elimination of All Forms of Racial Discrimination](#), 21 December 1965.
- UN General Assembly, [International Covenant on Civil and Political Rights](#), 16 December 1966.
- UN General Assembly, [International Covenant on Economic, Social and Cultural Rights](#), 16 December 1966.
- UN General Assembly, [Protocol Relating to the Status of Refugees](#), 31 January 1967.
- UN General Assembly, [Convention on the Elimination of All Forms of Discrimination Against Women](#), 18 December 1979.
- UN General Assembly, [Convention on the Rights of the Child](#), 20 November 1989.
- UN General Assembly, [International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families](#), 18 December 1990, A/RES/45/158.
- Hague Conference on Private International Law, [Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption](#), 29 May 1993.
- UN General Assembly, [Rome Statute of the International Criminal Court \(last amended 2010\)](#), 17 July 1998.
- International Labour Organization (ILO), [Worst Forms of Child Labour Convention](#), 17 June 1999, C182.
- UN General Assembly, [Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict](#), 25 May 2000, A/RES/54/263.
- UN General Assembly, [United Nations Convention against Transnational Organized Crime](#), 15 November 2000.
- UN General Assembly, [United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000.
- UN General Assembly, [Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography](#), 16 March 2001, A/RES/54/263.
- UN General Assembly, [Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly](#), 24 January 2007, A/RES/61/106.
- International Labour Organization (ILO), [Protocol of 2014 to the Forced Labour Convention](#), 1930, 11 June 2014.
- UN Security Council, [Security Council resolution 2379 \[on trafficking in persons in armed conflicts\]](#), 21 November 2017, S/RES/2388 (2017).

## Regional conventions

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Council of Europe, [European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14](#), 4 November 1950, ETS 5.

Council of Europe, [Convention on the Transfer of Sentenced Persons](#), 21 March 1985, ETS 112.

Council of Europe, [Convention on Action Against Trafficking in Human Beings](#), 16 May 2005, CETS 197.

Council of Europe, [The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence](#), November 2014, CTS 210.

Council of Europe, [Convention against Trafficking in Human Organs](#), 25 March 2015, CETS 216.

## European Union

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EU, [Charter of Fundamental Rights of the European Union](#), 7 December 2000, 2012/C 326/02.

EU, [Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings](#), 2001/220/JHA.

EU, [Council Framework Decision of 19 July 2002 on combating trafficking in human beings](#), 2002/629/JHA.

EU, [Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities](#), 2004/81/EC.

EU, [Council Decision of 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, supplementing the United Nations Convention Against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of the Protocol fall within the scope of Part III, Title IV of the Treaty establishing the European Community](#), 2006/619/EC.

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