

HANDBOOK

FOR EMBASSIES AND DIPLOMATIC MISSIONS ON HOW TO ASSIST AND
PROTECT VICTIMS OF HUMAN TRAFFICKING



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PROTECT VICTIMS OF HUMAN TRAFFICKING



Council of the Baltic Sea States Secretariat

Stockholm 2022

The 2022 edition is a joint project between the CBSS Secretariat Task Force against Trafficking in Human Beings (CBSS TF-THB), Child10, the Swedish MFA Ambassador for Combatting Trafficking in Persons, Swedish Ministry for Foreign Affairs

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Special thanks to the Children at Risk Unit at the CBSS and the Reference Group for providing valuable input during the revision process of this handbook.

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Swedish Migration Agency (Migrationsverket)
International Organization for Migration (IOM)
Swedish Embassy to Thailand in Bangkok
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This Handbook is an updated and revised edition from the original publication published in 2011 which was initially elaborated and produced jointly with the IOM.

CBSS Task Force against Trafficking in Human Beings (CBSS TF-THB)



Government Offices of Sweden
Ministry for Foreign Affairs

CHILD10



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WELCOME TO THE HANDBOOK

Trafficking in human beings is a serious crime that exploits and violates the human rights of its many victims. It is often committed by those who are engaged in other forms of organized crime. The crime is fueled by demand and often linked to and exacerbated by phenomena such as poverty, armed conflicts, climate change and migration flows. The responsibility to prevent this crime and take action when identifying potential victims of human trafficking must include all state agencies and authorities – including diplomatic missions abroad.

Migration and the reasons for it can come in many forms; it may be planned and deliberate or it may be unplanned and desperate. In all these types of migrations there is a possibility of being exploited in trafficking in human beings. In some of these journeys the risks of exploitation are far higher than in the others.

Practitioners who may encounter victims of human trafficking in their daily work must therefore be offered the tools necessary to act and to be equipped with the adequate knowledge to prevent human trafficking and protect its victims.

This handbook is developed as a tool for staff at embassies and diplomatic missions to prevent, identify and assist victims of human trafficking. It contains sections on the definition of human trafficking, the international legal framework, risk assessment, chains of assistance and safe return. It has a victim-centered and child-rights approach with a particular focus on the gendered aspects of human trafficking. We hope that you will make use of this handbook when you deal with a situation that you suspect could be a case of human trafficking.

The handbook is a revision of our 2011 publication “Handbook for Diplomatic and Consular Personnel on how to Assist and Protect Victims of Human Trafficking”. It brings the legal frameworks right up to date and takes a practical approach to difficult questions you might encounter in your daily work.

Diplomatic missions cannot single-handedly prevent, detect, and fight human trafficking, but your contribution can make a great difference. By identifying a victim, you may help to identify others as well as contribute to bringing traffickers to justice. But most of all by assisting a vulnerable person and a potential victim of human trafficking, you can make a tremendous difference for that person’s future.

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THE HANDBOOK ON HOW TO ASSIST AND PROTECT VICTIMS OF HUMAN TRAFFICKING

It is important that you as consular or migration staff at a diplomatic mission are properly equipped with knowledge as you are often the first contact point between a victim of human trafficking and the authorities in their country of origin.

This handbook will increase your knowledge about trafficking in human beings and will provide you with tools on how to react if there is any suspicion or discovery of a case of human trafficking. In your line of work you can encounter potential victims of trafficking in human beings in different situations, for instance when handling visas and

residence permits and in regular consular work involving your nationals.

The following chapters will show what you, as a consular or migration officer, can do to prevent and properly identify suspected human trafficking, including assisting and protecting victims.

THE HANDBOOK WILL...

EQUIP YOU:

- act as a first filter against human trafficking, for example, when processing visa applications
- assist individuals and nationals that might be exploited in human trafficking
- assist in cases of safe return for identified victims
- cooperate with relevant actors to prevent and counteract human trafficking



GIVE YOU AN OVERVIEW OF:

- what human trafficking is
- why it takes place
- the international legal framework on human trafficking

ASSIST YOU TO:

- assess the vulnerabilities of potential victims
- identify victims of human trafficking
- refer them to the right people and organisations
- understand the special considerations that need to be kept in mind when dealing with victims of trafficking

WHAT IS TRAFFICKING IN HUMAN BEINGS?

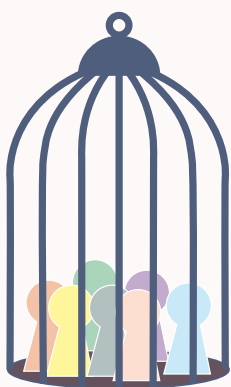
Trafficking in human beings is a serious crime that exploits vulnerable groups in society, their human rights, dignity and their freedom. It is the practice of people being tricked, coerced or otherwise removed from their home or country to be forced into situations that are highly exploitative.

Victims of trafficking are often promised legitimate employment opportunities either within their own country or internationally only to find that they have been deceived by traffickers. Once isolated and away from their friends and family, they are vulnerable to a range of control mechanisms, such as violence or the threat of violence against themselves or their family, coercion, imprisonment, drug use and the seizure of identity and travel documents.

They are often unable to contact friends or family, or have their correspondence monitored. Furthermore, some feel so ashamed of their situation or fear criminal proceedings, deportation or retribution from the traffickers or the stigma attached to being labeled a victim of trafficking that they are afraid to raise the alarm.

Trafficking in human beings is a hidden phenomenon in society. It is happening around us on a daily basis, but we cannot easily see the exploitation as it can be disguised behind a mask of legal, consensual work.

'Trafficking in persons' and 'Trafficking in human beings' are often used interchangeably, although Trafficking in human beings (THB) is the main form used in European settings and instruments."



The international legal definition

Article 3 of The United Nations Protocol to Prevent and Suppress Trafficking in Persons, Especially Women and Children, supplementing the United Na-

tions Convention against Transnational Organized Crime (2000), which is often referred to as the TIP Protocol or Palermo Protocol, establishes that.

ARTICLE 3 PROVIDES THE FIRST ENCOMPASSING INTERNATIONAL DEFINITION OF THE CRIME

- 3a** '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.
- 3b** The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph 3a of this article shall be irrelevant where any of the means set forth in subparagraph 3a have been used.
- 3c** The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article.

1 ACT

The act of trafficking (what is done): "Trafficking in persons' shall mean the recruitment, transportation, transfer, harboring or receipt of persons."

2 MEANS

The means of trafficking (how it is done): "Threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person."

3 PURPOSE

The purpose (why it is done): "For the purpose of exploitation... Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

THE USE OF MEANS SET OUT IN PARAGRAPH (2) ABOVE AND THE ISSUE OF CONSENT ARE IRRELEVANT IN ALL CASES OF TRAFFICKING OF A CHILD UNDER THE AGE OF 18. IN PRACTICE, THIS MEANS THAT THE DIFFERENCE BETWEEN ADULTS AND CHILDREN IS THAT FOR CHILDREN THERE DOES NOT NEED TO BE MEANS FOR AN EVENT TO QUALIFY AS TRAFFICKING (IE ACT AND PURPOSE ARE ENOUGH).

Trafficking does not always require the use of force, coercion and/or deception. In some cases a victim may consent to their own exploitation due to their vulnerability, meaning that the person involved has no real and acceptable alternative but to submit to the abuse involved.

The legal definition of trafficking does not necessarily require movement, it is just one of possible ways that the action element can be satisfied. Therefore while trafficking can involve travel across international borders, it also operates domestically within countries (including within a single building), or online.

Palermo protocol



“There is no requirement for the actual exploitation of the victim to have taken place. Therefore, a person who is identified before any exploitation occurs might still be a victim of human trafficking”

THE EXPLOITATION FORMS THAT VICTIMS OF HUMAN TRAFFICKING CAN BE ABUSED FOR ARE (but not limited to):

- Sexual exploitation – in Prostitution, Pornography, Online exploitation, Child Sexual Abuse Material and other forms of commercial sexual exploitation.
- Labour exploitation – particularly in Agriculture; Catering; Cleaning; Construction; Dockyard Labor; Forestry; Mining, Restaurant work and a number of other sectors
- Domestic servitude
- Illegal adoptions
- Organ removal
- Forced begging
- Forced criminality
- Forced and exploitative marriages, including child marriages
- Military operations, including child soldiers
- Terrorist activities

WHY DOES
TRAFFICKING IN
HUMAN BEINGS
EXIST?

Trafficking in human beings is a financially motivated and demand driven crime. The crime exists due to the profit of exploitation of others and that someone – the demand – is paying for, or in other ways fueling the exploitation. We need to see the role of the demand in the chain of exploitation. By finding efficient methods to target the demand that fosters trafficking for all forms of exploitation the crime’s root cause can be properly addressed and not only its effects. By reducing and preventing the economic incentives that fuels trafficking in human beings the profit motive for traffickers to exploit vulnerable persons can be tackled and ultimately removed.

Independent of national laws there, is an international obligation to address the root cause of trafficking in human beings, namely the demand. In accordance with the UN Palermo Protocol, all Member States

have an obligation to address the demand that fosters trafficking in human beings for all forms of exploitation. This needs to be done via legislation or other measures.

**A NUMBER OF INTERNATIONAL LEGAL INSTRUMENTS
RECOGNIZE THE OBLIGATION TO DISCOURAGE THE DEMAND
THAT FOSTERS HUMAN TRAFFICKING, INCLUDING:**

Article 9(5) of the Palermo Protocol (“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”);

Article 6 of the Council of Europe Convention on Action against Trafficking in Human Beings (“To discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking, each Party shall adopt or strengthen legislative, administrative, education, social, cultural or other measures...”);

Article 18 of Directive 2011/36/EU of the European Union (“Member States shall take appropriate measures such as education and training, to discourage and reduce the demand that fosters all forms of exploitation related to trafficking in human beings”).

WHO COULD BE A VICTIM?

Adults and children from any nation, culture, religion, socio-economic background, ethnicity, age or gender can become victims of human trafficking. The only feature that is common to all victims of trafficking is their specific vulnerability to traffickers at the time they are targeted and trafficked. Traffickers actively seek people who have one or a combination of vulnerabilities that they can use to target them for trafficking and exploit them for profit as easily as possible. But it is important to take into account that not all victims have any prior risk factors before the trafficking occurs.

Traditional vulnerabilities like poverty and conflict might be less prevalent when it comes to online trafficking, especially for sexual purposes - as it is becoming easier to target adults and children who are vulnerable in different ways.

VULNERABILITIES THAT MAY INCREASE THE RISK OF TRAFFICKING:

- Poverty and destitution
- Lack of social and economic opportunities
- Low or no education and/or unemployment
- Traveling in mixed migration flows
- Victims of armed conflict or war, pandemics, man-made and natural disasters, including vulnerabilities caused by climate change
- Mental health problems, intellectual disabilities or learning difficulties
- Dysfunctional family settings, who experience or witness domestic violence
- History of previous abuse and violence
- Discrimination, gender-based violence, racism and other forms of structural inequalities

CONSEQUENCES OF EXPLOITATION

- Human trafficking can have serious and far-reaching consequences for victims. The consequences vary case-by-case but can include for instance:
- Mental problems: post-traumatic stress disorder (PTSD), depression, anxiety, flashbacks, hostility, suicidal ideation and attempts
- Physical problems: sexually transmitted infections, unwanted pregnancy, impacts of heavy labour, occupational hazards, physical violence (cuts, bruises, broken bones)
- Economic problems: debt bondage, loss of money and assets, loss of social benefits
- Social problems: Isolation from community and family, forced criminal activities, discrimination, substance abuse, threats, intimidation

IN ADDITION TO THE VULNERABILITIES LISTED ABOVE CHILDREN MAY BE AT RISKS OF TRAFFICKING IF THEY ARE:

- Unaccompanied children or children separated from their families
- Living in residential children's homes, foster homes or social services care
- Excluded from school or at risk of exclusion from educational systems

WHO ARE THE TRAFFICKERS?

Human Trafficking is often connected to serious organised crime. However, it is important not to stereotype or make assumptions about traffickers: they can be from any background, gender or demographic profile. Traffickers may operate individually, or in small or large organised criminal networks.

Victims may know their traffickers personally, for example they may be family members, lovers or spouses, friends, employers, colleagues, etc. In some cases, they may never realize that a person they care for or thought they knew deeply is connected to their trafficking. If the trafficker is close to the victim it can also be harder for the victim to realize that they are victims of exploitation and trafficking.

Victims may not know their traffickers at all or even meet them. Traffickers may intentionally misinform victims to ensure that any information they may provide later to law enforcement authorities or other professionals will lack credibility. In some cases, traffickers pose as rescuers who can help victims escape from their current trafficking situation in order to groom them and ensure their compliance for onward trafficking.

HOW DO THE TRAFFICKERS OPERATE?

Traffickers often use various forms of deception of victims as part of their operation. The increasing use of Internet and social media by traffickers to recruit victims allows for easy access to a large number of potential victims. Traffickers may cultivate a fake relationship of trust or love with victims in order to deceive them into situations of trafficking. Deceptive recruitment for employment, education and training is also a common method of trafficking recruitment and consists of fake offers of legitimate, paid employment, education or training.

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

Traffickers can entice children and youth by grooming through offering material goods and money as inducements, or establishing a relationship in the form of dependency or friendship. Children can be targeted for recruitment by grooming through face-to-face interactions or online, through social media, gaming and chat platforms.



HUMAN TRAFFICKING IN THE CONTEXT OF MIGRATION

Adults and children who are traveling in mixed migration flows are at particular risk of becoming victims of trafficking. States have made commitments in international law to protect people who have been transnationally trafficked. If they do not adhere to their

obligations to receive vulnerable persons who claim asylum or other forms of international protection on their territory, vital opportunities are missed for the identification of adults and children who may be victims of trafficking.

Factors that increase the vulnerability of migrants and refugees and therefore operate to serve the interests of traffickers:

- Adults and children who are seeking asylum, or lack secure immigration status in the country in which they are born or are residing, should be considered to be at higher risk of trafficking.
- Migrants and refugees often experience isolation once they are outside their countries of origin.
- Along with the need to have funds to physically survive, migrants may be indebted to smugglers for their journey assistance, which can result in debt bondage.

Migrants are also particularly at risk of deceptive recruitment into transnational trafficking:

- Domestic services agencies that provide cleaners, au pairs, nannies and carers can be an area of particular concern to pay attention to.
- Domestic workers and care workers are often women and girls who are particularly vulnerable to exploitation.
- Migrant workers on seasonal or posted schemes are particularly prevalent in sectors such as agriculture, horticulture, tourism, hospitality, travel, cleaning agencies, the care sector, retail, construction, food processing and packing, and some other industries.
- Sexual exploitation and other forms of violence and abuse that migrants might be subjected to along the migration route

WHAT IS THE DIFFERENCE BETWEEN HUMAN TRAFFICKING AND SMUGGLING?

The United Nations Protocol to Prevent and Suppress Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), which is often referred to as the TIP Protocol or Palermo Protocol, establishes that.

Although trafficking in human beings and human smuggling are two very distinct phenomena, many actors still interpret them interchangeably. This can have serious implications for the treatment and sup-

port provided to victims of human trafficking if they are incorrectly identified.

Both trafficking in human beings and human smuggling are illegal businesses that are often perpetrated by criminal networks, which profit from the vulnerabilities of people who seek better life opportunities. The organisers of human smuggling benefit from the migrants' irregular crossing of borders, whereas human traffickers aim to exploit the trafficked victims. In this context, the process of smuggling generally ends with

the migrants' arrival in their destination and a payment to the smugglers, whereas trafficking involves the ongoing abuse of the victims to generate profit for the traffickers.

Another distinguishing criterion between smuggling and trafficking is the existence of a victim, that is, a person whose individual rights have been violated. Human smuggling does not violate individual rights as such, but the political interest of the state which considers that its borders and migration laws have been violated. Nevertheless, smuggled persons are also vulnerable to violations of their human rights and can subsequently become victims of trafficking. Furthermore, smuggling is always transnational, whereas human trafficking also occurs within the same country.

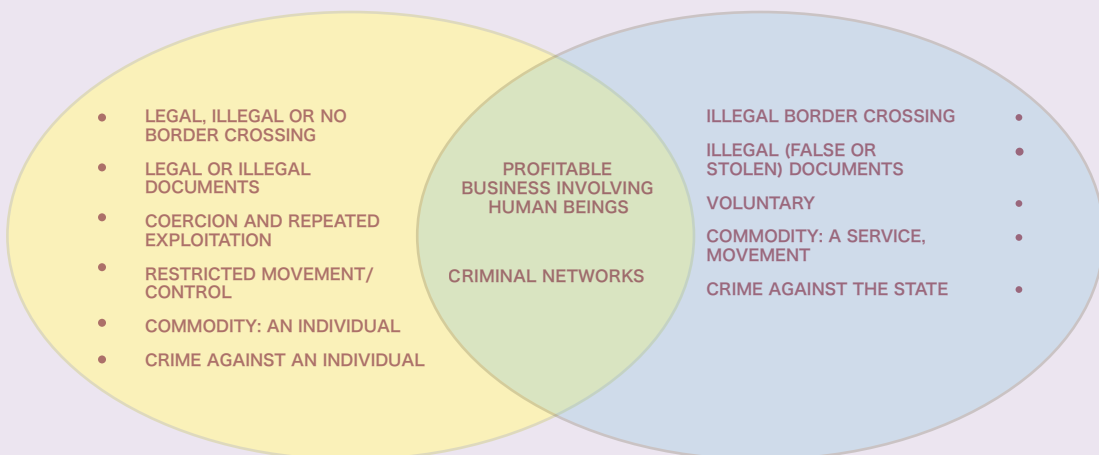
One can also distinguish the phenomena in terms of consent. Although often taking life threatening

risks and having to endure a lot of suffering during the transportation, smuggled migrants have consented to the smuggling. Trafficked victims either never consented, or if they did initially, the consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers.

These distinctions affect how cases are handled, as well as the rights and the status of the individuals involved. Proper identification is therefore crucial to ensure that victims of human trafficking receive the assistance they are in need of and entitled to.

Routes for irregular migration pathways can be dangerous and life-threatening, and both traffickers and smugglers may commit acts of assault and other violence against migrants and refugees. States have an obligation to identify trafficking victims and protect their rights, including all those whose initial journey began with smuggling.

Trafficking vs Smuggling



It is important that you and the consular and migration section are familiarized with the particular trafficking profile of the country you represent and the country in which you are based by asking the following guiding questions:

- What are the most common ways of trafficking?
- Are the countries you work in/ for most prevalent as a country of origin, transit or destination?
- What are the main types of traffickers and how do they operate?
- What groups or vulnerabilities are most like to put persons at risk?
- What kind of exploitation is most common?
- What are the most common forms of trafficking and exploitation of children and what specific vulnerabilities and situations should you look for?

INTERNATIONAL LEGAL FRAMEWORK

Human Rights Framework for victims of trafficking in practice.

Trafficking in human beings is a serious crime where the human rights of its many victims are violated. Human rights stand at the pinnacle of international law and are the foundation of action by the international community. As mentioned earlier, the UN Palermo Protocol provides the main definition on human trafficking. However, in addition to the Palermo Protocol there are a number of international legal instruments which are crucial to apply when dealing with suspected cases of human trafficking. In this chapter a few of them are highlighted. For additional instruments, see the listing in the back of this handbook.

Human rights are fundamental, inherent to the condition of human beings and set the boundaries for the exercise of personal dignity in a democratic state. Human rights are universal, inviolable and interdependent. They are indivisible of extraterritorial application and not time-bound.

According to the United Nations Recommended Principles and Guidelines on Human Rights and Trafficking in Human Beings:

“The human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking to protect, assist and provide redress to victims”

VICTIMS HAVE THE RIGHT TO:

- Be protected and assisted
- Be properly identified
- Not discriminated against
- Not be prosecuted for crimes they have committed as a part of their exploitation
- Compensation
- Safe return and reintegration



The importance of having a Human Rights-Based Approach (HRBA)

The Human Rights-Based Approach (HRBA) is a framework directed towards promoting and protecting human rights especially of the most vulnerable and marginalized individuals. This is why the approach is well-suited in working with victims of human trafficking.

The HRBA is based on international human rights standards and identifies clearly who has obligations and duties and towards who, and what those obligations and duties are. It has been widely accepted by most governments.

Applying the HRBA framework in practice requires you to pay attention to various factors including:

- Gender sensitive approach – Acknowledging the gender dimension of trafficking. Among other things, this requires an understanding that 2 out of 3 victims of trafficking globally are women and girls. They are often at a higher risk of trafficking, particularly for sexual exploitation which is the most common form of trafficking.
- Victim-Centered Approach - Placing the victims' needs at the center of practices, programs, legislation and policies. Among other things, this entails respecting the individuals' boundaries and not being invasive or re-traumatizing, e.g., by forcing them to recount their experience over and over again.
- Trauma Informed Approach - When interacting with survivors of trauma, building trust and rapport with the survivor by prioritizing their safety, choice and control.

In practice, among other things, HRBA can be applied through,

- Understanding that victims do not look or behave in a certain way – There is no perfect or ideal victim and anyone can be a victim.
- Focusing on the rights and needs of individuals, particularly those at heightened risk of trafficking or exploitation (asylum seekers, refugees, irregular migrants, LGBTQI+ individuals, children), as well as giving them respect and autonomy, including giving them choices wherever possible.
- Providing all individuals with information about their rights in a language they understand and in accessible formats. At the same time, it is important to show understanding and respect for cultural differences when meeting with and supporting individuals from different backgrounds and cultures.

Council of Europe convention on action against trafficking in human beings

The Council of Europe Convention, which came into force on 1 February 2008, further builds on the Palermo Protocol*. It is based on recognition of the principle that trafficking in human beings constitutes a violation of human rights and an offence to the dignity and integrity of the human being.

It is a legally binding instrument that aims to Prevent trafficking, Protect the human rights of its victims and Prosecute traffickers.

* More about the Palermo Protocol on page 11–12

THE CONVENTION APPLIES TO:

- all forms of trafficking: national and transnational, whether or not it is related to organised crime
- all victims: women, men and children
- all forms of exploitation: sexual exploitation, forced labour or services, and so forth

THE CONVENTION PROVIDES A NUMBER OF MEASURES, INCLUDING:

- Victims of trafficking must be recognised as such to avoid police and public authorities treating them as irregular migrants or criminals
- Victims of trafficking will be granted physical and psychological assistance and support for their reintegration into society medical treatment, counseling and information, as well as appropriate accommodation
- Victims are entitled to receive compensation
- Victims are entitled to a reflection period of a minimum of 30 days a renewable residence permit may also be granted
- Trafficking will be considered as a criminal offence: traffickers and their accomplices will therefore be prosecuted
- The private life and the safety of victims of trafficking will be protected throughout the course of judicial proceedings
- The possibility of criminalising those who use the services of a victim if they are aware that the person is a victim of trafficking in human beings
- The possibility of not imposing penalties on victims for their involvement in unlawful activities, if they were compelled to do so by their situation
- The encouragement of co-operation between public authorities, non-governmental organisations and members of civil society

European council directive (2004/81/EC)

EC Directive 2004/81/EC defines the conditions for granting a residence permit to third-country nationals who are victims of human trafficking and who cooperate with the authorities.

Article 5 calls for the competent authorities of the EU Member States to inform the presumed victim of trafficking concerned of the possibilities of granting a residence permit.

Article 6 outlines the provision of the Reflection Period. EU Member States should ensure that presumed victims of trafficking are granted a reflection period (according to national law) allowing them to

recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether to cooperate with the competent authorities.

During the reflection period and while awaiting the decision of the competent authorities, presumed victims of trafficking should have access to assistance, including physical and psychological treatment, as well as shelter and legal assistance. It also states that EU Member States should not enforce any expulsion order against them.

EU STRATEGIES AGAINST TRAFFICKING IN HUMAN BEINGS, INCLUDING:

- EU Strategy on Combatting Trafficking in Human Beings (2021-2025)
- EU Strategy to tackle Organised Crime (2021-2025)

Legal framework for women's rights and gender equality

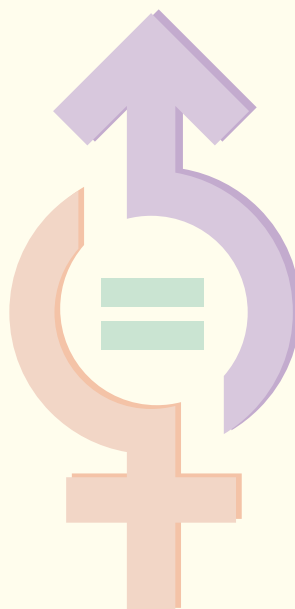
CEDAW

The Convention on the Elimination of Discrimination against Women (CEDAW)

Article 6 states that: State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Istanbul convention

The Council of Europe Convention on Preventing and Combating Violence against women and domestic violence, better known as the Istanbul Convention, concluded in 2011 and came into force on 1 August 2014. It is an important legal framework to fight against gender based violence, recalling the above Convention on Action against Trafficking in Human Beings and is therefore complementary tool in the fight against trafficking.



EU directive against trafficking in human beings (2011/36/EU)

The EU Directive against Trafficking in Human Beings aims to improve the protection for victims of human trafficking and to enhance prevention by strengthening the prosecution of the perpetrators of human trafficking.



THE DIRECTIVE:

- Introduces a minimum definition of trafficking covering sexual exploitation, forced begging, forced marriage or removal of organs
- Encourages the non-application of penalties to victims of human trafficking
- Ensures the right to proper assistance to victims of human trafficking, regardless of whether the victim participates as a witness, including:
 - o Appropriate and safe accommodation and material assistance
 - o Medical treatment including psychological assistance
 - o Legal counseling
 - o Safeguarding of the victim's anonymity
- Obliges EU Member States to set up National Rapporteurs or equivalent mechanisms to monitor and report on trafficking
- Stipulates a minimum punishment of at least five years imprisonment for human trafficking, or ten years if aggravating factors are present. Such instances include trafficking;
 - o Of a particularly vulnerable victim
 - o Within the framework of a criminal organisation
 - o Causing serious harm or endangering a victim's life
 - o Committed by a public official when performing her or his duties
- Encourages EU Member States to take preventive measures against the demand that fosters human trafficking, for example by criminalising the use of services of victims, research, information campaigns and training activities

Legal instruments for the protection of children

There are instruments in European and international law to ensure the protection of children, with special provisions for the protection and assistance of children.

The international instruments which provide the legal framework and provisions for cooperation between relevant child protection agencies in member states and contracting states in cross-border matters are the Brussels II Regulation and the 1996 Hague Convention.

The provisions are applicable in a variety of child protection matters in cross-border situations, for example exchange of information between relevant protection agencies with regard to the safety and protection of a child. This also includes the possibility to cooperate to ensure that children are protected against the risk of exploitation, abduction or child trafficking. The instruments also provide the possibility of taking protective measures for a child, for example taking a child into care, and cooperation

between protection agencies to secure a child's safe return to and reception in the home country.

Child Rights-Based Approach (CRBA)

When the rights in question relate to a child the specific characteristics and needs of children must be taken into account by applying a Child Rights-Based Approach (CRBA). This approach is based on the specific international human rights framework for children and in particular the **UN Convention on the Rights of the Child (UNCRC)**. This implies that all decisions and actions that directly or indirectly affect children take into account the best interests of the child, to ensure the full and effective enjoyment of all rights acknowledged by the UNCRC to the highest extent possible given other legal considerations.

Some examples for ensuring a Child Rights-Based Approach in your work include;

- Having information material available in an easy-to-understand child-friendly language to make sure children receive and understand important information related to their protection and well-being.
- Setting up appropriate child-friendly spaces, especially if children are interviewed at the premises.
- Ensuring that children speak to individuals well-trained in the child rights-based approach and practices
- Having a clear child-safeguarding policy in place including regular training for new and existing employees to ensure all staff members are prepared to handle a situation involving children, particularly those belonging to a vulnerable group.

* Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction. The regulation applies in all MS with the sole exception of Denmark.

* Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children)



IN ANY DECISION HAVING AN EFFECT ON A CHILD, THE BEST INTERESTS OF A CHILD MUST ALWAYS BE THE “PRIMARY CONSIDERATION”. THIS APPLIES REGARDLESS OF OTHER INTERESTS, SUCH AS POLITICAL, ECONOMIC, SECURITY ETC.

THE ROLE OF CONSULAR, DIPLOMATIC AND MIGRATION PERSONNEL IN ASSISTING VICTIMS OF HUMAN TRAFFICKING

A number of functions at embassies and diplomatic missions are related to the work against human trafficking and you can play a crucial role in protecting your nationals and also protecting other individuals from being exploited as victims of human trafficking in the country you represent.

Consular, diplomatic and migration staff can play a key role in preventing and combating trafficking in human beings and supporting its victims. It is there-

fore crucial that you have the basic knowledge as well as working methods to identify and assist victims of human trafficking.

CONSULATES AND THE CONSULAR OR MIGRATION SECTIONS AT THE EMBASSIES MIGHT COME INTO CONTACT WITH HUMAN TRAFFICKING VIA:

- Contact from local authorities or NGOs asking for assistance or information in a human trafficking case – they might be investigating a case, or assisting a person from the country you represent and want to get in contact with you
- Direct or indirect call for help from victims – victims might contact their consulates/embassies for assistance either themselves or through family and friends
- People approaching the consular section seeking other assistance, for example with the issuance of a new passport, assistance to travel back home and so on, may need to be looked at more closely:
 - o Ask yourself what could the actual reason be for asking for your assistance?
 - o Are they potentially victims of crime?
- Visa and residence permit applications from other nationalities wanting to travel to your country
 - o What are their risks of being trafficked to or in your country?
 - o Is there anything suspicious in their visa application, such as the reference persons, the people the person is traveling with or their reasons for traveling?
 - o Are their documents in order?
 - o Is it safe for this person to accept this job?
- Consular cases involving children leaving or entering a country

**Ask yourself:
Is there something
beneath the surface?**

WITH THE RIGHT KNOWLEDGE AND WORKING METHODS CONSULAR AND MIGRATION OFFICERS CAN:

PREVENT PERSONS FROM BEING TRAFFICKED

Identify potential victims (through visa applications, requests for assistance, and so on).

Inform and advise potential victims, NGOs, international organisations in the country of origin and destination.

Educate your colleagues about trafficking in human beings.

PROTECT VICTIMS OF TRAFFICKING

Assist victims of trafficking (translation, interpretation, travel documents and other assistance).

Refer victims of trafficking to specialised service providers (social, medical, psychological, and legal, amongst others).

ASSIST IN POTENTIAL PROSECUTION OF THE TRAFFICKER

Share information, where appropriate and when you have the informed consent from the victim, with law enforcement agencies and consular assistance in criminal proceedings.

The vienna convention on consular relations

The Vienna Convention on Consular Relations is a multilateral agreement outlining consular practices that came into force in 1967. It states the roles, rights and responsibilities of consular officers when carrying out their duties in the sending and receiving states, a number of which are relevant to consular activities to assist victims of trafficking.

The Vienna Convention protects the interests of the sending state and its nationals, individuals and corporate bodies, in the receiving state, within the limits permitted by international law.

THE VIENNA CONVENTION REGULATES AND ENSURES THAT CONSULAR STAFF CAN:

- Issue passports and travel documents to nationals of the sending state and visas or appropriate documents to persons wishing to travel to the sending state
- Help and assist nationals of the sending states
- Safeguard the interest of children and persons lacking full capacity who are nationals of the sending state

Q & A

Consular Officer:

How can I use the Vienna Convention to assist a victim of trafficking?

Article 5, Consular Functions, says that you are obliged to help and assist nationals of the sending State.

Consular Officer:

Can I visit a person who is detained or imprisoned?

Yes, you can if the person wants you to. Article 36, Communication and Contact with Nationals of the Sending State, says that if a national is in prison, custody or detention and wants to be in contact with her/his consulate or embassy then consular officers have the right to visit and to communicate with her/him freely.

The person detained must be informed, by the detaining authority, that they have the right to notify and contact their consulate or embassy. If a national requests to see a consular officer then the competent authority is required to inform the consulate or embassy without delay. The consulate or embassy should automatically be informed in the case of minors or persons lacking their full capacity.

Consular Officer:

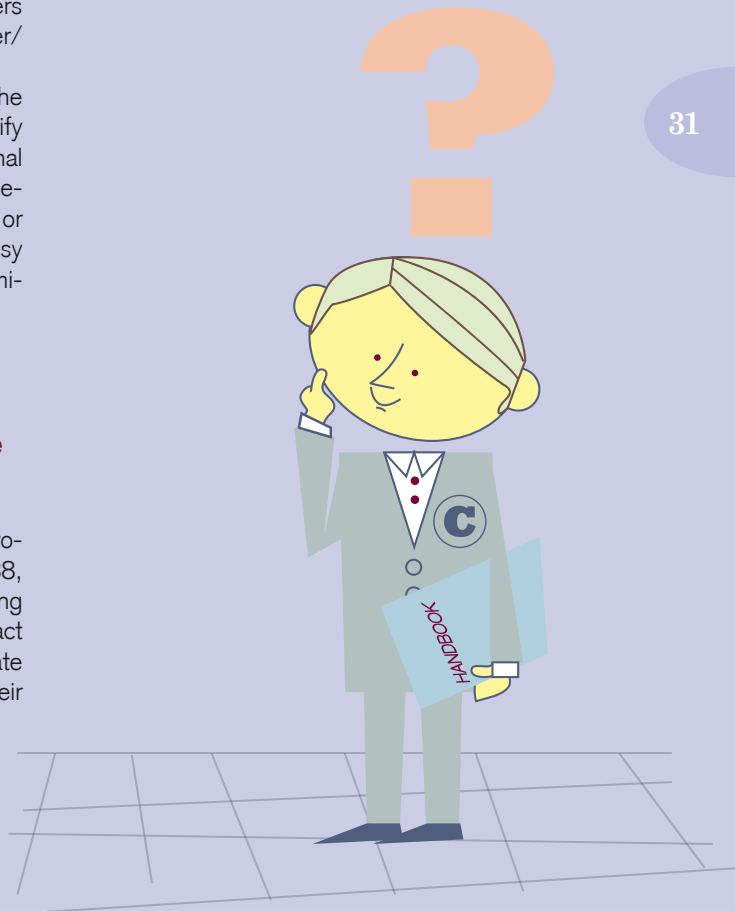
Can I arrange for legal assistance for a victim of trafficking if she/he requests it?

If applicable, assistance can be provided for appropriate legal representation. Additionally, Article 38, Communication with the Authorities of the Receiving State, says that consular officers are free to contact the competent local authorities of their consulate district and central authorities in exercising their duties.

Consular Officer:

We can also issue replacement travel and identity documents, could this help a victim of trafficking?

Yes, a victim of trafficking may have lost their identity or travel documents or their documents may have been confiscated by the trafficker, for example as a means of control. In this case, you should help with the reissue of the appropriate documents. You can also act as a notary for citizens of the country you represent.



WHEN PROCESSING VISA APPLICATIONS:

Depending on where you are based, one of the functions of a consular or migration officer is often to issue visas or appropriate documents to persons applying to travel abroad for recreation, study or work. During this process consular or migration officers can invite individuals for an interview to discuss the documents that they have submitted and their motivations for travelling. This is a chance for you to gather more information and to look deeper in to any suspicions you may have. This is an opportunity to identify potential victims before being trafficked.



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The supporting documents of the applicant might in a lot of these cases be false or manipulated in some way. Make sure to ask:

- Is it reasonable that a person with this background and occupation has this amount of money in the bank, or is the bank statement falsified?
- Was money transferred recently to the bank account?
- Is the applicant being paid a salary monthly and is the sum corresponding with the employment contract?
- Does the employer even exist?
- How is the quality of the documents and do they entail any contact details?
- Does the contact details in the document correspond with the official information on the company's website?

THE PURPOSE OF TRAVEL

- Does they have a clear understanding of the purpose of travel?
- What type of opportunity has been offered to them?
- How did they learn about the opportunity?
- Who offered them the opportunity and why?
- Does they have a clear understanding of what the opportunity entails?
- Has they signed an agreement or contract? Can they provide a copy?
- What promises have been made to them about the placement, hiring and conditions of employment?
- What sector will they be employed in? Are these sectors prone to trafficking in human beings?
- Has they paid someone money to assist them with the application?
- Did someone prepare them for this interview?

RECRUITMENT COMPANIES

- Did they get the job through a recruitment company?
- Did they organise their travel independently or were they assisted?
- Does the recruitment company have a reputation for bad practices – human trafficking, falsifying documents, exploitation?
- Has this company/individual provided invitations to people before? Is the number of invitations provided suspicious?
- Did they have to or are they expected to pay for the job applied for?

THE EDUCATIONAL BACKGROUND AND PROFESSIONAL EXPERIENCE OF THE APPLICANT

- What is their current profession and past experience?
- Do their educational certificates match their qualifications?
- Do they have the qualifications needed for the opportunity offered abroad?

STUDY VISAS

- Why do they want to study in the country of destination and at the specific institution?
- Does their educational background match the requirements for the course?
- How long is the course?
- What are the tuition fees? What is the cost of living?
- Does their visa permit them to work alongside their study?
- Do they intend to work alongside their study?
- How do they pay for their studies and living expenses? Is it affordable for them?
- What is their income level?

TOURIST VISAS

- Why do they want to visit the country?
- Have they got a return travel ticket?
- Do they have friends or family in the country of destination? If yes, please ask them to provide details.

LIVING IN THE COUNTRY OF DESTINATION

- Will someone assist them when they arrive?
- Have they arranged to meet someone when they arrive? What are the instructions?
- Have they already arranged for somewhere to live in the country of destination?
- Will the earnings from the proposed job be sufficient to live on?

IF YOU DO NOT SUSPECT A POTENTIAL CASE OF HUMAN TRAFFICKING AT THIS POINT - ADVISE THE APPLICANT ON THE FOLLOWING:

- The traveler should make a photocopy and scan their passport and identity documents.
- Provide the contact information and addresses of the embassies and consulates, law enforcement bodies, helplines and emergency assistance in the country of destination.
- Provide information about the immigration rules in the country of destination, such as, whether they is required to register with local authorities upon arrival.
- Provide information about the rights of women, children and LGBTQI+ persons in the country of destination, if appropriate.
- Explain the conditions of their tourist, study or work visa, such as duration of validity, entry/re-entry, whether it permits work.
- Advise them about the risks they may face.
- Provide specific child friendly information to an accompanying child.

TRAVEL PLANS

- Have they already purchased a ticket?
- Have they the financial means to purchase the ticket?
- Has someone else purchased the ticket for them, and in that case who?
- Do they have to reimburse the cost of the ticket?
- Under what conditions must they reimburse the cost of the ticket?
- How do they pay for the trip?
- What is their income level?
- Is the trip affordable for them?
- Is there a clause in their contract for the return and reimbursement of the ticket?
- Will they be travelling alone or as part of a group?
- Do they know the other members of the group?
- What are the other people in the group like – age, gender and educational background?
- Does the purpose of travel seems plausible?
- Does the purpose of travel correspond with the amount of days that the applicant wish to stay?
- Does the story add up?
- How can the applicant be away from work and the his/her family in his/her home country for the amount of days that the applicant wish to stay?
- What does the tourist know about the country that he or she intends to travel to?
- What has the regular traveler actually been doing during all those visits?
- Is it reasonable that a person leaves his/her job and family behind to travel for many months per year, even if the stated purpose is to visit relatives?
- What countries did the applicant visit before and what did the applicant do in those countries?
- If the person has never travelled before, is it plausible that a first-time traveller would choose to travel to this destination?
- Where is the applicant going to stay and does he/she know where that is in the country of destination?

HOW THE CONSULAR OR MIGRATION SECTION CAN HELP AND ASSIST PRESUMED VICTIMS

Victims of trafficking require specific assistance and support and should be helped by trained and specialised professionals. This is particularly important when the presumed victim is a child.

Helping victims of human trafficking often requires cooperation between actors such as social services, non-governmental organisations, the police, migration or border guard authorities, health actors and lawyers.

The purpose is to refer a victim of trafficking to the most appropriate authority ensuring a victim-centred and rights-based approach throughout the various

identification, assistance and protection processes. A clear division of tasks is of utmost importance to provide the victim of human trafficking with needed support.

Referrals should be provided in an immediate and appropriate manner as soon as the person is identified to be a potential victim of trafficking.

COOPERATION BETWEEN THE EMBASSY AND DIFFERENT AGENCIES COULD INCLUDE:

- Support and understanding of their respective roles
- Consultations and intervention in emergency situations, including child protection
- Information on legal procedures, social assistance and shelter availability
- Help with translation and interpretation
- Cooperation to guarantee the safety of the victim and a safe integration or return
- Identify if a person is a potential victim of trafficking or at risk of being trafficked
- Proper referral of the suspected victim, for example to the home based consular section at your Ministry for Foreign Affairs
- Inform the person about the national coordinating agency or the relevant specialised organisations that can provide them with assistance and offer to contact them on the persons behalf. They will then be responsible for the crisis intervention, rehabilitation/reintegration, contact with the relevant authorities in the country of origin, and provide integration in the receiving state or return assistance to the country of origin
- Be in continuous contact with the specialised agencies/organisations in the country hosting the consulate or embassy and in the home country

Assistance to victims of human trafficking will vary on a case by case basis and depending on the specific needs of the victims.

ASSISTANCE

CONSULAR ASSISTANCE

- Confirmation of identity, age and travel companion
- Access to temporary residence permits
- Interpretation
- Provision of travel documents – Passport
- Issuance of other certificates and documents

REFERRAL FOR ASSISTANCE

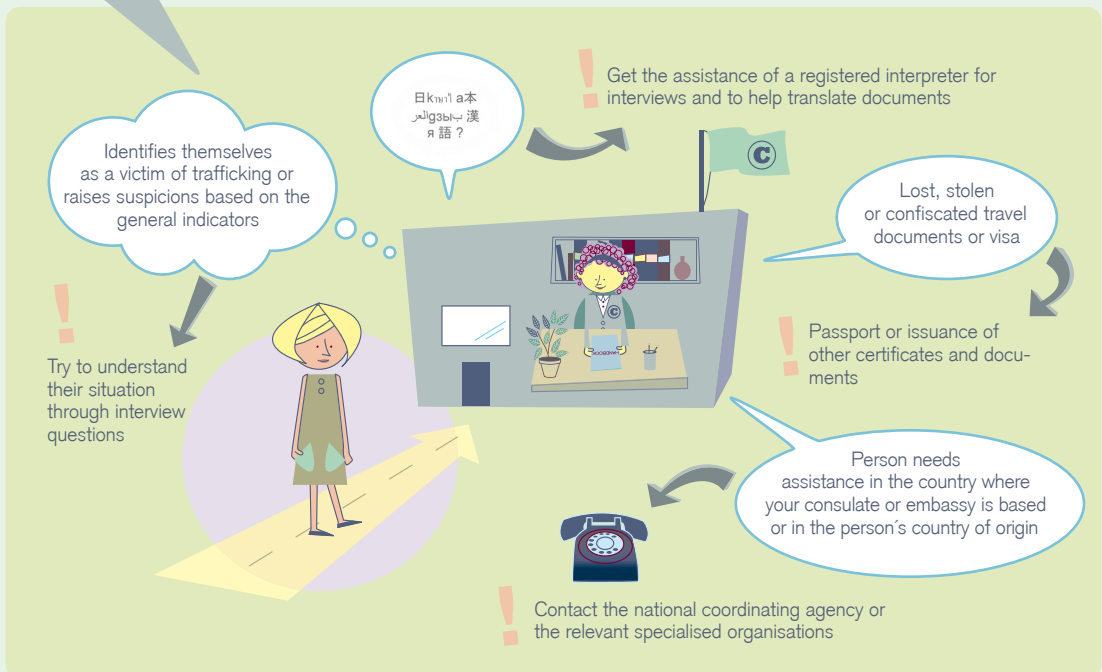
COUNTRY WHERE THE VICTIM IS CURRENTLY RESIDING

- Rehabilitation: Medical, Psychological, Social, Legal, Shelter Child Protection
- Reintegration: Temporary or permanent residence permit, Work permits, Vocational training
- Safe return: Departure assistance
- Financial support (without conditions)

REFERRAL FOR ASSISTANCE

COUNTRY OF ORIGIN

- Safe return: Airport assistance, Transportation to the final destination
- Shelter
- Rehabilitation: Medical, Psychological, Social, Legal
- Reintegration: Vocational training, Family support, Micro business





IMPORTANT PRINCIPLES TO FOLLOW DURING REFERRAL PROCEDURES

- Respect for human rights and dignity – victims of trafficking have the right to justice, non-punishment, assistance, compensation and liberty and security which includes the right not to be detained, not to be expelled, respect for the principle of non-refoulement and not to be subject to re-entry bans
- Informed consent of the victim is required at all stages of the assistance process
- Non-discrimination. Assistance to victims must be provided regardless of disability, ethnicity or national origin, colour, race, creed, gender, marital status, domestic circumstances, age, HIV status, sexual orientation, gender identity/expression, religion, language, political belief or any other grounds
- Confidentiality and the right to privacy must be respected with high importance at all stages. Exceptions may arise when the victims safety or the safety of others is at stake
- Self-determination and participation in the decision-making process
- Individualised treatment and care and the equitable distribution of resources according to the needs of the victim
- Regularly follow up with individuals you refer for assistance
- Apply the non-punishment principle. Victims should not face criminal prosecution for activities that they were forced to do by their traffickers. This will restrict the victim's access to the specialist assistance that they might require.

YOU SHOULD BE AWARE THAT SOME OFFERS OF ASSISTANCE MIGHT NOT BE WELCOMED BY THE VICTIM

Nevertheless, it is important to offer assistance to every victim under all circumstances. The choice to decline assistance offered is a personal decision. The person may not be in a position psychologically to accept assistance. Assistance, by its nature, can be disorientating and the victim may, due the trauma suffered, not have the capacity to make clear decisions.

IMPORTANT PRINCIPLES TO FOLLOW DURING REFERRAL PROCEDURES INVOLVING CHILDREN

A particular attention to the best interest of the child in cases and applications where children are involved, is often missed or disregarded. It is crucial to include a child rights perspective in this process to understand and respond to needs of the child. Always remember that children have specific vulnerabilities that must be taken into account. For example, children are more vulnerable to pressure from family members and traffickers which might affect their willingness to provide you with information. Follow these principles:

- The right to participation
- Child friendly information through out the entire process and in relation to any decisions affecting the child
- The right to be heard
- The principle of the Best Interests of the Child (BIC)
- Non-discrimination
- Assistance, support and measures that are adapted to children and that ensures children's rights.



MYTH

ONLY WOMEN AND CHILDREN CAN BE VICTIMS OF TRAFFICKING.

REALITY

MUCH OF THE EXISTING RESEARCH AND MEDIA COVERAGE ON TRAFFICKING HAS FOCUSED ON WOMEN AND CHILDREN; HOWEVER, MEN ARE ALSO BEING TRAFFICKED INTO ALL KINDS OF EXPLOITATION; ESPECIALLY LABOUR EXPLOITATION.



MYTH

LEGAL MIGRANTS CANNOT BE VICTIMS OF TRAFFICKING.

REALITY

MANY VICTIMS TRAVEL WITH VALID DOCUMENTS AND WORK PERMITS, TOURIST OR STUDENT VISAS AND ARE STILL EXPLOITED IN THEIR COUNTRY OF DESTINATION. CONFISCATION OF LEGAL TRAVEL DOCUMENTS AND RESIDENCE PERMITS ARE IN FACT OFTEN USED AS MEANS OF COERCION.

WHY YOU NEED TO IDENTIFY VICTIMS OF HUMAN TRAFFICKING

It is important that the victims of trafficking are properly identified. By identifying them as victims of trafficking you can assist them to receive the support they need and set assistance in motion. Identifying victims of trafficking can, however, require time and trust.

VICTIMS OF TRAFFICKING ARE SELDOM IN A SITUATION WHERE THEY WOULD IDENTIFY THEMSELVES AS VICTIMS, BECAUSE THE PERSON IS:

- Unwilling to be labeled as a victim or stigmatized
- May be traumatized as result of previous or ongoing exploitation
- Unaware of her/his rights and the concept of human trafficking or that her/his experience constitutes human trafficking
- Unaware of the assistance granted to a victim of trafficking
- Having feelings of guilt or shame about her/his exploitative situation
- Afraid of retributions to her/his family or her/himself
- Afraid of imprisonment, deportation or monetary fines
- Dependent on the abuser
- Regarding her/his situation as "better" than her/his previous (unemployment, extreme poverty, violence, conflict and similar scenarios)



MYTH

ALL VICTIMS OF TRAFFICKING ARE ABDUCTED, KIDNAPPED OR TAKEN AGAINST THEIR WILL.

REALITY

WHEREAS SOME VICTIMS OF TRAFFICKING ARE TAKEN BY FORCE, MANY ARE TRICKED OR LURED INTO LEAVING WILLINGLY, OFTEN THROUGH FALSE PROMISES OF BETTER LIFE/EMPLOYMENT OPPORTUNITIES AT THE DESTINATION.

BY IDENTIFYING A VICTIM OF TRAFFICKING YOU CAN:

- Prevent or stop the exploitation
- Inform her/him of her/his rights to assistance and protection and empower her/him to make informed decisions
- Refer her/him to responsible agencies that will provide specialised assistance and protection measures
- Enable law enforcement bodies and prosecution authorities to investigate the case and bring justice to the victim
- The identification of one victim may help to locate others in need, or to track trafficking trends

IDENTIFYING A VICTIM OF HUMAN TRAFFICKING

It is important that victims of trafficking are identified and assisted by trained and educated staff, especially if you have reason to believe that the victim is a child.

As diplomatic, consular and migration personnel it is not always realistic to dedicate lengthy time to suspected cases of human trafficking and exploitation. It is not your responsibility to investigate human traf-

ficking and other crimes. The objective should be to gather the information needed which might help you and other stakeholders in preventing human trafficking, and referring victims.

IF YOU SUSPECT that an individual is a victim of trafficking and if she/he wants help you should, with the consent of the victim, report the situation to the relevant authorities/organisations/assistance providers

IF YOU IDENTIFY someone as a potential victim of trafficking you should treat them as a victim of trafficking

YOU MUST ACT FAST to assist a victim of trafficking, so you must be familiar with the procedures

If you are assisting someone with a visa application, travel documents, marriage/ birth/ death certificate or in other situations and that person...

1 ... identifies her/himself as a victim of trafficking; or

2 ...shows indications of exploitation

...you and your colleagues should assume that the person is a potential victim of trafficking and treat the case accordingly.

THERE ARE A NUMBER OF INDICATORS THAT CAN HELP TO IDENTIFY A VICTIM OF TRAFFICKING.

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You should use your knowledge of the trafficking situation in the country you are based combined with general and more direct indicators to build a clearer picture of the person's situation and the probability of them being a trafficking victim. Note that these are gener-

alisations and exceptions will exist, but sometimes these indicators can guide you further if you have a gut feeling that the person might be under the risk of being trafficked.

GENERAL INDICATORS OF HUMAN TRAFFICKING

- Age – consider the age of the person in comparison to the age on the documents and pay-specific attention if the application concerns a child
- Gender
- Nationality/Ethnicity – can the identity be verified? Are they who they say they are?
- Body language - is the person unreasonably nervous and seem fearful?
- Documentation – carefully review the documentation provided such as personal information, point of entry and stay documents
- Last Location – investigate the routes travelled and the conditions under which the entry visa/work permit was enquired
- Signs of abuse or physical violence
- Signs of trauma or psychological abuse – uncertainty, insecurity, nervousness
- Assessment from referring agency/individual
- Sector of employment
- Children travelling without family or legal guardians

DIRECT INDICATORS OF HUMAN TRAFFICKING

This is not an exhaustive list and may not be present in all situations and cases.

LACK OF CONTROL – RESTRICTED FREEDOM OF MOVEMENT AND COMMUNICATION

- Passport, travel, identity or employment documents held by someone else or only having copies of them
- Children travelling without family or legal guardians
- Children who have little or contradictory information about their destination
- Unable to communicate in the language of the destination country
- Injuries from control measures or from assault
- Not allowed to make or receive calls – limited contact with family or social contact
- Limited or no freedom of movement or only if accompanied by a supervisor
- High degrees of control and surveillance by their supervisor (including physical and psychological abuse and/or fines)
- Dependent on the supervisor for services such as transportation, accommodation, food and so on

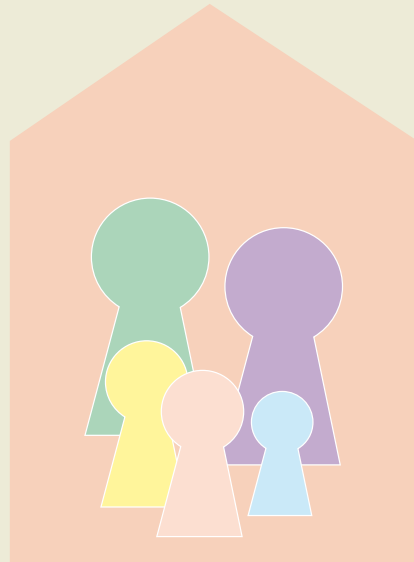
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INDICATORS OF LABOUR EXPLOITATION

- Having to pay off a debt to their supervisor for transportation, documents, residence, food or protection (debt bondage)
- Not allowed access to earnings, low pay or only allowed to keep part of their earnings
- Not having an employment contract or only having a falsified one
- Doing a job or service which is different from that advertised or expected – may have been tricked or coerced
- Injuries or impairments typical of certain jobs
- No days off or holiday time
- Lack of access to medical care
- Working excessive hours
- Working for someone other than expected

LIVING CONDITIONS

- Without adequate food, clothing or hygiene products
- Food, clothing or hygiene products are provided on the condition of working
- Isolation from friends or family
- Living with others subject to similar conditions
- Living on or close to the worksite
- Temporary, mobile, overcrowded or makeshift accommodation
- Lack of access to washing facilities

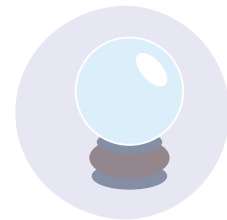


MYTH

THE PERSON KNEW WHAT WAS GOING TO HAPPEN TO HER/HIM, SO SHE/HE CANNOT BE CONSIDERED A VICTIM.

REALITY

EVEN IF A PERSON ACCEPTS A PROPOSED SITUATION OR TO WORK UNDER EXPLOITATIVE CONDITIONS, THEY CAN STILL BECOME A VICTIM OF TRAFFICKING IF THE OFFER THEY ACCEPTED DIFFERS CONSIDERABLY FROM THE CONDITIONS THEY FACE IN THE DESTINATION COUNTRY OR IF ILLICIT MEANS HAVE BEEN USED. A PERSON CAN NEVER CONSENT TO THE ILLICIT MEANS AND NOBODY VOLUNTARILY CHOOSES TO BE TRAFFICKED.



THE FOLLOWING QUESTIONS CAN GIVE A CLEARER PICTURE ABOUT THE SITUATION OF A PRESUMED VICTIM OF TRAFFICKING:

SEXUAL EXPLOITATION

IS THE PERSON...

- ... being coerced into prostitution or into performing sexual acts for compensation?
- ...expected to perform services in an environment that is different from that advertised?
- ...aware of all the tasks expected from her/him?
- ...expected to work in an environment that is sexualised?
- ...allowed to choose the services given or to whom?
- ...able to choose the schedule?
- ...able to end the imposed activities on her/his own accord?
- ...aware of the regulations on prostitution in the country in which she/he is in?
- ...threatened with violence or punishment?
- ...able to keep her/his earnings?

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BEGGING OR PETTY CRIMES

IS THE PERSON...

- ...forced to beg or commit acts of petty crime – for example stealing or selling drugs – especially if she/he is disabled, elderly or underage?
- ...threatened with violence or punishment if she/he does not steal or collect enough?
- ...living with adults who are neither guardians nor relatives?
- ...living and travelling in large groups across the entire country or region?

ALSO, DOES THE PERSON have a history of registration in several cities or countries with different identities, child protection authorities and/or in connection with crimes?

LABOUR EXPLOITATION

DOES THE PERSON...

- ...have a contract?
- ...have a work permit?
- ...work illegally long hours?
- ...receive very low payment or no payment at all?
- ...work in dangerous conditions (including physically dangerous and unsanitary)?
- ...use dangerous equipment or substances?
- ...have the necessary safety gear (including equipment and clothing)?
- ...have the required/fundamental training and professional certificates?
- ...have the ability to terminate her/his work situation?
- ...know her/his labour rights and that she/he can join a trade union organisation?
- ...pay taxes?
- ...work in an environment other than advertised?

IN ADDITION TO THOSE INDICATORS, IN CASES OF EXPLOITATION
IN PRIVATE HOMES – **DOMESTIC SERVITUDE**

DOES THE PERSON...

- ...live with the family without her/his own living area?
- ...eat separately from the family?
- ...leave the house on her/his own accord?
- ... have to carry out duties other than domestic services?
- ...get any breaks or leave from the work?
- ...have to work long hours on a daily basis?

INTERVIEWING POTENTIAL VICTIMS OF HUMAN TRAFFICKING

As victims of trafficking have been deceived, coerced or abused by others, sometimes also by authority representatives, they can be reluctant to trust those offering them assistance.

The majority of victims of trafficking have experienced violence, physical and psychological trauma. Therefore, when you are interviewing them you must be sensitive, empathetic and patient to avoid triggering grief reactions, emotional stress and anxiety. You need to build trust and increase their self-confidence. This will help their recovery process as well as making it easier to interview them.

Wherever possible you should avoid causing the victim to recall negative experiences in a way that could cause her/him to feel stigmatised, re-traumatised, ashamed, disempowered or hopeless.

Dealing with cases of trafficking can be emotionally difficult for the assisting stakeholder. One should not, however, put one's emotional strain on the victim - but discuss with colleagues or supervisors if there is a need. This should also be taken into consideration in embassy policy documents.

A COMPLEX RANGE OF REACTIONS ARE NORMAL, INCLUDING:

- relief
- sadness
- fear
- anger and a hostile attitude
- suspicion toward the identifying actor
- exhaustion
- denial
- apathy

KEY ISSUES FOR THE VICTIM:

- SAFETY – personal safety and that of the family or others
- STATUS – in the country they have been identified in (legal, irregular migrant, victim or other)
- CONFIDENTIALITY – fear of being stigmatised by the public or media and possible family consequences; this is especially acute in cases of trafficking for sexual exploitation
- FEAR – of the reprisals by the traffickers and, in case of participation in court proceedings, fear of having to testify in the presence of their trafficker
- RE-TRAUMATISATION – from reliving the abuse experienced

ALWAYS USE A VICTIM CENTERED APPROACH:

- Focus on the situation and the rights and needs of the person
- Give the victim autonomy and respect
- You should empower the victim to make her/his own decisions and never judge them
- Never pass judgement or moralise about the victims decisions

ALWAYS REMEMBER that the life they have led is different from yours and so their experience and reference points may not match your expectations.

INTERVIEW BASICS

INTERVIEWING A VICTIM OF TRAFFICKING IS NOT AN INTERROGATION. DO NO HARM should be your guiding principle. Always fully respect the victim's concerns, agency and wishes and obtain their informed consent. This is non-negotiable. If the presumed victim is a child, always consider to consult or include a stakeholder trained in interviewing children. The purpose of hearing the child is to detect potential exploitation and harm, by asking a minimum set of questions.

Remember that you are there to help not to force help upon the person. Establishing trust is crucial for the interview process.

Interviews may take place at the consulate or the embassy or you have to go to another location - service provider office or shelter, police station, migration office or detention centre, hospital or clinic or the office of the assigned legal firm.

When scheduling an interview, personal security for both the victim and the case handler should be taken into account.

If the premises in which the interview takes place is not assessed as safe for a child, please explore other venues in which the interview could take place, such as organisations and child protection authorities working with children's issues or Barnahus, when applicable.

WHEN PREPARING TO INTERVIEW A VICTIM, ALWAYS CONSIDER:

- Who will participate?
- Is the gender of the interviewer appropriate?
- Where will the interview take place?
- What questions will be asked?
- Are you properly equipped to carry out the interview with a child?
- Are you prepared to handle the answers and follow up?

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INTERVIEW CONDITIONS

- Ensure that the interview takes place in a closed private space without the possibility of being overheard
- The only people allowed to be present should be the victim, the interviewer(s), an official interpreter (where necessary) and a qualified support person (such as a lawyer, social worker or psychologist) where appropriate
- If the interview is conducted then you should be able to speak with the victim without staff from the organisation or agency present, unless the victim specifically requests it
- Interviews should be free from interruptions – mobile phones should be turned off and a "Do not disturb" sign could be displayed

BEFORE YOU BEGIN ASK THEM IF...

- ...they have understood what has been explained
- ...they consent to continue with the interview
- ...they know how they can report criminal offence committed against them
- ...they have been told about available social and legal services and assistance – check that they have the correct and full information



INTRODUCTION

- Introduce yourself
- Describe your role and the consulate or embassy you represent
- Ask if they are suffering from any pain or discomfort and if they require medical assistance
- Invite everyone present to introduce themselves
- Ask if the victim has any questions about the people present
- Ask if they feel secure and comfortable – tell them where the bathroom is and offer refreshments
- Inform the victim on his/her rights to not answer a question they cannot provide an answer to

EXPLANATION

- Briefly explain your role in providing assistance and the purpose of the interview
- Explain that some questions will relate to their history and the process that they have been through
- Reassure them that you will be sensitive but that some topics may be upsetting and painful to recall
- Tell them that they can take a break whenever they choose
- Tell them that they can ask questions or seek clarification at any time
- Make sure that you are aware of and also inform the interviewee about the confidentiality rules that apply to the information shared with you. Be aware that separate rules might apply regarding children.

INTERVIEW DO'S

DO

- Be patient - take your time and listen
- Be empathetic towards the presumed victim
- Listen to the persons own description of their experienced situations and be prepared to ask questions from different angles
- Ask straight forward questions that can easily be understood
- Ask "yes/no" questions to avoid the person having to recount their entire experience in detail right away
- Refer to the indicators of trafficking to guide further interview questions
- Be flexible in your interviewing and be sensitive to the information volunteered by the victim, the exploitation that they have suffered and the assistance they require
- Keep the information realistic about the assistance available to the person
- Keep in mind her/his right to self-determination

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POSSIBLE INITIAL INTERVIEW QUESTIONS:

- Can you choose to leave the place where you are living?
- Do you have your own personal space?
- Do you have your own key to your residence?
- Do you have to ask permission to visit a doctor, the shops, the market or other places of your choice?
- Can you send or receive mail?
- Do you have access to internet?
- Can you make or receive personal phone calls?
- Do you own your own mobile phone or SIM card?
- Do you receive your own money?
- Do you have a bank account?
- Does your employer pay your salary into your own bank account?
- Do you have control of your own Passport/Travel/Employment documents?
- Did you have a verbal agreement?
- Did you sign an employment contract? Do you have a copy of that contract?
- Are the activities that you do the same as those you expected or were told?

& DON'TS

DON'T

- Ask anything that may cause stress, aggravate their situation or re-traumatise the victim
- Ask presumptuous or leading questions. For example:
 - Are you being coerced?
 - Are you being victimised?
- Ask the same question over and over again. This would pressurise the person and make the interview feel like an interrogation, which is stressful and breaks trust. Consider other ways to get the answer you seek and approach the question from a different angle
- Make promises that you are unsure you can deliver

TO REMEMBER IN CASES INVOLVING CHILDREN

If the interview involves a child, make sure to consult with appropriate stakeholders trained in interviewing children. Regardless of scenario or time pressure you as a case handler are in, you should always keep in mind that children have specific vulnerabilities and require measures and support that differ from adults.

Make sure to always adjust information to the age and maturity of the child. Always treat children as individuals with their own rights and make sure that their individual stories and perspectives are taken into account. Interviews with children (especially in suspicious cases) should be made separately, without the accompanying adult in the room.



YOU MUST BE SENSITIVE TO...

- ...age and development
- ...the trauma they may have experienced
- ...their cultural background
- ...their fears and apprehension

MAKE SURE THAT THEY KNOW THAT THEY CAN HAVE ACCOMMODATION AND ASSISTANCE ARRANGED BY A SPECIALISED SERVICE PROVIDER. IF THEY HAVE NOT ARRANGED FOR THIS BUT ASK FOR THESE SERVICES, YOU SHOULD:

- Provide them with the contact information of these service providers
- Offer to help them to arrange for assistance
- Make an initial security assessment
- Give them your contact information so that they can request further assistance if required

CONCLUDING THE INTERVIEW

AT THE END OF THE INTERVIEW THE VICTIM OF TRAFFICKING SHOULD BE AWARE OF:

- their status
- what will happen next
- how you will further assist them
- Information on or referral to available housing options such as shelters, if the situation requires it.

IN CASES INVOLVING CHILDREN

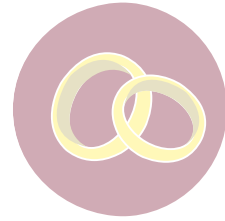
A child suspected to be exploited in human trafficking or under the risk of violence should not be automatically referred to any shelter, without firstly involving appropriate child protection authorities. If no child protection authorities are available, safe and appropriate housing options such as family based options or experienced organisations specialised in children's rights.

MYTH

IT CANNOT BE HUMAN TRAFFICKING WHEN THE ORGANISER AND THE VICTIM ARE RELATED OR MARRIED/COHABITING/LOVERS.

REALITY

VICTIMS ARE OFTEN LURED OR GROOMED INTO A TRAFFICKING SITUATION BY A FRIEND OR RELATIVE. TRAFFICKING CAN TAKE PLACE ALSO WITHIN MARRIAGE OR WITHIN A FAMILY.

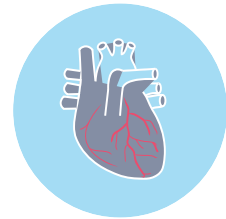


MYTH

JOBS OFFERING DECENT SALARIES CAN NEVER RESULT IN HUMAN TRAFFICKING.

REALITY

YES THEY CAN EVEN IF THE VICTIM DOES NOT NECESSARILY THINK SO..



MYTH

PERSONS ARE ONLY TRAFFICKED FOR SEXUAL EXPLOITATION

REALITY

THOUGH MANY PEOPLE ARE TRAFFICKED FOR SEXUAL EXPLOITATION, INCREASINGLY PEOPLE ARE ALSO TRAFFICKED FOR INSTANCE INTO FORCED LABOUR, DOMESTIC SERVITUDE, ORGAN REMOVAL OR FOR FORCED BEGGING AND CRIMINALITY.

MYTH

VICTIMS OF TRAFFICKING ARE BEATEN, LOCKED UP, WITHOUT IDENTITY DOCUMENTS OR ANY FREEDOM OF MOVEMENT.

REALITY

THIS IS OFTEN TRUE BUT INCREASINGLY VICTIMS OF TRAFFICKING ARE NOT SUBJECT TO OBVIOUS FORMS OF ABUSE AS TRAFFICKERS HAVE CHANGED THEIR 'MODUS OPERANDI' AND ARE USING MORE MANIPULATIVE METHODS IN ORDER TO CREATE THE ILLUSION OF WELL-BEING AND FREEDOM FOR THEIR VICTIMS.



DATA CONFIDENTIALITY

Keeep the information confined to as few people as necessary in order to maintain confidentiality and keep the person concerned out of potentially harmful situations.

IF AN ADULT PROVIDES CONSENT FOR HER/HIS INFORMATION TO BE SENT TO SPECIALISED AGENCIES FOR FURTHER ASSISTANCE, YOU SHOULD INFORM THE RELEVANT AGENCY ACCORDINGLY.

DO

Fully inform the person about the collection of data about them and its uses, as well as their right to access the data.

Use all due diligence in the management and disposal of confidential personal data.

Keep all printed materials containing confidential data about the victim secure.

Ensure that disclosure does not increase risk to the victim or any member of their family, even in the case where a victim has given written consent to the disclosure of confidential data.

DON'T

Release any confidential data unless the victim gives written (and fully informed) consent authorising the release of personal data for specific purposes and uses.

Under any circumstances disclose any confidential data to any individuals whose identity and credentials are not known.

Leave printed materials containing confidential data on the victim of human trafficking unattended or in areas accessible to others.

Disclose any confidential data to relatives of the presumed victim if there is a suspicion that they have been involved in trafficking.

ADDITIONAL RESOURCES

The IOM Data Protection Manual provides guidelines for how to govern the implementation of the IOM Data Protection Principles in a manner that recognizes both the right of individuals to protect their personal data and the need of IOM to process personal data in the course of fulfilling the Organization's migration mandate. Link to the Manual: <https://publications.iom.int/books/iom-data-protection-manual>

IOM has been part of the Advisory Group and has assisted in the drafting of the ICRC Handbook on Data Protection in Humanitarian Action. The Handbook provides guidance on the application of

data protection principles to the very unique specificities of Humanitarian Action, and then describes this guidance according to the specific features of new technologies that are of particular relevance for humanitarian action. The Handbook on Data Protection in Humanitarian Action is available here: <https://www.icrc.org/en/data-protection-humanitarian-action-handbook>

For more information, please consult national statistical offices or IOM's Counter Trafficking Data Collaborative (CTDC): <https://www.ctdatacollaborative.org/>

RISK ASSESSMENT

Victims of trafficking are subject to a number of threats, including from organised crime, and it is important to be aware of the risks.

The specialist service providers or the law enforcement agencies, if they are involved, should perform a thorough risk assessment. You should also evaluate the potential risks to victims of trafficking as well as

to those assisting them. You can help to design a risk management plan addressing the areas identified in the risk assessment.

STAY SAFE

- Carefully identify and thoroughly assess the security risks involved in each case.
- Constantly adhere to best practice security procedures.

GENERIC RISK ASSESSMENT -

ASSESSES THE SITUATION IN THE COUNTRY IN WHICH YOU ARE BASED

- How extensive is trafficking where you are?
- Are you in a country of origin, transit or destination, or a combination?
- Is trafficking in human beings controlled by organised criminal groups or other networks?
- Have those groups planned or implemented reprisals against the victims or those assisting them?
- Are the local law enforcement agencies reliable?
- Is there known corruption and on what perceived level?
- How committed is the government to combating trafficking in human beings?

In addition to the risks that adults face, children might be exposed to additional risks and therefore, special attention should be paid to assess and mitigate risks in situations involving children

Each case will present different challenges and risks. Therefore, you must conduct a specific risk assessment based on the individual case and develop a risk management plan. These must be reviewed and revised if new information is presented.

You must keep all information concerning the victim, the trafficking process and any organisation assisting the victim secure.

You must consider the safety of individuals and organisations that the victim will come into contact with – NGOs or specialised service providers, church groups, interpreters and individuals such as other victims, relatives or friends of victims.

Your primary goal must be to properly identify and assist a victim without risking the persons security. But you should be aware that criminal networks can try to access victims or infiltrate service providing organisations by the use of false identity.

THE FOLLOWING FACTORS AFFECTING RISKS SHOULD BE CONSIDERED IN THE ASSESSMENT:

- The risk of reprisals from traffickers, irrespective of the victim cooperating with law enforcement agencies.
- The risk levels are usually magnified and more immediate when the victims chooses to cooperate with law enforcement agencies

SAFE RETURN

AN UNSAFE RETURN PROCEDURE IS A BREACH AGAINST THE VICTIM'S RIGHTS AND POSES GREAT RISKS TO THE VICTIM'S RECOVERY AND SAFETY AND IT MAY RESULT IN THEM BEING RE-TRAFFICKED



ARTICLE 8 OF THE PALERMO PROTOCOL REQUIRES THAT ANY REPATRIATION OF VICTIMS MUST BE WITH DUE REGARD FOR THEIR SAFETY, IRRESPECTIVE OF WHETHER THEY HAVE COOPERATED IN ANY CRIMINAL PROCEEDINGS.

ARTICLE 1 OF DIRECTIVE 2008/115/EC OF THE EUROPEAN PARLIAMENT AND COUNCIL STATES THAT THE RETURN OF IRREGULARLY STAYING THIRD-COUNTRY NATIONALS MUST BE "IN ACCORDANCE WITH FUNDAMENTAL RIGHTS AS GENERAL PRINCIPLES OF COMMUNITY LAW AS WELL AS INTERNATIONAL LAW, INCLUDING REFUGEE PROTECTION AND HUMAN RIGHTS OBLIGATIONS"

Return of victims of trafficking to their home country should always be safe and dignified. You can help to make sure that this happens.

The organisation or authority overseeing the return must perform a risk assessment so that victims are not returned to countries where they might suffer harm, retribution, stigmatisation or discrimination.

This might be done in cooperation with the consular section at your Ministry for Foreign Affairs.

The family environment that the person would return to and the support services available should also be considered. Furthermore, is there a risk for

re-trafficking if the victim return home?

The chain of assistance and the organisation overseeing the return process differ from country to country. In a number of countries the International Organization for Migration performs this role, in other countries it is national governmental actors such as the police, social services, migration authorities or non-governmental organisations.

YOU SHOULD DISCUSS THE RETURN PROCESS WITH BOTH THE VICTIM AND THE ACTOR THAT IS OVERSEEING THE RETURN PROCESS

- Ask the victim what they have been informed about the return process. Have they made informed decisions? Have they made preparations?
- You can help to prepare documents and assist with travel arrangements, including accompanied return as needed.
- Your other main role should be to act as a coordinator between the country you are based in and the country that the person will return to as you have relevant contacts and information about the return country.
- Contact the organisation in the country that they will return to to arrange for someone to meet the victim of trafficking when she/he arrives. This organisation should also help with referral of the victim to specialist service providers in that country.
- Be aware that the transportation phase of the return can mimic aspects of the victim's trafficking experience. To make this less stressful it must be ensured that the victim of trafficking is fully informed about each stage and reassure them throughout.
- Accompanied returns can help to alleviate that stress because the person accompanying the victim can provide support and safety.
- Special considerations must be taken in the repatriation of children, including thorough risk assessments and the best interest of the child.



DEVELOPING STRATEGIES
TO EFFECTIVELY
WORK AGAINST HUMAN
TRAFFICKING AT YOUR
EMBASSY OR CONSULATE

The embassies or diplomatic missions should develop working methods to prevent trafficking in human beings. This should be done through an informed approach where you have assessed the human trafficking situation in the country in which you are based in and the country you represent.

How can the embassy contribute to the work against human trafficking? Can the consular section do anything to enhance the prevention of human trafficking by informing nationals or people applying for visas to the country the embassy or consulate represents on how to protect themselves and know their rights?

Do you have a policy to protect domestic workers working for the embassy or the consulate?

Ask your colleagues and your peers in the diplomatic community of their experiences of handling

cases of trafficking in human beings to build upon their knowledge.

How can you guarantee that the staff at the embassy and consulate are not involved in or contribute to human trafficking?

Can you develop targeted information campaigns or distribute other material on how to travel and stay safe?

Can you cooperate with other actors such as international organisations, national authorities or NGOs to better counteract human trafficking?

EDUCATE YOURSELF AND YOUR COLLEAGUES ABOUT THE:

- Trafficking process
- International legal framework
- Situation and trends in the country in which you are based and the country you represent
- Agencies and organisations in the country in which you are based and the country you represent
- Chain of assistance

JOINTLY DEVELOP AND ADOPT:

- Codes of conducts ensuring that you do not contribute to human trafficking for any forms of exploitation
- Policies on safeguarding children in activities connected, but not limited to, work events, projects and consular cases.
- Methods ensuring that the embassy or mission does not contribute to the demand of human trafficking

DIPLOMATS AND THE EXPLOITATION OF DOMESTIC EXPLOITATION

Unfortunately, a proportion of domestic workers around the world that are employed by diplomats suffer abuses ranging from wage exploitation to trafficking offences.

Domestic workers brought into the country by diplomats potentially face greater isolation than other workers due to the fact that their duties are bound to household work because of cultural and linguistic barriers. They are often from a third country and are far away from their family and network.

Domestic workers are often even more vulnerable because their employment visa is often bound to one employer and they are not allowed to transfer to another employer without losing their residence permit and right to work in the country.

Because diplomats generally enjoy immunity from

civil and criminal jurisdiction while on assignment, legal resources and remedies available to domestic workers, and the criminal response otherwise available to the host government, are significantly limited.

There are however actions that countries, embassies and consulates can take to prevent these forms of exploitation.

Preventive strategies should apply to all domestic workers employed by embassies or consulates in the receiving state independent of where the workers come from, as well as nationals of the sending state working in the receiving state.

This should also conversely apply to nationals of the receiving state employed as domestic workers in the country that the embassy or consulate represents.

THE EMBASSY OR CONSULATE CAN SET UP A POLICY AGAINST THE ABUSE OF DOMESTIC WORKERS WITH INSTRUCTIONS TO DIPLOMATS AND THE STAFF ABOUT THE TREATMENT ACCORDED TO THEIR DOMESTIC WORKERS.

THE INSTRUCTIONS MIGHT INCLUDE;

- Rules against any form of exploitation with repercussions for any form of abuse
- Holding the diplomats responsible for their treatment of domestic workers
- Employment contracts with mandatory provisions, such as minimum wages, holiday, ability to contact family etc.
- Compulsory review of the employment contract for the domestic workers
- Providing domestic workers with information about their rights and how to obtain help if they need it

**Does your country
allow
domestic workers
to change
their employer
without losing
their work and
residence permit?**

ADDITIONAL LEGAL FRAMEWORK

THE INTERNATIONAL CHARTER OF HUMAN RIGHTS

- The Universal Declaration of Human Rights (1948) and the optional protocol
- Covenant of Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)

OTHER INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

- International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- International Convention on the Rights of the Child and its Optional Protocols on the Involvement of Children in Armed Conflicts as well as the Sale of Children, Child Prostitution and Child Pornography (1989)

INTERNATIONAL LABOUR CONVENTIONS

- International Convention on the Protection of the Rights of All Migrant Workers and their Families (1990)
- Forced Labour Convention (1930)
- Abolition of Forced Labour Convention (1957)
- Discrimination (Employment and Occupation) Convention (1958)

DIRECTIVES AND STRATEGIC FRAMEWORKS

- Commission Communication on the EU Strategy on victims' rights (2020-2025), COM(2020) 258 final, 24.6.2020
- Commission Communication on the EU Strategy on the rights of the child, COM(2021)142final, 24.3.2021
- Strategy for the Rights of Persons with Disabilities 2021-2030, (COM(2021) 101 final), 3.3.2021
- Brussels, 12.11.2020 COM(2020) 698 final Union of Equality: LGBTIQ Equality Strategy 2020-2025
- The Commission adopted on 7 October 2020 the EU Roma strategic framework for equality, inclusion and participation to ensure effective equality, socioeconomic inclusion and promote participation of Europe's largest ethnic minority; COM(2020) 620 final, 7.10.2020. It aims to combat poverty, antigypsyism and discrimination
- The Commission is following up on the commitments of the EU Gender Equality Strategy 2020-2025 COM(2020) 152 final, 5.3.2020 including by proposing a legislative initiative on combatting gender-based violence against women and domestic violence.
- Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).
- Victims of Crime Directive 2012/29/EU

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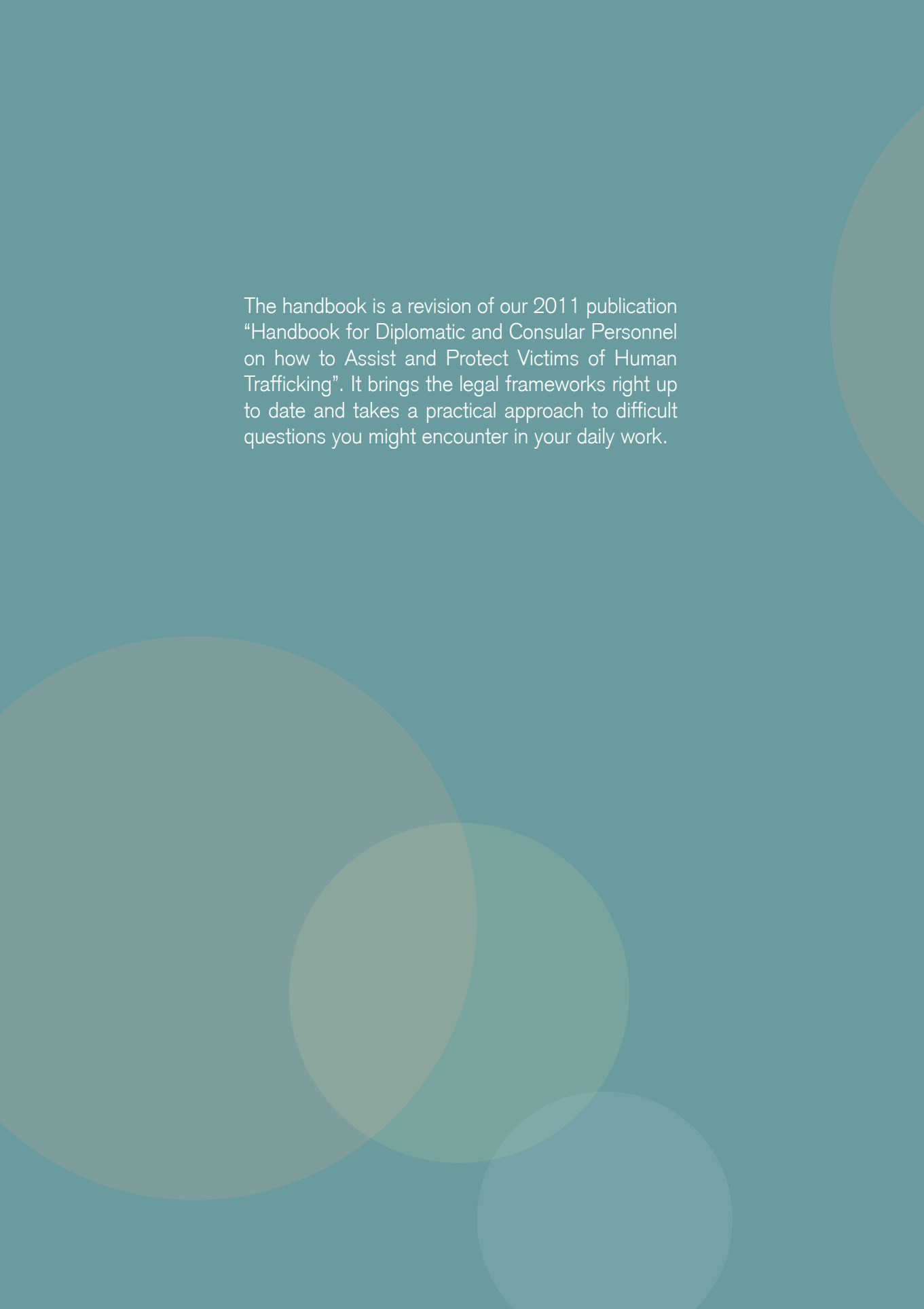
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The background is a solid teal color. It features several overlapping circles of varying shades of teal and light blue. One large circle is on the left side, partially overlapping a smaller one in the center. Another smaller circle is at the bottom right, overlapping the central one. A fourth circle is partially visible on the right edge of the frame.

The handbook is a revision of our 2011 publication “Handbook for Diplomatic and Consular Personnel on how to Assist and Protect Victims of Human Trafficking”. It brings the legal frameworks right up to date and takes a practical approach to difficult questions you might encounter in your daily work.