



ENHANCING A VICTIM-CENTERED APPROACH



The **Bali Process**

on People Smuggling, Trafficking in Persons and Related Transnational Crime

A study guide for practitioners for identifying, assisting and protecting victims of trafficking in the Asia-Pacific region.



The Bali Process

The Bali Process and Related Transnational Crime (the Bali Process) was established in 2002 and is a voluntary and non-binding regional consultative process co-chaired by the Governments of Australia and Indonesia and comprising over 45 member countries and organizations.

Queries about this policy guide should be addressed to the Regional Support Office (RSO) to the Bali Process at:

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<http://www.baliprocess.net/regional-support-office>

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The Bali **Process**

Foreword

The Regional Support Office to the Bali Process (the RSO) has effectively raised regional awareness of the consequences of people smuggling, trafficking in persons and related transnational crime, through implementing practical solutions which enhance the capacity of Bali Process member States, and facilitate the sharing of information and best practices from the region and beyond.

In support of these objectives the RSO together with the International Training Center for Local Actors in Jeju (CIFAL Jeju) have established a partnership aimed at strengthening the role of local authorities and actors in the Asia-Pacific region to better identify, protect and assist victims of trafficking.

Effective identification and protection of victims of trafficking requires law enforcement officers and practitioners to be equipped with up-to-date tools and methods that take into account a victim's specific needs and rights.

Identification and protection also constitute an integral part of any counter-trafficking strategy that will enhance effective criminal justice responses and support prevention efforts.

This Study Guide serves as a learning aid for participants attending the training workshops on ***“Enhancing a Victim-Centered Approach: Identification, Assistance, and Protection of Trafficking Victims in the Asia-Pacific Region.”*** It can also be used as a training tool across the Bali Process membership to enhance partnerships and advance a comprehensive regional approach to addressing trafficking in persons.

The Study Guide has been developed with assistance from key partners including International Organization for Migration (IOM), United Nations Action for Cooperation Against Trafficking in Persons (UN-ACT), United Nations High Commissioner for Refugees (UNHCR), International Labor Organization (ILO), Global Alliance Against Trafficking Women (GAATW) and the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP). Each presentation addresses specific aspects of victim assistance and protection, international and inter-agency cooperation, and provides practical exercises and examples of good practices.

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Acronyms and Abbreviations

ASEAN	Association of Southeast Asian Nations
Bali Process	Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime
ILO	International Labour Organization
IOM	International Organization for Migration
NGO	Non-governmental organization
Organized Crime Convention	United Nations Convention against Transnational Organized Crime
RSO	Regional Support Office of the Bali Process
Trafficking in Persons Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
UN-ACT	United Nations Action for Cooperation Against Trafficking in Persons

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Session 1

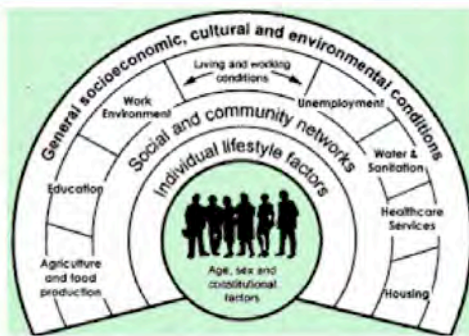
Emerging Trends of Trafficking in Persons in the Asia-Pacific Region

Session 1:

Overview

This session aims to provide an overview of the current trafficking in persons situation in the Asia-Pacific region. The presentation examines new emerging forms of exploitation, discusses profiles of victims based on their gender and age, and considers what are the new challenges that States and practitioners are facing in addressing trafficking in persons crime.

Emerging Trends and Challenges



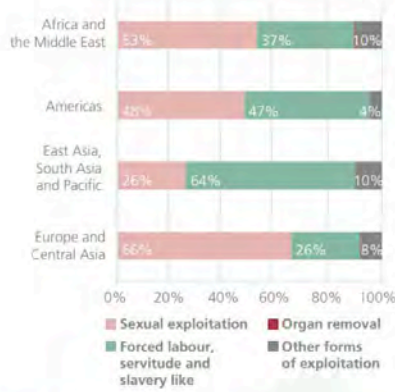
- Trafficking in persons and economic trends
- Trafficking and mixed migration flows
- Trafficking and conflicts



Trafficking in Persons in South Asia, East Asia and the Pacific



FIG. 16: Forms of exploitation among detected trafficking victims, by region, 2010-2012 (or more recent)



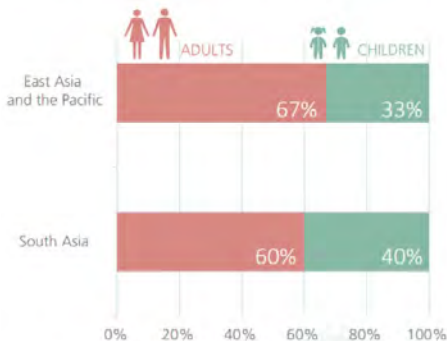
Source: UNODC elaboration on national data



Trafficking in Persons in South Asia, East Asia and the Pacific

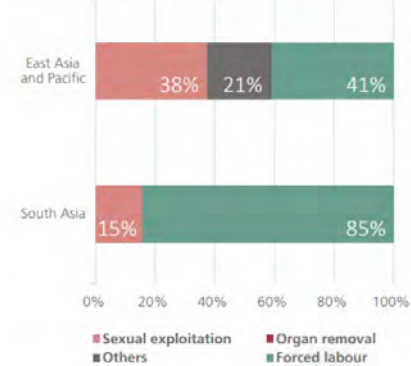


FIG. 58: Age profiles of detected victims in South Asia, East Asia and the Pacific, by subregion, 2010-2012



Source: UNODC elaboration on national data.

FIG. 59: Forms of exploitation detected in South Asia, East Asia and the Pacific, by subregion, 2010-2012



Source: UNODC elaboration on national data.



Response to Trafficking in Persons

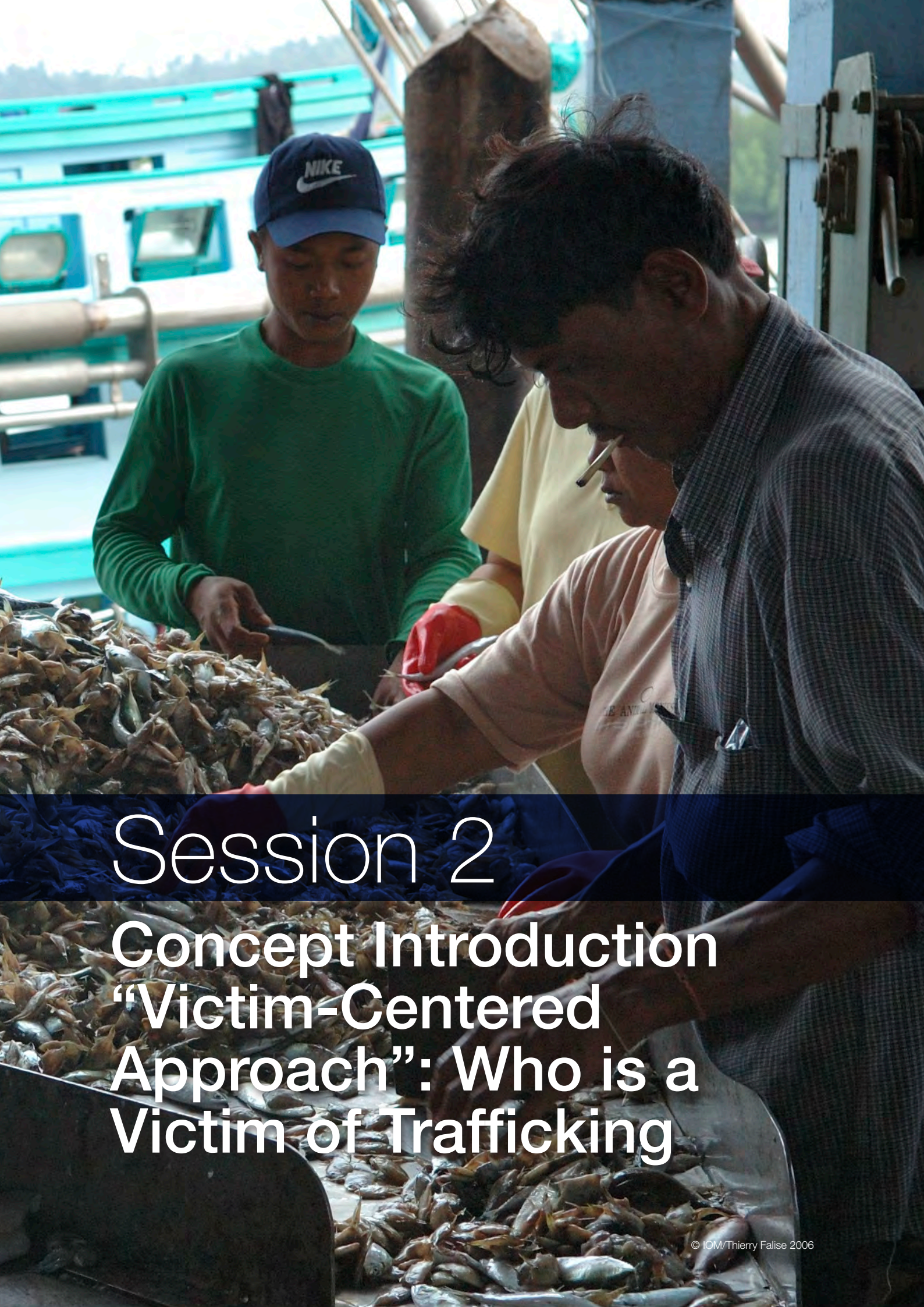


Legal and Policy Framework

- The Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, adopted by the States members of the South Asian Association for Regional Cooperation in 2002
- The Asia Regional Cooperation to Prevent People Trafficking Project (2003 – 2006) by the Association of Southeast Asian Nations (ASEAN): focused on criminal justice responses to trafficking. The project was extended in 2011 as the Asia Regional Trafficking in Persons Project.
- ASEAN adopted the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2004). An ASEAN Convention on Trafficking in Persons and a regional plan of action was adopted in 2015.
- The Coordinated Mekong Ministerial Initiative against Human Trafficking in the Greater Mekong Subregion
- A consultative mechanism: The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime launched in 2002 by ministers of over 50 countries in the Asia-Pacific region and beyond



For more information **International Organization for Migration**
Please Contact info@iom.int



Session 2


Concept Introduction “Victim-Centered Approach”: Who is a Victim of Trafficking

Session 2:

Overview


This session introduces a victim-centered approach to address trafficking in persons, which focuses equally on identifying and protecting victims of trafficking, as well as investigating and prosecuting the crime. This session attempts to refocus attention on victims' rights and needs, to deliver more tailored and compassionate assistance to victims. The presentation examines states' responsibility to protect victims, discusses various stages that compose sustainable protection, and examines who is a victim of trafficking based on international legal definitions. The audience is provided with a practical exercise to distinguish between migrant smuggling situations and trafficking in persons crime. Good practices are provided to effectively identify and protect victims of trafficking.

What is a “victim-centered approach”?



- Takes into account the individual needs of victims of trafficking and tailors protection responses accordingly;
- Should be based on the fundamental considerations of **safety, confidentiality** and **non-discrimination**;
- Should be irrespective of whether the victim participates in the criminal justice process

• *(The Bali Process Policy Guide on Protecting Victims of Trafficking)*



THE APPROACH IS INTRINSICALLY LINKED TO PROTECTION

“In a victim-centered approach, the victim’s wishes, safety and well-being take priority in all matters and procedures.”

“Service providers and law enforcement partnerships are crucial to the provision of a comprehensive and victim-centered response to human trafficking”

(Office of Justice Programs, U.S. Department of Justice)

Protection of Victims of Trafficking



- States are **obliged to protect** victims as part of their international obligations;
- For the purpose of upholding victims' **human rights**;
- Essential to put an end to on-going exploitation, facilitate **recovery** from exploitation, and **prevent re-trafficking**;
- Protection as a cornerstone of an effective criminal justice response

(The Bali Process Policy Guide on Protecting Victims of Trafficking)



The Ultimate Objective of Protection



- To ensure that assisted victims of trafficking are able to:
- Come to terms with what they have experienced;
- Achieve self sufficiency;
- Participate fully in economic and social life



Picture: IOM CT Poster

(The Bali Process Policy Guide on Protecting Victims of Trafficking)



3 Stages of Protection



1. Initial Protection
 - To address **immediate needs** and concerns of victims
 - Privacy, security, basic needs, communication, urgent medical needs, migration advice
 - "Reflection period"
 - Primarily in the country of destination
2. Protection through the criminal justice process
 - Applicable to victims who choose to enter into the process
 - Pre-trial, during trial process, post-trial
 - Primarily in the country of destination
 - Measures to protect victims from threats/ retaliation including the possibility of permanent residency

(The Bali Process Policy Guide on Protecting Victims of Trafficking)



3 Stages of Protection



3. Sustainable Protection Solutions
 - **Beyond addressing immediate needs** to assist victims
 - For the purpose of helping victims **regain autonomy** and **empower** to integrate/ reintegrate into society
 - Basic needs, medical/ psychosocial care, economic reintegration, legal support
 - Provided in the country of origin, transit or destination
 - "Return" should be **voluntary**
 - "Compensation"

(The Bali Process Policy Guide on Protecting Victims of Trafficking)



Who is a Victim? Identifying Victims of Trafficking

LEARNING OBJECTIVES



1. Understand the **purpose and challenges** of identifying trafficked persons.
2. **Distinguish trafficking** in persons from migrant smuggling and related phenomena.



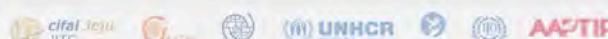
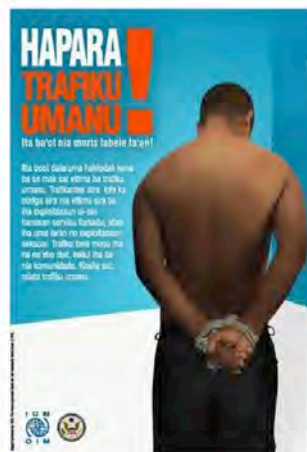
Purpose and Challenges

Who is a victim of Trafficking?



- A person who has been a victim of the crime of Trafficking in Persons.
- Anyone can be a victim of trafficking, regardless of their age, sex, gender, sexual orientation, nationality, ethnic or social origin, disability, or circumstances.

(The Bali Process Policy Guide on Identifying Victims of Trafficking)



Why is it important to identify trafficked persons?



- **Protection**
 - Rescue the person and address his/her urgent physical, sexual and psychological health needs
 - Link the person to further assistance
- **Prosecution**
 - Key to identifying crimes and criminal networks
 - Victims can be key witnesses when protected and supported well
- **Prevention**
 - Evidence-based prevention
 - Indicators linked to root causes and vulnerability



Why the disparity between global estimates and real numbers?



- Estimates of the global number of persons trafficked per year ranges from **600,000 to 4m**.
- And yet,
- Since 1997, IOM has assisted approx. **60,000** victims of trafficking.
 - In 2014, the USG reported that States had identified, in total, **44,462** (**11,438** for labour trafficking) victims of trafficking.
 - Globally, **10,051** traffickers (**418** for labour trafficking) were prosecuted and **4,443** traffickers (**216** for labour trafficking) were convicted in 2014.



CASE STUDY

Identification: How difficult is it?

Paula's Story

Paula is an 18 year-old high school student who wants to work in London after she graduates. Unfortunately, her prospects look bleak. Paula doesn't have much money to travel, and doesn't even have a passport. She doesn't have any contacts to help her find work until her friend, Nadine, introduces her to a man named Frederick, who works for a travel agency. Frederick helps Paula get to London.

Is Paula trafficked?

Frederick buys her an air ticket, and helps her procure a passport and a visa to enter the UK. Frederick also gives Paula the name of a friend of his, Joseph, who manages a restaurant in London. Joseph gives Paula a job as a waitress, and a small apartment above the restaurant. She does not earn a salary, but works for tips. On some nights, Paula can earn as much as £30, and in her first month, she earns £600.

Is Paula trafficked?

This is almost enough to cover her rent (£500) and the food she eats at the restaurant (£150). After 2 months, Paula owes a debt of £100 to Joseph. **Is Paula trafficked?**

After 6 months, Paula realizes that she has overstayed her visitor's visa, and she has still not made any money. She tells Joseph that she intends to return home. Joseph tells her that he's sorry to hear this, but that she will need to pay him the £600 she owes him. Joseph confiscates Paula's passport. **Is Paula trafficked?**

Paula is desperate to return home. She is now £5000 in debt to Joseph since he decided to raise the rent. Paula tried to find cheaper accommodation and a better paying job, but Joseph said that if she left him, he would tell the police that she was an illegal immigrant and that she would be arrested and jailed. **Is Paula trafficked?**

Joseph tells Paula that if she really wants to go home, she can pay off her debt quickly as a prostitute. Paula is shocked at first, but as her debt continues to grow she believes that she has no other way out. **Is Paula trafficked?**

Paula begins working for Joseph as a prostitute. He keeps the money she earns and subtracts it from her debt. He also keeps about 50% for himself as payment for the 'security' that he provides her. He also raises the rent on the apartment.

Is Paula trafficked?

Paula still wants to go home, but she realizes that she can't now. Not only does she owe Joseph £15,000, but he also told her that if she leaves, he will tell her parents that she has been working as a prostitute in London. He says that he even has photographs to prove it. **Is Paula trafficked?**



Why is it difficult to identify a victim?



- Human trafficking encompasses both the process and the end result (“exploitation”) – the process by which a victim is delivered into exploitation may be discreet and lengthy.
- Victims may be reluctant to come forward and be identified.
- Victims may not regard themselves as victims.
- Victims may be smuggled migrants.



How do you think you would behave if you were:



Would you cooperate with law enforcement officials?
How likely would you be to seek assistance?

1. Relocated to an environment where you didn't understand the language, customs ?
2. Deprived of all your identification documents ?
3. Debt bonded for \$100,000 ?
4. Confined to one room or one house for 6 months ?
5. Beaten/physically assaulted ?
6. Knew that the safety of your family depended on your cooperation ?
7. Saw your abuser's best friends wearing police uniforms ?



Trafficked persons...



1. Fear their traffickers
2. May not see themselves as victims
3. May suffer "Stockholm Syndrome"
4. May have PTSD & memory loss
5. May not trust police
6. May feel responsible for a family debt
7. May not speak local language/ cultural differences
8. May be confused with migrant smuggling...



Distinguishing Trafficking from Smuggling

Art 3(a): "Trafficking in persons" shall mean
 ...the recruitment, transportation, transfer,
 harboring or receipt of persons → **Action...**

...by means 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, → **Means...**

...for the purpose of exploitation. → **Purpose...**



Art 3(a) : Exploitation



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



Forced Labor?



...forced or compulsory labor shall mean
 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.
 (Art. 2, Forced Labor Convention)



Slavery?



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.



(Slavery Convention, 1926)

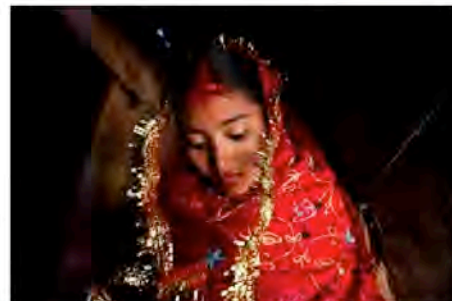


Practices similar to slavery?



States shall take necessary legislative and other measures to abolish and abandon the following institutions/ practices...

- Debt bondage
- Serfdom
- Forced marriage
- Delivery of a child for the purpose of exploitation



(Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956)



Art. 3(b): Consent



b. The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;



Art. 3(c), (d): Children



c. The recruitment, transportation, transfer, harbouring or receipt of a child for the purposes of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

d. "Child" shall mean any person under 18 years of age.



Distinguishing Trafficking from Smuggling

Migrant Smuggling is:



Art. 3: 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.



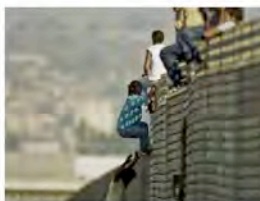
Illegal entry = crossing borders without complying with the necessary requirements for legal entry into the receiving State.



Migrant Smuggling Definition



Movement across-international borders



Illegality
• Illegal Entry
• Illegal residence



Profits (financial/material)

= SMUGGLING OF MIGRANTS



Smuggling or Trafficking ?



Trafficking and Smuggling are confused because...



- ✓ Similar activities of recruiting, transporting, etc
- ✓ Both may involve **irregular migration**
- ✓ Both may involve criminal networks
- ✓ Particular criminal network may traffic and smuggle people



Distinguishing between the crimes



Main differences:

- Purpose of the crime
- Consent & victimisation
- Transnational
- Source of profits



These differences serve as a starting point to assist in distinguishing between the two crimes. The ultimate conclusion reached depends on the **unique facts of the case**. Often the crimes may overlap with each other.



Summary: Trafficking vs. Smuggling

Differences	Trafficking	Smuggling
Purpose	Exploitation of the victim	Facilitate illegal entry into or residence in another country
Source of profit	Through the exploitation of trafficked person	Through receiving payments for facilitating illegal entry or stay of a person in another country
Consent (agreement)	Irrelevant. Victim's agreement is on basis of false information	Migrant agrees to travel with full information about journey, destination and costs
Transnational	Domestic and transnational	Always transnational
Crime against who?	Individual	States
Always irregular movement?	No. Even regular migrant could fall victim to trafficking.	Yes



Difficult to distinguish



Smuggled migrant may fall victim to trafficking...

- A trafficked person might begin his or her journey as a smuggled migrant.
- However, the smuggled migrant might then be compelled into a state of **debt bondage** to pay off “journey costs”.
- Thus, **a smuggled migrant can become a trafficking victim**

Traffickers may use “smuggling” as a means to transport victims.



Remember!



- What might **begin as an investigation of people smuggling could develop into one of trafficking** in persons once all the facts are established.
- Or an investigation of trafficking in persons may turn out to be a people smuggling venture that was entered into willingly by the migrants for an agreed upon price and with no evidence of actual or intended exploitation.



Victim Identification as a phased process, not a point-in-time event



- **Initial screening** that suggests a person might be a victim of trafficking
- **Presumption** by authorities that there are sufficient indicators to suggest the person may be a victim of trafficking
- **Verification by authorities** that the person is a victim of trafficking. May coincide with investigation and prosecution.
- **Confirmation** that the person is a victim of the crime of human trafficking as a result of the conviction of a trafficker.

(The Bali Process Policy Guide on Identifying Victims of Trafficking)



Good Practice: Introduction of a presumption



- State policies for victim identification should allow responsible authorities to act upon a presumption by treating a presumed victim of trafficking as a victim
- This enables the presumed victim to access initial assistance and protection
- Support can be adjusted or withdrawn if later determined that the presumed victim is not a victim of trafficking.

(The Bali Process Policy Guide on Identifying Victims of Trafficking)





Session 3

Introducing the “3Ps”
The Global Approach to
Addressing Trafficking
in Persons and
Key Challenges

Session 3:

Overview

Known universally as the “3Ps”, the international effort to counter trafficking in persons prioritizes the prevention of human trafficking, the protection of victims of the trade, and the prosecution of its perpetrators. In describing the approach, this session introduces key international standards associated with the protection, prevention, and prosecution of human trafficking, and offers examples of activities that are common around the world. It also highlights some of the ongoing challenges associated with the 3Ps, including the frequent confusion of human trafficking with migration and particularly irregular migration, insufficient evidence for some common prevention initiatives, and the complexity of prosecuting cross-border human trafficking cases. While it has not proven to be a perfect model, the 3Ps has nonetheless provided an important framework that has inspired much of the progress to counter human trafficking to date, and is sufficiently flexible to encourage further innovation to more effectively prevent, protect, and prosecute the exploitation of human beings going forward.



A Trafficker's Methods



Traffickers attempt to:

- Instil persistent and relentless terror
- Deceive and lie
- Maintain unpredictable and uncontrollable conditions
- Eliminate all decision-making power
- Manipulate emotions through...
 - Extreme survival conditions
 - Physical exhaustion
 - Physical and psychological isolation



Immediate Concerns



Safety

- personal safety and that of the family.

Legal Status

- in the case of foreign victims who are asked to co-operate with the criminal justice process.

Confidentiality

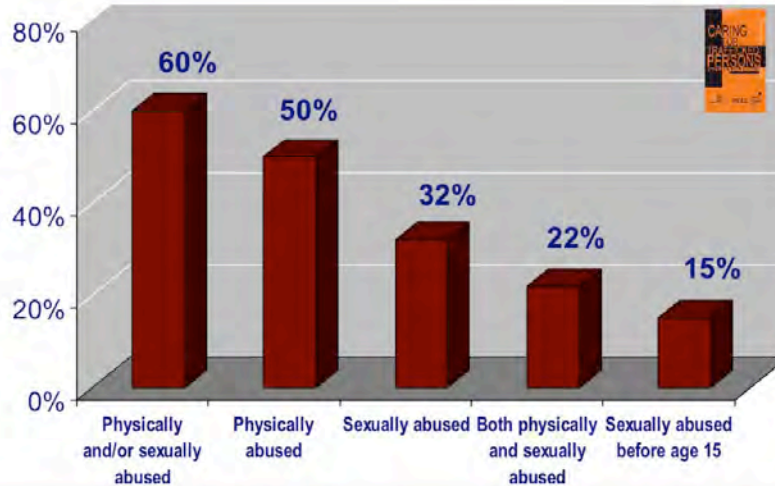
- that his/her identity will be disclosed to the family, or the general public, and that s/he will be stigmatized as a result.

Fear of re-traumatisation

- that s/he will have to testify in the physical presence of the trafficker or be in the presence of him or his associates at any stage of the criminal justice process.



Prior to being trafficked



Violence women experienced during trafficking



FORM OF VIOLENCE	YES (%)	(n=207)
Physical violence	76%	158
Sexual violence	90%	186
Either physical and sexual violence	95%	196
Both physical and sexual violence	71%	148
THREATS DURING TRAFFICKING		
Woman was threatened	89%	185
Woman's family was threatened	36%	75
Woman AND her family were threatened	34%	70



Common Behaviour - 1

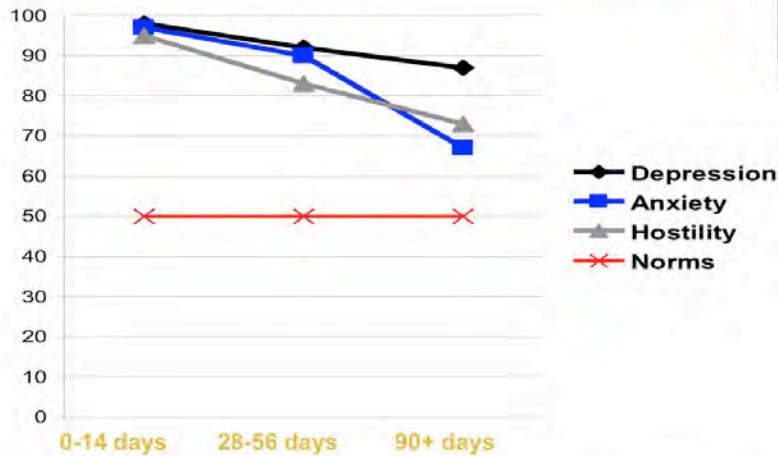


Common Reactions	How Reactions may be Manifest
Fear, Insecurity, Anxiety	Reluctance to meet people, to go outside, to be alone; trembling or heart racing, insomnia or nightmares
Mistrust of Others	Reluctance to disclose information; giving false information
Mistrust of Self; low self esteem	Passivity; difficulty trusting one's decisions or planning for future; hyper-sensitivity to outside influences
Self-blame, Guilt, Shame	Difficulty in making eye contact or expressing oneself; reluctance to undergo physical exams or participate in group therapy

Common Reactions	How Reactions may be Manifest
Anger	Hostility towards support personnel; self-inflicted physical harm; overreacting; unwillingness to participate
Memory Lapses; Dissociation	Unwillingness to respond or answer questions; altering past events; Inability to recall details or entire passages of time
Isolation, Loneliness	Sadness, depression, disengagement from others and activities, lethargy; self-absorbed; believing no one can understand
Dependence, Subservience or Defensiveness	Desire to please; easily influenced; inability to assert self or personal preferences; regular complaining; reluctance to accept assistance or advice



Mental Health



Prevention

International Criminal Law: CTOC



Art. 24, 25: Protection of Victims and Witnesses

- "Each State Party shall provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony ... and, as appropriate, for their relatives and other persons close to them."

Including:

- physical protection ["to the extent necessary and feasible"];
- limitations on the disclosure of information concerning victim's identity and location ["where appropriate"];
- permitting testimony to be given through the use of communications technology...
- provide access to compensation and restitution



Palermo Protocol: Human Trafficking



Art. 2 Aims of the Protocol

- "To protect and assist the victims of trafficking, with full respect for their human rights"

Art. 6 "each State shall consider":

- Protecting the privacy and identity of victims;
- Providing for the physical, psychological and social recovery of victims, including –
 - housing, counselling,
 - medical and psychological assistance,
 - employment, educational, and training opportunities,
- Opportunity to obtain compensation;
- Permit to obtain temp or permanent residency in destination country;
- Safe and voluntary return.

[...] "in appropriate cases and to the extent possible"

Art. 14

Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.



Some International Human Rights



Other internationally recognized rights:

- ✓ right not to be subjected to prolonged arbitrary detention;
- ✓ right to humane treatment as a detainee;
- ✓ right to non-discrimination;
- ✓ right to equality before the law;
- ✓ right to leave any country and return to one's own country;
- ✓ right to non-refoulement

(UDHR, art.13-16)

- ✓ Freedom of movement (art.13)
- ✓ Right to seek asylum (art. 14)
- ✓ Right to nationality (art.15)
- ✓ Family is entitled to protection by society and the State (art.16)



OHCHR PRINCIPLES ON PROTECTION AND ASSISTANCE

1. Trafficked persons shall not be detained, charged, or prosecuted...
2. ... protection and care shall not be made conditional upon the capacity or willingness of the trafficked person to cooperate in legal proceedings.
3. Legal and other assistance shall be provided to trafficked persons for the duration of any criminal, civil or other actions against suspected traffickers.
4. ... best interests [of the child] shall be considered paramount at all times.
5. Safe (and to the extent possible, voluntary) return shall be guaranteed to trafficked persons by both the receiving state and the state of origin.
6. ...that safe and adequate shelter that meets the needs of trafficked persons be made available (ie. no detention facilities or vagrant houses).
7. ...access to primary health care and counselling. Trafficked persons should not be required to accept such support (ie. no mandatory testing for diseases, including HIV).
8. ...ensure right of access to diplomatic or consular representation from their State of nationality.
9. Ensur[e] that legal proceedings in which trafficked persons are involved are not prejudicial to their rights, dignity or physical or psychological well-being.
10. ...provide legal and other assistance in relation to legal proceedings...in a language they understand.
11. ...no public disclosure of the identities of trafficking victims and their privacy should be respected. Trafficked persons shall be given full warning, in advance, of the difficulties inherent in protecting identities in legal proceedings], and shall not be given...unrealistic expectations of the capacities of law enforcement in this regard.
12. ...ensure adequate physical and psychological health care, housing and educational and employment services for returned trafficking victims.



Protection through Assistance



Standard Forms of Assistance:

- Screening (*Interview*), Referral*
- Safe accommodation
- Medical/psychosocial
- Legal assistance
- AVR
- Risk Assessment
- Family Assessment/Tracing
- Skills development
- Education and training
- Compensation
- Other re/integration



✓IOM has assisted an estimated 60,000 trafficked persons since 1997.



Prevention

Prevention



Art. 9: Prevention of Trafficking in Persons

- "Alleviate factors that make persons vulnerable...like poverty, underdevelopment and lack of equal opportunity.
- "Discourage the demand that fosters all forms of exploitation...that leads to trafficking".





Preventing Human Trafficking
Emphases and Experiences



Prevention measures



How to “alleviate vulnerability” and “discourage demand”?

1. “Research...
2. Information... and mass media campaigns...
3. Social and economic initiatives...
4. Educational, social, and cultural measures”

Where does art. 9 encourage intervention – at the point of origin or the point of destination?

Which of the four activities have been more commonly employed as a prevention tool?

And the result?



Empower...



whistleblowers



those perceived as vulnerable



Even humor...



What about Demand?



- Targets destination countries in pilot phase
- Combines mini-events, video, and viral dissemination
- Aims to suppress consumer demand for goods/services that result from trafficked labor
- Encourages behavior change – at minimum to ask “what’s behind the things we buy”.



Go to: www.buyresponsibly.org
Join Facebook group: 'Buy Responsibly'



Prosecution

Convention Against Transnational Organized Crime



Scope and Key Definitions:

“...where the offense is transnational in nature and involves an organized criminal group.” (art. 3)

Defines:

Organized criminal group is “a structured group of 3 or more persons, existing for a period of time and acting in concert....” (art. 2(a))

Transnational crime if (art.3(2)):

- (i) It is committed in more than one state,
- (ii) A substantial part of the preparation, planning, direction or control occurs in a state other than the one in which the crime itself is committed;
- (iii) It is committed in one state, but involves an organized criminal group that engages in criminal activities in more than one state;
- (iv) It is committed in one state, but has substantial effects in another state.



CTOC – Key Provisions



Asks State Parties to Criminalize:

- Participation in an organized criminal group (art. 5);
- Laundering of the proceeds of crime (art. 6);
- Corruption (art. 8);
- Obstruction of justice (art. 23).

States should also take appropriate measures to:

- Protect witnesses and victims (art. 24, 25);
- Ensure close cooperation of their law enforcement agencies, and;
- Afford one another the 'widest measure of mutual legal assistance' (art. 18).

Supplemented by 2 "People" Protocols:

1. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
2. Protocol against the Smuggling of Migrants by Land, Sea, and Air

*Any protocol to this Convention shall be interpreted with this Convention (art. 37).



Prosecuting more Effectively



Key areas:

- Information exchange
- Harmonized investigations, victim identification and protection
 - incl. post-trial protection

How to improve – egs.:

- Bi/Multi-lateral MOUs
- Regional POAs
- Study visits
- Operational-level staff exchanges
- Joint investigations



Prosecuting more Effectively



- Legislation and Policy Development
- National Referral Systems
- Curricula Development and Training



the 3Ps + Problems



1. Protection

- Challenge of identification
- Significant variation in protection for victims between countries

2. Prevention

- Most initiatives "supply" focused
- Limited measurement of policy or programming impact

3. Prosecution

- Crime is complex and often costly to prosecute
- Inter-state operational cooperation is often slow or non-existent
- Limited availability of comparable data



Examples of good practices in the region.

The Bali Process Policy Guides on Criminalizing Migrant Smuggling and Trafficking in Person

At the fifth Bali Process regional Ministerial Conference in April 2013, Ministers agreed that policy guides be developed to assist policy makers and practitioners to criminalize people smuggling and trafficking in persons

The project has been co-chaired by the Attorney-General's Department, Australia and the Attorney General Office, Thailand. The policy guides have been developed by the Bali Process Policy Guides Drafting Committee comprised of: Indonesia, New Zealand, Sri Lanka, UNODC and supported by RSO through its IOM representatives.

The policy guides were discussed by Bali Process Member States at a Regional Consultation workshop in Bangkok in March 2014

The policy guides are voluntary, non-binding and intended for use as a reference tool by Bali Process countries on the Criminalizing of Trafficking in Persons and on Criminalizing Migrant Smuggling

Bali Process Policy Guide on Criminalizing Trafficking in Persons

The main objective of this policy guide is to serve as an introductory guide on how to criminalize trafficking in persons at the domestic level and to promote a consistent understanding of international legal obligations

This policy guide may be used by all Bali Process countries, including those countries that have not signed and/or ratified the **United Nations Convention against Transnational Organized Crime (UNTOC)** and the **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**

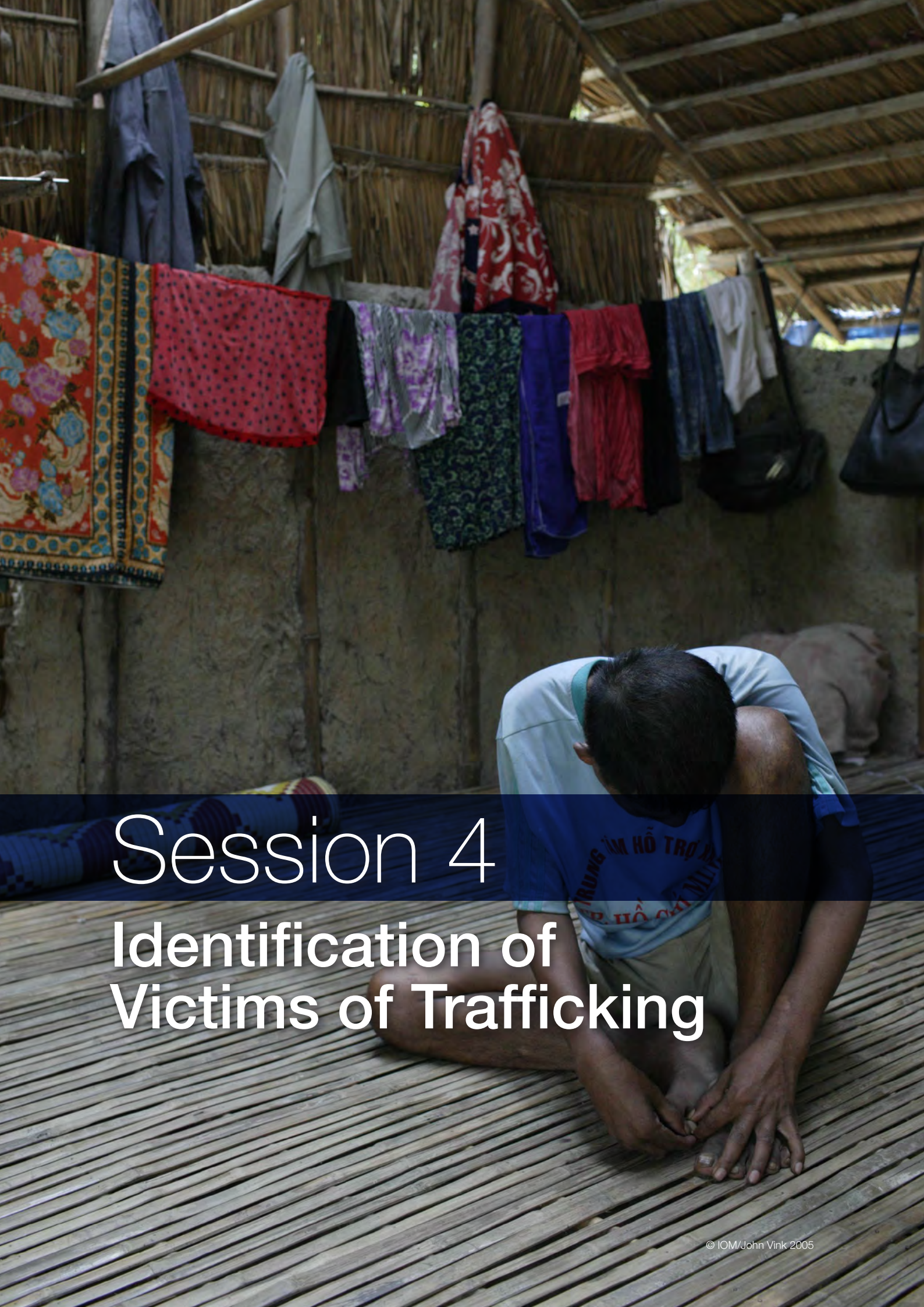
It is a practical tool designed to be used by the government officers, local authorities, policy makers, legal representatives that deal with issue of trafficking in persons

Bali Process Policy Guide on Criminalizing Trafficking in Persons - Structure

The Policy Guide provides an overview of:

1. The challenge of the trafficking crime: scope of the activity; difficulties of tracing and prosecuting offenders
2. Difference between human trafficking and migrant smuggling, potential overlaps
3. International legal framework on human trafficking
 - Nature of the crime
 - Protection requirements
 - Jurisdiction requirements to prosecute offenders
4. Key complementary obligations established by the Organized Crime Convention
 - Effective criminalization of human trafficking
 - Criminalization of corruption
 - International cooperation:
 - Mutual legal assistance in combating human trafficking
 - Extradition

For more information **International Organization for Migration**
Please Contact  info@iom.int



Session 4

Identification of Victims of Trafficking

Session 4:

Overview

This session focuses specifically on the identification process from the initial stage to the final determination of a status of a trafficked person. Further, it discusses importance of early identification and closely examines indicators for various forms of exploitation that practitioners can apply when in contact with potential victims of trafficking.

The process of identification aims at making a determination whether or not a person is a victim of trafficking according to the definitions established in the UN Protocol. The overarching goal of victim identification is to ensure that appropriate measures can be taken to assist a victim. In dealing with victims of trafficking, one must remember that they are victims of a crime and they are not the criminals themselves.

Definition of Trafficking

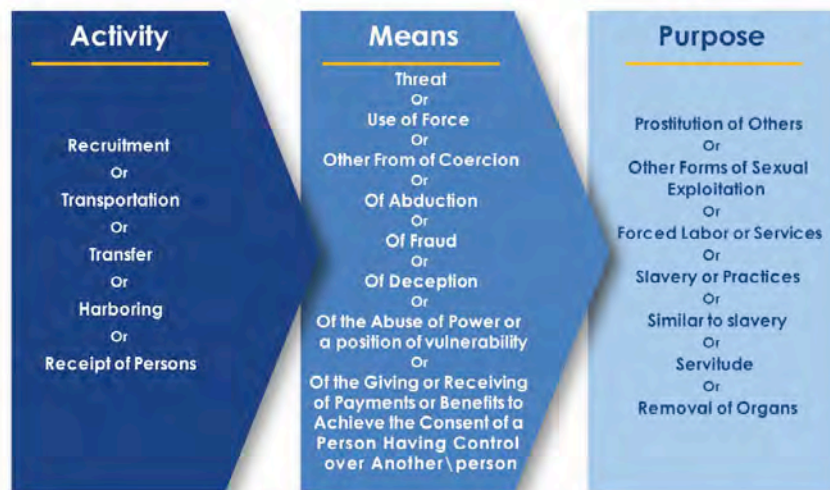
“Trafficking in Persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving 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.

UN Convention against Transnational Organized Crime

Article 3 of the United Nations Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (supplementary protocol to the United Nations Convention Against Transnational Organized Crime)

Key Elements of Trafficking in Persons



- The consent of a victim of trafficking to the intended exploitation shall be irrelevant where any of the means have been used.
- The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means.
- Child shall mean any person under 18 years of age.

Stages of Trafficking



Exercise: Creating a Checklist to Facilitate the Identification of Victims

Enhancing a Victim-Centered Approach:
Identification, Assistance and Protection of
Trafficking Victims in the Asia-Pacific Region



Victim Identification Process



- Process to make a determination whether or not an individual is a trafficked person according to the definitions established in relevant international/ domestic laws.
- VI includes:

Initial assessment : identify a potential VoT

Official determination: make an official decision whether a person is indeed a VoT



Initial Assessment



By whom: anyone who comes across a potential VoT

When: inspections, police raids, referrals by hotline etc.

Where: potential VoTs are found in places linked to their forms of exploitation

How: observation of signs, asking questions etc.

Why necessary: to link potential VoTs to official determination



Official Determination



- Normally administered: By authorized persons by the government or specially trained Police/ Immigration investigators/ Social workers
- After the person is moved to a safe location
- In the form of in-depth individual interview (Screening Interview)
- To give an official recognition as a victim of trafficking



What are Indicators?



- Used throughout the VI process (both in initial assessment and official determination)
- Signs that support the likelihood of the individual's being a victim of trafficking include: physical, behavioral, situational signs
- Points to the possible presence of 3 elements of trafficking



Examples of Indicators



- Age
- Sex
- Nationality / Ethnicity
- Physical injuries or scars
- Signs of emotional distress
- Fear towards outsiders, especially towards the authority
- Submissive behavior towards the employer
- Working in locations/ industries susceptible to trafficking
- Workplace/ dwelling shows the sign of confinement, detention or restriction of freedom
- Is rarely alone and appears to always have an escort with them
- Is not in control of their ID documents
- Lives with multiple people in unsanitary conditions, or lives with employer



- Indicators of Labour Trafficking included in the SOPs in Sri Lanka (IOM supported the development)
- IOM's Victim of Trafficking: Screening Interview Form (<http://www.corteidh.or.cr/sitios/Observaciones/11/Anexo13.pdf>; Annex 1)
- ILO "Operational indicators of trafficking in human beings" (http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_105023.pdf)

How and When are Indicators Used?



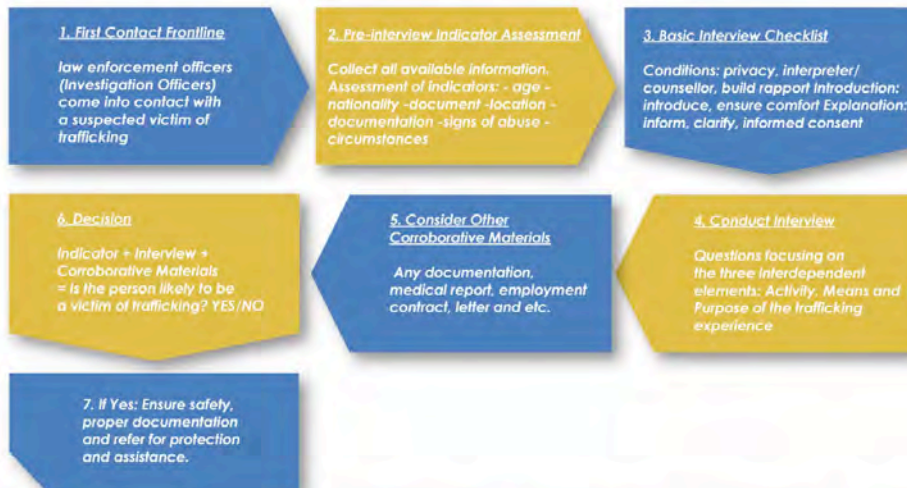
- At the initial assessment stage:
Make assessment against indicators whether the individual is a potential VoT before Screening Interview
- At the Screening Interview stage:
Turning indicators into interview questions
Take the assessment of indicators into consideration when making final evaluation whether the individual is indeed a VoT



Important Consideration

- Important to evaluate indicators cumulatively rather than individually when making an assessment;
- Adapt indicators as needed when assessing child victims, adult victims, victims of sexual exploitation, and victims of labour exploitation

Flow Chart on Victim Identification Process



Checklist to Facilitate the Identification of Victims



- A useful tool to:
 - help professionals cover key indicators of human trafficking comprehensively;
 - standardize the practice among agencies responsible for victim identification;
 - help documentation process → Contribute to accurate, timely victim identification
- Checklist may take the form of:
 - List of indicators
 - Set of questions based on indicators
 - Screening form
- Checklist should cover:
 - Indicators related to Action
 - Indicators related to Means
 - Indicators related to Exploitative Purpose
 - Other signs/ information that help the identification of victims



Quiz : True/False

- People must cross international borders to be considered victims of trafficking
- All people working in the sex industry are victims of trafficking
- All undocumented migrants are victims of trafficking. Migrants in regular situations cannot be victims of trafficking
- People who know about or appear to have consented to their situation cannot be considered victims of trafficking
- People who are related to, or in a relationship with, their trafficker cannot be considered victims of trafficking
- People who believe their life is easier or economically better than before cannot be considered victims of trafficking

For more information **International Organization for Migration**
Please Contact  info@iom.int



Session 5

The Nexus Between Human Trafficking, Forced Labour and Labour Migration

Session 5:

Overview

This session situates the phenomenon of human trafficking in the Asia-Pacific region within the broader migration of low-skilled workers in search of decent jobs. Many trafficking situations begin with a voluntary movement to seek better work, and through poor migration governance, and unscrupulous brokers and employers, migrant workers become victims of human trafficking. The session looks at migration patterns across the region and the relevant international labour standards that should protect migrant workers across the continuum of exploitation. It considers the new opportunities for advocacy and victim redress enabled through the 2014 Forced Labour Protocol.

TRIANGLE in the ASEAN Region, 2015-2025

The **Tripartite Action to Enhance the Contribution of Labour Migration to Growth and Development in ASEAN** delivers technical assistance and support with the overall goal of maximizing the contribution of labour migration to equitable, inclusive and stable growth in ASEAN. The project focuses implementation in six countries (Cambodia, Lao PDR, Malaysia, Myanmar, Thailand and Viet Nam) and engages with all ASEAN Member States, working in close cooperation with governments and social partners to achieve three inter-linking outcomes: Strengthened protection of migrant workers, harnessing the contribution of migration for development and establishing labour mobility systems that are gender-responsive and increase the efficiency of labour markets.

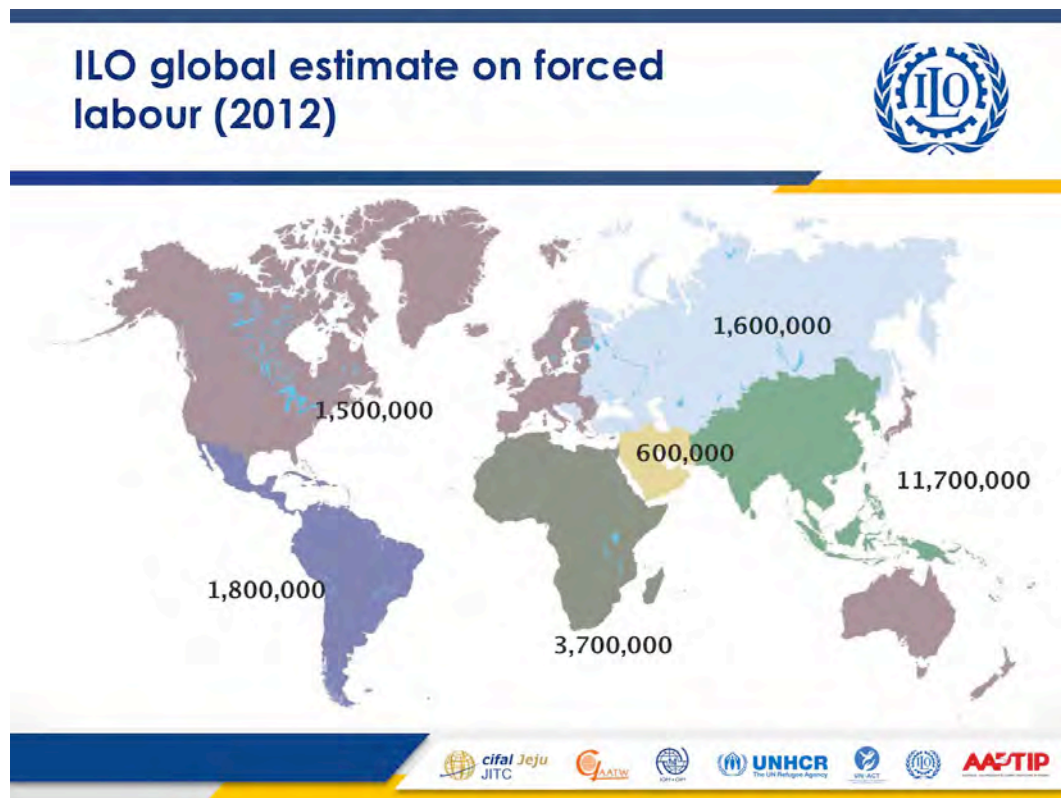
How does the ILO work on trafficking?

- Promotion of safe migration
- Reducing exploitative working conditions
- Regulation of the recruitment industry
- Organizing migrant workers
- Information dissemination at pre-departure
- Strengthening labour inspections
- Establishing complaints mechanisms
- Counselling and case management through
- Migrant Worker Resource Centres (MRCs)

**As prevention of human trafficking
and forced labour?**

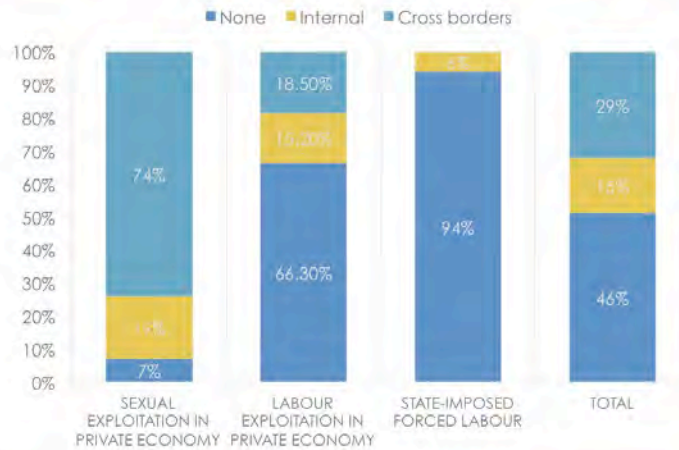
**As remedy and protection for victims
of trafficking and forced labour?**

Why is Trafficking for Forced Labour a Labour Market Issue in East and South-East Asia



- Estimated total number of 20.9 million victims of forced labour in the world.
- Of these, 90 per cent are exploited by private individuals and enterprises, while 10 per cent are forced to work by the state, by rebel military groups or in prisons under conditions which violate fundamental ILO standards. Forced sexual exploitation accounts for 22 per cent of all victims whereas forced labour exploitation makes up 68 per cent of the total.
- Asia has the highest absolute numbers.
- The 2012 estimate of forced labour is significantly higher than the ILO's earlier 2005 estimate, which was 12.3 million victims. The new estimate of 20.9 million is based on an improved methodological model.

Forced labour and migration



Twenty-nine per cent of the victims ended up in forced labour after having moved across international borders, the majority of those being forced sex workers. Fifteen per cent became victims of forced labour following movement within their country, whereas the remaining 56 per cent did not leave their place of origin or residence.

Nearly half of all victims have migrated within their country or across borders before ending up in forced labour, confirming that movement is an important vulnerability factor.

Detected trafficking victims in the Asia-Pacific region



- 61 per cent of detected trafficking victims in the Asia-Pacific region were **trafficked for forced labour** in 2010-2012 (UNODC, 2014).
 - 41 per cent in East Asia and the Pacific
 - 85 per cent in South Asia
- 70 per cent of victims trafficked for forced labour are women
- 26 per cent of detected trafficking victims were trafficked for sexual exploitation and 10 per cent were trafficked for other purposes (e.g. marriage).



Sectors at risk



- Construction, including brick kilns
- Agriculture
- Fisheries
- Mining and logging
- Food processing and packaging
- Domestic work
- Factory work, mainly textiles and garments
- Restaurants and catering
- Sex and entertainment industry
- Informal economic activities, such as begging or hawking



Vulnerable groups of workers



- Workers in informal enterprises and remote rural areas
- (International) migrant workers:
 - Especially those with irregular status
 - But also those who migrate through legal channels
- Indigenous and tribal peoples
- Persons with intellectual disabilities
- Groups with low education levels
- **WOMEN** and **YOUTH** in each of these categories



Migrant workers by region



Region ^a	Migrants				Migrant workers			
	2000 ^b		2010 ^c		2000 ^d		2010 ^e	
	Millions	%	Millions	%	Millions	%	Millions	%
Africa	16.3	9.3	19.3	9.0	7.1	8.0	8.4	8.0
Asia	49.9	28.5	61.3	28.7	25.0	29.0	30.7	29.0
Europe	56.1	32.1	69.8	32.6	28.2	33.0	35.1	33.0
Latin America and the Caribbean	5.9	3.4	7.5	3.5	2.5	3.0	3.2	3.0
North America	40.8	23.3	50.0	23.4	20.5	24.0	25.1	24.0
Oceania	5.8	3.3	6.0	2.8	2.9	3.0	3.0	3.0
<i>Total</i>	<i>174.8</i>	<i>100</i>	<i>213.9</i>	<i>100</i>	<i>86.2</i>	<i>100</i>	<i>105.5</i>	<i>100</i>

Source: ILO Estimates 2000 / UNDP 2009



International Legal Standards on Forced Labour and Trafficking in Persons

International legal standards



- Forced Labour Convention, 1930 (No. 29)
Ratified by 177 out of 185 ILO member States
- Abolition of Forced Labour Convention, 1957 (No. 105)
Ratified by 174 out of 185 ILO member States
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (UNTOC Trafficking Protocol), 2000 167 State parties
- **2014 Protocol to the Forced Labour Convention, 1930 (No. 29) and Forced Labour Supplementary Measures Recommendation, 2014 (No. 204)**



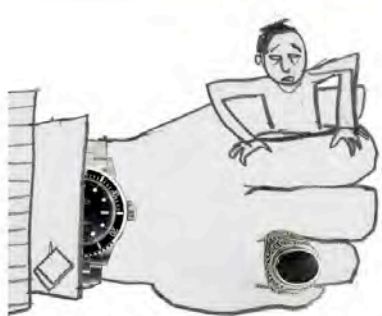
Ratifications in East and South-East Asia



	Forced Labour Convention No. 29	UNTOC Trafficking Protocol
Cambodia	1969	2007
China	-	2010
Indonesia	1950	2009
Republic of Korea	-	(signed 2000)
Lao PDR	1964	2003
Malaysia	1957	2009
Mongolia	2005	2008
Myanmar	1955	2004
Philippines	2005	2002
Singapore	1965	2015
Thailand	1969	2013
Viet Nam	2007	2012



Definition of forced labour



ILO Forced Labour Convention, 1930 (No. 29) defines forced labour as:

*All work or service exacted from any person under the **menace of penalty** for which the said person has **not** offered himself **voluntarily***



Unpacking the meaning of forced labour



All work or service

- All types of work, service and employment
- Regardless of industry, sector or occupation
- Encompassing **legal/formal** as well as **illegal/informal employment**

Menace of penalty

- Including **sanctions, threats, violence** etc.
- Loss of rights or privileges
- **Denunciation to authorities**, e.g. immigration authorities

Any person

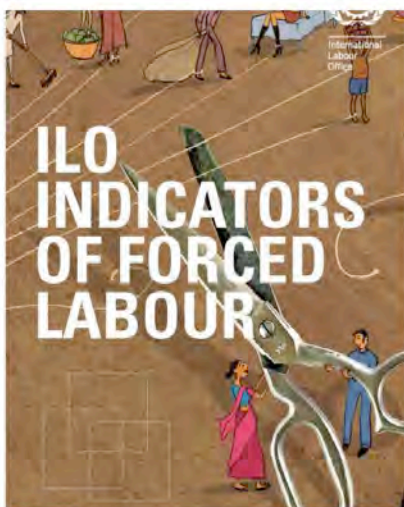
- Adults and children
- Regardless of nationality, **including irregular migrant workers**

Absence of voluntary offer

- Consent to **enter into employment**
- **Freedom to leave employment** at any time



ILO indicators of forced labour



Abuse of vulnerability

- Deception
- Restriction of movement
- Isolation
- Physical and sexual violence
- Intimidation and threats
- Retention of identity documents
- Withholding of wages
- Debt bondage
- Abusive working and living conditions
- Excessive overtime

Key questions:

Have the workers entered into employment **voluntarily**? Are they free to leave if they like?

Are **penalties** or **threats** used to keep workers from leaving?



Forced labour is different from sub-standard or exploitative working conditions. Various indicators can be used to ascertain when a situation amounts to forced labour...

Basic obligations under Forced Labour Convention No. 29



- The Forced Labour Convention No. 29 prohibits the use of forced or compulsory labour in all its forms.
- Obligations of member States which ratify Convention No. 29 include:
 - Suppression of the use of forced or compulsory labour in all its forms within the shortest possible period (Article 1 (1))
 - Making illegal exaction of forced or compulsory labour punishable by penal offence (Article 25)
 - Ensuring that the penalties imposed by law are really adequate and strictly enforced (Article 25)



Definition of trafficking in persons



Act:

- Recruitment
- Transportation
- Transfer
- Harboring
- Receipt of persons

Means:

- Threat or use of force
- Coercion
- Abduction
- Fraud
- Deception
- Abuse of power
- Giving or receiving of payments

Purpose:

- Exploitation, at a minimum,
- Prostitution
 - Other sexual exploitation
 - Forced labour.
 - Slavery
 - Practices similar to slavery
 - Servitude
 - Removal of organs



The notion of exploitation of labour in the definition of trafficking allows for a link to be established with concept of forced labour.

The “means” that comprise an element of the definition of trafficking exclude the voluntary offer or consent of the victim.

The relationship between forced labour and trafficking



Trafficking Protocol

- Trafficking for organ removal.

- Trafficking for forced labour, forced sex work, slavery, servitude.

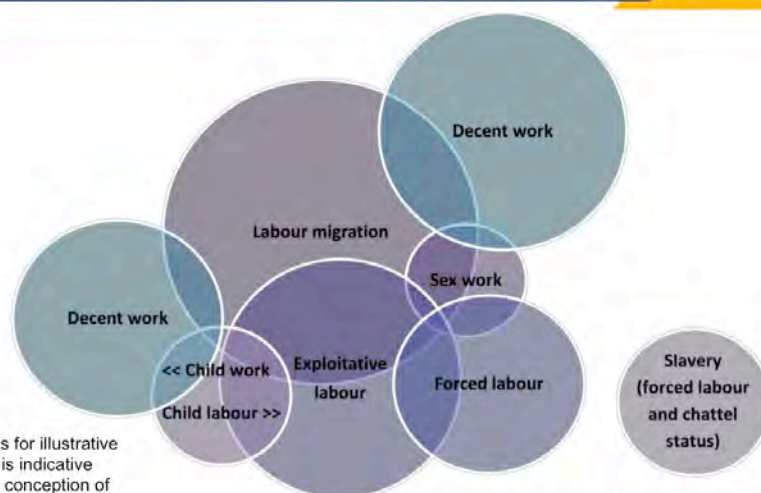
C.29 and P.29

- State - imposed forced labour.
- Forced labour, which did not involve trafficking.



- The **Protocol (2014) to the Forced Labour Convention** establishes an explicit link between forced labour and human trafficking: “The measures referred to in this Protocol shall include specific action against trafficking in persons for the purposes of forced or compulsory labour” (Article 1(3))
- **Since 2001**, the ILO Committee of Experts has examined the issue of trafficking in its comments under the Forced Labour Convention No. 29
- **Trafficking in children** is one of the worst forms of child labour prohibited under the ILO Worst Forms of Child Labour Convention No. 182

Labour migration, exploitation and trafficking

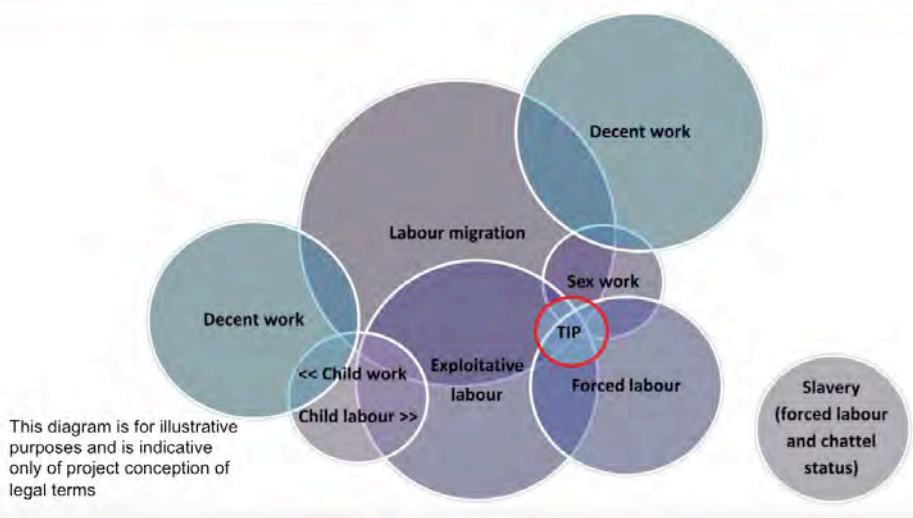


This diagram is for illustrative purposes and is indicative only of project conception of legal terms

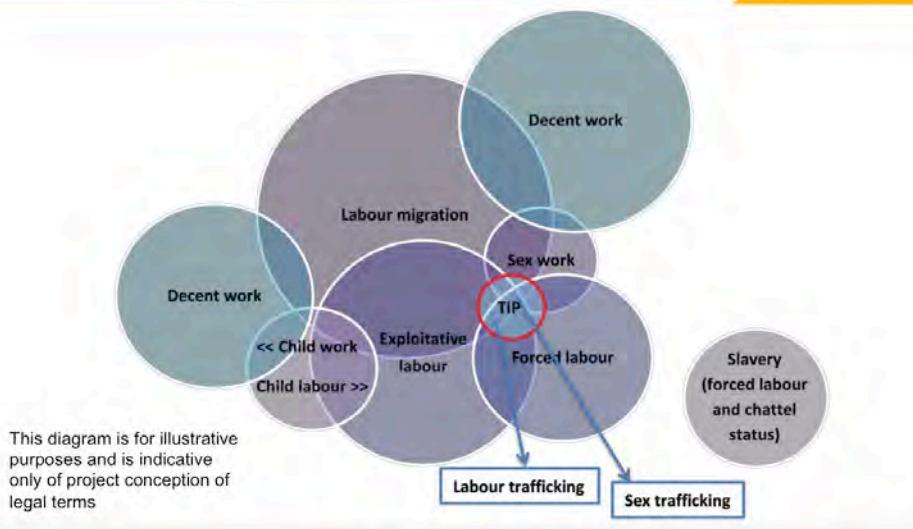
Undocumented/documentated workers...



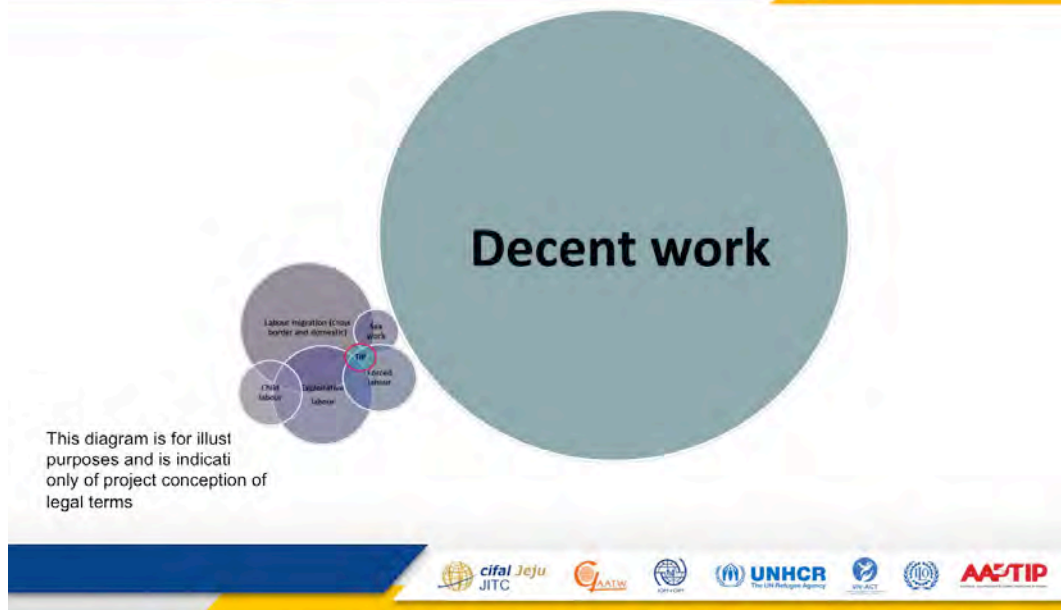
Where trafficking fits into the picture



Forms of trafficking



These forms of exploitative labour constitute around 20% of all forms of labour...



Why Do We Need New Standard on Forced Labour and Human Trafficking? What Is the Added Value of the 2014 Protocol and Recommendation?

- The new instruments supplement Forced Labour Convention No. 29 by providing more detailed standards and guidance on **how to prevent and address forced labour**
- The **Protocol of 2014 to the Forced Labour Convention and the Forced Labour (Supplementary Measures) Recommendation** aim to:
 - Promote coherence in international action to combat forced labour, slavery and trafficking in persons
 - Better respond to the challenge of **contemporary forms of forced labour**, which are mostly in the private economy and often linked to migration
 - Provide guidance on **prevention, protection, compensation and other remedies**



Basic obligations under the Protocol



Each ratifying member State shall take effective measures to:

- **Prevent** and eliminate the use of forced labour
 - Provide **protection** and access to appropriate and effective **remedies, such as compensation**, to victims
 - **Sanction** the perpetrators of forced labour
- ❖ The measures shall include specific action against **trafficking in persons for the purposes of forced labour**
 - ❖ Each member shall develop a **national policy and plan of action** for the effective and sustained suppression of forced labour, which shall involve **systematic action**
 - ❖ Shall be developed in consultation with **employers' and workers' organizations** and, as appropriate, implemented in coordination with them



watch the Video :

Lured by a job, trapped in forced labour on

http://www.ilo.org/global/about-the-ilo/mul1media/video/public-service-announcements/WCMS_235344/lang--en/index.htm

What is new in the 2014 Protocol and Recommendation?



- They approach forced labour and trafficking in persons as a **labour market issue**, not only a criminal justice issue
- They address **structural/systematic factors that make workers vulnerable to forced labour**, instead of only focusing on identification of individual cases and prosecution of perpetrators
- They promote **broad partnerships** involving labour market institutions, employers' and workers' organizations, and other groups
- They recognize the responsibility of the **private sector** in preventing and responding to risks of forced labour
- They provide specific protection to **migrant workers**
- They establish an explicit linkage between the concepts of forced labour and **trafficking in persons**



Continuum of exploitation



Need to better integrate labour and criminal justice to capture the continuum of exploitation!



Prevention in the Protocol



Article II: The measures to be taken for the **prevention** of forced or compulsory labour shall include

- a) Educating and informing people
- b) Educating and informing employers
- c) Undertaking efforts to ensure that:
 - i. The coverage and enforcement of legislation relevant to the prevention of forced or contemporary labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and
 - ii. Labour inspection services and other services responsible for the implementation of this legislation are strengthened
- d) Protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process
- e) Supporting due diligence by both the public and private sectors to prevent and respond to forced or compulsory labour; and
- f) Addressing the root causes and factors that heighten the risks of forced or compulsory labour



How to implement? Protection in the Recommendation



- Respecting, promoting and realizing FRPW
- Anti-discrimination programmes
- Awareness raising campaigns, including campaigns on sanctions for violations
- Education and skills-training programmes
- Promoting the right to freedom of association and collective bargaining
- Steps to ensure that national laws and regulations concerning the employment relationship cover all sectors of the economy and that terms and conditions of work are specified in a language understood by the worker
- Basic social security guarantees
- Pre-departure orientation training for migrants
- Coherent employment and labour migration policies
- Cooperation with other countries to guarantee migration in acceptable conditions and to prevent trafficking in persons
- Guidance and support to employers and businesses to take effective measures to identify and prevent the risks of forced labour



Protection in the Protocol



Article 3

Each Member shall take effective measures for the **identification, release, protection, recovery and rehabilitation** of all forms of forced or compulsory labour, as well as the provision of other forms of assistance and support

Article 4(2)

Each Member shall, in accordance with the basic principles of its legal system, take the necessary measures to ensure that the competent authorities are entitled **not to prosecute or impose penalties on victims** of forced or compulsory labour for their involvement in unlawful activities which they may have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour



How to implement? Protection in the Recommendation



Article 5-11

- Targeted efforts to identify and release victims
- Recognize the role and capacities of workers' organizations to support and assist victims
- Victims should not be held liable for offences they have been compelled to commit as a direct consequence of being subjected to forced labour
- Measures to eliminate abuses and fraudulent practices by recruitment and placement services
- Immediate assistance and long term recovery and rehabilitation measure for the protection and safety of victims as well as of family members and witnesses, adequate and appropriate housing, health care, maternal assistance, protection of privacy and identity, social and economic assistance. These measures should not be made conditional on the victims' willingness to cooperate in criminal or other proceedings
- Protective measures for **children** and **migrants**, including provision of a reflection and recovery period, of temporary or permanent residence permits and access to the labour market, as appropriate, and facilitation of safe and preferably voluntary repatriation



Remedies in the Protocol



Article 4(1)


Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation.

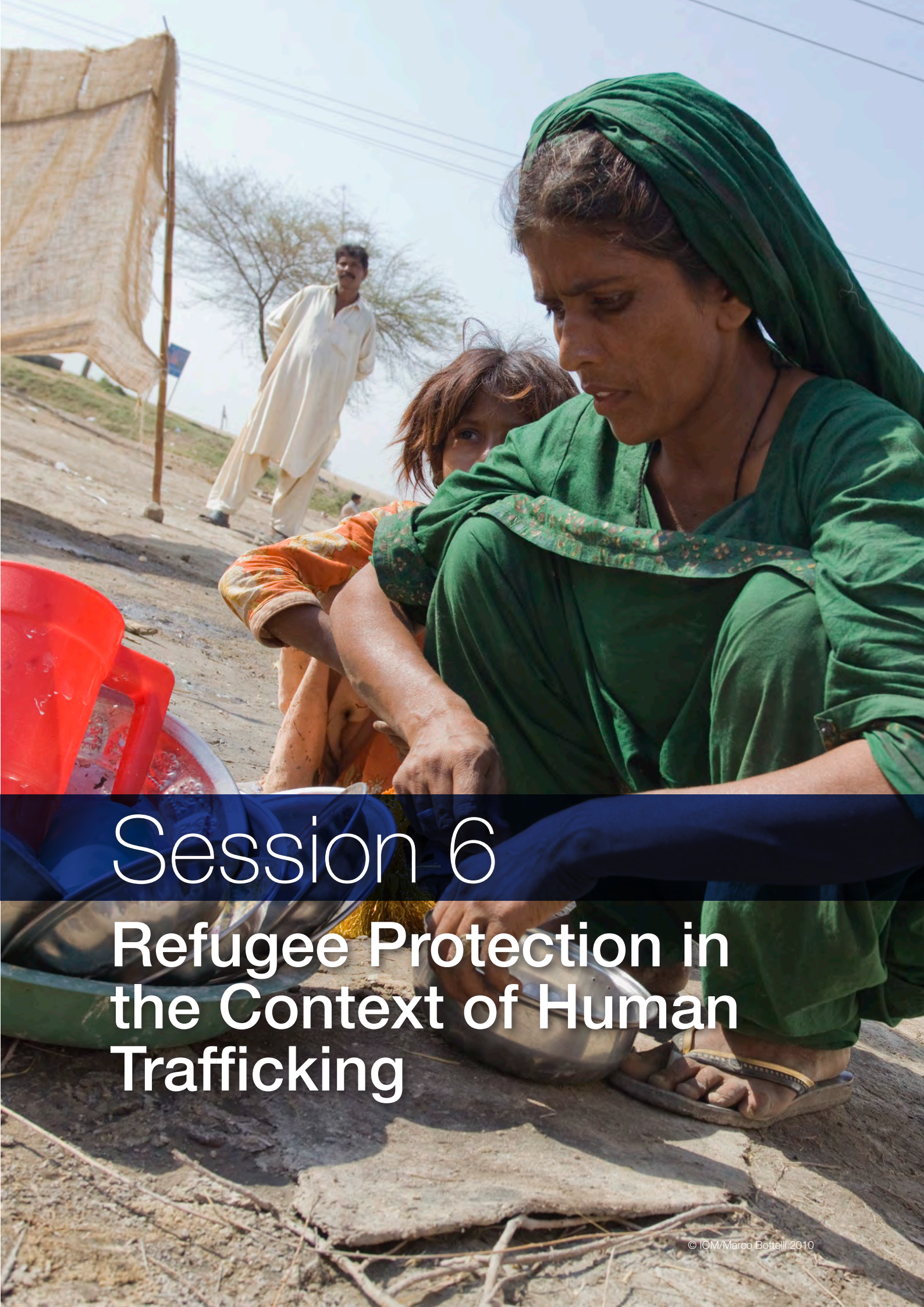
Article 12

Effective access to appropriate remedies, including by:

- Ensuring that all victims (**nationals and non-nationals**) can pursue **administrative, civil and legal remedies**
- Allowing representatives of victims to pursue remedies on the victims' behalf
- Ensuring the victims' right to obtain compensation and damages from perpetrators
- Ensuring access to existing compensation schemes or establishing victims' funds
- Providing information and advice regarding victims' legal rights and the services available



For more information **Anna Olsen**, technical specialist, International Labour Organization
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Session 6

Refugee Protection in the Context of Human Trafficking

Session 6:

Overview

This session provides an overview of the nexuses between refugees and victims of trafficking. It examines applicable legal protection for victims of trafficking who might be also asylum seekers, refugees and stateless persons. Further, it discusses conditions that can drive refugees into trafficking-like situations. The session goes on to explain the challenges in identifying victims of trafficking who are also refugees, and provides considerations in assisting persons in need.

UNHCR

- *Established by the UNGA Resolution in 1950*
- *International, humanitarian and non-political UN agency*
- *More than 9,300 staff in 123 countries*
- *Current UN High Commissioner, Mr. Filippo Grandi.*

Based on the 1950 Statute of UNHCR:

- *Provide international protection to refugees, and*
- *Seek permanent solutions to their problems*
- *Lead international action to address statelessness*

Legal Framework

- 1948 Universal Declaration of Human Rights (Article 14 - Everyone has the right to seek and enjoy in other countries asylum from persecution)
- 1951 Convention relating to the Status of Refugees (1951 Convention) and 1967 Protocol
- International Human Rights Law and Humanitarian Law
- The 1951 Convention and 1967 Protocol
 - The cornerstone of international refugee law
 - Provides definition of the term “refugee”
 - Embodies the principle of non-refoulement
 - Lays out rights and obligations of asylum-seekers and refugees
 - Provides a framework for cooperation between State Parties and UNHCR

UNHCR's objectives re. combating human trafficking



- Prevent UNHCR's PoCs from becoming VoTs
- Ensure that individuals
 - who have been trafficked and who fear being subjected to persecution upon return or who fear being trafficked, and
 - whose claims fall within the refugee definition are recognized and afforded protection
- Ensure that VoTs are able to establish their identity documents and nationality status to prevent them from being rendered stateless, and to protect stateless VoTs



Persons of Concern to UNHCR



- Refugees
- Asylum-seekers
- Internally Displaced Persons (IDPs)
- Returnees (Refugees and IDPs)
- Stateless persons



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UNHCR's activities to combat trafficking



- Advocacy (e.g. for prevention of refoulement, asylum-sensitive legislation, entry and referral systems)
- Awareness-raising (e.g. information to PoCs about risks of human trafficking)
- Monitoring, incl. at border and in detention (e.g. to identify VoT or PoCs at risk)
- Capacity building, incl. on identification of VoTs and refugee status determination
- Resettlement



Refugee Definition in 1951 Convention



According to Article 1A(2), 1951 Convention, a refugee is a person who:

- has a well-founded fear of persecution
- on grounds of race, religion, nationality, political opinion or membership of particular social group
- is outside his/her country of nationality or habitual residence
- is unable, or owing to such fear, unwilling to avail him-/herself of state protection and to return.



Elements of the Definition

- Persecution:**
serious human rights violations, other serious forms of harm or intolerant predicament
- Well-founded fear:**
reasonable possibility that asylum-seekers would face harm, if they return
- “For Reasons of”:**
race, religion, nationality, political opinion or membership of particular social group.

What is Persecution?



- Serious human rights violations, e.g. right to life, liberty, integrity, freedom of movement
- Trafficking (often repeated, prolonged, protracted, from recruitment to exploitation), e.g.:
 - Abduction, forced labour, removal of organs
 - Sexual-and-Gender-Based (SGBV) Violence
 - Forced child labour
 - Punishment, reprisals, threats
 - On-going trauma render return intolerable
 - Multiple discrimination, punishment, ostracism, exclusion by government, family or community



Who is persecuting?



Agents of Persecution are:

- state actors, e.g. security forces, law enforcement officials
- non-state actor, e.g. rebels, private organisations, and state is unable or unwilling to provide effective protection
- If non-state actor, then must demonstrate that home government is unwilling or unable to protect



Why are they persecuting? – the Convention Grounds



- Race: distinctive ethnic group
- Nationality: citizenship, common cultural and linguistic identity (can overlap with race)
- Religion: any system or belief. Right to or not to have, practice, change, teach, etc. a religion
- Political opinion: any opinion concerning matters engaging the machinery of the State, right to or not to have a political opinion, right to conduct political activities
- Membership of a particular social group: innate, unchangeable or fundamental to identity, conscience or exercise of one's human rights



Specific Considerations for Victims of Trafficking



- The fear of persecution may arise *after* the victim left their country of origin (*sur place* refugee claim)
- Agents of persecution: As governments are responsible for protecting their citizens from human rights violation, persecution involves the *government* failing to protect it's citizens. Trafficking victims often fear criminal networks or family/community member. Therefore they may need to establish that their government cannot protect them, even if the government is not the persecuting agent.
- Victims of trafficking may continue to be unsafe even in the country of asylum, in which case third country resettlement may be appropriate.



Key Questions (for refugee status determination)

Is the VoT at risk of persecution?

Is the VoT's fear of persecution related to one of the five Convention grounds?

Who is the agent of persecution – government or non-government actor?

If non-state actor, is the government able to protect?

Who does refugee status determination?



Depending on the country, either:

- Governments
- In case the government does not do RSD, UNHCR may perform this function. However, in such cases, the government may not fully recognise or endorse UNHCR's granting of refugee status.



Refugees Rights under the 1951 Convention



- **Non-refoulement** (Article 33)
 - No penalty for illegal entry (Article 31)
 - Non-discrimination (Article 3)
 - Documentation (Article 27, Article 28)
 - Access to naturalization (Article 34)
 - Equal treatment to nationals in certain circumstances
 - Equal treatment to other foreigners in certain circumstances



Non-refoulement, Article 33

The most important right detailed in the 1951 Convention is the right to be protected against forcible return:

“No contracting state shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

No penalty for illegal entry, Article 31

People who are fleeing persecution or violence in their country often have difficulties or no time to obtain a valid travel document and visa

Asylum-seekers must not be punished based on their illegal entry or irregular stay if they:

- arrive directly from the country where they fear persecution or countries where they risk refoulement;
- present themselves without delay to the authorities;
- have valid reasons for not having documents.

Right to documentation, Articles 27, 28

Every country must provide refugees with:

- Identity documents
- Travel documents
- Civil registry documents (birth, marriage, death certificates)

Asylum-seeker



- Person outside his/her country of origin seeking international protection
- Claim for refugee status has not yet been finally decided
- Not every asylum-seeker will be recognized as a refugee
- Victims of trafficking may not know about refugee law or asylum procedures so it is important to be proactive to identify possible asylum needs



Right to access to Asylum procedures



Right to

- contact UNHCR or other organizations
- access information about asylum procedures
- to be referred to UNHCR and/or government agency dealing with asylum procedures
- to legal counseling/representation

→ VoT not found to be refugees may still qualify for other forms of protection (principle of *non-refoulement*) and be given special residence permits on humanitarian grounds



Challenges for identification



- Identifying VoT within pools of mixed (irregular) migrants of different profiles, motivations and needs, who elicit different protection responses
- Reluctance of VoTs to seek asylum or other protection through official channels
 - for fear of retaliation by traffickers
 - State agents might be associated with harm or a source of further harm
- Lack of harmonized approach and coordination among agencies, incl. government, in deciding who is VoT and which agency is responsible for protection
- General lack of understanding of trafficking



Refugee status not related to counter-trafficking legal action



- Willingness or unwillingness to provide evidence in any legal/criminal action against traffickers.
- Refugee status is not a reward for providing evidence or witness testimony against traffickers – these things should be separate.
- Nor should victims of trafficking who refuse to testify be "punished" for being unwilling to testify.
- Victims of trafficking who testify in legal proceedings may have a fear of persecution because of that testimony.



VoT as Refugees

Please also see UNHCR Guidelines on International Protection No. 7: The Application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking and Persons At Risk of Being Trafficked (www.refworld.org)

Stateless Persons



Stateless persons are persons, who

are not considered to be a national by any state under the operation of its law

- **Reasons for statelessness**

Conflicts in nationality laws, lack of birth registration, gaps in protections to ensure that children acquire a nationality, discrimination, problems in the administration of nationality laws, change of borders/state succession, loss or deprivation of nationality



VoT as stateless persons



- VoTs can be stateless, if they have no identity documents (e.g. passport), because a trafficker confiscated them and the authorities of State of origin refuse or fail to supply documentation to enable them to return
- Child VoTs may be stateless "foundlings," if they have no documentation to show a link to a state and their parents cannot be traced

→ Stateless persons can be identified through statelessness determination procedures. However, not all countries have such procedures.



For more information **United Nations High Commissioner for Refugees (UNHCR)**
Please Contact info@unhcr.org



Session 7

Assistance to Victims of Trafficking

Session 7:

Overview

This session aims to create a space for mutual learning on how we can make assistance services work towards the needs of trafficked persons and abused migrants, to reflect on how we provide assistance and for whom, to understand the need of a victim-centred approach in our assistance services and interventions. The presentation will examine the following topics:

- Whom to Assist & Why?
- Different Terminologies around Assistance - When does the assistance process begin and when does it end, ideally? What should the assistance process include?
- What are the gaps in the assistance process from the perspective of victims, assistance providers and the state?
- Principles and facts to keep in mind as we plan go to about our assistance programmes

GAATW

- Launched in 1994, to address the issue of human trafficking collectively
- Founded by women activists
- An Alliance of autonomous organisations working on trafficking and related issues
- GAATW has been one of the main voices advocating for the rights of trafficked and migrant women
- Uses a Human Rights based approach to address the issue of trafficking



Photo by GAATW-IS, Taken during a dance movement and art therapy workshop for victims of trafficking.

Whom to Assist & Why



Who

- a woman or a child or a man who has been "identified as trafficked" by the state authorities
- We are assuming, based on our own experience and that of others, that trafficked persons NEED some assistance, post-identification. Both in countries of destination and origin.



Trafficking may occur for a variety of purposes, including varying forms of physical labour, commercial sex work, domestic labor, etc. We should endeavor to take into account these differences so that our responses in the form of social assistance are appropriate, complete and sustainable given the situation.

We should remember that trafficked persons come from diverse backgrounds, ages, countries, ethnicities and cultures. They have experienced different kinds of abuse, have varied levels of resilience, and hence have varied needs. Therefore it is important all services provided to trafficked persons are recognized in these context. And that our responses must always ensure that the human rights of trafficked persons are respected.

Assistance post identification both in destination and origin.

ASSISTANCE MEANS



Assistance refers to a broad range of restorative actions aimed at supporting a trafficked person to regain her/his health, well-being and livelihood in both destination and origin countries.

Services include but not limited to: shelter, assessment services, medical aid, psycho-social/counseling support, economic/ financial, legal and immigration support including access to residence permits, justice and compensation, education (including vocational skills) and employment.



Scope of Assistance Work



- immediate/short-term, medium and long term
- social or psycho-social assistance and legal assistance
- raid, rescue, shelter and other immediate assistance at destination
- repatriation, shelter and other medium term assistance at origin
- reintegration/ integration

Ideally it should begin immediately after identification and end with social integration when the person has regained her/his control over life and can move on



The Global Imperative



The Universal Declaration on Human Rights :
" Right to Effective Remedy"

UN Trafficking Protocol, Article 6 and 7

"Each State Party shall ... provide for the physical, psychological and social recovery of victims of trafficking in persons... in particular the provision of appropriate housing, counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand; medical, psychological and material assistance; and employment, educational and training opportunities"

"Countries of Destination on permitting victims to stay in their territory"

And more, including the legislation of your countries!



Considerations

- Victims have a right to assistance – the NGOs or GOs, are not doing them a favour. We have a responsibility/a duty to provide the assistance.
- Assistance should be provided in an empowering, non-discriminatory, non-judgemental and non-conditional way respectful of human dignity, privacy and confidentiality, and the right of all persons to make decisions about their life.
- Respect for rights, privacy, confidentiality, self-determination
- Diversity of needs of trafficked persons
- "Do no harm" approach

Assistance Services at Different Stages of Migration

Assistance at sites of destination



- Safe shelter, medical care as needed, counseling, interviewing, family tracing, risk assessment, legal status
- Interviews must be done by trained social workers/officers. See that the person is not asked the same questions too many times although it may take several interviews to get most relevant details
(Ref. WHO Ethical and Safety Recommendation for Interview Trafficked Women)
- Be mindful that the victim may not want to get in touch with her/his family.
- Counsel but do not push for victim's participation in the legal process
- Each case is unique
- Always remember that the victim has a right to information. Not knowing about the process will only aggravate their trauma.
- "reflection period for victims" (*Council of Europe Convention on Action Against Trafficking in Human Beings, Article 13. Recovery and Reflection Period*)



Tips

Shelter is our entry point and key intervention in assisting victims. It is important to note to consider a safe and trustworthy atmosphere. Service may see it as safe but women may understand it as confinement.

Family tracing and risk assessment should be done by participatory process. The trafficked person should be well aware of the process, including any consequences and solutions.

Reflection period allows victims to think about their life and plan for the future.

NOT only must we give them assistance, we also need to give them some knowledge and awareness about their rights and opportunities for employment/livelihood



Repatriation



Safe return, transport arrangement, documentation

- ❑ Make sure that it is not “deportation” – remember that many may not want to return home
- ❑ Maintain confidentiality in passing on records
- ❑ Ensure that they will receive care support upon return (e.g. psychological care) and other services
- ❑ The need for effective referral and follow up system from both origin and destination country (e.g. National Referral Mechanism)



Tips

Upon return remember: Collaborate with authorities to ensure security at home; The need for continuation of support and protection (including witness protection programmes)

National Referral Mechanism



- Is a cooperative framework through which state actors fulfill their obligations to protect and promote the human rights of trafficked persons, in coordinating their strategic partnership with the civil society
- Role: they can help improve national policy and procedures on a broad range of victim related issues
- Usually high level official from GO coordinates this effort
- Ensures continuation of assistance and protection services in countries of destination and origin

(OSCE Handbook on the National Referral Mechanism, 2004)



Assistance upon return to the home country



Shelter, continued support, vocational training as per aptitude, support in finding long term psychological care, support in finding employment/livelihood opportunities, support in building self-esteem

- Re-integration or social integration is a long term goal
- Be aware of victim's well-being (e.g. re-stigma) in the process
- Not all trafficked persons want to stay at a shelter
- "Not everyone wants to learn sewing or flower arrangement"
- Some of them may take another chance on migration
- Creating support groups among returnee migrants help in the process of recovery and healing (creating safe space)



Self-Empowerment Program for Migrant Women (Thailand)



Shakti Samuha (Nepal)

Group Exercise

What kind of services does your organisation/governmental body provide?

What are the dilemmas and challenges that you face to meet the needs of trafficked persons?

For Reflection



- **Centring the Rights of Trafficked Persons and Abused Migrants** regardless of their immigrant status
- Assistance is a tailor made work, **not one size fit for all**
- The importance of having a **reflection period** for trafficked person to realize their strength and for them to make well thought decisions for themselves
- Sometimes our own private notions of morality may impact how we execute our actions (stigma, protectionist approach)
- Caring for the care givers
- **Linkage between assistance and justice system** (both to reclaim their rights and persecution of the criminal) is crucial
- Effective assistance can make trafficked persons become **change agents**



ADDITIONAL REFERENCE MATERIALS

These briefing papers highlight the main findings of what people who have been trafficked say about 3 important themes:

- Unmet Needs: Emotional support and care after trafficking
- Rebuilding Lives: The need for sustainable livelihoods after trafficking
- Seeking Feedback from Trafficked Persons on Assistance Services: Principles and ethics



Ask the Experts: A photo story of trafficked and returnee migrant women from Thailand

For more information **Global Alliance Against Traffic in Women**
Please Contact gaatw@gaatw.org

A close-up portrait of a woman with a red bindi on her forehead and a purple shawl with floral patterns. She is holding a small white card with a large black question mark on it. The background is a plain, light-colored wall.

Session 8

Effective Prosecution of Trafficking in Persons Applying a Victim- Centered Approach

Session 8:

Overview

This session considers how trafficking affects victims, why many victims choose to not cooperate with the authorities and the challenges faced by the criminal justice system. It also seeks to explain the nature of exploitation involved in trafficking as understanding of this aspect is often key to a successful prosecution.

The presentation then focuses to examine the role of first responders in providing protection to victims, including the post-trial phase. The presentation includes a case study for practical application of the discussed concerns, and recommendations to effectively prosecute trafficking crime while applying a victim-centered approach.

Victims' Needs

Recruitment



Partially deceptive:

- victims may be aware that they are to be employed in a given country or activity, but
- are not given full information about the exact conditions

Fully deceptive:

- victims are lured by promises and
- fully deceived (as to the country, industry, salary, etc.)

Forcible:

- victims are kidnapped, raped, drugged, etc., and forcibly taken



Consent



- No matter how the victim was recruited (i.e., fully or partially deceived) and
- No matter if they initially agreed to the work and to the conditions

If the person was trafficked, their consent at any stage of the process is irrelevant



How traffickers control their victims

The use of coercion is a hallmark of trafficking as some level of threat or force is needed to secure a compliant work force so that profits can be generated day after day, month after month, and even year after year. In this context, the following points are relevant:

- In using coercion, the traffickers' purpose is not to disable the victim. To do so would only interfere with the victim's ability to work and make money for the trafficker. The degree and amount of violence used is designed to gain compliance without interfering with productivity.
- To gain compliance of the victims, some traffickers will create a climate of fear in the workplace; that is, establish an overriding sense of danger such that the victims are afraid to disobey or escape. This can be done by beating one person in front of the others; by brandishing weapons; by using verbal threats; by withholding food; by restraining victims for periods of time; by forcing victims to have abortions in brothel cases; by creating mistrust of the police by suggesting that the police will imprison, mistreat or return any victim who goes to them for help; by inducing fear of the local population making victims believe that the locals hate foreigners and will beat or kill any escapee. Traffickers may use any or all of these techniques in an effort to manipulate and control their victims.
- Traffickers will not always use illegal or violent means to gain compliance of their victims. As noted further below, victims will sometimes be lured into staying with the promise of future payment or the discharge of a (often unfair) debt. Sometimes exploiters will reward the victims by allowing them a supervised day off, or by giving them extra food, or small amounts of money. In domestic service cases, the victim may even be allowed to accompany the family on vacation trips. In brothel cases, the exploiter may pretend to care about the victim and treat him/her with affection from time to time.
- Victims may not be paid any wages for the work or service that they provide or may only receive a reduced sum that represents a fraction of the value of the work that they produce. The trafficker may, however, promise that payments are being deposited in a special account on behalf of the victim, or that the victim will receive full payment upon completion of the terms of "employment." The hope of eventual compensation can be an effective way to maintain control over victims and dissuade them from running away.
- Victims trapped in a situation of debt bondage will receive no payment until the sum of the bond—and the victims may not know the exact figure—has been paid to the traffickers. Traffickers may play upon the good will and honesty of victims by trying to persuade them that they are morally obliged to honour the debt and that running away before the debt is satisfied violates a legal and moral obligation that will result in prosecution and dishonour.
- Not all victims are physically prevented from escaping from their situation and may remain in exploitative situations, even when it appears to an outsider that they could leave at any time. This can be difficult to understand. However, it is important to examine and consider the finer details of a victim's situation. For example, if threats have been made against a person's family back home; if they are under a debt bondage arrangement or are being promised future payment; or if their child is being held as "collateral" against a debt, there will likely be no real need to "lock them up" to get them to stay in the exploitative situation.

Typical Control Mechanisms Include the Following:

Debt bondage

In debt bondage situations, the victim is required to repay an illegal, fictitious or exploitative “debt” by continuing to work for the trafficker. Debt bondage is a very effective control mechanism because it maintains a vision that the situation will change for the better in the future. In actual fact, victims often find that the debt is much greater than they were led to believe. The debt might even increase as fees for accommodation, food and interest accumulate.

Isolation - Removal of identification and or travel documents

In cases involving transportation that utilises identity and or travel documents, traffickers may confiscate these documents, usually immediately after arrival in the final destination country. This robs the victims of their official identity, confirms their illegal entry status and makes it very difficult for them to seek help or to escape to another country or destination without risk of detention and or punishment.

Fear of the authorities

Many trafficked persons are afraid of the police and other authority figures, such as immigration officials—sometimes with good reason. Traffickers reinforce this perception by telling the victim either that she or he is free to leave and go to the police if they wish, but that the outcome will be immediate detention and deportation, and that reprisals will be inflicted as a consequence. Alternatively, the trafficker may tell the victim that there is no point in seeking police assistance because they are corrupted and in the pay of the traffickers. This fear of the police or other forms of authority, often combined with the lack of documentation, is exploited by traffickers in order to prevent victims escaping and/or going to the police.

Linguistic and social isolation

As a further measure of reinforcing control through isolation, victims will often be kept in conditions where they are deliberately prevented from being able to communicate in their first language or have any form of social contact with persons from similar backgrounds (other than other trafficked victims). Traffickers may also lead their victims to believe that the local population is violent and will not hesitate to rob, beat and kill a foreigner in their midst. All of these techniques have the same goal - to deny victims access to sources of assistance.



Stigmatisation and shame

This control mechanism can be seen most clearly in cases of sexual exploitation. However, it can also be used in any case involving the deception of the victim, as most individuals are reluctant to acknowledge that they have been deceived by the trafficker. In sexual exploitation cases, the element of stigma and shame is a powerful mechanism of control as the victims are often fearful of having their prostitution activities disclosed to family members, friends or the public. Traffickers may use the threat of such revelations as an additional measure of control.

Use and fear of violence

Traffickers can use violence and the threat of violence as an effective means of control. Case histories show that victims may be beaten and sexually assaulted, confined, kept in isolation for long periods, deprived of adequate nourishment, drugged and/or tortured in order to maintain obedience. These abuses may be inflicted as punishment for some form of disobedience or may be designed to serve as a warning to the victims to ensure that they are fully aware of what the consequences of transgression will be.

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Addiction

Traffickers will sometimes coerce victims into compliance by inducing their dependency on narcotics and other drugs (which they will supply).

The use and threat of reprisals against the families of the victims

The most effective and problematic threat, and the one that makes the investigation of trafficking crime uniquely difficult, is the threat of violent reprisals against the loved ones of the victim back in the country of origin. In many cases, the traffickers will either already know the family background or will ensure that they know a range of details of the victim's family circumstances. It may simply be the favourite nickname or address of a close family member or the address of another loved one. The trafficker does not actually need to possess a great deal of detail because it is the threat and the perception in the mind of the victim that ensures control. The crucial problem for the victim is that she or he simply cannot afford to take risks with the safety of their loved ones.

Trauma



- By the time service providers, investigators, prosecutors and judges make contact with victims of trafficking, they have been exposed to physical and/or mental abuse over significant periods of time
- The psychological burden may prevent victims from moving beyond the trafficking experience, may put them at risk of re-trafficking or other forms of abuse, and may affect the way they behave



Common Health Consequences



Psychological Impact:

depression, anxiety, anger, hostility, withdrawal, memory loss (especially important in the case of victim-witnesses)

Physical Impact:

sexually transmitted infections, abdominal pain, back pain, dental problems, substance dependency, pregnancy

These can affect the victim's willingness or availability to testify



Trauma-informed care



- There is no simple “right way” to approach all trafficked persons
- Recognize the impact of traumatic experiences on an individual's life and behaviour, on their perceptions of themselves
- Make victims central to the decision-making process at all stages of the encounter to prevent re-traumatizing individuals who have been trafficked



Why more trafficked victims do not escape

In addition to discussed control mechanism they are alone in a strange location and or a foreign country; isolated from contact with other compatriots; unable to communicate in their first language; denied possession of identity and travel documents; denied contact with family; disorientated by constant movement and re-location; subject to repeated physical and sexual abuse; denied access to police assistance through fear of the consequences; required to engage in physically dangerous and exploitative work on a daily basis for very long hours; all of which is likely to be endured while having to exist under a regime of threats or reprisals against themselves and or their families if they seeks to escape.

Cooperating with the authorities



Three Types of Victims:

- The victim that will not co-operate with police at all
- The victim that will provide intelligence but not give evidence or testimony
- The fully co-operative victim who wishes to testify against her trafficker



Consequences of Testifying



Pros:

- Trafficker punished
- Owed wages/compensation
- Legalized status
- Prevention



Barriers to Testifying



Why are many victims not interested in cooperating with the authorities?

- Victims' **trauma** or medical problems
- Victims' **beliefs**: they are not victims, are responsible, are unlucky, need to protect the recruiters
- Victims' **fear** (of traffickers, of authorities, of stigma, of humiliation, of losing the case, of being blamed, of not being believed, of being re-traumatized, of being detained)
- Victims' **economic motivations** (i.e. need jobs, can't afford to take time off to attend court hearings, can't afford to travel, can't afford to spend a long time in shelters, etc.)
- Language, literacy and cultural barriers

Victims are often **involuntary participants** in the CJS



Role of first responders



- Victims of trafficking should be identified as victims of crime;
- They should not be treated as criminals;
- Immediate support (remove from the situation, provide information about their rights and the system) as soon as there is a reasonable-grounds indication that he/she might have been trafficked *and* irrespective of his/her willingness to cooperate in investigation, prosecution, or act as a witness
- They should not be treated only as a source of evidence or testimony
- Assistance in going through the CJS, filling-out forms, attend interviews, provide transportation
- Assistance in accessing shelter, health care, child care, social services, counseling, education and employment
- Legal advice (incl. about criminal, civil and labour court remedies), protection for them and their families
- Assistance with compensation claims
- Equip the victim with skills to assist them in their reintegration
- Keep records of encounter/discussions (confidential)
- Only share the info that the victim agrees to
- Allow support in the form of a friend / family



Victim Identification Indicators

- The person was paid nothing/less than what they expected or were promised.
- The person's expected or promised payment / ability to access money has been withheld or deducted.
- The person is in a job / situation different than he or she expected or was promised.
- The conditions of the job and / or living conditions are different to those expected or promised.
- The person has been made to feel scared or unsafe at the workplace.
- The person has been tricked or forced to do something they did not want to do.
- The person has been pressured to have sexual contact with someone.
- The person / the person's family owes money or other benefits to their employer or others who helped them to get a job.
- The person, or others in the workplace, has been harmed, or threatened with harm.
- The person has been made to feel that they can't leave their workplace or the place where they live.
- The person is not in possession of their identification papers.
- The person has been prevented from contacting anyone outside their place of work or situation.

Post-trial



- Post-trial safety and security needs of victims of trafficking (and those of their families where applicable) need to be assessed and responded to appropriately.
- The necessary referrals should be made to ensure that other post-trial needs of victims of trafficking, such as those relating to medical and other care, are being met.



Case Study:*Effective prosecution of TIP applying a victim-centered approach Case Study***Victim :**

I come from a small village in the northern part of country C. I have two brothers and two sisters. I take care of my family.

Two weeks ago, I lost my job. I had to find something else to do quickly or my family would not have enough food to eat.

I met two people who owned a company together and who were looking to hire good people, with good moral values to come and work for them in their family business 20 km away. In exchange, I would get a decent salary-enough to support my family, my own room and food. I would get one day off a week. They offered me work. I took the job.


The next day, I voluntarily left with them to begin my new job. I shared an old dirty shed with a tin roof with another person.

Every day we were picked up by a van at 7am and then knocked on people's doors asking if they wanted any work done around the house and garden. We were picked-up at 9pm: if we didn't get back in time, we'd get beaten or raped. I was given one meal a day. I was beaten several times by the perpetrator. I was sexually assaulted by one of the perpetrator's sons.

We worked 6 days a week unpaid. Someone tried to escape, but was beaten. I tried anyways and managed to run away. Here I am now, asking for help.

Answer the following questions:

1. Do you think the victim is a male or female?
2. If you think the victim is male, why?
3. If you think the victim is female, why?
4. What types of support and assistance you think the victim will need if they don't want to cooperate with the authorities?
5. What types of support and assistance you think the victim will need if they do decide to talk to the police?
6. How would you ensure they the needed support and assistance will be provided?

For more information **Australia-Asia Program to Combat Trafficking in Persons (AAPTIP)**
Please Contact  info@aaptip.org



Session 9

Cooperation between Local Authorities and NGOs / Social Service Providers

Session 9:

Overview

This presentation seeks to map out the importance of, benefits of, and potential limitations to cooperation between various stakeholders in counter-trafficking. It takes a best practice example of multi-stakeholder cooperation, which was implemented in Nepal for economic rehabilitation of female survivors of human trafficking to highlight success factors and challenges of cooperation. The presentation then proceeds to the group discussion where the participants are given different scenarios. The scenarios contain particular challenges and the audience is encouraged to share concrete measures to address the challenges and to ensure effective cooperation.

This session will cover:

- Importance of, benefits of and potential limitations to cooperation in counter-trafficking;
- Best Practice: multi-stakeholder cooperation
- Group Discussion: Identifying ways of enhanced cooperation



Importance of, benefits of, and potential limitations to cooperation

Cooperate with Whom?



Key Stakeholders involved in a Comprehensive Counter-Trafficking Response



No one organization or agency has the **CAPACITY** to respond to trafficking in persons **ALONE**

Examples of Cooperation Framework



Domestic:

- National referral mechanism
 - Inter-agency counter-trafficking committee
 - Government- NGO partnership
 - Multidisciplinary team
- NGO network
- Public-private partnership

Bilateral/ Multilateral:

- Bilateral taskforce
- Cross-border Case Management Meetings
- Regional initiatives



Benefits of Cooperation



- Maximize human and financial resources
- Increase efficiency levels; reduce overlap; promote specialization based on strengths
- Identify and respond to gaps
- Foster accountability
- Determine common goals and strategies
- Establish uniform criteria for activities
- Achieve the desired impact
- Shared responsibility
- Improved procedures and structures



Possible Limitations to Cooperation



What can jeopardize cooperation to combat trafficking?

- The level of prominence of different actors
- Rivalries between institutions
- Mistrust
- Stereotypes
- Different priorities
- Rotation of personnel
- Different levels of institutional support for each actor's participation within the network
- Different levels of compliance with agreements



Background



Scope of Cooperation



Objective: Economic rehabilitation of female survivors of human trafficking (incl. at risk individuals) in Nepal

Stakeholders involved:

- Survivors
- Ministry of Women, Children and Social Welfare
- 7 NGOs
- 13 Corporate Houses
- IOM



Role of Each Stakeholder



Win-Win Situation for All

Government

- Chaired Steering Committee
- Policy Guidance
- Legal Support
- Infrastructure support

NGOs

- Selection of participants
- Psychosocial counseling
- Monitoring and Daily support for the survivors

Survivors

- Ownership
- Sustainable income
- Mitigate vulnerability

Corporate House

- Business skills trainings
- Job trainings and job placements
- Provision of business spaces
- Extension of franchise

IOM

- Project Management and Coordination
- Identification of Corporate Partners
- Capacity building / Trainings
- Financial support



Main Activities



- Implementation arrangements
 - Identification of partner NGOs
 - Identification of partner Corporate Houses
- Exposure visits to similar projects in India and Bangladesh
- Capacity building of NGO partners on Psychosocial Counseling
- Sensitization workshops for the Corporate Sector
- Enterprise setup/job placement and Management Support
- Enterprise Development Training for Survivors
- Process Documentation

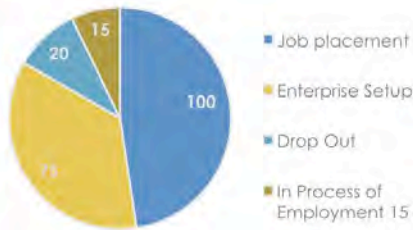


Results

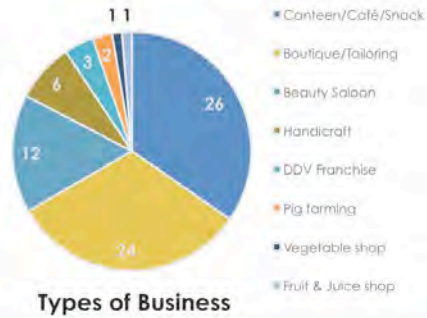


- 210 survivors (incl. at risk individuals) received economic rehabilitation trainings/ assistance, psychosocial counseling and daily support.
- 100 secured job placements in different companies while 75 established micro enterprises.

Overview



Results



Types of Business



Results



- MoU signed with the Chambers of Commerce, and 13 Corporate Houses provided job trainings and job placements
 - Over 50 survivors received job placements at Sherpa Adventure Gear Pvt. Ltd, following 3 months formal training by the company;
 - 13 survivors received OJT on cooking and customer service skills from Nanglo International Pvt. Ltd
 - ▶ Yeti Airlines and Norvic Nursing College offered spaces to open canteens for the survivors



Success Factors



- **Due analysis of needs of survivors**
- Government buy-in
- Access to the participants through partnership with NGOs
- **Focused on each actor's strengths and available resources**
- Involved prominent actors (Chambers of Commerce, prominent corporate houses etc)
- **Promoted the benefits of multi-stakeholder approach** through meetings, sensitization and trainings



Challenges



- Low level of awareness among the private sector at the beginning
 - ▶ a series of sensitization workshops
 - ▶ involvement of the Chambers of Commerce
 - ▶ adopted corporate-like business concepts
 - ▶ liaised with reputed corporate houses
- Frequent rotation of government counterparts
 - ▶ built ownership through regular steering committee meetings
 - ▶ consolidated their interests through exposure visits
 - ▶ constant follow-up and close coordination



Case Study:

Identifying ways of enhanced cooperation

Scenario: you are Counter-Trafficking focal point of your agency. Cooperation with other stakeholders is essential for the success of your work. You face a particular challenge while carrying out your work (see below).

What concrete measures would you take so as to address the limitation and ensure effective cooperation?

“Please take both the government and NGO’s perspectives into consideration when proposing the measures.”

- **Different priorities:** the police wants to interview a VOT immediately while you think the interview could further traumatize the victim;
- **Stereotypes:** the police officers believe that all trafficked women are prostitutes and they enter the process voluntarily;
- **Limited cooperation:** your planned trainings for labour inspectors are postponed frequently as the Labour Authority does not regard countering labour trafficking as their priority;
- **Rotation of personnel:** you chair inter-agency case conference, but the government members change frequently due to rotation and newly assigned officers have little understanding of human trafficking issues.

Conclusion

- All relevant actors have a specific role, mission, and vision—these can either complement each other or they can overlap
- No individual or organization is or should be on its own when working on human trafficking
- The struggle against human trafficking is the common objective
- Trafficking is complex and there is much to accomplish—cooperation among different actors is vital

For more information **International Organization for Migration**
Please Contact  info@iom.int



Session 10

Information Campaigns: A Checklist

Session 10:

Overview

This session discusses the role of mass media and the importance of information campaigns as an effective method to prevent trafficking in persons and raise awareness of the crime. The presentation provides a detailed overview of steps required to develop information campaigns based on the Bali Process handbook on: Addressing Irregular Migration through Effective Information Campaigns campaign. The session includes an extensive exercise that provides participants with an opportunity to create an awareness-raising initiative incorporating the core elements: research, audience, messaging, dissemination, monitoring and evaluation.

What is an information campaign?

UNODC Toolkit to combat Trafficking in persons:



"Awareness-raising campaigns should provide potential victims of trafficking with sufficient information about the risks of human trafficking, the possibilities for migrating legally in order to work and earning possibilities to enable them to make informed decisions about migration, to evaluate whether job offers are realistic and to seek help in the case of trafficking."

"Raising awareness about trafficking is necessary to empower people to avoid falling prey to traffickers. They contribute to raising awareness among potential victims regarding the risks of being caught in criminal networks and, with that increased awareness, they become less vulnerable."



Value of Information campaigns widely appreciated



the Recommended Principles and Guidelines of the Trafficking in Persons Protocol:

Guideline 7.5:

Developing information campaigns for the general public aimed at promoting awareness of the dangers associated with trafficking. Such campaigns should be informed by an understanding of the complexities surrounding trafficking and of the reasons why individuals may make potentially dangerous migration decisions



Information campaigns recognized as core pillar of prevention



Article 9 (Prevention of Trafficking in Persons) of the Trafficking in Persons Protocol: On Prevention policies, programmes and other measures:

2. States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.

4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.

5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.



Why awareness campaigns?



Lack of Awareness
=
Increased Vulnerability

~~Solves all migration problems~~



Awareness Campaigns Now



Migration and trafficking information campaigns are growing in size and scope



Albania, Romania

1991



Over 80 campaigns and communication activities Over 60 countries

2009



Potential Objectives:

- Raise Awareness of risks associated with trafficking in persons
- Influence the decision making of family members of potential migrants
- Empower migrants with information on how they can protect themselves
- Encourage people to report suspected incidents of trafficking
- Encourage consumers to consider products they buy that may involve trafficked labour
- Influence companies to eliminate exploitation and trafficking in supply lines

What is an information campaign?

STEP 1: Getting Started

I. Getting Started- Research



- An ideal campaign will have a strong basis in research and initial studies to inform how you will reach, address, and persuade your target audience.
- General information on media consumption/literacy/circulation of publications etc. are already likely available.
- Testing assumptions critical – many awareness campaigns don't demonstrate clear cause and effect/theory of change linking activities to intended impacts
- May end up supporting your initial goals or may result in a need to change them.
- Unfortunately many awareness campaigns ad hoc



Potential Research Steps



1. **Analyze the situation:** Overall domestic migration picture? Pull and push factors? Vulnerable Groups? Are the Alternative options?
2. **Identifying existing and potential partners:** Can you rely on their experience? How do you avoid duplicating this work? Can you bring partners into a campaign?
3. **Assessing resources:** What funding is available? Potential partners for funding? Is there the potential of pooling resources with partners?



I. Research:

Test audience's knowledge of:



Recruitment channels

-Costs related to migration
-Methods of safe migration



Support services available



Two critical questions need to be answered in any campaign:

What is the obstacle to people believing a risk?

Why may they not take preventative action?

Review of Step 1

You should:

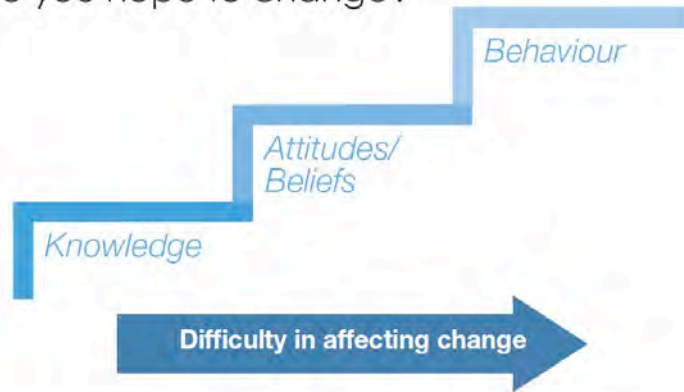
- Identify the problem you want to address
- Identify what campaigns and resources currently exist
- Identify how your campaign fits with others
- Identify what resources/staff are available
- Determine your budget and realistic goals

STEP 2: What are your Objectives?

Objective



What do you hope to change?



Objective



Potential Objectives:

- Raise Awareness of risks associated with trafficking in persons
- Influence the decision making of family members of potential migrants
- Empower migrants with information on how they can protect themselves
- Encourage people to report suspected incidents of trafficking
- Encourage consumers to consider products they buy that may involve trafficked labour
- Influence companies to eliminate exploitation and trafficking in supply lines



Understand the limitations of Information Campaigns

- Information campaigns must be part of wider, more holistic efforts
- Raising awareness does NOT mean you will change behavior



Review of Step 2

You should:

- Identify the issue or problem you want to address
- Decide your overall campaign objective (e.g. raising awareness, changing attitudes / beliefs or behaviour)
- Identify specific objectives that are realistic, achievable, measurable, and time bound
- Develop specific objectives that can measure your campaign's success
- Consider the resources required to accomplish your identified objectives

STEP 3: Who is your Audience?

Quick rules on audience



- Should not target multiple audiences
- Smaller/more specified the audience the better
- Size of audience reached does not mean successful campaign, to change perceptions and especially behavior is a long difficult process with ONGOING communication.



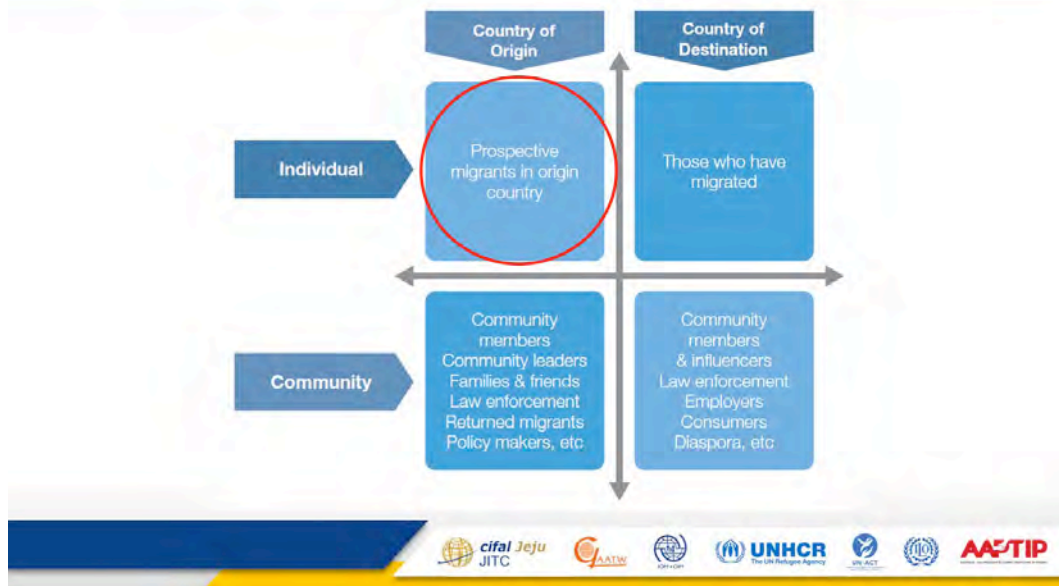
Audience



Prospective migrants	Migrants vulnerable to being trafficked or smuggled
Migrants in transit or destination countries	Migrants in transit countries may be a useful audience (but their ability to change their own behaviour may be limited) and migrants in destination countries are useful conduits of information to other audiences as well as potentially at risk of mistreatment.
Key influencers	Families/diaspora communities/opinion leaders/chiefs/elders/ religious leaders
Traffickers/ Smugglers	The traffickers and smugglers including employers and brokers
Policymakers/ Practitioners	People with power to influence or implement policies and practices at an international, national, or local level
Facilitators	People with a role in the irregular migration process (e.g. tuk tuk or motorcycle drivers/bus operators/fisherman/border officials who may be co-opted into the process of smuggling/trafficking)
Consumers	Individuals or businesses that purchase products produced by trafficked persons or benefit indirectly from smuggling



People in countries of origin are not the only possible targets



Audience Breakdown

Audience	Why are we targeting them	Possible Characteristics	How are they motivated?	Possible barriers to behaviour change	Strategies (how can we reach them)
Young women (13-18) in School in XX area	Research shows high risk of trafficking and low awareness of risks	Transitioning to work force, limited knowledge of safe migration, information from family and peers	Currently seeking work opportunities, very trusting of information from peers,	Lack of knowledge, less likely to personalise risk, limited access to accurate information	School visits to deliver messages, distributing pamphlets in and around schools, school theater, parents awareness workshops
Young men (15-25) out of school	-	-	-	-	-

Review of Step 3

You should:

- Identify your target audience
- Divide your audience into individual and/or community levels by origin and/or destination countries
- Carry out research to better understand your target audience
- Identify what barriers might prevent your target audience from changing its beliefs or behaviours
- Assess if there are barriers to reaching the target audience
- A bigger audience is NOT a better audience

Age, profession, education level, etc.

Determine language, imagery, metaphors, slogans and messages used throughout the campaign

- Values
- Perceptions
- Attitudes
- Motivations
- Incentives/Disincentives
- Expectations

STEP 4: Developing your Messages

Messaging



Researched
Balanced

Relatable and
locally relevant

STRATEGIC

Short

Clear

Balance

- Negative Messaging Erodes Credibility
- Risks Alone not helpful (many trafficked by people they know)

What are you asking your audience to DO?



- "Call to action"
- Generic messaging not only not engaging, also doesn't drive people to action. Entertain and inform?
- You need to create information on which people CAN ACT
- This needs to reflect what stage your audience is at

STAGE YOUR AUDIENCE IS AT	TYPE OF MESSAGES/ROLE OF COMMUNICATION
Unaware of problem/issue	Raise awareness and promote solutions
Are aware and concerned about issue	Outline and identify barriers and benefits to change, recommend solutions
Ready/motivated to change	Use "calls to action" or action messages while using social peer and community groups to spur action
Trying new behaviour	Give information on how to undertake new behaviour safely/correctly while emphasizing benefits
Have tried new behaviour, are repeating or continuing	Solve barriers and issues with behaviour as identified with first trials, build skills and abilities for participants to continue new behaviour, build community/peer support of adopted behaviour
Using new behaviour over the long term and becoming a promoter or advocate for the new behaviour	Testimonials and reminders




Review of Step 4

You should:

- Consider the stage of the behaviour change process your audience is at
- Determine if you are developing messages for a story/narrative (entertaining) format or simple, fact based statements
- Develop a strategic, trustworthy, contextualised message
- Frame your messages using positive emotions where possible
- Pre-test your message(s) with a sample of your target audience

STEP 5: Disseminating your Messages





REGIONAL SUPPORT OFFICE
THE BALI PROCESS

Type of Media

Formal media	TV	Radio	Print	Outdoor
		Internet		Mobile phones


Informal Media	Direct interaction	Persuasion by key multipliers	Group/individual counselling by trained social workers
	Village debates	Touring Q & A Sessions	Street theatre






REGIONAL SUPPORT OFFICE
THE BALI PROCESS

Mass Media



TELEVISION	
Advantages	Disadvantages
<ul style="list-style-type: none"> Scale and reach Target illiterate audiences Engaging Influential 	<ul style="list-style-type: none"> Potentially limited access among those most at risk High production costs Long lead time

(ILO Tripartite Action to Protect the Rights of Migrant Workers within and from the Greater Mekong Sub-Region (GMS TRIANGLE) Communications Strategy)





Mass Media



RADIO

Advantages	Disadvantages
<ul style="list-style-type: none"> • Usually wide reach in rural areas and, less frequently, urban poor. • Target illiterate populations • Low Cost 	<ul style="list-style-type: none"> • Serial drama needs to be effectively produced



NEWSPAPERS

Advantages	Disadvantages
<ul style="list-style-type: none"> • Low design cost • Localised content • Pending on area, can be a trusted outlet 	<ul style="list-style-type: none"> • Illiteracy or no recreational reading focus damages spread • Readership falling generally



Social media

Advantages	Disadvantages
<ul style="list-style-type: none"> • High rates of cell phone usage through most of region • Useful for youth demographic • Regular and cheap updates • Cost effective 	<ul style="list-style-type: none"> • Social media proliferation varies (or restricted) • Low retention (overload) • Ongoing staffing and time needs to remain updated

Products (banners, Billboards, Flyers)

Advantages	Disadvantages
<ul style="list-style-type: none"> • Wide placement opportunities • Opportunity to Partner with Private companies to allow dissemination • If information doesn't date, there no time limit on campaign (flyers) 	<ul style="list-style-type: none"> • Not interactive and not as compelling as other mediums • Inability to easily update if needed • Design costs

Informal Media

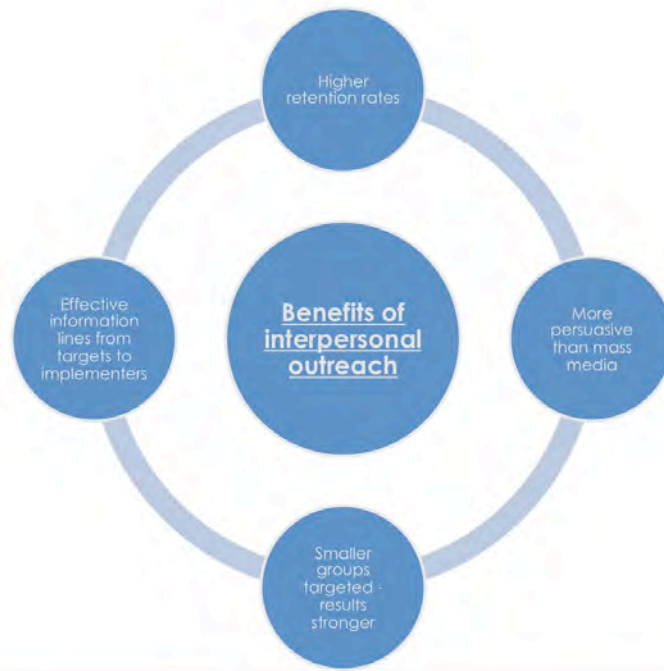
- Social networks – not media – are the most influential and trusted sources of information.
- Complicated by fact that traffickers and smugglers work through informal information networks (along with stories of successful migration)



How to Utilise Informal Dissemination Methods

Difficult for policy makers and NGO to utilise informal networks. However there are some options:

- Use of educational centres
- Teacher Training
- Church services and cultural centres
- Localised outreach centres (MRC's for IOM and ILO)
- Roadshows
- Community theater



Review of Step 5

You should:

- Consider the different dissemination channels available
- Consider the strengths and weaknesses of your preferred channels
- Check if your channel is popular with your target audience(s)
- Consider how to involve your audience to disseminate your messages effectively
- Consider using a mix of dissemination channels

STEP 6: Monitoring and Assessing Impact

Monitoring and Evaluation



Generally weakest part of information campaigns

- Evaluations of awareness raising campaigns are often simply quantitative assessments of people reached, numbers of items of material handed out, numbers of lectures etc.

High cost

- Hugely dependent on time and funding, effective qualitative measures require in depth baseline

Essential in demonstrating accountability and building upon learning for future improvements



Indicators



- Response/feedback to/from campaign media
 - No. of attendees, listeners, viewers
 - Direct feedback
 - Questions/queries
 - Requests for (further) information
 - Information levels
 - Perceptions
 - Attitudes
- Measurement methods for Information levels, Perceptions, and Attitudes:
- Polls & (mini-) surveys
 - Individual/group interviews
 - Individual/group discussions
 - Focus groups



Monitoring and Evaluation

- No single, most-relevant indicator: requires mix
- Must begin evaluation prior to campaign onset to gauge current/standard information levels, perceptions and attitudes which sets basis for comparison.

What to measure?

1. Recall (of messages/info)
2. Information levels
3. Perceptions
4. Attitudes
5. Non-communications specific indicators

Strategy Development Process

I. Research

II. Audience

III. Messaging

IV. Dissemination

IV. Monitoring and Evaluation

Some examples

- What is the objective of the campaign?
- Who is the target audience?
- What is the main message?
- Was it successful?

Case Study :

In small Groups: *You are to take what we have discussed and fill out the possibilities for different information campaign audiences and messages using the worksheets. Identify a rapporteur to read out your ideas.*

Santi, aged 20, lives in a large rural village in the southern part of Country A. He is the oldest of five children and dropped out of school at the age of 14 to help his parents care for his younger brothers and sisters. Santi helps on the small farm his family owns and sells vegetables at the local market on the weekends.

Every Saturday, he talks with his friend, Nan, who also sells vegetables. Often they talk about how the lack of decent jobs has pushed a large number of people in the village to look for opportunities outside of Country A. Residents see migration as a pathway to a better future, although this view is especially held by elders and community leaders who are highly trusted by people in the village. Migration is also seen as a rite of passage to adulthood, particularly for young men. But because legal migration channels are difficult to access, most prospective migrants use irregular channels to find employment. For this reason, a number of migration brokers work in the southern part of Country A.

Santi and his friend had heard stories from some of the returned migrants about having to repay high recruitment or transportation fees. Others talked about wages being withheld or large deductions being made. Some had even said that they were forced to work excessive overtime without additional pay. Local NGOs also visit the village from time to time to talk about trafficking in persons through theatre and drama plays. This information is trusted by the villagers, more so than the information that is broadcast over the radio by the government. Yet, in spite of the awareness raising activities as well as the mixed migration experiences, neither Santi nor his friend believe that this would ever happen to them. Moreover, Nan's older sister left the village over two years ago. Employed as a domestic helper, she sends money back to her family every month. With her earnings, Nan's parents built a bigger house, established a small motorcycle repair business, and bought a television set, which is rare in the village.

One afternoon, Santi is listening to a local cultural program on the radio while his two younger sisters practice reading. There is a large gap in the literacy rates between women (26%) and men (60%) in the village and it is important to Santi his sisters can read. A migration broker walking down the road approaches him. The two men begin to talk. He tells Santi that he can find him a job as a factory worker in Country B where he can make 10 times what he earns selling vegetables at the market. The broker promises to make all the travel arrangements and pay for the trip. Santi just has to pay him back once he starts the new job. Santi thinks hard about the offer especially since his father recently became ill. He is worried about how the family will pay for his father to visit the doctor who is based in the next village over 80 kilometers away.

That night, Santi talks to his mother and she agrees to let him go. Although she is worried that Santi has no passport, he assures her that the broker has friends at the border. The following morning, Santi and the broker travel together until they are about three miles from the border. They wait at a roadside café until they are joined by a truck driver called Lim. The broker pays Lim a large sum of money. They both get into the truck and continue their journey to the border. They cross without any problems as the broker promised. It is the only time Santi knowingly crosses the border. It is a dark, hot, and uncomfortable ride in the back of the truck, but Santi has no choice since he has no passport and can only rely on the advice and trust of the broker. It is a long trip, but eventually they arrive and are greeted by two men who introduce themselves as factory managers.

The men show him to the small cramped room he has to share with five other factory workers. Although it is late, Santi is told that work starts first thing tomorrow morning at 7:00 am. Over the next several weeks, Santi learns that the working conditions are far from ideal. He has to work 14 hour days, six days a week, without extra pay for overtime. Moreover, the health and safety conditions are poor. Santi, along with a number of the other workers, have developed deep coughs due to exposure from dust and fumes. Just last week, a worker severely burnt her hand with a blowtorch and was made to keep working until the end of her shift. A labour inspector visits the factory periodically; however, she never finds any violations. Although this seems odd to Santi, he does not know if he has any labour rights due to his irregular status.

Each month, Santi notices that different deductions are made from his pay, that is, if he gets paid at all. Santi and his co-workers want to complain, but they are afraid of the management and police. They have heard stories of deportation and imprisonment and know that the factory owner's brother is the chief of police. Some of the workers have thought about approaching people who live in the closest town, but they have heard that the locals in the town hate migrant workers because they are taking jobs away from the community. This proves to be somewhat true.

The factory, which is located 8 km from a large town, elicits mixed feelings from its residents. Although they know that the factory is owned by a local and is a core part of the economy, residents dislike that it employs hundreds of rural migrants. They do, however, like the metal jewelry that the factory produces and the fact that they can buy these products for a cheap price. At times, rumors have circulated about serious health and safety violations at the factory, but most residents think that the stories are made up by the migrant workers. Moreover, the labour inspector who visits the factory periodically never finds any labour violations. Some residents are concerned about what might be going on at the factory, but no one has ever taken any action. The big international company in Country C that subcontracts its production to the factory is unaware of the health, safety, and labour violations, although the company has made statements in the past about how it opposes slavery and trafficking in persons. Much like the town residents in Country B, most consumers in Country C are unaware that the cheap products they buy may have been made by people trafficked for exploited labour.

Audience/ Target Group	Why are we targeting them? (Objective)	Characteristics of Target Group	How are they motivated?	Possible Barriers to behaviour change
Young potential migrants, in country A, rural areas	Vulnerable to exploitation Aware of risks but not changing behaviour Potential clients of smugglers	Low education Low Employment Aware of Risks	Seeking Work Trusting of Peers Require money Seeking safe and realistic migration opportunities Trust in elders	Lack of options Lack of information about safe migration Positive migration anecdotes from exodus Misinformation
Village Elders (Key Influencers) Community Leaders	-Key Influence in Village -trusted source of information -Push factor through rite of passage narrative	-Potentially Under informed -low levels of information re. safe migration	-Community cohesion and well being -Traditional respect -Cultural importance/ focus Historical pattern of migration	Lack of education -lack of information re. realities in destination -unlikely to change quickly due to entrenched attitudes
Consumers in 'B'	-Can influence market viability of source country -Can create support for better screening of potential trafficked victims -pressure local politicians for improved work safety standards	-unaware of migrants' poor treatment -Negative view towards migrants -Concern over migrant workers taking employment from locals	-Employment and local opportunity focus -Not especially motivated by concern for migrants -misinformed	Disbelief of poor treatment Inherent scepticism of migrant claims Belief in labour inspector Potentially more likely to trust/believe compatriots
Consumers in 'C'	-Key to international market viability -low level of awareness represents something easy to change	Low awareness levels More access to traditional media (₹) Disposable income (₹)	-Concerned about labour rights -Will make purchasing decisions based on labour right information	-Lack of access to information regarding poor conditions -pricing vs. social concern a balance -Value may decrease chance of change



Audience	Issue	Communication Objective	General points on messaging to this audience	Key Messages
Young potential migrants, in country A, rural areas	Lack of information re. safe migration	-Inform young migrants about safe migration options -Focus on risk to family by undertaking irregular migration	-Utilise informal communication networks (peers and elders) -simple messaging for low education base	-There are safe ways to 'country B', don't take an unnecessary risk N/A
	Awareness of Risks not changing behaviour	-Do not attempt to increase awareness of risks (already exists)	-Information hotlines on migration options	
	Migration seen as 'rite of passage'	-Challenge positive irregular migration anecdotes from peers	-Cultural and village theatre effective	-I travelled to Country B, if I go back I will not risk using a smuggler
	-Positive irregular migration anecdotes coming from peers		-Avoid overly negative 'anti-migration' sounding messages	-I know people who travelled safely to country B, the risk of smuggling is unnecessary
	Need for employment and income spurring irregular migration	-Highlight ability to gain employment and money through other methods of migration		-Know your options-know your routes-save your family's money
Village Elders (Key Influencers)	Promoting Concept of Irregular Migration as rite of passage	Perception of irregular migration shifting to one of unnecessary risk	-Appeal to tradition -Focus on community cohesion and safety -Defer to elders' authority and experience in messaging	Safety and providing for family secures your community, people smuggling can put these at risk Arriving illegally into country B can lead to your community members having their dignity stripped in factories
	Under informed about migration realities	Increase awareness of poor conditions in Country A for irregular migrants	-Ensure messaging is not too proscriptive, maintain elders' control	Employment and experience is important but there are many safe ways to gain this, don't promote risks, share better options with those who trust you
	Not promoting regular migration channels to community	Increase awareness of regular channels of migration	-Messaging should be more focused on 'training of trainers' models, not simply awareness raising	
Consumers in 'B'	Buying from factory promoting mistreatment of migrants	Highlight consumer role as support for treatment of factory workers (less of a focus on migration)	Do not apply directly to concern for migrants, work instead on issues of domestic work quality and importance of stringent labour laws	-The price you pay is the price they pay (images) -By buying this, you support this
	Not demanding better screening of factory conditions	Promote discussion of poor working conditions undermining their own work conditions	Mistreatment claims should be dealt with by local influencers from Country B as there are trust issues with claims from migrants	-If mistreatment of workers happens in your city, it could soon happen in work place
	Disbelieve claims of mistreatment	Utilise trusted sources to increase awareness of poor treatment of Migrants		-Local influencers discuss reality of working conditions with communities
	Antipathy towards migrant population due to perceived inundation of labour market.	Community outreach to shift attitudes regarding migrants –	Blame or guilt motivators should be avoided in discussing consumer choices, focus on empowerment.	Discussion groups and theatre to depict challenges in origin country Discussion groups to highlight lack of economic threat



Awareness Raising vs. Behaviour Change Communications

Reasons that greater knowledge of risks may not result in safer behaviour:



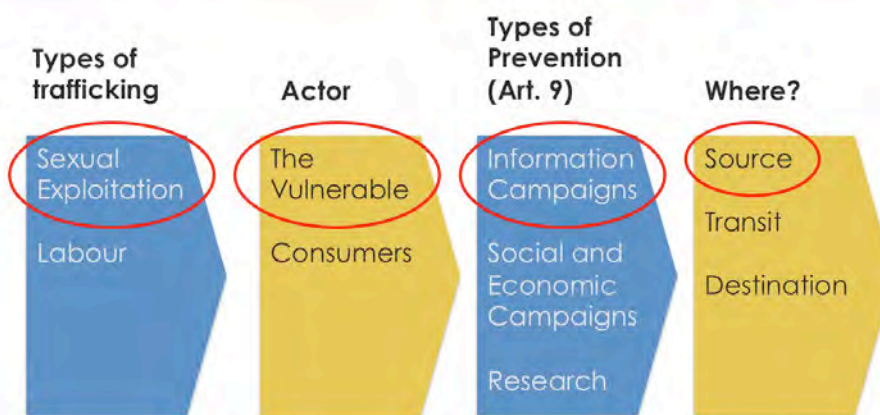
- 1. Failure to personalize risk:**
Especially the case with young people: if you do not feel personally vulnerable, you will not act on the information
- 2. Willingness to take risk:**
People may understand the risk but still be willing to engaging in risky behaviour
- 3. Inability to act on information:**
Factors outside people's control may result in them not being able to take safer options
- 4. Seeing safer behaviour as personally unachievable:**
People may believe that they lack ability/willpower/ need to act on information about risky behaviour.



To change behaviour, the audience will have to perceive the behaviour change to be :

- Beneficial
- According to their needs and values
- Easy to understand or adopt
- Something that will be viewed positively by their peers

What is the most common form of trafficking prevention?



A Checklist

Research

- Does it establish the rationale?
- Is it based on a simple stakeholder analysis?
- Are the objectives ambitious, clear and with realistic deliverables?

Audience

- Are the targets based on local research and evaluation?
- Do you know why you are targeting them and how to reach them?

Key messages

- Are they clear, short and concise?
- Were messages and draft materials tested with focus groups?

Dissemination

- Is there a range of materials planned?
- Are partnerships to be used in production and distribution?

Monitoring and evaluation

- Is monitoring and evaluation planned throughout the lifespan of the campaign?
- Will it include qualitative and quantitative research?

An end point

- When will the campaign end?
- What does "success" look like?
- What plans are there for a report?



For more information **Regional Support Office, The Bali Process**
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Session 11

Data, Research and Monitoring in Counter-Trafficking

Session 11:

Overview

The presentation aims at sensitizing the audience to the importance of, and opportunities and challenges with, research, data and data analysis for an effective counter-trafficking response. As such, it is cross-cutting, touching upon data sources related to the prevention, protection and prosecution pillars, including those that are commonly under-utilized. The presentation further highlights potential biases in different data sources that users must be aware of, and also addresses ethical and security considerations in data collection and usage. It then embeds the discussion on research and data in the context of M&E and introduces different approaches and tools to monitoring progress towards counter-trafficking results. The presentation is hence rooted in notions of demonstrating change and constant learning, both areas that the counter-trafficking sector has traditionally been regarded as weak in.

Purpose : “Why data?”

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against Trafficking in Persons

- To define the problem, and adjust definitions as needed
- To determine the problems' prevalence and characteristics including locations, patterns or root causes
- To monitor developments over time
- To develop responses to the problem
- To assess the effectiveness of responses

cifal Jeju JITC **CAATW** **UNHCR** The UN Refugee Agency **UN-ACT** **AACTIP**

Challenges : “Why so difficult?”



- **Overall TIP data**
 - Attempts have been made to collect global trafficking data, e.g. ILO's Global Estimate, UNODC's Global Report, Walk Free's Global Slavery Index
 - These are complicated by differing definitions and timeframes, the clandestine nature of the crime, lack of time, financial and human resources, etc.
- **Victim support data**
 - Data is usually based on victim information, e.g. personal and family background, the trafficking experience, recovery and (re)integration data, etc.
 - Information is drawn from those receiving support only, and hence comes with strong biases that can result in wrong interpretations and misguided responses
- **Criminal justice data**
 - Data draws on case investigations and suspects, arrests, prosecutions and convictions
 - The quality and transparency of the criminal justice response in many countries calls for caution in how far one can go in using the data for analysis purposes
 - Criminal justice data is equally biased, in that it only includes information on those going through the criminal justice system, and has to be analyzed with this in mind



Approaches : “How to?”



- **Overall TIP research**
 - There is a need for more micro-level studies:
 - a) More valid prevalence and other data due to limited parameters
 - b) Richer insights regarding lived experiences
 - c) Better opportunities to identify trafficking hotspots
 - Rigorous research can overcome some of the biases of other data sources and hence be a real asset in better understanding and responding to human trafficking
 - Yet, research projects are time-bound (and only if repeatedly implemented tell you about trends) and resource-intensive



Approaches : “How to?”



- **Victim support data:**

- If designed carefully, victim support data can provide a rich qualitative data source providing context and background that quantitative data tends to lack
- Hence, it may help better understand some of the vulnerability factors or root causes, the trafficking process from the victims' perspective, or allows for the monitoring of response efforts (e.g. M&E)
- Recognizing its biases, it can also provide relevant quantitative indications that are worth looking into with further, more rigorous research
- A key advantage is the continuous collection of data with relatively little extra resources required



Approaches : “How to?”

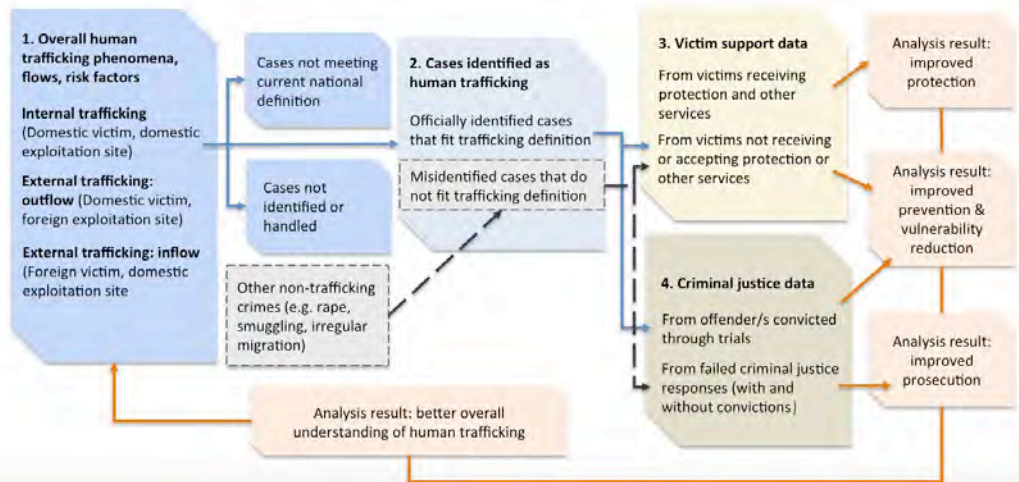


- **Criminal justice data:**

- The analysis of criminal justice data can help better understand the modus operandi of traffickers, both individuals and broader trafficking networks
- It is also useful in monitoring the effectiveness of the criminal justice response, e.g. when analyzing why cases collapsed or were significantly delayed



Challenges & approaches summarized



Monitoring: “How to measure change?”



- A **results-based management (RBM)** approach is a broad management strategy aimed at achieving improved **performance** and demonstrable **results**
- Results must be understood as **changes** at various levels
- Changes may be intended or unintended, positive or negative, and derive from a **cause-and-effect relationship** that can be set in motion by development interventions (see: **Theory of Change**)



Monitoring: “How to measure change?”



- The results chain in RBM:



Monitoring: “How to measure change?”



- A key question in RBM is how do we know that the intended changes have occurred
- An **indicator** is a signpost of change along the path of development, which may:
 - be set **at all levels of results** (Outputs, Outcomes, Impact)
 - measure changes in **process or results**
 - be of **quantitative or qualitative** nature
- Indicators should be:
 - (S)pecific:** Does it allow you to measure progress toward results?
 - (M)easurable:** Is it a reliable and clear measure?
 - (A)ttainable:** Is it realistic enough to be measured?
 - (R)elevant:** Is it relevant to the intended change?
 - (T)ime-bound:** Are data available at reasonable costs and effort?
- Indicators require:
 - A unit of measurement;
 - Baseline data;
 - Targets;



Monitoring: “How to measure change?”



Monitoring: “How to measure change?”



Data and Analysis

- M&E framework
- Annual Work Plans
- Progress and quarterly reports towards/on outputs
- Substantive or technical documents
- Reports against outcomes/impact

Validation

- Field visits
- Spot-checks
- Reviews and assessments by other partners
- Client surveys
- Evaluations
- Research and studies

Participation

- Sectorial and outcome groups/mechanisms
- Steering committees/mechanisms
- Stakeholder meetings
- Focus group meetings
- Annual review

<-Learning takes place through all monitoring tools and mechanisms->



Ethics : “What to consider?”



- See e.g. UNIAP (2008) “Ethical Standards for Counter-Trafficking Research and Programming,” including:
 - Get informed consent with no coercion; or
 - Ensure anonymity and confidentiality
- Ethical considerations are relevant for any form of data collection, be it for particular research projects, databases or data systems, and are equally applicable to the exchange of data between agencies



For more information **United Nations Action for Cooperation Against Trafficking**
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The Bali **Process**



The Bali Process

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