

Counter-trafficking
Training modules



казват ти, че навън животът е друг, искаш да заминеш,

отговаряш на обяви и предложения за работа, даваш

паспорта си на някой, който обещава да ти уреди

кубава работа, а те превръща насила в проститутка.

мечтаеш да си независима - затварят те, сама си, без пари.

звръщаш, че нищо не може да ти се случи и...просто изчезваш.

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ЛИНИЯ



IOM International Organization for Migration
Международна организация по миграция IOM
www.iom.bg

С подкрепата на Държавния департамент на САЩ



Министерство на вътрешните работи
Министерство на труда и социалната политика
Министерство на образованието и науката



Прочети брошурата с информация. Ще ти намерим в районното управление на полицията, в бюрото по труда, на границата или в училище.

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Preface

The design and development of this training course and accompanying trainer's manual represents part of the ongoing efforts of the Irish Government in countering the serious crime of Human Trafficking – what has been justly called a form of modern day slavery. This manual represents the first tool of this nature, produced in Ireland for the Irish context, whilst also covering the key relevant global issues.

The primary objective of this training manual, **'Tackling Trafficking in Ireland – What can you do?'**, is to enhance the capacity and professionalism of those trained, to replicate training within their own organisations and to set out the key steps to be taken, in the Irish context, should a victim of trafficking be encountered.

The manual is designed to be a comprehensive tool providing clear and guided information across a broad spectrum of trafficking related issues. Additional training/learning resources are included within the pack (i.e. DVD, powerpoint, posters, etc). They are provided to complement the input of the trainer, as well as to facilitate active practical learning amongst participants.

IOM would like to thank the Anti Human Trafficking Unit (AHTU) of the Department of Justice, Equality and Law Reform for funding this initiative and providing invaluable guidance through the design and development process. We also express our appreciation to the Garda National Immigration Bureau (GNIB), the Reception and Integration Agency (RIA) and the Health Service Executive (HSE) who have played a key advisory role throughout the process of developing the training material and content. Our gratitude is due to the external consultant trainer, Penny McRedmond for her dedication to the production and drafting of the training material.

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Department of Justice, Equality and Law Reform and the Anti-Human Trafficking Unit

The Department of Justice Equality and Law Reform established the Anti-Human Trafficking Unit in 2008. The role of the AHTU within the Department of Justice, Equality and Law Reform is to ensure that the State's response to trafficking in human beings is effective and proportionate to the scale and scope of the problem in Ireland. It has primary responsibility for co-ordinating policies and actions of governmental organisations in conjunction with non-governmental and international organisations to maximize the effectiveness of national and international efforts. In addition to providing support to stakeholders and fostering cooperation between the various governmental and non-governmental agencies engaged in the fight against human trafficking, the AHTU will also play a lead role in collecting and analysing data on potential, suspected and identified cases of human trafficking. This data will be used to inform policy, guide protective measures and improve victims' services. The AHTU will serve as a central location for information and research on human trafficking and will use and disseminate this information and data to effectively coordinate governmental and non-governmental efforts to prevent and combat human trafficking.

International Organization for Migration

Established in 1951, IOM is the leading inter-governmental organization in the field of migration and works closely with governmental, intergovernmental and non-governmental partners.

With 127 member states, a further 17 states holding observer status and offices in over 100 countries, IOM is dedicated to promoting humane and orderly migration for the benefit of all. It does so by providing services and advice to governments and migrants.

IOM works to help ensure the orderly and humane management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems and to provide humanitarian assistance to migrants in need, including refugees and internally displaced people.

The IOM Constitution recognizes the link between migration and economic, social and cultural development, as well as to the right of freedom of movement.

IOM works in the four broad areas of migration management:

- Migration and development
- Facilitating migration
- Regulating migration
- Forced migration.

IOM activities that cut across these areas include the promotion of international migration law, policy debate and guidance, protection of migrants' rights, migration health and the gender dimension of migration.

How to use this manual

This training programme comprises a manual and a CD Rom. The complete training programme requires both. The training will be delivered in a variety of formats including mini lectures, PowerPoint presentations, Video footage and small group exercises. The materials are designed to enable the trainers to use all these different training methods in their training, while giving a flexibility of choice over which training methods the trainer chooses to use for each particular session.

The Manual

Modules

The manual is set out in modules and units. The modules cover broad topics that are then broken down into smaller units. The modular approach will allow trainers a degree of flexibility when providing training within their organizations in terms of both content and structure and length of training sessions deliverable. There will be enough flexibility to allow for short lunch-time sessions on self contained topics as well as more comprehensive whole day training. At the beginning of each unit will be a time for delivery of that training session.

Exercises

The manual also contains a series of exercises. It is suggested that if these are used in training that the exercise and accompanying case studies are photocopied and distributed to the group. These exercises have been developed to assist in the training. They are generally an alternative learning route, with the choice of learning through participation in the exercise, or through one of the other training formats detailed above or, as will often be the case by a combination of several different training techniques. The method of delivery of the training on a topic is left to the trainer. The exercises require participation by the delegates and are an effective and enjoyable learning tool.

Materials

The manual also includes a counter-trafficking poster which can be used to inform staff of training sessions.

Relevant International and Irish Legal Instruments

All International and Irish Legal Instruments referred to in the manual are listed in alphabetical order and fully referenced with web sites where applicable.

Glossary of Terms

At the end of the manual, for reference purposes, is a glossary of terms commonly used in human trafficking.

CD Rom

The CD Rom is an essential part of the training strategy. It contains the following:

1. PowerPoint Slides and Notes for every module and unit.
2. DVD Clips
3. Reference Material.

PowerPoint Slides and Notes

Every Unit, in every Module, will have a set of corresponding PowerPoint Slides and Notes. At the beginning of every Unit will be a PowerPoint Icon with the numbers of the slides that are relevant to that Unit. The Power Point Slides and Notes can be used together with the text in the manual to deliver mini-lectures on topics in the manual.

DVD Clips

A series of DVD clips are included on the CD Rom. Throughout the text in the manual will be DVD Icons. These Icons will show where a DVD clip is available to support the material in the manual or exercise. The DVD Clips are all relevant to the subject in the text. It is not essential that they are shown as the material can stand alone without the visual aids but it is highly recommended as they add context and often have an impact beyond words.

Reference Material

The CD Rom will include background material for reference for the trainers. The material included is as follows:

- (a) Council of Europe Convention on Action Against Trafficking in Human Beings, 2005
- (b) National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland, 2009-2012
- (c) Criminal Law (Human Trafficking) Act, 2008

- (d) Ethical Principles for Caring for and Interviewing Trafficked Persons

Introduction

Time: 25 minutes

1. **Introductions**
2. **The Training: Purpose and Outline**
3. **Agenda**
4. **Pre-Training Questionnaire**
5. **Ice Breaker**

**PowerPoint
Slides
No. 1**

Module 1: Defining Human Trafficking

Human Trafficking is a fundamental violation of the human rights of an individual



Unit 1:

What is human trafficking?

Goal: To understand the definition of human trafficking.

Time: 2 hour 30 minutes

Overview

Human trafficking first came to the attention of the International community in the late 1980's. By the beginning of the 21st century it had been recognized as a serious global problem that needed global responses. The United Nations responded in 2000 with the publication of the UN Convention against Transnational Organized Crime and its Supplementary Protocols. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) set out the first definition of human trafficking that is still the benchmark for defining human trafficking today.

Exercise 1: Defining human trafficking

DVD:
No.1

PowerPoint
Slides
No.s 2-28

Human trafficking is a fundamental violation of the human rights of an individual

Article 3 of the Palermo Protocol defines human trafficking:

3 (a) Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

- (b) The consent of a victim of trafficking 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) have been used;
- (d) "Child" shall mean any person under 18 years of age.

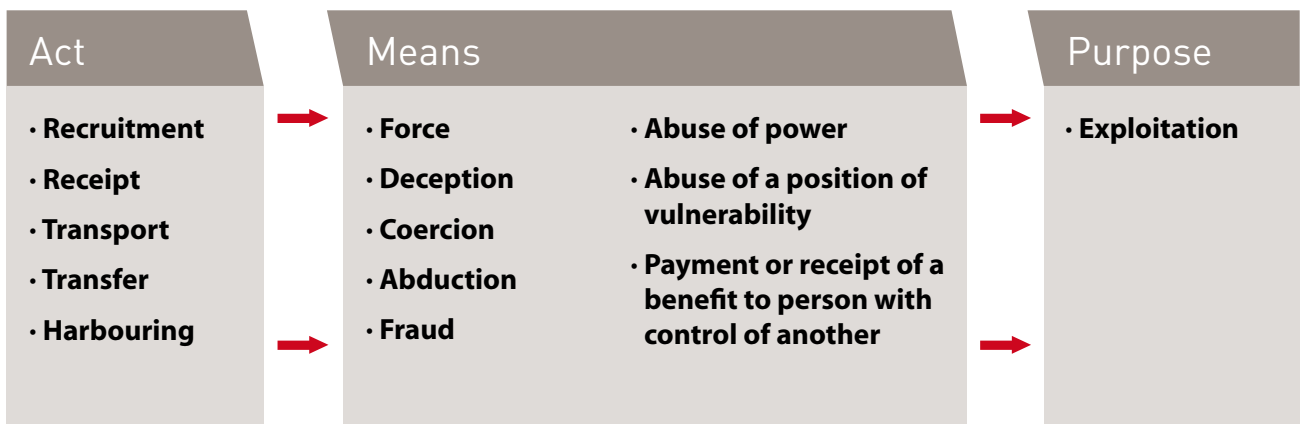
NB.

United Nations Convention against Transnational Organized Crime is primarily a crime convention aimed at combating the global rise in all types of organized crime.

The Trafficking Definition

The definition of human trafficking in the Palermo Protocol can be broken down into three elements as shown in the diagram below. The diagram illustrates the fact that a trafficked person must be recruited and moved to the place of their exploitation by one of the means set out below. The definition from the Palermo Protocol when looked at in this way appears to define human trafficking as a relatively simple crime, when in fact it is clear when looked at more closely that human trafficking often involves a complex process with multiple actors.

My boyfriend raped and beat me. He put me in a car and drove me through the night. He told me the next day that now I was a prostitute.



Human Trafficking as a Process

The process of human trafficking is not a simple crime. It takes place over time with the involvement of many people. In the section below the process of trafficking a human has been divided into distinct phases, in reality these phases may overlap or be concurrent with one another. The phases are: the recruitment of the victim, their movement internally or across borders and their exploitation. Looking at these in turn:

1. Recruitment

This is the first stage of the trafficking process. A person is targeted by a trafficker as a potential victim. Recruitment of the victim of trafficking into the trafficking process will involve one of the 'means' from the diagram above. The recruitment may involve actual or threatened violence and kidnapping, but it is more common for it to involve deception or an abuse of power.

DVD:
No.2

IRELAND:
Hotel Work,
Well Paid,
No Experience,
Cell No. provided

OVERSEAS:
Make Money!!!!
Blonds and
Brunettes.
Cell No. provided

My mother sold me to a cousin of my aunts.

He said I would learn a trade.

I sleep in a room with 10 other boys.

We steal from tourists.

Force

Deception

Abuse of Power

DVD:
No.3

2. Movement

The second stage of the trafficking process is the movement of the potential victim. The movement can be within or across borders. Borders may be crossed legally or illegally. The importance of the movement to the trafficker is that it isolates the victim of trafficking and forces them into a position of dependency, this isolation can be achieved by moving a potential victim within their own country to a region or town that they are unfamiliar with.

The victim of trafficking may travel directly to their destination by road, rail, air or sea. They may knowingly cross borders illegally. They may be transferred from one group of traffickers to another. They may be harboured in a transit country for days or months. The transit country may become their destination. They may be exploited on their journey. One individual trafficking case may have several transit and destination phases as victims of trafficking are frequently re-trafficked.

NB.

Were they transported to an unfamiliar place where they were culturally, linguistically or physically isolated and denied legal identity or access to justice?

DVD:
No.4

3. Exploitation

This is the third element of the process of human trafficking. The recruitment and movement of the potential victim of trafficking must have been for the purpose of exploitation.

Traffickers recruit, transport and exploit their victims for the sole purpose of personal gain, often to make large amounts of money or to obtain free services or labour as in the case of domestic servitude or to obtain the benefit of an organ donation.

The Palermo Protocol identifies three different types of potential exploitation:

1. Sexual Exploitation: Prostitution or other forms of sexual exploitation.

Such as street prostitution, bars, massage parlours, escort services, private houses, brothels, pornography, child pornography, hostess clubs, call girls, forced marriage.

DVD:
No.5

2. Labour Exploitation: Forced labour or services; slavery or practices similar to slavery; servitude.

Labour Exploitation under the Palermo Protocol potentially covers a vast range of exploitative practices.

- Forced labour or services is labour not offered voluntarily but under the menace of any penalty.

No choice, very long hours, very low wages, no wages-often also physical and sexual abuse

- Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised (UN Slavery Convention 1926).

Victims of trafficking are often sold from one trafficker to another

- Practices similar to slavery or servitude: modern day forms of slavery or contemporary forms of slavery: two examples are set out below, there are potentially many more.

Debt Bondage: A key feature in the recruitment of victims of trafficking, where the victim is expected to use his or her labour or services to repay a debt. The debt is often in excess of the costs involved and often un-payable. A new debt may be incurred when the victim of trafficking is sold.

Servile forms of marriage: Include marriage in consideration of a payment without the woman's consent, the transfer of a wife to another for value and the inheritance of a wife by another on the death of her husband.

Irina was lent €5,000 for her travel costs to Germany. On arrival she was told she had to work as a prostitute to pay off her debt. Irina had a debt bond.

The most common forms worldwide of labour exploitation are:

- Agricultural Labour
- Plantation Labour
- Mine Labour
- Fishing Fleet Labour
- Sweatshop Labour
- Catering Labour
- Camel Jockeys
- Domestic Slaves
- Street Begging
- Street Selling
- Child Soldiers
- Forced Marriage
- Illegal Adoption

DVD: No.6

3. Removal of organs: The third form of exploitation under the Palermo Protocol is the exploitation of a person for the purpose of removing their organs.

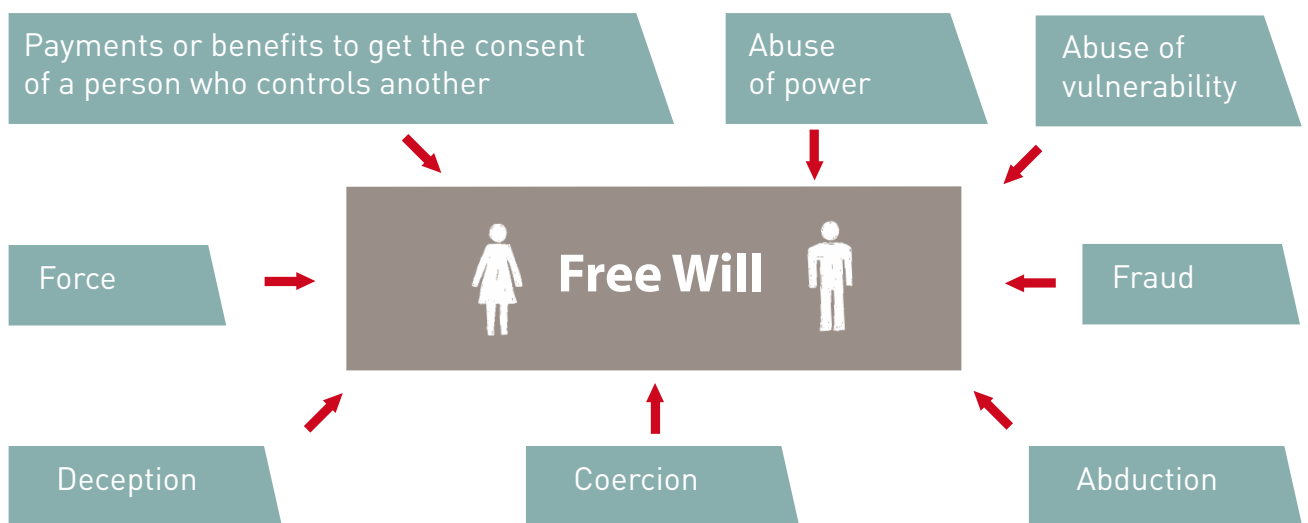
Consent

The issue of consent is crucial. A person has not been trafficked if they freely consent to their exploitation but a person’s ability to consent freely will be lost if they are not in a position to exercise free will.

A person may initially give their consent but this consent will be rendered meaningless if it was obtained by coercion, deception or the abusive actions of the traffickers.

Was the ability of a person to consent freely to their movement made impossible by the actions of others?

Maria worked as a prostitute in Moldova. She was offered the chance to travel to Ireland. She knew she would work as a prostitute. When she arrived her passport was taken. She was threatened and made to work every day. She was given none of the money she earned. Maria did not consent to her treatment. She was coerced and deceived.





Children

The Palermo Protocol recognizes the special situation of children. It is not necessary under the Palermo Protocol for any of the 'means' to be present for trafficking to take place. It is therefore not necessary for there to have been, for instance, force, coercion or deception. In other words the issue of consent is irrelevant for children. A child cannot consent in any way to being trafficked.

Child means any person under 18

James is 11. His parents give him to a man. James and his parents know that he will be taken to a big city to beg. James has to work 8 hours a day. He does not get to keep any of his money but he has plenty to eat and somewhere to sleep. James was trafficked.

Criminal Law

The Palermo Protocol is primarily a criminal law instrument. The intention of the Palermo Protocol is to criminalize everyone in the chain of transportation:

Those at the start of the chain who recruit or sell the trafficked person, those in the middle of the chain who harbour, receive or purchase, as well as those at the end of the chain who exploit the trafficked person for forced labour or sexual exploitation, or organ removal and profit from that exploitation.

What is Smuggling of Migrants?

Smuggling of Migrants is defined in a UN Protocol to the UN Convention against Transnational Organized Crime; the Protocol against Smuggling of Migrants by Land, Sea and Air (the Smuggling Protocol) as:

- (a) "Smuggling of migrants" shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State of which the person is not a national or a permanent resident;
- (b) "Illegal Entry" shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State.

Smuggling of migrants is the provision of services to a migrant to enable them to illegally cross a border.

The similarities between Human Trafficking and Smuggling

- Profitable business
- Criminal Networks

The differences between Human Trafficking and Smuggling:

Consent

The main difference between human smuggling and human trafficking involves consent. People may be smuggled in dangerous and difficult conditions, with abuses of human rights but they have consented to the smuggling. Victims of trafficking have not consented. If there was initial consent this has been rendered meaningless by the coercion, deception, fraud or abuse by the trafficker.

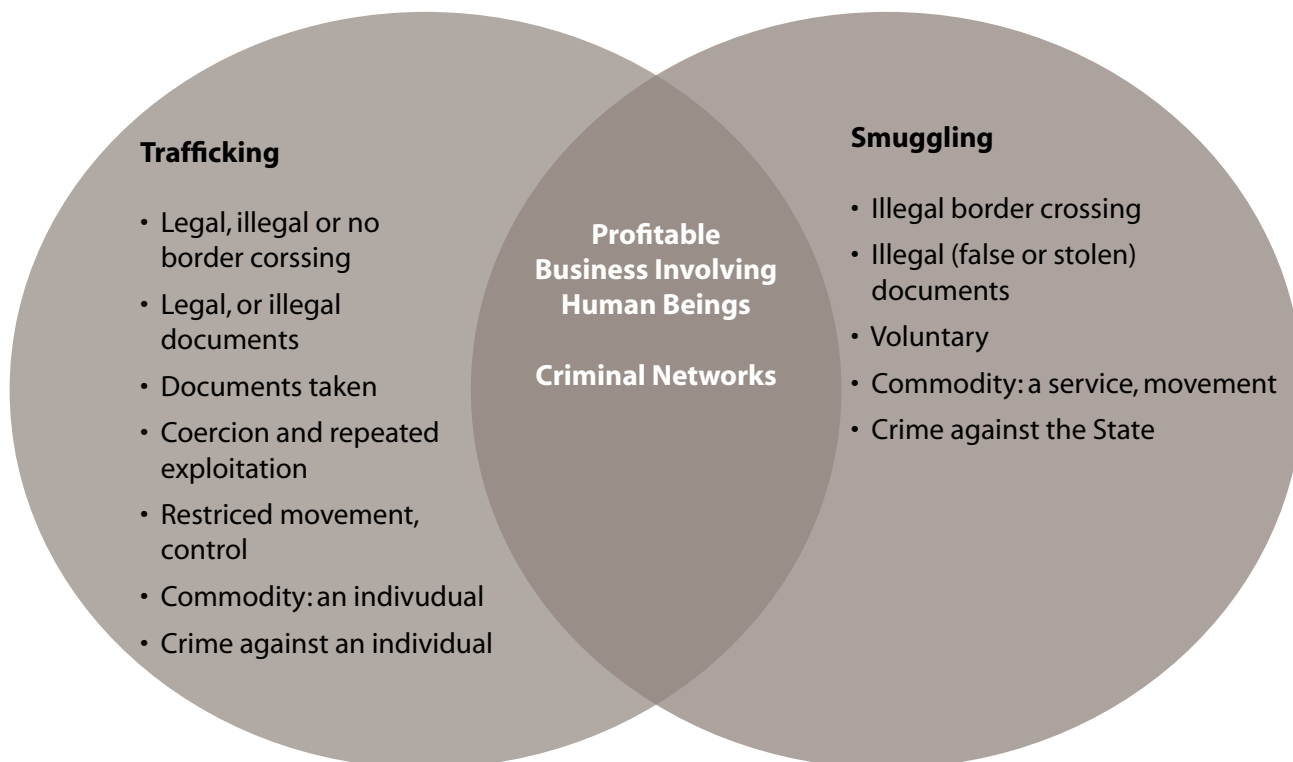
Transnational

Smuggling by its nature involves the crossing of an international border. Without this border crossing there would be no crime of smuggling. Trafficking may involve a border crossing but equally so, may not. A victim of trafficking may be moved within a country.

Short-Term Contract

The smuggling contract is short term. The smuggler agrees to arrange for the smuggled person to be taken across a border. The contract ends on the conclusion of that journey. Human trafficking is an on-going crime. The victim of trafficking may be taken across a border but this is only the beginning of the crime of human trafficking, exploitation will usually commence on arrival at the destination.

Trafficking and Smuggling: Similarities and Differences



Knowledge

A smuggled person always knows they are being smuggled. A victim of trafficking will most probably be unaware of their fate until they arrive at their destination.

Intent of Trafficker

A trafficker intends from the recruitment of the potential victim of trafficking to exploit this person for their benefit. A smuggler does not have this intent. He or she is paid to transport a person across a border.

Exercise 2: The differences between human trafficking and people smuggling

Summary:

Human trafficking is a crime and human rights violation. It involves the recruitment, movement and exploitation, of a victim. Consent initially given will not be valid if it was obtained by fraud, deception or coercion. A child cannot consent to being trafficked.

Smuggling of migrants is different to human trafficking. It is a short-term contract that is not linked to exploitation and must involve a border crossing.

Resources:

Web Sites:

- www.un.org;
- www.coe.int;
- www.europa.eu;

CD Rom:

- (a) Council of Europe Convention on Action Against Trafficking in Human Beings, 2005
- (b) National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland, 2009-2012
- (c) PowerPoint Slides and Notes: Module 1, Unit 1.
- (d) DVD Clips

Module 2: Irish and European Responses

The issue of consent for a child is not relevant. A child cannot consent to being trafficked.



**DON'T
CLOSE
YOUR
EYES**

**TO
HUMAN
TRAFFICKING**

Unit 1:

Ireland's Legislative and Administrative Framework

Goal: To understand Irelands' anti-trafficking legislative and administrative framework.

Time: 20 Minutes

Overview

In 2008 Ireland legislated for the first time specifically on the issue of human trafficking, defining the offence in Irish Law. 2008 was also the year that saw an administrative structure put in place with the formation of a High Level Interdepartmental Group and the creation of the Anti Human Trafficking Unit, pushing the trafficking issue up the national agenda. Prior to 2008 the Garda Síochána were hampered by the lack of a definition of the crime in national law.

Measures to protect victims of trafficking in Ireland have been carried out since the detection of the first victims of trafficking in the country at the end of the 20th Century by a blend of non-governmental organizations, the Garda Síochána and governmental administrative measures.

Legislative Framework

PowerPoint
Slides
No.s 29-36

A. Criminal

The primary criminal anti-trafficking law is contained in the Criminal Law (Human Trafficking) Act, 2008. This Act contains the first definition of human trafficking in Irish law. Prior to the enactment of this Act in 2008 investigations and prosecutions, were carried out under the Illegal Immigrants (Trafficking) Act, 2000. This Act while using the terminology of trafficking actually defined the crime of human smuggling and was aimed primarily at combating the smuggling of migrants.



Children

The 2008 Act criminalizes the trafficking of children for labour exploitation or for the removal of organs and provides for a maximum sentence of life imprisonment. Trafficking for the purpose of sexual exploitation is dealt with separately under the Child Trafficking and Pornography Act, 1998. The 2008 Act also amends the definition of a child from 17 to 18 years of age. In the case of a child, a prosecution for trafficking for sexual exploitation would be taken under the 1998 Act, as amended by the new age definition of a child in the 2008 Act.

The issue of consent for a child is not relevant. A child cannot consent to being trafficked.

1. Criminal Law (Human Trafficking) Act, 2008:

The 2008 Act breaks down the offence of human trafficking into the act of trafficking, the means used and the specific acts of exploitation. A maximum sentence of life imprisonment is provided for the offence.

Section One of the Act defines trafficking as: “trafficks means, in relation to a person (including a child) –

- (a) procures, recruits, transports or harbours the person, or
 - i) transfers the person to,
 - ii) places the person in the custody, care or charge, or under the control, of, or
 - iii) otherwise delivers the person to another person,
- (b) causes a person to enter or leave the State or to travel within the State,
- (c) takes custody of a person or takes a person-
 - i) into one’s care or charge, or
 - ii) under one’s control, or
- (d) provides the person with accommodation or employment.”

The means required to be used by the trafficker to recruit a victim into the trafficking process are similar to those detailed in the Palermo Protocol including coercion, force, deceit, fraud and abuse of authority.

The 2008 Act defines labour exploitation for adults and children to include:

- Subjecting the person to forced labour
- Forcing him or her to render services to another
- Enslavement of the person
- Subjecting him or her to servitude or similar condition or state.

Sexual Exploitation under the 2008 Act is defined in relation to a person as:

- The production of pornography depicting the person alone or with others
- Causing the person to engage in sexual activity for the purpose of production of pornography
- Prostitution of the person
- Commission of an offence specified in the Schedule to the Sex Offender’s Act, 2001 [the Schedule to the Sex Offender’s Act 2001 lists a range of sexual offences criminalized in other criminal and sexual offences acts, such as, rape, indecent assault and the distribution of child pornography]

- Causing another person to commit such an offence against the person; or causing the person to commit such an offence against another person
- Otherwise causing the person to engage in any sexual, indecent or obscene act.
- Exploitation for the purpose of organ removal is also criminalized for adults and children.

Note 1. The definition of sexual exploitation from the 2008 Act does not apply to a child, unlike the definition of traffick and labour exploitation. A separate definition of sexual exploitation in relation to a child is set out in the 2008 Act as an amendment to the Child Trafficking and Pornography Act, 1998 detailed below.

Note 2. The Act makes it an offence to traffick a person who is mentally impaired. A person who is mentally impaired, like a child, cannot consent to being trafficked.

Note 3. The differences between the Palermo Protocol and the Criminal Law (Human Trafficking) Act, 2008 are more of style than substance:

- Palermo Protocol-broad statement of intent, which provides criminal sanctions and sets out protection, prevention and cooperation measures
- Criminal Law (Human Trafficking) Act, 2008- list of forbidden practices.

Demand

The 2008 Act recognizes the role, demand for the services of its victims, plays in fuelling human trafficking. Section 5 of the Act targets the clients of trafficking for sexual exploitation:

- Section 5 provides any person who knowingly solicits or importunes a trafficking victim for the purposes of sexual exploitation shall be guilty of an offence.

2. The Child Trafficking and Pornography Act, 1998

The Child Trafficking and Pornography Act, 1988 is substantially amended by provisions of the 2008 Act. In particular, definitions of ‘trafficks a child’ and ‘sexual exploitation’ in relation to a child are taken from Section 3 of the 2008 Act and inserted into the 1998 Act replacing and updating the provisions in Section 3 of the 1998 Act criminalizing child trafficking. The definition of sexual exploitation for a child is

similar to the definition for an adult but expands the offence to include “inviting or inducing or coercing” to engage in sexual acts or the making of child pornography. Prosecutions for trafficking for sexual exploitation of a child would be made under this Act.

3. Sexual Offences (Jurisdiction) Act, 1996

The Sexual Offences (Jurisdiction) Act aims to criminalize child sex tourism.

Under the Act it is an offence for an Irish person or Irish resident:

- To commit a sexual act against a child in another country, which is an offence in that country
- To arrange transportation for a person knowingly for the purpose of enabling that person to commit a sexual offence against a child in another country
- To publish information which is intended or likely to promote, advocate or incite the commission of a sexual offence against a child in another country

4. Other Offences

The crime of human trafficking by its nature often involves the commission of other crimes, such as rape, false imprisonment, kidnapping, assault and grievous bodily harm. It has always been and is still possible for a trafficker to be charged with these crimes.

B. Protection

The Irish legislative framework is in the process of being extended beyond the criminal sphere

to include legislative measures to protect victims of trafficking. Currently governed by administrative arrangements, legislative measures will include:

- A recovery and reflection period and a temporary resident permit
- Measures to protect victims and witnesses in court under the Criminal Law (Human Trafficking) Act, 2008.

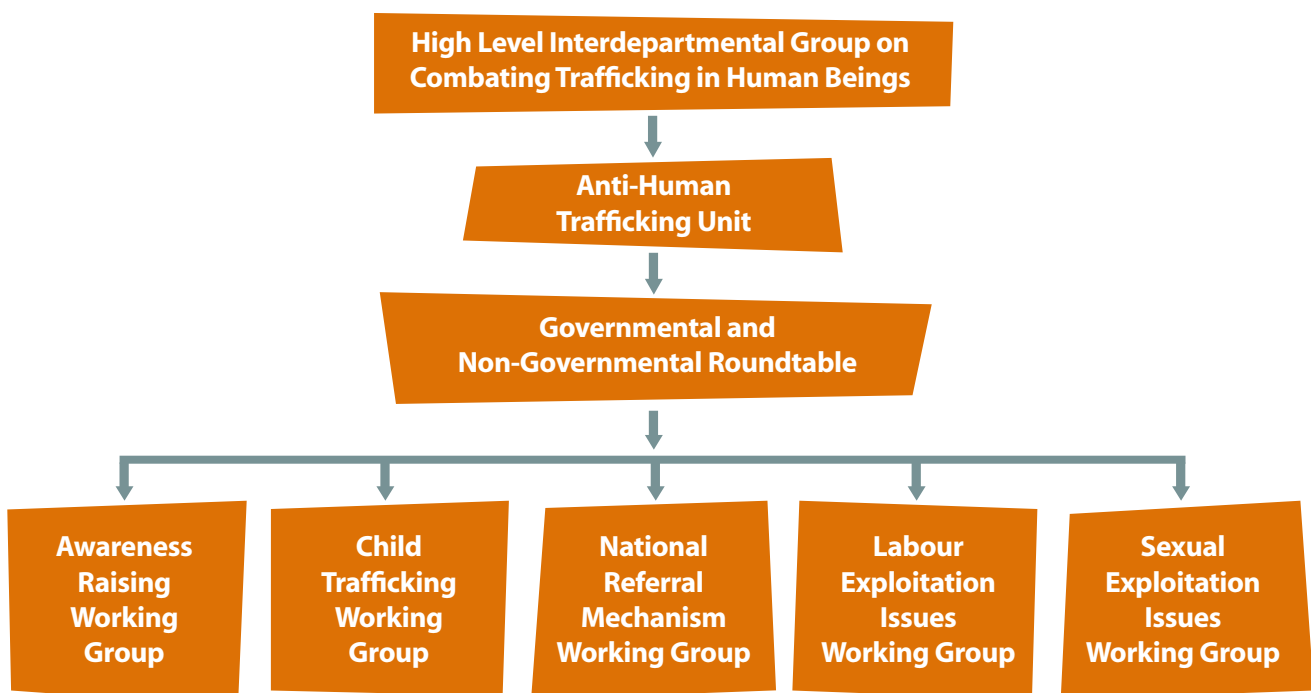
With regard to trafficking for labour exploitation, all Irish employment legislation is applicable to every person who works legally in the State under a contract of employment.

Child victims of trafficking have specific protection measures in place primarily under the Child Care Act, 1991.

See, Module 4, Unit 3 for details of protection for victims of trafficking in Ireland.

Administrative Framework

The role of the administrative framework, as a whole, is to address key policy issues, provide ongoing support to counter trafficking activities and in the case of the Garda Síochána to investigate the crime of human trafficking. The structure of the governmental administrative framework is set out in the table below.



High Level Interdepartmental Group on Combating Trafficking in Human Beings

This group was established by the Minister for Justice, Equality and Law Reform with representatives from key government departments and agencies. Its initial function was to produce a National Action Plan to Prevent and Combat Trafficking in Ireland. It is now responsible for monitoring its implementation; advising the Minister on ways to engage with NGO's and to providing strategic direction for the Anti Human Trafficking Unit.

Anti-Human Trafficking Unit

A dedicated Anti-Human Trafficking Unit was established in the Department of Justice, Equality and Law Reform in February 2008. The role of the Unit is to ensure that the State's response to trafficking in human beings is effective and proportionate to the scale and scope of the problem in Ireland. In particular its responsibilities include:

- To Implement the National Action Plan
- To co-ordinate policies and actions of governmental and non-governmental organization
- To collect and analyze data
- To provide a central location for information and research on human trafficking.

Governmental and Non-Governmental Roundtable Forum

This is a forum of over 30 stakeholders whose role is to examine and make recommendations concerning the formulation, implementation and delivery of national and international strategies to combat trafficking in human beings. The forum receives updates from five inter-disciplinary working groups below. The members of the working groups vary depending upon the topic but include representatives from government departments, Garda Síochána, the HSE, non-governmental organizations, Anti-Human Trafficking Unit and inter-governmental organizations.

1. Awareness Raising
2. National Referral Mechanism
3. Child Trafficking
4. Labour Exploitation
5. Sexual Exploitation

Human Trafficking Investigation and Co-ordination Unit, the Garda Síochána, 13 Burgh Quay, Dublin 2 (Tel: 01 666 8853 or 01 666 8802)

This Unit is based within GNIB and was established in 2009 to provide a lead in all policy issues in the area of human trafficking. The Unit will oversee all investigations where there is an element of human trafficking and will provide advice, guidance and operational support for investigations. Investigating Human Trafficking has been made a key priority in the Policing Plan for 2009. The Unit also has a role in co-operating with other EU Member States and International Organizations working in the anti-trafficking arena (Europol, Eurojust, Interpol, Frontex).

Summary:

The Irish anti-trafficking legislative framework is primarily based in terms of prosecution around the Criminal Law (Human Trafficking) Act, 2008. Many legislative protection measures are contained in Employment and Child Care legislation and will be contained in the upcoming immigration reform legislation, when enacted. The administrative framework is composed of Government Departments and Agencies, the Garda Síochána, international organisations and organisations working in the field.

Resources:

WebSites:

- www.oireachtas.ie
- www.justice.ie
- www.entemp.ie
- www.blueblindfold.gov.ie

CD Rom:

- (a) Criminal Law (Human Trafficking) Act, 2008
- (b) National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland, 2009-2012
- (c) PowerPoint Slides and Notes: Module 2, Unit 1.
- (d) DVD Clips

Unit 2:

Europe

Goal: To be aware of European Union anti-trafficking legislation and the provisions of the Council of Europe Convention on Action Against Trafficking in Human Beings

Time: 10 Minutes

Overview

The European Union has been active in responding to human trafficking in the European Union since 1996. In addition to the legislative initiatives detailed below, the EU has funded many counter trafficking programs across Europe and kept the issue high up the EU agenda for many years.

Council Framework Decision on 19 July 2002 on combating trafficking in human beings

The Framework Decision introduced common trafficking provisions across the Member States of the European Union.

Member States were required to introduce national legislation:

- To create a criminal offence of trafficking in human beings in line with EU definition;
- To introduce sanctions for the offence that are effective, proportionate and dissuasive.

1. European Union

European Union Framework Decisions are used by the European Union to approximate the laws and regulations of the Member States. They are binding upon the Member State as to the result to be achieved. Ireland as a Member State of the European Union is therefore obliged to pass laws or regulations that implement the objectives of the EU Framework Decision of 18th July 2002. Ireland has complied with the Council Framework Decision on combating trafficking in human beings by passing the Criminal Law (Human Trafficking) Act, 2008.

PowerPoint
Slides
No.s 37-39

Proposed Council Framework Decision on Preventing and Combating Trafficking in Human Beings

A new Framework Decision in the area is proposed that would repeal the existing Framework Decision. The new Framework Decision would bring EU criminal law on trafficking in line with International instruments with additional measures in the field of victim support, prevention, investigation, prosecution and monitoring. Irish legislation will be reviewed in the light of the final text of the Framework Decision when agreed.

2. Council of Europe

The Council of Europe is an intergovernmental organization. It currently has 45 Member States, nearly half of which are countries of Eastern and Central Europe. Ireland is a Member State. The primary aim of the Council of Europe is to protect human rights, pluralist democracy and the rule of law.

Council of Europe Convention on Action Against Trafficking in Human Beings

The Council of Europe Convention is primarily a human rights instrument. The Convention provides a comprehensive legal framework for the protection of trafficking victims and witnesses and the effective investigation of trafficking offences.

NB.

...trafficking in human beings constitutes a violation of human rights and an offence to the dignity and integrity of the human being.
www.coe.int

Ireland signed the Convention in April 2007 and is working towards its ratification. The Convention calls for every Party to the Convention to develop policies to:

- Reduce Demand
- Carry Out Research
- Implement Training Programmes
- Raise Awareness
- Assist Victims
- Identify Victims
- Ensure Gender Equality
- Criminalize Trafficking.

Summary:

The European Union Council Framework Decision on combating trafficking in human beings defines and criminalizes human trafficking. It has led to the approximation of anti-trafficking laws across EU. The Council of Europe Convention approaches human trafficking from a human rights perspective. It calls on Member States to develop policies to prevent trafficking and protect its victims.

Resources:

WebSites:

- www.oireachtas.ie
- www.justice.ie
- www.entemp.ie
- www.coe.int

CD Rom:

- (a) COE Convention on Action Against Trafficking in Human Beings, 2005
- (b) PowerPoint Slides and Notes: Module 2, Unit 2

Module 3: Understanding Human Trafficking

Eliminating the demand for trafficked and exploited labour is critical if global efforts to end trafficking are to be successful.



Unit 1:

How Does Trafficking Operate?

Goal: To understand how human traffickers operate, where they operate and on what scale.

Time: 40 Minutes

Overview

Human traffickers continually adapt their modus operandi in response to legislative, policy and policing issues. The methods of recruitment, borders crossed, forms of transportation; industries exploited, routes taken, all change. Changes in demand also cause traffickers to change their operations. Victims are recruited in response to demand. This may be demand for mushroom workers in the UK or sex workers in Dublin or for kidneys in Germany. Demand may require victims from particular regions. The form of exploitation may dictate where the victim will be recruited from. For instance workers exploited in the restaurant industry in Ireland are often from Asia.

Trafficking Methodology

PowerPoint
Slides
No.s 40-48

1. Trafficking Routes

Human trafficking does not take place in a haphazard fashion, all Human trafficking will be in response to the demand for the labour/organs of the victim of trafficking. Trafficking routes may be

- Internal: a victim would normally be moved from an impoverished rural area to a major town or city.
- Regional: Victims are moved across borders within a defined global region such as Europe; the victims may be trafficked into one country or a number of countries within a region.
- Global: Victims are trafficked out of their region to other continents, such as from West Africa to Europe.

Trafficking routes may reflect factors, such as the presence of large numbers of international peacekeepers and civilian contractors in an area. This international presence brings money into an area. This surplus money stimulates demand primarily among the local population for sex services, as was the case in the Balkans. Routes may also reflect linguistic or historical ties - for example, where Brazilian victims are routed into Western Europe through Portugal or victims from previous French colonies into France.



Trends in Human Trafficking

- Greater involvement of Organized Crime
- Increase in number of women traffickers
- Globalization
- Disproportionate numbers of women and children trafficked
- Trafficking for removal of organs increasingly identified
- Continuously changing methods of traffickers
- Personal contacts more prevalent as recruiting tool

2. How do traffickers exercise control?

Exercise 3: How do traffickers exercise control?

DVD:
No.7

It is essential for a trafficker to exert control over their victim. They need to protect their investment. A question commonly asked is “Why don’t they escape?” The answer is that a trafficker uses a variety of methods to ensure that they retain control over their victim. These methods of control include:

Isolation

- *Actual Imprisonment*
Victims of trafficking are sometimes locked up, particularly in the initial phases of the trafficking process and at the beginning of the exploitation.
- *Removal of identity documents*
Traffickers usually take trafficking victims’ identification documents. This takes away the victims official identity and makes it very difficult to get help in a foreign country. This is especially the case where the victim of trafficking is mistrustful or frightened of the police because of their experiences from their own country.
- *Removal from official sources of assistance*
Traffickers will usually tell the victim of trafficking that if they do go to the police they will be deported back to their country and that they or their family will be punished by the traffickers. Alternatively, they are told that the police are

corrupt, in the pay of the traffickers, and so there is no point in going to them.

- *Language and social*
A victim of trafficking will usually be kept away from non-victims who speak their language and understand their culture.
- *Movement*
A victim of trafficking will often be moved after a few months to prevent them from establishing social contacts or trust in the authorities. Victims of trafficking for sexual exploitation are commonly moved between different cities and towns often in different countries.

Use of Violence and Fear

Traffickers use physical violence or the threat of it to maintain control. Victim’s of trafficking have been raped, beaten, drugged, kept without food or water.

Threats and Reprisals against family of victim

This is one of the most effective methods of control. A trafficker will often have details of the victim’s family circumstances such as the names of their children or their parents address. They will have obtained this information from their recruiter, who is often an acquaintance or friend of a friend of the victim of trafficking. These details are used as threats against the victim. The perception that their loved ones will be harmed if they don’t comply is very effective to ensure compliance.

Drug Addiction

It is not uncommon for the trafficker to introduce a victim of trafficking to drugs, the trafficker becomes the supplier and ensures dependency and compliance.

Debt Bondage

A victim of trafficking may be told that they are required to pay the costs of their travel, accommodation and for setting up their job. The sum required is usually vastly inflated. They are told that they must work to pay off their debt. When a victim of trafficking is re-trafficked, i.e. sold to another trafficker, the victim of trafficking is often told that they must now work to pay off their purchase price.

Shame on their family

This is particularly relevant where sexual exploitation is involved. A victim of trafficking may be threatened with being exposed as a prostitute to their family. Photographs or films taken may be used as blackmail. Within some cultures the victim will know that their family will disown them if they are exposed.

Cultural Practices

Cultural practices familiar to a victim of trafficking can make them particularly susceptible to being controlled by their trafficker, for instance, some trafficking victims have claimed that voodoo is used as a control mechanism to keep them in the grip of the traffickers. Voodoo is a cultural/spiritual practice found particularly in West African countries and involves obtaining psychological control of the victim by fear and intimidation.

The result of the use of the different methods of control creates a form of psychological imprisonment from which very few victims of trafficking try or manage to escape.



Children

It is important to note that a child will still be trafficked if they are recruited, moved and exploited. It is irrelevant whether any of the 'means' or methods of control are used in relation to children.

3. Role of Organized Crime

Three key elements have been identified as being behind the growth in human trafficking. These have been identified as:

1. A steady supply of victims from countries of origin.
2. A constant and growing demand for cheap labour and/or sexual services and/or organs for donation
3. The criminal exploitation of supply and demand by organized crime groups.

Human trafficking has been identified globally as the third most profitable form of organized crime after drug and arms smuggling.

Trafficking is mainly controlled and exploited by organized criminal groups. Organized criminal groups began trafficking in persons as a supplement to other criminal activities. In recent years the involvement of organized crime groups has increased due to the very high profits and low risks of detection. Human trafficking is sometimes carried out by a series of small loosely connected and loosely organized criminal groups, recruiting selling or transporting victims from one to another or it may be carried out by large sophisticated criminal organizations operating every stage of the trafficking process. In either scenario other forms of criminal activity, in addition to those perpetrated against the victim of trafficking, are usually also involved. These include activities such as money laundering, drug dealing, arms trafficking, corruption of public officials, intimidation, document forgery and tax evasion. A large number of organized crime groups involved in human trafficking are transnational organized crime groups - that is their criminal activities operate across borders.

NB.

Organized Criminal Groups are defined in the UN Convention Against Transnational Organized Crime as: "a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious offences.....in order to obtain directly or indirectly, a financial or other material benefit."

The United Nations Office on Drugs and Crime estimate that \$8 billion profit is made annually: comparable to the profit made in the drugs trade Human trafficking is a crime that it is difficult for an individual to commit. The complexity of the crime, the different stages in the trafficking process, the movement from one place to another, all require

manpower and organization: two of the essential elements for an organized criminal group - the third element being the profit motive, the motive behind all human trafficking. The complexity of the crime and very high profits and low risks of detection go a long way to explaining the escalating involvement of organized crime and the growth of human trafficking across the world.

HIGH PROFIT

LOW RISK

DVD:
No.8



4. Scale of trafficking

Globally

In 2008 the International Labour Organization estimated that 2.4 million people are trafficked globally each year, of these approximately 43% are trafficked for sexual exploitation, 32% for labour exploitation and the remainder for a combination of both. It has been estimated by the United States, State Department that 80% of people trafficked for labour or sexual exploitation are women and girls. There are few reliable statistics on the number of people trafficked into or within Europe, but Europol recently estimated the figure to be several hundred thousand annually.

Although focus has largely been on the issue of trafficking of women and girls for sexual exploitation, greater incidences are emerging of trafficking for labour exploitation involving all ages

and both sexes. 2008 figures from IOM's Global Counter Trafficking Database, which tracks and details assistance provided by the Organization to victims, show that over the past 11 years, IOM has assisted an increasing number of people trafficked for labour exploitation with the largest increases in the last five years. This has largely involved men and boys trafficked to work in the agricultural, construction, fishing and domestic service sectors.

Children

In 2002 the International Labour Organization estimated that 1.2 million children were trafficked annually for labour and sexual exploitation. In 2002 UNICEF estimated that 5.7 million children were trapped in forced and bonded labour across the globe.

Numbers and countries of origin of victims trafficked into Ireland

There are of course, like any other country, difficulties in estimating the numbers of people trafficked into Ireland. There have been two recent studies that estimate the numbers trafficked for the purposes of sexual exploitation. A 2008 study by the Immigrant Council Ireland, estimated that over a 21-month period, between January 2007 and September 2008, 102 women were identified as being trafficked into or through Ireland, the majority of the women

Gardaí are investigating a total of 65 cases of suspected human trafficking into the State for exploitation, according to new official figures. Fourteen of the cases involve children. The Department of Justice has confirmed that the cases are being considered as potential victims of trafficking under the provisions of the Criminal Law (Human Trafficking) Act, 2008, which was enacted in June of last year.

Carl O'Brien, Irish Times, June 29th, 2009

The Director of Public Prosecutions is to grant immunity from prosecution to two Nigerian women to allow them give evidence in the trial in Wales of an Irishman for sex-trafficking. The arrests last December in Wales were the result of joint operation by An Garda Síochána, the PSNI and the Serious Organised Crime Agency (Soca) in Britain. The operation involved raiding brothels in Cavan, Drogheda, Mullingar, Sligo, Carlow, Kilkenny, Enniscorthy, Newbridge, Waterford, and others in the North and in Britain. Seven women from Namibia, Nigeria and Brazil were rescued by the PSNI. The police said the women had been regularly threatened, assaulted and raped.

Kitty Holland, Irish Times, Tuesday 18th August, 2009

Four Chinese nationals were arrested in Louth last weekend as part of an ongoing investigation into suspected human trafficking. The arrests were made in Blackrock, Carlingford and Clogherhead as part of a coordinated operation involving the Garda National Immigration Bureau, social workers, and gardai from Dublin and Dundalk. A 36-year-old man was arrested in Clogherhead, and a 26-year-old woman was arrested in Carlingford. Another man, a 26 year-old, was arrested in Carlingford, but was released on bail. A 29-year-old man was also arrested in Blackrock. He is believed to be the owner of the two premises where the other arrests took place.

Olivia Ryan, Irish Independent, June 24th, 2009

A major new study has been commissioned to determine the scale of illegal trafficking into Ireland. The research has been commissioned in the wake of the shocking revelation that children are routinely smuggled through Rosslare Harbour. In a BBC report, an undercover journalist filmed a Bulgarian criminal as he confessed to regularly using the Wexford port to traffic women and children into Britain.

Wexford Echo, 23rd August 2007

coming from Africa (predominantly West Africa) and to a lesser extent Eastern Europe. In a study from University College, Galway in 2006 the probable minimum number of cases of women trafficked into Ireland for the purposes of sexual exploitation for the years 2000-2006 was estimated at 76 - the vast majority of these cases occurring between 2003 and 2006. The majority of these women were from Eastern Europe, the second largest grouping came from Africa (the majority from Nigeria) and the remainder from Asia and South America.

The absence of a clear definition of human trafficking in Irish law prior to the enactment of the Criminal Law (Human Trafficking) Act 2008 acted as an impediment to documenting the scale and nature of human trafficking in Ireland. Organisations and persons providing data to the researchers applied their own definition of trafficking. Consequently, these studies lack a common definition of what constitutes trafficking in human beings. The lack of a common definition of trafficking has implications in terms of providing a reliable estimate of the extent of trafficking in Ireland.

There are no numbers for people trafficked into Ireland for labour exploitation. From research in 2006 by the Migrant Rights Centre Ireland a profile of victims trafficked for labour exploitation is emerging. The problem exists in a number of sectors such as the restaurant industry, agriculture, food processing, domestic and care work, construction and entertainment. The victims come from a range of countries, often related to the sector involved. The countries and regions identified in the survey included Eastern Europe, Brazil, Pakistan, Bangladesh and the Philippines.

- **Country of Origin:** the country where a victim of trafficking comes from or where they live
- **Country of Transit:** the country or countries through which a victim of trafficking is transported prior to arriving at the country of destination. The victim of trafficking may be exploited in the country of transit. The country of transit may become the country of destination.
- **Country of Destination:** the country where the victim of trafficking is taken to be exploited.

Ireland has been identified as a transit and destination country for trafficking for labour and sexual exploitation.



Children

There is no research for children trafficked into Ireland specifically for labour exploitation. In the Immigrant Council Report of the 102 women identified as being trafficked into Ireland for sexual exploitation, 11% were children when they arrived in the country all were from West Africa. In 2003 IOM published a report on Trafficking in Unaccompanied Minor's into Ireland, this report found that approximately 115 children who arrived into the State unaccompanied in 2001 were the subject of investigation into criminal trafficking or smuggling. The majority of the children were from the Balkans, West Africa and Romania.

Summary:

Human trafficking is a global problem. It generates huge profits and millions of people across the world have been affected by it. Traffickers maintain control over their victims by isolating the victim and creating a climate of fear. Organized crime is an important factor in the growth of human trafficking.

Resources:

WebSites:

- www.un.org
- www.mrci.ie
- www.immigrantcouncil.ie;

CDRom:

- a) PowerPoint Slides and Notes: Module 3, Unit 1
- b) DVD Clip.

While poverty and gender discrimination are important causal factors of human trafficking, the demand in industrialized companies for cheap labour and consumers for cheaper and cheaper goods has been overlooked as a fundamental cause of human trafficking.

Gender

In many societies girls and women are less valued than boys and men:

- Girls may be expected to sacrifice their education and assume domestic responsibilities at a young age.
- Girls have fewer educational opportunities
- Access to labour markets may be restricted by belief that men are the 'wage earners'
- Women more likely to be dismissed or made redundant first
- Women may be subject to domestic violence.

This gender based discrimination can make women and girls more vulnerable to trafficking by compelling females to seek alternative opportunities in the un-regulated 'black' economy.

'What Lies Behind the Things We Buy?'



Age

The vast majority of victims of trafficking are young: male and female. Younger victims may be more willing to take a risk to seek more opportunity abroad and traffickers will seek out younger victims as they will be stronger and fitter and more suited to arduous labour. The same is true for victims of sexual exploitation; in addition clients usually seek younger victims. In the case of organ donation the younger and fitter the potential donor, the better it is for the trafficker and the purchaser.

Older people are trafficked, sometimes for street begging and age does not seem to be a factor in relation to trafficking into domestic servitude.



Children

In addition to the root causes of trafficking for adults, children are also trafficked for reasons specific to the fact that they are children. These include;

- Domestic abuse of children and neglect
- Orphans: unaccompanied children are particularly vulnerable
- Discrimination/ethnicity of a child
- Sexual behaviour of adults: demand for children
- Harmful traditions: early marriage, forced marriage, temporary marriage.

2. The Consequences of Human Trafficking

Individual

When a person is trafficked control of their life and body is taken over by the trafficker. The person is now a commodity that can be bought, sold and re-sold. They can be beaten, abused and raped. When they are no longer producing a profit their life is worth nothing.

Health

To understand the consequences of being trafficked for a victim it is necessary to understand the stress and trauma that the victim of trafficking has been through. Health problems can include physical injuries, reproductive and sexual health issues, mental health issues (including depression,

anxiety, insomnia, and post-traumatic stress disorder), occupational health issues (physical injuries, disabilities, nerve and/or bone damage) and conditions linked to sanitation and hygiene. [See Module 6: Health Issues]

Stigmatization

Victims of trafficking are often ashamed of what they have been through and do not want their family or community to know. They may also feel that they have brought shame on their family by failing to be a success and failing to send money home to their family.

Removal

Victims of trafficking may in certain circumstances be removed to their country of origin as irregular migrants.

Ireland

In Ireland the State and the Garda Síochána is committed to ensuring that no person who is potentially a victim of human trafficking will be removed from the State while the investigation into the circumstances of the person's arrival into the State, including the identification of the person as a victim, is ongoing.



Children

Trafficked children are particularly vulnerable. The consequences can be particularly devastating as the abuse takes place when a child is developing physically, psychologically and socially. Abuse often permanently damages their potential for normal development both physically and psychologically.

Community

Corruption

Human trafficking and corruption of public officials are often found together. Traffickers need the help of public officials to assist in producing identity papers, to turn a blind eye at border crossings and to subvert the judicial process. All of these are damaging for a country, its public institutions and development.

Destabilization

A large number of organized crime groups operating in a country can destabilize a whole country or region-by their corrupting of public institutions and the political process. The creation of a climate of fear caused by the operations of these organizations can also be very damaging for a society.

De-population

Some areas of Eastern Europe, particularly in Moldova, have been so affected by human trafficking of young women to wealthier parts of Western Europe that there is a pronounced gender imbalance in particular villages and towns.

Summary:

Human trafficking is caused by the interaction of the supply of victims and demand for their services. The supply of victims of trafficking is caused by many contributing factors driven by poverty. Organized crime groups profit from supplying victims to satisfy the demand.

Resources:**WebSites:**

- www.iom.int
- www.antislavery.org

CDRom:

- a) PowerPoint Slides and Notes, Module 3, Unit 2
- b) DVD Clip

Module 4: Identifying and Referring Victims of Trafficking

In Ireland the definition of Human Trafficking is found in the Criminal Law (Human Trafficking) Act, 2008.



Unit 1:

How to identify a victim of trafficking

Goal: To understand the process and factors relevant in identifying a victim of trafficking.

Time: 1 Hour

Overview

Human trafficking is a complex phenomena. Men, women and children are trafficked from many different parts of the world into many different environments. The number of variables makes the process of identification difficult. The essential issue in identifying a person as a suspected victim of trafficking is deciding whether the definition in the Palermo Protocol has been satisfied.

In Ireland the definition of Human Trafficking is found in the Criminal Law (Human Trafficking) Act, 2008.

1. Why do we need to identify a victim of trafficking?

The process of identification aims at making a determination whether or not an individual is a trafficked person. The fundamental goal of victim identification is to ensure that appropriate measures can be taken to help the victim:

- To receive assistance particular to the needs of a trafficked person; for instance: accommodation, material assistance, legal assistance, counselling
- To have health needs addressed; these are likely to include immediate and acute physical, psychological and sexual health needs (depending on the form of trafficking)
- To escape an exploitative situation; though it is crucial to note that this can be dangerous for a

PowerPoint Slides No.s 52-70

victim of trafficking and raises security issues for those seeking to assist.

Article 10 of the COE Convention requires States to adopt legislative or other measures to identify victims of trafficking and to ensure that if there are reasonable grounds to believe that a person has been a victim of trafficking that they shall not be removed from the country until the identification process has been completed.

Identification of a victim of trafficking is also important to prevent the victim being incorrectly identified as an illegal migrant and removed back to their country of origin without receiving appropriate assistance and leaving them vulnerable to re-victimization. For instance, a victim of trafficking may be eligible for refugee status. They should be advised of this possibility and given advice on the application procedure. In addition, staff reviewing refugee applications should be aware of trafficking indicators and be able to assess whether an asylum seeker is also potentially a victim of trafficking.

NB.

A victim of trafficking is a victim of a crime

2. Where are victims of trafficking found?

People suspected to be victims of trafficking may come to the attention of the police, immigration officials, employment inspectors, health and safety inspectors, social services, health care providers or other agencies of the State through their work. Alternatively, they may come to the attention of NGO's working in the field of prostitution or migrant or labour rights by seeking assistance. Victims of trafficking may also be found in places associated with their exploitation, such as brothels, apartments, farms, bars, restaurants, factories, nightclubs, escort agencies, sweatshops, mines and massage parlours.

Art.10: COE Convention requires States to provide trained and qualified persons in identifying victims of trafficking.

But it should also be realized that victims of trafficking live and work in communities and therefore people, such as their neighbours or workers in the local corner shop, may have suspicions about whether they have been trafficked. Victims may also seek to call hotlines or others may call hotlines with their suspicions. Once it is suspected that someone may be a potential victim of trafficking it is important that appropriate action is taken.

3. What to do if you suspect that a person is a victim of trafficking

DVD: No.11 The basic principle is that you must **Do No Harm**. It is very important that a victim of trafficking is not put in more danger because of the actions of a person trying to assist them. If in doubt do not take any action if the situation for the victim of trafficking may be made worse. But having said this the basic principle must be, if it is possible, to endeavour to protect the victim of trafficking.

If you suspect that a victim of trafficking is living or working in your community then a report may be made to the local police or a call made to a hotline.

If a suspected victim of trafficking is encountered through work, then work place protocols on steps to be taken if a potential victim of trafficking is encountered should be followed, while adhering at all times to the basic principle of Do No Harm and informed consent. See Module 4, Units 2 and 3, Principles of Protection and Referrals for more detail.

NB.

Blue Blindfold Hotline: 1 800 25 00 25

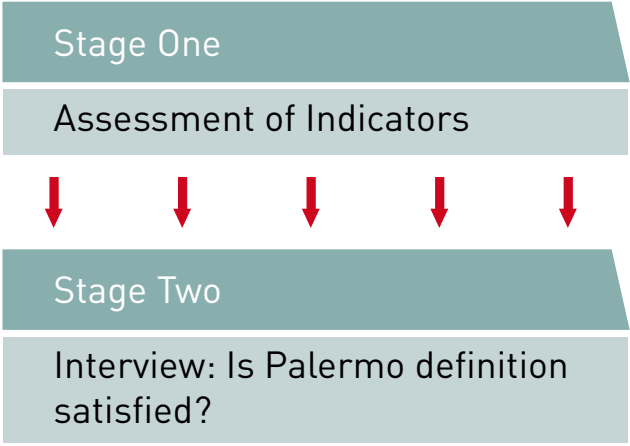
Ireland

In Ireland the Garda Síochána have noted that victims of trafficking come to their attention in three main ways: (i) identified by Garda in the course of their investigations, (ii) on referral to the Garda by the Health Service Executive, or other agencies and NGO's, (iii) as part of the asylum process the applicant may indicate they have been trafficked or (iv) a number also came to attention through reports from members of the public.

The formal identification of a person as a suspected victim of trafficking and thus eligible for government support and protection can only be made by a member of An Garda Síochána, not below the rank of Superintendent in the Garda National Immigration Bureau (GNIB).

Identifying a victim of trafficking: A two-stage process

It is important to screen potential victims of trafficking to ensure that they are in fact victims of trafficking and not smuggled or other irregular migrants who may themselves be in need of different types of protection. The screening process consists of two stages:



NB.

Stage One: the Assessment of Indicators

Assessing whether a person is a suspected victim of trafficking is not a scientific process. Human trafficking covers a broad spectrum of human behaviour- each case is different and usually complex. That having been said there are facts or patterns of behaviour that commonly recur that, taken together, can lead to a suspicion that a person is victim of trafficking. In recognition of these recurring facts and behaviours, lists of possible indicators to identify suspected victims of trafficking have been developed and are used by law enforcement agencies and NGO's working in the field. The critical additional factor that distinguishes trafficking from migrant smuggling is the presence of force, coercion and/or deception throughout or at some stage in the process - such deception, force or coercion being used for the purpose of exploitation.

The intention of the indicators is to assist in the assessment process:

- Local circumstances and experience should adapt and expand the process accordingly.
- All indicators should be considered cumulatively as none will provide the answer on its' own.
- The list of indicators is not exhaustive.

General Indicators*

- A belief that they must work against their will;
- Be unable to leave their work environment;
- Show signs that their movements are being controlled;
- Show fear or anxiety;
- Be subjected to violence or threats against themselves or against their family members and loved ones;
- Suffer injuries that appear to be the result of an assault;
- Suffer injuries or impairments typical of certain jobs or control measures;
- Be distrustful of the authorities;
- Be threatened with being handed over to the authorities;
- Be afraid of revealing their immigration status;
- Not be in possession of their passports or other travel or identity documents, as those documents are being held by someone else;
- Have false identity or travel documents;
- Be unfamiliar with the local language;
- Not know their home or work address;
- Allow others to speak for them when addressed directly;

- Act as if they were instructed by someone else;
- Be forced to work under certain conditions;
- Be disciplined through punishment;
- Be unable to negotiate working conditions;
- Receive little or no payment;
- Have no access to their earnings;
- Work excessively long hours over long periods;
- Not have any days off;
- Live in poor or substandard accommodation;
- Have no access to medical care;
- Have limited contact with their families or with people outside of their immediate environment;
- Be unable to communicate freely with others;
- Be under the perception that they are bonded by debt;
- Come from a place known to be a source of human trafficking;
- Have had the fees for their transport to the country of destination paid for by facilitators, whom they must pay back by working or providing services in the destination;
- Have acted on the basis of false promises.

*Indicators from UN GIFT-UN Global Initiative to Fight Human Trafficking

Note: Lists of common indicators, including specific lists for labour and sexual exploitation and child trafficking, can be found on the government's anti-trafficking blue blindfold campaign website: www.blueblindfold.gov.ie

The supply chain of victims relies on the exploitation of a combination of factors including poverty, discrimination and lack of opportunity.

Relevant Issues:

There are other issues that need to be considered in every trafficking case as possible relevant factors in deciding whether a person is suspected to be a victim of trafficking. These are:

Gender: The relevance of a person's gender will depend upon the location and type of exploitation involved. Trafficking for sexual exploitation predominantly affects women and girls. However, male trafficking for the purposes of sexual exploitation, particularly young and teenage boys, is also increasing and should not be excluded.

Age: The general rule is that the older the person the less likely the case is to involve trafficking. Trafficking for sexual or labour exploitation usually focuses on younger victims as traffickers know they are more likely to be able to withstand the arduous work and conditions involved. In relation to trafficking for sexual exploitation the client's preference for younger victims leads to greater demand for the younger victim.

But it should not be forgotten that older people are trafficked, in South East Asia - for example, older people have been trafficked for the purpose of street begging. Age also does not appear to be a relevant factor in trafficking for the purpose of domestic servitude.

Nationality: The causes of human trafficking involve a number of factors pushing a victim away from their country. These factors include poverty, lack of opportunity, conflict and political instability. These factors are usually found in poorer less developed countries and where a number of these factors are found together human trafficking can flourish. Thus nationality is often a factor that raises a suspicion of trafficking. Though it should be noted that there is evidence of trafficking from wealthier countries, especially of children for the purposes of sexual exploitation.

Experience: Those working to identify a suspected victim of trafficking should evaluate all of the above indicators and relevant issues and ask if taking all the information available on a particular case whether the case is consistent with their knowledge and experience of trafficking.

If after assessing the relevant indicators and the relevant issues it is felt that the person or child is a suspected victim of trafficking then the process moves on to stage two: the interview.

Stage Two: the Interview

To determine whether a person is a victim of trafficking it is necessary to have a fundamental understanding of the definition of trafficking contained either in the Palermo Protocol or in national legislation. The first step that always needs to be taken is to determine whether the person is an adult or a child.

The interview itself will be to establish whether the definition of trafficking is satisfied- for adults this will be whether there was an act (e.g. recruitment or transportation) and means (e.g. deceit, coercion or fraud), for the purpose of exploitation. The interview process will involve a systematic investigation of each stage in the trafficking process.

NB.

Remember!

The standard for proving a child is a victim of trafficking excludes the need for 'means'.

Only a member of the Garda Síochána, not below the rank of superintendent in the Garda National Immigration Bureau (GNIB) can formally identify a person as a suspected victim of trafficking.

Ireland

In every instance of suspected human trafficking all information that is available is considered by a Detective Superintendent, GNIB, in conjunction with other senior officers and members of the Garda Síochána directly involved in the investigation.



Children

The first step must be to establish whether the person is a child. This is not always clear. If there is uncertainty as to a child's age they should be treated as a child until verification has been completed. Given the vulnerability of a child if there are grounds to believe they are victims of trafficking they should be treated as a victim of trafficking until it is shown otherwise.

NB.

The fundamental goal of identification is to ensure that the child receives appropriate assistance.

Like adults children may be found in different places, often linked to their exploitation or on arrival into the country as an unaccompanied minor. They may be identified as potential victims of trafficking by a range of people who they come into contact with.

If a child is identified as a potential victim of trafficking they should be moved to an appropriate, secure and safe environment, specifically for children. Once this happens and prior to interviewing they need to be placed within a 'sphere of protection' and referred to the appropriate relevant agencies to cater for their material needs and physical, psychological and medical welfare.

The process for identifying a child as a victim of trafficking is like adults, a two-stage process.

Stage One: the Assessment of Indicators

The first stage involves the use of indicators. Specific indicators have been developed for suspected victims of child trafficking, though many of the indicators relevant for adults may also be relevant for child victims. The relevant issues of age, gender and nationality will also apply equally to suspected child victims.

Specific Indicators for child trafficking*

Children who have been trafficked may:

- Have no access to their parents or guardians
- Look intimidated and behave in a way that does not correspond with behaviour typical of children their age
- Have no friends of their own age outside of work
- Have no access to education
- Have no time for playing
- Live apart from other children in substandard accommodations
- Eat apart from other members of the 'family'
- Be engaged in work that is not suitable for children
- Travel unaccompanied by adults
- Travel in groups with persons who are not relatives

The following might also indicate child trafficking:

- The presence of child-sized clothing typically worn for doing manual or sex work
- The presence of toys, beds and children's clothing in inappropriate places such as brothels and factories.

*Indicators from UN GIFT-UN Global Initiative to Fight Human Trafficking

Note:

Lists of common indicators, including specific lists for labour and sexual exploitation can be found on the government's anti-trafficking blue blindfold campaign website: www.blueblindfold.gov.ie

If after assessing the relevant indicators and the relevant issues it is felt that the child is a suspected victim of trafficking then the process moves on to stage two: the interview. If trafficking is not suspected then appropriate measures will need to be put in place for the care of the child.

Stage Two: the Interview

The interview will need to establish whether the definition of trafficking is satisfied- for this will be whether there was an act (e.g. recruitment or transportation) for the purpose of exploitation. The interview process will involve a systematic investigation of these two stages in the trafficking process. The interview should be carried out by someone with special training in the rights and needs of children. The interviewer needs to be sensitive to the differing needs and expectations of girls and boys.

NB.

Remember! Only a member of the Garda Síochána, not below the rank of Superintendent in the Garda National Immigration Bureau (GNIB) can formally identify a suspected victim of trafficking.

**Ireland**

- Child Specialist Interviewers are available within the Gardaí and are required by law to be used for all children under 14 years of age.
- Children who are suspected victims of trafficking sometimes come to the attention of the authorities as they arrive in Ireland, at an airport or ferry terminal, unaccompanied by any adult. Where it is unclear whether they are an adult or child they will be referred for an age assessment. Authorised officers of the Office of the Refugee Applications Commissioner (ORAC) and immigration officers together with the Health Service Executive (HSE) conduct age assessment having regard to the Separated Children in Europe Programme Statement of Good Practice, 2004.
- There is a statutory duty upon immigration officers or other authorized officers to refer a child, arriving unaccompanied in the State and not in the custody of any person, to the HSE and thereupon the provisions of the Child Care Act 1991 apply to the child. See Module 4, Unit 3: (Referral of a Victim of Trafficking in Ireland)

Summary:

Identification of suspected victims of trafficking is a two-stage process. The first stage involves assessing the case using a range of appropriate indicators, if these show a suspicion of trafficking then the process moves on to the second stage. The second stage involves interviewing the suspected victim to ascertain whether the Palermo or national law definition of trafficking is satisfied.

Resources:**Web Sites**

- www.blueblindfold.gov.ie
- www.justice.ie
- www.ilo.org

CD Rom

- (a) National Action Plan To Prevent and Combat Human Trafficking in Ireland, 2009-2012
- (b) COE Convention on Action Against Trafficking in Human Beings, 2005
- (c) Criminal Law (Human Trafficking) Act, 2008
- (d) PowerPoint Slides, Module 4, Unit 1
- (e) DVD Clip.

Exercise 5: Test your trafficking knowledge

Unit 2:

Safe Referrals of Victims of Trafficking

Goal: To understand the ethical considerations that must be considered when dealing with a potential victim of trafficking and the importance of safe referrals

Time: 30 Minutes

Overview

If a potential victim of trafficking is encountered there are some basic principles that it is important to understand in order to protect the potential victim from further harm. These principles are set out below.

PowerPoint
Slides
No.s 71-75

1. Basic Principles for the Protection of Victims of Trafficking

Do No Harm

Take no action that may endanger the victim of trafficking

The overriding principle in the ethical treatment of people is the principle 'do no harm'. This principle is particularly significant in the context of trafficking given the risks associated. It is crucially important that no steps are taken that may make the situation more perilous for the victim of trafficking.

The risks to the victim of trafficking have been particularly exposed in relation to trafficking for sexual exploitation. Women or girls who are in these situations, in the process of leaving or who have already escaped are vulnerable to harm, as may be their family and friends. The degree of danger is not always apparent either to the woman or to those attempting to assist her.

In addition to the overriding principle of 'do no harm' some basic principles for the ethical treatment of victims of trafficking have been developed.

(a) Respect for and Protection of Human Rights

Human trafficking is a serious human rights violation. All assistance and protection efforts should strive towards the restoration of the human rights of the victim of trafficking.

(b) Informed Consent

Assistance to a victim of trafficking should proceed on the basis of the victim's full and informed consent. To enable informed consent to be obtained it is important that all relevant actions, policies and procedures are explained. If staff are unable to communicate with the victim in a language that they understand all necessary efforts should be made to secure the assistance of an interpreter.

(c) Non Discrimination

Services to victims of trafficking should be provided without discrimination on the basis of gender, sexual orientation, age, disability, colour, social class, race, religion, language, political beliefs or any other status.

(d) Confidentiality and Right to Privacy

All information with regard to the victim must be treated with due regard for the victim's right to confidentiality and privacy. All organizations should ensure that all staff handle victim data responsibly, only collecting and sharing information on a victim following the principle of informed consent and on a 'needs to know' basis. It is fundamental that staff understand that by breaching confidentiality and the privacy of the victim their life and the life of others may be put at risk.

(e) Self Determination and Participation

In recognition of the right and need of victims to make their own informed choices and decisions, they should be encouraged to participate as much as possible in the decision making process as it affects them.

(f) Individualized treatment and care

While recognizing that victims of trafficking share a number of common experiences, it should also be acknowledged that all are individuals. This individuality of the person in respect to their cultural, gender and age differences should be recognized as well as the difference of their experience during and after being trafficked. As far as possible care offered should be personalized to this individual's needs.

(g) Do not re-traumatize

Effort should be made not to re-traumatize a victim of trafficking by asking questions intended to provoke an emotional response.



Children

All assistance and protection provided to children should be based on the principle that the **best interests of the child** will always be the paramount consideration.

2. Concept of safe referral

A person suspected of being trafficked may be encountered in the community or through one's work. If you have suspicions that a victim of trafficking is living in your community a report should be made to the local police or a call made to a hotline. If you encounter a suspected victim of trafficking through your employment it is important that proper and safe referral procedures are followed. Detailed below are the steps that need to be taken to ensure a safe referral, at all times referring to the **Basic Principles for the Protection of Victims of Trafficking**:

1. Put in place internal referral procedures. What member of staff makes the decision on referral?
2. Identify and Assess Services: This needs to be done before a potential victim of trafficking is encountered. Services include organizations working with victims of trafficking, social services, health services, relevant government departments and units, the police, organizations working in the field of migration, consular services, legal services as well as hotline numbers. A referral mapping form with all the contacts detailed should be produced.
3. Develop inter-organizational referral arrangements: when possible develop agreed referral and information sharing procedures before a referral takes place.
4. If possible, given security considerations, inform the suspected victim of trafficking of possible referral options and services available and obtain consent. This should not be done in the presence of others.
5. Communicate only information needed for care and security.

6. Make safety and security arrangements for referral: It is important to assess any security risk to trafficked person(s) and to staff.
7. Arrange for feedback.



The trafficking of people for the purpose of their labour or sexual exploitation is a criminal offence. Report any information or suspicions anonymously.

Email blueblindfold@garda.ie or call **Crimestoppers 1800 25 00 25**
For further information log on to www.blueblindfold.gov.ie



Ireland

Remember! Only a member of the Garda Síochána, not below the rank of Superintendent in the Garda National Immigration Bureau (GNIB) can formally identify a suspected victim of trafficking and open the door to services provided by the government for the protection of potential and/or suspected victims of trafficking.

National Referral Mechanism

A National Referral Mechanism formalizes the relationship between the State, law enforcement agencies and NGO's. It therefore provides for the highest level of co-ordination between State actors and civil society. The need for a National Referral Mechanism in Ireland was identified during the consultation process that led to the development of the National Action Plan. A Multi-Disciplinary Working Group on a National Referral Mechanism was established under the auspices

of the High Level Group on Combating Trafficking In Human Beings. The task of the Working Group is to make recommendations and report to the Interdepartmental High Level Group. The work of the group is on-going.

Memoranda of Understanding

The use of Memoranda of Understanding will be explored by the AHTU. These formalize the relationship between parties such as law enforcement agencies and victim support providers and contribute to a high level of trust between the different organizations and a common understanding of each other's goals and principles. Available services and organizations working in the field of human trafficking in Ireland are detailed in Module 4, Unit 3 below.

Summary:

It is essential that victims of trafficking are protected from further harm. The human rights of a victim of trafficking must be protected by those that seek to assist them. Organizations that may come into contact with victims of trafficking need to put into place safe referral plans.

Resources:

Web Sites

- www.blueblindfold.gov.ie

CD Rom

- COE Convention on Action Against Trafficking in Human Beings, 2005
- National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland, 2009-2012
- PowerPoint Slides, Module 4, Unit 2

Unit 3: Referring a Victim of Trafficking in Ireland

Goal: To understand the legislative and administrative protections available to a victim of trafficking in Ireland and to be aware of the main service providers in the Governmental and Non-Governmental spheres.

Time: One Hour

Overview

A potential victim of trafficking may be an adult or a child and may have been trafficked into Ireland for labour or sexual exploitation and as a consequence may have a variety of needs. It is therefore important that if a person encounters a victim of trafficking in their working environment, they are aware of the available protections in place in Ireland and are therefore able to provide assistance where possible.

Protection measures Immigration Residence and Protection Bill

PowerPoint
Slides
No.s 76-87

Article 13 of the COE Convention requires States to provide a period of recovery and reflection for victims of trafficking and Article 14 states that a renewable residence permit should be issued in defined circumstances.

Recovery and Reflection period

Immigration reform legislation is expected to allow a 60 day recovery and reflection period for a suspected victim of trafficking. This recovery and reflection period is to enable the suspected victim of trafficking to recover and escape the influence of their traffickers.

Residence Permits

A suspected victim of trafficking may also be granted a residence permit to allow them to assist the Garda Síochána or other relevant authorities in an investigation or prosecution.

Pending the enactment of expected immigration reform legislation a temporary administrative scheme, the 'Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking' has been put in place. This administrative scheme is based on the relevant draft legislative provisions. The scheme provides that where there are reasonable grounds for believing that a foreign national (person from outside EEA) is a suspected victim of trafficking s/he will, following certification by a Garda Superintendent in the Garda National Immigration Bureau, be allowed to remain in the State for a period of 60 days. This 60 day period is to allow her/him to recover and escape the influence of the traffickers. A 6 month period (renewable) of residency may also be granted thereafter if the suspected victim has severed all ties with the alleged traffickers and is willing to assist in an investigation or prosecution arising in relation to trafficking. A person from the EEA will, for the purposes of these arrangements, be treated no less favourably than a person from outside the area.

Material Needs and Assistance

The COE Convention requires a State to take into account a victim's personal safety and protection. Particular needs that must be met are set out in Articles 12 and 13. These include:

- Appropriate and secure accommodation
- Psychological and material assistance
- Access to emergency medical treatment
- Translation and interpretation services, where appropriate
- Counselling and information, in particular as regards their legal rights and services available to them
- Assistance to enable their rights and interests to be presented and considered at the appropriate stage of criminal proceedings against offenders
- Compensation and
- Access to education for children.

A.12 states that assistance to a victim of trafficking should not be conditional upon the victim's willingness to act as a witness in criminal proceedings.

Set out below are some of the more fundamental protection measures that have been put in place or are being put in place to assist suspected victim's of trafficking in Ireland.

1. Accommodation

Access to safe accommodation is an urgent need for victims of trafficking. In Ireland that need is undertaken by the state through the Reception and Integration Agency (RIA). RIA will provide accommodation for potential and suspected victims of trafficking referred by the Garda National Immigration Bureau (GNIB) prior to and during the 60 Day recovery and reflection period. RIA already has a role as the provider of accommodation for asylum seekers.

At the end of the 60 day recovery and reflection period a suspected victim of trafficking will be required to leave RIA accommodation. If they intend to assist the authorities in relation to their case of suspected trafficking, they will be assisted with accommodation needs by a Community Welfare Officer. If they do not intend to assist the authorities they will be required to leave RIA accommodation and will have no legal status in Ireland, unless they apply for legal status through making a claim for asylum or subsidiary protection.

Emergency accommodation for women who are suspected of being victims of trafficking, but not yet formally identified by the GNIB, may also be provided by Ruhama. Ruhama is a non-governmental organization working with victims of trafficking. Ruhama has several safe houses around the country that are used to house women for short periods, generally prior to approaching GNIB.

After the 60 day recovery and reflection period, when a suspected victim of trafficking has to leave RIA accommodation, the Community Welfare Officer and NGOs working the field will help a woman find private accommodation.

2. Psychological, material assistance, emergency medical treatment, translation and interpretation services, counselling and information, legal services.

Suspected victims of trafficking are given the same RIA accommodation as newly arrived asylum seekers accommodated at a reception centre. The reception centres sometimes include a medical centre on-site managed by the HSE. If there is a nurse in a medical centre on site they will conduct an initial assessment of the medical needs of the suspected victim of trafficking if they consent. If they consent to a medical assessment a care plan will be drawn up by the HSE involving linking in, in the case of women subject to sexual exploitation, to the Women's Health Project in Dublin.

Translation and interpretation services are available from the HSE and GNIB.

The Legal Aid Board will provide legal advice and legal aid to suspected victims of trafficking through the Refugee Legal Services.

Non-Governmental Organization working with victims of trafficking provide support in the form of counselling, information and training.

3. Compensation and legal redress.

The COE Convention calls for a victim of trafficking to be able to claim compensation from the perpetrator of the crime against them. Due to the nature of the crime this is extremely difficult to achieve but is possible under Irish Law. S.6 Criminal Justice Act, 1993 empowers a court to order an offender to pay compensation to the victim of their crime. Alternatively a civil action could be taken against the perpetrator.

Persons who have been trafficked for labour exploitation may be able to seek legal redress through a number of State bodies that deal specifically with work related entitlements. These include the Employment Appeals Tribunal, the Labour Relations Commission, the Labour Court and the Equality Tribunal.

A victim of trafficking may also be able to make a claim under the State Criminal Injuries Compensation Scheme.

4. Protection of Identity

The protection of the identity of a suspected victim of trafficking is of the utmost importance; to protect them and their friends and family from retaliation and to give them the confidence to speak out. Article 11 of the COE Convention requires the State to protect the private life and identity of a suspected victim of trafficking. This includes measures to protect the storing of personal data and to protect their identity in court proceedings. Article 28 of the COE Convention calls on States to adopt such measures as necessary to provide effective and appropriate protection from retaliation or intimidation in particular during and after investigation and prosecution of perpetrators. This protection is to be extended to victims, witnesses, family of victims and those who report trafficking offences.

Ireland

The Criminal Law (Human Trafficking) Act, 2008 provides in:

- Section 10 for exclusion of members of the public from court proceedings to protect witnesses and victims
- Section 11 for guaranteed anonymity for victims of trafficking unless waived by a judge.

The storing of data is covered in Irish law under the Data Protection Act, 1988 (amended 2003).

4. Voluntary Return

The COE Convention requires States to have in place measures that address the return and reintegration of victims of trafficking. In Ireland voluntary assisted return has been offered since 2001, to asylum seekers and other irregular migrants, as a service from the Department of Justice, Equality and Law Reform in conjunction with the International Organization for Migration (IOM). Reintegration assistance is offered to all returnees with the aim of assisting in their reintegration into their community.

Non-voluntary returns are possible but it is publicly stated policy that a suspected victim of trafficking will not be removed from the State while their cases are being considered.

Practical Assistance

An Garda Síochána

The Gardaí obviously have an investigating role

in the prosecution of human traffickers but their role extends beyond this. The Human Trafficking Investigation and Co-ordination Unit is tasked with taking a lead in all policy issues in the area of human trafficking and overseeing all investigations where there is an element of human trafficking and will provide advice, guidance and operational support for investigations.

An officer in the Garda National Immigration Bureau of the rank of Superintendent or above is also given the task of formally identifying victims of trafficking and additionally of opening the door to services provided for potential and/or suspected victims of trafficking, such as accommodation and material assistance.

Information: www.garda.ie
Contact: email: blueblindfold@garda.ie
Call: 1 800 25 50 25

Organizations working with victims of trafficking

There are a number of organizations and bodies working with victims of trafficking in Ireland. In many cases they will be the first point of contact a victim of trafficking has with service providers. They also provide invaluable information and support to potential trafficking victims. Detailed below are some of the more active organizations and bodies in terms of information and service provision.

State Bodies

HSE: Women's Health Project

The Women's Health Project is a sexual health and support service for women working in prostitution including victims of trafficking for sexual exploitation. The Women's Health Project provides sexual health screening, addiction services, outreach to streets and parlours and training and education workshops. The Women's Health Project is the designated HSE agency for the provision of health and counselling services for women who are suspected victims of trafficking for sexual exploitation. Services to women are provided in their place of work both, on the streets and indoors, during the day and at night. Outreach staff also provide advice and information on all aspects of sexual health promotion; safer sex and safer drug use, tips for working more safely and can act as a referral on to main stream services. Through their presence on the streets and in parlours they can be

the first point of contact for victims of trafficking.

The Dublin South East HSE team has undertaken to provide health care plans for potential and suspected victims of human trafficking (male and female) for the purposes of labour exploitation as an interim measure pending a national rollout in relation to care planning.

Information: www.hse.ie
Contact: email: admin.whp@hse.ie
Call: 01 669 95151

National Employment Rights Authority

The National Employment Rights Authority (NERA) was established in 2007, it is a government agency whose aim is to achieve a national culture of employment rights compliance.

NERA has four main functions. These are to provide information to employers and employees on employment rights and legislation; to inspect employment premises to enforce court orders; to prosecute employers for breaches of employment rights legislation and to protect young people in the work place.

NERA has 90 inspectors based around Ireland. In inspecting employment premises they have the right to enter a place of employment, a right to inspect records and to interview relevant people. In this role they may often be the first point of contact for victims of trafficking for labour exploitation.

Information: www.employmentrights.ie
Call: 1890 80 80 90

The Legal Aid Board

The Legal Aid Board provides legal services on certain matters to persons identified by the Garda National Immigration Bureau (GNIB) as "potential or suspected victims" of human trafficking under the Criminal Law (Human Trafficking) Act 2008.

There are no merits or means testing involved and the applicant is not required to make a financial contribution to the Legal Aid Board. The service will be provided by solicitors who have received specific training in human trafficking issues. The service provides initial advice to persons identified as "potential/suspected victims" of human trafficking on their legal rights. It also provides legal advice and aid to "potential/

suspected victims” of human trafficking offences acting as witnesses in prosecutions taken under specified provisions of the Criminal Law (Human Trafficking) Act 2008 where the prior sexual history of the alleged victim is being raised by the defendant or the defendant’s legal representatives.

Information: www.legalaidboard.ie
Contact: email: info@legalaidboard.ie
Call: 1890 615 200

Inter-Governmental Organizations

International Organization for Migration

IOM carries out counter-trafficking activities globally and in Ireland. Counter-trafficking activities are geared toward the prevention of trafficking in persons, particularly women and children, and the protection of migrant’s rights. These activities include; information campaigns, conducting research on migrant trafficking, providing safe and dignified return and reintegration assistance to victims of trafficking and helping governments to improve their legal systems and technical capacities to counter trafficking.

In Ireland IOM provide dedicated return and reintegration services as a part of a range of services available to victims of trafficking through various agencies.

Information: www.iomdublin.org
Contact: Email: iomdublin@iom.int
Call: 01 8787900

Non-Governmental Organizations

Ruhama

Ruhama is a Dublin-based NGO that works with women involved in prostitution as well as women who are victims of trafficking for sexual exploitation. Ruhama offers a casework service, counselling, a referral and support system, housing, addiction programs, immigration and legal services. Specific services developed for women who are victims of sex trafficking include safe accommodation.

Information: www.ruhama.ie
Contact: email: admin@ruhama.ie
Call: 01 836 0292

The Sexual Violence Centre, Cork

The Sexual Violence Centre provides counselling and support to teenagers, women and men who

have been raped or are survivors of child sexual abuse. A qualified counsellor is available to assist potential victims of trafficking who may require information and advice on legal issues, medical issues and service availability.

Information: www.sexualviolence.ie
Call: 1 800 496 496

The Immigrant Council of Ireland

The Immigrant Council of Ireland (ICI) is an independent human rights organization that advocates for the rights of immigrants and their families. The ICI has developed a three-year strategy on the issue of trafficking for the purposes of sexual exploitation. The ICI aims to contribute to public debate on trafficking and prostitution in Ireland, and to influence legislative and policy change so that the rights of victims of trafficking and prostitution are protected and the serious harm caused to women by the trafficking and prostitution industries is reduced.

The ICI is also an Independent Law Centre that can offer victims of trafficking dedicated, free legal representation. The law centre has active trafficking cases at present.

The ICI’s anti-trafficking work is part of an overall policy of working in co-operation with other key agencies, both in Ireland and in Europe, in developing gender-sensitive approaches to legislation, policy and service provision aimed at protecting the rights of all women exploited by the sex industry in Ireland.

Information: www.immigrantcouncil.ie
Contact: email admin@immigrantcouncil.ie
Call: 01 674 0200

Migrant Rights Centre, Ireland

MRCI is a national organization concerned with the rights of migrant workers and their families. MRCI provides support and information for migrant workers and their families particularly in situations of vulnerability, such as potential labour exploitation. MRCI aims to empower migrant workers through community work practices and works to achieve policy change.

Information: www.mrci.ie
Contact: email: info@mrci.ie
Call: 01 889 7570



Children

Children are particularly vulnerable and therefore need additional protections. All the protection measures available to adults will be available to children, except where alternative measures have been put in place.

Children are amongst the most vulnerable members of society. This vulnerability is exploited by traffickers for their personal gain.

NB.

Principle of HSE that privacy of every child should be observed and protected

Children who are suspected victims of trafficking are primarily the responsibility of the Health Service Executive under the Child Care Acts. The

service provision is based at the social work service for separated children seeking asylum based in Dublin. The services offered are:

Placement

Currently children are placed in a range of accommodation, from foster homes, residential homes to hostels, with children under 12 generally always being placed in foster care. The intention is to improve the accommodation available, increase registered child placements and foster placements and cease placing large numbers of children in Dublin hostels. The intention is to decentralize the Service for Separated Children Seeking Asylum away from Dublin.

Unaccompanied Minors

Children that arrive in Ireland as unaccompanied minors (UAM's) may be the victim of trafficking . Immigration officers have a duty to refer any child arriving in the State that appears to be under 18 to the Health Service Executive.

Access to Education

All children under the age of 18 present in Ireland are entitled to attend primary and post primary schools.



Employment

Overview

Employees

Anyone who works legally in Ireland for a regular wage, however small has a contract of employment regardless of whether it is written or not. Where an employer does not provide a contract the law implies that there is a contract and implies terms into that contract, such as the duty on every employer to provide a safe working environment. A person, irrespective of nationality or place of residence, who works in the State under a contract of employment, whether written, oral or implied by law has the same rights under Irish employment rights legislation as an Irish employee. A victim of trafficking for labour exploitation, when engaged in any form of employer/employee relationship, is protected by the same statutory rights as an Irish citizen.

Andrius and Darius are approached by a cousin in their home town in Lithuania. He tells them that they can make really good money in Ireland working on a farm. He says they will have weekends off and good conditions. He tells them they will make enough money to save some and send money home to their families, but that they must pay €3500 for their travel, visas and to arrange their jobs. This money, they are told, will be deducted from their wages. They agree, arrive in Ireland and are taken to a mushroom farm. Their passports are taken as 'security' for the loan given to them. They are shown to their accommodation, it is of very poor quality. They are sharing with 20 other men from Latvia, Lithuania and the Ukraine. They are told they will be working 12 hours per day, 6 days per week and that they will be paid €200 per week, but that they will have to pay €100 per week to pay back their debt and €75 per week for accommodation. They are left with €25 per week for all their food and other needs. They have no passports, visas or travel documents. They are hungry and cold. Darius and Andrius are victims of trafficking, they have been recruited, transported, deceived and are now being exploited for their labour. Under Irish employment law, they have a contract of employment as their employer agreed to pay them a regular wage. They are therefore protected by all Irish Employment law.

Any employee legally in Ireland, whether under a written contract, oral contract or a contract implied by law will be protected from:



Excessive Hours

Discrimination

Very Low Pay

Workers illegally in Ireland and Non-Employees

A person working illegally in Ireland cannot be an employee and therefore does not have the protection of Irish employment legislation.

It should also be noted that if a person has been trafficked for forced labour and is not in an employment relationship, for instance they are exploited to the degree that they are paid no wage at all or on an intermittent basis, they would also not be protected by employment legislation.

In the case of illegal employees and people trafficked for forced labour not in an employment relationship, the provisions of the Employment Law Compliance Bill, 2008 (see below) and the work of the National Employment Rights Authority in inspecting premises of work and their rights of entry and interview will provide a measure of statutory protection.

A person may work legally in Ireland if they are:

- a) An Irish citizen
- b) An EU citizen
- c) A citizen of an European Economic Area State
- d) In possession of a valid work permit

Set out below are brief details of the relevant employment legislation available to protect all employees:

Payment of Wages Act, 1991: provides a right of complaint by an employee for an unlawful deduction of wages

Organization and Working Time Act, 1997: provides that the national average working week cannot exceed 48 hours.

National Minimum Wage Act, 2000: provides that the national minimum wage for an adult is €8.65 per hour.

Protection of Employees' (Part Time) Work Act, 2001: provides that all employee protection legislation applies to a person irrespective of nationality or place of residence if employed under a contract of employment in Ireland

Unfair Dismissals Acts, 1997-2001: sets out the situations in which an employee can challenge their dismissal from employment as unfair

Employment Equality Acts, 1998-2004: outlaw discrimination in employment on the basis of gender, marital status, family status, sexual orientation, religion, age (does not apply to under 16's), disability, race or membership of the Traveller community.

Employment Permits Acts 2003 and 2006

Of particular importance in the protection of potential victims of labour exploitation is the Employment Permits Act, 2006.

This Act includes a number of key additional protections for migrant workers. Work permits are now issued to the employee, previously they were issued to the employer. This measure strengthens the position of the employee in the employee/ employer relationship by enabling the employee to legally change employer during the currency of the permit, in circumstances of unfair or exploitative treatment by the employer. The permit also contains a statement of the entitlements of the migrant worker, including:

- Right to the minimum wage
- Right to change employer after 12 months
- Prohibition on the employer seeking to recover or deduct recruitment expenses

- Prohibition on employers retaining personal documents.

Domestic helpers are also no longer entitled to work permits: a group that has been shown in many jurisdictions to be vulnerable to labour exploitation.

Employment Law Compliance Bill, 2008

This proposed new law is potentially important in combating trafficking for labour exploitation as it intends to modernise the labour inspectorate, to strengthen the enforcement of employment rights and work permits, promote greater compliance in the workplace and increase the penalties for those employers who seek to gain advantage by denying employees their entitlements under law. Measures proposed in the Bill include:

- Establishment of the National Employment Rights Authority ("NERA") on a statutory basis
- Strengthening powers in the area of labour inspection including ensuring labour inspectors

have greater access to premises, personnel and data

- Empowering labour inspectors in NERA to examine employment permits
- Protection of whistleblowers in the event of breaches of employment law being reported in good faith.

Summary:

Ireland has an extensive range of administrative and legislative protections in place for victims of trafficking for both labour and sexual exploitation. A number of State and non-State bodies are working to combat human trafficking.

Resources:

Web Sites

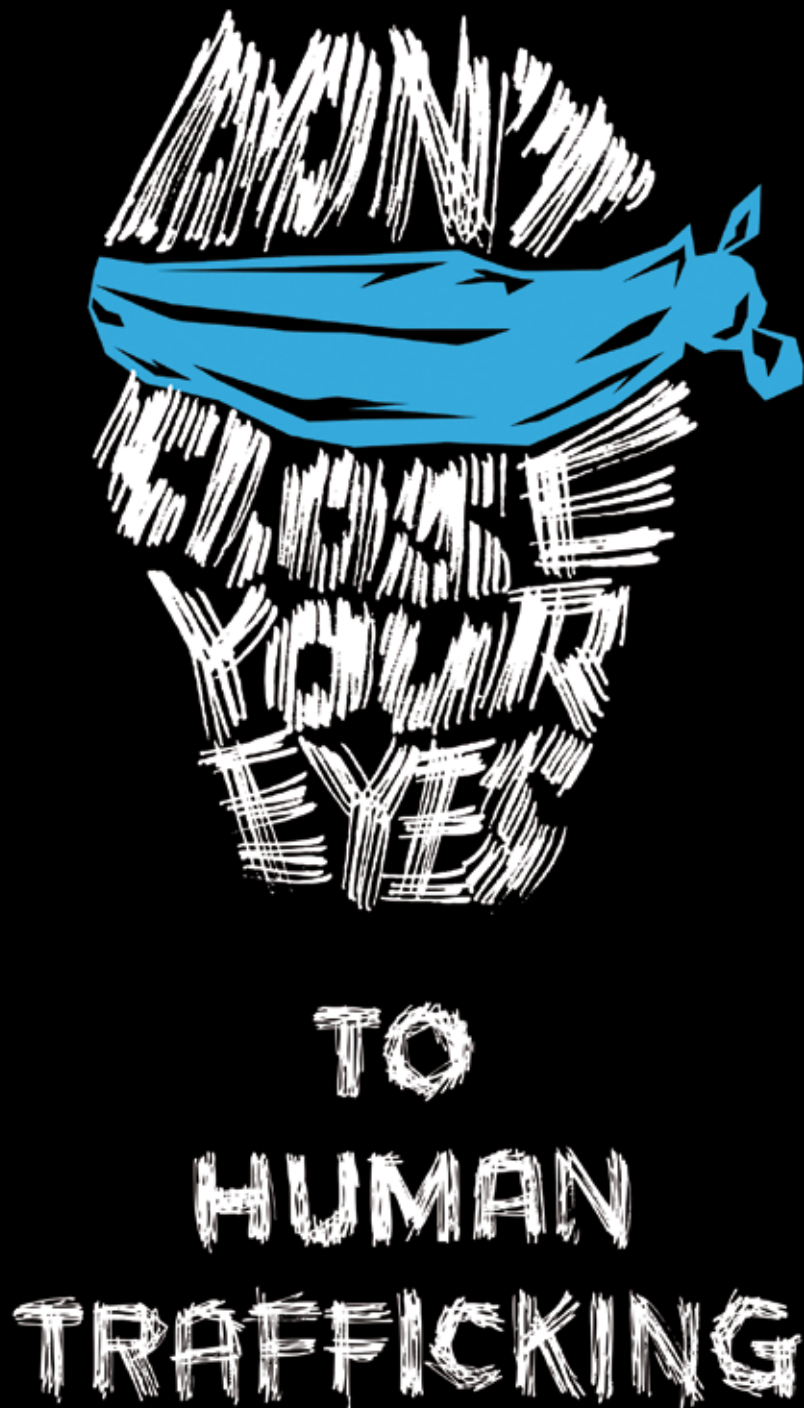
- www.mrci.ie
- www.immigrantcouncil.ie
- www.entemp.ie
- www.employmentrights.ie

CD ROM:

- (a) National Action Plan to Prevent and Combat Human Trafficking in Ireland, 2009-2012
- (b) COE Convention on Action Against Human Trafficking, 2005
- (c) Criminal Law (Human Trafficking) Act, 2008
- (d) PowerPoint Slides, Module 4, Unit 3

Module 5: Prevention, Protection and Prosecution

Organised crime has a destabilizing
effect on society



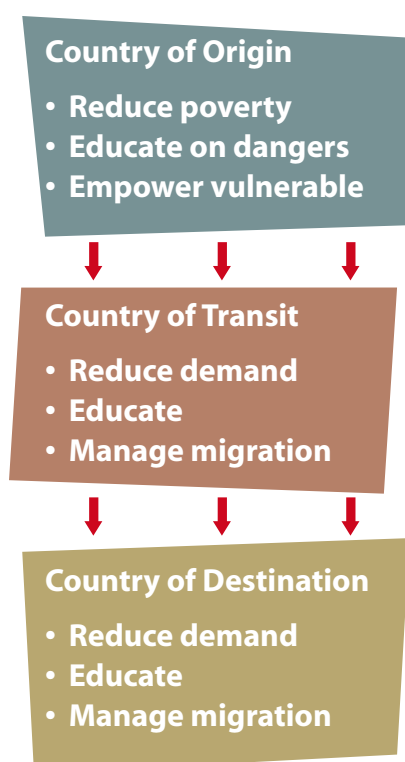
Unit 1: Prevention

Goal: To understand the principles of prevention of human trafficking and to be aware of Ireland's prevention program.

Time: 40 minutes

Overview

Prevention of human trafficking is a multifaceted issue that requires a multi-disciplinary approach. In countries of origin it may involve initiatives in the fields of development, health, education, sanitation, shelter and in any number of other sectors. The aim in countries of origin is to reduce poverty, educate on the dangers, increase employment and empower the vulnerable in society who are more likely to be trafficked. To, in essence, reduce the strength of the push factors-pushing people away from their country. The other side of the coin is prevention in the countries of destination. The aim here is again to educate but also to reduce demand, to research and to manage migration in a way that combats irregular migration but also gives open and safe ways to migrate legally.



Principles of Prevention

PowerPoint
Slides
No.s 88-96

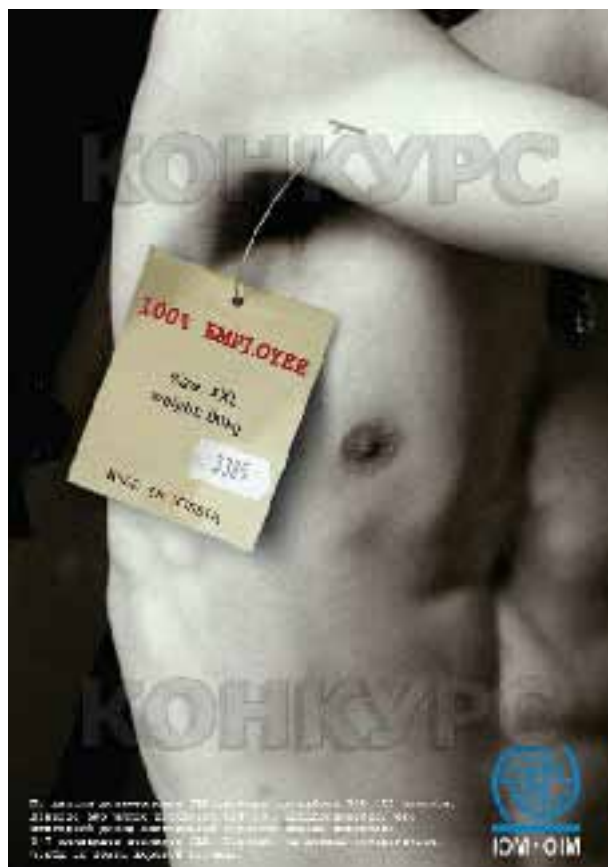
Palermo Protocol

The Palermo Protocol sets out a comprehensive prevention strategy based on bilateral and multilateral co-operation between States and involving government, non-governmental organizations and other relevant bodies.

Article 9 calls on States to establish comprehensive policies and programmes to prevent trafficking. The measures to be taken include:

- research
- information
- mass media campaigns and
- social and economic initiatives, to alleviate the factors that make persons, especially women and children vulnerable to trafficking
- legislative or other measures that discourage demand.
- measures to discourage re-victimization of victims of trafficking returned to their country of origin.

DVD:
No.12



Articles 11-13 call for:

- the strengthening of border controls to endeavour to disrupt the ability of traffickers to use conventional transport routes
- measures to ensure the integrity and security of travel documents.

Note:

The COE Convention Articles 5-9 set out the COE prevention policies and programmes. These are similar to the Palermo Protocol policies.

Note:

The COE Convention asserts that all States shall take a human rights based, gender and child sensitive approach to the implementation and assessment of all policies and programmes in the prevention programme.

Corruption

The UN Convention Against Transnational Organized Crime and the UN High Commissioner for Human Rights Guidelines on Human Rights both call for States to take action to eradicate the corruption of public officials and reduce their involvement in the trafficking process.

The 5 Principles of Prevention:

1. Reduce the vulnerability of potential victims through social and economic development
2. Discourage the demand for the services of the trafficked persons
3. Public education
4. Migration policies that combat irregular migration while facilitating regular safe and legal migration
5. Prevent the corruption of public officials.

**Children**

DVD:
No.13

All international instruments call for specific measures to prevent child trafficking, for instance the COE Convention obliges States to reduce a child's vulnerability to trafficking by creating a protective environment for them. An important factor in the creation of an environment that is protective of all children is eliminating the demand for children as objects for sexual exploitation or as a source of cheap labour. Programmes to achieve this need to be educational, legislative and social both in the countries of origin and more importantly in the countries of destination.

Prevention in Practice: Ireland**Overview**

The Irish Prevention Programme shows the details of a prevention strategy in a destination country. The emphasis in a country of origin would be very different, with a far greater emphasis on economic and social development and education about the risks of trafficking, as opposed to demand and border control measures. Ireland has set out its prevention strategy as a series of key objectives that are detailed below.

Key Objectives:

- To tackle the root causes of trafficking, build capacity and provide information on legal migration.

Overseas Aid

Ireland has an Overseas Development Programme, the overarching goals of which are poverty reduction and the reduction/elimination of inequality and exclusion; Africa is the principle geographic focus. The aim is that Irish funded development programmes will curb trafficking by lifting potential victims out of desperate economic and social conditions and provide them with a better future.

Legal Migration

The Immigration, Residence and Protection Bill, 2008 contains proposals to update and codify Irish immigration laws. This will include the introduction of a new system of entry and residence permits.

The Department of Enterprise and Employment operates a system of employment permits for non-European Economic Area nationals. (See Module 4, Unit 3).

- To raise awareness, reduce demand and implement education campaigns.

Awareness Raising

One of the key focuses of the Anti-Human Trafficking Unit (AHTU) is the organization and management of awareness raising initiatives throughout Ireland to inform the public of the perils of human trafficking; to guide potential victims to services and reduce demand. The Awareness Raising and Training Group makes recommendations in this area. Of many activities carried out in this field:

- Ireland is the lead country in a coalition of 6 European countries to, inter alia, raise awareness of trafficking and has coordinated an international campaign around the 'Blue Blindfold' concept. In Ireland the campaign included, newspaper adverts, the website

www.blueblindfold.gov.ie; posters, leaflets and business cards.

- The Department of Enterprise, Trade and Employment has agreed to include leaflets on human trafficking with work permits.
- A range of information articles, seminars and presentations have been completed.

Demand

A range of legislative measures are in place to reduce demand:

1. Section 5 of the Criminal Law (Human Trafficking) Act, 2008 contains penalties that seek to punish a person who knowingly solicits or importunes a trafficking victim for the purpose of sexual exploitation.
2. Sexual Offences (Jurisdiction) Act, 1996 criminalizes "sex tourism" by criminalizing sexual offences against children outside Ireland by Irish citizens or residents and those that arrange the transport. (See Module 1, Unit 2)

The AHTU has also funded Ruhama to produce a television advert to educate users of prostitutes about the exploitation and the demand side of sex trafficking.

To see go to: www.ruhama.ie

DVD:
No.14

- **To improve the understanding of the nature and scale of the problem by developing a comprehensive data and research strategy**

Data

The AHTU has implemented a data collection strategy. Data is being collected and analyzed by the AHTU for the purposes of informing policy development, improving victim support services and guiding counter trafficking measures.

In order to ensure confidentiality all data sent to the AHTU is anonymous.

Research

The AHTU undertakes research in human trafficking. In addition, the AHTU takes part in international research projects.

- **To Strengthen Border Controls**

The Irish government has put in place a number of measures to secure Irish borders, improve border



Human Trafficking could happen in your neighbourhood. Know the signs e.g. a large group of adults or children living in the same apartment and being escorted whenever they leave.

Email blueblindfold@garda.ie or call **Crimestoppers 1800 25 00 25**
For further information log on to www.blueblindfold.gov.ie

control co-operation and prevent and detect trafficking in persons at the front line.

Immigration control at points of entry is the responsibility of the Garda National Immigration Bureau (GNIB).

New Measures:

1. The introduction of an Automated Fingerprinting Identification System
2. Development of Irish Border Information System: under this system information collected by carriers prior to departure will be screened at immigration
3. The use of carbon dioxide detectors to detect if people are concealed in vehicles.

Ireland also has Carrier Liability legislation (Immigration Act 2003). This requires carriers to verify that all their passengers are in possession of any necessary immigration documentation.

It should though be borne in mind that many victims of trafficking enter a country legally and may not even be aware when entering a country that they are soon to be a victim of trafficking.

• To ensure the legitimacy and security of Irish travel and identity documents

Travel and identity documents are essential tools for any trafficker. Forged passports and documents are often used, though many victims are brought into a country on legitimate passports and travel documents.

Current Developments

1. The Passport Act, 2008 contains measures to improve passport control including measures to criminalize the unlawful holding, falsifying or destruction of passport travel documents.
2. More secure Irish passports were introduced on a phased basis in 2004 and bio-metric capabilities were added in 2006.

• To co-ordinate strategy and foster bilateral, multilateral and international co-operation

The establishment of the AHTU was an important step in coordinating a strategy to combat trafficking. The AHTU works closely with a wide variety of state and non-state actors. The Garda

Síochána has also established the Human Trafficking Investigation and Co-ordination Unit, within the Garda National Immigration Bureau. This Unit co-ordinates all issues on policies in relation to trafficking of human beings along with developing procedures for interaction with other agencies - both NGOs and State agencies. They investigate cases of trafficking of human beings. They also provide advice, support and operational assistance to investigations at district level.

Ireland participates in a number of international cooperative initiatives and is an active partner with Interpol, Europol, Eurojust, and Frontex when dealing with trafficking issues.

• To provide training for law enforcement, support workers and other key personnel

A continuous professional development course entitled 'Tackling Trafficking in Human Beings: Prevention, Protection and Prosecution' has been designed by the Garda Síochána in conjunction with IOM. Approximately 1,200 Garda have been trained to date. In addition, all new probationer Gardaí complete a training module on the identification of suspected victims of trafficking.

Other key personnel in the National Employment Rights Authority, the HSE and other organizations have also received training.

All Defence Force personnel on overseas missions receive appropriate training as part of their various career courses.

• To foster inter-agency exchange

The AHTU serves as a central hub for information and research on human trafficking. The administrative structure consisting of the AHTU, Interdepartmental High Level Group, the Roundtable Forum and Multi-Disciplinary Working Groups all facilitate the exchange of information between departments and organizations working in the counter-trafficking field.

• To improve endangered and missing persons protection

The Missing Persons Bureau in Garda Headquarters is responsible for maintaining data relating to

missing persons. A new amber alert system for missing persons is to be established.



Children

A Working Group on Child Trafficking under the auspices of the Interdepartmental High Level Group has been established to develop responses to child trafficking and as a first priority to assess the current arrangements in place for children.

Resources:

Web Sites

- www.unhcr.org
- www.coe.int
- www.un.org;

CD ROM:

- COE Convention on Action Against Trafficking in Human Beings, 2005
- Power Point Slides , Module 5, Unit 1
- National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland, 2009-2012
- DVD Clip.

Unit 2: Protection

Goal: To understand the principles of protection and direct assistance

Time: 20 minutes

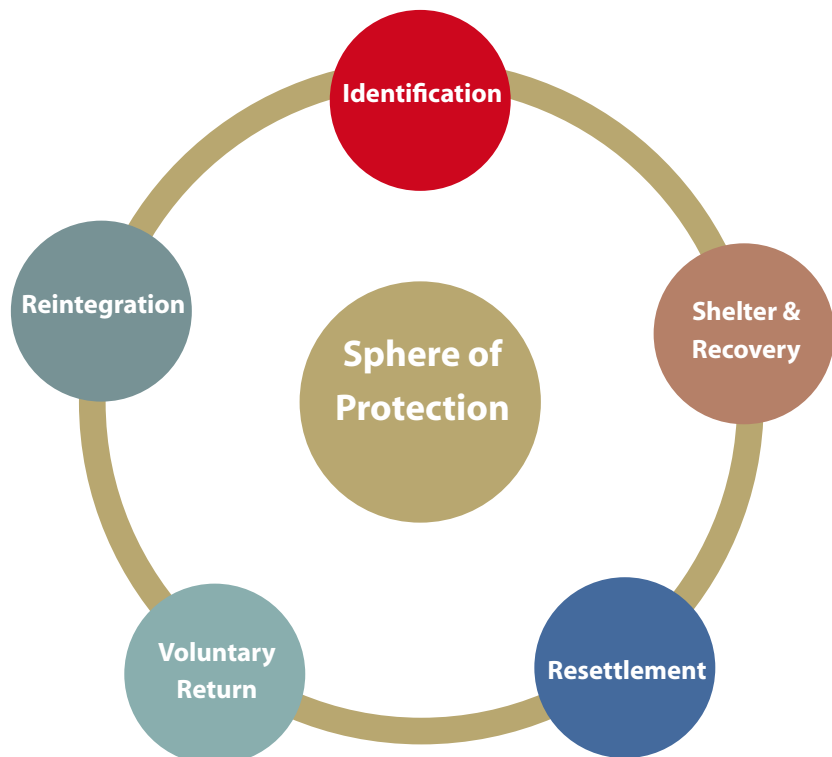
Overview

Human trafficking violates the human rights and dignity of a person. Victims who manage to escape need a broad range of supports to enable them to recover and re-integrate into society. These supports include the provision of recovery and reflection periods, accommodation and material needs, medical needs as well as legal assistance and temporary residence visas.

Direct Assistance

The principle of direct assistance takes the idea of these supports and protections and attempts to create a 'sphere of protection' around the victim with the goal of helping them to reestablish their overall physical, psychological, mental and social wellbeing. The aim of direct assistance is to provide for recovery and empowerment.

**PowerPoint
Slides
No.s 97-99**



The process of direct assistance consists of the following phases:

1. Identification
2. Reflection Period
3. Accommodation and Recovery
4. Residence Permit, or
5. Resettlement, or
6. Voluntary Return and Reintegration.

Identification

The process of identification aims at making a determination as to whether a person is potentially a trafficked person within the definition in the Palermo Protocol. This is done in order to ensure that appropriate measures can be taken to assist the victim.

Once identified as a suspected victim of trafficking a person should be removed, by the police or other appropriate body, from the situation of danger to a safe place.

NB.

Remember! A victim of trafficking may not ask for help. They may be afraid, trapped, guarded or fear retaliation

Reflection Period

To enable a suspected victim of trafficking to recover and escape the influence of the traffickers a period of recovery and reflection is needed. The COE Convention calls for a reflection period of a minimum of 60 days to enable the victim of trafficking to take an informed decision on whether they intend to cooperate with the relevant authorities.

Ireland has a recovery and reflection period of 60 days. In this period the victim is given access to accommodation and services.

Accommodation and Recovery

This means providing the victim with an environment where they can receive the appropriate assistance necessary to recover from the trafficking experience.

NB.

Accommodation should not be in detention centres or jails

Sheltering therefore includes providing:

- Appropriate and secure accommodation
- Psychological and material assistance
- Access to emergency medical treatment
- Translation and interpretation services, where appropriate
- Counselling and information, in particular as regards their legal rights and services available to them,
- Assistance to enable their rights and interests to be presented and considered at the appropriate stage of criminal proceedings against offenders
- Access to education for children.

See: Art.12 of the COE Convention on Action against Trafficking in Human Beings and Module 4, Unit 3: Referring a Victim of Trafficking in Ireland.

It is important that a victim be given a period of reflection during which they can begin to recover from the traumatic experience and be in a position to make decisions about their future.



Children

Children are especially vulnerable and will therefore always need extra protection. In providing accommodation:

- Children should be provided with accommodation appropriate for their age, maturity and sex.
- Efforts should be made to house family members together (if safe and appropriate given individual circumstances).
- Child victims should never be placed in detention facilities.

A residence permit should be issued to a child when it is in the 'Best Interests of the Child' to do so (COE Convention Article 14)

Residence Permit

When a victim of trafficking is located in a country of transit or destination they may need a residence permit to legalise their stay. Article 14 of the COE Convention states that these should be issued in two circumstances:

1. The stay in the country of the suspected victim of trafficking is necessary due to their personal situation
2. The stay in the country of the suspected victim of trafficking is necessary for the purpose of their cooperation with the competent authorities in investigations or criminal proceedings.

Resettlement

In many cases it will not be appropriate for a victim of trafficking to return to their country of origin. It may not be possible to ensure their safety, they may not want to return and the dangers of re-trafficking may be too great. In these situations it will be necessary to resettle the victim of trafficking either in the country where they were discovered or in a third country. In these cases on going service provision will be necessary to support the victim of trafficking.

Voluntary Return

When "return" is considered to be the best option and it constitutes a voluntary decision of the victim of trafficking, he/she will be assisted to ensure that the process is safe.

NB.

A victim may be anxious about returning. They may worry about the reaction of their community, fear stigmatization, may feel shame because of the type of exploitation they have suffered or because they have returned without money.

A necessary pre-condition to return is an assessment of the home family or community and an assessment of the security situation in order to ascertain whether it is appropriate.

The return must be voluntary.

Essential points for the return process:

1. Identity: It will be necessary to establish the victim's identity. It may be necessary to work with consulates or embassies to obtain passports and travel documentation.
2. Information: the victim of trafficking must be provided with full information throughout the process.
3. Coordination: It will be necessary to coordinate between the sending and receiving countries and responsible agencies.



Children

Special considerations must be made for the voluntary return of trafficked children including the following:

- The best interest of the child must be paramount
- The consent of the parent or legal guardian should be sought, where appropriate;
- There must be available family support or an appropriate care provider as well as reintegration mechanisms in the receiving country
- Depending on the laws in the referring country, the child should come under the protection of the social service institutions acting in loco parentis
- Where there is suspicion of family-related trafficking, it is important that all due consideration be given to such a possibility, and that a family assessment is made to clarify if family involvement was a factor in the trafficking process.

Reintegration

The reintegration of the victim of trafficking is a long-term process. The aim is to ensure that the person is able to resume a full and complete life. This is achieved by empowering the victim offering them support for developing their personal skills and resources and including them in all the decisions made. Reintegration can be into their home community or where return home is not the best option into the community where they settle.

Some types of reintegration assistance include:

- Medical and health care services
- Financial Assistance
- Legal Assistance
- Access to Education
- Vocational Training
- Micro-Enterprise and income generating activities
- Job placement
- Housing.

Basic Principles

A set of basic principles and standards should be incorporated into every interaction with a victim of trafficking and should run throughout the provision of protection and direct assistance:

Basic Principles

Respect for Human Rights
 Protection and Safety
 Individualised Care
 Self Determination
 Full Information and Consent:
 Non-Discrimination
 Confidentiality

Respect for Human Rights: As trafficking constitutes a serious violation of human rights all assistance and protection measures should strive at restoring the human rights of the individual and the prevention of further violations.

Protection and Safety: All care provided to the victim of trafficking should be mindful of their safety, security issues should be at the forefront of the decision making process.

Individualised Care: While recognizing that victims of trafficking share a number of common experiences, the individuality of the victim should be acknowledged and to the extent possible treatment and care provided should be individually tailored to their needs.

Self Determination: Victims of trafficking should be encouraged to participate as much as possible in the decision making process regarding them.

Full Information and Consent: All assistance to a victim of trafficking should proceed on the basis of full and informed consent.

Non-Discrimination: All services should be provided to victims of trafficking without discrimination on the basis of gender, sexual orientation, age, disability, colour, race, social class, religion, language, political beliefs or any other status.

Confidentiality: All information and communications regarding the victim must be treated with due regard for the victim's right to confidentiality and privacy.

Summary:

Direct Assistance provides supports and protections to the victim of trafficking from their discovery to their successful re-integration into society. Special measures need to be put in place to protect children. The principle of the best interests of the child being paramount.

Resources:**Web Sites**

- www.iom.int
- www.coe.int

CD ROM:

- COE Convention on Action Against Trafficking in Human Beings, 2005
- Power Point Slides, Module 5, Unit 2

Unit 3: Prosecution

Goal: To understand the role of prosecution in counter-trafficking strategies

Time: 20 Minutes

Overview:

Human trafficking is a crime that requires a strong law enforcement response. It is important to create an environment hostile to traffickers to prevent the entrenchment in a society of human trafficking and organized crime. The prosecution of human trafficking presents many challenges. For instance, the clandestine nature of the offence makes its discovery difficult, the international nature of the offence makes international cooperation essential and victims are often traumatized and scared.

Role of Prosecution in a Counter-Trafficking Strategy

PowerPoint
Slides
No.s 100-103

Prosecution of suspected traffickers is an essential part of any counter-trafficking strategy. Firstly, the victims of trafficking have a right to justice, to see the perpetrators of crimes against them punished. The prosecution of traffickers is also important on a broader scale. The investigation of trafficking crimes and the pursuit of traffickers by law enforcement creates an environment hostile to traffickers.

A hostile trafficking environment will:

- Deter some traffickers from criminality
- Move other traffickers to less risky forms of criminality
- Disrupt organized crime and make it difficult for organized crime groups to entrench themselves in society.

NB.

Organized crime has a destabilizing effect on society: corruption and money laundering and other associated crimes also flourish where there is human trafficking and organized crime.

Organized Crime

Organized crime is not involved in all human trafficking. The involvement of organized crime in trafficking varies from region to region. In parts of Asia it would be unusual for organized crime to be involved in trafficking while in Europe organized crime is commonly involved.

The Council of Europe has identified over 300 transnational organized crime groups operational in Eastern Europe and the former Soviet Union. In addition, Albanian, Turkish, Nigerian and Chinese transnational organized criminal groups have been identified as being operative in human trafficking in Europe. As stated above organized crime can have a very destabilizing effect on a society. This has been shown to be particularly the case with societies in transition- in transition from, for example, dictatorship to democracy or from war to peace. Organized crime gangs and their trafficking networks need to be prevented from operating. Prosecution of their members for human trafficking and associated crimes, corruption and money laundering are essential as well as the seizure of the profits from their criminal activities by national authorities.

COE Convention on Action Against Trafficking in Human Beings

The COE Convention calls for:

- the criminalization of human trafficking
- the criminalization of the use of services of a victim
- the criminalization of forging or procuring a forged travel document
- the criminalization of retaining or removing, concealing, damaging or destroying the travel document of another
- legislation to introduce corporate liability for all trafficking offences.

Important elements of a Counter-Trafficking strategy:

Strong Criminal Laws

A clear definition of human trafficking should be enacted into a State's criminal code. The scope of the definition should be at least as broad as that found in the Palermo Protocol.

Trafficking within the borders of a country should be criminalized as well as transnational trafficking.

Activities

All activities related to trafficking, including instigating, aiding, abetting, attempting, omitting to act against and conspiring to must be criminalized.

Perpetrators

All perpetrators involved in trafficking must be prosecuted including, employers, agents, facilitators, doctors, procurers, brothel owners, madams and pimps.

Also, public officials, police, border officers, document producers, transport workers involved or complicit must be subject to prosecution.

Organizations

Organizations involved in trafficking, such as those in the entertainment, tourism, medical or adoption industry must be liable to criminal and civil penalty.

NB.

In 2004 a US based sex-tour company was indicted for violating New York Penal Law 230.25, which prohibits the promotion of prostitution.

All Criminal Laws

Consideration must be given to prosecuting perpetrators under all applicable criminal laws, such as rape, sexual assault, assault, grievous bodily harm, false imprisonment, kidnap in addition to trafficking offences.

Punishment

Sentences and laws against trafficking should be kept under review to ensure that the sanctions are serious enough and the criminal law is fit for purpose.

Strong Labour Laws

Labour laws need to explicitly prohibit labour exploitation. Remedies for practical acts of exploitation, such as non-payment of wages, very low wages, excessive hours, poor or dangerous conditions, retention of identity documents and retention of permits need to be enacted and enforced. Civil liability for unpaid wages and underpayment of wages needs to be enacted and enforced.

Immigration Policies

The creation of legal routes of migration and clear accessible information on migration can deter people from taking the risks that lead to them being trafficked.

Extra-territorial Jurisdiction

An effective counter-trafficking prosecution strategy requires that States enact legislation to extend the jurisdiction of their national courts in trafficking offences to enable nationals to be prosecuted when the offences are committed outside the State.

States should also enter into bilateral and multilateral extradition treaties to enable the extradition of suspected traffickers.

Effective Law Enforcement

States should establish a dedicated trafficking unit, made up of police officers but with the support of border guards, prosecutors and immigration officers to enable a coordinated approach to investigation and prosecution. Training for the police and other enforcement officials should be put in place and this should potentially involve the establishment of special police and prosecution units to deal with the issues involved.

Cooperation

Human trafficking is multifaceted. It is usually transnational and covers different sectors, such as, transport, entertainment, and employment. The needs of the victims are wide ranging including medical, legal and material assistance. Research has shown that victims of trafficking are more likely to act as witnesses against their trafficker if they are fully supported, feel safe and can easily access the services they need. To have an effective prosecution strategy there needs to be full cooperation between:

1. Law enforcement and non-governmental organisations
2. Between police forces and judicial and policing organizations such as, Interpol, Europol, Eurojust and Frontex.



Children

Principles

- A child should be defined in national legislation. The Convention on the Rights of the Child defines a child as “every human being under the age of 18”
- Criminal, labour laws and laws for organ donation must explicitly include child trafficking
- Trafficking of a child should be an aggravating factor on sentencing
- Stringent sentences should be imposed for all engaged in child trafficking
- Under no circumstances should laws criminalize children who are trafficked.

Adoption laws

It is important that adoption laws, including international adoption laws, are strengthened to eliminate loopholes that facilitate trafficking in children for the purpose of adoption.

Summary:

An effective counter-trafficking prosecution strategy needs to be multifaceted with strong criminal and labour laws and effective national and international enforcement. Child Trafficking must be specifically criminalized and be subject to stringent penalties.

Resources:

Web Sites

- www.unicef.org
- www.interpol.int
- www.europol.europa.eu

CDRom:

- (a) COE Convention on Action Against Trafficking in Human Beings, 2005
- (b) Power Point Slides, Module 5, Unit 3
- (c) Criminal Law (Human Trafficking) Act, 2008

Module 6: Health Issues

The Health consequences for a child can be devastating because the abuses occur when they are developing physically, emotionally and socially



Unit 1:

Guiding Principles and Health Risks

Goal: To appreciate the basic principles applicable to medical professionals when dealing with victims of trafficking and to understand the wide range of health risks victims of trafficking are exposed to.

Time: 40 minutes

Overview

Trafficked persons are exposed to a range of health-related problems. During captivity, they may experience physical violence, sexual exploitation, psychological abuse, poor living conditions and exposure to a wide range of diseases, which may have long lasting consequences on their physical, reproductive and mental health.

The COE Convention calls for States to adopt measures to aid the 'physical, psychological and social recovery' of a victim of trafficking. In terms of health needs this is to include access to emergency medical treatment, psychological assistance, counselling and medical assistance if the victim of trafficking does not have adequate resources. The COE Convention recognizes that victims of trafficking often have serious and urgent health care needs and that any holistic response to their protection must include a comprehensive health care response. This response needs to include a careful assessment of health needs and an appropriate health care plan followed through with the informed consent of the trafficked person, but prior to this a medical practitioner needs to be aware of the principles of care when dealing with trafficked persons, the fundamental need for confidentiality, the need for security, the principle of informed consent and the possible inadvertent risks that can be avoided.

PowerPoint
Slides
No.s 104-111

Guiding Principles

Caring for trafficked persons requires special attention to their health, safety and wellbeing. This care needs to go beyond the basic medical principle of 'Do No Harm'. People who have lived through traumatic events need to be able to regain their dignity, feelings of safety and self-esteem. The World Health Organization in response to the particular and serious needs of victims of trafficking has produced a set of guiding principles for health care professionals working with trafficked people. While aimed specifically at health care professionals the guidelines would be applicable to any person interviewing trafficked persons. The guiding principles are set out below:

Ten Guiding Principles

1. Do no harm
2. Know your subject and assess the risk
3. Prepare referral information
4. Adequately select and prepare interpreters and co-workers
5. Ensure anonymity and confidentiality
6. Get informed consent
7. Listen and respect any person's assessment of their own situation and risk to their safety
8. Do not re-traumatize individuals
9. Be prepared for emergency intervention
10. Put information collected to good use

1. Do no harm Take no action that may endanger the victim of trafficking. The overriding principle in the ethical treatment of people is the principle 'do no harm'. This principle is particularly significant in the context of trafficking given the risks associated. It is crucially important that no steps are taken that may make the situation more perilous for the victim of trafficking.

2. Know your subject and assess the risk: It is important to understand human trafficking, how it is defined and what are the causes. Only by understanding human trafficking can you understand the victim and the possible trauma suffered and the risks they, and health care professionals, may face.

3. Prepare referral information: A referral mapping form should be prepared with contact details for all relevant agencies.

4. Adequately select and prepare interpreters and co-workers: It is important that interpreters are screened to ensure that they have no connections with the traffickers. Workers in service provision organizations have also been found on occasion to be providing information to traffickers. It is also important to have, if at all possible, examinations carried out by medical personnel of the same gender as the patient.

5. Ensure anonymity and confidentiality: Policies and procedures should be put in place to ensure that all data concerning a trafficked person is kept securely and only transferred with consent on a 'needs to know basis'.

6. Get informed consent: Informed voluntary consent should be obtained before any medical examination, treatment or referral.

7. Listen and respect any person's assessment of their own situation and risk to their safety: People are often the best judges of their own situation.

8. Do not re-traumatize: A victim of trafficking can be re-traumatized by the medical process. Disclosure of abuse must be by consent and not under pressure. Ask only relevant questions and avoid repeated requests for the same information.

9. Be prepared for emergency intervention: This may be emergency medical care or an emergency referral.

10. Put information collected to good use: Information should only be asked for if necessary and when given should be used for the benefit and with the consent of the victim of trafficking. Do not offer access to media or journalists. Do not coerce individuals to participate.



Children

Care for children who have been abused or exploited requires special attention. The above principles should always be applied to children, including their right to participate in any decisions concerning them. As always when a decision is made concerning a child, the best interests of the child should be the overriding consideration.

Health Risks

Most people who are trafficked are exposed to health risks before, during and after the period of exploitation. Influences on a patient's health may include pre-existing conditions, exposure to infectious diseases, injury caused by repetitive physical, sexual and psychological violence, hazards related to various forms of labour exploitation, consequences of organ transplantation and the deterioration of all conditions resulting from a lack of diagnosis, treatment and care.

NB.

"the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition." World Health Organization

Physical Health

Physical health problems can include everything up to and including death, such as bruises, broken bones, malnutrition, dehydration, cuts, burns.

Psychological Trauma and Stress

In the most extreme cases, trafficking related abuses can be compared to the violence and psychological reactions found in torture patients. Characteristic to both these events are life threatening episodes, persistent stress and repetitive or chronic danger. Research on torture victims has shown that the unpredictability and uncontrollability of traumatic events are features highly predictive of an intense or prolonged psychological reaction. Common post-trauma responses include: post traumatic stress disorder, depression, anxiety, hostility, irritability and suicidal thoughts or attempts.

Substance misuse

Drug and alcohol addiction and overdose are known risk factors for a trafficked person.

Marginalization

The marginalization from society of an individual will always have health consequences. The isolation and linguistic and cultural barriers often cause a person to present late with illnesses, diseases, infections and injuries. Health will often therefore have deteriorated more and conditions will have been exacerbated before medical help is sought. Marginalization also has a known effect on mental health.

Risks from Sexual Exploitation

People trafficked for sexual exploitation may have a combination of the illnesses and conditions detailed above but there are infections and conditions more particular to this type of trafficking which are detailed below.

Victims of trafficking for sexual exploitation have a high risk of:

- Contracting sexually transmitted infections (including HIV)
- Infertility
- Pregnancy
- Poor reproductive health
- Depression, Anxiety, Post Traumatic Stress Disorder and Suicidal thoughts.

NB.

Victims of trafficking for sexual exploitation may have been introduced to drugs by their pimps as a method of control.

Post-trafficking symptoms identified by women and girls included: headaches (very common and enduring), memory loss, fatigue, dizziness, sexually transmitted infections, abdominal pain, back pain and dental problems.

Note

Victims of sexual exploitation also suffer similar health consequences as victims of labour exploitation as a consequence of working long hours, sleep deprivation, poor sanitation, ventilation and nutrition as detailed in the diagram below.

Risks from Labour Exploitation

The risks from labour exploitation may be physical or stress related and are often connected with the consequences of marginalization.

Some of the more common industries involved in labour exploitation are: Meat Processing, Restaurant Workers, Construction, Domestic Work, Manufacturing, Mining, Agriculture and Fishing. A range of the possible medical consequences of labour exploitation in these industries is set out in the table below:

Health Risk	Health Consequence
Long hours, sleep deprivation	Exhaustion, Accidental Injuries, Dehydration, Malnutrition
Poor sanitation, ventilation and nutrition	Infectious diseases, malnutrition, dehydration, heat stroke, hypothermia, gastro-intestinal illnesses
Repetitive motion activities	Back, neck and joint problems, strains
Poor training on high risk/heavy equipment, lack of equipment	Back injuries, accidental injuries
Chemical hazards	Respiratory problems, skin problems, gastro-intestinal problems
Bacterial Contaminants	Gastro-intestinal problems-water/food
Airborne contaminants; fumes, dust, particles	Respiratory problems, asbestosis

Gender and Sex

Sex and gender play a significant role in health care. Recognition of the impact of sex - the biological fact of being male or female and gender - the cultural definition determining masculinity and femininity is important in designing effective health care responses. A health care practitioner needs, in particular, to understand that trauma affects men and women in different ways and they will therefore exhibit different responses. Where at all possible, victims of trafficking should be examined by a health practitioner of their sex. If none is available a person of the victim of trafficking's sex should be present during the examination.

Public Health

Victims of trafficking have been subjected to a number of health hazards prior to departure, in transit and at their destination. These hazards' may include poor living conditions, exposure to diseases, physical violence, sexual violence and psychological trauma. Significant public health risks can occur from the spread of infectious diseases, such as tuberculosis, hepatitis and vaccine preventable diseases. TB, for instance, has

re-emerged in the industrialized world. TB is still largely found in the developing world and thrives on poverty and poor living conditions. Victims of trafficking can be particularly susceptible to becoming infected with infectious diseases such as TB, either contracted in their country of origin or in overcrowded and poor living conditions in transit or in the country of destination.



Children

The health consequences of trafficking for a child can be devastating because the abuses occur when they are developing physically, emotionally and socially.

Children who have been exposed to abuse, trauma and deprivation are likely to have complex care needs. In child trafficking cases, a young person's mental and emotional health is of particular concern. Severe and prolonged stress can cause cognitive and emotional delays and possible developmental regression. Children who have been undernourished may also risk long-term cognitive and behavioural problems. Children's mental, emotional and social health needs will require age appropriate health care

Children and adolescents, as compared to adults, are more likely to die or suffer serious injury as a consequence of their being trafficked. Children are also more likely to contract the HIV virus. This is due to ignorance about transmission of the HIV virus and the mistaken belief that having sex with a child is less risky because the child is 'clean' and less prone to transmit diseases. These beliefs have led to a greater demand for young boys and girls to be trafficked for sexual exploitation.

Summary:

The Guiding Principles set out basic principles for medical professionals dealing with victims of trafficking. The health risks of human trafficking are affected by a number of factors; the sex of the victim, their age, the type of exploitation and the conditions in which they live.

Resources:**Web Sites**

- www.who.int
- www.iom.int

CD ROM:

- COE Convention on Action Against Trafficking in Human Beings, 2005
- PowerPoint Slides and Notes, Module 6, Unit 1

Unit 2:

What to do if you suspect trafficking

Goal: To identify particular factors that may lead to suspicions of trafficking in the health care setting. To set out a basic plan of action for health care professionals when encountering a victim of trafficking.

Time: 30 minutes

Overview

Health care providers may treat people who have already been identified as being trafficked by the police, however there may be times when a doctor or nurse or other health care professional treats a patient that has not been formally identified as a trafficked person. The health care provider with knowledge and understanding of human trafficking may suspect that a patient may have been trafficked in the past or is still in a trafficking situation. A medical professional could come to this belief in an accident and emergency department, an outpatients service, a doctor's surgery, a prison, a reception centre for asylum seekers or via outreach services for those engaged in the sex industry. In each and every possible case it is important to assess the situation and respond appropriately.

Spotting possible signs

It is important that medical personnel are aware of and understand the meaning of human trafficking (See Module 1, Unit 1). It is also essential that they are familiar with common trafficking indicators and issues relevant to trafficking (See Module 4, Unit 1) as well as the protections available in the State for victims of trafficking including the importance of a safe referral (See, Module 4, Units 2 and 3).

**PowerPoint
Slides
No.s 112-115**

In the medical setting certain signs that a person may have been trafficked may come to the fore and medical personnel therefore need to be equipped to respond to their patient's needs effectively and appropriately.

As has been seen from Module 4 on identifying victims of trafficking no one set of indicators conclusively shows that a person has been trafficked, but a set of common features in the medical setting when linked together may raise the suspicion of trafficking.

NB.

Remember! The formal identification of a person suspected of being a victim of trafficking and thus eligible for government support and protection can only be made by a member of the Garda Síochána, not below the rank of Superintendent in the GNIB.

Has your patient moved to the city or from overseas for work commonly associated with trafficking



Do they have trauma, injuries or illness associated with poor working/ living conditions? Or scarring associated with organ transplantation



Possible Victim of Trafficking

Alarm bells should ring in the mind of the medical practitioner if the consultation takes place in the presence of a minder and the patient appears frightened, untrusting and does not speak the local language

Other factors that may be relevant in raising suspicions of trafficking in a health care setting are:

- If the patient shows symptoms of poor nutrition, hygiene and lack of self-care.
- If the patient appears very anxious
- If the patient has difficulty in articulating their medical complaints
- If a minder is present as a 'translator'.

Note

It is important that even where a patient does not speak the local language that if there are suspicions of trafficking, that they are seen alone. If there is a companion suggest the need for a private examination.

Action

Set out below are some of the most important steps that a health professional will need to consider when dealing with a victim of trafficking. This is an outline of issues that need to be addressed, further research and policy development in this area is essential for any medical practice or organization that may encounter a victim of trafficking.

1. Preparation

Before a potential victim of trafficking is identified a medical professional needs to identify and assess services available and have in place referral arrangements to ensure a safe referral (See Module 4, Unit 2). A referral mapping form developed by the medical practice should contain contact details for all relevant agencies, hotline numbers and interpreters. Promises should not be made to a victim of trafficking that are not in the power of the medical staff to honour.

2. Safety and Security

The safety of the medical staff, the patient and others is paramount. Security risks should be taken seriously. Trafficking is often controlled by international organized crime and the potential risks to victims of trafficking and those who interact with them must be considered as significant.

NB.

Remember! It is important to put in place best practice security procedures including a risk management plan

Confidentiality

The handling of confidential personal data concerning a victim of trafficking is a crucial element in a risk management plan. Data should only be forwarded on a 'need to know basis'. In particular a trafficking victim's confidential personal data should not be disclosed to anybody without the prior written consent of the victim. Even where written consent has been given distribution should still be on a needs to know basis and after an assessment that the risks of disclosure do not increase risk to the victim, their family and friends or the health care staff.

3. Informed consent

No contact with any agency or the police should be made without the informed consent of the patient. Trafficked persons may have well founded fear of the police and authority. Explain the options and how any referral may affect him or her.

4. Treatment

If referral is not possible and medical follow up seems unlikely, medical conditions, should be treated where possible, with single dose therapy or full course prescriptions. Assume that the patient will not return for follow up treatment.

5. Emergency Care

If immediate life saving treatment is needed and the patient is not conscious or competent to give consent, it is the health care provider's duty to save the life, as in any emergency situation.

Knowledge about the type of work the potential victim of trafficking did may give clues to what illnesses/injuries to look for.

Life threatening injuries or conditions common in trafficked persons include:

- dehydration
- severe malnutrition
- sepsis
- wounds
- neck and spinal injuries
- exposure to toxins
- altered mental status
- other traumatic injuries

A toxicology screen should be carried out, if appropriate and post-exposure prophylaxis for HIV infection should be offered within 72 hours of

high-risk exposure to those patients who have had unsafe needle injections, experienced sexual abuse or had other sexual exposure.

Urgent Mental Health Care

Assess each patient for any acute psychiatric condition that might cause harm to themselves or any member of staff. Examples of mental health emergencies include suicide, psychosis and drug withdrawal. It is important to rule out organic causes to altered mental status, such as blow to the head.

Urgent Reproductive Health Care

- Offer pregnancy tests to all females of reproductive age
- Make emergency contraception available
- Offer testing for sexually transmitted infections

6. Medico-Legal Considerations

The medico-legal dimension of the trafficking process is an important consideration to be kept in mind by all health practitioners when assisting trafficked persons. Health care practitioners do not have a role in advising their patient to cooperate with law enforcement but if their patient decides to cooperate they need to be aware of the consequences. For instance:

- All evidence from medical records must be kept confidential and only provided to law enforcement with the permission of the patient
- Medical records may be requested by the court and medical practitioners ordered to produce that evidence to lawyers working for the prosecution or the defense. It is important to make a trafficked person aware of how their medical records may be used
- A medical practitioner may be called into court to give evidence as an expert witness, alternatively they could employ a third party to collect medical evidence (with the consent of the trafficked person) and act as an expert witness.

Other Considerations:

Culturally Responsive Care

It is important that, not only is a health care provider aware of and responsive to the cultural differences in patients before them, they are aware of their own cultural responses, their stereotypes, prejudices and preconceptions. Culturally responsive care refers to the provision of care that is attentive to the various way people from diverse

backgrounds, experience and express illness. A number of factors contribute to how a person will respond to medical care these include their gender, language, literacy, mistrust in figures of authority, traditional and spiritual beliefs and their expectations.

Trauma and Memory

It is important to recognize that every person will respond differently to a traumatic experience, these responses commonly include: anger, hostility, irritability, self-harm, withdrawal, as well as numbing or dissociative states.

In particular, it is not uncommon for individuals who have experienced trafficking related trauma to be unable to recall details of events, including, names, dates and locations. Memory loss is often particularly acute during the period around the initial trauma or when the danger was first recognized.

Trauma informed care recognizes the impact of traumatic experiences on an individual's life and behaviour. A victim of trafficking will often present with a myriad of symptoms and conditions; hyper-vigilance around being examined, mistrust of doctors, anxiety about waiting in a public space and fear of medical procedures may all be related to the abuse suffered when they were trafficked.

Sex and Gender

Although the majority of trafficked people in Western Europe are women and girls, it is important to remember that men and boys are also being trafficked.

Whenever possible a trafficked or potentially trafficked person should be offered health care by a person of their own sex. If this is not possible when a male medical professional is examining a woman, another woman should be present.

Health Planning

When a suspected victim of trafficking enters an assistance program it is important to ensure that a health care plan is put in place that has been devised with the consent and input of the victim. The plan should involve the designation of a medical professional as the key health support person, who will be responsible for primary health care and coordinating access to other services.

The development of the plan should commence with an initial health assessment and planning session. The victim of trafficking should be involved in decisions on treatment and referrals and all medical results should be reported to them as soon as known.



Children

Children who have been abused or exploited require special attention. All the above principles apply to children but in addition a child's views should be given due weight in accordance with the age and maturity of the child (Convention on the Rights of the Child, 1989).

NB.

[The best interests of the child shall be the primary consideration - Convention on the Rights of the Child, 1989](#)

Ireland

Once an adult suspected victim of trafficking has been formally identified as such and often before, they are provided with accommodation at accommodation centres, provided by the Reception and Integration Agency. The accommodation centres sometimes include a medical centre on-site run by the HSE. The nurse in the medical centre, either on or off site will conduct an initial assessment of the medical needs of the suspected victim of trafficking, with their consent. If they do consent, a care plan will be drawn up, involving linking in, in the case of women subject to sexual exploitation to the Women's Health Project in Dublin.



Children

Children who are identified as suspected victims of trafficking are primarily the responsibility of the HSE under the Child Care Acts. The service provision is based at the social work service for separated children seeking asylum based in Dublin. The services offered include medical screening and a care plan.

Summary:

Medical practitioners likely to encounter victims of trafficking need to know relevant indicators and have in place a plan for treating, advising and referring their patient as well as be aware of issues such as data protection, confidentiality and security.

Resources:**Web Sites**

- www.unicef.org
- www.iom.int

CD Rom:

- (a) Power Point Slides and Notes, Module 6, Unit 2
- (b) National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland, 2009-2012

Module 7: Accommodation Centre Management

All accommodation for victims of trafficking must provide a safe and secure environment



Unit 1:

The provision and management of accommodation for victims of trafficking in Ireland

Goal: To set out the basic principles for providing and managing accommodation for adult victims of trafficking in Ireland

Time: 20 minutes

PowerPoint
Slides
No.s 116-120

Overview

The provision of accommodation for victims of trafficking will vary greatly depending upon the needs of the locality. In some countries there will be women rescued from sexual or labour exploitation who need to be provided with safe and secure accommodation and medical, psychological and legal assistance. In others men and boys may need a safe and secure place to recover from their experience of hard labour or sexual exploitation. In each case the type of accommodation and the facilities to be provided will differ, but there are some basic principles of accommodation provision and management that should remain the same.

Accommodation Provision for Victims of Trafficking

In a worldwide context accommodation provision for victims of trafficking may take many forms and be dependent on many factors such as: availability of funding, security concerns, capacity and demand. As a result accommodation for victims of trafficking will vary and will refer to a wide group of facilities providing accommodation and assistance to victims of trafficking, such as medical rehabilitation centres, transit shelters and halfway houses and apartments. Accommodation for

victims of trafficking may be a specialized facility for trafficked persons or may house other people in need of similar assistance.

In Ireland accommodation for adult suspected victims of trafficking is provided by the Reception and Integration Agency (RIA). Reference throughout this Unit is to adult victims of trafficking unless otherwise stated. RIA provides accommodation for potential and suspected victims of trafficking in Direct Provision Accommodation and Reception Centres. These accommodation centres also house asylum seekers. They are run by independent contractors under the authority and oversight of RIA.

Accommodation is provided in the accommodation centres for potential and suspected victims of trafficking referred by the Garda National Immigration Bureau.

Accommodation is provided prior to and during the 60 day recovery and reflection period. At the end of the 60 day reflection and recovery period the suspected victim of trafficking will be required to leave the RIA accommodation centre. If they intend to assist the authorities in relation to their case, they will be eligible for a six-month temporary resident permit. In this situation, after they leave RIA accommodation they will be assisted with their accommodation needs by a Community Welfare Officer and often also by non-governmental organizations and housing associations.

If a suspected victim of trafficking, at the end of the 60 day reflection and recovery period does not intend to assist the authorities in their enquiries they will be required to leave RIA accommodation. They will at this point have no legal status in Ireland unless they claim for asylum or subsidiary protection.

Principles of Accommodation Management

Accommodation for victims of trafficking should work to a standard of basic principles:

Safety and security: The safety and security of residents and staff must be of paramount concern.

International Standards: All assistance provided will be done in the light of international standards and guidance (UN Palermo Protocol on Trafficking

in Human Beings, Principles and Guidelines on Human Trafficking and Human Rights of the UN High Commissioner for Human Rights, COE Convention on Action Against Trafficking in Human Beings, Convention on the Rights of the Child).

Staff: Staff should have had basic awareness training on the issue of trafficking in human beings.

Cooperation: Effective cooperation between all relevant partners should be aimed for to ensure the best possible service to victims of trafficking.

Voluntary: Participation in all/any programmes should be voluntary.

Freedom: Trafficked persons should not be held in any form of detention.

Confidentiality and Privacy: The confidentiality and privacy of the victim of trafficking will be respected. Information gathered from the victim of trafficking will not be disclosed without consent unless the safety of another person is at risk and their privacy respected.

Services

While a suspected victim of trafficking is in RIA accommodation the following services are provided on site or at other facilities by a range of state agencies and stakeholders:

<h1>RIA</h1>		
Medical Assistance: HSE	Psychological Assistance and Counselling: HSE	Recreational Activities: RIA in conjunction with other organizations
Legal Advice: Legal Aid Board	Basic Material Needs: RIA	

Depending upon whether the country is in a country of origin, transit or destination there may also be services, on or off site, depending upon a person's status, giving assistance with:

Job Placements:

In countries of origin returning victims of trafficking may be given assistance in finding employment upon their return.

Vocational Training: In countries of origin vocational training may be provided within accommodation or at another facility. In Ireland if a suspected victim of trafficking is granted a six-month temporary work permit they will be eligible to utilize the services of FÁS in order to undertake vocational training.

Voluntary Return Assistance: In countries of destination Voluntary Return Assistance may be provided to enable a suspected victim of trafficking to return and resettle in their home country. In Ireland these services are provided by the International Organization for Migration (IOM).

Security

The security of victims of trafficking and the staff that care for them is of paramount importance. Risk assessment must be undertaken by the Garda Síochána and/or the GNIB and appropriate security measures put in place with regards to:

Accommodation

The level of security provided must be in relation to the assessed risk. Consideration should be given to the fact that the provision of overt guards on the premises may have a detrimental psychological effect on residents.

Consideration should also be given to the provision of panic alarms for centre management and rapid response agreements with the Garda Síochána.

Staff

Staff may face security risks in their work. All staff should be made aware of the risks involved. All staff should observe strict confidentiality regarding all information and material they come across in the

course of their duties, in particular the confidential personal and confidential trafficking data. Data should only be passed between colleagues on a 'need to know' basis.

Staff should also protect their own security by not disclosing unnecessary personal information about themselves or their colleagues.

All staff are in the process of being vetted by the Garda Síochána.

Visitors

Human trafficking generates a lot of interest from the media, academics and organizations involved in research and support. Many of these may request to visit an accommodation centre. The topic is sensitive as regards the security, welfare and privacy of the residents and staff. It is recommended that strict guidelines be put in place to govern access to victims of trafficking

Residents

Residents often have to leave the accommodation for appointments with the Gardaí or their lawyer or for medical appointments. The security of residents when they leave must be carefully protected. Residents themselves must be aware of the security risks and must take basic security measures to protect themselves and other residents. Clear rules and procedures for resident's security should be put in place and a resident's responsibilities should be explained clearly to them, including advice that their safety and security will be best protected if they do not tell any one in the accommodation of their status as a suspected victim of trafficking.

Confidentiality: administrative and documentary risks.

All confidential, personal and trafficking data should be:

- Kept safe and secure
- Handled and destroyed carefully
- The accommodation centre manager should assume direct responsibility for the management of the security of all confidential data.

Accommodation Centre Management

Each accommodation centre should have one core staff member as manager, who shall have overall responsibility for management of the centre. The

manager maintains overall responsibility for the accommodation centre's day-to-day operations, including supervision of staff and the services to residents. The accommodation centre manager ensures respect for the principles and goals of the accommodation centre, and the safety, health and well being of the residents and staff.

Accommodation Centre Staff

Accommodation centres have a management security presence for 24 hours a day. In addition they have staff to provide general supervision and care for residents on a 24-hour basis. The staff perform their duties under the supervision of the manager. The staff's duties include overseeing activities during the day, maintaining a physical presence at the accommodation centre day and night, recording the entry and exit of residents, recording resident's appointments, ensuring security rules are adhered to, handling problems between residents and keeping a written log.

Volunteers

Some accommodation centres use volunteers to assist with the care of the residents. The use of volunteers is at the discretion of the centre manager. Volunteers should take part in an awareness raising session on trafficking in human beings.

Staff training

All staff should undertake a basic awareness raising session on trafficking in human beings as well as information on all available support services.

Code of Conduct

It is important that all staff and residents in accommodation centres are aware of and abide by a Code of Conduct. In Ireland the Code of Conduct for RIA Accommodation Centres is the Direct Provision Reception and Accommodation Centre's: House Rules and Procedures.

The House Rules and Procedures sets out clearly the services a resident can expect to receive and the rules of the centre. The rules require residents to abide by Irish law and to treat others with respect and forbid the use of violence, the consuming of illegal drugs, being drunk and disorderly, sexual harassment, racism or intimidation of any kind.



Children

Child victims of trafficking are the responsibility of the HSE. The service provision for child victims of trafficking is based at the Social Work Service for Separated Children Seeking Asylum based in Dublin. The commitment by the HSE is to receive child victims of trafficking into care on a full care order and to assess and provide for their needs including providing all the supports necessary, such as an allocated social worker, care plan, multidisciplinary assessment of needs and a safe placement appropriate to their needs. Child victims of trafficking are not placed by the HSE in Reception and Integration Agency accommodation. Child victims of trafficking should never be placed in detention facilities.

The HSE through the Social Work Service for Separated Children Seeking Asylum will ensure that the services the child needs will be provided for including material needs, medical needs, psychological assistance, counselling and legal assistance from the Legal Aid Board. Wherever possible the views and wishes of the child should be considered. The degree of participation will depend upon the physical and psychological age of the child in question. At all times any action taken in relation to a child must be in the best interests of that child.

(See Module 4, Unit 3)

Summary:

All accommodation for victims of trafficking whether in countries of origin, transit or destination must provide a safe and secure environment. Confidentiality, safety and respect for the residents are at the core of their function.

Research:

Web Sites:

- www.iom.int
- www.un.org
- www.coe.int
- www.ria.gov.ie

CD Rom:

- (a) COE Convention on Action Against Trafficking in Human Beings, 2005
- (b) Power Points and Notes, Module 7, Unit 1

Unit 2:

Services and assistance provided to adult victims of trafficking resident at RIA accommodation centres

Goal: To understand the principles of accommodation and service provision for adult victims of trafficking within accommodation centres

Time: 20 minutes

PowerPoint
Slides
No.s 121-127

Overview

Accommodation centres should be managed in a way that ensures that residents obtain the maximum benefit from their stay. A safe, secure, respectful and welcoming environment will be a crucial step in obtaining these maximum benefits. The approach of staff, who are aware of the issue of trafficking in human beings, will be fundamental to a successful recovery as will the smooth running of the accommodation centre from the planned arrival, individualized care plan by the HSE to the planned departure.

Basic Concepts in working with adult trafficking victims

The aim when working with victims of trafficking is that they should recover from their ordeal and be able to leave the accommodation centre and reintegrate back into society.

Approach of staff

Staff should work with residents in a manner of:

Acceptance: This implies a sympathetic attitude to residents. It is important that the victim does not feel blamed.

Affirming individuality: Understanding of individual residents can be conveyed by giving residents the opportunity to express their feelings and concerns.

Objectivity: Staff should endeavour not to bring personal opinions and judgments into their working relationship.

Acknowledgement: Of the effects on a person of being a victim of human trafficking.

Controlled emotion: Staff should not appear cold or lacking in interest, but at the same time they should not identify too much with the resident or become too involved emotionally.

Establishing trust

The crime of trafficking causes a severe breakdown of confidence and trust for victims and that to rebuild this trust and normal relationships requires patience and skill. It is important to use care when trying to rebuild an atmosphere of trust and confidence, and to encourage communication without exerting any undue pressure. Staff should be empathetic and non-judgmental.

Staff should aim to:

- Focus on the individual
- Listen
- Be calm, concerned, attentive and empathetic
- Avoid a controlling or patronizing attitude
- Explain the system of assistance available.

Induction

The arrival at the accommodation centre of the victim of trafficking should be prepared for. On arrival they should be given time to settle. The induction meeting should set out to achieve four main things:

1. To establish rapport and reassure
2. To provide orientation and information on accommodation centre rules
3. To inform of rights
4. To inform of responsibilities.

A suspected victim of trafficking should also be informed of the availability of services and the fact that within a short period of time they will be able to access support services through the HSE such as the services of a psychologist or social worker.

Rapport and reassurance

Establishing a rapport is important. The centre manager or other person conducting the induction should acknowledge an understanding of the situation and endeavour to gain the trust of the victim. At this early stage it is important to reassure the victim that the purpose of the accommodation centre is to ensure their safety.

Direct Provision Reception and Accommodation Centre's: House Rules and Procedures

The House Rules and Procedures must also be discussed with the resident. It is very important that the resident understands the importance of the rules and that the rules are put in place to ensure the smooth running of the centre and the safety of all the residents and staff. The rules include provisions stating:

- No drugs
- No violence
- All visitors must be signed in
- No sexual harassment
- No racism
- No intimidation
- No being drunk and disorderly.

Rights

As part of the process of recovery is reinstating a victim's sense of control and choice it is important that the centre manager or other relevant staff member discuss with them their rights as residents.

A resident should have their rights explained to them. An example of rights would be:

All residents of this accommodation centre shall:

- Be treated with due respect
- Be entitled to confidentiality
- Have the right to privacy
- Be entitled to receive services based on their full and informed consent
- Be informed of services in a language they understand
- Be entitled to make a complaint.

Responsibilities

A resident should have their responsibilities explained to them by the centre manager or other relevant staff member. An example of responsibilities would be:

All residents of this accommodation centre shall:

- Treat all residents and staff with respect
- Abide by the rules of the accommodation centre
- All residents are responsible for the orderliness and cleanliness of their own sleeping space
- Property of the accommodation centre is to be used with respect
- Residents are responsible for their own personal items, if not left with the staff for safe keeping
- Accommodation centre schedule to be observed
- Smoking inside the accommodation centre is not permitted
- Accommodation centre residents shall not make loud noises or shout.

The HSE will develop an individualized case service plan. They will be responsible for interviewing the victim of trafficking and, if needed, providing counselling, medical attention and psychological assistance to the suspected victim of trafficking while they are in RIA accommodation. It is important that centre management and staff are aware of some of the behaviours/fears that may be exhibited by a victim of trafficking in order to be able to carry out their work.

Victims of trafficking may:

- Be very distrustful of authority
- Fear police involvement
- Exhibit feelings of shame and embarrassment
- Appear confused
- Appear disorientated
- Appear exhausted
- Appear afraid.

NB.

An emergency can be defined as a sudden state of danger or a medical condition that requires immediate action or treatment and can suffer no delay

Centre staff should be aware that victims of trafficking are the victims of serious crimes and that these crimes against them can leave them in a weak and disturbed psychological state.

When a victim of trafficking arrives at an accommodation centre they are likely to be in a state of crisis and there will nearly always be some urgency required in their medical and psychological treatment (to be carried out by the HSE) but an emergency is different and the urgency in this situation will be acute.

In the case of physical trauma or illness the victim should have received emergency medical care if necessary prior to arriving at the accommodation centre, but all staff should be trained in first aid and should be able to recognize an emergency medical situation and be able to respond appropriately.

If there is a psychological emergency the accommodation centre manager or relevant staff member should immediately consult with a doctor or psychiatrist or manager.

NB.

Psychological emergency:

- Risk of suicide
- Risk of physical harm to themselves or others
- Signs of seriously impaired judgment and endangerment, e.g. delirium, dementia, psychotic episode

Services and Assistance

The State will provide where possible (and where appropriate other organizations) services and

assistance to victims of trafficking either within the accommodation centre or off site. The services provided to include:

- Counselling
- Medical Care
- Psychological Care
- Legal Assistance
- Recreational Activities
- Reintegration Services (training, education, job placements, financial assistance)
- Identification: travel documents, assistance with voluntary return
- Pre-departure Assistance.

Counselling

Counselling should only be provided to a victim of trafficking by appropriately trained personnel. The range and nature of issues dealt with in a counselling session will vary depending on individual circumstances. Generally, they will be short-term interventions that focus on the most immediate and realistic needs of the person concerned. A counsellor's role can be simplified into three basic aims:

- To build or restore competence, coping mechanisms and decision making skills
- To develop their own resources to realize their personal development potential
- To formulate practical solutions according to their individual needs and circumstances.

Group counselling sessions are designed to encourage victims to work on problems and to talk about them. The sessions should give the victims the opportunity to learn that others share similar experiences and difficulties, and to learn about themselves as they hear how others work out their problems.

Counselling may be organized by the HSE or by organizations that work with victims of trafficking.

Medical Care

A victim's physical wellbeing is crucial to their recovery. Each accommodation centre should have access to medical care for trafficking victims. This will be organized by the HSE.

- Prior to testing for STD's and HIV the consent of the victim should be obtained and counselling should be given.
- Psychological and Psychiatric Care
- Each accommodation centre should enable the HSE to carry out on or off site psychological assessments for victims of trafficking and if necessary psychiatric care.
- Legal Assistance
- Legal Advice provided by the Legal Aid Board.
- Recreational Activities.

All accommodation centres, in collaboration with other organizations, provide some form of recreational activity to give the residents the opportunity to work with fellow residents, fight boredom, regularize sleeping hours and develop skills and self-esteem. Physical activities are also recommended to enhance fitness and confidence and arts activities to increase confidence.

Voluntary Return Assistance

Victims of trafficking often need assistance with travel documentation, including identification documents. IOM provide assistance to victims of trafficking to secure the appropriate documentation and assist them, if that is what they wish, with voluntary return to their country of origin. IOM also work in several countries of origin on providing reintegration services to help victims of trafficking reintegrate into their communities. These services may include help to access education, vocational training, micro-enterprise assistance, job placements and financial assistance.

Departure

Departure from the accommodation centre should be managed. Accommodation is provided in the accommodation centres for suspected victims of trafficking referred by the Garda National Immigration Bureau. Accommodation is provided prior to and during the 60 day recovery and reflection period. At the end of the 60 day reflection and recovery period the suspected victim of trafficking will be required to leave the RIA accommodation centre. If they intend to assist the authorities in relation to their case, they will be eligible for a six-month temporary resident permit. In this situation, after they leave RIA accommodation they will be assisted with their accommodation needs by a Community Welfare

Officer and often also by non-governmental organizations and housing associations.

If a suspected victim of trafficking, at the end of the 60 day reflection and recovery period does not intend to assist the authorities in their enquiries they will be required to leave RIA accommodation. They will at this point have no legal status in Ireland unless they claim for asylum or subsidiary protection.

Summary:

For an accommodation centre to provide the maximum benefit to a victim of trafficking it must be well managed and structured in such a way to provide safety, security and reassurance to its residents. It is also important that Accommodation Centre staff are aware of the issues relating to human trafficking that are relevant to their work in caring for the residents of accommodation centres.

Resources:

Web Sites:

- www.iom.int
- www.ria.gov.ie

CD ROM:

- (a) COE Convention on Action Against Trafficking In Human Beings, 2005
- (b) Ethical Principles in Caring for and Interviewing Trafficked Persons
- (c) Power Point Slides Module 7, Unit 2

Exercises & Glossary



Exercise 1:

Time: 20 Minutes

Learning Objectives:

- To understand terminology used in the Palermo Protocol
- To understand the definition of human trafficking in the Palermo Protocol.

Specific Objectives

- To identify key words in the definition
- To identify the three elements of trafficking.

Learning Strategy

- Brainstorming Session
- Feedback Session.

The delegates will be asked to formulate a working definition of human trafficking. The delegates will be directed towards the Glossary of Terms in their materials. The delegates will be divided into small groups and given 5-10 minutes to agree a definition of human trafficking expressed in less than 50 words.

The definitions will be taken down on a flip chart and discussed in an open group session.

Summarise main points of session.

Please refer to card exercise in your resources pack

Exercise 2:

Time: 40 Minutes

Learning Objectives

- To understand the difference between human trafficking and migrant smuggling.

Specific Objectives

- To understand the issue of consent
- To understand the meaning of exploitation.

Learning Strategy:

- Case Studies
- Small Group Discussions
- Feedback Session.

The delegates will be divided into small groups and each group will be given two case studies. The groups will be given time to read the case studies and then will be asked to decide whether each scenario is a trafficking or smuggling situation and why. One member of the group will be asked to report back to the main group: to explain the scenario and why it is either trafficking or smuggling.

Summarise main points of the session.

Scenario A

Antonio is a 12-year-old boy from a rural area in a country in P region. His mother is a widow with six children to care for. Finding food to feed them all is an increasingly difficult task. As the eldest boy in the family, Antonio feels responsible for his siblings, and would like to help his mother.

One day, Antonio's mother meets a man who is looking for strong boys to work on farms in a neighbouring country. When Antonio's mother tells him that she has a 12-year-old son who is looking for work, the man offers her the equivalent of US \$100 for his services, promising that he will be fed and accommodated at his place of employment. To Antonio's mother, the sum is a significant amount of money that would enable her to feed her other children for some time, and with the prospect of having someone else caring for her eldest son, she agrees to the deal.

Although Antonio is sad to leave, he is pleased to be able to help his family in this way and, together with the man and the four other boys he had gathered, they travel for several days, often walking along the roadside, and occasionally riding in the backs of trucks. The man leads the boys along the edges of several large farms, occasionally negotiating with other men whom he finds there. After receiving a sum equivalent to US \$300, he leaves Antonio with a man named Godfrey.

Godfrey supervises a large number of workers, and some of these are boys of Antonio's age. He makes sure that they all work very hard in the fields, with their working day starting before the sun rose and ending after it has set. They are given no payment for their work, but are fed two meals a day, one in the morning and one in the evening. At night, the boys all sleep in a small room with a hard dirt floor, without mats or mattresses, although each is given a thin wool blanket.

After many months, Antonio is very tired of the conditions in which he is living and starts to feel homesick. He has no idea how to return home to his family, but he decides to leave the farm anyway, telling no one of his intention to do so. Shortly after leaving the farm, he is apprehended by the police as an illegal alien.

Questions:

Is this a case of trafficking or smuggling? Why or why not?

Scenario B

Sara is a 20-year-old woman from Country A. She is unmarried, and has two small children whom she supports by selling vegetables. One day, she is approached by a friend who says that she can find her a job as a nanny in Country B making ten times her current monthly earnings. The friend also promises to make all her travel arrangements and pay for her trip if Sara agrees to repay her once she starts her new job in Country B. Deciding that the extra income will benefit her family, Sara leaves her children in the care of her mother and begins her journey by bus in the company of her friend. Sara has no passport, but her friend assures her that she will not need one since she has friends at the border.

After travelling for one day, the friend leaves Sara in the care of a boat captain whom she says will take her the rest of the way to Country B. Sara is surprised to see the man give her friend a large role of bills since she expected that her friend would have to pay him for Sara's transportation. She does not ask any questions about the transaction, assuming it to be an unrelated business deal that her friend has worked out on the side.

The boat captain is friendly, but asks that Sara travel in the boat's closed cabin under the deck so as to avoid problems entering the country. It is dark, hot, and very uncomfortable, but Sara agrees since she has no passport, and can only rely on his advice and goodwill. That night, however, after a full day's travel, he stops the boat in an isolated cove, unlocks the cabin, and rapes her. Sara is then forced back into the cabin, which is again locked behind her. It is a long trip, and Sara's journey comes to an end at a dock. There the boat captain is met by four men who give him a lot of money. Sara is told that she is now in Country B. After waiting for a few hours under a tree, a 4 X4 vehicle arrives, and Sara is ordered to get in the back of the vehicle. Other young women are already seated there, and all of them appear to have been beaten. Sara is afraid, no longer believing that she is to be given the job she was promised, but when she refuses, the men threaten her with a gun.

Sara and the other women are taken to a private house in an urban area. Over a period of several weeks, the women are physically and sexually abused by the four men, and they are not permitted to leave the premises. Sara is told that if she escapes, the police will put her in prison for being in Country B without a passport, and then she will never see her children again. She is also told that if she even tries to escape, her children will be located and hurt. Eventually, other men begin stopping by the house, and Sara is forced to have sex with them, for which her four captors are paid. Sara is eventually sold to a brothel, where she is forced to continue working as a prostitute. Her earnings are taken by the brothel owner.

One night, the brothel is the target of a police raid. Finding Sara without the proper documentation allowing her to be in Country B, Sara is summarily deported.

Questions:

Is this a case of trafficking or smuggling?
Why or why not?

Scenario C

Kim is a 24-year-old prostitute in Country X. Lately, business seems to be slowing down, and Kim assumes that it is because she is getting older, and the younger prostitutes are stealing her clients. She hears rumors that a number of older prostitutes have been making a lot of money abroad, and when a local agent approaches her about working in Country Y, she readily agrees. George is very helpful. George books and pays for her US \$800 flight, and arranges to have someone to meet her at the airport upon arrival. When Kim voices concern about not speaking much English, he reassures her by telling her that many women arrive in Country Y without speaking any English, but learn it quickly, and end up marrying wealthy men. Kim is pleased by this information. She knows that she will not be able to do prostitution forever, and is looking for a way to secure her future. She agrees to reimburse George in the amount of US \$7,000 for his expenses and effort, and he assures her that she can earn the money to repay him in a month's time.

Kim travels to the airport and encounters no difficulties since she does not need a visa to enter Country Y as a tourist. Kim was not aware that she would only be entitled to a single month's stay, and wonders how she will be able to earn any money for herself if it will take a month to pay off the agent. As had been arranged by the agent in Country X, someone is waiting for Kim at the airport. He is a man from Country Y, and his name is Charles. He doesn't speak her language, but is nonetheless able to recognize Kim, and takes her to a private house in a wealthy area of the city where she recuperates after her long flight. The next day, at about 10 o'clock in the morning, Charles escorts Kim to a high-end brothel where she begins to work off her debt. The work is more or less what Kim expected. She works very long hours, often beginning at 10 am, and finishing at 5 or 6 o'clock the next morning, and occasionally, she travels with some of the other prostitutes to brothels in some of the major cities in the region.

As her month in Country Y nears its conclusion, and still owing US \$1,000 to George in Country X, Kim decides to continue working in Country Y without a visa since she still has not earned any money for herself. To avoid potential problems with the police, Charles and the brothel owner make arrangements to have Kim marry one of her local clients to enable her to stay in the country. A client agrees, and pays Charles US \$5,000 to marry Kim. The client is quite wealthy, and Kim is happy to marry him, believing that she will be able to stop being a prostitute. However, after the wedding, Kim learns that she must continue working as a prostitute until she has paid off the US \$5,000 that her client/husband paid Charles.

Kim is nonetheless reasonably content with this new arrangement, since she has much greater control over her working hours, and she can take time off when she chooses. Her husband treats her reasonably well, and she has complete freedom of movement. In addition, she has her own bank account, and is able to save some money, even though she must still pay her husband a certain amount every month. Once the debt is repaid, Kim retires from prostitution, and remains in Country Y.

Questions:

Is this a case of trafficking or smuggling?
Why or why not?

Scenario D

Michelle is 18-years-old and lives in an overcrowded urban area in Country A. Her family is having difficulties as her mother is unemployed and her father is never home. Michelle does not go to school and has few options to find a job. Her 20-year-old sister Claudia regularly travels to a rural area of Country B to work illegally as a waitress in a mining town. Because the mining area is quite a distance from her home city, Claudia is often gone for several months at a time. When she returns home Claudia always has enough money to pay the families expenses and buy new clothes and jewelry. Michelle is impressed with her big sister Claudia.

One day a man named Martin comes to their area and talks with Claudia in a language Michelle does not understand. Afterwards, Claudia tells Michelle that there is exciting news. Michelle will travel with Claudia to Country B, and that the nice man Martin will pay for their trip and arrange for Michelle to work with her sister as waitresses in the mining town. Michelle's mother readily consents to the new arrangement because Martin is friendly and open, and has given the family some nice presents. Martin will take care of all the travel details. The mother is confident that Claudia will also be there to look after Michelle's well-being.

After a long journey, Claudia and Michelle finally arrive in the restaurant/hotel in Country B. Michelle is less than impressed with the lack of infrastructure and questionable conditions of the area. She does not speak the local language, but is eager to learn. Claudia begins by explaining to Michelle that they will sleep upstairs in the hotel, meet guests in the bar, and entertain guests in their rooms. Gradually, Claudia explains that in fact they will serve clients as prostitutes and that they have a certain debt (for travel and room and board) to pay back to the hotel owner and Martin. She assures Michelle that this is a wonderful opportunity to make money and improve their lives, but Michelle doesn't want to stay. She begs Claudia to explain this to Martin. Claudia tells her that they have no choice. Michelle wants to go home, but Claudia tells her that until they pay Martin back – she cannot go home.

Claudia and Michelle have to turn their travel documents over to Martin. He watches them closely and ensures that they work six days a week, serving a certain number of clients each day. The hours are long and the work is hard, but there is at least one day off a week. While Claudia and Michelle never suffer any physical abuse at the hands of Martin, he does not permit them to come and go from the hotel as they please. A local police officer also regularly comes into the hotel and once asked Martin to see Claudia and Michelle's travel documents.

Questions:

Is this a case of trafficking in persons? If yes, why? If no, why not?

Scenario E

Ana is a domestic worker for the Lopez family in Country X. Though she is originally from Country Y, she has been living with and working for this family for the last fifteen years. Unfortunately, Ana was recently told that the family would no longer need her services. As their children have now been raised and moved out of the home, there is no need to keep Ana on as a domestic worker. Because the Lopez's feel Ana has done a wonderful job over the years, they offer to help her find a new family to work for.

Mr. Lopez explains that he has a cousin with three young children who is interested in finding a trustworthy, live-in domestic worker to help raise the children and keep the house clean. However, his cousin works for an international business and has recently been transferred to Country Z. This poses a problem for Ana. Not only is she worried about moving to a different country where she does not speak the local language, Ana is in Country X illegally. She is not sure that she would be able to get to Country Z even if she wanted to go.

Fortunately, Mr. Lopez explains that he has a friend that might be able to help Ana with her situation. For a fee, transportation and documents will be provided to Ana. Though they will be forged documents, Ana is assured that they will be sufficient for her entrance into Country Z.

She thinks it over for a few days and decides that she can trust the Lopez family to send her to a good family and that, since the new family speaks her language, she feels comfortable enough to go. Though it is an expensive venture, Ana has saved some money and feels that the stability of a new job will be worth it. The next week she meets Juan, the friend Mr. Lopez spoke of, pays him the fee and is told to return in one week to pick up her documents and plane ticket.

The Lopez family took Ana to the airport and wished her well on her journey. Right before she left, Mr. Lopez handed Ana an envelope. "Please give this to my cousin Lisa when you arrive. She will be at the airport to meet you." Ana agreed and put the envelope into her purse.

Ana's journey went smoothly. The entrance into Country Z, while stressful, went as planned and Lisa was there to meet her as agreed. When Lisa met Ana, she asked if her cousin had sent anything for her. Ana remembered the envelope and handed it to Lisa. Lisa opened it discretely, smiled, nodded her head, and put it in her purse. "Let's go then." Lisa escorted Ana into her car and they drove away.

Questions:

Is this a case of human trafficking, migrant smuggling or something else? Why?

Scenario F

Lou is 22 years old and from a small town in Country A. Lou's mother died when he was 13 and his father is a farmer who struggles to make ends meet. Lou quit school when his mother died, to help his father work the farm in order to support his three younger brothers. Lou is a reliable farm laborer who works long hours in the fields to help support the family.

Lou has an uncle who lives in the nearby city, who has several friends that assist people to migrate abroad. Frustrated with his lack of options to earn a living, Lou meets with his uncle to ask for help. The uncle agrees to help Lou by introducing him to a friend. This friend is part of a network that has been helping people from Country A migrate to more affluent countries for many years.

Lou has no family abroad, but he wants to go to the Big City because he once saw it in a magazine article and was fascinated with pictures of life there. The friend of his uncle says that he could arrange passage to the Big City, but that it would cost Lou \$30,000. He would have to pay \$3,000 up front and the rest would be paid back by agreeing to work for a number of years in the Big City. Lou is told in "three years of honest work," he will have paid off his travel debt. He agrees to this arrangement and borrows \$3,000 from his uncle to pay the man.

The man arranges Lou's travel documents, visas and an airplane ticket. Lou arrives in the Big City without problems. In the arrival lounge a national of Lou's country, who introduces himself as Bo is waiting for him with a car and driver.

They drive to a supermarket in the Big City and Lou is told to get out of the car and take his bags with him. Upon entering the supermarket, Lou notices that there is another national of his country working the cash registers. Bo takes him to the back of the store where he shows Lou a small room and tells him that he can keep his bags there. Bo also offers to keep Lou's passport in a safe place and Lou agrees to give it to him.

Shortly thereafter, Bo tells Lou he will have to work in the supermarket in order to earn enough money to pay for his trip to the Big City. When Lou starts asking questions about his pay, lodging, and contacting his family, Bo pulls out a knife and threatens to kill him if he causes any problems and refuses to work.

Bo tells Lou that he will work 15 hours a day (the hours during which the store is open) and will also be required to unload truck for 3-4 hours per day. Lou will live at the back of the store. Food and lodging costs will be deducted from his wages. Bo instructs Lou that if anyone asks him any questions he should say that he is related to Lou, otherwise he will be deported as he is working illegally.

Questions:

Is this a case of human trafficking or migrant smuggling? Why?

Scenario G

Yvonne is a 17 year old girl who comes from a family of eight children, of which she is the seventh child. She has little formal education, only briefly attending primary school, and has a child who is two years old. The father of her child has moved away and he does not support her or their child. When living at home, she helps her mother with the cleaning and bringing laundry to customers. When her father comes home after work, drunk, he beats her mother in front of the entire family.

Yvonne is recruited by a girlfriend to go work in the city. Her friend tells her that she will be dancing and singing in a club and will earn a lot of money working there. Yvonne agreed and the next week her friend takes her and a group of 6 other girls by van to the club.

Claire, the club owner, explains that she will pay for all of Yvonne's expenses at first, but Yvonne will have to pay her back for her room, food, toiletries, and clothes. Yvonne must go to the Dermatological Service for health check ups and testing (HIV/AIDS and STDs) which is added to her debt.

After arriving, Claire explains to the group of girls that in addition to singing and dancing, that they must have sex with the customers. Some of the girls in the group appear to have known this and to be okay with it. Yvonne doesn't want to have sex with clients, but she knows that her family needs money and is also afraid of Claire and what she might do.

Yvonne shares a room in the club with two other girls. In the morning the girls stay in their rooms or go for a walk around town. Yvonne works from 8:00 pm until 4:00 am. She thought she would be sending enough money home a month to care for her family, but she is not earning very much. She thinks once her debts are paid off, she will earn much more.

Yvonne never feels as though she is being controlled. "No one beats me." She knows that her family needs the money, "so I know that I have to work." She is able to go places if they are not far away. She is able to return to her family's home and chooses to come back and work in the same sector in the above mentioned conditions repeatedly.

Questions:

Is this a case of trafficking in persons?
If yes, why? If no, why not?

What if she was an adult (over 18)?
If yes, why? If no, why not?

Exercise 3:

Time: 1 Hour

Learning Objectives:

- To understand how trafficking works.

Specific Objectives

- To understand the most common form of recruitment
- To understand methods of control used by traffickers.

Learning Strategy

- Clips from DVD of Lilya 4-Ever
- Questions for discussion on film
- Discussion of issues raised.

There will be a very brief introduction to the film and the aim of the session. Exerts from the DVD or the DVD (depending on time constraints) will be shown and a handout with questions raised by the film will be given to the delegates.

The clips on the CD Rom relate to the issues of recruitment and control.

The questions will be used to focus the discussion but other topics raised by the film may be discussed.

Discussion will be a whole group discussion. Summarize main points of session.

3 Questions for Exercise:

- 1 Do you think it is common for a person to be recruited by a friend?
- 2 Is it typical for a trafficked person to be locked in?
- 3 How common do you think it is for people to be recruited by job offers?
- 4 What other types of recruitment are there?
- 5 Is it typical for the recruiter to take care of all the arrangements?
- 6 How does the trafficker in the film exercise control?

Other Questions for Whole Film Discussion:

- 1 Are only abandoned children at risk of being trafficked?
- 2 Do only prostitutes end up in trafficking rings?
- 3 Are only young women trafficked?
- 4 Does human trafficking mean only sexual exploitation?
- 5 Should trafficked people avoid the police?

Exercise 4:

Time: 45 Minutes

Learning Objectives:

- To identify the causes of human trafficking.

Specific Objectives

- Identify factors that contribute to trafficking
- Identify particular factors that affect women and children.

Learning Strategy

- DVD
- Brainstorming
- Feedback Session.

There will be brief introduction to the subject and the aim of the session. The DVD will be shown and a series of questions posed to the delegates:

1. Why do you think trafficking in human beings occurs?

10 Minutes discussion in groups and then take feedback on a flip chart. Create a list of all the push and pull factors that each group identify.

2. Is one cause more important than others?

Discuss in open group. The aim is to establish that the factors work together and that it is rare that one factor alone would create a situation conducive to trafficking.

Summarise main points of session.

Exercise 5:

Time: 30 Minutes

Learning Objectives:

- To consolidate learning achieved in the course.

Specific Objectives

- To consolidate learning on the definition of trafficking
- To consolidate learning on the causes and methodology of trafficking
- To consolidate learning on the process of identifying a victim of trafficking.

Learning Strategy

- Quiz
- Small Group Discussions
- Feedback Session.

Exercise 5: Test Your Trafficking Knowledge

1. Circle all of the terms that are found in the Palermo Protocol definition of human trafficking:

'sexual exploitation' 'debt' 'servitude' 'labour exploitation' 'removal of organs' 'fear' 'fraud' 'recruitment' 'border crossing' 'transfer' 'use of force' 'abuse of power' 'kidnapping' 'assault' 'intimidation' 'position of vulnerability' 'false belief' 'organized crime' 'slavery' 'harbour' 'modern day slavery' 'child pornography' 'prostitution' 'smuggling' 'transport'.

2. Human Trafficking can involve which of the following (check all that apply)

- Lawful crossing of International borders
- Unlawful crossing of International borders
- Work for no wages until costs of transport paid off
- Taking of passport or identity papers
- Violence and abuse
- Internal migration
- Slavery
- Voluntary sex work abroad
- Imprisonment
- Isolation

3. Recruitment of a victim is usually by (check all that apply)

- Violent abduction
- A genuine job offer abroad
- Advertisement for job overseas
- False promise of marriage
- A friend of a friend
- A female relative

4. Elisabeta is 17 she is from Romania.

I have been working as a prostitute since I was 14. Last year a friend, Karin, who worked with me said that she had heard that there was much better money to be made in Milan. She introduced me to her cousin, Dorin. He said he could get me across the border and introduce me to people who would help me. I told him I didn't have a passport or money for the train. He said that was not a problem as he could arrange to get me a passport and he would lend me some money and I didn't have to pay him back until I was earning good money. I travelled with two other girls and Dorin. We travelled overnight by car. At the border, the border guard asked me if this was my passport, I lied and said it was. He let us through.

In the morning we arrived in a big city. It was not Milan. We were in Austria. We were taken and locked in a room. We were hungry and thirsty. The other two girls were taken. I was taken to a house owned by a man called Gustav and told I would work there as a prostitute and that I had to work until I had repaid him. I had to see many men. I was never paid and was often hungry.

Was Elisabeta trafficked?

Would your answer have been different if Elisabeta had been 18? Explain.

Do you think organized crime was involved? Explain.

5. True or False?

- (a) Traffickers are always male.
- (b) Ireland has been identified as a country of origin for trafficking into the restaurant trade.
- (c) A child is defined as any person under 18 years of age.
- (d) Poverty, wars, lack of opportunity and gender discrimination are all factors that cause people to be susceptible to being trafficked.

6. Name five places you may find victims of trafficking in Ireland

7. Dr Walsh is a General Practitioner. A young man comes to see her. He is from Bulgaria. He is very thin and appears anxious and wary. He has a serious cut on his arm that has not been stitched. It has been left untreated and has become infected. The young man speaks little English. He is accompanied by an older man who translates and answers for him, this man appears unwilling to give Dr Walsh details of the young man's full name, address and how the cut happened.

- (a) What facts should Dr. Walsh pick out as possible indicators that the young man was trafficked?
- (b) Can Dr. Walsh formally identify the young man as trafficked so he is able to access state services for victims of trafficking in Ireland?

Relevant International Legal Instruments

Convention Concerning Forced or Compulsory Labour, ILO Convention No. 29, UNTS, Vol. 39, No. 612, 1930; www.ilo.org

Convention Concerning the Abolition of Forced Labour, ILO Convention No.105, UNTS, Vol.320, No4648, 1957; www.ilo.org

Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ILO Convention, UNTS, Vol.2133, No.37245, 1999; www.ilo.org

Convention for the Protection of Human Rights and Fundamental Freedoms, ETS, No.5, 1950; <http://conventions.coe.int>

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of others, A/RES/317 (IV) annex, 1950; www.unhchr.ch

Convention on the Elimination of All Forms of Discrimination against Women, A/RES/34/180, 1979; www.ohchr.org

Convention on the Rights of the Child, A/RES/44/25, 1989; www.unicef.org

Council Framework Decision on combating trafficking in human beings, OJ L203, 2002; www.europa.eu

Council of Europe Convention on Action Against Trafficking in Human Beings, CETS/197, 2005; www.coe.int

International Convention for the Suppression of the Traffic in Women and Children, League of Nations Treaty Series, Vol. CL, No.3476, p.431, 1933

International Agreement for the Suppression of the White Slave Traffic, League of Nations Treaty Series, Vol.1, No.11, p.83, 1904

International Convention for the Suppression of the White Slave Traffic, League of Nations Treaty Series, Vol VIII, p.278, 1910

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, A/RES/ 54/263, Annex I, 2000; www.unhchr.ch

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, A/RES/54/263, Annex II, 2000; www.ohchr.org

Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime, A/RES/55/25, Annex III, 2000; www.unodc.org

Protocol Amending the Slavery Convention, UNTS, Vol.182, No.2422; www.unhchr.ch, 1956

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, A/RES/55/25, Annex II, 2000; www.unodc.org

Recommended Principles and Guidelines on Human Rights and Human Trafficking of the United Nations High Commissioner for Human Rights, E/2002/68/Add.1; www.unhcr.bg

Slavery Convention, UNTS, Vol 212, No.2861, 1926; www.unhchr.ch

Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, UNTS, Vol.266, No.3822, 1956; www.unhchr.ch

United Nations Convention against Transnational Organized Crime, A/RES/55/25/Annex1, 2000; www.unodc.org

Universal Declaration of Human Rights, A/RES/217 A(III), 1948; www.unhchr.ch

Relevant Irish legal Instruments

Child Care Act, No. 17/1991;
www.irishstatutebook.ie

Child Trafficking and Pornography Act, No. 22/1998;
www.irishstatutebook.ie

Criminal Law (Human Trafficking) Act, No. 8/2008;
www.irishstatutebook.ie

Employment Equality Acts, 1998-2004, No. 21/1998,
www.irishstatutebook.ie

Employment Law Compliance Bill, 2008,
www.oireachtas.ie

Employment Permits Act, No. 7/2003;
www.irishstatutebook.ie

Employment Permits Act, No. 16/2006;
www.irishstatutebook.ie

Illegal Immigrants (Trafficking) Act, No. 29/2000;
www.irishstatutebook.ie

Immigration, Residence and Protection Bill, 2008;
www.oireachtas.ie

Organization and Working Time Act, No.20/1997;
www.irishstatutebook.ie

National Minimum Wage Act, No. 5/2000;
www.irishstatutebook.ie

Payment of Wages Act, No. 25/1991;
www.irishstatutebook.ie

Protection of Employees' (Part Time) Work Act,
No.45/2001; **www.irishstatutebook.ie**

Sexual Offences (Jurisdiction) Act, No. 38/1996;
www.irishstatutebook.ie

Sex Offender's Act, 2001 No. 18/2001;
www.irishstatutebook.ie

Unfair Dismissals Act, No.10/1997-2007;
www.irishstatutebook.ie

Glossary of terms

Abduction The act of leading someone away by force or fraudulent persuasion.

See also: Kidnapping, Means, Forcible.

Best Practices Means to further the application of existing norms and principles, both at international and national level.

Border Control A State's regulation of the entry of persons to its territory, in exercise of its sovereignty.

Carrier Liability Law A law imposing fines upon carriers who bring into the territory of a State persons who do not have valid entry documents.

Child "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier" (Article 1, 1989 Convention on the Rights of the Child). Children are protected from trafficking in several international legal instruments and are considered a special case: "The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons'"

(2000 Protocol to Prevent, Suppress, and Punish Trafficking in Persons).

Full texts:

www.hrw.org/children/child-legal.htm;
www.unodc.org/unodc/en/crime_cicp_convention.html

See also: Child Labour, Worst Forms of Child Labour

Child Exploitation According to the Convention on the Rights of the Child, 1989 and the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999, child exploitation includes: economic exploitation (any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development), sexual exploitation (sexual abuse, prostitution, child's pornography) and abduction of, sale of or trafficking in children, or any other forms of child exploitation.

See also, Child Labour, Worst Forms of Child Labour

Child Labour Hazardous work that places a child's rights to survival, protection or development at risk. Children are protected "from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development" (Article 32, 1989 Convention on the Rights of the Child).

States are required to set a minimum age for employment and to regulate the hours and conditions of employment.

Full texts: www.hrw.org/children/child-legal.htm

See also: Child, Exploitation, Worst Forms of Child Labour

Child Soldier Several international instruments prohibit the use of children in armed conflict. The 1977 Additional Protocols to the four Geneva Conventions establish a minimum age of 15 years for recruitment and participation in armed conflict. Children are protected from "forced or compulsory recruitment" for use in armed conflict in Article 3 of the 1999 Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. In 2000, an optional protocol to the Convention on the Rights of the Child further prohibited the involvement of children in armed conflict (Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict).

Full texts: www.hrw.org/children/child-legal.htm;
www.unhcr.ch/html/menu2/6/protocolchild.htm

See also: Child, Exploitation, Worst Forms of Child Labour

Coercion Compulsion by physical force or threat of physical force.

See also: Control, Debt Bondage, Isolation

Control To exercise restraining or directing influence over. A core component of trafficking in persons. Traffickers use many methods to control and coerce their victims, including debt bondage, isolation (e.g. removal of identify or travel documents), fear and violence (psychological and physical).

See also: Coercion, Debt Bondage, Isolation

Country of Destination A country that a migrant is traveling to; a country that is a destination for migratory flows (legal or illegal).

Synonym: Receiving Country

See also: Country of Origin, Country of Transit

Country of Origin A country that a migrant is coming from; a country that is a source of migratory flows (legal or illegal).

Synonym: Source Country

See also: Country of Destination, Country of Transit

Country of Transit A country that a migrant travels through; a country through which migratory flows move (legal or illegal).

See also: Country of Origin, Country of Destination

Debt Bondage “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” (Article 1, 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery). Sometimes used as a mechanism to control and coerce victims of trafficking in persons.

Full texts: www.unhchr.ch/html/intlinst.htm

See also: Bonded Child Labour, Control, Coercion, Forced Labour

Direct Assistance The entire range of activities and services that are provided to trafficked persons with the goal of helping them re-establish their overall physical, psychological, mental and social well-being. The aim of direct assistance is to provide both recovery and empowerment to the victim.

Domestic Servitude Servitude can be understood as a “dependent, economically abusive labour relationship” with “no reasonable possibility of escape.” In some cases, the “abusive labour conditions of the live-in migrant domestic workers . . . [can] accurately be described as servitude.”

See also: Exploitation, Forced Labour, Indebted Servitude

Empower To give official authority or legal power to; enable; to promote the self-actualization or influence of.

Exploitation The act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one’s own benefit (e.g. sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs). A core component of trafficking in persons. “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” (Article 3 of the 2000 UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons). Traffickers transport their victims for the sole purpose of personal gain, often either to make large amounts of money from their exploitation or to obtain free services or labor.

Full texts: www.unodc.org/unodc/en/crime_cicp_convention.html

See also: Forced Labour, Domestic Servitude, Sexual Exploitation, Means, Mobilization

Forced Labour “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (Article 2, Forced Labour Convention of 1930). Further state responsibilities included in the Abolition of Forced Labour Convention of 1957.

Synonym: Compulsory Labour

Full texts: www.unhchr.ch/html/intlinst.htm

See also: Exploitation

Forced Marriage Marriage that is not voluntary.

According to the 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, “Marriage shall be entered into only with the free and full consent of the intending spouses.” Forced marriage is recognized as a practice similar to slavery when: “A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group”; “The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise”; or “a woman on the death of her husband is liable to be inherited by another person”

(Article 1c, Supplementary Convention on the Abolition of Slavery, the Slave Trade, and

Institutions and Practices Similar to Slavery). Forced marriage is also prohibited under the 1979 Convention for the Elimination of All Forms of Discrimination Against Women.

Full texts: www.unhchr.ch/html/menu3/b/63.htm;
www.unhchr.ch/html/menu3/b/e1cedaw.htm;
www.unhchr.ch/html/menu3/b/30.htm
 See also: Exploitation, Sexual Exploitation

Forced Military Conscription According to the Fourth Geneva Convention which protects civilians in situations of armed conflict, an "Occupying Power may not compel protected persons to serve in its armed or auxiliary forces"

(Geneva Convention Relative to the Protection of Civilian Persons in Time of War).

Full texts: www.unhchr.ch/html/menu3/b/92.htm
 See also: Child Soldier, Exploitation

Gender-Sensitive Indicators Indicators that demonstrate changes in the equitable balance between women and men in a given context over a period of time. They are used to assess progress in achieving gender equality by measuring changes in the status of women and men.

See also: Indicator, Performance Indicator

Human Rights "the equal and inalienable rights of all members of the human family" (1948 Universal Declaration of Human Rights). Those liberties and benefits which, by accepted contemporary values, all human beings should be able to claim "as of right" in the society in which they live. These rights are contained in the International Bill of Rights, comprising the Universal Declaration of Human Rights, 1948 and the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, 1966 and have been developed by other treaties from this core (e.g. The Convention on the Elimination of All Forms of Discrimination against Women, Racial Discrimination Convention).

Full texts: www.unhchr.ch/udhr/index.htm

Identification - Aims at making a determination whether or not an individual is potentially a trafficked person according to the definitions established in the UN Protocol.

Forced Marriage – Marriage that is not voluntary.

According to the 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, "Marriage shall be

entered into only with the free and full consent of the intending spouses." Forced marriage is recognized as a practice similar to slavery when:

Full texts: www.unhchr.ch/udhr/index.htm

Identification Aims at making a determination whether or not an individual is potentially a trafficked person according to the definitions established in the UN Protocol.

Identity Document A piece of documentation designed to prove the identity of the person carrying it.

See also: Passport, Travel Documents

Indebted Servitude Servitude can be understood as a "dependent, economically abusive labour relationship" with "no reasonable possibility of escape" "Servitude sometimes results from situations of debt bondage, where debts are used to control victims of trafficking.

See also: Exploitation, Debt Bondage, Domestic Servitude

Indicator An indicator is a quantitative or qualitative benchmark that provides a simple and reliable basis for assessing achievement, change or performance. It is a means of analyzing and monitoring the characteristics of operations, services and processes and their implementation. In addition, it can also be used to measure, monitor, evaluate and improve performance.

See also: Performance Indicator, Gender-Sensitive Indicators

Internal Trafficking Trafficking in persons which takes place within a country.

Irregular Migration "persons who enter unchecked or with falsified documents or who overstay legal visas, including rejected asylum seekers, forced migrants and trafficked persons, ecological migrants, and illegal migrant workers (World Migration, 2003; Skeldon, 2000; Irregular Migration, 1999)." Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is illegal entry, stay or work in a country, meaning that the migrant does not have the necessary authorization or documents required under immigration regulations to

enter, reside or work in a given country. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfill the administrative requirements for leaving the country).

Isolation Traffickers often use isolation as a means of control and coercion. Isolation can include (but is not limited to) the removal of identification or travel documents and linguistic or social isolation. See also: Control, coercion, Identity Documents, Travel Documents.

Kidnapping Unlawful forcible abduction or detention of an individual or group of individuals, usually accomplished for the purpose of extorting economic or political benefit from the victim of the kidnapping or from a third party.

Kidnapping is normally subject to the national criminal legislation of individual States; there are, however, certain kidnappings that fall under international law (e.g. piracy).

See also: Abduction, Means, Forcible

Means A component of trafficking in persons. Means can be divided into fully deceptive, partially deceptive, and by force (abduction).

See also: Trafficking in Persons, Mobilization, Exploitation

Means, Forcible – Victims of trafficking in persons are forcibly taken.

Synonym: Abduction

See also: Abduction, Kidnapping

Means, Fully Deceptive Victims of trafficking in persons are lured by promises of employment and financial gain and are fully deceived as to the true intentions of the traffickers.

Means, Partially Deceptive Victims of trafficking in persons may be aware that they are to be employed in a given activity but do not know under what conditions.

Migrant Worker “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national” (Article 2, 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families).

Full texts: www.unhcr.ch/html/menu3/b/m_mwctoc.htm

See also: Migration

Migration A process of moving, either across an international border, or within a State. Movement from one country, place or locality to another.

Minor A person who according to the law of the relevant country is under the age of majority, i.e. is not yet entitled to exercise specific civil and political rights.

See also: Child

Mobilization A core part of trafficking in persons is movement from one place to another. Movement can be international (involving two or more countries) or can take place from one part of a country to another (i.e. internal trafficking). Mobilization can take place legally or illegally, by air, land or sea.

See also: Means, Exploitation, Trafficking in Persons

Organized Crime Widespread criminal activities that are coordinated and controlled through a central syndicate.

See also: Smuggling of Migrants, Trafficking in Persons

Performance Indicator Variables allowing for the verification of changes occurring as a result of an intervention or showing results relative to what was planned.

See also: Gender Sensitive Indicators, Indicators.

Prevention The act of preventing (to keep from happening or existing).¹⁶ Part of a comprehensive strategy to combat trafficking in persons. Prevention can include (but is not limited to) information and awareness-raising activities, research, seminars and training, and cooperation and networking (locally, nationally, regionally and internationally).

See also: Prosecution, Protection

Prosecution The act of prosecuting (to bring legal action against for redress or punishment of a crime or violation of law. Part of a comprehensive strategy to combat trafficking in persons. Prosecution can include (but is not limited to) strengthening legislation and policy, increasing criminal penalties,

building capacity, and national and transnational cooperation (e.g. between NGOs and law enforcement).

See also: Prevention, Protection

Prostitution The practice of engaging in sexual activity, usually with individuals other than a spouse or friend, in exchange for immediate payment in money or other valuables. Prostitution may be engaged in by consent or a person may be forced into prostitution.

Protection The notion of protection reflects all the concrete measures that enable individuals at risk to enjoy the rights and assistance foreseen them by international conventions. Protecting means recognizing that individuals have rights and that the authorities who exercise power over them have obligations. It means defending the legal existence of individuals, alongside their physical existence. Part of a comprehensive strategy to combat trafficking in persons.

Protection of victims can include (but is not limited to) shelter, medical and psychological assistance, establishing visa options, voluntary return and reintegration, safety, and national and transnational cooperation.

See also: Prevention, Prosecution

Referral System A system that coordinates the multifaceted support, assistance and protection needed for trafficked persons throughout all phases of assistance.

Regular Migration Migration that occurs through recognized, legal channels.

Synonym: Legal Migration, Orderly Migration

Antonym: Irregular Migration

See also: Migration

Reintegration Re-inclusion or re-incorporation of a person into a group or process, e.g. of a migrant into the society of his country or community of origin.

Reintegration (cultural) Re-adoption on the part of the returning migrant of the values, way of living, language, moral principles, ideology, and traditions of the country or community of origin's society.

Reintegration (economic) Reinsertion of a migrant into the economic system of his/her country or community of origin.

The migrant shall be enabled to earn his/her own living.

Reintegration (social) Reinsertion of a migrant into the social structures of his/her country or community of origin. This includes on the one hand the creation of a personal network (friends, relatives, neighbors) and on the other hand the development of civic society structures (associations, self-help groups and other organizations).

Return Refers broadly to the act or process of going back. This could be within the territorial boundaries of a country, or from a host country (either transit or destination) to the country of origin. There are subcategories of return which can describe the way the return is implemented, e.g. voluntary, forced, assisted and spontaneous return; as well as subcategories which describe who is participating in the return, e.g. repatriation for refugees or trafficked persons.

Sexual Exploitation In the context of trafficking, sexual exploitation takes many forms, including prostitution, pornography, exotic dancing, sex tourism, or forced marriage.

Victims can be men, women or children. Sexual exploitation is prohibited by a variety of international instruments, including the Geneva Conventions and the 1993 Declaration on the Elimination of Violence against Women.

See also: Exploitation

Slavery "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised" (Article 1 of the 1926 United Nations Slavery Convention).

Full texts: www.unhchr.ch/html/menu3/b/f2sc.htm

See also: Debt Bondage

Smuggler (of Migrants) A person who facilitates illegal border crossing for the purpose of financial gain.

See also: Smuggling of Migrants

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

(Article 3, UN Protocol against the Smuggling of Migrants by Land, Air and Sea).

Full texts: www.unodc.org/unodc/en/crime_cicp_convention.html

See also: Irregular Migration, United Nations Protocol against the Smuggling of Migrants by Land, Air and Sea

Trafficker (of Humans) A person who is moving people in order to obtain an economic or other profit by means of deception, coercion and/or other forms of exploitation.

The intent of the trafficker is to exploit the person and gain profit or advantage from their exploitation.

See also: Trafficking in Persons

Trafficking in Persons “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” (Article 3 of the 2000 UN Protocol to Prevent,

Suppress, and Punish Trafficking in Persons).

Trafficking in persons is understood to have three interrelated parts: act, means and purpose.

Full texts: www.unodc.org/unodc/en/crime_cicp_convention.html

See also: Council of Europe Convention on Action Against trafficking in Human Beings, 2005.

Full text: www.coe.int

Trauma An injury (as a wound) to living tissue caused by an extrinsic agent; a disordered psychic or behavioral state resulting from severe mental or emotional stress or physical injury; an emotional upset.

Travel Documents Generic term used to encompass all documents which are acceptable proof of identity for the purpose of entering another country. Passports and visas are the most widely used forms of travel documents.

Some States also accept certain identity cards or other documents.

See also: Identity Documents

Unaccompanied Minor “A person who is under the age of eighteen years, unless, under the law applicable to the child, majority is attained earlier

and who is separated from both parents and is not being cared for by an adult who by law or custom has the responsibility to do so.” (Para 3.1., 1997

UNHCR, Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum, 1997)

Full text: <http://www.unhcr.org/publ/PUBL/3d4f91cf4.pdf>

United Nations Convention against Transnational Organized Crime Deals with the fight against organized crime in general and some of the major activities in which transnational organized crime is commonly involved, such as money laundering, corruption and the obstruction of investigations or prosecutions. To supplement the Convention, two Protocols also tackle specific areas of transnational organized crime that are of particular concern (trafficking in persons and smuggling of migrants).

Full texts: www.unodc.org/unodc/en/crime_cicp_convention.html

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

United Nations Protocol against the Smuggling of Migrants by Land, Air and Sea Supplemental to the UN Convention against Transnational Organized Crime. Deals with the growing problem of organized criminal groups who smuggle migrants, often at high risk to the migrants and at great profit for the offenders.

Full texts: www.unodc.org/unodc/en/crime_cicp_convention.html

See also: Smuggling of Migrants, United Nations Convention against Transnational Organized Crime

United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons Supplemental to the UN Convention against Transnational Organized Crime.

Deals with the problem of modern slavery, in which the desire of people to seek a better life is taken advantage of by organized criminal groups. Migrants are often confined or coerced into exploitive or oppressive forms of employment, often in the sex trade or in dangerous occupations, with the illicit incomes generated from these activities going to organized crime.

Full texts: www.unodc.org/unodc/en/crime_cicp_convention.html

Synonym: Palermo Protocol

See also: Trafficking in Persons, United Nations Convention against Transnational Organized Crime

Victim A person who is acted on and typically adversely affected by a force or agent; one that is injured, destroyed, or sacrificed under any of various conditions (accidents, crimes, etc); one that is subjected to oppression, hardship, or mistreatment; one that is tricked or duped.

Victims of Trafficking People (men, women and children) who are victims of the crime of trafficking in persons.

Synonym: Trafficked Persons

See also: Child, Trafficking in Persons

Worst Forms of Child Labour “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and distribution of drugs as defined in the relevant international treaties; work by which by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” (Article 3 of the 1999 Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour).

Full Texts: www.hrw.org/children/child-legal.htm

See also: Child, Child Labour, Child Soldier, Exploitation.