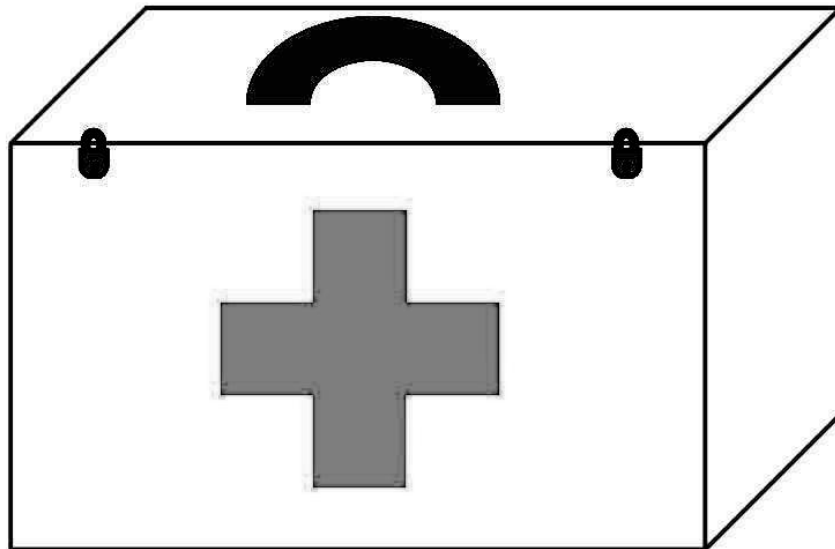


FIRST AID KIT

FOR USE BY

LAW ENFORCEMENT FIRST RESPONDERS

IN ADDRESSING HUMAN TRAFFICKING



UNODC

United Nations Office on Drugs and Crime

UN.GIFT

Global Initiative to Fight Human Trafficking

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Leaflet 1

Introduction

What is the purpose of the First Aid Kit?

In a medical context, first aid is the kind of emergency care given to an injured or ill person before treatment by specifically trained medical personnel becomes available. People providing first aid take first steps to identify problems and to stabilize and prepare patients for further treatment by experts.

Law enforcement first responders fighting human trafficking carry out similar functions. They take first steps:

- To identify human trafficking
- To stabilize and control the human trafficking situation
- To prepare victims and pass information on to investigators

Those providing medical first aid need to know how to instantly and temporarily treat injuries and illnesses. Similarly, law enforcement officers providing first aid need to know how to instantly and temporarily deal with crimes and incidents.

The kind of emergency treatment that law enforcement officers provide in cases of human trafficking is similar to that provided in other criminal cases, but there are some important aspects specific to human trafficking that officers need to know about. This kit provides the necessary information to allow officers to take the vital first steps to protect the victims and catch the criminals involved.

Who is the First Aid Kit for?

This First Aid Kit is intended for use by the following:

- Police officers patrolling on foot or by some means of transport (e.g. in vehicles)
- Members of an authorized auxiliary or of a part-time or militia law enforcement service
- Border guards and immigration or customs officers
- Persons enforcing regulations regarding, for example, alcohol and tobacco licensing and other health and safety issues
- Members of the military with a law enforcement role

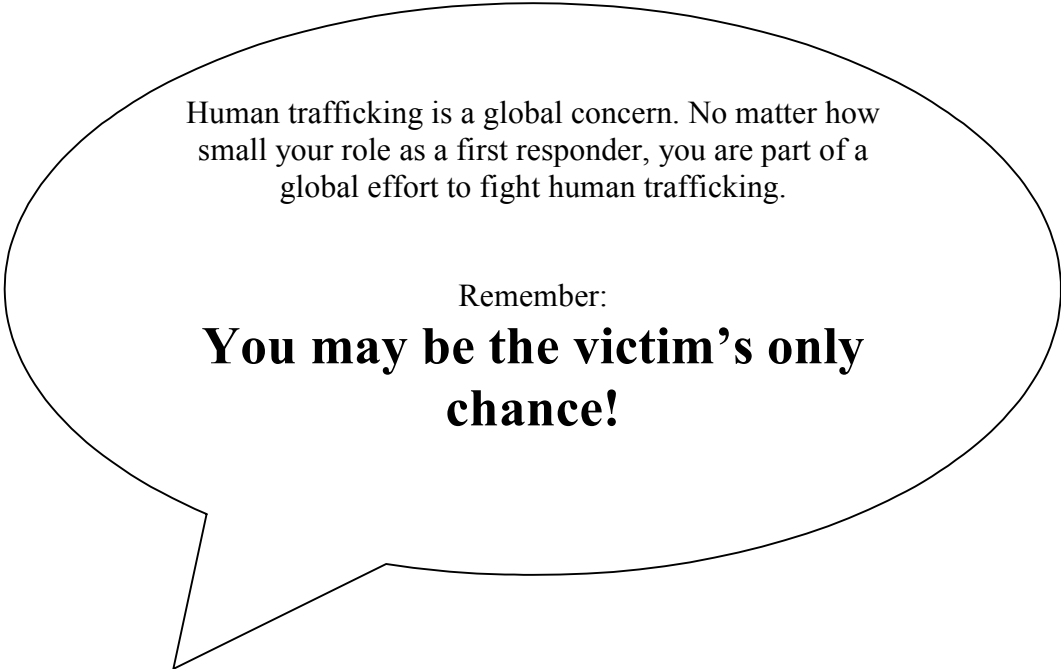
How should the First Aid Kit be used?

The First Aid Kit should provide an easy-to-use source of information on how law enforcement first responders should deal with human trafficking cases. It should not be used as a substitute for in-depth and specialized training in responding to trafficking in persons and in carrying out thorough investigations of human trafficking cases.

The First Aid Kit does not contain advice on the performance of regular law enforcement duties linked to the specific tasks involved in countering trafficking in persons. It has been

prepared on the assumption that its users are familiar with national and local laws and directives governing general law enforcement tasks and duties.

For further information on human trafficking, including training, awareness-raising and other material developed by Governments, international organizations and local organizations, go to <http://www.unodc.org/unodc/en/human-trafficking/index.html> or <http://www.ungift.org>.



Human trafficking is a global concern. No matter how small your role as a first responder, you are part of a global effort to fight human trafficking.

Remember:

You may be the victim's only chance!

A note on terminology:

- Human trafficking = trafficking in human beings = trafficking in persons
- People smuggling = human smuggling = migrant smuggling = smuggling of migrants

Leaflet 2

What is human trafficking?

Human trafficking is often referred to as modern-day slavery. More precisely, human trafficking involves the act of recruiting, transporting, transferring, harbouring or receiving a person by threatening or using force or other forms of coercion, deception or other means, for the purpose of exploitation. To put it simply, a person is trafficked if she or he is forced or tricked into a situation in which he or she is exploited.¹

Child trafficking differs from human trafficking in that no force or deception needs to take place in order to prove that a child has been trafficked. This difference is based on the fact that a child is considered incapable of taking an informed decision.

Human trafficking usually consists of three stages. In the first stage, the victims are recruited; in the second, they are transported; and in the third, they are exploited.

At the recruitment stage, criminals use many methods to force or trick people into being trafficked. In some cases, the people are abducted and assaulted. In other cases, however, the people are offered good jobs and attractive opportunities that do not actually exist or that force them into exploitative labour and living conditions.

At the transportation stage, victims may be moved by land, sea and/or air, openly or covertly, in groups or alone, using public or private means of transportation. People can be trafficked across legal or illegal border crossings, or, in cases when persons are trafficked inside the borders of a country no border crossing at all.

At the exploitation stage, victims may be obliged to do any of the following:

- Have sex or be sexually assaulted
- Work in places such as factories, restaurants, farms, plantations, mines or homes (as domestic helpers), without the right to rest or the option to leave
- Have an organ removed
- Beg, sell illegal drugs or fight as child soldiers
- Get married

The initial consent of an adult to perform a certain kind of work or perform a certain kind of service is rendered meaningless if the person has been forced or tricked into an exploitative situation.

One form of exploitation does not necessarily exclude another: a victim can be trafficked for labour exploitation and, at the same time, be sexually exploited.

Anyone knowingly involved in any stage of the trafficking process is a trafficker and is guilty of a crime.

¹ For the full definition of human trafficking contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II), see leaflet 12.

How are victims controlled?

Although victims of trafficking are controlled at all times by the traffickers, the methods of control may change over time and include:

- **Withholding documents.** Documents and money may be taken from victims under the pretence of keeping them safe or of using them to obtain visas.
- **Using violence and restricting movement.** A variety of methods are used to restrain victims, including incarceration and drugging.
- **Threatening victims and their loved ones.** Traffickers sometimes threaten victims, for example, with telling their families and/or communities that the victims agreed to engage in shameful forms of labour or with telling the authorities that the victims have no documents.
- **Enforcing debt bondage.** Victims are deceived into thinking that they will be able to pay for their travel and work arrangements after they have arrived at their destination and are then never put in a position to be able to do so.

Who are the victims?

It is impossible to describe a typical victim of human trafficking.

Victims are children as well as adults, male as well as female, illiterate as well as educated, able-bodied as well as disabled. They have different origins and ethnic backgrounds. They have different tempers. Men may be trafficked for sexual exploitation, women may be trafficked for labour and children may be exploited as petty criminals.

Most victims, however, are people who had hopes, be it for a better life or to make money for their families, and whose hopes were ultimately crushed. A certain vulnerability may characterize many people who become trafficked, either because of age, poverty, harsh living conditions, lack of opportunities or family pressure.

Ask yourself questions such as: “When or under which circumstances would I leave my town, my country or an environment familiar to me?” or “At what point would I become vulnerable?”

Who are the traffickers?

The traffickers, like their victims, do not fit into any one category.

Traffickers may be male or female, they may act within a criminal group or individually, and they may have very different backgrounds (nationality, education etc.). Some may even be people whom their victims trust, such as relatives and acquaintances.

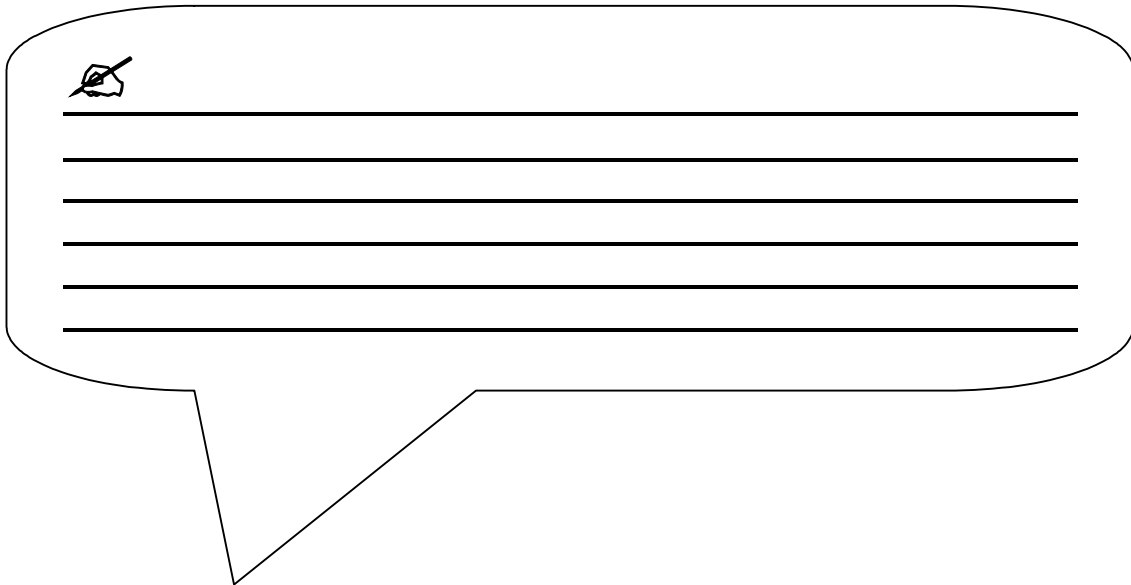
Legislation against human trafficking

Legislation against human trafficking varies around the world. In many jurisdictions, laws on human trafficking exist, but in others they do not. If there are no such laws in your country, you can still take action using other laws. For example, you may be able to make use of laws that criminalize the following:

- Rape
- Assault
- Fraud
- Abduction
- Forced labour
- Unlawful confinement
- Cruel, inhuman or degrading treatment
- Torture
- Debt bondage
- Involuntary servitude
- Withholding of documents
- Immigration offences

Always check your national legislation.

National legislation relating to human trafficking (according to penal code, laws on aliens, special human trafficking law, labour law, child rights act etc.)



A large speech bubble with a pencil icon in the top left corner. Inside the bubble are six horizontal lines for writing.

Leaflet 3

Human trafficking or migrant smuggling?

Human trafficking and migrant smuggling may seem the same, but they are not. In cases where victims of human trafficking are foreign or undocumented persons, law enforcement officers often assume that they are illegal migrants, not victims of a crime, and that the criminal involved is a migrant smuggler, not a human trafficker. Such assumptions may result in no trafficking investigations taking place, victims not receiving help and/or criminals not being prosecuted as they should be.

It might be very difficult to distinguish human trafficking from migrant smuggling, as in both cases persons may be moved illegally across borders. This is a concern especially at borders or where it is difficult, if not impossible, to spot planned or actual exploitation.

Smuggling of migrants refers to the procurement, for a financial or other material benefit, of the illegal entry of a person into a country.

Apprehended traffickers will often try to make a human trafficking case look like a case of migrant smuggling, illegal border crossing or illegal stay in order to prevent a thorough investigation.

Victims may think they are being smuggled, even when they are actually being trafficked. If it is possible to intercept a human trafficking attempt, the person being trafficked might still be unharmed and unexploited. This presents an opportunity for preventing human trafficking, which is always better than trying to cure it.

Smugglers may decide to become traffickers or to sell people to traffickers in the course of a journey.

Taking a decision on whether a case involves human trafficking or migrant smuggling should never prevent law enforcement officers from taking action. If at first it looks like a case of migrant smuggling, it is still possible to change the approach once new information emerges indicating that it is actually a case of human trafficking.

Even if a case is one of migrant smuggling, it can be of interest to human trafficking investigators, because human traffickers often use smuggling networks. People who have been smuggled may also be able to provide valuable information about incidents of trafficking they have seen on their journey.

In trying to assess whether a case involves human trafficking or migrant smuggling, it is important to do the following:

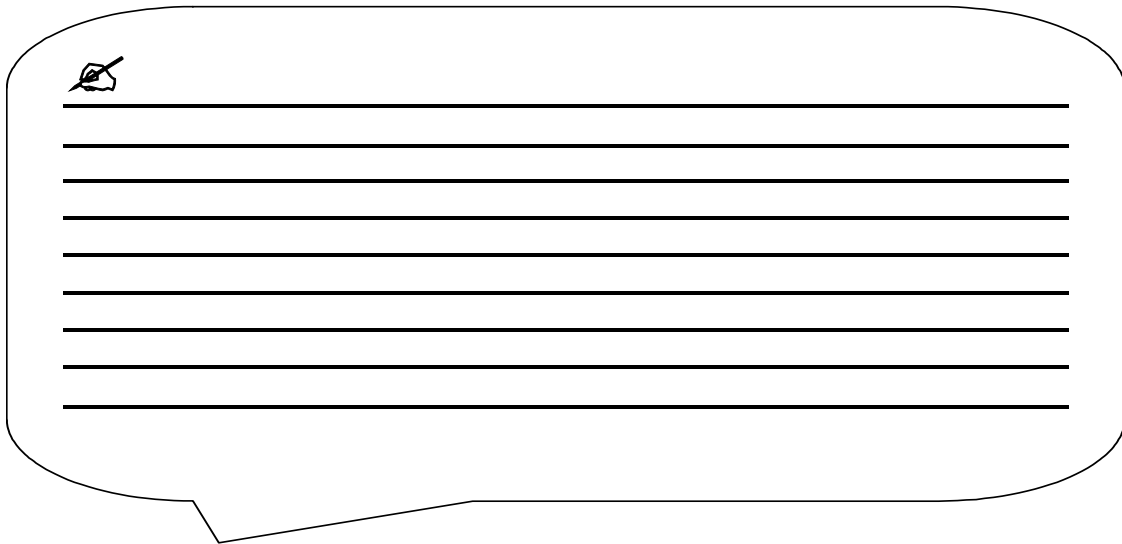
- Not to assume a person is an illegal migrant
- Always look for indicators of human trafficking, even if you suspect a person is an illegal migrant
- Tell investigators of your suspicions
- Tell immigration authorities of your suspicions, as an important witness may be deported before an investigation starts

National legislation on migrant smuggling

If your national legislation on migrant smuggling differs from that mentioned above, that is because this leaflet reflects an international standard. However, the basic principles are likely to be very similar to those indicated above.

Check your own legislation before you act.

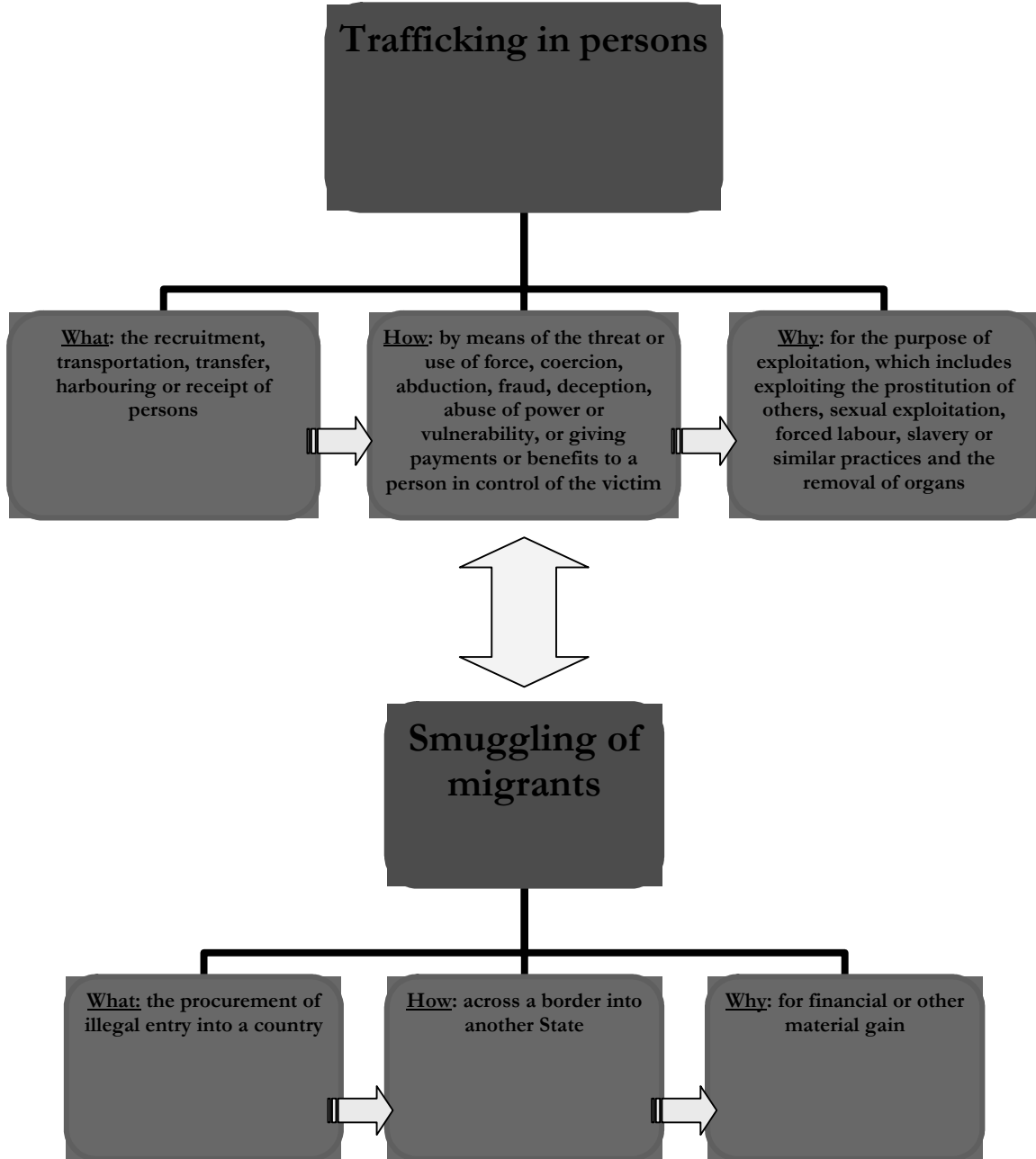
National legislation relating to migrant smuggling (according to penal code, law on aliens etc.)



A large rounded rectangular box with a pointer at the bottom left, containing a pencil icon and ten horizontal lines for writing.

Leaflet 3, card 1

Definitions trafficking in persons and smuggling of migrants (according to international law)



Leaflet 3, card 2

Differences between human trafficking and migrant smuggling

(according to international law)

Exploitation

<p><i>Migrant smuggling</i></p> <p>↓</p> <p><i>No exploitation</i></p>	<p>Migrant smuggling involves smugglers who facilitate people's illegal entry into a country. Smugglers are paid (usually in advance) a fee for their services, which means that the relationship between them and the migrants simply ends once the smugglers have carried out the agreed service.</p>
<p><i>Human trafficking</i></p> <p>↓</p> <p><i>Exploitation</i></p>	<p>Human trafficking involves traffickers who make a profit from the exploitation of victims. Victims might be sold at some point before exploitation begins at the final destination, but the trafficking element remains since the victims are being bought for the purpose of exploitation.</p>

Consent

<p><i>Smuggled migrants</i></p> <p>↓</p> <p><i>Consent</i></p>	<p>Smuggled migrants have consented to being smuggled. That does not mean that other crimes may not be committed against them during the smuggling process, having to do with endangering actions of their smugglers.</p>
<p><i>Victims of human trafficking</i></p> <p>↓</p> <p><i>No consent</i></p>	<p>Victims of human trafficking either have never given their consent (in cases involving abduction or use of force) or initially gave their consent (in which case, their consent was rendered meaningless by the deceptive or abusive action of their traffickers).</p>

Transnationality

<p><i>Migrant smuggling</i></p> <p>↓</p> <p><i>Always transnational</i></p>	<p>Migrant smuggling is always transnational in nature: borders are crossed illegally.</p>
<p><i>Human trafficking</i></p> <p>↓</p> <p><i>Can also occur within a country</i></p>	<p>Human trafficking is not necessarily transnational: it can occur regardless of whether victims are taken to another country or to another place within the same country. In cases involving transnational trafficking in persons, borders might be crossed legally.</p>

Leaflet 4

Human trafficking crime scenes

In many ways, one deals with a crime related to human trafficking in the same way one deals with any other type of crime, but there are some important things to keep in mind.

What might be found at human trafficking crime scenes?

In general, a crime scene is any place where physical traces of a crime might be found. At human trafficking crime scenes, information on the following may be found:

- **People:** bodies and clothing of victims and traffickers
- **Vehicles:** cars, trucks, buses, boats, planes or other vehicles in which victims are being or have been transported
- **Buildings:** factories, brothels, kitchens, apartment complexes, houses, barns or other buildings in which victims are being or have been exploited or in which they are living or have lived; and hotels, bars, travel agencies, airports and other buildings used by traffickers
- **Open-air locations:** fields, quarries, harbours, farms and other locations in which victims are being or have been exploited

Given that crimes related to human trafficking are carried out in several stages, there are likely to be numerous crime scenes.

Physical traces that may be recovered at crime scenes include biological samples (e.g. of blood, urine and saliva), fingerprints and prints left by other body parts, fibres and other micro traces, documents and information technology and other electronic equipment.

What should you get from examining a human trafficking crime scene?

By examining a human trafficking crime scene, you should try to find evidence of individual incidents involving assault or rape, find out who has been controlling people and how those people have been controlled and exploited.

By examining a human trafficking crime scene, it might be possible:

- To identify the crime as human trafficking
- To identify suspects
- To identify victims
- To establish the age of a victim
- To corroborate a victim's account
- To identify links between suspects, victims, locations, vehicles, documents etc.
- To identify the type and extent of exploitation

The following additional locations and items might also yield forensic evidence:

- Offices might contain employment records or evidence showing who has been controlling a business.
- Financial records might prove that human trafficking is taking place and help locate illicitly gained money that can be seized.
- Sleeping places provide information on the conditions in which the victims linked to such places were kept and evidence of sex-based crime, as well as evidence hidden by victims.
- Work spaces provide information linking them to persons and can help prove exploitation.
- Communication systems can prove the existence between traffickers, prove that someone has been operating a “business” and provide evidence of the recruitment of victims.
- Vehicles might provide information indicating who has been transported in them or showing that they have been used to exploit people.

What should you do when examining a human trafficking crime scene?

At all crime scenes, you must:

- Protect and preserve the scene
- Control entry to and exit from the scene
- Preserve evidence
- Call trained crime scene examiners and specialized investigators

Try not to harm the presumed victims’ potential trust in you and always think of your safety and the safety of others!

More specifically, you must:

- Tell people to stay where they are.
- Note who is where.
- Pose questions to one person at a time.
- Ask people where they work, sleep and eat.
- Ask people where their personal property is.
- Protect any crime scenes you identify. In some cases, this may simply mean shutting a door; in other cases, you may have to cover an area. You may have to take a vehicle to a dry, secure area (don’t forget about possible tread marks). Keep a record of every move made and of every person who might have come into contact with evidence. Do not touch anything with bare hands, if at all possible.
- Search people, where the law permits. Seize anything that might provide evidence (see below for guidance on seizing property).

- Ask presumed victims not to change clothes. Although this may be difficult, victims' clothing can contain a lot of evidence. If victims are scantily clad or you suspect that they have suffered sexual violence, they should be given clothing with which to cover themselves.
- Do not switch off electrical equipment such as telephones and computers, and do not let anyone else switch off electrical equipment.
- Tell crime scene examiners what you know, including details on where people were found.

Seizing property

Ideally, you should wait for a crime scene examiner to arrive before you seize any property. For various reasons, however, this may not be possible. If you do have to seize property, make sure you:

- Record where items are before they are moved. Ideally, they should be photographed, but drawings, plans and notes can be made instead.
- Handle items as little as possible.
- Record who has handled items.
- Store items properly. Any object with a biological sample on it should be put in a container that can "breathe", such as a paper bag or cardboard box.
- Clearly label the sample, indicating who recovered it and its unique reference number.
- Get expert advice on what to do with electrical equipment, if you can. If you cannot, switch it off at the mains. Do not use the switch on the equipment.
- Any sample with figures recorded on it should be seized and preserved. Experts can decide if it is relevant later.

Clothing

In general, clothing should only be removed in the presence of specialized crime scene examiners. If possible, presumed victims should remain in their clothing until a trained person arrives and the reasons why this is important should be explained to them.

However, if specialists are not available or are not able to reach the victim for a long time, it may be necessary to remove a victim's clothing. Forcing a person to remain in dirty clothing may stop them from cooperating and could be a breach of human rights.

If clothing must be removed, do the following:

- Only remove clothing from a victim with his or her consent.
- Only remove clothing from a victim in the presence of people of the same sex as the victim.
- Photograph or record the clothing and its condition before it is removed.
- Each item of clothing should be removed separately.

- Each item of clothing should be removed from a victim while he or she is standing over a large, clean piece of paper.
- Each item of clothing should be wrapped in its own piece of paper.
- Each wrapped piece of clothing should be labelled with a unique number.

Leaflet 5

Identifying human trafficking: finding clues

Traffickers will always try to conceal their crimes by making what they are doing look as normal and innocent as possible. Law enforcement officers have one huge advantage over them: no matter what traffickers do to conceal their crimes, how hard they try or how ingenious they are, they will always leave clues.

Finding the clues may not be easy. It is important to know which clues to look for and what looks like it belongs in the place under inspection.

The clues will differ depending on the stage of trafficking. In some cases, clues might be visible; in other cases, some investigation might be necessary.

First stage: look for clues (it is not necessary to have conclusive evidence in order to look deeper; mere suspicion is enough)

Second stage: corroborate the clues

Third stage: arrive at a preliminary “screening decision”

Top clues

Who is the trafficker and who is the victim?

In order to better understand who is the trafficker and who is the victim, the following questions should be kept in mind:

- **Who is doing the talking? Who is the spokesperson in a group?** The last thing a trafficker wants is for his or her victim to talk to you. In many cases, a trafficker will try to talk for a victim.
- **Who has the documents?** Traffickers often take travel and other documents from victims in order to exercise control over them.
- **Who has the money?** Victims of human trafficking rarely have money, as money gives some freedom and control. Traffickers often have access to money. Try to find out who is in possession of money.
- **Who is friends with whom? What do people in a group know about each other?** In normal relationships, people know each others’ names and other personal information. Traffickers often only use nicknames or give false names. If both children and adults are present, they may not necessarily be related.
- **Is anyone injured?** Victims might have injuries (for example, as a result of having been beaten by traffickers to control them or of having been exploited).
- **What is life like?** People who are not able to do normal things such as have friends, worship, telephone or send letters or e-mails could be controlled because they are being trafficked. Care should be taken to find out whether the people being questioned have access to clothes other than those needed for working, whether they have keys and/or free access to their place of accommodation and how many hours they have to work.

- **How did they get here?** Traffickers use particular routes to move victims. Often, there may be something unusual about the routes. They may be long or roundabout, or there may be gaps in stories about certain routes taken.
- **Why are they there?** Try to find out from presumed victims what their initial expectations were, what they had been promised.

Is it a human trafficking scene?

In order to better understand whether human trafficking is or has been occurring in a particular place, the following questions should be kept in mind:

- **Are people being kept out or in?** The presence of security features that look as if they were designed to keep people in a certain space could be a strong clue that human trafficking is taking place.
- **Where are people staying?** Victims are likely to be kept in poor conditions, whether they are being transported or exploited. Sleeping where they are being exploited is often a strong clue that human trafficking is taking place.
- **Where were the people found?** Some types of business frequently exploit victims of trafficking. Certain transit points are commonly used by traffickers.

What looks right?

Local law enforcement officers know best what looks “right” where they work and are best placed to identify a case of human trafficking if:

- **They know their local communities**, in particular whether new communities of a different ethnic background are moving in. It is important not to assume knowledge about customs and patterns of life.
- **They know how, when and why people move around their area.** If something seems unusual, they ask themselves why and if there are any clues to indicate that human trafficking is taking place.
- **They know that if it looks like abuse and exploitation, it probably is.** They never accept that something is “traditional” without making in-depth enquiries into why a child is not at school instead of working or begging, why a scantily clad woman has bruises and why a man is working in a factory that has been locked up, and so on.
- **They ask themselves why they feel uncomfortable with a certain situation.**
- **They know that they do not need conclusive evidence to suspect trafficking and act accordingly.**

None of these individual clues need be an illegal activity in itself.

Leaflet 6

Initial actions

You may come across trafficking situations while carrying out routine duties, patrolling, executing planned raids and checking people, documents, vehicles and premises. While doing so, also make sure you:

- Observe the general location/situation and take note of any human trafficking indicators or clues (see leaflet 5).
- Observe the individual or group and take note of any human trafficking indicators or clues. Make sure you always have with you something to write on (e.g. a notebook) in order to record observations, conversations, activities etc.

Dealing with a group

In dealing with a group, try to do the following:

- Consider asking a question just to see who responds. This may give you an indication of who is in control in the group.
- Only ask enough questions of the whole group to identify a “spokesperson”. Once you have identified that person, take control and only ask questions to one individual at a time (with regard to presumed victims, see questions below).
- If anyone attempts to answer questions made to other people, politely but firmly tell them that the question was not addressed to them.
- When speaking to a group, note the reactions of the people in the group.
- Speak to people out of sight and hearing of those who may be controlling them.
- Break up the group as soon as possible. Try to split groups up entirely instead of taking one person aside at a time in order to prevent traffickers from identifying who is opening up to you. Even if a trafficker is not present, some people may talk to traffickers. Leaving people in groups allows intimidation.
- Presumed victims may need support when they are spoken to. However, do not use people who appear to be friends of the victim to give this support without very careful consideration.
- Be wary of people who volunteer to interpret: they may be traffickers. You may want to screen them briefly.
- Traffickers may control victims in subtle ways. There may be people in the group who initially appear to be victims but who are working with the traffickers.
- If you are dealing with a group, comparing responses of individuals is a very good way of corroborating their accounts.
- If you decide to detain or arrest a group of people, do what you can to keep them separate. If this is not possible, at least observe what happens in the group.

Planned operations

In the course of planned operations, keep the following in mind:

- If you are planning a visit or operation, take interpreters with you but do not use them as support persons. Different skills are required for that role.
- If the operation is planned, take sufficient staff with you to control the situation and, if you can, plan how you are going to separate people to speak to them.
- If the planned operation is to uncover cases involving the sexual exploitation of women, female law enforcement staff should participate in the operation.
- When raiding a brothel, do not just collect evidence of sexual abuse; look at how the business is managed.

Addressing presumed victims

If the clues you have observed indicate that the person you are dealing with may have been trafficked or could be a victim of crime, you should try to establish trust and obtain further clues.

You can establish trust by using a calm and friendly voice and starting a very basic conversation, even if you have the feeling the person does not speak your language. Your reassuring voice will help to express your intentions. Reassure victims that you are there to help, but never make promises that you do not know you can keep. Ask whether the person you are speaking with needs help, is injured, is hungry or thirsty, is cold or hot etc.

In order to obtain further clues, keep in mind the following:

- Do not ask direct questions, such as “Have you been trafficked?” The person may not understand the question or may have been told by traffickers to answer it with “No”.
- In a neutral way, ask open-ended questions (i.e. questions that require more than a “yes” or “no” answer) to find out if there are further clues that human trafficking is taking place.
- People who are moving or working of their own free choice generally have control over travel and identity documents, choose their travelling companions and friends, are able to move freely and have free time.
- Try to ask questions that will help you understand whether people have freedom of movement (remember to use a calm and friendly voice).
- The more a person’s responses suggest that he or she has little choice, freedom and control, the greater the likelihood that he or she has been trafficked.
- Corroborate what the persons in a group are saying by gathering physical evidence of who has travel documents, who if anyone has injuries etc.

Prepare and take care of any victim referrals

Keeping in mind the advice contained in leaflet 10 on the referral of cases and victims, you can create a directory of important contact points.

Contact specialized entities, especially non-governmental organizations and other providers of services to victims, as early as possible. It is extremely important that victims receive adequate care, as this helps to avoid causing further harm and, at the same time, increases the likelihood that victims will cooperate with you and those who take over from you.

Think of your own safety: When you are safe you can rescue, protect and assist others.

Leaflet 7

Anticipating and dealing with reactions from victims of human trafficking to law enforcement officers

When encountering victims of human trafficking, you should keep in mind a number of things, including the following:

- It is very likely that victims of human trafficking have been psychologically and/or physically harmed.
- Victims of human trafficking may have experienced violence and threats.
- Victims of human trafficking may be staying in your country illegally or be foreign.
- Their traffickers may have threatened to report them to the police.
- Victims of human trafficking may be extremely intimidated, by their traffickers, your presence or both.
- Victims of human trafficking may have been “brainwashed” by their traffickers.

Human trafficking may have a number of effects on its victims, including the following:

- Trauma (post-traumatic stress disorder)
- Loss of or scattered memory (one way in which victims cope with trauma)
- Distress
- Sense of loyalty to abusive traffickers arising from the survival instinct
- Dissociation

Consequently, victims of human trafficking may react towards you with, among other things:

- Hostility
- Anger
- Fear
- Distrust
- Unwillingness to cooperate
- Lies

Ideally, you should react in the following ways (see also leaflets 6 and 9):

- Appease, do not be confrontational.
- Try to gain some trust by asking harmless, inoffensive questions, such as: How are you? Do you need help? Are you thirsty or hungry?
- Do not accuse and do not blame the victim.
- Take victims seriously.

- Try to put yourself in the position of the victim: Would you openly provide information? Would you be able to talk about intimate details? Would you be unafraid? Would you be able to trust others?

Leaflet 8

Child victims of human trafficking: basic considerations

Any decision and/or action that affects a child must be taken with the best interest of the child in mind. As a result, law enforcement officers must do the following:

- Get children to a safe and comfortable environment as a matter of priority.
- Assume that children's needs and capacities are different from those of adults and that it is unlikely that children can make informed decisions. If children agree to certain actions and decisions, it may simply be because they feel overwhelmed.
- Ask children questions that begin with "what" instead of "why". If your agency or a higher authority can rely on interviewers who are specialized in working with children, request such assistance or refer the children to those interviewers.
- If you have a legal obligation to contact youth welfare officers, social workers or female police officers, for example, do so immediately.
- It is sometimes difficult to judge whether a person is a minor. Always consider that although children can look older than they actually are, they are still children. The experts are the ones who should ascertain their actual age. If you have doubts about whether a person is an adult or a child, assume that he or she is a child and act accordingly.
- An adult accompanying a child may not be the child's parent or guardian but a trafficker. Try to get as many clues as possible to determine the relationship between adults and children at a possible human trafficking setting.
- Returning an unaccompanied child to his or her parents may not be in the best interest of the child (the parents could be complicit in the trafficking). If at all possible under your legislation, leave the task of locating parents and deciding on a possible reunification to specialists, after an expert investigation and a risk assessment have been carried out.
- Even if your legislation indicates otherwise, you should assume that all persons below the age of 18 are children, especially if the child in question is not from your country, as that is the international standard.

Leaflet 9

Dos and don'ts

General principles

- Acknowledge your importance as a first responder: you may be a victim's only chance!
- Look beneath the surface: a case that looks like illegal migration could be a case of human trafficking.
- Use common sense when looking for clues that human trafficking is taking place and when detecting suspicious circumstances.
- Assume there is risk.
- Perform your duties and functions with integrity, in accordance with your laws and administrative policies. Human trafficking is a serious crime that has a severe impact on victims. Do not add to their suffering.
- Do not look for the easiest solution for yourself; take your time. You might save a life!

Identifying human trafficking: dealing with presumed victims

Dos

- Take action and never ignore clues that human trafficking is taking place.
- Look for injuries, secure medical attention and arrange for treatment. This must be done as a matter of priority.
- Use the human trafficking clues to help you observe situations and ask people questions.
- Talk to people individually out of sight and hearing of other members of a group. Traffickers or people working with them may intimidate victims.
- Use clues to plan questions. Questions using the clues identified in this First Aid Kit should help indicate whether human trafficking is taking place or not.
- Ask questions that begin with "what", "where", "when" and "how". Such open-ended questions will encourage a response and help you obtain useful information.
- Allow people to tell their story. If a presumed victim starts talking to you, interruptions may stop a valuable flow of information.
- Note where people are, as such information might be important for showing who had control, both during the transportation and exploitation of victims.
- Document your observations by recording them, for example, in your notebook.

- Record what is said to you. In most cases, you will take written notes that should be as accurate as possible so as to help build a case and distinguish the roles of the persons involved.
- Consider all the clues. Comparing one with another helps confirm whether or not you are dealing with human trafficking.
- Look deeper. A migrant smuggling case could be a human trafficking case.
- If at all possible, consider making sure that women officers talk to female presumed victims. Ask victims whether they would prefer to be interviewed by a female or male officer.

Don'ts

- Do not ask victims if they have been trafficked. Trafficked persons will probably not understand the question. If they do, they may be scared by it.
- Do not ask questions beginning with “why”. This type of question suggests blame and can prevent people from talking freely. Use other questions, especially questions that require more than a “yes” or “no” answer.
- Do not show that you are upset by a victim’s story. You may hear some disturbing things. Showing that you are upset may prevent people from saying more.
- Do not challenge a victim’s story. Doing so could cause the victim to stop talking. Further investigation will reveal whether the story is accurate.
- Do not assume a migrant is being smuggled. Assuming someone is an illegal migrant or is being smuggled keeps you from looking for human trafficking clues.
- Do not use volunteer interpreters. People who volunteer to interpret may be traffickers. If you have no choice, use them only as much as is strictly necessary. Verify the interpretation as soon as you can with an independent person.
- Do not stereotype people. Thinking “They’re all like that”, “She or he made a choice” or “How stupid of her or him” is just what traffickers want you to do.
- Do not look for foreigners only. People can be trafficked within their own country.
- Do not assume people working in the sex industry always do so voluntarily or that persons who have consented to sex work are not being exploited.
- Do not assume that people who seem to get paid are not being exploited.

Stabilizing and controlling human trafficking situations: dealing with presumed victims

Dos

- Protect scenes, record who has seized which items and label and package items properly (see leaflet 4).
- Make sure you gather evidence in a way that will make it admissible in court and does not conflict with rules on evidence.

- Give some control to presumed victims. Having control over small things, such as their choice of food, helps victims to recover and increases the chance that they will cooperate.
- Take victims to a safe place, but avoid taking them to police stations. If you have no alternative, keep them away from traffickers and other criminals. However, protecting victims may sometimes mean detaining them; in such cases, do so as long as you legally can.
- Let presumed victims know what is happening. Keeping people informed gives them a sense of control and increases the chance that they will cooperate.
- Find out what support is available and use it, including support from social services, health authorities or non-governmental organizations.
- Where possible, get skilled non-governmental and civil society organizations involved. Many of them know how to assist victims of human trafficking.
- Refer victims to specialized service providers.
- Reassure victims that what they are saying is being taken seriously.
- Keep people separate when transporting them. You may not know if they are a victim or a trafficker.
- Corruption has been identified as one of the driving forces behind human trafficking, preventing investigations and contributing to the continued victimization of trafficked people. Always obey your office's code of conduct.
- Consider the security of those providing services to victims.

Trauma (see leaflet 7)

Victims of trafficking may be suffering from the effects of trauma because of their experiences. They may feel very tired, have difficulty in concentrating or remembering things, or may even be hostile to you and others.

Remember this when working with people you suspect of being victims. Do not react if people are hostile. Acting in line with the advice given here will start to help victims recover and improve the chances that they will cooperate with you.

Don'ts

- Do not make promises you cannot keep to presumed victims. If promises are made and not kept, victims may not trust law enforcement officers and may stop cooperating with investigators.
- Do not tell people that there are victims with you. You do not know who those people are. People who need to know can be told once the risks have been assessed.
- Do not arrest presumed victims unless you legally have to. In some situations, you may have no choice. Victims should only be arrested as a last resort. If you arrest a victim, explain why it has to be done.
- Do not detain presumed victims together with prisoners.
- Do not form inappropriate relationships with victims.

- Do not take things at face value but, at the same time, do not challenge to soon what you are told. Remember you are providing a form of first aid.
- Do not dismiss victims' statements because they sound unreal to you.

Passing on information

Dos

- Tell investigators why you suspect that human trafficking is taking place. When you pass the case on, give all the information you can, including your notes. If you suspect that human trafficking is taking place, say so directly and explain why you have such a suspicion.
- Tell investigators who said what.
- Give any evidence you have recovered to investigators and identify who it was recovered from and where.
- Know the hierarchy and who is responsible for what.
- Make sure you present the information you obtained and clues you observed to follow-up investigators in a way that adequately reflects their importance so that a human trafficking case is not mistakenly regarded as a low-level case. Make sure you provide quality and admissible evidence that can be used to build up a case and support prosecution.

Don'ts

- Do not discuss the case with anyone who does not need to know about it. Victims may be put at risk, even if those discussions are with your colleagues.
- Do not expose victims to the media.

Leaflet 10

Referral of cases and victims: important local contact points

(Please complete as you deem necessary)

<p>Number of national or local human trafficking/victims hotline: (if available)</p>

Specialized/responsible law enforcement units:

Unit: _____ _____	Unit: _____ _____
Tel.: _____ _____	Tel.: _____ _____
Contact person(s): _____ _____	Contact person(s): _____ _____
Other information: _____ _____	Other information: _____ _____

Providers of services to victims:

Organization or agency: _____ _____	Organization or agency: _____ _____
Tel.: _____ _____	Tel.: _____ _____
Address: _____ _____	Address: _____ _____
Contact person(s): _____ _____	Contact person(s): _____ _____
Other information: _____ _____	Other information: _____ _____

Organization or entity: _____ _____	Organization or entity: _____ _____
Tel.: _____ _____	Tel.: _____ _____
Address: _____ _____	Address: _____ _____
Contact person(s): _____ _____	Contact person(s): _____ _____
Other information: _____ _____	Other information: _____ _____

Youth welfare service providers:

Tel.: _____ _____
Address: _____ _____
Contact person(s): _____ _____
Other information: _____ _____

Interpreters:

Language(s): _____ _____	Languages(s): _____ _____
Name: _____ _____	Name: _____ _____
Tel.: _____ _____	Tel.: _____ _____
Address: _____ _____	Address: _____ _____
Other information: _____ _____	Other information: _____ _____

Leaflet 11

Examples of possible settings

Example 1:

A hot night in Africa. Part-time police officers at a checkpoint on a country road. Far in the distance, a heavy engine's throb breaks the silence. Light joins sound as a truck approaches at high speed. Stopping the truck, the officers question the driver. Three young girls are in the cab with him. The driver is friendly, but the girls are frightened.

Example 2:

It is 1 a.m. in a city in Europe. Music pulses from a hundred bars. Suddenly, someone in an alley screams. Police officers respond. A man has hit a woman. He says she is his girlfriend, but something is odd. The bruises on her arm look really old.

Example 3:

It is mid-morning on the American continent. Another mine is being inspected. Pulling up at the mine gate, the investigator notices that something is strange. Heavy security is normal, but this security looks as if it is to keep people in, not out.

Example 4:

In a booming Asian town, factory workers are making carpets, clothes and toys day and night. There has been a break-in at a clothing factory. The police woman taking a report from the manager has an uneasy feeling. The workers are very, very young. Is there an explanation?

Leaflet 12

Trafficking in persons and smuggling of migrants: definitions in international legal instruments

Trafficking in persons (human trafficking):

According to article 3, paragraph (a), of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the term “trafficking in persons” means 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” includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Elements of human trafficking

According to the definition contained in the Trafficking in Persons Protocol, the crime of trafficking in persons has three constituent elements.

- **The act** (what is done): the recruitment, transportation, transfer, harbouring or receipt of persons
- **The means** (how it is done): 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
- **The purpose** (why it is done): for the purpose of exploitation, including the exploitations 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

In order to ascertain whether a particular circumstance constitutes trafficking in persons, consider the definition contained in the Trafficking in Persons Protocol and the elements of the offence, as defined by relevant domestic legislation.

Smuggling of migrants

According to article 3, paragraph (a), of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, the term “smuggling of migrants” means 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.

In order to ascertain whether a particular circumstance constitutes smuggling of migrants, consider the definition contained in the Migrants Protocol and the elements of the offence, as defined by relevant domestic legislation.