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Global Initiative to Fight Human Trafficking



Anti-human trafficking manual for criminal justice practitioners

Module 4

UNITED NATIONS OFFICE ON DRUGS AND CRIME
Vienna

Anti-human trafficking manual for criminal justice practitioners

Module 4:
Control methods in trafficking in persons



UNITED NATIONS
New York, 2009

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This publication has not been formally edited.

Module 4:

Control methods in trafficking in persons

Objectives

On completing this module users will be able to:

- Recall the main forms of control of victims in trafficking in persons cases;
- Describe how a blend of control measures may be used throughout the trafficking process;
- Explain the options for dealing with the main forms of control when investigating trafficking cases.

Introduction

Success for traffickers only comes if they can control their victims, as by definition, a victim of trafficking does not consent to what is happening to them. In some cases it may appear that the victim consents but closer investigation shows that the consent was rendered irrelevant through the use of coercion, fraud, deception or other improper means.

Control is maintained in a number of ways. This module outlines some of the commonly found control mechanisms. In each case it describes how it is used by the traffickers and suggests some ways that will help you deal with it.

The methods described are:

- Violence and threats of violence
- Deception
- Imprisonment
- Collusion
- Debt bondage
- Isolation
- Religion, culture and belief

Traffickers will frequently use a blend of control measures. This blend will vary according to the individual victim, the type of trafficking, the stage of the trafficking process, the nature of the location, and opportunities presented by circumstances. It is important to remember that just because a victim has not been assaulted it does not mean that they are not being controlled.

Deception might be used when recruiting or obtaining victims (“It’s bar work. It is really well paid over there and it’s easy”). This might be blended with collusion (“Don’t tell anyone where you are going because we have to bribe someone to get a work permit”) and debt bondage (“Don’t worry about the permit. You can pay us back when you get paid”).

As the trafficking progresses, some control measures will no longer work or traffickers may need to change the approach and emphasis. At a destination location it may not be possible to deceive a victim anymore (“There is no bar work. You must work in the fields”). Control could become more threatening or violent (“You are not grateful. We do not like people who are not grateful’ or ‘Work or my friend will beat you”) Debt bondage may change (“We paid for the permit. Now we give you a place to eat and sleep. You owe us more money”).

Traffickers may make “concessions” to help maintain control or reduce the chances of victims trying to escape. Examples are small amounts of freedom, allowing victims to keep a small amount of money or “privileges” such as making a phone call. Where concessions are made there is often some kind of powerful threat, implied or direct, in the background.



Case example

Aksana grew up in a situation of violence in a small village in a country in transition. Her mother, an alcoholic, pushed her out of the window from the second floor when she was 10. Assaults and physical battering were the rule rather than the exception. The family was poor, as the only steady income was the pension of the grandmother. Aksana got acquainted with a female friend of her mother’s. This woman lent Aksana some money and invited her to live in her flat for a while. She later forced Aksana into prostitution at the age of 15. Once Aksana was even locked in a basement in wintertime, wearing only her underwear. Aksana was afraid to refuse, as she was told that everyone in her hometown would know that she had been a prostitute. Moreover, Aksana was threatened that her little brother would be killed. Aksana had to work to pay off a “debt” she had allegedly acquired. Although her mother knew of the situation her daughter was in, she did nothing to help her.

Violation of Women’s Rights. A cause and consequence of trafficking women. La Strada International 2008.



Self-assessment

What were the control mechanisms used in the above case?

How is a blend of control method used throughout the trafficking process?

For what reasons do you think traffickers may change the type of control method used?

The control methods and dealing with them

Violence and threats of violence

Violence or the threat of violence can be used at any stage of the trafficking process to control a victim. Victims, or their friends and/or relatives, may be the subject and targets of the threats and violence.

Direct violence at the early stages of the trafficking in persons process may vary according to local conditions at the source location and the type of trafficking involved. For example, in cases of sexual exploitation, victims may be initially obtained through deception; violence and threats may only become apparent if a victim tries to escape or to achieve compliance when being exploited. Trafficking in persons for the purposes of warfare by contrast may involve violent abduction at the outset followed by long-term conditioning.

Victims may not be directly threatened but still live in great fear of violence. Simply suggesting the traffickers know where a victim's family live or by telling stories about victims who have not complied in the past can imply threats. Traffickers may make an example of one person to encourage others to conform: the message does not have to be stated if someone else you have seen being exploited is severely beaten or even killed.

Traffickers may have a long reach in their ability to inflict injury. The victim may be aware a gang has members or associates where their own family lives. Again, the criminals may only have to imply a threat: it is only important that the victim believes it can be carried out, not that it actually can or will be.

Dealing with violence and threats

Violence and threats in trafficking cases may be very obvious, but in many cases they can be subtle and concealed. Do not assume a person has not been subject to violence just because they do not have injuries or do not allege they have been assaulted.

Use vulnerable witness interview techniques to help assess whether a victim has been subjected to violence or threats. Victims may not be willing to tell you they have been assaulted or threatened because they are in great fear. See module 8: "Interviewing victims of trafficking in persons who are potential witnesses".

Do not introduce the issue of violence in the free recall stage of the account. Note any indicators of possible violence or threats and develop these at a later stage of the interview.

Indicators that violence or threats may be present include:

- Symptoms of traumatization as outlined in module 3: "Psychological reactions of victims of trafficking in persons";
- Accounts of stories of violence by traffickers;
- Witnessing violence against others.

Look for injuries when you first encounter a suspected trafficking victim. Either photograph or note injuries on suspected victims as soon as you can. Where these can be seen without removing clothing these may be obtained by investigators; where they cannot, a specialist (often a doctor or nurse) should be used in accordance with your domestic legislation and procedures.

See module 7: “Crime scene and physical evidence examinations in trafficking in persons investigations” for more information.

Deception control

Many trafficking in person cases start with the victim being deceived. This may be complete deception, for example someone who was told they would work in a bar who is then forced to work in a brothel. It may be partial deception, for example a person who was told they would work as a domestic servant with reasonable conditions finds in fact they are not paid and are kept as virtual slaves.

Deception tends to take place in the early stages of the trafficking process. At some point the victim may either be told or realize they have been trafficked. When this happens the trafficker may have to rely on a different control mechanism such as violence or isolation.

In some origin locations, deception as a control tactic may be particularly common. These include locations where there is significant migration. In such situations potential victims may know or have heard of others who have successfully migrated, even if that migration was not lawful. They may be aware of remittances sent back to their families by migrants. Even some trafficking victims are able to send small remittances, allowed to do so by the traffickers to make them more compliant and to avoid raising suspicion. In these circumstances various organizations can flourish that facilitate lawful or unlawful migration. It is difficult for an individual to judge whether they are dealing with people who intend to traffic them.

Expectations at an origin location may make it particularly easy for traffickers to use deception. People in developing areas often have an unrealistic expectation of what life is like in more developed areas and are willing to believe stories of how good life elsewhere is.

Traffickers may tell stories at all stages of the trafficking process that suggest the authorities are always corrupt and not to be trusted. Victims may be told they will be arrested and either sent back or prosecuted if they are discovered or go to the authorities. This may be direct deception in some circumstances, but unfortunately may be correct (or at least partially correct) in others. Victims may have seen corruption by officials or be aware of other victims who have been prosecuted for illegal entry or for offences they may have been forced to commit as victims of trafficking.

Dealing with deception control

Be aware of the signs that deception may be taking place or may have taken place. Examples include adverts which offer jobs in countries where it is very difficult to migrate lawfully,

advertises which are targeted at specific groups such as young women, those which offer very generous conditions and anything that suggests no money is required to migrate or travel. You may come across these if you work in an origin location or when interviewing victims in transit or destination locations.

Recover any adverts or other physical evidence such as letters that you believe show traffickers have or are attempting to deceive a victim. Recover these items lawfully in accordance with your domestic legislation. In some circumstances such recovery may alert criminals you are investigating them so care should be taken. Consider using photographs and other techniques if appropriate.

Plan questions in interviews to discover if deception has taken place. Where a victim confirms deception probe their account to obtain as much detail as possible that will support prosecutions or intelligence development.

Victims may feel embarrassed that they have been deceived. Do what you can to reassure them that they should not be ashamed. Do not judge. Avoid comments such as "How could you have believed that?" and "Didn't you think it was a bit suspicious?"

Information campaigns should cover areas typically exploited by traffickers. Where a location has substantial migration, campaigns should make potential migrants aware of the correct process for legal migration. Make people aware that they should be suspicious of any offers of migration or transport assistance that is "free". If you have legitimate agencies that arrange work or migration, tell people what signs to look for that suggest such organizations are genuine.

Share information and intelligence where appropriate. For example adverts that deceive may have implications outside your area of responsibility: an advert offering work abroad would be of interest to law enforcement in a potential destination location; similarly, an interview of a victim at a destination location would be of interest at the origin location.

Identify common deception techniques used in your area of responsibility and raise potential victims' awareness of these methods. Think about using appropriate NGOs or other local networks, faith-based groups or State organizations outside law enforcement.

Imprisonment control

Traffickers may use direct imprisonment or something very similar to imprisonment, as a method of control. Again, this may vary according to the form of trafficking, the location and the stage in the trafficking process.

Examples of imprisonment that have been seen include brothels where victims were held in locked buildings, agricultural workers kept in secure compounds under guard and domestic servants who are not allowed to leave houses.

Even where a person may appear to have been given some liberty this may be an illusion. There have been cases where victims are only allowed out under the close supervision of a "guard".

Dealing with imprisonment control

Module 2: “Indicators of trafficking in persons” gives more detailed suggestions about what might indicate imprisonment is involved in a trafficking case. These include:

- Fences designed to prevent people from leaving premises;
- Locks on the outside of doors;
- Guards that prevent people from leaving premises;
- People living at places that would normally only be work places;
- Evidence of any form of personal physical restraint such as handcuffs, rope and/or tape;
- Evidence of guards’ escorts at all times.

Look for this type of evidence on visits to premises whether they are routine or specifically intended to be anti-human trafficking operations.

Brief law enforcement and other agencies, such as health and safety and fire inspectors, on what to look for on routine visits to premises that might indicate imprisonment.

Plan interviews to identify if imprisonment has been involved. Use the indicators above to help plan the interview.

Collusion control

Victims are likely to be easier to control if the traffickers involve them in colluding with what they are being forced to do. For instance, traffickers involved in sexual exploitation may give victims a little money. Accepting the money can have the psychological impact on the victim of making them feel they are getting benefit from their exploitation making them “guilty”. The victim may accept the money because they feel it gives them some benefit at least from their exploitation and it may allow them to support their families.

Victims who have been partially deceived may be particularly vulnerable to collusion control. A woman who knew she was going to work as a prostitute may feel she can do nothing about the fact she did not consent to sex every time, or without a condom and/or to a certain sexual act.

Collusion in criminal acts frequently features in trafficking cases. Where a person is trafficked across international borders, they may have entered a state illegally or entered legally but broken immigration laws by overstaying or working outside the terms of their visa.

Victims of trafficking in persons may have committed acts that are illegal, e.g. pickpocketing, theft, credit card and cheque fraud or transport of drugs. Victims may have committed acts that are illegal in some jurisdictions: begging, prostitution, or some forms of it. Such acts may not be illegal in the destination State, but they may be illegal in their country of origin or vice versa.

Trafficking victims may have taken illegal drugs for a number of reasons: when administered by traffickers, to “escape” from their situation or because they were addicted before they were trafficked.

Anyone who has committed a crime (or believes what they have done is a crime) is vulnerable to blackmail to ensure his or her compliance.

“Promotion” to membership has been seen in a number of cases, particularly those involving sexual exploitation. People who were originally trafficked, may become recruiters, escorts or may act as enforcers, “maids” or “kitchen mamas” in brothels. Collusion of this type is complex in its origins and difficult to investigate. On one hand, law enforcement agencies are faced with a person at the heart of the trafficking, on the other a possible victim who has been exploited.

Dealing with collusion control

Find out what your domestic policy is on non-prosecution or non-punishment of offences committed by victims of trafficking. Offences committed in the process of being trafficked, such as illegal entry to a country, may be exempt from prosecution in some circumstances. Establish what processes you need to follow to allow non-liability.

Non-liability provisions ensure that victims of trafficking are not prosecuted or punished for offences committed by them. Countries follow two main models when establishing the principle of non-criminalization of the illegal acts committed by victims of trafficking: the duress model and the causation model. In the duress model, the person was compelled to commit the offences. In the causation model, the offence is directly connected or related to the trafficking.

Where collusion control is present, other forms of control may have been applied prior to collusion such as deception, violence or imprisonment. Look for any evidence that other forms of control may have been used. Use both witness and suspect interviews to help obtain such evidence.

Never make promises you cannot keep to people you suspect may have been controlled through collusion.

If you suspect collusion, probe precise details of what, how, when and where it happened, and who was involved. Both witness and suspect interviews may reveal information that leads you to suspect collusion.

Corroborate what you are being told as much as you can.

Consider using expert witnesses in court if allowed in your jurisdiction. Psychologists may be able to explain to a court how the processes of collusion work.

Liaise with lawyers when deciding how to deal with a person you suspect may have been controlled through collusion.



Practical guidance

Be very careful not to ask questions that could help a criminal build a defence when probing suspected collusion. Allow victims to give an account, ask open questions to develop that account and probe for more detail.

Debt bondage control

Debt bondage involves charging fees to victims for transport, accommodation, food and a range of other “expenses” that have allegedly been incurred by the traffickers. These expenses are often completely fictitious or greatly exaggerated.

Interest charged on the “debt” is frequently very high and further charges are often added to the bill, for example rent on rooms in brothels or deductions for costs of living for domestic servants. Fines may be imposed for a range of “offences” that are devised by the traffickers.

It is often impossible for the victim to pay off the debt due to the combination of high interest rates and constant additions to what are “owed”.

Victims may be told that they will only have to pay for their travel etc. when they are working but are not told how much this will be or what they will have to do to earn the money. In some cases the victim may pay cash up front believing they are to be smuggled, only to be asked for more money en route; the reality is that they have been trafficked and the “debt” will be used to control and exploit them.

In some cases victims have been able to pay off a debt bond. In such cases, traffickers may need to remove the victim as she or he presents independent competition to their operations. In other cases, such victims may be promoted and become part of the trafficking network. The psychology behind such “promotions” is explained in module 3 on “Psychological reactions of victims of trafficking in persons”.



Case example

A woman from a West African country had been trafficked to Europe to work as a prostitute. She paid approximately 40,000 euros to her traffickers to clear a debt bond: this was in addition to other earnings she had handed over to them.

She decided to remain in Europe to earn more money as a prostitute working for herself. Within a matter of days her former traffickers denounced her to the authorities and she was deported as a destitute, to her country of origin.

Dealing with debt bondage control

Traffickers have, in some cases, kept records of the money “owed” and paid off by victims. If you are raiding or searching premises, seize any items that appear to be records of such transactions. Any seizures should be made in accordance with your domestic legislation. Records may be either paper documents or held on computers.

Financial investigations may reveal suspicious transactions that indicate debt bondage repayments. Estimates of the money going through an exploitation operation may show that all or the vast majority of the money is kept by the traffickers. This suggests that very little is being paid out on expense such as “wages” and may indicate victims are being kept in debt bondage.

Questions should be introduced at appropriate points in interviews. Some trafficked victims may have paid a fee before they set off believing they were migrating legitimately or were being smuggled, but this is relatively rare.

Where a suspected victim indicates they were controlled by debt bondage, ask questions that show who the debt was paid to, the amount(s) paid, what the alleged goods and services supplied were, what interest rates were charged and what they think they currently “owe” the traffickers. Establish at what point they were first told they would have to pay a debt and if the conditions of that debt were ever varied.

If you recover any money from the traffickers, if possible within your jurisdiction, consider repaying it to victims in accordance with any domestic law on compensation.

Relationship control

Victims may consider themselves to be in a relationship with one or more of their traffickers. Commonly seen examples include parents, family and boyfriend-girlfriend relationships and what is sometimes known as “Stockholm syndrome” where victims associate themselves with their captors and exploiters.

Stockholm syndrome, also known as capture bonding, has been seen in a number of trafficking in persons cases. It may be difficult to determine if a person is complying with traffickers because they are suffering from the syndrome (an apparently irrational bond with their victimizers) or because they have made a rational decision that compliance is required to survive.

Relationship control may use a blend or other methods such as violence, deception collusion and taking oaths.

Parents and others with control over children have been found to be involved in child trafficking in many cases. Examples include “selling” children for labour or sexual exploitation, forced begging or domestic servitude. The control is often simply that the child trusts the parent or other relative or may have no choice in the matter.

Boyfriend-girlfriend relationships are seen in many cases of trafficking for sexual exploitation. This can range from a man who moves his girlfriend around for his friends to have sex with, to a person who targets a woman, forms a relationship and then deceives her into moving to another country.

Emotional control may be used where women are asked to “prove” their love by doing something they would not normally consent to. Victims may also be drawn into complicity in drug use or transport or asked to sell sex to support a man’s drug habit. Violence has been seen where “boyfriends” assault or threaten women to ensure compliance. Oaths and promises are common in relationships in some countries; this is exploited by traffickers in ways explained in more detail below.

Control within relationships between men and women for the purposes of trafficking in persons often have much in common with some forms of domestic abuse and can mirror attitudes within a society of acceptable behaviour between the genders or their respective roles. Victims may be vulnerable to this type of control if they have been in abusive relationships in the past.

Dealing with relationship control

Remember that people in relationships with victims of trafficking may be involved in their exploitation. Be wary about informing them the victim is with you or using them as social supporters in interviews.

Do not return victims to relationships without assessing whether the people in that relationship were involved in the trafficking process. Assess possible risks to victims even where the person was not previously involved in trafficking; for example, if an uncle lives in extreme poverty, will he take the same opportunity to sell a child victim as the father did?

Victims should receive counselling as soon as it is possible to help them break a potential cycle of abuse in their lives. Only trained counsellors should be used, and special care must be taken, especially with child victims. Any decision must aim at the best interests of the child; specialized counsellors can also help when making these decisions.

Isolation control

Victims of trafficking are likely to be isolated by the nature of their circumstances, away from their homes and family, often not speaking the local language, lacking money and with restrictions on their movement. Traffickers may use a number of other methods to increase this sense of isolation.

Access to communications equipment such as phones is likely to be restricted. The constant presence of traffickers and their associates also mean it may be difficult to write and post letters.

Social life may be non-existent or very limited. Not allowing access to religious services has an impact on people of faith that is explored below but it also has the effect of eliminating an opportunity to socialize.

Locations where victims of trafficking are held may be remote and difficult to access. This applies particularly in cases of agricultural, mining and quarrying exploitation.

Domestic servitude cases often involve a single trafficking victim in a household. Naturally isolating as this situation is, loneliness may be increased by control measures such as making the victim eat meals alone and not giving any days off.

Dealing with isolation control

Look for signs of isolation control when visiting premises. These signs may include separate sleeping and eating quarters or concealed accommodation.

Brief law enforcement staff and staff of other agencies about what to look for that may suggest isolation control when they are visiting premises.

Plan interviews to include questions that concern isolation control.

Religion, culture and belief control

Victims of trafficking may have been prevented from taking part in religious services during their period of victimization. This can have a serious effect on the psychological well-being of those victims for whom religion is an important part of their lives.

In some cases religion has been used by traffickers to control victims. A commonly encountered example is that of African traditional religions and their derivatives that are found throughout parts of the Americas.

All of these present both challenges and opportunities for investigators. The attitude of the investigator is the key to meeting those challenges and maximizing opportunities. Specifically, you should have an open mind and approach this subject without prejudice.

Dealing with control through religion, culture and belief

Whatever your own faith, beliefs or opinions, they are unlikely to be reflected exactly by the faith, beliefs or opinions of the victims of trafficking you are dealing with. In some cases you may encounter beliefs that you find very difficult to understand. Whether you agree with the beliefs of a victim, you must work with them. A basic awareness of those beliefs, how those beliefs may have been exploited by criminals and what the effects are on the victim will help you prevent a possible block to your investigation. A deeper knowledge will give you some ideas of how to actively use religion and belief to support the victim and actively progress your investigation.

If a person of faith has been prevented from attending services and acts of worship, consider arranging for them to go to services or to speak to a religious leader.

This must be handled very carefully. If the religious leader does not understand the nature of trafficking they may display revulsion at what they hear or even condemn the victim for what they have been forced or coerced to do.

Anyone who is asked to speak to victims in this capacity should be clearly told they must keep all they are told confidential.

You may consider asking victims and religious leaders not to discuss with each other the exact details of the case under investigation.

Experience has shown that priests and elders of religions can help victims heal through counselling and explaining that whatever threats traffickers may have used to control the victims will not materialize.



Case example

This was a two-defendant forced labour case in the United States involving a twelve-year-old victim who was brought from Egypt illegally to be the domestic servant for the defendants in Los Angeles. The victim was illegal, illiterate, and could not speak English when she entered the country. The defendants did not allow the victim to attend school, see a doctor, or pray at a mosque. The victim lived in a garage in squalid conditions while the defendants and their children lived in luxury in a four-bedroom house in a gated community. The defendant threatened to have the victim arrested if she stopped working for him or told anyone about her work in his house. Upon her liberation, law enforcement took her to child family services where her identity and location were protected. As a condition of their release from prison awaiting trial, the defendants were prohibited from having any contact with the victim. Her identity remained confidential throughout the court proceedings. After a period of time, the victim was adopted by an American foster family. She was immediately granted “continued presence” by the United States Department of Homeland Security, allowing her access to benefits including temporary immigration relief. She was later granted “lawful permanent residency” and is applying for United States citizenship. The defendants are in prison and will be deported after they complete their sentence.



Self-assessment

What were the control mechanisms utilized in the above case?

What are the main forms of control of victims in trafficking in persons (TIP) cases?

What options are there for dealing main forms of control when investigating trafficking in persons cases when

- Visiting premises?
- Conducting interviews?
- Presenting evidence to courts?
- Planning prevention activity?

Summary

Some of the main forms of control found in trafficking in persons cases are:

- Violence and threats of violence
- Deception
- Imprisonment
- Collusion
- Debt bondage
- Isolation
- Religion, culture and belief

Traffickers frequently use a blend of control methods.

How coercive those methods are varies according to the nature of trafficking in persons, the location, victim profile and stage of the trafficking process.

Control measures may become more coercive the nearer the victim is to the intended point of exploitation.

Just because a person has not been assaulted or threatened with violence does not mean they are not being subjected to a control method. Some of the subtle methods of control are equally or more powerful than physical force and threats.

Knowledge of control measures should be used to:

- Look for physical signs of trafficking in persons;
- Interview suspected victims of trafficking;
- Take appropriate measures to reduce the effectiveness of control measures in:
 - Specific cases
 - As a general preventative measure
- Present evidence of the use of control methods to courts in a way that allows courts to understand them and make appropriate decisions in findings and sentencing decisions.



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