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FOREWORD

“The United Republic of Tanzania values dignity of every human person and guarantees respect of human rights. This is enshrined within the Constitution and in the Convention against Transnational Organised Crime together with the Protocol to Prevent, Supress and Punish Trafficking in Persons.

Whereas the United Republic of Tanzania accords highest priority to the enactment of measures and development of programmes that promotes human dignity, protects the people from any threat of violence and exploitation, eliminates trafficking in persons and mitigates pressures for involuntary migration and service of persons with a view to ensuring their recovery, rehabilitation and reintegration into the mainstream of the society”\(^1\)

In consequence the United Republic identified the need to put in place a comprehensive legislation to address all aspects of trafficking in persons and the Tanzanian Anti-Trafficking in Persons Act was enacted in 2008. The Tanzanian Police Force being one of the main law enforcement agencies subsequently has distinct responsibilities under the law of trafficking that includes the investigation of cases and to identify, protect and assist victims as well as interviewing suspects and victims.

The complexity of investigating trafficking in people cases requires specialist knowledge, skills and abilities and this curriculum is compiled with the assistance of the team of police trained trainers and is designed to address the specific training requirements of police officers who work in the departments that can play a crucial and active role in the fight against trafficking in people.

\(^1\) The preamble taken from the Anti-Trafficking Act 2008
ACKNOWLEDGEMENTS

This Manual is designed to assist law enforcement officers working in the field of human trafficking in Tanzania and is part of a wider programme to operationalize Tanzania’s anti-trafficking legislation, the Anti-Trafficking in Persons Act of 2008.

Mr. Peter Bryant for the International Organization for Migration (IOM) wrote the first version of this training toolkit. It has been extensively reviewed and enriched under the guidance of the Police Working Group on Anti-trafficking in Persons.

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Chapter 1 – Methodology

The manual has been designed for police training and the topics course were carefully considered in consultation with the existing police officer trained trainers. It was felt that Tanzanian police officers required the cognitive knowledge, practical skills and positive attitude to effectively investigate human trafficking cases that is contained within this curriculum.

The training curriculum contained in this manual consists of the following:

1. An agenda for a two day training programme that can be extended to three days when time allows
2. Six separate training sessions that run in a chronological order and consisting of:
   a) The topic title
   b) The aim and session objectives
   c) An introduction to the session
   d) The information/material pertaining to the topic necessary to conduct the training session
   e) Activity plans to assist in the facilitation of each session
   f) Power point presentations where the equipment is available
   g) A conclusion of the session with knowledge test
3. Case studies specific to Tanzania
4. Evaluation questionnaire

Trainers should therefore have all the information they require to conduct this training course with their personnel. This does not however prevent the trainers from adding their own additional material, teaching methods and training activities to personalise the curriculum, but they are advised to maintain the set learning aim and objectives to ensure a consistent standard is maintained as the training is conducted throughout the country.
Chapter 2 Timetable

Agenda for the training sessions on investigation and interviewing - Anti-Trafficking in Persons Act 2008 (No 15 2008)

The aim: to provide training for the police officers who are tasked with investigations into the crime of trafficking in persons and to enable them to successfully investigate cases and interview victims

Draft Agenda

Day One:

08:00 – 08:30  Registration of participants and opening
08:30 – 08:45  Outline of course and introductions
08:45 – 10:15  Session 1. Trafficking in persons: A global perspective and the current situation in Tanzania
10:15 – 10:45  Coffee break
10:45 – 12:30  Session 2. The recruitment, transportation, coercion and control of victims
12:30 – 13:30  Lunch break
13:30 – 14:30  Session 3. Child trafficking
14:30 – 15:15  The importance and relevance of victim identification (part 1)
15:15 – 15:45  Coffee break
15:45 – 16:30  Session 4. The importance and relevance of victim identification (part 2)
16:30          Sum up for the end of day

Day Two

08:00 – 08:30  Recap of day one and introduction to day two
08:30 – 09:30  Session 5. Victim protection and assistance
09:30 – 10:15  Session 6. Crime scene, investigations, evidence gathering and prosecutions (Part 1)
10:15 – 10:45  Coffee Break
10:45 – 12:30  Crime scene, investigations, evidence gathering and prosecutions (part 2)
12:30 – 13:30  Lunch break
13:30 – 15:00  Session 7. The guiding principles of investigative interviewing of victims of trafficking (part 1)
15:00 – 15:30  Coffee break
15:30 – 16:30  The guiding principles of investigative interviewing of victims of trafficking (part 2)
16:30  End of course evaluation and closure

If time allows the course can be extended to three days

**Day Three**

08:00 – 08:30  Debrief of previous day
08:30 – 10:30  Role play of interviewing
10:30 – 11:00  Coffee break
11:00 – 13:00  Role play continued
13:00 – 14:00  Lunch break
14:00 – 15:15  Case studies (Noelia, Faith and Aamal)
15:15 – 15:45  Coffee break
15:45 – 16:30  Debrief of case studies and final closure
Chapter 3

Session 1. Trafficking in persons explained, the global perspective and the current situation in Tanzania

Aim of the session: For the participants to grasp the concept of trafficking in persons, including the Tanzanian law and the national and international perspective of the current situation in Tanzania.

Session objectives: By the end of the session the participants will be able to:
1. Define trafficking in persons and smuggling of migrants including the three phases of trafficking according to the Palermo Protocol;
2. Differentiate between trafficking of people and smuggling of migrants and identify the common modalities;
3. Gain a working understanding of the Tanzanian Anti-Trafficking in Persons Act;
4. Understand the global perspective of trafficking in persons and the current situation in Tanzania

Introduction to the session: This session focuses on the definition of TiP and explores the nature and scale of trafficking both globally and in Tanzania. The session furthermore provides an overview of the international and national legislative frameworks as related to human trafficking, and explores the similarities and differences between TiP and migrant smuggling. Participants are also exposed to the constituent elements and various stages of the crime of TiP. The chapter concludes by highlighting the role of law enforcement agencies and officers in responding to TiP.

1. To define trafficking in persons and smuggling of migrants including the three phases of trafficking according to the Palermo Protocol

Activities:
1. Write the word ‘trafficking’ on the flipchart/whiteboard and ask participants “What does trafficking mean to you”? Write their responses on the flip chart then repeat on a separate sheet with “Smuggling”. This activity acts as warm-up and knowledge check.
2. Explain the three phases and relate to the Anti-Trafficking legislation
3. Group Activity: Either as a plenary discussion with the whole group or in small groups to discuss the following issues:
   a) What trafficking is occurring in Tanzania?
   b) Where and how is it happening?
   c) Explain the situation in Tanzania as a source, transit or destination country
4. Conduct the knowledge test to end the session

The UN Protocol


“Trafficking in persons shall mean recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of 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”.

When a country is party to the TOC Convention and the Palermo Protocol (hereinafter referred to as the Protocol), it is obligated to align its domestic Criminal Code accordingly. The precise wording of the definition can differ from that which is defined in the Protocol, however the conduct of trafficking must be criminalised nonetheless.

**Act:** The act of trafficking a person refers to the measures employed by traffickers (i.e. what is done) to introduce or maintain a victim in the trafficking scenario. The acts – as detailed in the Protocol above – are not criminal per se in isolation. These acts become criminal when coupled with two additional elements: 1) indication that the act was committed without the consent or through the vitiated consent (implying the absence of a fully informed and freely given consent) of the victim and 2) indication that the intent of the conduct was exploitation.

**Means:** The means (i.e. how) used to traffic a person refers to the manner in which a trafficker attracts or maintains an individual in the trafficking scenario. Means employed by traffickers can include fraud, deception and the abuse of power or of a position of vulnerability and can occur with or without the use of any overt (physical) force. The “use of power or of a position of vulnerability” contained in Article 3 of the Protocol “is understood to refer to any situation in which the person involved has no real and acceptable alternative but to submit to the exploitation involved.” This is to acknowledge that many trafficked persons are under the influence of someone to whom they are vulnerable, for example, a person holding a position of official authority or a parent or spouse.

**Purpose (exploitation):** The purpose of TiP is ultimately exploitation. The definition of trafficking in the Palermo Protocol includes the following forms of exploitation: prostitution; sexual exploitation; forced labour; slavery or similar practices; servitude and removal of organs. According to the Protocol, exploitation covers the forms of exploitation that shall be included “at a minimum”. This means that the list provided in Article 3 is non-exhaustive. Tanzanian law has included other forms of exploitation in their domestic criminal law, depending on national experiences with different forms of trafficking. "Exploitation of prostitution" and other forms of "sexual exploitation" are not defined in the Palermo Protocol or elsewhere in international law. They were intentionally left undefined so as to allow all States to ratify the Palermo Protocol, irrespective of their domestic laws relating to the legality or illegality of prostitution.

The methods the traffickers use to control victims often vary on the type of exploitation. Exploitation in Tanzania can be in any form but is normally seen through:

- Sexual exploitation - through prostitution occurring in massage saloons, hotels and casinos, with street prostitution and escort agencies, etc.
- Employment (labour exploitation) occurring in agriculture, fisheries, construction, mining, catering, etc.
- Domestic housemaid service and in-care and hospitality work
- Street begging where often children are used
- Removal of body organs for sale
- Child pornography
Consent as a defence: Consent of the victim can be a defence in domestic law, but if it is obtained through any improper means, consent becomes irrelevant and cannot be used to absolve a person from criminal responsibility. In addition, the presence of consent of the victim at one stage of the process cannot be taken as consent at all stages of the process. If there has not been consent at any stage of the process it means that the case is one of trafficking. This means that if a person consented to work abroad or to enter a country illegally, but did not consent to exploitation, an offence has been committed.

In the case of children, consent is irrelevant because a child cannot voluntarily or willingly enter into an arrangement that resulted in trafficking, even if the child’s parents were to give their consent.

The special case of children: The Trafficking Protocol recognizes the special situation of children in subparagraph c, which removes the need for means to be present for trafficking to occur. Child trafficking is defined in Article 3 c as: “The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation”. In other words, for children, it is not necessary that there be force, fraud or coercion for trafficking to occur. In the case of a child, not only will consent fail as a defence, but there need be none of the prescribed means as well.
Migrant smuggling: The second Supplementary Protocol to the Convention on Transnational Organized Crime is the Protocol against the Smuggling of Migrants by Land, Sea and Air (hereinafter called the Smuggling Protocol). The Smuggling Protocol is of importance from the perspective of migration and trafficking; it focuses on the smuggling of migrants, producing a fraudulent travel or identity document; procuring, providing or possessing such a document and other acts building on and profiting from irregular migration.

According to the Smuggling Protocol, "smuggling of migrants" shall mean: "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident" and illegal entry "shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State".

Migrant Smuggling is:
Art. 3: the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.

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

Smuggling under Tanzanian law: Refer to the definition of smuggling in Part I of the Act. Note that the definition of smuggling under the Act is misleading, as it has been included in “exploitation”. The Immigration and Deportation Act of Tanzania does not define smuggling as such.

1. Note: This is not included in the current Tanzanian Anti-Trafficking law but as it is within the UN protocol that Tanzania has ratified therefore this provision should be applied

2. Furthermore a victim cannot consent to be trafficked and consent cannot be used as defence by the trafficker

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3 The United Nations 2000 Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime, Article 3(b)
2. To differentiate between trafficking in persons and smuggling of migrants and identify the common modalities

Identifying the main differences
There are some similarities between smuggling of migrants and cross-border trafficking in persons. Thus it is of utmost importance to clarify the similarities and, more importantly, the differences between these crimes.

Although both phenomena can involve criminal networks and transporting persons across borders, trafficking involves the continued exploitation of the victim. Once a migrant has been smuggled into the country of destination and has paid the required fee, his relationship with the smuggler comes to an end and the migrant enjoys relative freedom and is not exploited by the smuggler. In the case of cross-border trafficking, the relationship with the trafficker does not end upon crossing the border; instead the victim is subjected to continued exploitation.

Smuggling is therefore an offence against the state, while trafficking always constitutes a violation of the individual freedom of a person. However, it should be noted that smuggling could sometimes be a prelude to exploitation therefore an open mind is necessary when investigating an irregular migration case.

There are several important differences between trafficking and smuggling. These include:

1. **Consent (agreement):** Migrant smuggling, while often undertaken in dangerous or difficult conditions, involves clients or migrants that have consented (or agreed) to be smuggled. Trafficking victims on the other hand, do not agree to be trafficked: they are either abducted by their traffickers or agree to the travel with or without a trafficker only because they have been tricked with false promises of jobs or opportunities that do not exist in the country of destination.

2. **Exploitation:** Once a migrant has been smuggled into the country of destination and has paid the required fee, his relationship with the smuggler comes to an end, and the migrant enjoys relative freedom and is not exploited by the. Unlike a smuggled migrant, a trafficked person is forced to continue his/her relationship with the trafficker after reaching the destination. In this relationship, she/he is controlled and exploited by the trafficker and may even be resold to other traffickers who will continue to exploit her/him.

3. **How money is made:** Traffickers make their money by exploiting people (usually in prostitution or forced labour) in the country of destination, whereas migrant smugglers make money through charge of fees in exchange for helping people to cross borders irregularly.

4. **Border crossing:** Human trafficking can take place both within a country (internal trafficking) and across-borders (transnational trafficking). In other words a person can be trafficked either within a country or to a foreign country (sometimes transiting through neighbouring countries) for purposes of exploitation. Internal trafficking may in fact take place without the victim being moved at all. However, a person cannot be smuggled within a single country; smuggling always involves crossing international borders illegally. Additionally, trafficked persons may cross borders by either regular or irregular means.  

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Overlapping cases: After being smuggled across borders, irregular migrants may later be tricked or coerced into exploitative situations and thus become victims of human trafficking. It is often difficult for law enforcement officers and victim assistant workers to determine whether a situation is a case of smuggling or a case of trafficking, and migrants themselves might not be aware of the potential dangers.

Furthermore, victims of trafficking often come to the attention of authorities not as victims, but as offenders, since they are forced to participate in various types of criminal activities (e.g. drug production, illegal labour, or prostitution).

Authorities might initially find it difficult to distinguish between irregular migrants who have been smuggled, and victims who have been trafficked. Depending upon the jurisdiction and circumstances, protection and assistance services might be negated to victims of trafficking.

### 3 Differences

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<tr>
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<th>Trafficking</th>
<th>Smuggling</th>
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<tbody>
<tr>
<td>1. How money is</td>
<td>Exploitation of victim at point of destination</td>
<td>Facilitating illegal border crossing</td>
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<tr>
<td>made</td>
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<td>2. Does the</td>
<td>Victim consent is invalid because of deception,</td>
<td>Migrant agrees to travel with full information</td>
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<td>migrant consent?</td>
<td>coercion, force</td>
<td>about journey, destination and costs</td>
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<td>+ Relationship continues in country of destination</td>
<td>+ Relationship ends once border is crossed in</td>
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#### Defining the Differences

1. **Action**
   - **TIP:** “Recruitment, transport, transfer, harbouring, or receipt”
   - Smuggling: “Procurement...of the illegal entry of a person into a state party of which the person is not a national or permanent resident”

2. **Means**
   - **TIP:** “By means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception...”
   - Smuggling: “)”

3. **Purpose**
   - **TIP:** “Must be for the purpose of exploitation.”
   - Smuggling: “To obtain, directly or indirectly, a financial or other material benefit.”

#### Similarities:
- Both may involve irregular migration
- Similar activities of recruiting, transporting, etc.
- Both perpetrated by criminal networks
- Particular criminal network may traffic and smuggle people

#### Differences: Purpose; Consent; Victimization; Exploitation; Transnationality?
3. To gain a working understanding of the Tanzanian Anti-Trafficking in Persons Act 2008

Introduction
Since the ratification of the UN Palermo Protocol, the United Republic of Tanzania has passed a law on anti-trafficking in 2008. The purpose of this section is to highlight the main aspects pertinent to the police.

Section 4 of The Act defines trafficking as (paraphrased):

(Act) To recruit, transport, transfer, harbour, receive or obtain a person.....by

(Means) of Threat or use of force, fraud, deceit, violence, coercion or intimidation

(Purpose - of Exploitation): The Act defines exploitation in relation to trafficking in persons to include:
- Prostitution and other forms of Sexual exploitation;
- Forced labour or services;
- Slavery or practices similar to slavery;
- Servitude;
- Removal of organs.

Grounds that cannot serve as defence
The Anti-Trafficking in Persons Act lists non-defences in relation to trafficking cases. Section 4 - (3) and (4) of the Act provide that:

"Where a victim of trafficking in persons is a child, consent of the child, parent or guardian of the child shall not be used as a defence in prosecution under this Act regardless of whether there is evidence of abuse of power, fraud, deception or that the vulnerability of the child was taken advantage of"

Consent of the victim of trafficking shall be immaterial where threat or use of force, fraud, deceit, violence, coercion or intimidation for the purpose of removal or sale of organs of the person.
The Anti-Trafficking law penalises acts that promote or facilitate TIP. Immigration Services Department deals prominently with these restrictive measures but Police also have a strong interest in false documents and the harbouring of victims in houses, etc. Section 5 - (summary) Promoting, procuring or facilitating TIP:

- Knowingly leases or sub leases, uses or allows to use any house building or establishment or
- Produces, prints, issues or distributes unissued, tampered or fake certificates of any government agency as proof of compliance with government requirements for promoting TIP or
- Advertises, publishes or distributes by any means, including the use of information technology, any brochure, flyer or propaganda material that promotes TIP
- Assists in the conduct of misrepresentation or fraud for the purposes of procuring or facilitating the acquisition of clearance and necessary exit documents from government agencies
- Facilitates or assists in the exit and entry from the United Republic a person who is in possession of unissued, tampered or fraudulent traveling documents
- Confiscates, conceals or destroys the passport, travel document or personal documents which belong to a trafficked person
- Prevents a trafficked person from leaving Tanzania or for seeking redress from the government or appropriate authorities or
- Knowingly benefits from financial or otherwise, or makes use of the labour or services of a person held under a condition of involuntary servitude, forced labour or slavery
The Anti-Trafficking Act defines and penalises the more severe forms of TiP with a heavier penalty.

Section 6 - (summary) for severe trafficking (the aggravated form)

1. The victim is a child or a disabled person
2. The adoption is effected for the purpose of prostitution, pornography sexual exploitation, forced labour or debt bondage
3. Is committed by a syndicate or in large scale (organised crime)
4. The trafficker is an ascendant, parent, sibling, guardian or a person who exercises authority over the victim
5. The offence is committed by a public officer, an employee or a religious leader
6. The victim is recruited to engage in prostitution with any member of the military or law enforcement agencies.
7. The offender is a member of the military or law enforcement agencies
8. Through trafficking the victim dies, becomes insane, suffer mutilation or is infected the HIV aids, SDI's or other disease.

The Aggravated Offence - Section 6

Severe TiP shall be considered if:
- The victim is a child or a disabled person
- The adoption is effected for the purpose of sexual exploitation, forced labour or debt bondage etc.
- TiP is committed by a syndicate or a large scale (organised crime)
- The trafficker is an ascendant, parent, sibling, guardian or a person who exercises authority over the victim
- The offence is committed by a public officer, an employee or a religious leader
- The victim is recruited to engage in prostitution with any member of the military or law enforcement agencies.
- The offender is a member of the military or law enforcement agencies
- Through trafficking the victim dies, becomes insane, suffer mutilation or is infected the HIV aids, SDI's or other disease.

Organised Criminal Group

A syndicate (organised criminal group) is defined as:
- Carried out by a group of two or more persons or
- Committed against two or more persons, individually or as a group

The Anti-Trafficking Act penalises the persons who act as an intermediary in TiP for example an agent.

Section 7 - (Summary) Acting as an intermediary

1. Means a person who knowingly participates in or is concerned with any aspect of trafficking under this Act and concerned with means:
   a. Submit or to take a person to a process to be trafficked
   b. Give consent for a person to be trafficked
   c. Receive at any place a person for the purpose of making that person be a subject of trafficking
   d. Enter into an oral or written agreement for the purpose of TiP
Section 8 - A person who buys or engages the services of trafficked person for prostitution commits an offence.

The Anti-Trafficking Act penalises the persons who make use of a trafficked victim. In cases of prostitution it is generally difficult to prove that the client knew that the person was a victim of trafficking and was under coercion or deception. When the victim is a child instead, the elements of force and deception do not need to be proved making prosecutions less challenging.

In Tanzania, identification, protection and assistance to victims is governed by the provisions of Parts III and IV of the Anti-Trafficking in Persons Act, which provide a range of services to individuals who have been identified as victims of trafficking.

Police have a general duty under the act to assist victims of trafficking. Section 11 (2) A police officer who comes by a victim of trafficking shall be under a general duty to:

- Assist the victim to obtain medical and psychological treatment where it is necessary;
- Assist the victim to a place of safety if the victim expresses a safety concern;
- Inform the victim of their rights and any basic support which may be able to assist them.

Police officers also have a general duty to assist in the identification, care and protection of victims. Section 16 – Identification of victims shall be carried out by an authorised officer or any other person that has grounds to believe that a person is a victim of trafficking.
Powers of Arrest: Police have the following powers to arrest under the Anti-Trafficking Act:

Section 12 – A police officer shall not arrest any person under this act without a warrant.

Section 13 – A warrant for arrest is not required under the following circumstances:

a) An act of trafficking is committed in the presence of a police officer;
b) The police officer is obstructed by the suspect from investigating;
c) The person is about to commit an offence of trafficking and there is no other way to prevent the commission of the offence.

4. To understand the global perspective of trafficking in persons and the current situation in Tanzania

Excerpts from the Trafficking in persons report 2013 - Tanzania

(Note: This report is released annually. Both facilitators and participants are advised to refer to the latest report available at the time of training.)

Overview: Tanzania is a source, transit, and destination country for men, women, and children subjected to forced labour and sex trafficking. The incidence of internal trafficking is higher than that of transnational trafficking, and is usually facilitated by family members, friends or intermediaries who offer assistance with education or finding lucrative employment in urban areas. The exploitation of young girls in domestic servitude continues to be Tanzania’s largest trafficking problem, though cases of child trafficking for commercial sexual exploitation are increasing along the Kenya-Tanzania border. Girls are exploited in sex trafficking in tourist areas within the country. Boys are subjected to forced labour, primarily on farms, but also in mines, in the informal

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commercial sector, in the sex trade, and possibly on small fishing boats. Smaller numbers of Tanzanian children and adults are trafficked - often by other Tanzanians - into conditions of domestic servitude, other forms of forced labour, and sex trafficking in other countries including Mozambique, Ethiopia, South Africa, Uganda, Yemen, Oman, the United Arab Emirates, Saudi Arabia, the United Kingdom, the United States, France and possibly other African, Middle Eastern and European Countries. Trafficking victims from other countries – typically children from Burundi and Kenya, as well as Bangladesh, Nepal, Yemen and India – are forced to work in Tanzania’s agricultural, mining and domestic service sectors; some are also subjected to sex trafficking. Citizens of neighbouring countries may voluntarily migrate through Tanzania before being forced into domestic service and prostitution in South Africa, Europe and the Middle East. Some child domestic workers receive adequate room and board, but others are starved, beaten, deprived of sleep, or overworked to the point of exhaustion – practices indicative of forced labour.

The Government of Tanzania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government convicted four international labour traffickers and continue to refer identified child trafficking victims to NGOs to receive care. In one successful case, it awarded four adult victims financial compensation from fines imposed upon a convicted trafficker. However, it failed to adequately punish offenders with sentences commensurate to the seriousness of the crimes committed.

The global perspective

- Globally, 1 million children trafficked annually (UNICEF)
- 800 Million USD annual profit, comparable to narcotics trafficking (UNODC)
- Estimates of Victims (IL0^, 2011)
  - State-imposed forced labour: 2,200,000
  - Sexual exploitation: 4,500,000
  - Labour exploitation: 14,200,000

The International Labour Organisation, the UN agency charged with addressing labour standards, employment, and social protection issues estimates there are 12.3 million people in forced labour, bonded labour, forced child labour, and sexual servitude at any given time; other estimates range from 4 million to 27 million.

Approximately 80 per cent of transnational victims are women and girls and up to 50% are children (under 18 years)

Human traffickers prey on the vulnerable. Their targets are often children and young women, and their ploys are creative and ruthless, designed to trick, coerce, and win the confidence of potential victims.

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^The International Labour Organisation - www.ilo.org/
Conclusion:
The crime of trafficking in persons has many complexities making it very difficult for law enforcement to investigate. Therefore police must work in close collaboration with all the law enforcement agencies in sharing information/intelligence and investigations. They should also cooperate with national and international organisations involved in trafficking issues.

Knowledge test questions:
- What are the three phases of trafficking?
- What is smuggling of migrants?
- What are the main differences between smuggling and trafficking?
- What constitutes an organised criminal group?
- Who are the most vulnerable victims of trafficking?
- What is meant by source, transit and destination countries?

Session 2. The recruitment, transportation, coercion and control of victims

The aim: The aim of this session is to acquaint the participants with the complexities within trafficking of the coercive measures used, harbouring, recruitment and transportation of victims.

Session objectives: By the end of this session the participants will be able to:
1. Gain an understanding of recruitment within trafficking and the methods used;
2. Gain an understanding of transportation within trafficking and the methods used;
3. To understand the meaning of harbouring victims;
4. To understand the coercion and control mechanisms that exist within trafficking.

**Introduction:** Trafficking in persons can be highly complex. To gain a good understanding it is necessary to explore and explain the activities that exist within trafficking.

1. To gain an understanding of recruitment within trafficking and the methods used

   **Activities:** Conduct a knowledge test regarding the previous session by asking what are the three phases of trafficking and to explain them. Write the responses on the flip chart. Follow this by conducting brainstorming on the following terms “Transportation” followed by “Harbouring” write the responses on the flip chart. Conclude the session with the case study.

   **Explaining recruitment**
   Recruitment is normally the starting point of trafficking and normally takes place in the country of origin (external trafficking) and/or perhaps in a village where the victim is recruited from and taken to the city (internal trafficking). Recruitment can be by force or deception. Force is described below and is usual quite apparent whereas deception is harder to define and a distinction will need to be made between complete deception and that which is only partial. When a trafficker promises a job as an au pair to the victim and subsequently causes her to become a prostitute, the deception is complete. In some cases however, the trafficker may be forthcoming about certain aspects of the arrangements but not others. Such would be the case when a victim knowingly accepts to be engaged in prostitution but is furnished with fraudulent information as to the abusive and exploitative conditions of what they will be doing. The apparent consent by the victim is thus vitiated.

   **Forcible/Deceptive recruitment**

   **Forcible recruitment:**
   Victims are taken by physical force or by threats of violence.
   Example – This is often used in labour exploitation for example in the fishing industry where young men are drugged, kidnapped and forced to work at sea.

   **Fully deceptive recruitment:**
   Victims are lured by promises of opportunities that do not exist.
   Example – Young women are recruited to work in the hospitality industry but on arrival find that the job does not exist instead they are forced into prostitution

   **Partially deceptive recruitment:**
   Victims may be aware of the nature of the opportunity, but are deceived about the conditions required to take advantage of the opportunity.

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Example - A young woman accepts the opportunity to work as a maid in a household. She anticipated working 6 days a week for 8-10 hours a day with a fixed salary but the reality was she had to work 7 days with half the salary and living in poor condition doing very hard work.

**Evidence** must be found of:
- Force – Kidnapping, drugs administered, bruises and bodily injuries caused by beating.
- Threats – Verbal threats or by sending messages, causes of fear and trauma.
- Deception – False contracts, told a convincing story, given false promises.

### Recruitment

1. **Forcible Recruitment**
   - Victims are taken by physical force or by threats of violence.
2. **Fully Deceptive Recruitment**
   - Victims are lured by false promises of opportunities that do not exist.
3. **Partially Deceptive Recruitment**
   - Victims may be aware of the nature of the opportunity but are deceived about the conditions required to take advantage of the opportunity.

### Transportation

Following the recruitment comes the transportation by land, sea or air. This can be internal without crossing international borders or transnational often using transit countries whilst en route to the destination.

- Any forms of transportation used for the movement of persons;
- Often in dangerous or inhumane conditions;
- Travel by land, sea and/or air;
- Regular or irregular migration;
- Transportation costs often paid by trafficker;
- The trafficker who will often retain the travel documents may accompany victims.

```markdown
<table>
<thead>
<tr>
<th>1. Recruitment (Point of Origin)</th>
<th>2. Transport (Point of Transit)</th>
<th>3. Exploitation (Point of Destination)</th>
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<tbody>
<tr>
<td>Deception</td>
<td>Legal</td>
<td>Exploitation of prostitution</td>
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<tr>
<td>Coercion</td>
<td>GR</td>
<td>Other sexual exploitation</td>
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<tr>
<td>Abduction</td>
<td>Regal</td>
<td>Forced labour or services</td>
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<td>Use of force</td>
<td>In-Country</td>
<td>Sex work/pornography similar to slavery</td>
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<td>Abuse of power</td>
<td>OR</td>
<td>Service</td>
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<td>Abuse of a position of universi</td>
<td>Cross-Border</td>
<td>Removal of organs</td>
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</tbody>
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2. **To gain an understanding of transportation within trafficking and the methods used to transport victims**

**Transportation:**
Following the recruitment comes the transportation by land, sea or air. This can be internal without crossing international borders or transnational often using transit countries whilst en route to the destination.
Travel can often be very dangerous and victims often lose their lives. Trafficked victims can be mixed within smuggled migrants (irregular migration) and this makes identification of the trafficked victims within this mixed flow very difficult for law enforcement officers.

Trafficking involves the transportation/movement of a person from one place to another (distance immaterial)
   a. Village to city (internal trafficking)
   b. From one country to another or through a country (transnational)

Determining evidence of transportation means identifying the mode of transport and the people responsible e.g. taxi driver, ship's captain, truck driver, agent etc.

### Transportation:
- Any forms of transportation used for the movement of persons
- Often in dangerous or inhumane conditions
- Travel by land, sea and/or air.
- Regular or irregular migration.
- Transportation costs often paid by trafficker.
- Victim may be accompanied by the trafficker, who will often retain all travel documents.

3. **To understand the meaning of harbouring victims**

Harbouring occurs within trafficking of persons when a victim is kept at a location, usually a house, hotel, motel or apartment. It means the containment or securing the movement of a victim.

Victims are very often kept under harsh living condition with restricted movement and guarded or under lock and key and kept as a prisoner. Harbouring will often occur in labour exploitation of migrant workers, especially those who have an irregular status in the country and in sexual exploitation, whereby the victim is kept in a house, apartment, or hotel and the movement is restricted. Harbouring is linked to:

- Withholding of travel documents;
- Harsh living conditions;
- Restriction of freedom of movement;
5. To understand the coercion and control mechanisms that exist within trafficking

In order to secure a trafficking conviction, prosecutors will need to ensure commission of the culpable act through one of the listed means contained in Part II, Section 4, of the Act e.g. threat, force, deception, abuse of authority etc. The possible combination of means employed by traffickers share one significant characteristic i.e. they all imply the absence of free and informed consent on the part of the victim. Any apparent consent by the victim is inherently vitiating, as it would have been extracted out of the victim through the use of one of these means. The means employed by traffickers against their victims can broadly be divided into two categories which may, at times, overlap: deceptive and coercive.

Coercion: Coercive means include coercion itself, threat, and use of force, abduction, abuse of power or vulnerability. Under these circumstances, the victim's consent is totally absent. The drafters of the Protocol appear to understand that traffickers will find it easy to justify their conduct by claiming that the victim has consented to the act. This possible avenue for evading conviction is effectively closed by the provisions of sub article (b), which clearly rules out the defence of victim's consent where the trafficker has employed any of the means in the preceding paragraph. Whether deceived or coerced, once a victim is recruited, trafficking involves enduring continuous exploitation by the victim. One may wonder then why victims, who suffer so much at the hand of their traffickers, do not escape or seek help. This is often because their traffickers control them. Understandably, many victims protest and try to resist terms and conditions forced on them by their traffickers. Resistance is often quelled by violence and intimidation at the very beginning. Thereafter, traffickers employ numerous methods of control to ensure victims remain under their influence and submit to continuous exploitation.

Some of the most widely used methods of coercion and control include:

- Disorientation of the victim to increase level of vulnerability;
- Removal and retention of travel documents;
- Debt bondage (the victim has to pay back an exorbitant sum of money);
- Confinement/Isolation;
- Physical violence and threats of physical violence;
- Use and threats of reprisals against victims’ families.

Disorientation of the victim – In order to disorientate them, the traffickers often isolate foreign victims, who in addition, usually don’t understand the local language and have limited access to people. Also it’s common within prostitution to move the victim from place to place so that she does not become familiar with the surroundings.

Removal and retention of travel documents – It is very common within the foreign labour market and also within prostitution, for the employer to retain the passport as this restricts the movement of the worker.

Debt bondage - Following arrival at their destination, and upon discovery of the full extent of their conditions, almost all victims of trafficking are unable to return to their

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8 Palermo Protocol Art 3(b)

9 UK Home Office Crime Reduction Toolkits: Trafficking of People-Control
http://www.crimereduction.homeoffice.gov.uk/toolkits/tp020303.htm
country of origin. There are many reasons for this, but the most common is that of the “debt bond”. Victims frequently are forced to pay back a sum of money for services such as travel documents, travel costs and infrastructure costs. This creates the “debt-bondage” arrangement within which the victim can never earn sufficient money to clear her original debt to the trafficker. The original debt is likely to rise incrementally because of hidden infrastructure costs in the destination country, such as advertising or premises rental costs, the existence and liability for which would have not been disclosed to the victim at the recruitment stage.

Confinement/Isolation – victims are often isolated in a house or apartment having little contact with the outside world and unable to contact their family.

Physical violence and threats – Victims often face physical violence to make them work or threats. Workers are often found with bruising and physical injuries such as broken limbs and in the worst case scenario the victim is killed to prevent his/her escape or testimony against the traffickers.

Use of threats or reprisals against a victims’ family – Traffickers will often threaten the victim that unless they succumb to their wishes the loved ones will be harmed or property destroyed. The victims see this as a very real threat as the recruiters have connections in the hometown and can readily carry out the threats.

Case study:
The village leader reports to the police that foreigners are hiding in a house. The police visit and find 3 Ethiopians (2 women, and a child). They have been there for at least 3 weeks and travelled from their country via Kenya by truck and under escort. They were all living in one room of the house in very squalid conditions. The door of their room was locked from the outside, the police had to force an entry. The women tell the police there are 5 men also living there, but they are at work in the fields. They leave at daybreak every day and return at dusk exhausted. The owner of the house is a local farmer. The police wait until the men return from work and detain them as irregular migrants without documents.

a. Is this smuggling or trafficking and give reasons for your answer
b. Please comment on whether this is transportation and harbouring within the meaning of trafficking and if so what is the liability of the farmer?
c. What if any control mechanisms are used?
d. Was the course of action taken by police correct? Please comment as to what you would do in these circumstances?
Session 3. Child trafficking

**Aim:** This session aims at providing knowledge and practical skills to assist the participants in the investigation into child trafficking.

**Session objectives:** By the end of the session the participants should be able to:
1. Understand the relevant international laws and conventions relating to children;
2. Identify the reasons why specifically children are trafficked;
3. Examine presumption of age to assist in investigations.

**Introduction**: The huge transnational industry of trafficking in human beings generates approximately up to 10 billion USD per year. Exact numbers of trafficked children are hard to pinpoint since child trafficking is mostly hidden, and victims often fearful of coming forward. One estimate is that **50 per cent of trafficking victims are children.**

Children and their families are often lured by the promise of education, better employment or a more prosperous life far from their homes. Sometimes desperate children see no alternative but exploitation for survival. Children are smuggled across international borders or trafficked within their home countries, usually from rural to urban areas. They are sold like commodities and suffer brutal assaults on their dignity and safety.

Children are forced to work in hazardous conditions, sold into domestic labour, marriage or prostitution, forcibly recruited as child soldiers, and offered up for illegal adoptions. Girls, as young as 13, mainly from Asia and Eastern Europe, are trafficked as “mail-order brides”, and commonly forced into prostitution or involved in pornography. In West and Central Africa, large numbers of children, especially girls, are trafficked for domestic work.

1. **To understand the relevant international laws and conventions relating to children**

| Activities: Introduce the topic by stressing the importance of identifying and actively investigating child trafficking, using the information given in the introduction before you cover the laws and conventions regarding children. Conduct a plenary discussion by writing 'Child Trafficking' as a heading on the flipchart and then beneath a) asking the participants for what purpose and b) who are the most vulnerable children and why are these children considered easy targets? Introduce the objective by explaining the difficulties in determining the age of a person where there are no travel documents. Has anyone any experience of this? Why should care be given to identify specifically child victims? Conclude the session with the knowledge test |

**Definition of child**
The definition of child can be found in the Law of the Child Act 2009:

- Section 4 (1) A person below the age of 18 years shall be known as a child;
- Section 4 (2) The best interest of a child shall be the primary consideration in all actions concerning a child whether undertaken by public or private social welfare institutions, courts or administrative bodies.

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10 UNICEF Fact sheet on child trafficking,
And in international law:

- Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the word ‘child’ means an individual under the age of eighteen years.

Therefore this should take precedence over any other national law regarding the legal age of adulthood.

The Office of the High Commissioner on Human Rights (OHCHR) gives recommended principles and guidelines on human rights and human trafficking.

Principle 10 states: Children who are victims of trafficking shall be identified as such. Their best interests shall be considered paramount at all times. Child victims of trafficking shall be provided with appropriate assistance and protection. Full account shall be taken of their special vulnerabilities, rights and needs.

**Definition of child**

A person below the age of 18 years shall be known as a child

Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the word ‘child’ means an individual under the age of eighteen years.

**OHCHR Guidelines**

Children who are victims of trafficking shall be identified as such. Their best interests shall be considered paramount at all times.

Child victims of trafficking shall be provided with appropriate assistance and protection. Full account shall be taken of their special vulnerabilities, rights and needs.

**Protection, rehabilitation and assistance to child victims**

Section 19 (part IV) Anti-Trafficking Act
The Government shall secure the protection, rehabilitation and assistance to a victim of trafficking who is a child or a disabled person from the moment when grounds exist to believe that the person is a victim until identification, integration and complete recovery of the child is procured.
**Children as a special case**

The trafficking Protocol recognizes the special situation of children in sub paragraph c, which removes the need for means to be present for trafficking to occur. In other words, for children, it is not necessary that there be “threat, or use of force, or other forms of coercion, of abduction, or fraud, of deception…” for trafficking to occur. For example, if a parent arranges to have their child transported into a situation where they are forced to work (e.g. begging on the streets) this can be considered trafficking even if the child is a willing participant, and is returned after a period of time.

2. **To identify the reasons why specifically children are trafficked**

When dealing with cases of child trafficking it is important to keep in mind the distinction between child work and exploitation:

**Child work:** Any form of light work which is not dangerous and does not interfere with a child’s development.

**Child exploitation:** According to the Convention on the Rights of the Child, 1989 and the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999, child exploitation includes: economic exploitation (any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development), sexual exploitation (sexual abuse, prostitution, child’s pornography) and abduction of, sale of or trafficking in children, or any other forms of child exploitation. 

Child trafficking is defined as the recruitment, transportation, transfer, harbouring or receipt of any persons under 18 years of age for the purpose of exploitation regardless of the use of illicit means (force or deception), either within or outside a country.

**Main vulnerabilities**

Children who remain the easiest target for traffickers and are especially vulnerable are:
- Orphaned children as they are often abandoned by the State at 16 years of age;
- Children coming from dysfunctional families;
- Children from very poor homes where there is pressure on them to help support the family;
- Young men and women desperate to improve their lives and willing to take risks without giving too much thought to the consequences;

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11 Glossary on Migration, http://publications.iom.int/bookstore/free/IML_1_EN.pdf
• Children that have an irregular status in the country, therefore cannot obtain legal work, are often recruited and used in the illegal drugs trade as sellers, and drug mules working in factories under harsh conditions and street crime.

**Child trafficking (forms of child exploitation)**

Child trafficking in some cases can be difficult to detect, being somewhat of a concealed crime and may vary depending on the local context. Some forms of child trafficking that are believed to take place in Tanzania include:

- **Labour exploitation:** Children may be trafficked for the purpose of labour, usually forced labour, related to forms of employment or unpaid work that violate child rights. Some sectors in which trafficked children may be found include: farming, fishing, domestic servitude, and mining. Boys and girls are recruited from the villages to work as house children where they often suffer beatings to force them to work;

- **Sexual exploitation:** Child victims of trafficking for sexual exploitation often suffer extreme physical, sexual and psychological violence and abuse by traffickers, pimps and customers. Sexually exploited children are also at risk for HIV and STI infection. While trafficking for sexual exploitation predominantly affects females, male trafficking for the purpose of prostitution, particularly of teenage and younger boys, is increasing and should not be excluded;

- **Forced marriage/Child brides:** This form of trafficking is most relevant to girls. It may take place for economic reasons (from poor families) or as a result of matrimonial matchmaking by families between prospective spouses under the cultures of certain ethnic groups. In some areas, there is a growing demand for young virgin brides, particularly in places with a high HIV infection rate;

- **Illegal activities:** Children are recruited and used in low level street crime. Children from dysfunctional families, lacking parental control being the most vulnerable;

- **Street begging/selling:** Very young children are used for the purpose of street begging and selling. Organised trafficking groups, whose sole purpose is to exploit the children to earn money for them, often control this.

<table>
<thead>
<tr>
<th>Child trafficking</th>
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<tbody>
<tr>
<td>Child labour</td>
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<tr>
<td>Sexual work</td>
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<tr>
<td>Child brides</td>
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<td>Low level crime</td>
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<td>Street begging/selling</td>
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</table>

**Child pornography**

In addition there is another danger that children face that is closely associated with organised crime and trafficking. This is child pornography. Again this is a hidden crime but children are increasingly become vulnerable to Internet pornography for the following reasons:

- Children are plentiful and easily accessible;
- Child pornography is easy and inexpensive to produce;
- There is a huge worldwide consumer market for child pornography;
- Child pornography is enormously profitable;
- There are less risks than drugs, guns, and tobacco crime.
4. To examine presumption of age to assist in investigations

Introduction
Children feature prominently as victims of trafficking and sometimes due to the complexities of the circumstances and the hidden nature of the crime it can be very difficult to identify victims and to determine their age. For example with irregular migrants being without documents there can be a lot of uncertainty regarding the true age of the person, therefore it would assist in the investigation process if procedures were put into place to assist officers to determine the age.

Presumption of age
Where the age of the child is uncertain and there are reasons to believe that the victim is a child, the presumption shall be that the victim is a child (Section 19 Anti-Trafficking Act) and pending verification of the victim’s age, the victim will be treated as a child, accorded all child special protection measures and shall not be removed from the territory until the identification process has been completed.

Verification of age
Verification of age shall be done in a child-friendly independent and impartial way. The determination of age should be based on birth registration or official documents and where there are no certificates available countries should develop non-harmful techniques based on a holistic examination of the child.

The verification of age shall take into account the child’s physical appearance and psychological maturity whilst acknowledging the possibility of faster maturing processes due to traumatic or grave life circumstances and specific cultural background. Also by the victim’s own statements, available documentation, and the checks that can be made with embassies and or other relevant authorities.

No action to verify the age shall place the child or family in danger or abuse their confidentiality.

The use of x-ray, being potentially harmful, should be done only for clinical need.

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Child pornography
- Plentiful and easy to control
- Easy and inexpensive to produce
- Huge market
- Enormous profit
- Less risk

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Verification of age
- Presumption a child if there is uncertainty
- Done in child friendly way
- Based on birth registration or official document
- Taking into account physical characteristics
- Seek assistance from Embassies

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12 Adapted from CRC General comment 06 (2005) c.31
Knowledge test:
1. What is the age of the child as relevant to trafficking;
2. How does child trafficking differ from adult trafficking;
3. Give instances whereby children are likely to be exploited;
4. How can you verify the age of a child.

Session 4. The importance and relevance of victim identification

Aim: The aim of this session is to highlight the difficulties and find remedies to identify victims of trafficking.

Session Objectives: By the end of the session the participants should be able to:
1. Consider the push and pull factors of trafficking and irregular migration;
2. Consider how to identify trafficked persons from within the mixed flow of regular and irregular migrants;
3. Consider direct and indirect indicators to identify victims.

Introduction: This session concentrates on the very important issue of victim identification. Human trafficking pose a specific challenge: victims rarely come forward and identify themselves and without their testimony it is hard to establish a crime has occurred. Therefore it is necessary for law enforcement to proactively seek out victims. This session concentrates on why trafficking exists and then moves on to methods to help law enforcement to identify the victims.

1. To consider the push and pull factors of trafficking and irregular migration

Activities: 1. Write Push and Pull factors on the flip chart and explain Demand from the information given below. Depending on time available either do group work or discuss the issues in a plenary to determine:
1. Push and Pull factor that drive trafficking;
2. The consequences for victims;
3. The consequences for countries.

Debrief in a plenary and compare the responses with the list given below.
Discuss the problems of identifying victims and then explain direct and indirect indicators.
Show the pictures of victims in container etc. and in groups ask the participants to list the trafficking direct and indirect indicators they can identify. Explain the process of screening and conclude the session with the knowledge test.

Root causes
Consider the root causes and demand features as the major problem that feed trafficking. In the global market of sex trafficking there are sellers and facilitators (traffickers), consumers (clients or buyers and employers), and the product (victims).
Demand controls the push and pull factor in the criminal business of trafficking and causes trafficking to occur in countries around the world.

Deterring demand addresses the issue of the growing numbers of youth being sexually exploited through prostitution and pornography around the world. The most vulnerable people are the poor and desperate, children from dysfunctional families, orphans and impressionable young people.

As technology advances globally, each country faces the challenge of combating human trafficking markets that technology so readily enables.

The consequences for victims of trafficking include:
- Violation of human rights;
- No protection of labour laws;
- Sexual and physical abuse/coercion;
- Illegal status in the country of destination;
- Victims treated as criminals;
- Risk/danger of death and serious diseases (physical and mental);
- Difficult reintegration/stigmatisation;

Push factors
- Poverty and desperation;
- Feminisation of poverty;
- Lack of education;
- Unemployment;
- Gender discrimination;
- Domestic violence;
- Life within dysfunctional families;
- Impact of conflict or transition in countries;
- Lack of opportunity for legal migration;
- Lack of opportunity or alternatives;
- Low values of salaries.

Pull factors
- Expectation of employment and financial reward;
- In the sex industry, expectation of rich financial rewards;
- Growing demand for commercial sex with children associated with the tourist trade of paedophilia;
- Access to material benefits associated with a more affluent country;
- Improved social position and treatment;
- Perceived 'glamour' of a different daily life;
- Demand of 'House Maids' work for women;
- Demand of cheap labour;

The consequences for source, transit and destination countries:
- Increase of irregular migration;
- Growth and diversification of criminal organisations/activities;
- Violation of national legislation on:
  - migration
  - labour
  - human rights
2. To consider how to identify trafficked person from within the mixed flow of regular and irregular migrants

Defining who is a victim within mixed migration flows

The distinctions between trafficked victims and smuggled migrants can be very narrow. There is an increasing trend for traffickers and smugglers to cross the boundaries of definition and maintain control over victims upon arrival at their destination. The consequences are the deprivation of freedom that the victims so greatly strived to obtain.

The trafficked victim is considered a commodity within the criminal organization whilst the smuggled migrant is considered a client.

A full understanding of the definitions of trafficking and smuggling is necessary. The criminal process and the distinctions between the two crimes allow us to appreciate the considerations involved when tasking law enforcement agencies and national and international organisations with tackling this complicated criminal market. Once identified as a trafficked victim, the person is then offered protection, security and assistance in accordance with Section 19 of the Anti-Trafficking Act.

The problems of identification of victims

Normally when a person suffers as a result of crime, he/she will report the matter to the police or other authorities or it is reported on his/her behalf. However in trafficking this rarely happens and this is one of the main issues for the officers tasked with trafficking investigations as a crime investigation invariably starts from a victim testimony. Trafficked persons predominantly don’t self-identify because:

- Fear of the traffickers. Is a genuine fear the traffickers can be ruthless against the victims making threats and use of violence against them, their families and friends;
- May not see themselves as victims. Many victims close their eyes to reality or have not yet realised they have been deceived;
- May suffer ‘Stockholm Syndrome’. Whereby over time they have developed a misguided attachment/relationship to the trafficker;
- May have post-traumatic stress disorder and memory loss. This is a very common complaint within trafficking. The victim has suffered severely in the hands of the traffickers from rape, beatings, abuse etc.
- May not trust immigration and police. They have been told by the traffickers to expect rough treatment from the authorities or they have had a bad past experience;
- May not speak the local language or there may well be cultural differences;
- They fear they may be confused with prohibited or irregular migrant and be placed in prison and face deportation.

<table>
<thead>
<tr>
<th>Reasons why victims don’t self-identify</th>
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<tbody>
<tr>
<td>1. Fear of their traffickers</td>
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<tr>
<td>2. May not see themselves as victims</td>
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<tr>
<td>3. May suffer ‘Stockholm Syndrome’</td>
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<tr>
<td>4. May have post-traumatic stress</td>
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<tr>
<td>disorder &amp; memory loss</td>
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<td>5. May not trust immigration and police</td>
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<td>6. May not speak local language/cultural</td>
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<tr>
<td>differences</td>
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<tr>
<td>7. May be confused with prohibited/irregular migrant</td>
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Furthermore it is important to identify victims as they are potentially victims of organised crime and may have serious security concerns. They may well have vital information about criminal groups that they are willing to share. More importantly they may have urgent psychological health needs requiring specialist treatment and care and it is also important to build case data for policy and programming purposes.

Therefore procedures need to be in place whereby law enforcement investigators can take positive steps to identify who and where the victims are. The procedures should start with developing some positive proactive measures that include the monitoring of suspect establishments such as:

- Employment agencies and other likely sources of recruitment and subsequent exploitation of victims;
- Transport and harbouring locations;
- Advertisements.

This can be done by relevant law enforcement agencies of police, immigration, labour inspectors, etc.

Proactive victim identification should be applied in the destination countries where the exploitation phase of the crime creates the highest level of visibility. But also at the points of recruitment and during the transportation stage including measures that identify possible victims at border crossings based on victim profiling. This can be effective at preventing and interrupting the trafficking process and the eventual exploitation of the victim in the destination country.

The identification is achieved by considering direct and indirect indicators.

**Direct indicators** correspond or confirm any of the elements of the trafficking in persons definition (Section 4 Anti-Trafficking Act)
**Indirect indicators** are based on practical data and social researches of real cases of trafficking. This is the overall average social and psychological profile of a trafficked person, atmosphere and environment, which surrounds the potential victim.

### Indicators to Identify Victims

- **A Direct Indicator** of trafficking, which correspond (confirm) some of the elements of the trafficking in persons definition
- **Or Indirect Indicators** of trafficking which are based on practical data and social researches of real cases of trafficking (overall average social and psychological profile of a trafficked person, atmosphere and environment, which surrounds the potential victim)

#### General indirect indicators based on behavioural and physical appearance:
- Withdrawn or with vacant expression;
- Unable to speak coherently;
- Refuses to cooperate with interviewer;
- Maintains covert ties (i.e. secret contact, surreptitious use of cell phone, etc.) with others during process;
- Rushes interviewer to complete the procedure;
- Displays exceptional interest in procedure;
- Responds to interview questions in a contradictory, evasive, deceptive, inaccurate, or uncooperative manner;
- In possession of illegal and/or dangerous materials (used as a drug mule).

And **direct indicators** will include:
- Injuries (scars, bruising, broken bones etc.);
- Visible marks and bruises to the body consistent to having possibly abused or self-inflicted injuries resulting from trauma;
- Unusual nervousness or fear;
- Signs that threats have been carried out;
- False work contract;
- Child working in dangerous conditions;
- Child working in prostitution;
• Any indication of slavery or being held in captivity;
• Working for little or no money.

Prima facie indicators
There are 7 prima facie key indicators that should always be considered in any likely trafficking situation:
1) The age - the younger they are the more likely they could be a victim of trafficking;
2) The nationality – certain nationalities are more prone or likely to become victims;
3) The documents - are they not in possession of travel documents? Often the trafficker will withhold the passport;
4) The context – examine carefully the context in which they are found, is this something they willingly or knowingly entered into?
5) The sex – women and young girls being the most vulnerable;
6) Signs of abuse – examine the person for any signs of abuse to the body, there may be bruising, scarring or broken bones even self-abuse of cigarette burns caused by trauma;
7) And the last location – where was the victim before being found in the current situation, what were the circumstances of them leaving and how they left?

If there are any indicators of trafficking then the process of screening can begin and this is a 5 step process consisting of:
Step One - Make the initial contact with the possible victim;
Step Two - Consider the 7 prime facie key indicators
Step Three - Conduct an in depth interview based on:
• The recruitment
• The transportation
• The exploitation
Step Four - Assess all the available additional evidence
Step Five - Consider all kind of evidence:
• Key indicators
• The Interview
• Additional evidence
Knowledge test
1. Give examples of the root causes of trafficking?
2. Explain what is meant by push and pull factors?
3. Explain why victims predominantly do not self-identify?
4. Give examples of direct and indirect indicators to:
   • Sexual exploitation
   • Labour exploitation

Session 5. Victim assistance and protection

Aim: To sensitise the participants to the plight of victims and educate them as to their protection and assistance needs

Session objectives: By the end of the session the participants should be able to:
1. Understand the international guidelines on victim assistance and protection;
2. Consider part IV and part VII of the Anti-Trafficking Law (rescue, rehabilitation, protection and assistance to victims) with international guidelines and offer practical advice on the application;
3. Consider the medical implications for victims, particularly during the interview stage.

Introduction: This session is closely linked to the previous one covering victim identification. Victims of all crime need protection but in the case of trafficked victims there are special and specific considerations that are laid down in Tanzanian legislation and international guidelines. This session will help participants to understand the plight of trafficked victims and will assist them to effectively deal with cases.

Activities: 1. Discuss with the participants the need to protect and assist victims in accordance with the law. 2. Conduct a brainstorm by writing the words 'Protection and Assistance' on the flipchart and what this means in respect of trafficked victims. Write down their responses and debrief each item. 3. Discuss trauma and ask what this means and the possible implications to police when interviewing a traumatised victim. 4. Conclude the session with the knowledge test.

General principles of victim protection and assistance

• Victims of trafficking are victims of serious crimes and should be treated as such;
• Most victims are from the more vulnerable sections of society and therefore require a higher degree of considerations;
• Specialist law enforcement to deal with cases must be specially trained to investigate cases and deal with victims (investigations and interviewing)

General Principles of Protection and Assistance
• Victims of trafficking are victims of serious crimes
• Victims fear their traffickers
• Most victims are from the more vulnerable sections of society and therefore require a higher degree of considerations
• All officers of law enforcement agencies must be sensitised as to the issues of trafficking
• Specialist law enforcement to deal with cases who must be specially trained to investigate cases and deal with victims (investigations and interviewing)

The immediate needs of victims

- Access to available assistance shall not be conditioned upon willingness of rescued victims to collaborate in the prosecution of the traffickers;
- Immediate physical safety;
- Medical and psychological assistance;
- Welfare and support issues;
- Independent advice on rights and responsibilities;
- Special vulnerability and needs of children.

The following is a list of considerations for victims of trafficking:

- Ensure safety and comfort - primary focus;
- Ensure privacy and confidentiality;
- Treat as victims of a serious crime;
- Avoid re-traumatizing;
- Provide immediate medical care;
- Provide necessary information on services available;
- Provide communication with family;
- Do not promise the impossible.

2. To consider part IV and part VII of the Anti-Trafficking Law (rescue, rehabilitation, protection and assistance to victims) with international guidelines and offer practical advice on the application

Part IV Anti-Trafficking Act 2008
Section 17 – Rescue and support
Public officers in security services are responsible for the rescue of a trafficked person and provision of temporary basic material support for care and protection of a rescued victim.
• Social rehabilitation shall be carried out by social welfare officers;
• Counselling to assist in rehabilitation;
• Best interest of the child is paramount;
• Adequate measures for protection and assistance and rehabilitation.

Section 18 - Unconditional assistance
Protection, rehabilitation and assistance are unconditional and not dependant on willingness to support a prosecution, cooperate and provide statements.
Free Services - Interpretation, counselling, temporary housing, psychological, medical and social welfare.

Re-victimisation and criminalisation
The United Nations High Commissioner for Human Rights outlines the principles of criminalisation and victimisation of victim of trafficking:
“Trafficked persons shall not be detained, charged or prosecuted for the illegality of the entry or involvement in unlawful activities to the extent that such involvement is a direct consequence of the situation as trafficked persons”14

This is reinforced under the Anti-Trafficking Act 2008 Part VII Section 34:
“Trafficked persons shall neither be the subject of prosecution trafficking in persons nor penalized for crimes directly relating to prosecutions stipulated in this Act”.

3. Consider the medical implications of victims particularly during the interview stage

The human cost of trafficking suffered by the victim and their families:
- Psychological abuse and trauma;
- Physical injury;
- Life altering consequences;
- Family breakdowns;
- Possibility of contracting serious illnesses;
- Unlawful imprisonment and restraint of the victim in foreign countries;
- Deportation from the foreign country;
- Labour exploitation in various forms.

What is trauma?
Law enforcement officers may very well encounter a victim who is traumatised therefore it should be known what the signs and symptoms are so they are adequately prepared. Trauma can materialise at any time during an interview. Victims with trauma have:
1. A feeling of utter helplessness to alter the situation;
2. Inability to cope with current state of affairs;
3. Being emotionally, physically and cognitively overwhelmed and although people will react differently to situations, the similarities and patterns of response cut across a variety of stressors and victims.

The consequences of trauma can be:
- Flashbacks and inability of victims to talk about their experience – can be triggered by a certain smell, a specific noise or sound or a particular sensation or picture;
• Apparent inability to tell the truth or relate simple facts logically;
• Eating disorders;
• Acute anxiety;
• Substance dependence and abuse;
• Depression;
• Nightmares;
• Suppressed anger.

Impact of trauma
The impact of trauma on a victim can result in dissociation. This can mean the victim will:
• De-personalize the experience;
• Have altered sense of time;
• Suffer from memory impairment;
• Acute indifference and apathy;
• Fragmentation of perception, feelings and consciousness.

Contributory factors
• Physical and mental abuse caused by labour exploitation;
• Living in poor and cramped conditions;
• Working illegally and having no protection by the law;
• Working long hours and in bad conditions;
• Stress of being isolated and away from home;
• No contact with home or friends.

The traumatic experience can remain for years and have the power to provoke panic, terror, grief or despair. The intrusion of the past into the present is one of the main problems confronting the trauma survivor.

Victim survival strategies
A victim will adopt a strategy in order to survive their ordeal, this can be:
• Numbing (blanking out the experience from their mind);
• Taking on adult roles;
• Avoidance of talking about experience;
• Emulating behaviours of the abuser.
All persons who are involved in the care, assistance, investigation and prosecution of trafficking cases will witness some of the following symptoms when dealing with a victim who is suffering from stress.

Implication of trauma suffered by the victim
• Difficulty in providing coherent and consistent account;
• Partial loss of memory;
• Evident contradictions;
• State of denial or risk of minimising the gravity of the situation.

Implication of Trauma Suffered by the Victim

- All persons who are involved in the care, assistance, investigation and prosecution of trafficking cases will witness some of the following symptoms when dealing with a victim who is suffering from stress:
  - Difficulty in providing coherent and consistent account
  - Serious implications for identification and cooperation
  - Partial loss of memory
  - Risk of plausible explanations and evidential contradictions
  - In a state of denial or the risk of minimising the gravity of the situation
  - Changing the facts of the story

Victims during court proceedings

Officers should advice the prosecutors if the victim has shown at any stage signs of trauma.
Prosecutors should give special consideration to the difficulties traumatised victims face in giving testimony as they are particularly vulnerable to hostile defence questioning that may seek to their actions and evidence to the detriment of their credibility.

This risk can be neutralised by obtaining a detailed expert witness statement from the qualified psychologist that has treated the victim concerned and who will be able to set out in detail the trauma condition, its causes and symptoms and provide an expert insight as to how the symptoms of trauma may help to explain any actions or statements of the victim with which the defence seeks to attack the credibility of the victim.

Knowledge test

1. What are the general principles of protection and assistance?
2. Describe trauma and the possible impact it can have on victims?
3. Describe contributory factors that can cause trauma?

Session 6. Crime scene investigations, evidence gathering, prosecutions and court procedures

Aim: To inform the participants of the complexities of a trafficking crime scene whilst compared to other serious crimes and to be able gather crucial evidence to secure a conviction

Session objectives: By the end of the session the participants should be able to:

1) Define a crime scene and identify the priorities and complexities of a trafficking scene;
2) To recognise the important considerations and objectives relevant to a trafficking crime scene;
3) Examining the relevant evidence to prove and secure a conviction;
4) Consider the general guidelines of investigations and court procedure;
5) Build a successful prosecution case whilst recognising the prosecution pitfalls.
**Introduction:** This session acts both as an introduction to new officers and a refresher for the more experienced of the intricacies of crime scenes and in particular the complexities of a trafficking crime scene. It will assist officers to build a successful prosecution case against traffickers by identifying evidence whilst making them aware of certain court procedures that can be adopted to help victims.

**Activities:**

1. Give the definition of crime scene and write ‘Crime Scene’ on the flip chart and then conduct a brainstorm asking the participants what actions are required? Write down the responses and then highlight the most important and primary functions of the first officer at the scene.

2. What are the likely trafficking crime scenes? Ask this question and write the locations on the flip chart.

3. Explain the types and classification of evidence then conduct some group work to determine a) evidence found at labour trafficking b) sexual exploitation c) human organ trafficking.

4. Discuss building a prosecution case in an open forum and write the procedures on the flip chart using the information written in the text as a guideline.

5. Conclude the session with the knowledge test.

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1) **Define a crime scene and identify the priorities and complexities of a trafficking scene**

**Definition of crime scene**

A crime scene is any physical scene, anywhere that contains physical traces of past activities. Crime scene examination is an examination of the scene using a technical and scientific approach.

There are standard crime scene procedures to be adopted by first officers at the scene, the list is long and complex therefore it is important to prioritise tasks such as:

- Security of the crime scene;
- Search, seizure and security of all the evidence found;
- Arrest of suspects who may well be still at the scene;
- Safety and care of the victim;
- Search for all available witnesses to the crime.

**Priorities**

- Security of crime scene
- Search and seizure of evidence
- Arrest of suspects
- Safety and care of victim
- Search for witnesses

2) **To recognise the important considerations and objectives relevant to a trafficking crime scene**

**Trafficking crime scene**

As a matter of principle, wherever a victim or trafficker is located, that is to be considered a crime scene. This could be:

- A border crossing point;
- An airport or sea port on entry or exit;
- During a police control of a brothel or night club;
• At a hotel or motel where a victim has been or is being kept (harboured);
• A taxi or any vehicle used for the transportation of a victim;
• A boat or vessel used for transporting and concealing a person;
• A clandestine crossing of border (an illegal crossing bypassing official crossing points) such as a shore line or green border crossing;
• An immigration control of premises when searching for irregular migrants;
• A factory, farm or plantation where illegal work is taking place.

Important consideration relevant to trafficking crime scenes

• Many locations in trafficking cases will carry health and safety risks and dangers to investigation law enforcement officers who are unfamiliar with the situation and environment, such as construction sites, farms, fisheries and when raiding suspect establishments such as brothels etc.;
• In many trafficking locations there is likely to be significant contamination of scenes with multiple traces. This is due to the many complexities of a trafficking crime scene;
• In many encounters it may difficult to identify who are the exploiters and who are the victims. This may not become apparent until sometime later and there may well be confusion at the crime scene therefore consider all people present with suspicion as either a victim who needs protection or a trafficker who would be a criminal suspect;
• In most crime scenes, premises in particular, there will be a large number of fingerprints. Recovering all fingerprints may be difficult, time consuming and involve specialist techniques, therefore be prepared for a detailed crime scene analysis.
• In a trafficking case you may need to secure a location for a longer time than normal to plan and complete a forensic examination;
• Wherever or whenever a potential or likely victim is found, then that becomes a crime scene and it has to be immediately secured;
• An important investigative objective is to collect all available evidence to prove a case of trafficking and to corroborate victim/witness testimonies;
• The law enforcement investigators must be aware of possible cases of trafficking especially within the irregular migration process.

Potential objectives in trafficking investigations are:

• Identify any victims prioritising with children;
• Identify the suspects (traffickers);
• Establish the age of the victim, this is relevant for children;
• Corroborate a victims story/account;
• Identify the links between the suspects, victims, location, vehicles and documents for the chain of evidence;
• Identify the authenticity of documents including identity or travel documents;
• Physical traces that may be recovered include:
  - Biological samples (e.g. blood, urine, saliva, semen);
  - Fingerprints;
  - Fibres and other micro traces;
  - Documents (job contract, passport, receipts etc.);
  - Electronic equipment (mobile phone, computer).

4. Examining the relevant evidence to prove and secure a conviction

Classification of evidence
• **Material evidence** such as blood, bruises and injuries, DNA, money, computer files;
• **Documentary evidence** including contract of employment, letters, photographs, passport;
• **Corroborative evidence** such as witness account, verification documents.
• **Hearsay evidence** which is evidence from a third person and is generally not accepted by a court of law but there are exceptions, therefore hearsay should not be excluded from the investigation.

**Evidence relevant to trafficking**
• All money;
• Any **documentation** relating to identification;
• Any **travel documents** or kind of documentation relating to the issue of passports and visas, including any sponsorship letters, language school enrolment forms, etc.;
• Any documentation relating to the daily management of victim exploitation-related activities;
• Any other articles relating to the provision of prostitution services;
• Any legal documentation relating to the renting or leasing of premises;
• Any contractual documentation relating to the recruitment process;
• All forms of communication and related equipment;
• Keys can provide significant evidential proof in trafficking cases such as the key to a house, building or vehicle that has been used to harbour or transport a victim.

Relevant evidence:

Labour trafficking:
• Any contract of employment;
• Passport and other travel documents;
• Travel itinerary;
• Flight tickets, boarding pass stubs etc.;
• Payment of travel details, receipts and invoices;
• Any correspondence regarding conditions of work, travel accommodation etc.;
• Any photographs of the victim accommodation and/or working conditions etc.;
• Evidence from agents or sub agents;
• Breaches of minimum wage, wage slips;
• Visible injuries, record or take photographs;
• Corroborative evidence from other co-workers;
• Debt bondage evidence;
• Withholding of travel documents;
• Living conditions;
• Hazardous working conditions;
• Illegal working or business such as dealing in illegal drugs, prostitution, etc.

Sexual exploitation:
• Any evidence of harbouring;
• Drugs may have been used;
• Visible injuries such as cuts or bruising;
• Rape and other sexual offences;
• Purchase or sale, as victims of sexual exploitation are often traded between traffickers;
• Working in prostitution;
• Evidence that children are involved;
• Media advertisements or internet sites used for recruiting victims or selling sexual services.
Organ transplant trafficking:
• Sign of a surgery as scars, fever or suffering;
• Payments or promise of payments;
• Recruitment methods of offering payment for dubious means;
• Unexplained illnesses;
• Illegal clinics;
• Receipt of a large amount of money.

Corroborative evidence is evidence that strengthens, adds to, or confirms already existing evidence and includes:
• Witness testimonies from family members, friends and acquaintances of the victim;
• Documentary and photographic evidence of recruitment (contracts, letters, newspaper adverts), transportation (receipts, travel itinerary, travel documents) and exploitation (evidence of abuse or coercion, photos of living conditions) of the victim;

The rules when investigating a trafficking offence is:
• Always seek corroborative evidence and
• Never rely solely on a victims testimony and a suspect’s admission

Considerations
• The victims account is likely to be strongly challenged by the defence counsel therefore corroborative evidence is always necessary;
• Evidence from accomplices, mediators or couriers (taxi drivers and agents or middle men);
• Evidence that can be linked with other cases;
• Circumstantial and hearsay evidence where permitted by law, but always inform the prosecutor.

4. General guidelines of investigations and court procedure

General investigating guidelines
• Interview and investigation: Guidelines should be developed for non-confrontational, non-judgemental investigative techniques that respect the trafficked persons’ rights and recognise their status as a victim;
• In the case of children, specific child friendly procedures need to be adopted.

Extra support in the pre-trial and trial phase
• Keep the victims informed of what is happening at all stages of the proceedings
• Emotional support
• Direct assistance, this includes accommodation, protection advice etc.
Guidelines during the court procedures
- Give evidence in chief by pre-recorded video or written statement;
- Give evidence by video link;
- Cross examination of the trafficked person by an inquisitorial judge, or lawyer appointed by the court, in the absence of either the defendant or defence lawyer;
- Anonymity of the witness from the defendant.

Victims right to privacy
- Special procedures should be developed to protect trafficked persons’ right to privacy, including provisions for giving testimony without confronting the defendant, for example by video, limitation to cross examination on sexual history, and restrictions on media reporting of personal details. These should include special procedures adapted to the needs and rights of trafficked children.

5. Building a successful prosecution case whilst recognising the prosecution pitfalls

Building a successful prosecution case
1. Victim testimony;
2. Evidence of recruitment methods;
3. Evidence of transportation;
4. Evidence of means used (deception, force, threats);
5. Secure all evidence from crime scene;
6. Obtain corroborative evidence.

Reasons why cases fail
A trafficking case can be highly complex and there are many reasons why trafficking prosecutions could fail. These include:
- Insufficient evidence is gathered by the prosecution;
- Lack of corroborative evidence and the victims evidence is discredited;
- Victims reluctance to cooperate;
- Corruptive elements, bribery, threats etc.;
- The transnational aspect of the case, gathering evidence from a foreign country to prove recruitment, transportation or exploitation;
- Victim is discredited by the defence;
- Victim is paid off by the trafficker;
- Lack of understanding by the judiciary of trafficking and the related issues.

Knowledge test
1. Describe the 5 priority tasks at a trafficking crime scene;
2. Give examples of where possible trafficking crime scene can be found;
3. Give examples of evidence that can be linked to 1. Sexual, 2. Labour and 3. Organ trafficking;
4. Explain reasons why so many trafficking cases fail at court.

Session 7. The Guiding principles and best practice of interviewing victims of trafficking

Aim: The aim of this session is for the participants to be able to understand the international guiding principles of victim interviewing whilst following a planned structure.

Session objectives: By the end of the session the participants will be able to:
1. Understand the guidelines and 10 principles concerning victim interviewing
2. Understand the importance of adopting the right approach and gaining the trust of the victim
3. Practice and follow the structure and model of interviewing

Introduction: The interview stage of investigation is regarded as the most crucial, whilst a victim cannot and must not be forced to testify. The initial approach and subsequent actions by police can make a distinct difference to the possibilities of gaining valuable information and a testimony if they are willing to disclose. This session outlines the important international guidelines and also lays down a model of best practice on how to interview victims to gain evidence that can secure a conviction against the trafficker.

1. Understand the guidelines concerning victim interviewing

| Activities: 1. Introduce the session using the text above as a guideline whilst stressing the importance of the interview stage of investigations. 2. Discuss the guidelines of ethical interviewing and the ten guiding principles. 3. Write the words PEACE on the flip chart and inform the participants of the meaning of each part of the model. 4. The facilitator can then conduct a small demonstration interview asking one of the participants to role play a victim. 5. If time allows role play interview scenarios can be conducted to enable the participants to practice using the interview method. 5. Conduct the knowledge test to end the session. |

The ethics of a successful victim/witness interview involves:
- Adopting appropriate **safety** and **ethical** procedures that benefits both the respondent and the interviewer;
- If approached in a **sensitive** and **non-judgemental** manner, many victims will respond when given the opportunity to tell their story;
- Similarly, the greater the extent to which a victim feels being **respected** and that their **welfare** is a priority, the more likely they are to share accurate and intimate details of their experience;
- The factors affecting the **security** and wellbeing of a victim who has been trafficked are also the same factors that affect disclosure.

The ten interviewing guiding principles
1) Do no harm – Treat each person as if the potential for harm is extreme until there is evidence to the contrary. The interviewer should not conduct an interview if s/he perceives that it will make the respondent’s situation worse in the short or long term – even if the respondent agrees to be interviewed.
2) Know your subject and assess the risks - Learn the risks of each person’s case before the interview:
   1) Assess risks at all stages of the interview;
   2) Identifying a suitable time and safe place for interview;
   3) When conducting the interview
      • Learn to recognise when someone feels unsafe or uncomfortable;
      • Be prepared to stop the interview and re-convene at another time;
      • Correctly close the interview by telling the interviewees what will happen next, give them a contact number and keep them informed throughout the process.
3) Prepare referral information – promise less and deliver more:
   1) Be prepared to provide information in the respondent’s native language about appropriate legal, health, shelter, social support and security services, and to help with referral if requested;
   2) Make contact with referral agencies and service providers before recommending them;
   3) Be discreet when providing referral information.
4) Adequately select and prepare interpreters and co-workers:
   1) Assess whether they are fully prepared to deal with sensitive issues and can do so confidentially;
   2) Consider whether male/female interpreter is preferable, whenever possible;
   3) Develop adequate methods of screening and training.
5) Ensure anonymity and confidentiality:
   1) Explain precautions and ask whether respondent feels these are adequate;
   2) Don’t discuss details in public places (e.g. taxi);
   3) Don’t discuss one respondent’s information with another.
6) Get informed consent by making sure the respondent understands:
   1) Content and purpose of the interview;
   2) Intended use of the information;
   3) Right not to answer questions;
   4) Right to terminate the interview at any time;
   5) Right to put restrictions on how information is used.
7) Listen to and respect each respondent’s assessment of their situation and the risks associated:
   1) Avoid offering advice or assistance until discussing with the respondent their needs, concerns and perceptions of risks and benefits;
   2) Convey referral and assistance information after the discussion has occurred;
   3) Recognise that each victim will have different concerns.
8) Do not re-traumatise the respondent
   1) Avoid questions designed to provoke an emotional response;
   2) Avoid questions that insinuate negative judgments about respondent and their choices;
   3) Be prepared to respond to a victim’s distress and highlight their strengths.
9) Be prepared for emergency intervention
   1) Be prepared to immediately respond if a victim says he/she is in imminent danger;
   2) Be aware of issues relating to contacting government officials or agents.
10) Put information collected to good use:
1) Use the information in an ethical way to benefit individual respondent and/or brought to attention of policy-makers and advocates;
2) Be careful that information is not misinterpreted or reported in a way that fuels prejudices or incites public opinion against migrants and trafficked persons.

2. Adopting the right approach and gaining the trust of the victim
Trafficking victims are vulnerable. Interviewers should be careful, considerate and respectful. However, it is important to remember the interview is not a counselling process. It is a method of gaining evidence and intelligence. Every technique you adopt and every question you ask, should ultimately serve the objectives of a trafficking law enforcement interview. They are:
   • To establish the full facts of the case and lay out a case history in a logical and sequential order;
   • To use the facts to corroborate the victim’s story and establish his or her credibility as a witness.

Additional information
You may need a psychological assessment of a suspected victim before you interview them, but you may also need a more basic assessment of their physical health. Observations may show some obvious illness or trauma. Plan for an examination and ask the victims if they have any health problems.

Give victims the choice of having alternative clothing. Clothing may be obtained by sponsorship from shops, local traders, victim service providers, including NGOs, or from police funds.
Plan meals for the suspected victim. Avoid giving them detainee's/prisoner’s meals. Meals should be appropriate to the person’s culture and religion.

Identify suitable accommodation. This should be risk assessed and appropriate to the particular case. Use accommodation provided by the State, local authorities or victim service providers, including NGOs. In some cases, accommodation may have to be provided out of law enforcement funds.

Record details of everything you provide.
Start making enquiries as soon as you can to establish what rights of residency the suspected victim has. Make contact with immigration authorities where necessary. If it is possible to arrange a temporary residence permit in your jurisdiction, start the process straight away.

Negative reactions
There are possible challenges to be faced when interviewing victims of trafficking. Interviews can be a stressful experience for most people and this stress is exacerbated considerably for victims of trafficking resulting in reactions and behaviours such as:
   • Being uncooperative and suspicious;
   • Hostile and aggressive;
   • Scared and defensive;
   • Silent and tempted to lie

Things to do remember when conducting an interview:
   • Switch off the phone;
• Avoid sensitive questions;
• Do not force the victims to give a response;
• Don’t hurry the victim to finish the question;
• Do not make any promises you cannot keep;
• Introduce yourself and show your smile;
• Start with, “Hi, Hello, How are you, I am here to help you”;
• Display positive body language and good listening skills;
• Treat the victim with respect;
• Do not interrupt when the victim is giving an explanation and telling their story;
• To interview children in the presence of an adult, preferably the parent or legal guardian;
• Female victims who have been exploited by a male trafficker should be offered the possibility to be interviewed by female police only when possible.

3. **Follow and practice the structure and model of interviewing**

When conducting an interview it is vitally important that the interviewer adopts a planned and methodical approach.

**PEACE** is a structured interview model developed in the UK and is now recognised and used in many countries around the world. It is applicable to interviewing suspects, witnesses and victims for all criminal cases. In this module we are concentrating solely on victim interviewing.

**PEACE** is an acronym that stands for:

1. **Planning and Preparation**
2. **Engage and Explain**
3. **Account**
4. **Closure**
5. **Evaluation**

### Planning and preparation

1. Planning and preparation is the starting point and covers many aspects of interviews. Trafficking in person’s cases may require additional planning compared to other interviews, such as arranging interpreters, social supporters and accommodation.

2. Consider:
   - The information and evidence received to date;
   - What is already known about the victim;
   - Decide who is the best person to interview the victim ensuring enough time has been set aside (Only the interviewer, note taker, victim and interpreter, where necessary, should be in the room);
   - Select a suitable neutral venue for the interview;
   - Formulate the objectives of the interview and review the law concerning possible crimes that may be revealed.

### Engage and explain

1. **Engage** is an integral stage of the interview when a rapport is established between the interviewer and interviewee. Engaging means forming a professional relationship or connecting with the person who is being interviewed. Ensuring the basic needs are being met as well as reassuring the victim that you are there to help
them and they have nothing to fear from the interview. This part should not be rushed, it should be conducted methodically. The sole purpose is to establish a connection and if this is not achieved then it is advisable not to proceed with the interview. Consideration must be given to the following points:

1. Should the interviewer be changed;
2. The stress level of the victim is too severe to continue;
3. Take time to re-assess the situation and take a break to perhaps continue at a later time.

Only when the interviewer is sure the rapport has been achieved and the victim shows signs of trust then can the interview continue to the next stage.

2. Explaining can be very broad, particularly in trafficking cases. Typically, the victim should be told what is going to happen in the interview, how information obtained might be used and the rights he/she is entitled to.

Account
1. In the initial phase the aim is to obtain an uninterrupted account (story) from the person being interviewed. This is sometimes known as “free recall”.
2. Interviewers follow up by expanding and clarifying the account. In many interviews, the final phase reviews and questions any inconsistencies in the account.
3. Once the victim has related his/her account it can then be considered in topics. The topics should follow a chronological order and in a normal trafficking case would typically be:
   - Recruitment (in country or place of origin e.g. the victim’s home town);
   - Travel and the transportation method;
   - Arrival at the destination;
   - Harbouring at the place where they are working or staying;
   - The exploitation stage;
   - The escape (how the victim has left the trafficking scenario).

Closure
- In this phase the content of the interview may be summarised, the victim is given the opportunity to add anything and is told what will happen next. The victim should also be thanked and given contact details. Ensure the victim does not feel isolated and tell him/her he/she will be kept informed of developments.

Evaluation
- This is the final part of the process and occurs when the interview is concluded. It should be evaluated if the aims and objectives of the interview have been achieved, how the new information obtained in the interview affect the
investigations, and how the interview went overall and what improvements could be made;
• Where interviewers are part of a larger team, the evaluation should take place with all relevant members of that team.

**Knowledge test**
1. There are 10 guiding principles of ethical interviewing, state 4;
2. What does the acronym PEACE mean?
3. What things are there to remember when conducting an interview?

**Conclusion:**

The final part of any training programme consist in asking a feedback from the participants in order to improve the training module and develop the trainer skills. Verbal feedback can be done during the training particularly at the start of day two by asking the participants what they have gained from the training so far and what topics or issues have impacted on them mostly.

The final evaluation should be conducted at the conclusion of the training using the prepared questionnaire.
Chapter 5 case studies

Case study 1

Case study Noelia 16 years

Noelia is a young girl from Sumbawanga Chang’ombe village. She did not have the chance to go to school due to the poor conditions of her family. She cannot read or write and grew up in the village. Because of the poor situation of her family she thought she could work to get some money to assist her family.

Noelia left home last year in October 2013 and she stayed in Sumbawanga town looking for some work. It was there that she met a woman from Zanzibar who promised her a good job and a good pay. The woman took Noelia and other two other girls and transported them to Zanzibar. When they arrived in Zanzibar the women dressed them as Muslim and entrusted each girl to a different person before disappearing.

Noelia was taken by her master and when she arrived in the family she introduced herself as a Christian. Because they wanted a Muslim believer they started abusing, mocking and beating her and eventually Noelia ran away without knowing where to go.

She was collect by a woman who found her wandering the streets and brought to a NGO where she was looked after and interviewed. She was found to be two months pregnant after visiting a medical check-up.

Discuss the following points:

1. Is this trafficking of persons and if so why?
2. Discuss the liability of the woman agent and the master, what action should the police take?
3. What course of action should be taken for Noelia?
4. What agencies can assist the police in this case?

Case study 2

Case study – Faith 21 years old

Faith is 21 years old and comes from a small village in Mbeya region. She was looking for work and was recruited by a woman who said she could find work for her as a housemaid.

She was taken to Mwenge, Dar es Salaam, where she took up employment at a household. After some months the woman of the house caught Faith in bed with her husband. Faith said the man forced her into doing it warning that if she refused she would have been ejected from the house and if she dared to tell the story to his wife he would have killed her. The wife threw Faith out from the house without her belongings.
and with no money. Faith sought help at a NGO where she related her story. The NGO brought Faith to the police station where you are detailed to interview her.

1. What special considerations will you give Faith regarding her care, protection and interview?

2. What criminal offences do you consider could be applicable in this case and who are the people responsible?

3. List the criminal procedure investigation process that should take place;

4. What agencies can assist the police in this case?

Case study 3

Case study – Aamal 28 years

Aamal, a Bangladeshi migrant, lives in Dar es Salaam and has her own small business selling fabrics and Indian clothing. She visits offices and public building and has built up a small clientele. Recently she suffered some financial hardship and needed to raise more money. Her brother in law suggested she could earn 40 million shillings by having a small operation in India. She didn’t ask too many questions as she was desperate for money and, as her fare was paid, went to Delhi where she underwent surgery to have a kidney removed. She wasn’t paid any money and returned to Dar where she pestered her brother in law for the money she was owed. She however began to fill sick with pain in her abdomen and was soon unable to work. She told a police officer who was client of hers about the ordeal and asked if there was any way she could help to get the money she was owed.

The police officer suspected that this was case of human trafficking in body organs and reported the matter to her senior officer.

Questions:

1) Is there a prima facie case of trafficking in body organs and if so why?

2) What course of investigatory action would you take?

3) What is the liability of Aamal and what protection and assistance is she entitled to if any?
Chapter 6 evaluation

Participant’s evaluation questionnaire

To be completed by each participant at the end of the Training

Interviewing, investigations and prosecutions
Anti-Trafficking in Persons Act 2008

Dates: Venue:
You have just attended a training course. Please help us improve the development and organization of future similar learning activities by answering the following questions:

1. What is your global impression of the training session?


2. How would you rate the compatibility of:

<table>
<thead>
<tr>
<th>The objectives of the training with your expectations?</th>
<th>excellent</th>
<th>good</th>
<th>fair</th>
<th>poor</th>
</tr>
</thead>
<tbody>
<tr>
<td>The programme of the training with your expectations?</td>
<td></td>
<td></td>
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<tr>
<td>The learning methods with the learning objectives</td>
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</table>

3. What would you recommend in order to improve this training?

4. How would you rate the following items:

<table>
<thead>
<tr>
<th>The organization of the session</th>
<th>excellent</th>
<th>good</th>
<th>fair</th>
<th>poor</th>
</tr>
</thead>
<tbody>
<tr>
<td>The facilities</td>
<td></td>
<td></td>
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<tr>
<td>The schedule</td>
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<tr>
<td>The duration</td>
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</table>
5. Please read the following statements and check the appropriate box.

<table>
<thead>
<tr>
<th>Statement</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>I was informed of the programme and learning objectives prior to the learning session</td>
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<tr>
<td>At the beginning of the session, the trainer clarified the expectation of the participants</td>
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<tr>
<td>The trainer recalled the objectives and the programme</td>
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<tr>
<td>The learning methods were highly participatory</td>
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<tr>
<td>The trainer facilitated the participation of each one</td>
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<tr>
<td>The trainer used case studies, examples linked to IOM reality</td>
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<tr>
<td>The trainer took the participants' expectations into consideration</td>
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<tr>
<td>The theory-practice balance was good</td>
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<td>The trainer had the right level of expertise</td>
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<td>The documentation was sufficient and appropriate</td>
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<tr>
<td>The mix of the group had a positive effect on the learning process</td>
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</table>

6. Please add any other comments related to previous points:

7. Please describe in one sentence the benefits you gained from this workshop/course.

8. Remembering the objectives to be met by the end of the training, please check the appropriate box:

<table>
<thead>
<tr>
<th>LIST OF OBJECTIVES</th>
<th>Completely met</th>
<th>Fairly met</th>
<th>Insufficiently met</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To understand fully the crime of trafficking in persons and be able to differentiate with smuggling of migrants</td>
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<td>2. To understand the recruitment process of trafficking</td>
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<td>3. To comprehend the elements of child trafficking</td>
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<td>3. To understand the importance and relevance of victim identification</td>
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<td>4. To gain a working knowledge of crime scene, investigations and prosecutions of trafficking cases</td>
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<tr>
<td>5. To gain a good appreciation of investigative interviewing of vulnerable persons</td>
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</table>

9. If some objectives were not fully met, please check the appropriate box.
10. Please list:

The most beneficial and relevant topics:

Topics that were not as relevant:

Topics to add in future trainings:

What was the most important and relevant topic covered in the training that you could use in your job?

Thank you for comments and your participation in this course

Trainer(s)