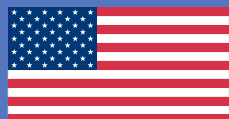
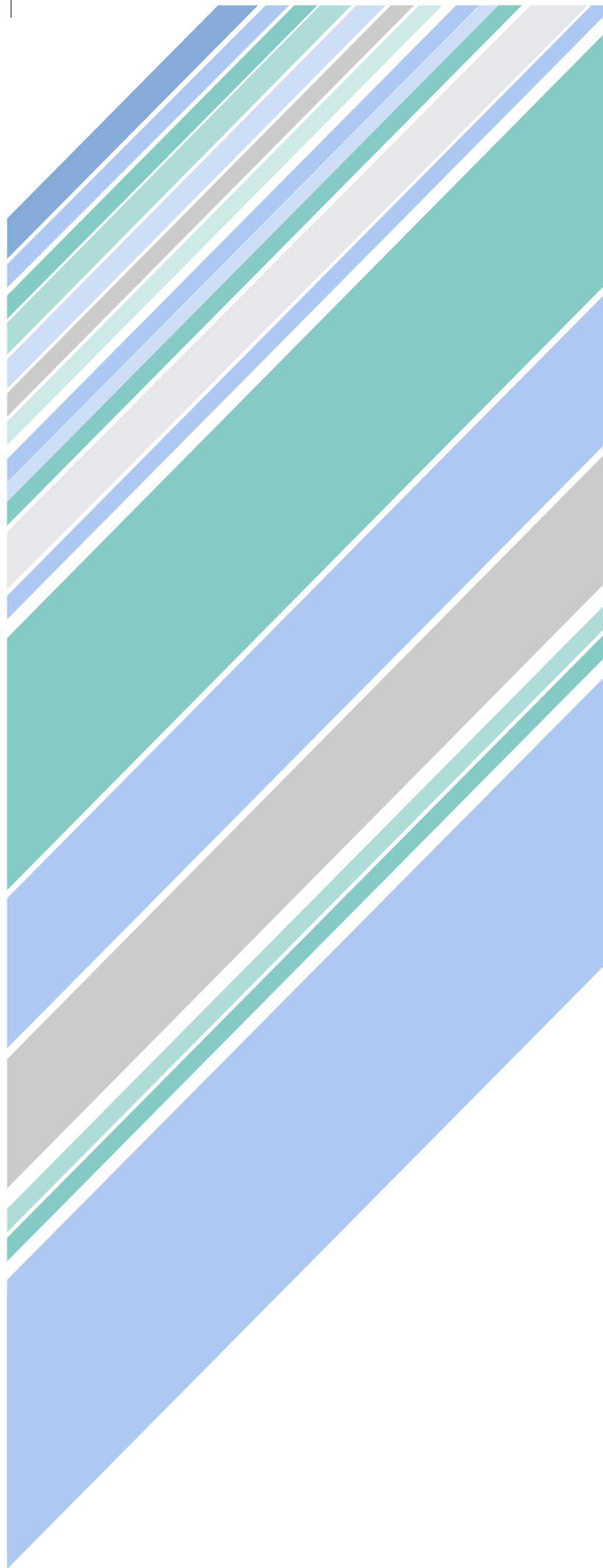


# **Toolkit for victim-centric best practices on investigations and prosecutions in anti-trafficking action**





**Foreword by  
IOM Head of Office, US Ambassador,  
ANITP Director  
and Chief Deputy Prosecutor of DIICOT**

We are proud to be associated with the **LUPTA (Leading a United Pathway to anti-Trafficking Action) Project**. Since its launch in 2021, LUPA has contributed to a mitigation of victims' fear of authorities, through more effective, holistic, **victim-centered** and **trauma-informed** approaches to countering trafficking in persons in Romania.

LUPTA was developed by the International Organization for Migration (IOM) in Romania, in coordination with the US Embassy in Romania, and the Government of Romania through the National Agency Against Trafficking in Persons (*Agenția Națională Împotriva Traficului de Persoane*), with the financial support of the US Department of State through the Bureau of International Narcotics and Law Enforcement Affairs.

The LUPA project has gathered important evidence on the effectiveness of **trauma-informed**, multi-faceted assistance, including social, psychological and physical health, legal, protection, and financial support, to lay the foundation for *trust-based* relationships between victims and authorities. This in turn has led to a significant increase in the active participation of victims in the investigation and prosecution of trafficking cases, as well as to an increase in the number of convictions of traffickers.

This **Toolkit on victim-centric best practices in investigations and prosecutions**, is **survivor informed** and captures those LUPA experiences through desk and fieldwork research, meetings, consultations, and interviews with relevant **survivors** and stakeholders. Aligned with international normative guidance, it provides a set of practical and interactive activities to help state and non-state actors improve collaboration and coordination and build their capacities to act together effectively.

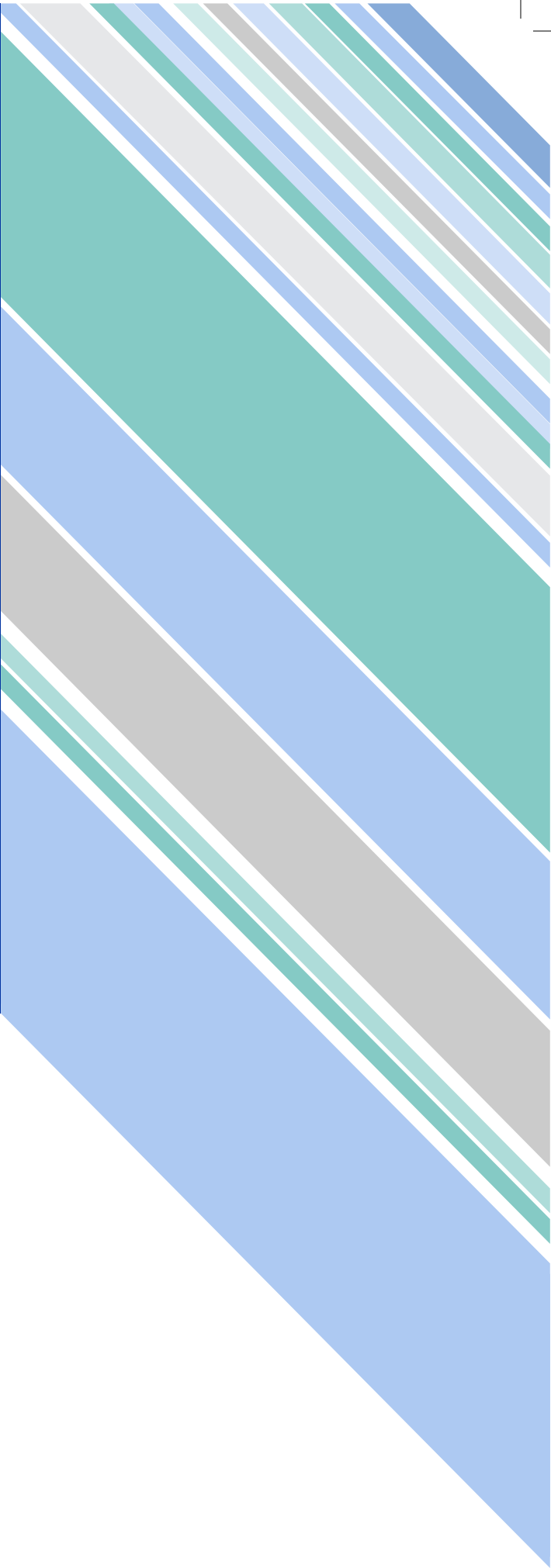
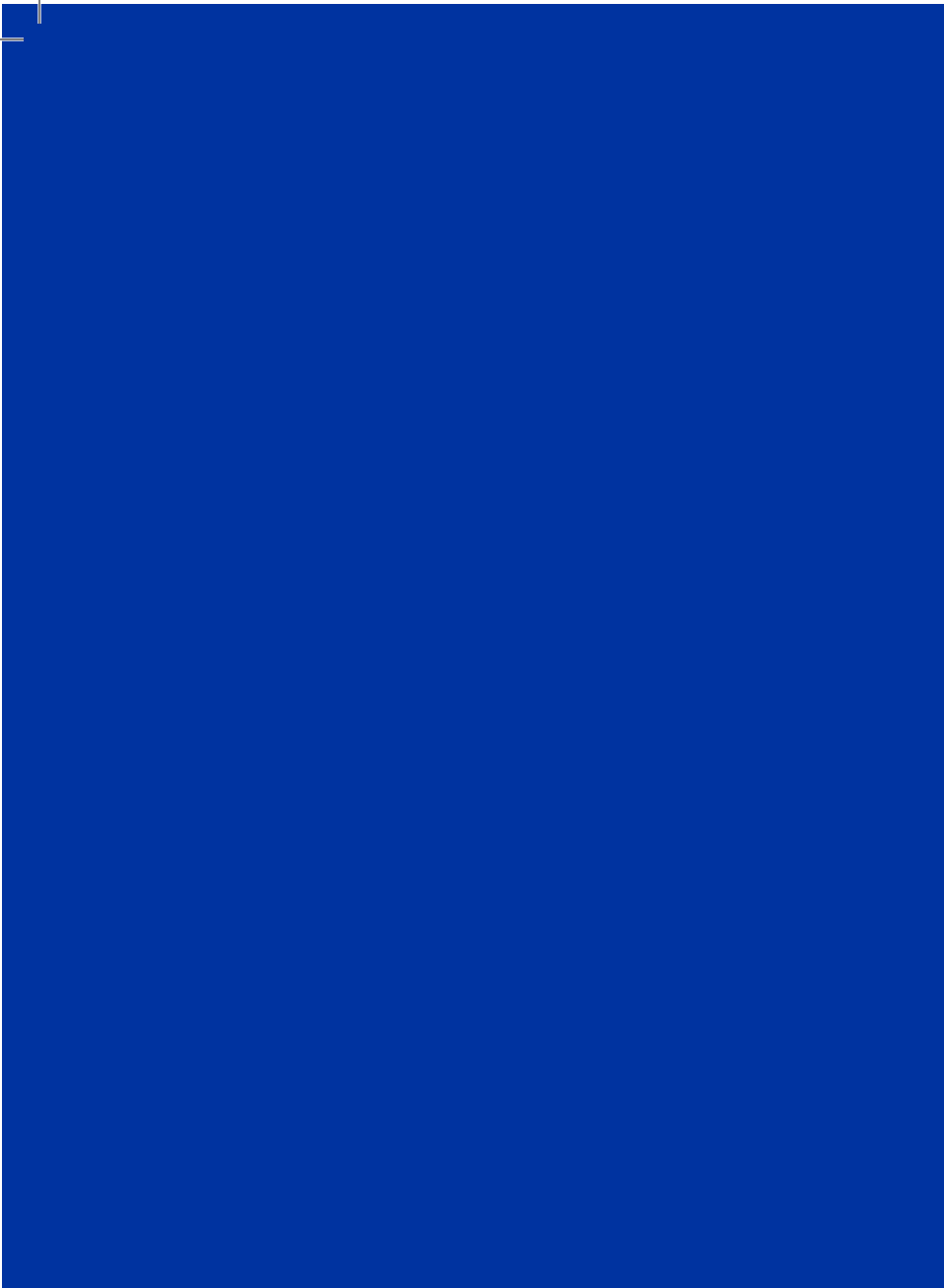
Much remains to be done nationally and internationally to counter the (still) unacceptably high prevalence of trafficking in persons. Nevertheless, it is our belief that this **Toolkit** will bolster Romania's efforts to remain a key player in the global fight against the insidious crime of trafficking in persons.

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## Abbreviations and acronyms

<b>ANTIP</b>	_____	National Agency against Trafficking in Persons
<b>DCCO</b>	_____	Directorate for Combating Organized Crime
<b>DGASP</b>	_____	General Directorate for Social Assistance and Child Protection
<b>DIICOT</b>	_____	Directorate for Investigating Organized Crime and Terrorism
<b>EU</b>	_____	European Union
<b>EC</b>	_____	European Commission
<b>FATF</b>	_____	Financial Action Task Force
<b>4 Ps</b>	_____	<i>4Ps framework</i> to address trafficking in persons (Prosecution, Protection, Prevention and Partnership)
<b>IDM</b>	_____	International Organization for Migration Romania
<b>LEAs</b>	_____	Law Enforcement Agencies
<b>LUPTA</b>	_____	Leading a United Pathway to anti-Trafficking Action Project
<b>NAAD</b>	_____	National Agency Against Drugs
<b>NGO</b>	_____	Non-governmental organizations
<b>NIRM</b>	_____	National Identification and Referral Mechanism for Victims of Trafficking in Persons
<b>MOFA</b>	_____	Ministry of Foreign Affairs
<b>MOI</b>	_____	Ministry of Internal Affairs
<b>MOJ</b>	_____	Ministry of Justice
<b>MLSP</b>	_____	Ministry of Labour and Social Protection
<b>NSCPCECL</b>	_____	National Steering Committee for the Prevention and Combating of the Exploitation of Child Labour
<b>OSINT</b>	_____	Open-Source Intelligence Techniques
<b>ProTECT</b>	_____	Platform in bringing together 21 specialized organizations for better prevention, assistance, and advocacy
<b>TRM</b>	_____	Trans-national Identification and Referral Mechanism of Victims of Trafficking in Persons
<b>UNODC</b>	_____	United Nations Office on Drugs and Crime
<b>UNDP</b>	_____	United Nations Development Program
<b>UNICEF</b>	_____	United Nations Children's Fund
<b>VPC</b>	_____	Victim Protection Coordinator
<b>WHO</b>	_____	World Health Organization

# Introduction

Trafficking in persons remains one of the most serious and profitable crimes with unacceptably high worldwide prevalence. It continues to have a devastating impact on the human rights of vulnerable individuals who are victims<sup>1</sup>. Major efforts have been made at international and national levels to fight this crime through an improved legal framework, evolving policy development and better coordinated action. Nonetheless, globally much remains to be done to further fight trafficking in persons - from prevention, the early identification of victims and potential victims, and reducing the demand that fosters trafficking - to effective investigations, prosecution, convictions, and meaningful sentences for traffickers.

Among the most sensitive concerns regarding the effect of trafficking in persons is the overall psychological, physical, and social impact on victims which leaves many and their families, in a state of vulnerability and unable or reluctant to actively participate in investigations and/or judicial proceedings. There is a need for continuous and **effective trauma-informed holistic assistance** programs comprising multi-faceted assistance

including: social, psychological and physical health, legal, protection and financial support, to lay foundation for a **trust-based** relationship between the victim and authorities in order to more effectively combat trafficking in persons.

This requires coordinated action and partnerships from multiple actors. These actors include law enforcement agencies (LEAs), and legal practitioners – who need to employ **trauma-informed**, tailored interview techniques that avoid re-victimization and ensure victims are not stigmatized or judged. It also includes social services and health professionals, and critically, civil society actors. All actors need to employ measures that provide a sense of security and foster a *trust-based relationship* between themselves and victims. Social services and non-governmental organizations (NGOs) need to support victims to overcome trauma, prevent re-victimization, secondary exploitation and foster **victim-centered** healing and **social reintegration**. Through concerted efforts and better coordinated action, victims can feel more empowered and gain and maintain trust in the authorities. This will increase their chances of a return to a normal life.

## Responsibilities and obligations of anti-trafficking actors

An underlying purpose of this Toolkit is to foster more effective cooperation and coordination between all actors. Non-state actors play a crucial role in anti-trafficking action. However, it is important for non-state actors whether they be NGOs or individuals, to be aware of the fact that under national and international laws, obligations and conventions, the ultimate responsibility for anti-trafficking of persons

including prevention, identification, investigation, prosecution, rehabilitation and reintegration, rests with state authorities. For this reason, the first section of this **Toolkit on the Overall picture of trafficking of Romanian victims** asks users to familiarise themselves with the list of authorities and their overall responsibilities, competencies, and contacts. (See ANNEX 2.<sup>2</sup>)

## The LUPTA Project and purpose of this Toolkit

This Toolkit draws on the experience of multiple actors including taskforces set up by LUPTA<sup>3</sup>, and aims to improve their capacities and coordination to work together in a united pathway towards more effective

actions on anti-trafficking action. This is the aim of the LUPTA Project, (*Leading a United Pathway to anti-Trafficking Action*).

<sup>1</sup> The term survivor is valid but holds different implications depending on the context it is used. This toolkit and the LUPTA task forces use the term 'victim' to refer to a person who has been subjected to trafficking in persons. This term has legal consequences and gives rise to specific rights and legal standing in the criminal justice system, and in civil cases.

<sup>2</sup> A source for all key actors is also contained in the draft NIRM. The term survivor is valid but holds different implications depending on the context it is used. This toolkit and the LUPTA task forces use the term 'victim' to refer to a person who has been subjected to trafficking in persons. This term has legal consequences and gives rise to specific rights and legal standing in the criminal justice system, and in civil cases. <https://bsr-trm.com/wp-content/uploads/2019/10/Draft-National-Identification-and-Referral-Mechanism.pdf>

<sup>3</sup> Four LUPTA task forces (in Bucuresti, Constanta, Craiova and Galati) were convened with actors including: DCCO, DIICOT, ANITP, DGASCP, Psychologists, Social Workers; Lawyers and VPCs.

The LUPTA Project was developed by the United Nations Migration Agency - International Organization for Migration (IOM) in coordination with the US Embassy in Romania and the National Agency Against Trafficking in Persons (ANITP).

In line with internationally accepted best practices and guidelines, the project has three main components which aim to achieve three specific outcomes:

- Improved and effective cooperation and coordination between key actors, through the establishment of a multi-disciplinary, specialized, anti-trafficking task force in Bucharest; and drawing from the counties participating in three regional Courts of Appeal involved in the investigation, prosecution, support, and service provision for victims of trafficking.
- Strengthened collaboration and capacity building amongst key actors within the task force(s) to utilize interdisciplinary expertise, best practice and judicial tools which ensure trafficking in persons' cases are investigated and prosecuted

successfully and professionally.

- Increased victim participation in criminal investigations and proceedings by strengthening cooperation between relevant stakeholders in a victim-centered manner.

With these outcomes in mind, one of the agreed tasks of the LUPTA Project is the development of a Toolkit on victim centric best practices in investigations and prosecutions which profiles successful investigations and prosecutions. It draws upon the experiences, techniques and practices developed by task forces to enhance more effective coordination and collaboration on anti-trafficking action between state and non-state actors. It was drafted taking cognizance of the latest international reports, recommendations, and best practices in the field of trafficking in persons, victim protection, care, investigations, and prosecution. This was **survivor-informed** and involved desk and fieldwork research, meetings, consultations and interviews with **survivors** and relevant stakeholders.






## Who is the Toolkit for?

Whilst this Toolkit is focused on the Romanian context, it is a useful resources for all state and non-state actors who work to combat trafficking in persons. This includes: NGOs, carers and other psychosocial and medical support providers, government ministries, legal professionals and judiciary officials, law enforcement, and other national and international actors.

For embassies and diplomatic missions, this Toolkit can be used as a useful practical resource, in conjunction with the **Handbook for Embassies and Diplomatic Missions on How to Assist and Protect Victims of Human Trafficking to be found in ANNEX 4.**

## How do I use this Toolkit?

Each section of this toolkit presents **background data and key concepts** in anti-trafficking action, with a focus on the Romanian context. At the start of each section, a set of **Learning Objectives** is presented to help users focus on the main instructive aims of the Toolkit. **Key Terms and provisions** are listed immediately after the learning objectives and **highlighted in bold**, for ease of reference in the text. Where appropriate, these are referenced in the text, to **ANNEXES**. Questions on **legislation** are presented - predominantly for LEAs and legal professionals. Most sections also present illustrative **Case Studies and promising practices** involving the guidance under discussion. Also presented are selected, **confidential victim testimonies** in accordance with the **victim-centred** approach, which provides insights into the need for **trauma-informed** methodologies. After considering the elements above, specific **practical, interactive activities** are presented, followed by **questions for self-assessment** and **suggestions for further discussion**. Each interactive component is designated by an **assigned icon** for easy identification of activities to be used with state and non-state actors, in workshop situations, or as individual guidance, to help users apply key concepts to previous experience, as outlined below.

	<b>Learning objectives</b>	<ul style="list-style-type: none"> <li>to facilitate a grasp of the key concepts.</li> </ul>
	<b>Key terms and Provisions</b>	<ul style="list-style-type: none"> <li>critical to the understanding of key concepts and referencing laws and regulations.</li> </ul>
	<b>Example case studies and best practices where applicable</b>	<ul style="list-style-type: none"> <li>to discuss and help elaborate and illustrate general principles of investigations / prosecutions and compare other cases to various actors' experience.</li> </ul>
	<b>Legislation</b>	<ul style="list-style-type: none"> <li>to help users identify key legislation (where necessary and applicable), dealing with the case study; and to help users consider possible actions in the absence of legislation.</li> </ul>
	<b>Further discussion and self-assessment questions</b>	<ul style="list-style-type: none"> <li>asking users to highlight the most important ideas in the section and test their understanding of the toolkit. This generally also solicits suggestions for further consideration.</li> </ul>

## How can the ANNEXES help me?

The Toolkit also provides other information (current at the time of publication) for practical use and ease of reference, including the information mentioned above in **ANNEX 2**, and:

**ANNEX 1:** *Legal provisions to counter trafficking in persons and protect victims and vulnerable individuals* – to be consulted as or when necessary.

**ANNEX 3:** *A basic checklist of actions to help all actors follow normative guidance and protocols and coordinate more effectively.*

**ANNEX 4:** *What other tools are available? A list of key SOPs, Protocols, Reports and Strategies for reference in anti-trafficking Action*

**ANNEX 5:** *LUPTA Principles of Cooperation and the Victim-centered approach.*

## Do I have to read the whole Toolkit?

Whilst this toolkit is organized as a logical progression, after the introductory section, users do not necessarily need to complete the sections consecutively. Depending on whether you are an NGO individual or group, or a legal, law enforcement or social services professional, you may wish to select most relevant sections on which to embark and skip others. Likewise, the level of detail on which you embark is also flexible according to your occupational group.



# Overall picture of trafficking of Romanian victims

## Learning Objectives

At the end of this section you will:

1. Have an overall picture of the trafficking of in persons trends with respect to the Romanian situation.
2. Be familiar with the 5 **ANNEXES**.



## Key Terms

- **Vulnerability**
- **Sexual exploitation**
- **Recruitment of victims**
- **Internet and online platforms**
- **Trust-based relationships**
- **Coercive control**
- **Aggravated procurement of services for prostitution**
- **Social tolerance**
- **Asset recovery and victim compensation**



difficult to identify) types of exploitation, including exploitation connected to the online environment. It may also reflect consequences of travel restrictions imposed by the authorities during the COVID-19 Pandemic during 2020 and 2021; or a decrease in the interest to engage in trafficking in persons and potential orientation towards other types of crime.

Nevertheless, the vulnerability of women and children to this kind of crime has not changed and is recognized worldwide, and consistently reflected in the statistics. In Romania, for 2020 the number of female victims was 3.5-fold higher than the number of identified men, (463 females compared to 133 male victims). The same data reveals a significant number of underage victims: 255 identifications with a median age of 14 years-old of which, a high proportion were 17 years-old, and 206 female.

Romanian statistics on identified victims of trafficking in persons for the past years reveal shifting trends. In the data published by ANITP for 2016-2021, the number of victims identified by Romanian stakeholders trended downwards until 2018 – when 497 victims were identified. In 2019, the trend shifted upwards to 698 victims identified. In 2020 and 2021 the number of victims identified decreased again with 596 and 505 victims, respectively<sup>4</sup>. The trends revealed by the data leads to several hypotheses about reasons for the recent decrease in identifications. It may reflect a shift in the orientation of traffickers towards other (more

The data for 2020, underlines an orientation of traffickers towards **sexual exploitation**, including child sexual exploitation, (426 victims). Whilst most victims were females, a statistically relevant number of male victims, mostly children, were identified (35). Labor exploitation (96 victims) was more prevalent amongst male victims in areas such as agriculture, car wash services etc. Other means of exploitation identified were begging, (37 victims), and to a much lesser extent, forced criminality / criminal activities. An additional number of 36 cases of attempted miscellaneous exploitation were identified.

<sup>4</sup> US Department of State, 2022 Trafficking in Persons Report: Romania. Retrieved from <https://www.state.gov/reports/2022-trafficking-in-persons-report/romania/>.

<sup>5</sup> US Department of State, 2022 Trafficking in Persons Report: Romania. Retrieved from <https://www.state.gov/reports/2022-trafficking-in-persons-report/romania/>;

**LUPTA influence with  
victim - centered trauma -  
informed approaches**

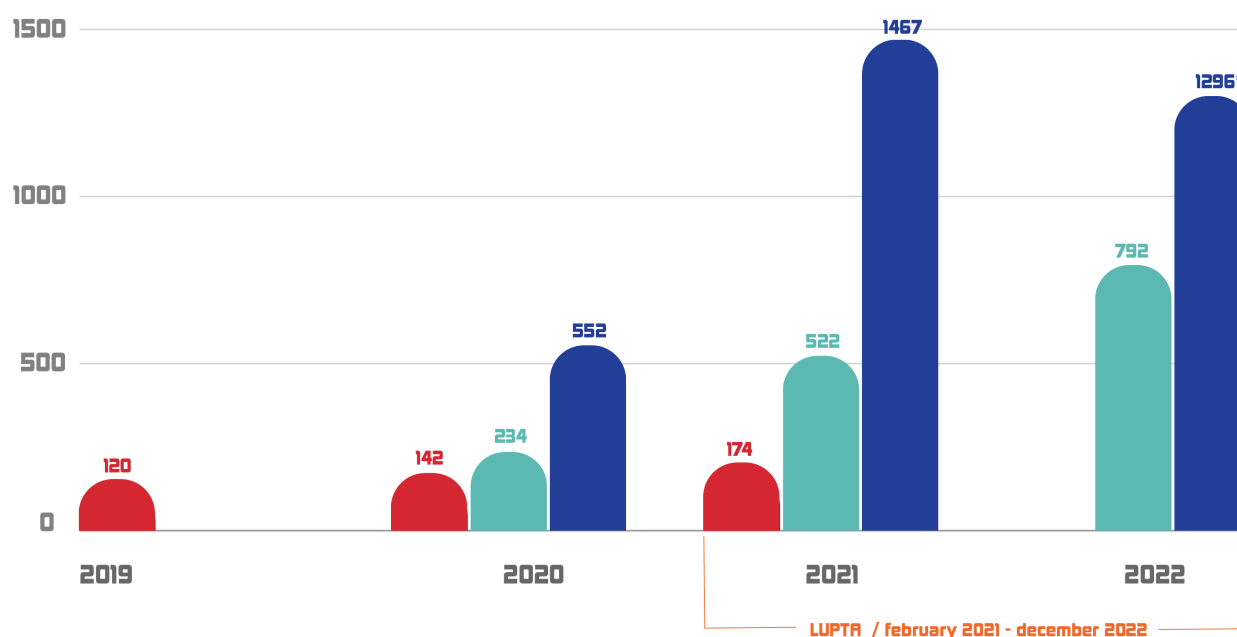
**FEBRUARY 2021 -  
DECEMBER 2022**

● **Convictions**

● **Prosecutions**

● **New cases investigated**

\* For 2022 prosecutions / convictions still in process



The past years have been marked by an increasing trend towards the use of **internet and online platforms** in connection to all kinds of crime, and trafficking in persons is no exception<sup>5</sup>. Within the cycle of recruitment and exploitation, the use of the internet has had a significant effect on the modus operandi used in trafficking in persons offences. For 2020, the number of identified victims recruited through online social platforms (*Facebook or Instagram*) has seen a 36% rise compared with the previous year<sup>6</sup>.

A significant number of victims, (236 out of 598), were recruited by friends or close acquaintances, while 96 victims were recruited by their partners or spouses<sup>7</sup>. This raises questions about whether in particular environments, there might be a degree of **social 'tolerance'** for exploitation. Conversely, this indicates the efforts made by traffickers in recruitment to deceive victims, exercise coercive control and alter their perceptions. The use of **coercive control**

facilitates the recruitment, means and exploitation of individuals and can create serious obstacles in a person leaving an exploitative situation and building trust-based relationships between law enforcement and victims during investigations, or those providing assistance to victims.

Prevention campaigns targeting vulnerable individuals can be effective, however, to ensure deterrence for those considering or engaging in trafficking in persons, this must be coupled with a deterrent effect through successful investigations, convictions, and meaningful sentences. When building trafficking cases, the prosecution may discover that other associated crimes have been committed. For example, when victims are trafficked for labor exploitation, there may well be a case of (**aggravated**) procurement of services for prostitution. Law enforcement authorities (LEAs) need to orient the investigation towards prosecuting both crimes<sup>8</sup>.

<sup>6</sup> National Agency against Trafficking in Persons, Annual Report on human trafficking phenomena for 2020. Retrieved from <https://anitp.mai.gov.ro/ro/docs/studii/Raport%20anual%202020.pdf>;

<sup>7</sup> Ibid;

<sup>8</sup> Interview with representatives of Directorate for Investigating Organized Crime and Terrorism;

According to DIICOT data, in 2021, 1467 new cases of trafficking were investigated and 522 prosecutions were carried out resulting in the conviction of 174 traffickers. Most convicted traffickers received sentences ranging from 3 to 12 years' imprisonment; and 30 convicted traffickers received suspended sentences<sup>9</sup>, comparable to the data available for 2020 when 29 traffickers received suspended sentences. The use of *guilty pleas*

allowed for traffickers to receive reduced sentences by one-third and led to many lenient or suspended sentences<sup>10</sup>.

The recent improvements regarding the legal framework and policies that facilitate **asset recovery and victim compensation** bring an important benefit to the holistic and complex fight against trafficking in persons<sup>11</sup>.



## Legislation

Please note that **ANNEX 1** contains the key current legal provisions, laws, and regulations to counter trafficking in persons and protect victims and vulnerable individuals in Romania; as well as **EU and international legal instruments**.

Unless you are providing legal counsel or are a member of law enforcing authorities, you are not expected to go into detail other than familiarizing yourself with possible legal instruments that might apply in various cases in which you are involved.

If you are a member of the aforementioned groups, please bring to our attention deficiencies in Romania's national legislation with regards to obligations in international instruments. It should also be noted that these provisions, laws and regulations may change periodically.



## Further discussion and self-assessment questions

You are not expected to go into any detail at this stage, but after you have familiarized yourself with the **ANNEXES**:

1. For **ANNEX 1**, if you are a LEA or legal professional, in the next session, you will be asked to provide feedback to IOM on any key provisions missing or references that may have been overlooked.
2. For **ANNEX 3**, in discussion groups, please look at what is presented and be aware of the fact that you will be asked at a later stage – after completing most of the activities in the following sections - about what other checklist items should be included/excluded, with the aim of developing a standard protocol of actions for all actors as a next step.
3. For **ANNEX 4**, similarly, you will be asked to briefly feedback to IOM how useful these resources are for you and bring to our attention what you feel is missing.
4. It is suggested you keep these **ANNEXES** handy and make notes as you go through activities

<sup>9</sup> US Department of State, 2022 Trafficking in Persons Report: Romania. Retrieved from <https://www.state.gov/reports/2022-trafficking-in-persons-report/romania/>;

<sup>10</sup> US Department of State, 2021 Trafficking in Persons Report: Romania. Retrieved from <https://www.state.gov/reports/2021-trafficking-in-persons-report/romania/>

<sup>11</sup> National strategy on the recovery of criminal assets for 2021-2025 adopted by the Romanian Government in 2021. Retrieved from [https://gov.ro/fisiere/subpagini\\_fisiere/NF\\_HG\\_1172-2022.pdf](https://gov.ro/fisiere/subpagini_fisiere/NF_HG_1172-2022.pdf).



# Anti-trafficking policies and legal framework

Perspectives under Romanian law and regulations

## Learning Objectives

At the end of this section you will:

1. Have a broad perspective of Romanian Criminal Code and laws and regulations which pertain to trafficking of persons; as well as the special legal provisions pertaining to child trafficking in Romania.
2. Have a broad understanding of exploitation definitions and legal provisions under which trafficking is investigated and prosecuted, as well as non-punishment provisions.
3. Be aware of the main actors<sup>12</sup> tasked with roles and responsibilities in the areas of identification, support, prosecution, and referral of victims of trafficking.
4. Understand the National Identification and Referral Mechanism (NIRM), National Action Plans and instruments like the EU Strategy on Combatting Trafficking in Human Beings (2021-2025)



## Key Terms and Provisions

- The Romanian 2018-2022 National Strategy against Trafficking in Persons; and National Action Plans.
- EU Strategy on Combatting Trafficking in Human Beings (2021-2025) Recruitment of victims
- Article 4 of the EU Directive 2011/36/EU
- National Identification and Referral Mechanism (NIRM)
- Romania Criminal Code (articles: 24,25, 182, 210/211)
- Law no. 678/2001 on preventing and combating trafficking in persons<sup>13</sup> and Government Decision no. 299/2003<sup>14</sup>
- Coercion, abduction, deception, or abuse of authority
- Recruitment, transportation, transfer, harboring or receipt of persons for 9.
- Aggravated variants
- Child trafficking
- Re-victimization
- Witness protection program



The **Romanian National Action Plans** take cognizance of the **EU Strategy on Combatting Trafficking in Human Beings (2021-2025)**<sup>15</sup>. As of the 22 December 2022, the European Commission has proposed a strengthening of the rules that prevent and combat trafficking in human beings. The updated rules will provide stronger tools for law enforcement and judicial authorities to investigate and prosecute new forms of exploitation, e.g., by making sure that

knowingly using the services by victims of trafficking, constitutes a criminal offence. These regulations may supersede the EU Directive 2011/36/EU (referenced later on in this Toolkit).

Trafficking in persons is criminalized by the **Romanian Criminal Code** under **article 210** which defines it as: the act of recruitment, transportation, transfer, harboring or receipt of persons for exploitation

<sup>12</sup> Chapter 4 and 5 of the National Identification and Referral Mechanism (NIRM) of Victims of Trafficking in Human Beings. Retrieved from <https://anitp.mai.gov.ro/ro/docs/Proiecte/ISF01/MNIR%20Lb%20Romana.pdf>;

<sup>13</sup> As subsequently amended and supplemented;

<sup>14</sup> For the approval of the Regulation for the application of the provisions of Law no. 678/2001.

<sup>15</sup> You will find links to the EU Strategy on Combatting Trafficking in Human Beings (2021-2025) and newly proposed directives at [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_7781](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7781)

purposes conducted by:

- coercion, abduction, deception, or abuse of authority;
- taking advantage of the inability of a person to defend themselves or to express their will or of their blatant state of vulnerability;
- offering, giving, and receiving payments or other benefits in exchange for the consent of an individual having authority over such person.

Such crime is punishable by 3 - 10 years of imprisonment and a ban of certain rights<sup>16</sup>. As per paragraph (2) under article 210, when the crime is committed by a public servant in the exercise of their professional duties and prerogatives, it is considered an **aggravated** variant punishable by 5 - 12 years of imprisonment.

Special legal provisions have been dedicated to **child trafficking**<sup>17</sup> which is trafficking of any person under the age of 18. Under the recently **amended article 211** of the Criminal Code which incriminates the act of recruitment, transportation, transfer, harboring or receipt of a child for the purpose of their exploitation, traffickers shall be subject to a punishment of between 5 and 10 years of imprisonment and a ban of certain rights. Whilst cases involving adult victims must establish means of coercion, abduction, or deception etc., there is no obligation to do this when a victim is under 18. There are several **aggravated variants** for child trafficking in accordance with article 211 and these are punishable by 7 and up to 12 years when the crime involves:

- coercion, abduction, deception, or abuse of authority;
- taking advantage of the inability of a person to defend themselves or to express their will or of their blatant state of vulnerability;
- offering, giving, and receiving payments or other benefits in exchange for the consent of an individual having authority over such person;
- a public servant in the exercise of their professional duties and prerogatives;
- endangering the life of the underage victim;
- a crime committed by a family member or a person living with the victim;

- a crime committed by a person in whose care, protection, education, guardianship, or treatment the child was; or abuse by the perpetrator in their position of trust or authority over the underage victim; or taking advantage of the victim's vulnerable situation, caused by a mental or physical disability, a situation of dependence, a state of physical or mental incapacity or other causes.

The Romanian Criminal code expressly states in both articles, that the consent of a victim is not a defense.

As defined by **article 182** of the Romanian Criminal Code, exploitation is understood as: *the obligation to perform a job or a service; the holding of a person in slavery or other similar practices which involve servitude or the deprivation of liberty or servitude; the obligation to practice prostitution, engage in pornographic performances for the production and distribution of pornographic materials; the obligation to practice begging; or the illegal removal of human organs, tissue, or cells.*

The current legal framework does not specifically indicate references regarding '**exploitation of criminal activities**' as it is mentioned **under article 4 of the EU Directive 2011/36/EU**<sup>18</sup> which sets a baseline definition for how exploitation should be understood, namely: *"exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs"*. In such cases, the current judicial approach is to consider the legal qualification of exploitation for forced services.

Important legal provisions in the area of anti-trafficking are included within **Law no. 678/2001 on preventing and combating trafficking in persons**<sup>19</sup> and **Government Decision no. 299/2003**.<sup>20</sup>

These include defining trafficking in persons and who is a victim of trafficking; non-punishment provisions related to unlawful acts committed in the course of the exploitation; entitled rights such as access to social services, specialized assistance and protection or inclusion in a **witness protection program**; and the

<sup>16</sup> a) right to be elected to the ranks of public authorities or any other public office; b) right to take a position that involves exercise of State authority; c) right of a foreign citizen to reside on Romanian territory; d) right to vote; e) parental rights; f) right to be a legal guardian or curator; g) the right to take the position, exercise the profession or perform the activity they used in order to commit the offense; h) the right to own, carry and use any category of weapons; i) the right to drive certain categories of vehicles as established by the Court; j) the right to leave Romanian territory; k) the right to take a managerial position with a public-property legal entity; l) the right to be in certain localities as established by the Court; m) the right to be in certain locations or attend certain sports events, cultural events or public gatherings, as established by the Court; n) the right to communicate with the victim or the victim's family, with the persons together with whom they committed the offense or with other persons as established by the Court, or the right to go near such persons, o) the right to go near the domicile, workplace, school or other locations where the victim carries social activities, in the conditions established by the Court;

<sup>17</sup> Anyone under 18 years of age

<sup>18</sup> EU Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims;

<sup>19</sup> As subsequently amended and supplemented;

<sup>20</sup> For the approval of the Regulation for the application of the provisions of Law no. 678/2001.

role of each authority in the fight against and prevention of trafficking in persons.

In order to safeguard the rights and protection of the victims of trafficking, **to avoid re-victimization** and to encourage their **active involvement** during criminal proceeding, a victim of trafficking will not be held liable for unlawful acts committed as a result of exploitation. The legal provisions under Law no. 678/2001 creates the background for the **non-punishment principle** and enumerates border crossing violations, illegal human tissue, organs and cell donation, prostitution, and begging, as unlawful acts. While the idea of how far this principle should go in terms of covered offences remains debatable, under the general provision on non-impunity laid down by article **24 and article 25 of the Romanian Criminal Code**, **victims** of trafficking in persons will not be held accountable and prosecuted for **any** unlawful acts they were forced to commit during exploitation.

**The 2018-2022 National Strategy against Trafficking in Persons** currently in place has been among one of the most relevant instruments in the prevention, fight against trafficking, and victims' assistance at national level, with the Government and key actors building upon it, and finalizing the upcoming strategy for future years. The strategy, overseen by a dedicated monitoring Committee, has been implemented through two **National Action Plans covering 2018-2020 and 2021-2022**, respectively. The aim of the strategy is to reduce trafficking in persons and its impacts by prioritizing and improving the anti-trafficking activities.

The **EU Strategy on Combatting Trafficking in Human Beings** launched on 14 April 2021<sup>21</sup> aims to increase the prevention of trafficking through (inter alia): reducing demand that fosters trafficking, breaking online and offline criminal business models, promoting international cooperation and protecting and empowering victims. Future national strategies, policies, and practices should continue to build upon concrete actions targeting online criminal business models.

Order no. 335/2007, which mandated the **National Identification and Referral Mechanism (NIRM)**, updated in 2019, provides a highly valuable institutional mechanism that ensuring a cooperative and coordinated, **victim-centric framework** for governmental actors, international organizations and non-governmental organizations involved in the identification, referral, and assistance of victims of trafficking. The NIRM includes **Standard Operational Procedures (SOPs)**<sup>22</sup> for the identification of victims of trafficking in persons, defines the roles and tasks of the main actors<sup>23</sup> with responsibility in the areas of identification and referral, (inter alia): **The National Agency against Trafficking in Persons (ANTIP)**, **The Directorate for Combating Organized Crime (DCCO)**, **The Directorate for Investigating Organized Crime and Terrorism (DIICOT)**, **The International Organization for Migration, Romania (IOM)**, **The General Directorate for Social Assistance and Child Protection (DGASPC)**; and Non-governmental organizations (**NGOs**) specialized in assisting and protecting victims of trafficking in persons and of child trafficking.<sup>24</sup>



## Legislation

**ANNEX 1** contains the key legal provisions, laws, and regulations to counter trafficking in persons and protect victims and vulnerable individuals in Romania.

Unless you are legal counsel or are a member of government authorities, including law enforcing authorities, you are not expected to go into detail other than familiarizing yourself with possible legal instruments that might apply to cases in which you are involved.

If you are a member of the aforementioned groups, please bring to our attention other legislation or national and international instruments you think have been overlooked – with particular regard to adherence of the Romanian policies and legal framework with the EU Strategy on Combatting Trafficking in Human beings (2021-2026).

<sup>21</sup> Retrieved from [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_1663](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_1663);

<sup>22</sup> Refer to ANNEX 4

<sup>23</sup> Chapter 4 and 5 of the National Identification and Referral Mechanism (NIRM) of Victims of Trafficking in Human Beings. Retrieved from <https://anitp.mai.gov.ro/ro/docs/Proiecte/ISF01/MNIR%20Lb%20Romana.pdf>;

<sup>24</sup> Refer to ANNEX 2 (a&b).



## Further discussion and self-assessment questions

1. For NGOs, you are not expected to go into any detail at this stage, but please revisit please familiarize yourself with the **EU Strategy on Combatting Trafficking in Human Beings (2021-2026)**.
2. For state actors, have you been involved in, or are you aware of, any cases in which Romanian policies or legislation compliance with the legal framework of the EU needs to be reconsidered?
3. For NGOs, consider or discuss in groups, why, and which authorities presented in **ANNEX 2**, you are obliged to contact in your anti-trafficking actions and activities
4. For state and non-state actors, please be prepared to feedback to IOM on how useful the **ANNEXES** are in regard to the above activities, and how you think they could be improved to make them more useful.

## Profile and Typology of Victims of Trafficking

### Learning Objectives

At the end of this section you will:

1. Understand the exploitation criteria for classifying victims.
2. Understand common gender and age typologies of exploitation of victims.
3. Have a basic concept of circumstances increasing victim targeting including socially and economically vulnerable communities.



### Key Terms

- Pre-existing vulnerabilities
- Re-victimization
- Dependence relationship with the victim
- Target victims in vulnerable communities
- Destination of exploitation
- Transborder-trafficking
- Sexual exploitation



The identified victims may come from both urban and rural areas, and present **pre-existing vulnerabilities** at the individual, family, community, or structural level.

Research<sup>26</sup> has demonstrated that there is an increased vulnerability of victims, particularly children, who come from challenging family circumstance, lack either paternal/maternal figures, or who have been abandoned or placed in the state social protection system. Such circumstances create opportunities for traffickers in the recruitment and further exploitation of children. For victims previously exposed to coercive control, use of manipulative methods that can replicate previous abuse will facilitate the creation of a dependence relationship with the victim, reducing their ability to act or make decisions. Indicators of coercive control or a dependence relationship – such as victims sympathizing with their traffickers, fear, or undue duress when their abusers are mentioned - should signal the attention

Different profiles of victims of trafficking can be distinguished depending on **several criteria of classification: age, gender, type of exploitation, place of exploitation, country of origin, or social and demographic indicators**.<sup>25</sup>

<sup>25</sup> This section was drafted based on the findings of the National Agency Against Trafficking in Persons' Annual Report on Human Trafficking Phenomena for 2020;

<sup>26</sup> Interviews with representatives of National Agency Against Trafficking in Persons and The Association for the Development of Alternative Practices for Education and Reintegration in connection with the assistance and support provided for victims, including those referred under LUPTA Project.



to specific needs of victims such as: **specialized psychological support**; or **financial support** for those facing challenges in accessing basic needs. Such support will also need to consider education or support in accessing job opportunities for the victims or the members of their families. Authorities and actors working with victims of trafficking need to be non-judgmental and understand the challenges that a trafficker-victim relationship creates.

Children continue to be identified as victims in concerningly high numbers - **predominantly females**. **Re-victimization** is common. Children predominately experience **sexual exploitation** as opposed to other types of trafficking; females for **direct sexual exploitation**; whilst males are more commonly for **online child sexual exploitation or child sexual exploitation material**.

Most adult victims of trafficking in persons are overwhelmingly women, exploited for sexual purposes in areas specific for direct sexual exploitation (in parks, private apartments, or hotels). Other common forms of exploitation for women are forced labour - which mainly occurs in international trafficking cases associated with agricultural and domestic servitude. Male victims are exploited both internally (forced labour in agriculture areas); as well as at international level (forced labour and in the construction arena). (There is no available data for victims of trafficking who are part of the LGBTQIA+ community.)

Using the abovementioned **exploitation criteria**, research regarding victims assisted under the LUPA project, as well as other available statistics for Romania, reveal a picture consistent with the overall data on gender, age and means of exploitation cited above. As

a general rule, traffickers take advantage of social and economic vulnerability of victims, using 'soft'<sup>27</sup> methods of recruitment such as '**lover boy**' rather than physical violence - which is less common. Such methods benefit from the existing vulnerabilities a person may have, and simultaneously create dependence on the traffickers and a distorted sense of reality for the victim. Through manipulation, this can lead to psychological trauma and mental health disorders.

**Exploitation for labor purposes** takes place in different environments - agriculture and construction sites being the most common. There is an increased vulnerability of males to this type of exploitation. Targeted victims commonly belong to **socially and economically vulnerable communities** and are lured by promises of employment opportunities and motivating income.

With respect to **destination of exploitation**, victims have been exploited both at the national as well as international levels. While the Covid-19 Pandemic and travel restrictions might have had a mitigating impact, this trend has been observed in the previous years. The overall incidence of cases of domestic trafficking within Romania throughout the period 2012-2016 was 46% of identified cases, whilst the remaining 54% corresponded to **transborder-trafficking** cases<sup>28</sup>. At the same time, an increased demand for services provided by the victims at the national level might as well have led to a growing criminal interest in this area. Romanian victims of cross-border trafficking are generally exploited in countries such as United Kingdom, Spain, Czech Republic, and Germany. Data on victim's exploitation for begging reveals that the most common countries of destination are Sweden, Italy, United Kingdom, France, Greece, and Germany.



## Further discussion and self-assessment questions

1. Discuss how the profile and typology of victims outlined above, fits with your experience - paying close attention to the classification criteria of age, gender, type of exploitation, place of exploitation and country of origin or social and demographic indicators.
2. From your experience, what other data and areas of research would most benefit your work?

<sup>27</sup> "Soft" does not mean less traumatic but highlights the difference between violent and psychological types of control.

<sup>28</sup> Romanian National Strategy against Trafficking in Persons for 2018-2022. Retrieved from <https://sgg.gov.ro/1/wp-content/uploads/2018/10/ANEXA-1-22.pdf>;

# Victim-centered Investigation

## Learning Objectives

At the end of this section you will:

1. Understand the basic concept, advantages and challenges of *victim-centered* and *trauma-informed* investigation and prosecution.
2. Distinguish between 3 stages of the victimology approach.
3. Be introduced to the 4Ps framework: (Prosecution, Protection, Prevention and Partnership).
4. Have a good understanding of the importance of *victim participation* and the critical elements of *effective assistance*.
5. Be aware of the critical role of Victim Protection Coordinators (VPCs)
6. Be introduced to special investigative techniques like Open-Source Intelligence Techniques. (OSINT).



## Key Terms

- **Victimology approach**
- **Presumed and identified victim status**
- **Identification interview**
- **Victim-centered approach**
- **Trauma-informed approach**
- **Informed consent and trust-based relationship**
- **Victim participation**
- **Effective assistance and the role of VPCs**
- **4Ps framework**
- **Dignity, physical and emotional well-being of the victim**
- **OSINT**



**Especially Women and Children.** Often other terms are utilized, and in many countries a person will be identified as 'victim of trafficking' and have this status formally after a process of identification. UNODC has defined two other relevant categories 1) **potential victims**: people who have not yet been trafficked, but due to their vulnerability or other circumstances, are at risk of being trafficked; 2) **presumed victim**: a person whose circumstances indicate that they may have been trafficked, but no final determination has yet been made, perhaps pending further inquiries. In Romania, where someone is a presumed victim, after covering basic needs and when a victim is physically and emotionally able to give their informed consent to do so, a person may undertake an "identification interview" conducted by a specialist with the aim of determining whether that person meets the criteria to receive **identified victim status**.

The person must be notified in writing of the determination of that interview. If a decision is made that the *presumed* victim is an *identified* victim, then **an assessment of risk and special needs of assistance and protection** will be conducted with the victim. Both *presumed* and *identified* victims are entitled to receive immediate protection and assistance. Referral to specialized service providers will only be made following the **informed consent** of the victim. The current legal framework does not limit the extent or period of time in which the victims (presumed or identified) are entitled to receive protection and assistance.

## Concept

From a legal perspective, a **victim of trafficking** in persons should be understood as the person exploited for trafficking in persons, including child trafficking and child exploitation material.<sup>29</sup> Victims are identified by law enforcement during investigations. **Victim of trafficking** is the official legal term established in the **Protocol to Prevent, Suppress and Punish Trafficking in Persons**,

<sup>29</sup> Article 2 under Law no. 678/2001 on preventing and combating trafficking in persons;

Pursuant to **Law no. 678/2001** on preventing and combating trafficking in persons, and in line with the **EU and international legal instruments**, victims of trafficking are entitled to certain rights intended to meet their vulnerabilities in light of the trauma they have been exposed to and potential continuous pressure that they might face particularly from the traffickers:

- the right to a **reflection period** of up to 90 days to allow the person to recover, and to avoid the influence of traffickers and to be able to make an informed decision regarding cooperation with competent authorities.
- the right to a **safe place to stay, physical, psychological, social, and legal assistance, without discrimination**, irrespective of the type of exploitation and their decision to participate in judicial proceedings.
- **the right to lodge a complaint** with the criminal investigation body.
- the right to **free legal aid** during all stages of criminal trial and related civil case
- the right to **financial compensation**
- the right to **protection** - victims of trafficking in persons can receive physical protection; there are also rights afforded to witnesses such as witness identification data and options under the Witness Protection Program
- the right to **assistance** provided by both public and private social services that includes information and social counseling, accommodation provided by either state or non-governmental entities, medical care, psychological counseling, legal assistance, financial assistance, professional, educational, and recreational assistance.



## Legislation

*This is a rather intensive activity and is probably best conducted individually as an assignment.*

Go to **ANNEX 1** and find the law: **Law no. 678/2001** on preventing and combating trafficking in persons. Familiarize yourself with the parts dealing with the rights to which victims of trafficking are entitled - in light of the trauma they have been exposed to and potential continuous pressure that they might face particularly from the traffickers.

1. Consider the laws and instruments that support the victim-centered, and trauma-informed approaches.
2. Also from **ANNEX 1**, look for the the EU and international legal instruments and see if they align with the Romanian law. Make a list of any discrepancies or omissions you find.

We will look more closely in the *Special focus on the victim's rights and needs* section, at why and how trauma-informed and victim-centered approaches require considering the best interests and wellbeing of the victim throughout the entire investigation and prosecution process. For now, suffice to say that **the victim centered approach in successful investigations and prosecutions, translates into ensuring that the safety, psychological wellbeing, and interests of the victim are the paramount consideration for every action and decision initiated by actors throughout the investigation and prosecution process and in the assistance and care of a victim. Furthermore, it is providing a general sense of protection and an effective assistance throughout the entire process once a victim is identified.**

It involves tailoring investigative methods towards

ensuring the **dignity, physical and emotional well-being of the victim**. It also considers their immediate needs, safety, and choice regarding participation in the investigation. Each of these components are considered **non-divisive and are fundamental to a victim-centric, trauma-informed practice.**

**Effective assistance** requires a **holistic approach** that entails appropriate psychological support, guarantees of safety, medical care, financial support, and involvement of social services and legal assistance by specialized and qualified practitioners. The collaborative and effective coordination of actors to provide this assistance throughout investigation and prosecution processes is key to improving outcomes for victims and the successes of investigations and prosecutions.

The LUPTA Project aims at using victim-centric and *trauma-informed* approaches to maximize *effective assistance*, using the 4Ps framework. Critical in this process is **active and consensual victim participation** in criminal investigations. LUPTA has

worked to strengthen the cooperation between relevant stakeholders in accordance with the victim-centered approach. These efforts have led to the active participation of 250 victims in criminal investigations and prosecution of 170 criminal cases<sup>31</sup>.

## 4Ps framework



### PREVENTION

- Training and education programs
- Awareness campaigns
- Advocacy campaigns
- Public and private sector policies
- Protection services for persons who have experienced trafficking
- Programs that address root causes of trafficking aimed at universal and selected communities



### PROTECTION

- Social service advocacy & case management
- Housing
- Medical services
- Mental health services
- Outreach
- Legal services
- Training and education programs
- State laws on victim protection/ rights
- Clothing and food • Interpretation/ translation
- Education
- Life skills training
- Employment assistance
- Community re-integration



### PROSECUTION

- Human trafficking protocols and procedures
- Training and education
- Task forces
- State trafficking and trafficking- related legislation
- Municipal trafficking and trafficking- related legislation
- Attempted/ successful civil and criminal prosecutions of trafficking cases



### PARTNERSHIP

- Private sector • Public sector • Third sector
- Protocols
- Leadership
- Group diversity
- Resource leveraging
- Trust building
- Sustainability beyond an individual
- Inclusion of vulnerable population perspectives
- Effective communication
- Conflict management
- Management of competing interests

In addition to the internationally accepted **4Ps framework**<sup>32</sup> to address trafficking in persons (**Prosecution, Protection, Prevention and Partnership**), the LUPTA Project identified two essential dispositions that must be secured in order to ensure victim-centered approaches by specialists working in this field (in particular law enforcement, social workers, and lawyers) – namely, **passion** and **professionalism**. Burnout, vicarious trauma,

and compassion fatigue in addition to many other challenges faced (i.e., logistic, and human resource limitations or lack of effective engagement of other stakeholders associated with the fight against trafficking in persons, including healthcare providers), can erode the ability – even of professionals - to act with passion and compassion. Successful results - social reintegration of victims, prosecution, and convictions can motivate the professional actors engaged.

<sup>31</sup> Results under LUPTA Project as of 31 December 2022;

<sup>32</sup> <https://combathumantrafficking.org/report-downloads/LCHT-4PsFramework.pdf>



Furthermore, efforts to ensure that workplace culture supports and reduces the risks of burnout and vicarious trauma, and adequate spaces are provided for specialists to debrief and receive ongoing psychological support, can continue to foster existing passion. Professionalism needs to be fed by a constant will to improve knowledge and methods used, and by the availability of development resources for the specialists in the field. Furthermore, recognizing and ensuring that each actor works within their separate and specialist mandate (for instance law enforcement, service providers) whilst being willing to cooperate with other actors in a holistic manner, enhances professionalism and victim outcomes<sup>33</sup>.

A **victim-centered** approach should be distinguished from a **victim-built** approach. A *victim-centered* investigation focuses on gathering evidence which should not entirely rely only on victims' testimony and should avoid unnecessary repeated interviews or confrontation between victims and traffickers. The participation of victims in criminal procedures is not mandatory, however their contribution may bring substantial weight to, and corroborate other evidence.

First and foremost, a *victim-centered* investigation will ensure that no action taken will place the victims and/or their families or loved ones at risk. The primary purpose is to remove the victim from the criminal environment and the influence of the traffickers. The second is to **prioritize the rights of the victim**, ensuring they benefit from effective and tailored protection and assistance.

There is no one-size-fits-all approach; individualized needs assessments are crucial and should be constantly updated in order to address any specific circumstances that may arise for each victim. To this end, the LUPTA Project has introduced the concept of **Victim Protection Coordinators (VPCs)**<sup>34</sup> who play a crucial role in ensuring coordinated and holistic support for victims of trafficking. VPCs build trust and ensure consultation with victims to develop and provide individualized, needs-based assistance, and promote multi-disciplinary, victim-centric practices. They are central to facilitating a *trust-based relationship* between victims and law enforcement, crucial for their participation in the investigations. However, this relationship only flourishes when other actors act in a trauma-informed way and are willing to put victims' rights and needs at the forefront of decisions.

Irrespective of who is identifying the victims - LEA, ANITP or NGOs, there is an obligation that victims are informed of their rights. **Informed consent** bolsters the *victim-centred* approach by making sure victims are aware of their rights – including the right to make choices or not participate. Victims are then further referred to specialised providers for protection and assistance. In all cases, ANITP must be notified. ANITP, together with case managers, will conduct the initial evaluation of victim protection and assistance needs, on a case-by-case basis. Being aware of the rights they hold, victims will be able to grasp the extent of the support they are entitled to, irrespective of their participation in the criminal proceedings. Their contact with the anti-trafficking specialists evaluating their needs and providing options for support has the potential of setting the premises of **trust-based relationship** between victims and authorities.

Investigating with a *victim centered approach* requires not only compliance with regulations protecting the rights of the victims, but to the extent possible, considering an investigative strategy that relies on **special and innovative techniques** to limit unnecessary repeated interviews with victims or undue reliance on victim testimony. Such methods and techniques may include surveillance, undercover officers, use of interception of telephone and other communication data, a focus on electronic evidence or specialised support in **Open-Source Intelligence Techniques (OSINT)**. Parallel financial investigations bring additional added value for this assisting in understanding business models of criminal networks, identifying all members and contributors, seizure, and further confiscation of the proceeds of crime.

A *victim centered approach* sometimes requires delaying victim involvement in criminal investigations and/or proceedings as it may not be in a victim's best interest to participate at some points, due to the physical and emotional trauma resulting from exploitation - in which case, law enforcement must consider an investigative strategy that does not entirely rely on the testimony of the victim or their active involvement to gather corroborative evidence for prosecution if the victim is ultimately unable to participate in the criminal proceedings. Therefore, the approach in relation to trafficking cases should focus on an evidence-based investigation strategy that goes beyond a victim's statements. Victim-less prosecution is not the general rule, but practice indicates that there have been such successful cases. In one such case, a victim recruited using the 'lover boy' method, was unable to identify herself as

<sup>33</sup> Technical Meeting for coordination and exchange of good practices organised under LUPTA Project.

<sup>34</sup> Please refer to ANNEX 4

victim. She refused to engage in the criminal proceeding and even defended the traffickers when interviewed by the prosecution. The investigation continued and followed a strategy that focused on special investigative techniques that ultimately concluded to the prosecution of the trafficker<sup>35</sup>.

A key outcome when following a *victim centered approach* during the investigations is that a special focus is placed on ensuring all victim's rights are protected, and that they are empowered through choices wherever possible, leading towards, ideally, complete trauma recovery. Nevertheless, from a judicial perspective, such an approach is key to safeguarding the involvement of the victim during the criminal proceedings and supporting investigators and prosecutors in evidence gathering. A synergic approach between law enforcement and prosecution, and victim (protection) coordinators is key

in achieving the participation of victims in the criminal proceedings based on an informed consent and with full regard to their needs and rights.

From a **prevention perspective**, an integrated *victim centered approach* utilizing the role of VPCs, has the best chance of eventually leading to effective convictions that will discourage individuals from getting involved in such criminal acts<sup>36</sup>. This must also consider disrupting the business model - including property seizures and confiscation of criminal assets – along with tailored assistance to the victim - including specialized legal assistance.

“Ultimately, investigators need to be guided by the idea that whilst the investigation is a rational process, the victim is an emotional ingredient” (George Adrian Petrescu, former deputy head of the National Agency against Trafficking in Persons).



## Further discussion and self-assessment questions

1. A lot of ground is covered in this section. Let us start with a review of the Key Terms, and ensure we have a basic understanding of the learning objectives. In group discussion consider how these key terms and elements have been incorporated into the action in which you have been involved.
2. Pay particular attention to instances in your experience when elements of the victim-centred and trauma-informed approaches were not possible.
3. What methods did you employ otherwise and what were the outcomes?
4. Burnout, vicarious trauma, and compassion fatigue in addition to many other challenges faced (i.e., logistic, and human resource limitations or lack of effective engagement of other stakeholders associated to the fight against trafficking in persons, including healthcare providers), can erode the ability to act with passion and compassion. Discuss your experiences in this regard. What are the triggers and/or warning signs you as an individual have when you are beginning to experience compassion fatigue? What are the ramifications of this fatigue and how might it be best addressed?
5. Discuss your experience with VPCs and on a flip chart, underline the main benefits of using them. Also consider any drawbacks.

## Principles

### Learning Objectives

At the end of this section you will:

1. Understand the main principles associated with victim-centric investigations and prosecution
2. Distinguish between proactive and reactive investigations, their utility and application



<sup>35</sup> Interview with representatives of the Directorate for Investigating Organized Crime and Terrorism;

<sup>36</sup> See the case study in the section on specialised legal support.

## Key Terms



- Proactive/Reactive investigations
- Trauma-informed approach
- Revictimization and secondary exploitation
- Predictability, choice, and control for the victim
- Post traumatic symptoms including trauma reenactments (repetition compulsion)
- Criminal Proceedings Program
- Victim Protection Coordinators (VPCs)

## Ending exploitation

The first response in a trafficking in persons investigation is to remove the victim(s) from the criminal environment and stop the exploitation. This principle particularly applies to **reactive investigations** initiated following victim related intelligence and where immediate intervention is required to remove the victim(s) from the exploitative situation. This is different from **proactive investigations** which generally start with intelligence related to the offence or traffickers.

In **reactive investigations**, there is often not enough time to focus on gathering strong evidence against traffickers. This implies additional efforts in obtaining corroborative evidence, including interviews of victim(s) and statements from witnesses, and a generally more proactive approach calling for immediate action in order to end exploitation and

remove victims from trafficker influence. **Proactive investigations** are preferred, providing opportunities for investigators to carefully plan an investigative strategy, rather than reacting to a criminal event. A proactive investigation may be a long-lasting process and requires a wide range of resources. However, it provides time to build strong cases, exposing a complete and more in-depth picture of the entire criminal operation through solid evidence. This detail and strength increase the likelihood of a successful conviction following a proactive investigation.

Decisions need to be made about what type of investigation is needed and why. Does intelligence need to be obtained? Is a *proactive investigation* required or will disruption be a preferable alternative<sup>37</sup>? While investigating and prosecuting traffickers, is the well-being of the victim being prioritized at all stages?

## Avoidance of re-victimisation

Victims of trafficking who have experienced complex trauma seem to be more likely to be re-victimized during and even after the investigation. All actors engaged in trafficking in persons investigations and assistance need to consider ways to **avoid re-victimization by**:

- understanding the victim's **trauma and needs**;
- providing victims with as much **predictability,**

**choice, and control** as possible throughout each stage;

- **ensuring specialized psychological support**, avoiding any further contact between the victim and traffickers (or their associates);
- working with the victim to identify **basic and specific needs** to be covered in order to reassure them and provide a **sense of protection**;

<sup>37</sup> Organisation for Security and Co-operation in Europe, Resource Police Training Guide: Trafficking in Human Beings (2013) p139. Retrieved from <https://www.osce.org/files/f/documents/8/9/109935.pdf>.

- supporting their **wellbeing including shelter, medical, psychosocial, and financial support.**
- Discussing any **special measures necessary to reduce trauma** and put into place. This may include separate waiting areas, giving remote evidence, closed court rooms, and other safety measures or relevant protocols.

In the absence of specialized effective psychological support, victims of trafficking in persons are more likely to experience a wide range of post traumatic symptoms including **trauma reenactments (repetition compulsion)**. They may be unable to recognize the symptoms while having a deviant perception on what is a 'normal' way to live or on how inter-personal relationships should 'look and feel'. Victims may actively reenact past traumas to master them, while, in other cases, reenactments

occur unintentionally as result of the psychological vulnerabilities and defensive strategies characteristic of trauma survivors<sup>38</sup>.

To **avoid revictimization**, during the evaluation of the victim's needs, a **trauma-informed** approach must be taken, and a special focus should be given to providing adequate psychological support, with informed consent of the victim. **Sharing of information and planning of how and when to engage with the victim in an investigation process, through the VPC, is critical to avoid repeated questioning and to reduce re-traumatization.** The following LUPTA Project case study highlights a promising practice in which efforts were made in order to minimize re-victimization and secondary exploitation<sup>39</sup>.



## Case study: female victim of trafficking for sexual exploitation

During the investigation, the victim was approached by an acquaintance attempting to recruit and sexually exploit her. Preying upon the victim's desires of protection and safety, the recruiter worked to provide promises of safety and protection from the former traffickers who had previously used violence as a method of control. Specialized actors recognize that shortly after identification or removal from an exploitative situation, victims may experience a sense of abandonment depending on the level of displacement that trafficking has created – both physical and psychological uprooting. During this period, they may be more vulnerable to other traffickers using different methods, including *lover boy*, to persuade victims in an attempt to re-traffic them. Having identified this imminent risk of further exploitation, ANITP representatives facilitated psychological support, empowering the victim to gain greater self-esteem, recognize the real intentions of her so-called *benefactor* and understanding that *protection and safety* should not be conditioned by upon any requests. This approach managed to avoid re-trafficking and further reenactments.

For the same reason, **special efforts should be made to ensure physical protection of the victims, their families and loved ones, to limit risks of interaction with traffickers and consequential risks of re-trafficking and secondary exploitation.**

On top of the trauma experienced during exploitation, victims are at high risk of facing systemic trauma during criminal proceedings. This might arise from:

- exposure to **law enforcement or service providers who do not understand trauma;**
- **unnecessary questions or prejudicial**

**assumptions or judgmental remarks** regarding the circumstances of the exploitation during interviews;

- **multiple interviews** conducted by various stakeholders providing support, including social workers;
- **different lawyers** (unspecialized and not trauma-informed) in different stages of criminal proceedings and further court appearances appointed by the state under the right of free legal assistance, rather than ensuring continuity with the same lawyer.

<sup>38</sup> Michael S. Levy, Ph.D., A Helpful Way to Conceptualize and Understand Re-enactments, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3330499/>;

<sup>39</sup> Interview with representatives of the National Agency Against Trafficking in Persons;



RO101...<sup>40</sup>

„ ...I re-experienced everything I felt during exploitation when they the questioned me”

Demonstrating the necessity to avoid non-essential questions, the research<sup>41</sup> conducted for this Toolkit showed that **training on trauma-informed interview techniques are still needed for practitioners in the field**. Victims are still too often exposed to unnecessary questions on details regarding exploitation, as well as on unintentional and/or judgmental remarks relating to reasons for victims not being able to recognize that they are being tricked into exploitation and/or misconceptions around consent. Interviewers need to better

**understand the effects of coercive control**. Identification and needs evaluation **interviews need to remain focused**; interviewers should refrain from asking any questions that do not serve their purpose, such as irrelevant details on circumstances of exploitation or repeated, unnecessary questions recollecting the traumatic experience. This calls for planning and more coordination between the stakeholders and interview strategies that consider previous interactions of other actors with the victims, ensuring a *trauma-informed approach*.

## Cooperation with law enforcement based on informed consent

Upon identification, victims of trafficking in persons are required to be properly informed of their rights and of the possibility to choose whether or not they want to cooperate with law enforcement. The victim's rights to assistance and protection are not conditional upon their involvement in the criminal proceedings, and this must be made clear with the victim.

Victims need to be adequately informed on the advantages and disadvantages of cooperating with law enforcement, and to be offered a reflection period of up to 90 days, independent of who is conducting the first interview (i.e., law enforcement officials, representative of another state authority

such as ANITP or NGOs responsible for providing assistance to victims). This communication must be made in the victim's own language, with the support of interpreters if needed, using appropriate terms that are familiar to the victim depending on their level of education and mental development.

No promises should be made regarding specific outcomes of this cooperation, including conviction of the traffickers or the receipt of a certain amount of money as financial compensation. These factors can contribute to victims making an informed decision whether they wish to cooperate with law enforcement.

<sup>40</sup> Victim identification number provided for confidentiality purposes;

<sup>41</sup> Interview with representatives of the Directorate for Investigating Organized Crime and Terrorism and The Association for the Development of Alternative Practices for Education and Reintegration



RO102... –

„Meeting the police officers made me feel uncomfortable, at one point they took my phone and did not allow me to contact my mother. The prosecutor told me I will be granted compensation for the damages I have suffered, just to tell me shortly after that I will not receive anything”

In practice<sup>42</sup>, victims who have received support under the LUPTA Project and agreed to cooperate during the investigation and prosecution phases have maintained their willingness to cooperate and participate up to the judgement phase and final court decision. Victims under the project have reported that they would not have felt able to participate without the holistic support coordinated by VPCs<sup>43</sup>. They play a crucial role in building trust and ensuring consultation with victims of trafficking in persons to develop and provide individualized, needs-based assistance; and promoting and ensuring multi-disciplinary, *trauma-informed*, *victim-centric practices* throughout all stages of investigation and

prosecution. VPCs are actively involved from the earliest stage possible (for instance, identification), regularly acting as mediators in relationship with law enforcement, usually being the ones handling discussion regarding consent to participate as victims in the investigation procedures<sup>44</sup>.

Furthermore, outside the LUPTA Project there is scope for, and coordination that facilitates victims' participation and emotional support through a **Criminal Proceedings Programme**<sup>45</sup> implemented based upon a cooperation protocol signed by ANITP and law enforcement authorities including DCCO and DIICOT.



### Case study: female victim of trafficking for sexual exploitation

The brief case study above demonstrates the main principles of victim-centred investigation and prosecution.

1. Please consider individually, or discuss in groups, the extent to which an example case in your experience and actions reflect the application of these principles.
2. Also consider the probable consequences of not applying the principles; or instances where it was not possible to apply them – in the case above.
3. In your experience, what action was implemented in cases where the principles could not be fully implemented and what were the outcomes?

<sup>42</sup> Interviews with representatives of Directorate for Countering Organised Crime, National Agency against Trafficking in Persons and of The Association for the Development of Alternative Practices for Education and Reintegration.

<sup>43</sup> Between February 2021 and December 2022, a total of 250 victims of trafficking were supported under LUPTA project. The victims have been part of 170 criminal investigations, with a number of successful convictions and financial compensation for damages already being awarded.

<sup>44</sup> Technical Meeting for coordination and exchange of good practices organised under LUPTA Project.

<sup>45</sup> **Criminal Proceedings Programme** Please refer to **ANNEX 4**



## Further discussion and self-assessment questions

Please feedback to IOM your experience with the utility and effectiveness of:

1. The Criminal Proceedings Program
2. Victim Protection Coordinators (VPCs)
3. Make a flow chart of a typical proactive investigation process. Do the same for a reactive investigation process and discuss the applicability of both to a case in which you have been involved. (Choose one case).
4. LUPTA research suggests that trauma-informed interview techniques are still needed for practitioners in the field. Victims are still exposed to unnecessary questions, unintentional and/or judgmental remarks. Interviewers need to better understand the effects of coercive control. Identification and needs evaluation interviews need to remain focused. What is your experience in this regard?

## Trust-based relationship between law enforcement and victims

### Learning Objectives

At the end of this section you will be able to:

1. Understand why trust and confidentiality are a critical part of the investigation and prosecution process.
2. Identify how, (and reasons why), trust and confidentiality can be undermined.
3. Identify victim-centred approaches which maximize the building of trust and confidentiality, reduce risk, and contribute to positive outcomes for victims.
4. Identify appropriate actors and their responsibilities for key interventions: carers/ psychosocial support, judiciary, law enforcement etc.
5. Identify key elements of a wholistic-tailored assistance package for victims.



### Key Terms

- *Victim-centred approaches*
- *Trauma-informed approach*
- **Trust**
- **Confidentiality**
- **Transparency**
- **Safety risks for victims**
- **Shame, social stigma, and PTSD**
- **Coercive control**
- **Individualized care and assistance plans**



Cooperation between law enforcement and victims requires trust. **Victims need to be reassured that they are in a safe environment, not being judged or stigmatized** either for the circumstances that lead to exploitation, or what they have been forced into during exploitation. Under no circumstances should the investigators make any unrealistic promises or act in any way that would further affect the victim's trust. **Full transparency at all times promotes trust.** This can include (where appropriate and only when not posing a risk to the confidentiality or restrictions required in an investigation/prosecution): where/how/what information from third parties has been received; how it may be used; other potential evidence; up-

to-date case progress; what procedures can and will be put in place, information about bail hearings or any circumstantial changes that may increase the safety risks to the victim. Regular communication and being kept informed throughout the process leads to a greater sense of predictability and control for a victim, consequently reducing re-traumatization and increasing their likelihood of continuing to cooperate.

At the initial stage, victims are often reluctant or unable to cooperate with law enforcement due to a variety of reasons, including:

- post-traumatic stress disorders;
- cultural barriers (e.g., language issues);
- victims' inability to talk about an exploitative situation or relive the trauma;
- shame and fear of rejection by family and social stigma;
- fear of reaction or retaliation from the traffickers;
- coercive control from traffickers;
- lack of trust in public authorities;
- feelings of a lack of control and/or support;
- lack of information on existing support services, particularly those provided by NGOs;
- fear of reaction or retaliation from the traffickers.



RO107... –

„At the beginning I wished that the traffickers will be held accountable, hoping to obtain compensation for the damages suffered. Shortly after, I decided to withdraw my complaint out of fear that they will be able to harm me after being released from prison.”

Some of these issues may be addressed by law enforcement authorities alone, while others require cooperation between different stakeholders such as ANITP, NGOs or Social Services - DGASPC. **Each actor brings different expertise, and it is the coordination between these actors that usually leads to the most successful cases and positive outcomes for victims.** Whilst it is important for law enforcement to have a level of rapport and trust with victims, their role is not to provide continuous assistance and support to the victim but rather to, in a *trauma-informed* and *victim-centered* manner, handle the investigation and evidence gathering. On the other hand, VPCs or a specialist in a case management role, can be used to develop a relationship of trust with victims, provide victims with information, consider their choices and voices, as well as work with them

to develop and implement **individualized care and assistance plans**. Whilst vastly different, these roles are essential in bringing a **coordinated and holistic approach** to trafficking cases. Indeed, cooperation between law enforcement and VPCs has resulted in increased intelligence gathering due to heightened trust being built between victims and law enforcement; improved capacity amongst law enforcement, prosecution, and the judiciary in understanding victims' needs; and an increase in successful prosecutions<sup>46</sup>. Furthermore, the holistic support (i.e., guidance and specialized psychological, legal, and financial support), provides victims with care, a sense of protection, understanding and control. The LUPTA project has shown that this in turn leads to increased participation in the investigation and prosecution processes<sup>47</sup>.

<sup>46</sup> Technical Meeting for coordination and exchange of good practices organised under Project LUPTA;

<sup>47</sup> Ibid;



Many victims of trafficking in persons were underage at the time of recruitment and exploitation but have become adults when identified and referred for assistance. Most of them have little to no education, no financial resources and experience lack of emotional support and empathy from their families. These circumstances challenge healing and recovery, the social reintegration process and trust-based

relationship with relevant authorities<sup>48</sup>.

The case study below shows how a holistic assistance, designed in close consultation with the victim, can increase trust and give the person the opportunity to feel empowered to participate in proceedings if they choose to do so.



## Case study: female victim of trafficking in persons for sexual exploitation

The victim, who was underage during exploitation became an adult (18 years old) at the time of identification. She was referred to ANITP for evaluation and further specialized assistance. The evaluation showed that the victim came from a rural community with limited external connections and an altered perception of what constitutes 'normal' or 'safe' social practices. In addition, the victim had a deep-rooted distrust toward law enforcement. Hence, the evaluation interview conducted by ANITP found that:

- the victim needed psychological support; and
- as a part of her social reintegration, the victim would significantly benefit from an opportunity to continue her education.

Although the victim agreed to participate in an assistance program, constant barriers arose due to lack of financial resources (i.e., lack of transport to attend school/counselling sessions). The lack of financial means for such travels also impacted the victim's relationship with her family and their willingness to support her participation in the process.

For this reason, regular evaluations of the delivery and success of assistance to victim survivors is essential. During an updated evaluation, these barriers were identified, and the VPC was able to coordinate the extension of support to cover the financial needs connected to continuing education and psychological counselling. Consequently, the victim gained the family's approval and support in her participation of the assistance program.

The LUPTA Project provided the possibility to offer a complex and complete tailored assistance package including emotional support, psychological assistance, access to education and financial support. This helped in building a consistent and trusting relationships between the victim and the authorities, including law-enforcement. Recognizing her needs and constantly addressing the financial obstacles ensured a connection between the VPC and the victim. It also helped to open the discussion around the victim's challenges, needs and overcoming concerns. The VPC was well placed to discuss barriers and concerns the victim and her family had linked to her potential participation in an investigation and/or criminal proceedings and work with the victim to identify potential solutions - opening up the possibility for the victim to contribute and participate in proceedings.

<sup>48</sup> Interviews with representatives of the National Agency against Trafficking in Persons and of The Association for the Development of Alternative Practices for Education and Reintegration.



## Case study example: female victim of trafficking in persons for sexual exploitation

1. Discuss how this case study example is related to your experience and how it demonstrates elements of a *proactive* or *reactive* approach.
2. Do you feel the appropriate actors – VPCs, carers/psychosocial support, judiciary, law enforcement etc. have been involved and if not, which other actors should have been involved? What would be their responsibilities?
3. What do you feel is missing from the assistance package for the victim?
4. How would you have done things differently to maximize a victim-centred approach - building trust and confidentiality, reducing risk and contributing to a positive outcome for the victim?



## Legislation

If you are a member of LEAs or a legal professional, please consider the key legislation applicable to the case study above; in particular:

- Law no. 211/2004 on certain measures to ensure the information, support, and protection of victims of crime;
- Law no. 292/2011 on social assistance;
- Order of the Ministry of Labour and Social Protection, the Ministry of Internal Affairs, the Ministry of Justice no. 173/2021, for the approval of the Methodology for evaluation and multidisciplinary and inter-institutional intervention in providing support and protection services for victims of crime;

Do these provisions fully support the action taken? In your view, what provisions need to be strengthened or expanded to provide a full mandate for actors to offer an effective and holistic assistance package commensurate with *victim-centred* approaches?

**Trust-based relationships** between victims and public authorities are particularly challenging when traffickers have used isolation and manipulation techniques and worked on developing a victim's fear of authorities - to intimidate and prevent them from reaching out for support. Such practices can be fostered by unfortunate circumstances where victims may have irregularly entered a country and fear immigration implications or have been forced to commit criminal activity and fear punishment or have been previously fined by law enforcement for *prostitution* acts.

In addition, **the failure of frontline responders to identify trafficking indicators, can have a corrosive effect on victims' trust in law enforcement.** When frontline responders do not identify a victim and instead impose fines and/or

deportation orders, this can unintentionally lead to increased control over the victims by traffickers through debt bondage, a fear of deportation and/or criminal charges.

Throughout all stages of an investigation and prosecution, **law enforcement must assess the risks related to the victim's involvement and to ensure their physical safety.** Practice shows that victims' fears of retaliation from traffickers as a result of their actual or potential cooperation with authorities are fully justified<sup>49</sup>. In cooperation with victims, VPCs/case managers and law enforcement should acknowledge victim concerns, ensure their physical safety, including their relocation as well as guaranteed confidentiality (e.g., non-disclosure of information on the victim's identity and location).

<sup>49</sup> Interview with representatives of Directorate for Countering Organised Crime and Terrorism.



RO109... –

„I have recently met him (the trafficker) unintentionally and he threatened me. I got so scared that I called the NGO contact person I had. She calmed me down and advised me on what I should do. I have discussed this matter with my therapist as well and further received counsel from my lawyer. I do not feel afraid anymore”

Experiencing shame or fear of being rejected by family and friends is very common among victims of any gender. It is often a victim's wish that their history of exploitation and/or participation in any investigation and proceedings is kept confidential for this reason. Careful consideration must be taken by all actors involved in a victim's case to avoid 'showcasing' a victim, engaging with them in a manner that will draw attention to them or activate other friend/family/community members' suspicions. Thus, participation in the judicial process should never negatively impact victims' day to day life or efforts to recover. Additional thought should be given to avoiding contacting victims 'out of the blue' sending law enforcement to their places of safety, or seeking warrants for victims, but rather going through a key liaison person (such as their case manager or victim protection coordinator) to reduce the risk of harm and ensure adequate support when receiving key updates about their case.

Practice reveals effective ways to address confidentiality, include allowing the VPCs/case managers to mediate communication with victims. VPCs/case managers will be aware of appropriate communication methods and timing to reduce impact and disruption to victims. This avoids physical police presence at a victim's house or community.

(This is particularly crucial in small and rural villages). Care should also be taken to avoid sending any types of written notifications directly to the victims<sup>50</sup>.

**The setting in which an interview takes place, can also contribute to ensuring a general sense of security and confidentiality, fostering a trusting relationship.** Steps that maximize predictability can support a victim in feeling more in control and mentally prepared. This can be done by familiarizing victims with key actors, procedures and proceedings, and the physical space in which they will be in. Strategies may include sharing photographs of judge/counsel (if available and appropriate), role plays, working on ethical witness preparation information and activities. While the lawyers of both parties, (traffickers included,) are entitled to pose questions, the prosecution should consider non-threatening testifying measures. Working with the VPC and/or the victim's lawyer to provide victims with an element of control over certain decisions such as making a choice between available testifying or protection measures, can help victims can feel an element of control and can reduce feelings of powerlessness. This is important for the victims' recovery process.

<sup>50</sup> Interviews with representatives of Directorate for Countering Organised Crime and National Agency Against Trafficking in Persons;

**Forensic Psychologists (FP's) specialize in understanding criminal behavior and victimization.** Understanding the individual's thoughts, emotions, and behaviors is key to investigation and prosecution success. Under the LUPTA Project, justice sector actors have increased awareness and understanding of the benefits of psychological judicial evaluations in improving prosecution success as well as outcomes for victims of trafficking. **Vulnerability assessments and psychological evaluations** assist in identifying

appropriate and mitigating measures to address victims' vulnerabilities. For instance, in order to avoid the distress caused by the presence of lawyers representing the traffickers, the prosecution can consider the use of special interview rooms that can support audio/video recording or request that the traffickers' defense lawyers provide the proposed questions in advance. This still allows for a defendant's right to trial without the physical presence, that may contribute to re-victimization of their victim(s)<sup>51</sup>.



## Further discussion and self-assessment questions

1. in Case Study Example: female victim of trafficking in persons for sexual exploitation, what would be your key responsibilities as an NGO, prosecutor, carer/ psychosocial support professional, judiciary, law enforcement officer etc., and how would you coordinate this action?
2. In groups, please formulate no more than 5 key takeaways from this discussion and any fundamental issues that you think need to be clarified.

## Special focus on the victim's rights and needs

A **trauma-informed, victim-centered approach requires considering the safety, best interests, and wellbeing of the victim throughout the entire judicial process.** The victim's rights and dignity should not be impacted by any of the measures and/or techniques used during the investigation and prosecution, even if the victim chooses not to participate in the investigation and/or prosecution.

In many cases trafficking displaces the victims. This leads to a variety of rights and needs to be met, starting with safety, food, medical care (physical and psychological), accommodation or social protection and/or information. **Ensuring these rights and needs are met should be a priority that must take precedence immediately after the victim identification, even though sometimes this may postpone important steps in the investigation requiring the participation of the victim (i.e., victim interview).**

It is important to remain aware that **victims have experienced and will continue to experience trauma as a result of the exploitation.** This can

impact their statements, perception of, and trust in law enforcement. In these particular cases, the 90-day reflection period may provide an opportunity for the victim to develop a sense of safety and greater emotional and physical stability enabling them to make an informed decision on whether or not to participate in criminal proceedings.

Rushing into interviews aimed to obtain incriminating evidence, before ensuring the emotional stability of the victim and effective care and protection delivery from service providers may not be possible in many cases. The victims may not be able or willing to cooperate. Interviewing victims before they are ready, and their holistic needs are not met, may also prove unsustainable for the investigation and the evidence obtained may prove detrimental to a case and often increase the likelihood of inconsistent statements.

For instance, a victim may be closed and not able or willing to share key evidence or information. On the other hand, fear and/or trauma may result in the victim not being able to recall or articulate what

<sup>51</sup> Interview with representatives of Directorate for Countering Organised Crime and Terrorism.



has occurred in the first instance, or inconsistent statements. Thus, it should be acknowledged that when a person's immediate concerns and needs have not been addressed, they might be more focused on those immediate needs. A victim's priorities and answers they require could be: *how can I have my physical medical needs addressed? Where is my next meal coming from? Where will I sleep? Am I safe? Is my family safe? Who can I trust? Why should I trust you?*

In addition to causing further harm to a victim, these issues can hinder an investigation and reduce the likelihood of prosecution success<sup>52</sup>. Similarly, regardless of a victim's decision to participate in an investigation and/or a criminal proceeding, the risk assessments and protection/safety plans and also care and assistance plans developed with and for the victim must be:

- Tailored to the specific circumstances of the case.
- Continuously reviewed and adjusted where relevant.
- Developed through and undertaken as a collaborative process, involving the victim and oriented towards two separate directions: a) physical safety and protection - with the support of law enforcement, and b) care and assistance – by VPCs and/or case managers and assistance service providers<sup>53</sup>.

**The NIRM sets different frameworks depending on where the victim is identified.** For Romanian victims identified abroad and foreign victims identified within Romania, who wish to return to their country of origin, ANITP, VPCs/case managers and IOM implement cross-border cooperation and collaborate with counterparts in relevant countries.



### Case study: Female child, victim of sexual exploitation - transnational case

A Romanian child was identified as a presumed victim of trafficking by the police in a country of destination and placed under the care of that country's Child Protection Services. This case was complex due to the high number of authorities and key actors involved (law enforcement, judicial, social service providers), each having different objectives in relation to the victim.

Challenges arose in the coordination between authorities in both countries. Such challenges included administrative delays and misunderstandings of how Romania's NIRM works. IOM Romania became involved and, using its international reach, worked with IOM colleagues in the destination country and facilitated the communication regarding this case. IOM Romania and NGO partners referred the case to ANITP who further triggered Romania's NIRM. Once this was activated, the process began to harmonize, resulting in shared assessments and significant coordination between actors in both countries. IOM's specialized partner NGO and authorities in each country were then able to organize the safe return of the child to Romania. Eventually, the activation of the NIRM made the involvement of key actors in the victim's reintegration and support possible.

After having undertaken the initial evaluation of needs and risks, developed protection/safety plan(s) as well as care and assistance plan(s), they must be implemented as a priority. The victim must be referred to relevant trauma-informed service provider to receive the appropriate, individualized assistance. A coordinated and often flexible approach is essential, bearing in mind the multi capacities, workload, and available resources from one regional center to another. Local specifics to consider may include:

- The existence of a specialized NGO covering the

geographic area;

- The availability of funds for assistance;
- The number of ANITP specialists available for victim coordination;
- Whether the country has trauma-informed trained social services;
- Opportunities to receive support from specialists from other countries.
- Existence of active special centers for victims or dedicated rooms for the interview of children<sup>54</sup>.

<sup>52</sup> Technical Meeting for coordination and exchange of good practices organised under LUPTA Project;

<sup>53</sup> Romanian National Identification and Referral Mechanism.

<sup>54</sup> Technical Meeting for coordination and exchange of good practices organised under LUPTA Project;



## Case study example: female child victim of sexual exploitation – transnational

This case study may be considered a best practice considering that it involved a hierarchy of complexities: the victim was a child, transnational cooperation, and collaboration between multiple agencies was required, and that a successful outcome was achieved – the victim was supported, and reintegration was achieved.

Discuss what you know of this case and the extent to which victim-centered and trauma-informed approaches were utilized to achieve the positive outcome. You will use this case study again in the following section to plan a role play an initial interview.

## Challenges linked to addiction and substance abuse

An increased number of presumed and identified victims are suffering from substance abuse disorders at the time of identification. Often, the modus operandi of traffickers can involve reliance on illicit substances and addiction to exercise control over a victim. Victims may also use drugs as a coping mechanism during and after their exploitation.

**Drug addiction increases a person's vulnerability and needs and therefore requires dedicated and non-judgmental support from**

**relevant actors and service providers.** More positive outcomes have been shown where the victim's care plan includes cooperation with the **National Agency Against Drugs (NAAD) for specialized psychological support** on top of the dedicated medical care<sup>55</sup>. This approach, or the inclusion of other specialized drug and alcohol support services should be considered in all cases of addiction. Risk assessments and care and assistance plans should appropriately address and include these considerations.



### Further discussion

As a longer-term assignment, try to access all relevant documentation on the transnational case of the female child victim of sexual exploitation. Draw up a comprehensive case of **Lessons Learned** in this best practice about the utility of *victim-centered* and *trauma-informed* approaches to investigation and prosecution of trafficking in persons

## Promising practices<sup>56</sup> on investigation and prosecution techniques

### Learning Objectives

At the end of this section you will:

1. Have a basic understanding of the need for special interview skills and the trauma-informed approach (with particular attention to children).
2. Have an overview of the PEACE framework for interviewing.
3. Have an overview of the WHO ethical and safety recommendations for interviewing trafficked women.



<sup>55</sup> Ibid;

<sup>56</sup> <https://www.childabuseroyalcommission.gov.au/sites/default/files/VPOL.3027.004.0147.pdf>

4. Consider the sensitivity and required additional attention in interviews of trafficked children in the light of their specific vulnerability; and be aware of the IOM and UNICEF guidelines for interviewing a child.
5. Understand the importance, and main elements of, an appropriate environment for interviews which can be instrumental in producing more positive outcomes for both the victim and the case

## Trauma-informed, Tailored interview techniques (with particular attention to children)

### Key Terms

- Balance between empathy and detachment
- Duty to do-no-harm
- Anonymity and confidentiality
- Open discussion approach
- Elements of *Child-friendly* spaces and rooms for vulnerable victims
- Non-verbal communication
- Judgemental
- Stigmatization
- Inconsistent statements
- Power imbalances



Special interview skills and trauma-informed approach, whether acquired through training or experience, are important throughout the identification process. Factors such as trauma and vulnerability contribute to the complexity and diversity of demands faced by the interviewers<sup>57</sup>. Preparation can reduce risks of interviewer bias and produce reliable disclosures. **Interviewers need to find the right balance between empathy and detachment**<sup>58</sup> - either through acquired experience or adequate training (including self-training), in order to support such an approach<sup>59</sup>. This allows interviewers to remain focused on the investigation process without being biased or influenced by personal emotion, whilst remaining responsive to the victim's testimony and needs. The timing of an interview and available supports after the interview and in the days following are also important. Interviewing a person late afternoon or on a Friday before a weekend, limits their options to seeking specialized assistance if they are triggered. Providing interviews at times that would give opportunity to specialized psychological support if needed is important.

**The first interview usually leads to the formal identification of victims. Independent of who is conducting the interview, the interviewer requires special skills, a trauma-informed approach, and special preparation for this process.** The interviewer must be aware of the specific circumstances of the victim and consider involving appropriate actors (such as translators or cultural mediators). **It is highly recommended that the VPCs are involved at the earliest stage.** Information obtained at this stage should be carefully recorded to avoid asking the victim to re-tell their story multiple times in future.

Used successfully in the United Kingdom and Australia, an interview framework known as the **PEACE model** can be adopted in trafficking cases<sup>60</sup>. PEACE is an acronym for:

**Planning and Preparation:** knowing as much as possible about the person being interviewed and the offender, as well as the offence and context.

<sup>57</sup> Shepherd, Eric, and Andy Griffiths, 'Interviewing the Witness: Key Considerations', *Investigative Interviewing: The Conversation Management Approach*, 3rd edn (Oxford, 2021; online edn, Oxford Academic, 21 Oct. 2021), <https://doi.org/10.1093/oso/9780192843692.003.0009>, accessed 5 Jan. 2023

<sup>58</sup> Interview with representatives of the Directorate for Investigating Organized Crime and Terrorism;

<sup>59</sup> Interview with representatives of the Directorate for Investigating Organized Crime and Terrorism;

<sup>60</sup> International Organisation for Migration, *Trafficking in Persons: Victim Identification and Assistance, Training Guide*, page 31;

It involves preparing the environment appropriately for the interview; preparing yourself (the interviewer), and likewise, preparing others involved. Proper preparation assumes you have used appropriate information sources to do this. It asks you to have an open mind, consider your assumptions you may hold, victims' needs, challenges that may arise, and appropriate questions to be asked.

**Engage and Explain:** introducing and fulfilling legislation requirements; building rapport by setting a shared understanding of the process and purpose of the interview and setting expectations.

**Account:** introducing the issue of concern; allowing free recall/free narrative; then clarification/specific questions.

**Closure:** allowing the person being interviewed to ask questions; check if there is anything else they wish to share; share next steps; allow time for processing).

**Evaluation:** reviewing performance in terms of the interview, investigation and adhering to the duty to do-no-harm and develop as a professional.

In addition to the PEACE model, the **World Health Organization (WHO)** has outlined **Ethical and Safety Recommendations for Interviewing Trafficked Women**. These key recommendations should be applied for **all** victims of trafficking in persons, and include:<sup>61</sup>

- **Do no harm** - assume every situation and action could cause harm unless there is evidence to the contrary - do not conduct an interview that will make a person's situation worse.
- **Know your subject** and assess the risks.
- **Learn the risks** associated with trafficking and the victim's case before undertaking an interview.
- **Prepare referral information:** do not make promises that you cannot fulfil.
- Be prepared to **provide information in the victim's native** language about appropriate legal, health, shelter, social support, and security services and to help with referral, if requested.
- **Adequately select and prepare interpreters**

**and co-workers.**

- **Weigh the risks and benefits** associated with employing interpreters, co-workers or others and develop adequate methods for screening and training.
- **Ensure anonymity and confidentiality.**
- **Get informed consent** - Make certain that each respondent clearly understands the content and purpose of the interview, the intended use of the information, their right not to answer questions, right to terminate the interview at any time and their right to put restrictions on how the information is used.
- **Listen to and respect** each person's assessment of their situation and risks to safety.
- **Do not re-traumatize the person** - sensitive and careful questioning, be ready to respond to a person's distress and highlight their strengths.

**The primary purpose of an identification interview is often to remove the victim from the criminal environment.** While there is no standard script for interviewing victims, the **open discussion approach** in which the victim is invited to freely describe the circumstances of the exploitation has proven useful<sup>62</sup>. This gives a sense of comfort and trust as the victim is able to naturally recall the facts without interruption and does not feel interrogated through a rapid series of questions. The purpose of the interview should also focus on key aspects: victim identification; and the collection of evidence on the legal elements of trafficking – the act, the means, and the purpose (of exploitation). Obtaining additional information to corroborate existing evidence in view of requesting the court to place the suspect under arrest or final evidence or information required for prosecution may also be considered. Driving the interview towards obtaining all possible information at once is not always appropriate or an option. This largely depends on the availability and emotional state of the victim as well as the level of trust that the victim has in law enforcement at the moment of the interview.

## Key victim-centered considerations in interview situations

Interviewers should be ready to without judgement, and accept that a victim may:

- need to sleep, eat, have medical needs, and other immediate needs met as an absolute priority.
- not present as 'passive' or 'timid' - trauma may mean that they will present as mistrusting, defensive (of themselves and/or their trafficker), angry, scared, or violent;

<sup>61</sup> World Health Organisation, Ethical and Safety Recommendations for Interviewing Trafficked Women, Geneva (2003).

<sup>62</sup> Interviews with representatives of Directorate for Countering Organised Crime



- not be able or willing to participate in an interview;
- be unable to remember certain facts and or give inconsistent testimonies;
- be focused on their own needs rather than an interview;
- not have insight into being a victim or deny that they are a victim;
- present the trafficker as their protector, partner, or friend;
- be fearful of what will happen to them;
- have different expectations or assumptions to the ones you have brought to the interview (every person has unconscious bias, assumptions, and expectations - the key is to question and be aware of those and how they may impact the victim and the case).

Practice has shown that victims should be granted as many breaks as needed during the interview, this can assist in overcoming emotional pressures and allow potential triggers to be addressed as they arise. Advising the person before and throughout the interview that they may request a break at any moment provides the person with a greater sense of control during the process. The victim protection coordinators (VPCs) assisting victims during criminal procedures play an important role recognising this need, and further facilitating a victim's control to use these breaks<sup>63</sup>. A person can also feel more in control when they are provided with choices about where they'd like to complete the interview, where they'd like to sit in the room.

**Interviews of trafficked children are even more sensitive and require additional attention in considerations of their specific vulnerabilities. IOM<sup>64</sup> and United Nations Children's Fund (UNICEF)<sup>65</sup> have released guidelines underlining additional details to be considered when interviewing a child.**

**Choosing the right environment for the interviews can be instrumental in producing more positive outcomes for both the victim and the case.** A certain level of flexibility is required, especially when interviewing victims, for whom police officers can create a level of distress. Formality and the **presence of authorities can heighten distress in particular for children**, and victims who may have had negative experiences with authorities previously. There is a need to focus resources and attention to improve this area, for instance, developing and establishing and building

dedicated **child-friendly rooms**, and **rooms for vulnerable victims**<sup>66</sup>. Such rooms should first of all ensure soundproofing and audio-video recording the interviews. This helps avoid physical contact of the victim with all the parties participating in the interview, as well as lowering the level of distress caused during the interview. **Seating should be carefully considered**.<sup>67</sup> For instance, having chairs facing directly each other can create feelings of intimidation and increased intensity. On the other hand, sitting side-by-side does not easily allow for conversation or the reading of body language which can be important in responding to the other person and breaking down barriers between the interviewer and the person being interviewed. Any objects such as desks or tables between an interviewer and the person being interviewed can negatively impact rapport. A range of seating offers are also helpful to provide choice to the person being interviewed, and the interviewer should be seated equal or lower to the person they are interviewing to **avoid amplifying power imbalances**.<sup>68</sup> Often, items like squish toys, 'fidget' toys, heat packs or ice packs can provide opportunities for those being interviewed to self-regulate.

The set-up of **dedicated rooms** should ideally provide a calm and reassuring physical environment through age-appropriate furniture and decorations, painting the walls in calming colours, hanging children's artwork or murals on walls, toys, art supplies, or age-appropriate books. **A comforting environment and informal play can support children in expressing their feelings of fear and distress while also supporting their resiliency**<sup>69</sup>.

<sup>63</sup> Technical Meeting for coordination and exchange of good practices organised under LUPTA Project.

<sup>64</sup> The International Organisation for Migration, Handbook on Direct Assistance for Victims of Trafficking (2007)

<sup>65</sup> United Nations Children's Fund, Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe;

<sup>66</sup> Interview with representatives of the Directorate for Investigating Organized Crime and Terrorism;

<sup>67</sup> <https://www.childabuseroyalcommission.gov.au/sites/default/files/VPOL.3027.004.0147.pdf>

<sup>68</sup> Specialist Sexual Assault Interviewers Course and the SOCIT/VARE Course

<https://www.childabuseroyalcommission.gov.au/sites/default/files/VPOL.3027.004.0147.pdf>;

<sup>69</sup> Fact Sheet, US Department of State, Office to Monitor and Combat Trafficking in Persons, 01 July 2021

<https://www.state.gov/child-friendly-spaces-for-survivors-of-human-trafficking/> ;

There are several examples of such dedicated rooms in Romania, arranged either at DGASP or prosecution offices, including the recently launched room available under DGASP covering Ilfov county that may be used as a promising practice<sup>70</sup>.

**Interviews should be conducted by trained specialists.** This will ensure the use of special interview techniques including changing perspective or the use of objects to help. **The involvement of psychologists is fundamental** – even if the interview becomes a clinical interview conducted under the specific guidance of the prosecutors<sup>71</sup>. One such approach involves asking victims to consider what they might see if they were looking from a different position (e.g., if you were standing on the other side of the room, what could you see, smell, hear). In some sexual exploitation cases it may be appropriate to use an anatomical drawing for the child to help the child indicate what happened. Under no circumstances should the victim ever be asked to demonstrate or indicate what happened on themselves, the interviewer, or any other person present<sup>72</sup>.

The **gender of the child** helps decide the most appropriate gender of the interviewers. Different guidelines have underlined that **children are more likely to cooperate with interviewers of the same gender**<sup>73</sup>.

In preparation for the interview, as much information as possible on the victim should be obtained. The interview should be arranged in a safe, informal environment, with the **participation of the parent/guardian**, provided that the parent/guardian have not been complicit in, nor participated in any way in the trafficking process. **In planning the interview, the specific particularities of the child's age, development, social and cultural environment should be considered.** This will dictate the methods of engagement and language to be used to ensure the child's safety and engagement. The interviewers should use simple, child-adapted

language that supports a safe environment for the victim. Also, non-verbal communication is important – eye contact may be of significant value in detecting sudden changes in the interviewee's behaviour. Gestures, expressions, can reveal the child's emotional state and also give clues to what the child is experiencing. This can help determine how the interviewer should proceed or respond to reduce risks of traumatization and distress<sup>74</sup>.

The best way to begin the interview could be to create an initial connection through a subject of **discussion that raises the attention of the child**. Enough time should be allocated for the discussion; however, unnecessary prolongation of the interviews should be avoided. In the beginning, the interviews should be an open discussion, leaving clarification questions for a later stage.

The interview should be conducted using **the child's language. The use of interpretation should be exceptional**, and considerations should be given to the use of interpreters, in light of the fact that an additional person in the room might create distress grounds during the interview. The risks and benefits associated with employing interpreters should be assessed. Additional consideration should be made as to whether an interpreter of a particular gender may better support a child during the process. Moreover, whenever possible, develop adequate methods of screening and training<sup>75</sup> of both interviewers and potential interpreters.

**Flexibility must be considered where the person being interviewed has a disability, or when a victim has suffered physical harm and their mobility is affected.** Practice shows that such cases require a special approach and ensuring accessibility when choosing the place and manner the interview is conducted. Examples of locations for an interview may be, (where agreed to by the victim), medical care facilities in which the victims are being treated, at an NGO or support service they frequent, in their home or in another place in which they feel comfortable<sup>76</sup>.

<sup>70</sup> <https://www.juridice.ro/800707/parchetul-de-pe-langa-tribunalul-bucuresti-inaugureaza-o-noua-camera-de-audiere-dedicata-copilor.html>;

<sup>71</sup> Technical Meeting for coordination and exchange of good practices organised under LUPTA Project.

<sup>72</sup> United Nations Office on Drugs and Crime, Anti-Human Trafficking Manual for Criminal Justice Practitioners, Module 8: Interviewing victims of trafficking in persons who are potential witnesses, page 8.

Retrieved from [https://www.unodc.org/documents/human-trafficking/TIP\\_module8\\_Ebook.pdf](https://www.unodc.org/documents/human-trafficking/TIP_module8_Ebook.pdf)

<sup>73</sup> International Organisation for Migration, Trafficking in Persons: Victim Identification and Assistance, Training Guide, page 31; The Regional Support Office of the Bali Process (RSO) Assisting and Interviewing Child Victims of Trafficking: A Guide for Law Enforcement, Immigration and Border Officials, page 5;

<sup>74</sup> Directorate of Immigration Finland, Guidelines for Interviewing (Separated) Minors, March 2002, page 7;

<sup>75</sup> International Organisation for Migration, Trafficking in Persons: Victim Identification and Assistance, Training Guide, page 24 and 33;

<sup>76</sup> Interviews with representatives of The Association for the Development of Alternative Practices for Education and Reintegration.



## Further discussion and self-assessment

1. Discuss how the PEACE framework has been utilized or could have been utilized in any cases with which you are familiar.
2. Discuss the utilization of the WHO ethical and safety recommendations for interviewing women in any cases with which you are familiar.
3. Discuss the instances when you have used IOM or UNICEF guidelines for interviewing children.
4. Describe *child-friendly spaces* with which you are familiar



## Case study: Female victim of sexual exploitation

The identified victim was sexually exploited in Germany in a private residence. The trafficker was a Romanian citizen. In an attempt to escape exploitation, the victim jumped from the window of the apartment. As a result, she suffered serious injuries for which she received medical care in a local hospital and was then repatriated in Romania as a medical case.

Once in Romania, NGO representatives were the first to reach the victim and identified them as a presumed victim, in accordance with the NIRM, the NGO notified ANITP and law enforcement. During the investigation, the victim was moved to identified victim status. The evaluation and assessment of the victim's needs clearly showed she urgently required medical care and financial support. Consideration was given to the medical and psychological needs of the victim in preparing for an interview and investigations. In consultation with the victim, it was decided to conduct the interviews in the victim's home. This considered her medical needs and physical comfort, as well as reduced distress and the risks of harm in exposing the victim to an unnecessary environment. The constant assistance of the representatives of the NGO, the psychological support provided to the victims, and the close and smooth cooperation facilitated by the victim protection coordinators (VPCs) between the victim and the investigators who adjusted to the needs of the victim, established rapport and trust, and enabled a sense of security that contributed to the victim's choice to participate throughout a lengthy criminal proceedings process.

**No pressure whatsoever should be placed on the victim during the interview.** Through sensitive enquiry and skilfully addressed clarification questions, the victim needs to be assured that: they are **not being judged in any way**; that those involved in their case are not stigmatizing them as a result of experiences or circumstances; that it is understandable and okay if they cannot recall particular facts; and that **the interview is a safe place**.

Additional factors need to be taken into account during an interview. As victims equally observe the behaviour of the interviewers, special attention needs to be placed on **non-verbal communication**

such as body posture, attitude, voice, and pace of the interviewers. **The first few seconds matter.** A welcoming statement should be prepared and avoid any uncomfortable attitude. At first, the process needs to be explained using reassuring and sympathetic language and gestures. **Sexist, discriminatory language or attitudes with the victims or around the victims must not be used**<sup>77</sup>. Moreover, if possible, the interviewers should avoid wearing a uniform and/or a gun placed a visible area as it may create or increase the level of distress for the victims, however their role and who they are should be made clear to the victim. While interviewing victims of sexual exploitation, it is important to assess and contemplate whether the

<sup>77</sup> International Organisation for Migration, Trafficking in Persons: Victim Identification and Assistance, Training Guide, page 25;

interviewer should be a particular gender to alleviate some additional stress for the interviewee. The choice of who the interviewer must be made following an

assessment of the circumstances of the trafficking situation, as well as the victims' personal background prior to exploitation, and a determination on who the victim's preference.



## Case study: female victim, multiple forms of exploitation (begging and sexual exploitation)

The victim was first identified by the Italian LEA as they were suspicious, she was being exploitation for street begging. Through international police cooperation channels, Romanian LEA was notified. After further checks, Romanian LEA located the victim. The first interview conducted was inconclusive in determining whether the victim should be given identified status, as the victim was hesitant, did not engage in any conversation and showed no intention to cooperate with LEA.

During the first interview, LEA focused on ensuring a safe environment for the victim by reinforcing her right whether to choose to participate in investigations and proceedings, placing no pressure to respond to any question and explaining what her participation, if she so chose to do so, in the investigation would entail.

The victim decided to return for a follow-up interview. During both interviews the victim's case manager created a level a trust through a gradual approach and by providing the victim with an overall picture of the advantages and disadvantages of participating, including any potential uncomfortable circumstances that may occur as a result of her participation in the investigation. By adopting the open discussion method, with clarification questions, when necessary, rather than asking closed or a series of questions, LEA were able to gain the victim's trust more easily and provide opportunities to highlight victims strengths. This reinforced to the victim that their needs, choices, and circumstances were being considered and provided an element of empowerment and control.

Another objective of the interview is to obtain a truthful account of what occurred. **Interviewers must take into consideration the impact that exploitation and trauma have on victims**, and the way that can contribute to being unwilling or unable to be interviewed and/or mistrust or fear of the interviewer or fear of potential ramifications they could face from traffickers or traffickers' associates<sup>78</sup>. This is the result of a variety of exploitative circumstances including coercive control from traffickers often developed following the use of *modus operandi* such as *lover boy* methods used by traffickers during both recruitment as well as exploitation. Practice reveals that there are cases in which victims are not only unwilling to cooperate, but also strongly defend their trafficker(s) whilst not identifying themselves as victims<sup>79</sup>. Specialized psychological support often in the form psychotherapy, although lengthy, has proved fundamental in supporting victims recruited or exploited under the use of such methods given the resulted trauma that is hard or even impossible to overcome otherwise<sup>80</sup>.

With respect to a victim's participation in investigations and/or criminal proceedings, or statements and evidence provided by them, **consistency should never be assumed**, nor should a reliance be placed on their statements and/or consistency to succeed in a case. The impact of trafficking, trauma and circumstances following an exploitative situation can greatly impact a person's participation, as well as their ability to recall experiences, and their reasons for withholding or giving information. Those involved in the case should not judge possible inconsistencies but deal with them should they arise without diminishing the value that victims' testimonies can bring to a case. Judicial education and understanding of complex trauma, coercive control associated with trafficking are essential.

**Inconsistent statements** in a court room can lead to questions of credibility. Specific inconsistencies can be addressed through a *trauma-informed approach*. Rather than undertaking repeated follow-up interviews, **LEAs should consider if alternative**

<sup>78</sup> Organisation for Security and Co-operation in Europe, Resource Police Training Guide: Trafficking in Human Beings (2013) p121;

<sup>79</sup> Interview with representatives of the Directorate for Investigating Organized Crime and Terrorism;

<sup>80</sup> Interviews with representatives of National Agency Against Trafficking in Persons.



**evidence-based prosecution strategies can be used to address inconsistencies.** This might involve focusing on corroborating evidence obtained through physical searches, other witness interviews, financial evidence, phone call records or surveillance. The use of psychological expertise, (discussed in a following section), has been used to support prosecutions by providing empirical evidence, understanding the complex effects of exploitation, the initial level of vulnerability and the psychological damages resulting from exploitation.

**Safeguarding the victim's rights, needs and participation through the investigation** may be challenging in practice. Follow up interviews and further interaction between relevant actors (ANITP, social workers and/or NGOs as VPCs/case

managers) and victims should be aware of evolving needs, circumstances, and signs of withdrawal of the victim. Without applying any pressure on the victim, key actors should carefully assess the reasons behind any signs of withdrawal in order to support the person in the best possible way. Signs of withdrawal can reflect other needs which have not been met and/or are often associated with a trafficker's influence. This influence can take the form of threats, or 'gifts' such as money or items exchanged in an attempt to persuade a victim to change their statements. The risks of re-trafficking or victims returning to exploitation in these cases are great. Indicators of these risks include sudden changes in attitude, new expensive items, or clothes; or during the interview the victim provides details that were previously interiorised<sup>81</sup>.



## Case study examples

Use the Checklist in **ANNEX 3** to revisit the Case Studies above dealing with:

1. Female victim of sexual exploitation identified in Germany
2. Female victim with multiple forms of exploitation (begging and sexual exploitation).

Albeit you are not privy to all the information, from what is presented in the case studies, use the checklist to tick off what major actions were correctly implemented; and those (which may well have been implemented), that should have been a part of the process.

# Special investigative techniques

## Learning Objectives

At the end of this section you will:

1. Be aware of the main on-line and electronic modus operandi and applications in trafficking of persons, both by perpetrators of trafficking and actors involved in anti-trafficking action
2. Have an overview of the uses of parallel financial investigations
3. Have an overview of the importance of psychological forensic evaluations



## Key Terms

- Internet-based applications and electronic surveillance including OSINT
- Under-cover officers and including OSINT specialists
- E-evidence
- Qualified Internet browsing and queries over social media
- Parallel financial investigations
- Psychological forensic evaluations



<sup>81</sup> Interviews with representatives of National Agency Against Trafficking in Persons.



In trafficking in persons cases, certain investigative and prosecution techniques, such as confrontations between victims and traffickers (including in court rooms), can bring a high level of distress for victims. Such confrontation is not victim-centric and must be avoided. Inconsistency between victims' and the traffickers' statements should be clarified through investigative methods and techniques that avoid distressing the victim through ongoing questioning or further direct contact between victims and traffickers. Law enforcement must explore all potential sources of evidence, including but not limited to, phone cards, footage of surveillance cameras, any available electronic evidence, text or social messages or posts, recordings or images from cell phone or victim or witness statements.

The *victim centred approach* often requires a shift from conventional investigation methods towards special and innovative investigative techniques aimed at gathering information without alerting the suspect including **surveillance**; use of **undercover officers**; financial investigations, requested authorisation to obtain **telephone interception and other communication data**; and **electronic surveillance**. Whenever a trafficker has become aware of the investigations, search warrants to move swiftly to obtain electronic evidence are key for building up evidence. **All special investigative techniques should be implemented in line with general and specific rights of suspects, victims and third parties.**



### **Case study: Child, victim of trans-border trafficking with exploitation for criminal purposes.**

The investigation targeted a criminal organization engaged in the exploitation of children for criminal purposes. The members of the criminal network were linked through family ties, exploiting their own children (between 10 and 13 years old) for criminal purposes – pickpocketing and shoplifting. The exploitation was conducted at first in Romania and further relocated to France. At first, the members of the criminal network coordinated the exploitation at national level, guiding the criminal activities conducted by the children in public areas (bus stations, public transportation, and commercial centers) and collected the crime proceeds (money and other goods – wallets, phones). In France the criminal network joined another already established organized group originating from the same region of Romania and continued the exploitation in touristic areas and metro stations.

Under instructions and coordinated by their parents, each morning the children left their accommodation in small groups and further regrouped in certain metro stations where they changed clothing and proceeded to the target areas. At certain time intervals the children informed the coordinators by phone on the result and current location using coded language. The proceeds were surrendered to the adults and further split according to the contribution of each child.

A common investigation has been further initiated between law enforcement and judicial authorities in Romania and France. The criminal networks were charged with trafficking in persons, money laundering and participation in an organized criminal group. A Joint Investigation Team (JIT) agreement was signed at European Union Agency for Criminal Justice Cooperation (EUROJUST). Additionally, 5 requests for judicial assistance were issued by Romanian LEA to French, Spanish and German authorities. As the case progressed, a number of operational meetings were organized between Romanian and French investigation teams. Special investigative methods such as technical surveillance and the use of informants were used in order to obtain evidence on the modus operandi used in the exploitation phase. The investigation extended into a financial investigation as well, identifying money transfers between and suspects and their middlemen. The money and assets found during searches were seized by the Romanian authorities.

This investigation was conducted in a coordinated manner and may be considered a best practice. The international cooperation, the exchange of information, a focus on financial investigation, and the special investigation methods used have led investigators to uncover important details required for the identification of the traffickers and victims. Further assistance has been provided by the child protection services and NGOs.

**The *modus operandi* in trafficking in persons has evolved to undermine special investigation techniques.** For instance, the use of evidence in relation to bank transfers has led to the increased use of cash, cryptocurrency, and alternative rapid money transfer systems (Western Union and Money Gram) as well as digital banking systems. Use of telephone interception has led to greater use of the Internet, and innovative communication and technologies have inevitably led to adaptations of the *modus operandi* of the criminal networks dealing with various types of crime. Trafficking in persons is no exception. Websites advertising sexual services may foster trafficking, but at the same time provide important intelligence that can support investigations, such as telephone numbers or potential location of exploitation.

Access to real communications and **electronic evidence** is important with trafficking operating online<sup>82</sup>. The European Commission on 17 April 2018, proposed **new rules regarding e-evidence in the form of Regulation on European Production and Preservation Orders for electronic evidence in criminal matters**, and a Directive laying down harmonised rules on the appointment of legal representatives, for the purpose of gathering evidence in criminal proceedings<sup>83</sup>. The proposal makes it easier to secure and gather electronic evidence for criminal proceedings stored or held by service providers in another jurisdiction. **The proposed Regulation introduces binding European Production and Preservation Orders.** Both Orders need to be issued or validated by a judicial authority of a Member State. An order can be issued to seek preservation or production of data that is stored by a service provider located in another jurisdiction and that is necessary as evidence in criminal investigations or criminal proceedings. Such Orders may only be issued if a similar measure is available for the same criminal offence in a comparable domestic situation in the issuing State<sup>84</sup>.

Whilst efforts have been made to foster partnerships between the private sector and international organizations and/or NGOs to prevent trafficking, **there is a growing need for cooperation**

**between law enforcement authorities and private sector**<sup>85</sup>. Criminal investigations targeting trafficking in persons should not focus only on victim statements, but also on other aspects involved in this criminal activity. This includes criminal profits and misuse of the service providers and internet-based communication applications which may enhance the trafficking process by facilitating transportation (Uber, taxi, etc.); alternative money transfer mechanisms (Western Union, MoneyGram, etc.); and recruitment and exploitation (social media, hotels, etc.). There are, however, some limitations and risks in doing this. During investigations, there can be difficulties in obtaining intelligence from service providers located in different countries due to bureaucracy and lengthy procedures currently required, such as mandatory rogatory commissions in other countries<sup>86</sup>. European Production and Preservation Orders and further simplified cooperation procedures are expected to ease these challenges. The production order will allow a Member State's judicial authority to directly request access to e-evidence from a service provider established or represented in another EU member state and receive a response within 10 days, or within six (6) hours in case of emergency. Furthermore, the preservation order will prevent e-evidence from being deleted by a service provider while the production order is still being processed.

**Confidentiality breaches and risk of 'tipping off' those being investigated, when requesting specific data from service providers are vast.** Not all service providers understand or comply with confidentiality of requests from law enforcement. Past experiences have shown that traffickers have become aware of investigations following the disclosure of such requests received by local service providers from law enforcement conducting the investigation<sup>87</sup>. LEAs should carefully assess, on a case-by-case basis, the risks of such disclosure against the added value that the respective information might bring to the investigation. Alternatively, such requests may be delayed to a later stage of the investigation when a potential disclosure would raise a limited or no risks to investigation.

<sup>82</sup> Interview with representatives of the Directorate for Investigating Organized Crime and Terrorism;

<sup>83</sup> See footnote <sup>83</sup> below.

<sup>84</sup> Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European Production and Preservation Orders for electronic evidence in criminal matters. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52018PC0225>

<sup>85</sup> The International Organisation for Migration and airbnb.org partnership to support people fleeing from Ukraine to free, short-term housing in Poland, Moldova, Romania, Hungary, and Slovakia is an example of fruitful, long term such cooperation. This has ensured provision of safe, private, and accessible accommodation, safeguarding people fleeing from Ukraine from potential vulnerabilities and risks, including for human trafficking.

<sup>86</sup> Interview with representatives of the Directorate for Investigating Organized Crime and Terrorism;

<sup>87</sup> Ibid.

Another useful instrument available to investigators is **OSINT** – information collected from data gathered from open sources – e.g., social media accounts - to produce actionable intelligence. The support of **OSINT specialists** who can collect and analyse valuable information from open-sources has proven to be very effective in victim-centred investigations and prosecutions in Romania. This information helps identify trafficker through their traits and lifestyles, which may include the display of their lavish lifestyle - vehicles used, expensive clothes, travels and vacation destinations or pictures of their accommodation, as well as their connections and social circles. Questioning a suspected traffickers'

visible lifestyle, may open other areas of criminal activities to pursue; for instance, legal business structures used for money laundering purposes and solidify the case against the trafficker without an extensive involvement of the victim. Where an OSINT specialist is not available, there are readily accessible techniques that can be carried out by non-specialists such as: **qualified Internet browsing and queries over social media**. This may provide some corroborative evidence; however, such practices should be undertaken with caution as the **research must still ensure compliance with evidence rules, and relevant data protection and anonymization rules**.

## Parallel financial investigations

According to the **Financial Action Task Force (FATF)**, a financial investigation is defined as an enquiry into the financial affairs related to a criminal activity. It helps to identify the extent of criminal networks and/or the scale of criminality; identify and trace the proceeds of crime or any other assets that are, or may become, subject to criminal confiscation, and to develop evidence that can be used in criminal proceedings. Resources, particularly specialized human resources, play a significant role here. Cooperation with specialized units, including financial investigation specialists in multidisciplinary teams can greatly improve successes and outcomes of investigations and prosecutions.

**A parallel financial investigation may contribute by providing strong corroborating evidence**, supporting the prosecution and further conviction of the traffickers. Simultaneously parallel financial investigation may be used as a tool to reveal undiscovered predicate offences and to identify other people or companies involved. It is an essential tool

to freeze, and ultimately confiscate, assets which are proceeds of crime. The freezing and confiscating of such assets can later benefit a victim's compensation **financial compensation** for the moral and physical damages suffered, as this prevents traffickers from registering assets in another person's name or selling or giving away the respective goods. Once granted a financial compensation through a final court decision, the victim will be able to further follow the procedure of accessing the amount granted enforced by a bailiff.

Financial investigations should not be limited to past activities or used only for the purpose of confiscation. **They offer much greater investigative potential in gathering evidence on the entire trafficking process**. Furthermore, identification and confiscation of the proceeds of human traffickers ultimately succeeds as a prevention measure by discouraging other potential traffickers from engaging in human trafficking, and also by pursuing money laundering, tax evasion or even real estate fraud violations.



### Case study: Female victims of trafficking in persons for sexual exploitation

The investigation started when two Romanian females were located in a brothel which was located on a property in a destination country, rented by a Romanian male. The females were 'sex workers', brought into the country of destination by the person who rented the property. The two females were transported across the borders by another male using a rented vehicle. The criminal network was composed of three individuals. One handled the travel of the victims into the country and controlled the sexual exploitation. The second managed the brothel, created adverts, and made the payments to adult service websites. The third transported the victims within the country of destination and managed the payments of the 'sex workers'. The suspects were arrested, interviewed, and released from police custody whilst the investigation continued.

Evidence obtained from adult service websites and mobile phone data show that online sex work adverts were created to sell one of the victim's services and that one of the members of the network controlled her appointments and payments for services. Communications data and bank statements obtained in both the country of destination and origin showed that several payments for services were paid by clients into a bank account in the name of a third female. Funds were later transferred to a bank account in the name of the spouse of one of the members of the criminal network. Evidence obtained from adult service websites and mobile phone data reveal further sex worker adverts linked to the suspects and 11 further victims of sexual exploitation. Examination of one victim's mobile phone showed that she was being controlled by the spouse of the of the first suspect. Enquiries conducted by police across borders through the Liaison Officer of the country of destination posted in Bucharest and Romanian partners identified Romanian addresses for these females.

Evidence obtained was comprised of witness evidence, phone data, financial data, and examination of computers. This evidence revealed the offences were conducted over a two-year period of time. Financial evidence showed that large amounts of money were transferred to bank accounts of the female connected to the suspects, from bank accounts held by the suspected victims of sexual exploitation. Phone evidence corroborated the two-year exploitation period. Examination of communication data revealed regular payments and significant amounts of money being transferred outside the country of destination to Romania by the suspects. None of the suspects were registered as earning any legitimate income or paying tax in either of the two countries.

Multiple interviews were conducted in Romania with victims/witnesses. For some victims, a significant period of time had passed since exiting exploitation, therefore it was particularly important that engagement with victims occurred using a trauma informed approach, to reduce the risk of distress and re-traumatization. Due to their expertise in this area, an NGO was worked with Romanian law enforcement, and assisted victims through the investigations, particularly during the interviews.

The lead investigators in both countries liaised directly during the investigation to provide more detail or assistance.



## Case study example

Review the case study above on: Female victims of trafficking for sexual exploitation.

1. Discuss how the use of special investigative techniques including electronic surveillance, OSINT, on-line and electronic modus operandi, have been used with effect in cases with which you have been involved.
2. Discuss various outcomes and draw up a list of 4-5 main Lessons Learned in the use and application of these special investigative techniques in your experience.
3. Also discuss your experience of how similar and applications have been used by perpetrators of trafficking to recruit victims.

## Psychological Expertise

Psychological expertise utilized in the form of a psychological evaluation, through the process of assessment and screening administered by a specialized psychologist can be extremely valuable to trafficking cases in supporting a victims' wellbeing and addressing their needs, but also in providing

corroborative evidence for the case. **Psychological forensic evaluations** are performed by a licensed psychologist and can be used to diagnose a variety of conditions that impact memory, thought processes, and behaviors, including: the severity of symptoms of depression or anxiety, the roots of trauma,



information about the current perspective on the world, as well as the victim's state of vulnerability. The request for a forensic psychological evaluation - sometimes **also referred to as “psychological expertise”, “judicial psychological evaluation” or “extra-judicial psychological expertise”** - can be made by judges and prosecutors, or the parties involved, including victims or their lawyers, or even the accused.

In the context of a trafficking in persons investigation, psychological expertise can be used to show the impact of trauma on the victim. For instance, such expertise can provide useful information on:

- How the trauma impacted the victim's ability or inability to come forward sooner;
- How the day-to-day life of the victim has been impacted;
- The kind of vulnerability exploited by the traffickers in the recruitment process;
- The coercive control in place during exploitation.

**Practice<sup>88</sup>** has shown that bringing such psychological expertise into trafficking cases can be highly beneficial to evaluate trauma resulting from the exploitation, as well as to assess the level of vulnerability of the victim. This can help demonstrate the legal elements required to constitute a trafficking in persons crime such as the 'act', the 'means' and the 'purpose'. This can be particularly relevant whereby a person's vulnerability has been used to control them and whenever prosecutors wish to rely on the vulnerability component available under the 'means' section of **Romania's criminal code articles 210 and/or 211**. Psychological expertise can also be used to show the hardship that would result if the victim

would not have access to specialized supportive services due to the inability to recognize specific needs or timeframe and extent to which they are required.

The recent changes in the *modus operandi* used by the traffickers in the recruitment and control during exploitation – from violence to 'alternative' methods, including lover boy methods, has led to a shift in the way evidence is gathered. Victims often not only develop post-traumatic syndrome symptoms, but also trauma and psychological challenges resulting from coercive control. In these cases, the request for psychological expertise may lead to a better understanding of the victim's mindset, psychology and the potential shifts in relationships, behaviors, and perceptions the victim holds in relation to their traffickers throughout the investigation<sup>89</sup>.

**The LUPTA Project has increased awareness among criminal justice actors on the use of psychological forensic evaluations and their use in improving actors understanding of victimology, strengthening cases, improving prosecution success and general outcomes on the victims of trafficking.**

An unexpected but promising result in one of the LUPTA Project cases was the setting of a precedent to use a forensic psychological evaluation to assist the judge in calculating the damages awarded to the victim for moral compensation. In that case, the judge used the evaluation on the victims' vulnerability prior to exploitation, as well as trauma suffered during exploitation and criminal proceeding and the vulnerability to being further re-trafficked, in calculating and awarding damages.



## Further discussion and self-assessment

We have covered quite a lot of territory in the section above on **Promising practices on investigation and prosecution techniques**. There is a wealth of embedded guidance and best practice to be followed in implementing effective victim protection and assistance which is covered in the next section.

1. Please go back to the sections on: *Tailored interview techniques (with particular attention to children)*; and *Special investigative techniques*. **Make a list of 10 key guidance points for each**
2. Familiarize yourself with the The European Commission proposed **new rules regarding e-evidence in the form of Regulation on European Production and Preservation Orders for electronic evidence in criminal matters**. How has this impacted on any cases where you have used these special investigation techniques?

<sup>88</sup> Interview with representatives of the Directorate for Investigating Organized Crime and Terrorism.

<sup>89</sup> Technical Meeting for coordination and exchange of good practices organised under LUPTA Project.



# What is effective victim protection and assistance?

## Learning Objectives

At the end of this section you will:

1. Understand the primacy of victim protection
2. Understand what constitutes *effective* victim protection and assistance in a *victim-centered* approach to investigation and prosecution including: Specialized legal assistance; Medical assistance and extended assistance to family members of victims
3. Understand the critical role of VPCs and case managers.



## Key Terms

- Specialized legal assistance
- Protection status
- Trauma-informed legal practice
- Closed court setting
- Entitled compensation



**coordinators (VPCs)** and case managers in ensuring that proper safety and protection, care and assistance plans have been formulated, are being delivered in a trauma-informed manner and are **regularly evaluated** to address changes or alternative needs arising. The constant and direct connection that VPCs have maintained with victims has proven crucial throughout the process. VPCs constantly evaluate the outcome of assistance facilitated. As a result, they had opportunity to work individually with the victims to identify and address a variety of needs and/or protection concerns as they have arisen. They are able to act as an intermediate between the victim and law enforcement and prosecution, providing continuity and ensuring trauma-informed practices and a sense of security and confidentiality.

The research conducted for this Toolkit has revealed that an adequate provision of particular types of assistance such as psychological, medical, legal, or financial support not only contribute to a victim's wellbeing but have a specific positive influence on case outcomes, the course of the investigation and successful prosecutions.

Providing effective protection and assistance to victims of trafficking is an individualized, challenging, victim-centered process dictated by the evaluation of needs conducted in a collaborative manner with the participation of the victim and all actors – case managers, ANITP, LEA and IOM.

It is important to stress the critical and **significant contribution brought by the victim protection**

In a similar manner, by introducing the VPCs undertaking a case management and coordination role for each victim, the LUPTA Project has managed to complement such an approach through a holistic support provided in a coordinated manner: guidance and emotional support, social assistance, specialized psychological and legal assistance and financial support. This has contributed significantly to providing victims with choices and a sense of protection and has led to victims feeling more able and willing to participate in the investigations.

## Victim protection

The level of risk that victims face should be assessed on a case-by-case basis. **LEAs need to actively participate in the risk assessment process by providing accurate information on the risk posed by the traffickers and their associated networks.** Whenever a victim is returning to their previous social environment, protection measures must ensure their safety and security and should

limit the risk that the victim will be impacted from a social perspective. For instance, monitoring their safety through discrete police patrols or individual protection could be considered.

In terms of accommodation, there are diverse views in Romania and internationally on what 'works' best to protect victims. Each case is different and

the approach towards accommodation should be considered on a case-by-case basis. For instance, shelters may create a sense of constraint for some victims and place them in a similar emotional context compared to the one that they knew during exploitation<sup>90</sup>. On the other hand, there are cases

in which specialised shelters or centres are the only option for the protection of the victim, particularly those in which the family of the victim is involved (e.g., in case where the family sides with the trafficker(s), is influenced by traffickers, or is lured to 'accept' or 'support' the exploitation<sup>91</sup>).



## Case study: female child, victim of sexual exploitation

The victim was recruited and sexually exploited by the trafficker using the lover boy method. The victim, the trafficker and the victim's mother were all living together. Facing financial challenges, part of the crime proceeds was used within the family for subsistence purposes. During the investigation, the victim protection coordinator observed that the trafficker had a certain level of control not only over the victim, but also over her mother; it was suspected this control was rooted in the mother's financial and emotional vulnerability. In this case, applying the *International Convention on the Rights of the Child*, and in spite of the constant disagreement expressed by the victim, it was decided that it was in the child's best interest to be temporarily removed from the family environment and referred to the local DGASP for assistance and accommodation in a specialized center for victims. The mother was supported to reduce her vulnerability and DGASCP facilitated a relationship between the mother and child to continue. The two were further reunited when it had been assessed that there was no longer a risk for the victim, following the trafficker's arrest.

There is no *one-size-fits-all* model that can be applied to all victims. Case managers and victim protection coordinators providing specialized assistance and intervention need to constantly re-evaluate a victim's needs and adapt care and assistance plans as well as their implementation.

In specific situations, where there are reasonable grounds to consider that the physical integrity, or the professional activity of the victim and/or of their family members will be impacted or endangered as a result of statements they may

have made to authorities, the judiciary can grant the victim '**protection status**'. This status gives rise to additional protection measures including surveillance and home protection, permanent personal protection, restricting the victim's identity being made available to the trafficker/their legal representative, and granting an alias to be used when signing statements, and/or remote interview using audio and video technical equipment. During the criminal trial phase, the court may choose to conduct the trial in a '**closed court setting**'.

## Specialized legal assistance

Whether a victim receives specialized legal assistance throughout a case can significantly impact the outcome of criminal proceedings. Although legal provisions safeguard a victim's right to free legal assistance, this does not imply that the victim will be granted the same lawyer over the entire criminal proceedings process, nor that the lawyer will hold expertise in trafficking in persons or *trauma-informed* legal practice<sup>92</sup>.

It is important that the victim is referred to an assistance program that can afford to and provides specialized and consistent legal assistance, and effectively supports the victim to obtain **entitled compensation**, including compensation for the damages suffered - moral and physical- as a result of the abuse. Understanding the full case helps lawyers formulate appeals against certain procedural acts that may impact a victim's safety, rights, or interests.

<sup>90</sup> Interviews with representatives of National Agency Against Trafficking in Persons;

<sup>91</sup> Technical Meeting for coordination and exchange of good practices organised under LUPTA Project.

<sup>92</sup> Interviews with representatives of Directorate for Countering Organised Crime;

These include guilty plea agreements between the trafficker and the prosecutor or removal of prevention measures such as granting the trafficker bail.

The benefits of victims receiving legal support from the same lawyer throughout the entire criminal proceedings process are clear. Lawyers are more familiar with the case facts. The continuity provides the victim with a sense of predictability, security, and trust; consequently, limiting the risks of re-traumatisation from having to re-tell their story to multiple lawyers or liaise with a different person every time such assistance is required.

It is vital that lawyers are aware of the unique needs and circumstances that victims of trafficking

in persons have. Furthermore, lawyers should be trained to apply trauma-informed legal practices so that their actions do not further harm the victims but instead contribute to the healing and empowering processes. It is therefore important to consider training lawyers on **trauma-informed legal practice** and inviting them as well as bar associations in conference/workshops covering topics associated with trafficking in persons<sup>93</sup>.

Each victim under the LUPTA Project, has been appointed a specialised lawyer who has represented them throughout each stage of the investigation and criminal proceeding, ensuring continuity and the required level of specialization to better address victim's need of security and appropriate legal support in obtaining compensation.



### Case study: female child, victim of sexual exploitation

The victim was recruited and sexually exploited by a large-scale international criminal network. During the exploitation phase, drugs were used as a method of control. The victim had been referred to a specialized NGOs for assistance. As part of that assistance, it was determined that the victim and her mother had a tense relationship which was causing challenges. The NGO assisted the mother to obtain a job and worked with the mother and daughter to rebuild their relationship.

After identification, it was evident that the victim continued to engage with similar social circles – criminal oriented and drug users. Specialized psychological support and assistance was provided to her to as well as assistance to continue her education. In this case, the extended assistance to the family of the victim contributed to the victim returning to a safer family environment and instilling emotional supports for her within her family. The financial investigation has led to the confiscation of 300,000 EUR worth commodities from the criminal network. Having access to specialized legal assistance, the victim has been supported with her case to adequately argue on the extent of damages suffered as a result of exploitation. Her lawyer further sought and received for her, access to substantial financial compensation for the moral and physical damages suffered in an amount comparable to value of seizure.

## Medical assistance

Exploitation often leads to various health problems both physical and mental, for some victims severe and enduring, while for others less so. The exposure to health risks may begin before, during and after the exploitation.

Although many of the medical needs of trafficked persons may be treated through standard clinical

practices, persons who have been trafficked are often alienated from services which can pose diagnostic and treatment challenges. **Trafficked persons often present with multiple traumas and disease conditions that require a comprehensive health assessment conducted using trauma-informed technique**<sup>94</sup>.

<sup>94</sup> International Organisation for migration, United Nations Global Initiative for fight human trafficking, London School of Hygiene & Tropical Medicine, Caring for Trafficked Persons, Guidance for Health Provider, page 33.

Research reveals that, in many cases, providing crucial medical support requires substantial efforts from the ANITP representatives engaged, and from NGOs alike. **In trafficking in persons cases for sexual exploitation, medical support may be required for pregnancies resulting from exploitation, sexually transmitted infections, substance addiction and psyche-social trauma.** This requires a non-judgmental, delicate, and confidential approach from medical practitioners involved. Exploitation for forced labor or other kind of service may expose victims to physical injury, infections and even, amputated limbs or other mental health issues.

With respect **to the right of free medical assistance**, there is no common practice in relation to the timeframe for which medical insurance is

granted to the victims. This is probably due to the lack of predictability about the timeframe of criminal proceedings. One option is to ensure the continuity of access to medical services through requests addressed by the victim case managers/coordinators to the relevant national insurance authority<sup>95</sup>.

Granting victims immediate necessary medical assistance and the required time for recovery must be a priority. In certain investigation, despite the crucial role of the statements provided by the victims, it is important that LEA choose the right moment for the interview, when the victims are physically and emotionally available for this demanding process. Even though this implies delays from the investigation point of view, rushing into the process may ultimately bring about a disadvantage to the course of the investigation.



## Case study: female victim of trafficking in persons for sexual exploitation

Law enforcement authorities were notified by hospital emergency room officials that a patient had been admitted with severe life threatening injuries. Further investigations revealed that she was a victim of trafficking, underage at the time of recruitment, and also a victim of attempted murder. She was sexually exploited domestically in Romania, as well as internationally in up to four countries.

Given the level of the injuries suffered, the victim required an extensive period of time for medical care and further recovery (including from memory loss) and to receive assistance provided by a specialized NGO. One of the challenges that arose in this case was prioritizing the victim's wellbeing and medical needs and choosing the right time and place for the victim to be able to consider her right to choose whether to participate in an investigation and consequently when/how to conduct an interview. LEA postponed the interview with the victim, allowing enough time for physical and emotional recovery before obtaining an account from the victim relating to the trafficking. By the time the interview was conducted, the attempted murder investigation had been finalized. With the consent of the victim and support of the NGO, the interview was conducted by the investigators and prosecutors, in the victim's home. Prior to the interview, the victim's lawyer, NGO representatives and a psychologist had prepared the victim for the interview. They attended and remained present during the interview; this also provided emotional support for the victim during the interview and assisted them in understanding their rights and the process.

## Extended assistance to family members in trafficking in persons

In trafficking in persons cases where the victims are children, the liaison between law enforcement and

assistance providers, and the family of the victim is often challenging. This can lead to withdrawal

<sup>95</sup> Technical Meeting for coordination and exchange of good practices organised under LUPTA Project.



not only from the victim's participation in criminal proceedings, but also from assistance programs. A common fear experienced by the guardians or family members is that the child will be followed by stigma in his social environment. The family may find it hard to accept that their child has been recruited and become a victim of human trafficking. In other cases, they are reluctant to address unique needs assessed as being of high importance, including even education or reintegration.

Many such cases could be addressed by providing specialized support to the families of the victims, highlighting the advantages of being referred to an assistance program and where appropriate, working with families and the victim in a collaborative manner to formulate an assistance plan that will best support the victim's (re)integration. In other cases, the right answer is providing financial aid or supporting family members of the victims to obtain employment<sup>96</sup>.



### Case study: child sexual exploitation material

Following an extensive investigation, a total of 68 children, male victims, were identified across the territory of Romania; the perpetrators received a 13 years' imprisonment sentence for the crime.

A major challenge in this case was that the families of the victims who, to differing degrees, case-by-case, were reluctant to involve the victims in the criminal proceedings. The families were particularly concerned about possible stigma the victims (and their family) would face as a result of their connection to the investigation. In this case the approach taken by actors was to extend the support in a form of "family conciliation" provided by ANITP representatives. ANITP ensured proper information was given on what the participation in the investigation entails, the victim's rights, and reassurance of the confidentiality of the judicial procedures to follow. Benefits and disadvantages of participation were outlined to the families and options were put forward in relation to protective prosecution strategies. Given the specific vulnerability of the victims and the sensibility resulting from the type of exploitation, ANITP acted as a mediator between victims, family members/legal representatives and investigators; a special focus was placed on the preparation of the interviews and adapted interview techniques. The victims were invited for hearings in Court only when this proved crucial. At the conclusion of the case, it was highlighted that the victim and family's involvement in the investigation and the ultimate conviction of the traffickers provided victims with a sense of closure and justice in respect to the damages suffered.



### Case studies examples

Review the 4 case studies presented above. As pointed out, there are diverse views in Romania and internationally on what 'works' best to protect victims.

1. How has this case mirrored your experience with respect to: Specialized legal assistance; Medical assistance; and Assistance to family members?
2. What do you feel works best in victim protection? Make a list on a flip chart of 5-10 key components of effective protection and assistance in victim-centric investigation and prosecutions.

<sup>96</sup> See the case study in the section on specialised legal support.





## Case studies, further discussion, and self-assessment: 1-day workshop.

### Your Task for the day

- ✓ Choose one of the case studies presented above in this Toolkit - preferably one which involves a female child.
- ✓ Using the 4 Ps and PEACE Framework, plan and role-play the initial interview with the girl child victim, paying close attention to the WHO ethical and safety recommendations for interviewing trafficked women and IOM and UNICEF guidelines for interviewing a child.
- ✓ After presenting role plays to the workshop, you will discuss the major challenges you have faced and how this Toolkit could be improved to help address them and document the main issues on a flip chart

### Suggested activities and timing

1. Select groups of 3-5 people - preferably with diverse disciplines, competencies, and experience, e.g., LEA, NGO, Ministry, Legal, Health or Social Services practitioners; and agree upon the case study you will use to prepare the initial interview. *For a 1-day workshop, to allow sufficient time for discussion, it is suggested that 2 groups may be optimal. (30 mins)*
2. **On a flip chart, make a list of the key circumstances of the case and the victim.** Feel free to alter the details presented in the case study you have chosen.
3. Revisit the **Learning Objectives** and the **Key Terms** in the sections above on: **Victim protection and assistance; Special investigative techniques; and Tailored Interview techniques – with particular attention to children** and discuss the most important aspects of the guidance that will apply to a first interview. You may need to go into a little more detail about how the child was identified as a victim. (If the details are not apparent in the case study, then outline what assumptions you are making about the case. **(15 mins individually making notes; and 15 mins in a group to agree on main considerations and actions to be written on a flip chart for easy reference).**
4. With particular reference to the guidance above on **victim-centered** and **trauma-informed** considerations and techniques for interviewing, assign roles – **including a VPC** - and plan the initial interview with the girl child. **Document main steps and considerations on a flip chart. (1 hour).**
5. Before the role play, use the Checklist in **ANNEX 3** to ensure you have a comprehensive and holistic plan according to the **4Ps framework** - (Prosecution, Protection, Prevention and Partnership).
6. Take turns in the workshop entire group to role-play the initial interview with the girl child **(30 mins flexible)**
7. After each role play, in open discussion with the rest of the workshop, discuss what the follow up action would be regarding: care and support, further investigation and potential prosecution; and how it would be handled. **(30 mins)**
8. For each discussion, your aim is to consider how the role play illustrates the **victim-centered** and **trauma-informed** best practice on investigations and prosecutions guidance that you have gleaned from this Toolkit.
9. After each group has presented, discuss the major challenges you have faced and how this Toolkit could be improved to help address them and document the main issues on a flip chart. **(1 hour).**

# Conclusions and Recommendations

## LUPTA progress

The taskforces established under the LUPTA project have worked in a coordinated, victim-centric manner to see enhanced understanding of victim rights, improved victim protection and assistance and strengthened capacity of law enforcement and prosecution in trauma informed, victim-centric practices. As of 8 February 2023, a total of **250 victims** were supported by LUPTA over the two-year project. Those 250 victims have participated/are participating in **179 criminal cases**. With survivor input and feedback, the project has increased and improved the knowledge, skills, practices, and capacity of targeted key actors, introducing interdisciplinary expertise and innovative judicial tools to build specialized counter-trafficking competency within the Romanian law enforcement and criminal justice sector. Furthermore, the project addressed needed improvements to victim protection and increased victim participation (with informed consent) in the criminal justice process.<sup>97</sup>

The willingness of the LUPTA actors involved in the investigation, prosecution, support, and service provision has improved significantly in project implementation regions. VPCs continue to be key contributors to the overall coordination and success of the project to ensure that victims' needs are met. NGOs that are offering direct assistance to victims have signaled their intention to replicate the victim-centered model and have received positive feedback from both the authorities and also from the victims themselves who reported feelings of control, choice, empowerment, and motivation to continue their participation throughout the legal proceedings. The prosecutors from DIICOT and the current leadership of ANITP would like to support further coordination and capacity building activities at national level to spread the promising practices and practical experiences accumulated over the last two years. Furthermore, the latest National Identification and Referral Mechanism (NIRM) for Romania was developed with IOM and LUPTA actor input; adding further value and needs identified within the LUPTA project.

The **vulnerability and risk assessment** tool, as well as the **individualized care and protection plan**<sup>98</sup> were piloted and are now available for actors to use as reliable tools to replicate the LUPTA model nationwide. These serve both social assistance authorities working in the field, and NGOs, helping case managers to better understand and address the needs of their beneficiaries. Furthermore, the use of these tools in cooperation with law enforcement and prosecution has seen an increase in successful investigations and prosecutions due to victim needs being met, leading to increased trust and willingness to cooperate with authorities.<sup>99</sup>

## The toolkit

The research for the LUPTA Toolkit, including the interviews with key Romanian anti-trafficking actors, has led to a series of follow up recommendations that could improve anti-trafficking collaborative action, and/or, might be further explored to inform future anti-trafficking policies.

The effectiveness of anti-trafficking action in Romania, as well as key interlocutors and mechanisms like the NIRM, depends on the competencies, passion, and commitment of engaged actors. This is often proportional with the opportunity to obtain tangible results – which in itself depends upon having access to required resources (effective procedures and financial resources), as well as recognition of actors' efforts and support in overcoming burnout and vicarious trauma. Above all, improved coordination and collaboration cannot help but improve anti-trafficking action, investigation and prosecution success, and better outcomes for victims.

This Toolkit should be considered a work in progress. It is envisaged that the activities and workshops

<sup>97</sup> Results under LUPTA Project as of 31 December 2022. (Available from IOM Romania on request).

<sup>98</sup> Refer to ANNEX 4

<sup>99</sup> Results under LUPTA Project as of 31 December 2022. (Available from IOM Romania on request).

with key actors outlined in this Toolkit, will be a major source for improvement of the Toolkit itself, as well as recommendations for future action to improve coordination and collaboration for more effective implementation of victim-centric investigation and prosecution as well as broader action for victims of trafficking in persons.

Nevertheless, for now, this Toolkit presents some common critical issues that need to be explored for future enhancement of collaborative anti-trafficking actions, including:

### **Financial resources and geographical coverage of specialized NGOs**

The research has highlighted that there is in general, fruitful cooperation between law enforcement, IOM, ANITP and NGOs. The main limitations are with respect to financial resources and geographical coverage of specialized NGOs. The government should be working to identify ways to fund NGOs to cover these geographical areas, especially where they need additional and specialized support.

### **More standardized operational procedures**

Considering the dynamic process of identification and referral, the flexibility of the current NIRM should be maintained. However, some actors have stressed that there is a need to create more standardized operational and cooperation procedures. Whilst over standardization and strict procedures may constrain the ultimate purpose of a NIRM, additional thought should be placed on matters such as a nurturing a more uniform approach to identifying appropriate case managers. The current NIRM is not strictly prescriptive in this respect - case managers can be either an NGO or social service representative. Some actors have suggested that it might be beneficial to create an effective specialized, dedicated entity, either public or private, to serve this purpose.

### **Training for the actors involved.**

A clear finding of the LUPTA experiences is the need for targeted trainings for carers, VCPs, legal and judicial officers, psychosocial professionals, medical practitioners, LEAs, government ministries and NGOs. To shift the paradigm from the *prosecutor and victim sitting at a table approach*, to a multi-faceted holistic approach, it is essential that all actors dealing with investigations and prosecutions, fully understand the *victim-centred* and *trauma-informed* approaches, know how to, and are encouraged or legislated to apply them accordingly in all cases. This is not only critical for lawyers, but also for judges. The latter may require the active engagement of *Bar Associations*.

### **An appropriate way to engage bar associations.**

All actors consulted unanimously underlined the importance of specialized legal support for victims. Unfortunately, in most cases when free legal support is provided, this is not achieved. It might prove useful to identify an appropriate way to engage training lawyers and bar associations. Their contribution to victims' assistance is crucial, but special trauma-informed legal training is required for this purpose. The creation and funding of a dedicated branch of specialized lawyers who provide free legal support for victims of trafficking in persons, should also be considered.

### **Data sharing and a more coordinated approach between NGOs and government authorities.**

The current data collection system on victims is conducted by ANITP and contains data regarding victims, including their need for assistance and protection. Access to the database is limited, and restrictions apply for security reasons. There is a critical need for better harmonisation of data definitions. Without this clear understanding, data inconsistencies will prevail.

At the same time, many NGOs appear to have a wide spectrum of activities that without coordination can lead to competition for common resources, duplication of efforts and significant gaps that remain unaddressed. Some NGOs seem to be working along with several other like-minded NGOs with less-than-optimal coordinated action from specialized government departments. The potential for the civil society to provide comprehensive and sustainable assistance to victims of trafficking and effecting meaningful policy

or legislative advocacy for change, is critical in the fight against trafficking.

Recognizing the success of the ProTECT platform in bringing together 22 specialized organizations for better prevention, assistance and advocacy, this type of approach may be further built upon and funded to ensure better coordination between nongovernmental and governmental organizations. Available resources, funding programs and activities would thus be better aligned with needs assessments developed at a national level. This can be achieved by creating a dedicated platform in which all assistance service providers can contribute by adding their current available resources and implemented programs able to act as a *marketplace* of resources in a view to better orient ANITP in the referral of identified victims for assistance and protection.

### **Consolidated transnational referral operational procedures.**

There is not enough systematic information exchange from authorities abroad when they discover victims of trafficking in persons. At the same time there is similarly no systematic data collection or exchange of information between NGOs to address victim repatriation or protection in destination countries. Not only does this affect protection and rehabilitation, but also makes it difficult for traffickers to be held accountable - since there is an inherent impact on the investigation progress and evidence gathering as well as on the efforts to track and confiscate proceeds behind trafficking in persons.

IOM has an important role in opening communication channels in cross border cases and return of victims. The current NIRM highlights the contribution of IOM in the identification, evaluation, and repatriation of victims of trafficking and support by using its global footprint through national offices to activate multi-country NIRMs bringing actors together for the same victim.

Building up efficient transnational referral operational procedures requires a collective civil society approach and strategic and consistent collaboration with state authorities.

# ANNEX 1

## Legal provisions – laws and regulations to counter trafficking in persons and protect victims and vulnerable individuals in Romania.

- Law no. 156/ 2000 on the protection of Romanian citizens working abroad, republished.
- Law no. 682/2002 on the protection of witnesses, as subsequently amended;
- Law no. 39/2003 on preventing and combating organized crime, as subsequently amended, and supplemented;
- Law no. 211/2004 on certain measures to ensure the information, support, and protection of victims of crime;
- Law no. 302/2004 on International Judicial Cooperation in Criminal Matters, republished;
- Law no. 508/2004 on the establishment, organization and functioning within the Public Ministry of the Directorate for the Investigation of Organized Crime and Terrorism Offences, as subsequently amended, and supplemented;
- Law no. 95/2006 on healthcare reform, as subsequently amended and supplemented.
- Law no. 292/2011 on social assistance;
- Government Emergency Ordinance no. 194/2002 regarding the alien regime in Romania, republished, with the subsequent modifications and completions;
- Order of the Ministry of Labour and Social Protection, the Ministry of Internal Affairs, the Ministry of Justice no. 173/2021, for the approval of the Methodology for evaluation and multidisciplinary and inter-institutional intervention in providing support and protection services for victims of crime;
- Law no. 272/2004 on the protection and promotion of children's rights, with its subsequent amendments;
- Government Decision no.1443/2004 on the methodology for the repatriation of unaccompanied Romanian children and on the provision of special protection measures in their favour;
- Government Decision no. 617/2004 on the establishment and organization of the National Steering Committee for the Prevention and Combating of the Exploitation of Child Labour, as subsequently amended and supplemented;
- Government Decision no. 76/2008 for the amendment and completion of the Government Decision no. 617/2004 on the establishment and organization of the National Steering Committee for the Prevention and Combating of the Exploitation of Child Labour;
- Government Decision no. 867/2009 on the prohibition of hazardous work for children;
- Government Decision no. 49/2011 for the approval of the Framework Methodology on the Prevention and Intervention through Multidisciplinary Teams and Networking in Child Violence and Domestic Violence situations, and for the approval of the Multidisciplinary and Inter-institutional Intervention Methodology on Exploited Children or in a risk situation of being trafficked for forced labour, children victims of trafficking in persons, as well as Romanian migrant children, victims of other forms of violence on the territory of other states;
- Order no. 1335/2020 of the Ministry of Labour and Social Protection, for the approval of the Minimum Quality Standards for social services with accommodation, organized as care and assistance residential centres for children, victims of trafficking in persons.

## Key Romanian, EU, and international legal instruments

1. EU Strategy on Combatting Trafficking in Human Beings (2021-2025) and newly proposed directives [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_7781](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7781)
2. EU Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims. (ibid).
3. European Production and Preservation Orders for electronic evidence in criminal matters. <https://eurlex.europa.eu/legalcontent/EN/TXT/HTML/?uri=CELEX:52018PC0225>
4. International Covenant on Civil and Political Rights (ICCPR). <https://www.ohchr.org>
5. International Legal Frameworks and Instruments. <https://www.unodc.org>
6. Romanian Law on the Criminal Procedure Code. <https://www.venice.coe>
7. Criminal Proceedings and Defence Rights in Romania. <https://www.fairtrials.org>
8. Protocol to Suppress and Punish Trafficking in Persons Especially Women and Children, (supplementing the UN Convention against Transnational Organized Crime. <https://www.ohchr.org>



## ANNEX 2(a)

### Who can I contact for help?

#### National anti-trafficking authorities, their overall responsibilities, and contacts.

More details on all key actors is contained in the draft NIRM

<https://bsr-trm.com/wp-content/uploads/2019/10/Draft-National-Identification-and-Referral-Mechanism.pdf>

#### National and transnational partners in the implementation of NIRM and TRM

- 1. National Agency against Trafficking in Persons (ANTIP):** National Anti-Trafficking Policy Coordinator: The National Agency Against Trafficking in Persons (NAATIP): 20 Ion Câmpineanu Street, floor 5, District 1, Bucharest, Romania Telephone: +40 21 311 89 82 +40 21 313 31 00, hotline:0800 800 678 (free in Romania), web: [www.anitp.mai.gov.ro](http://www.anitp.mai.gov.ro), email: [anitp@mai.gov.ro](mailto:anitp@mai.gov.ro)
- 2. General Inspectorate for Immigration (IGI):** Headquarters: 15A Lt. Col. Marinescu C-tin Street, District 5, Bucharest; Telephone: 021 410 99 40; Email: [igi@mai.gov.ro](mailto:igi@mai.gov.ro); web: <https://igi.mai.gov.ro/>
- 3. General Inspectorate of Romanian Police (IGPR):** 6 Mihai Voda Street, District 5, Bucharest, Telephone: 021 208 25 25; web: <https://www.politiaromana.ro/>
- 4. Directorate for Investigation Organized Crime and Terrorism (DIOCT):** 24 Calea Griviței Street, District 1, Bucharest, telephone: 021 311 97 18; e-mail: [diicot@mpublic.ro](mailto:diicot@mpublic.ro) web: <http://www.diicot.ro>
- 5. Romanian Border Police:** 42C Bulevardul Geniului, District 6, code 060117, Bucharest; Telephone: 021 316 25 98; 021 318 25 98, e-mail: [pfr@igpf.ro](mailto:pfr@igpf.ro), web: <https://www.politiadefrontiera.ro/>
- 6. Ministry of Foreign Affairs (MOFA):** 14 Alea Modrogan, District 1, Bucharest; Telephone: +40 21 319 21 08 ; +40 21 319 21 25; e-mail: ; web: <http://mae.ro/Consular> Department: 24 Alea Alexandru, District 1, Bucharest; Telephone: +40 21 319 68 70; E-mail: [drco@mae.ro](mailto:drco@mae.ro) (The consular section have direct attributes for cases of voluntary returns for VoTs.)
- 7. National Authority for Child Rights Protection and Adoption (ANPDCA):** 7Bulevardul G-ral Gheorghe Magheru, District 1, Bucharest; Telephone: 021 315 36 33, 021 315 36 30, e-mail: [office@anpfdc.ro](mailto:office@anpfdc.ro); web: <http://www.copii.ro/>
- 8. 119 Child Line** launched in 2022 with 24/7 assistance, free to call, designed for children in need.
- 9. General Directorate for Social Assistance of Bucharest Municipality (DGASMB):** 56-58 Foișorului street, District 3, Bucharest; Telephone: 021 314 23 15; E-mail: [registratura@dgas.ro](mailto:registratura@dgas.ro) ; web: <https://dgas.ro>
- 10. Directorate for Combating Organized Crime (DCCO)** – Normally not contacted directly as they are an institution under the Ministry of Interior.
- 11. Ministry of Labor and Social Solidarity** - 021 313 62 67
- 12. Ministry of Internal Affairs** - 021/303.70.80 - [mai@mai.gov.ro](mailto:mai@mai.gov.ro)
- 13. Ministry of Justice** - 037 204 1999 - [relatiipublice@just.ro](mailto:relatiipublice@just.ro)
- 14. Directorate for Investigating Organized Crime and Terrorism DIICOT**  
- [contact@diicot.ro](mailto:contact@diicot.ro) - 021 311 1282
- 15. General Directorate for Social Assistance and Child Protection (DGASPC):** – There is a different entity for each county and depending on the jurisdiction they get assigned / contacted. For Bucharest they are split into sectors. Sector 2 is the one responsible with voluntary returns. For cases of Child Trafficking the ANPDCA (child protection) takes the leadership and coordinates the activity of each DGASPC to answer to their requests.  
**DGASPC Sector 1** - [registratura@dgaspc-sectorul1.ro](mailto:registratura@dgaspc-sectorul1.ro) - 021.222.42.75  
**DGASPC Sector 2** - [social@social2.ro](mailto:social@social2.ro) - 021–252.22.02  
**DGASPC Sector 3** - [office@dgaspc3.ro](mailto:office@dgaspc3.ro) - 0372.126.100; 021.341.07.13  
**DGASPC Sector 4** - [cms@dgaspc4.ro](mailto:cms@dgaspc4.ro). – 0372900789  
**DGASPC Sector 5** - [office@dgaspc5.ro](mailto:office@dgaspc5.ro) - 021.310.17.31  
**DGASPC Sector 6** - [office@dgaspc6.com](mailto:office@dgaspc6.com) - 021.9970

## Intergovernmental, international organizations

1. **International Organization for Migration (OIM)** RO, Bucharest, Tel: +40 21.211.45.65; - iombucarest@iom.int
2. **The United Nations High Commission for Refugees, Romania (UNHCR):** UN House, 48A Bd. Primăverii, District1, Bucharest, RO; Tel.: + 40 21 201 7872 / 73;  
E-mail: rombu@unhcr.org; web: [http:// www.unhcr.org/ro/contact](http://www.unhcr.org/ro/contact)
3. **WHO:** +40 21 2017888 - <https://www.who.int/europe/about-us/contact-us>
4. **UNICEF:** Tel: +40 21.201.78.53, email: bucharest@unicef.org

## ANNEX 2(b)

### Which NGOs specialized in assisting and protecting victims of trafficking can I contact for help?

1. **ProTECT Platform:** [secretariat@traficdepersoane.ro](mailto:secretariat@traficdepersoane.ro); <http://www.traficdepersoane.ro>
2. **ADPARE:** Bucharest, tel: 021 253 29 04, e-mail: [adpare@adpare.eu](mailto:adpare@adpare.eu); web: [www.adpare.ro](http://www.adpare.ro)
3. **FREEAssociation:** Bucharest, Tel: 0767055502; e-mail: [asociatiaFREE@gmail.com](mailto:asociatiaFREE@gmail.com);  
web: <http://www.asociatiafree.org/>
4. **Touched Romania Association:** Bucharest, Tel: 021 211.56.51; 031 405.77.61,  
e-mail: web: <http://touchedromania.org/>
5. **SolwodiAssociation:** Bucharest, Tel:021 332 50 20;  
e-mail: [secretariat@solwodi.ro](mailto:secretariat@solwodi.ro); web: <http://solwodi.ro/>
6. **CARUSEL Association:** Bucharest; Tel/Fax: 004 031 425 78 97;  
E-mail: [office@carusel.org](mailto:office@carusel.org); [www.carusel.org](http://www.carusel.org)
7. **Arca Romanian Forum for Refugees and Migrants:** Bucharest, tel: 021 252 73 57;  
e-mail: [office@arca.org.ro](mailto:office@arca.org.ro) ; Web: <http://www.arca.org.ro/>
8. **People to People” Foundation:** Oradea, tel: (+40) 359411700;  
e-mail: [nicugal@people2people.ro](mailto:nicugal@people2people.ro); web: <http://www.people2people.ro/index.php>
9. **Young Generation:** Timișoara, tel: +40 256 282 320;  
e-mail: [office@generatietanara.ro](mailto:office@generatietanara.ro) ; web: <http://www.generatietanara.ro/en/>
10. **Pro Prietenia Foundation:** Arad, tel: +40 257 210 606,  
e-mail: [contact@proprietenia.ro](mailto:contact@proprietenia.ro); web: <http://proprietenia.ro/>
11. **The East European Reproductive Health Institute:** Târgu Mureș, tel: 0265 255532, 0265 255931;  
e-mail: [office@eehirh.org](mailto:office@eehirh.org)
12. **Micu Bogdan Foundation:** Brașov, tel:+40-368-453781;  
e-mail: [office@fundatiamicubogdan.ro](mailto:office@fundatiamicubogdan.ro) ; web: <http://fundatiamicubogdan.ro>
13. **Betania Association:** Bacău, Tel: +40 234 206016;  
e-mail: [office@asociatiabetania.ro](mailto:office@asociatiabetania.ro); Web: [www.asociatiabetania.ro](http://www.asociatiabetania.ro)
14. **Social Alternatives Association:** Iași, Tel: +40 332 407 178;  
e-mail: [office@alternativesociale.ro](mailto:office@alternativesociale.ro); web: <http://www.alternativesociale.ro>
15. **PRO REFUGIU Association:** Bucharest, tel:0732.623.218,  
e-mail:[office@prorefugiu.org](mailto:office@prorefugiu.org); web: [www.prorefugiu.org](http://www.prorefugiu.org)
16. **The Ecumenical Association of Churches in Romania — AIDRom:** Bucharest, Tel. : +4.021.212.48.68;  
E-mail: [aidrom@gmail.com](mailto:aidrom@gmail.com), [et@aidrom.eunet.ro](mailto:et@aidrom.eunet.ro); web: <http://www.aidrom.ro/contact/>
17. **Reaching Out Romania Association:** Pitești, Tel: 0745 856 235  
e-mail: [reachingoutrom@yahoo.com](mailto:reachingoutrom@yahoo.com); [office@reachingout.ro](mailto:office@reachingout.ro) ; web: <http://www.reachingout.ro/contact/>

## ANNEX 3

# Checklist of actions to help anti-trafficking actors follow normative guidance and coordinate more effectively

### Victim identification

- ☒ A victimology approach was employed to distinguish between potential, presumed and identified victim status ensuring confidentiality, non-coercive methods, victim-centered and trauma-informed approaches to avoid unnecessary interviews or confrontation between victims and traffickers.
- ☒ Further contact was avoided between the victim and traffickers (or their associates).
- ☒ At all times, the dignity and physical and emotional well-being of the victim was considered.
- ☒ The victim's age was established, and they were informed of their rights - including the option of a 90-day period of recovery and reflection before proceeding with assistance - (in their own language or with translation). The victim's education and mental development were considered before further action.
- ☒ The victim's basic needs were addressed and when determined physically and emotionally able to give their informed consent, the victim was informed about the criminal procedures and the need to be interviewed.
- ☒ The victim/guardian gave the informed consent for the interview.
- ☒ An "identification interview" was conducted by a specialist trained in trauma-informed approaches.
- ☒ The victim was notified in writing of the determination of the interview.
- ☒ With identified victim status, an assessment of risk and special needs of assistance and protection was ascertained with the victim's help with assistance from a VPC and LEAs.
- ☒ After the risk assessment and the victim was removed from the immediate exploitative situation, and efforts were made to guarantee safety.
- ☒ The environment for initial interviews and gender of interviewers was carefully considered including the need for child-friendly rooms, and rooms for vulnerable victims.

### Referral and Assistance

- ☒ Appropriate authorities and professional interlocutors were contacted once the victim was identified, professionals provided safe transportation and accommodation, medical, psychosocial, and legal support.
- ☒ Cooperation was facilitated between the victim and authorities by the VPC at the outset to build trust.
- ☒ An individualized care and assessment plan was developed - including consideration of the need for medical – including sexual reproductive health, psychosocial, and financial support, as well as subsistence and shelter – tailored to the victim's age, gender, and emotional state.
- ☒ With informed consent, efforts were made to ascertain whether parents or guardians needed to be contacted; and efforts made to mitigate risk of victim, loved ones and family; and extended assistance and protection status was considered for the victim and family.

- ✓ In the ensuing investigation, efforts were made to avoid revictimization and avoid post-traumatic symptoms like trauma reenactment and repetition compulsion.
- ✓ Consideration was made of the victim's best interests in delaying their involvement in criminal investigations and/or proceedings due to the physical and emotional trauma resulting from exploitation.

## **Investigation / Prosecution**

- ✓ Specialized and consistent legal assistance was provided by trained trauma-informed legal professionals.
- ✓ The victim was provided with as much predictability, choice, and control as possible throughout the various stages.
- ✓ The victim was offered choice regarding participation in the investigation and compensation was considered.
- ✓ The investigative strategy to obtain corroborative evidence, did not entirely rely on the testimony of the victim or their active involvement.
- ✓ Innovative techniques were considered to limit unnecessary repeated interviews with victims, including surveillance, undercover officers, use of interception of telephone and other communication data- electronic evidence or specialised support from OSINT etc.
- ✓ Parallel financial investigations were conducted to assist in understanding business models of criminal networks, identifying all members and contributors, and seizure and further confiscation of the proceeds of crime.

## **Overall**

- ✓ Actions taken, followed the 4Ps and PEACE Frameworks, and provided effective assistance using a victim-centric, trauma-informed practice.
- ✓ The IOM, Unicef and WHO guidelines were followed with respect to interviewing children and women.
- ✓ Actions were monitored and evaluated at each stage; the total process was documented and shared with relevant interlocutors.
- ✓ In the case of a foreign victim identified within Romania, who wish to return to their country of origin, ANITP, the victim protection coordinators/case managers and IOM implemented cross-border cooperation and collaborated with counterparts in relevant countries.

## **Compliance with SOPs and using the correct forms and instruments of the NIRM.**

- ✓ NIRM Indicators for trafficking in persons (and additional indicators for minors) used.
- ✓ NIRM measures to identify potential victim as presumed victim followed.
- ✓ Assessment of risks, special needs and immediate risk management plan developed with NIRM guidance.
- ✓ NIRM Notification and informed consent form completed and signed by victim.
- ✓ General details of first contact meeting recorded using NIRM form.

## ANNEX 4

### What other tools are available?

#### A list of key SOPs, Guidelines, Protocols, Strategies and Reports for reference in anti-trafficking Action

##### Standard Operating Procedures, Toolkits, Guidelines and Protocols

1. **The NIRM Standard Operational Procedures (SOPs) for the identification of victims of trafficking in persons.** <https://bsr-trm.com/wp-content/uploads/2019/10/Draft-National-Identification-and-Referral-Mechanism.pdf>
2. **4 Ps framework:** <https://combathumantrafficking.org/report-downloads/LCHT-4PsFramework.pdf>
3. **Vulnerability and Risk Assessment Tool.** (Available from IOM Romania on request).
4. **Individualized Care and Protection Plan.** (Available from IOM Romania on request).
5. **International Standards on Trafficking in Persons.** <https://www.ohchr.org>
6. **Protocol of the TRM Trans-national Identification and Referral Mechanism of the Baltic Sea Region for Victims of Trafficking in Persons.** <https://bsr-trm.com>
7. **PEACE model Framework for interviews.** <https://www.unodc.org>
8. **Anti-human trafficking manual for criminal justice practitioners: Module 8.** <https://www.unodc.org>
9. **LUPTA Task Force SOPs** (draft available from IOM Romania on request)
10. **Handbook for Embassies and Diplomatic Missions on How to Assist and Protect Victims of Human Trafficking** (Available from IOM Romania on request).
11. **Organisation for Security and Co-operation in Europe, Resource Police Training Guide: Trafficking in Human Beings** (2013) <https://www.osce.org/files/f/documents/8/9/109935.pdf>.
12. **Guidelines on details to be considered when interviewing a child.** IOM<sup>100</sup> and United Nations Children's Fund (UNICEF)<sup>101</sup> <https://www.unicef.org> and IOM Romania on request
13. **IOM International Organisation for Migration, Handbook on Direct Assistance for Victims of Trafficking** (2007) (Available from IOM Romania on request).
14. **Victim Identification and Assistance, Training Guide.** (Available from IOM Romania on request).
15. **IOM A Guide for Law Enforcement, Immigration and Border Officials** (Available from IOM Romania on request).
16. **Unicef, United Nations Children's Fund, Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe.** <https://www.unicef.org>
17. **World Health Organisation, Ethical and Safety Recommendations for Interviewing Trafficked Women,** Geneva (2003). <https://www.who.org>
18. **UNODC, United Nations Office on Drugs and Crime, Anti-Human Trafficking Manual for Criminal Justice Practitioners, Module 8: Interviewing victims of trafficking in persons who are potential witnesses.** [https://www.unodc.org/documents/human-trafficking/TIP\\_module8\\_Ebook.pdf](https://www.unodc.org/documents/human-trafficking/TIP_module8_Ebook.pdf)
19. **United Nations Global Initiative for fight human trafficking, London School of Hygiene & Tropical Medicine, Caring for Trafficked Persons, Guidance for Health Providers.** <https://www.lse.ac.uk>
20. **Justice Ventures International Toolkit on Trafficking.** <https://www.justiceventures.org>
21. **Specialist Sexual Assault Interviewers Course and the SOCIT/VARE Course** <https://www.childabuseroyalcommission.gov.au/sites/default/files/VPOL.3027.004.0147.pdf>;
22. **US Dept of Homeland Security (DHS) anti-TIP resources, including links to training/awareness materials: Human Trafficking | Homeland Security** ([dhs.gov](https://dhs.gov))
23. **Canada Human Trafficking Handbook: 'A Handbook for Criminal Justice Practitioners on Trafficking in Persons'** (Chapter 3: Guidelines for Police, Chapter 4: Guidelines for Prosecutors)... [hcjpotp-gtupjp.pdf](https://hcjpotp-gtupjp.pdf) ([justice.gc.ca](https://justice.gc.ca))

<sup>100</sup> The International Organisation for Migration, Handbook on Direct Assistance for Victims of Trafficking (2007)

<sup>101</sup> United Nations Children's Fund, Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe;



- 24. US Department of Justice (DOJ) COPS Resources page: COPS Office: Grants and Resources for Community Policing** ([usdoj.gov](https://www.usdoj.gov));
- 25. US Department of Justice (DOJ) COPS Labor Trafficking page: Interviewing Labor Trafficking Victims: Victim-Centered Considerations for Law Enforcement Investigators** ([usdoj.gov](https://www.usdoj.gov))
- 26. International Chiefs of Police (IACP) resources: Anti-Human Trafficking Training and Technical Assistance | International Association of Chiefs of Police** ([theiacp.org](https://www.theiacp.org));
- 27. IACP- Human Trafficking: LE Guide to Identification and Investigation: The Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation** ([theiacp.org](https://www.theiacp.org));
- 28. IACP Guide to Combatting Child Sex Trafficking: Combating Child Sex Trafficking: A Guide for Law Enforcement Leaders** ([theiacp.org](https://www.theiacp.org)) ;
- 29. US Dept. of Health and Human Services (HHS) resources: Law Enforcement | NATIONAL HUMAN TRAFFICKING TRAINING AND TECHNICAL ASSISTANCE CENTER** ([hhs.gov](https://www.hhs.gov))
- 30. National Council of Juvenile and Family Court Judges (NCJFCJ) Resource Center for Courts on Child Sex Trafficking: Resource Center for Courts on Child Sex Trafficking - NCJFCJ;**
- 31. NCJFCJ Trauma-Informed Judge Bench Card:**  
NCTSN-Trauma-Informed-Judge\_JudgeBenchCards\_final.pdf ([ncjfcj.org](https://www.ncjfcj.org));
- 32. Criminal Proceedings Program:** (Contact IOM)

The following **Toolkits** are available from *Advocates Gateway*:

<https://theadvocatesgateway.org>

**Toolkit 1:** Ground Rules Hearings: Ground rules hearings and the fair treatment of vulnerable people in court

**Toolkit 1a:** Case Management in Criminal Cases: Case management in criminal cases when a witness or a defendant is vulnerable

**Toolkit 2:** General Principles from Research, Policy, and Guidance: General principles from research, policy, and guidance: planning to question a vulnerable person or someone with communication needs.

**Toolkit 3:** Planning to Question Someone with Autism: (with an autism spectrum disorder including Asperger syndrome)

**Toolkit 4:** Planning to Question Someone with a Learning Disability:

**Toolkit 5:** Planning to Question Someone with 'Hidden Disabilities': Planning to question someone with 'hidden' disabilities: specific language impairment, dyslexia, dyspraxia, dyscalculia and AD(H)D

**Toolkit 6:** Planning to Question a Child or Young Person:

**Toolkit 7:** Additional Factors Concerning Children under Seven: (or functioning at a very young age)

**Toolkit 8:** Effective Participation of Young Defendants:

**Toolkit 9:** Planning to Question Someone using a Remote Link:

**Toolkit 10:** Identifying Vulnerability in Witnesses: Identifying vulnerability in witnesses and parties and making adjustments

**Toolkit 11:** Planning to Question Someone who is deaf: Planning to question someone who is deaf.

**Toolkit 12:** General Principles when Questioning Witnesses and Defendants with Mental Disorder: General principles when questioning witnesses and defendants with mental disorder.

**Toolkit 13:** Vulnerable Witnesses in the Family Courts: Vulnerable witnesses and parties in the family courts

**Toolkit 14:** Using Communication Aids: Using communication aids in the criminal justice system.

**Toolkit 15:** Witnesses and defendants with autism: Witnesses and defendants with autism: memory and sensory issues

**Toolkit 16:** Intermediaries: Step by Step

**Toolkit 17:** Vulnerable Witnesses in the Civil Courts

**Toolkit 18:** Working with traumatised witnesses, defendants, and parties: This toolkit is currently under review, a revised version will be published in due course.

**Toolkit 19:** Supporting Participation in Courts and Tribunals

**Toolkit 20:** Court of Protection: Eliciting, Understanding, and Applying a Person's Values in Best Interests Decision Making

## Key Reports

1. **US Department of State, 2022 Trafficking in Persons Report: Romania.**
2. **Results under LUPTA Project as of 31 December 2022.** (Available from IOM Romania on request).
3. **National Agency against Trafficking in Persons, Annual Report on human trafficking phenomena 2020.** <https://anitp.mai.gov.ro/ro/docs/studii/Raport%20anual%202020.pdf>;
4. **Fact Sheet, US Department of State, Office to Monitor and Combat Trafficking in Persons, 2021** <https://www.state.gov/child-friendly-spaces-for-survivors-of-human-trafficking/>

## Strategies (Referred to in the Toolkit.)

1. **Romanian National Strategy against Trafficking in Persons for 2018-2022.** <https://sgg.gov.ro/1/wp-content/uploads/2018/10/ANEXA-1-22.pdf>
2. **National Identification and Referral Mechanism (NIRM) of Victims of Trafficking in Human Beings.** <https://anitp.mai.gov.ro/ro/docs/Proiecte/ISF01/MNIR%20Lb%20Romana.pdf>;
3. **EU Strategy on Combatting Trafficking in Human Beings (2021-2025)** and newly proposed directives at [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_7781](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7781)
4. **EU Directive 2011/36/EU** of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims.
5. **National strategy on the recovery of criminal assets for 2021-2025 adopted by the Romanian Government in 2021.** Retrieved from [https://gov.ro/fisiere/subpagini\\_fisiere/NF\\_HG\\_1172-2022.pdf](https://gov.ro/fisiere/subpagini_fisiere/NF_HG_1172-2022.pdf)

# ANNEX 5

## LUPTA Principles of Cooperation and Victim-centric approach

### PRINCIPLES OF COOPERATION

**LUPTA actors agree to the following principles of cooperation when responding to trafficking in persons cases:**

To cooperate and assist each other to the fullest extent with transparent, continuous, equal cooperation and collaboration and mutual respect, whilst still exercising prudent risk management.

To exercise their commitment in ensuring that victims of trafficking are offered the best available specialized protection and assistance.

Responsible information-sharing, between task force actors, after potential risks of sharing have been assessed, and in compliance with IOM safeguarding measures and IOM Data Protection Principles, and task force actor internal policies and principles. *More information and obligations pertaining to data protection and responsible information-sharing can be found in section 4. herein.*

Application of transnational and national identification and referral mechanism (NIRM) standards and other relevant United Nations humanitarian and National standards.

To take into consideration, to respect and embrace the different purposes of, the mandate, role, expertise and internal processes and internal capacity of each LUPTA task force actor. To include and coordinate with other LUPTA task force actors wherever possible throughout all stages of the investigation and prosecution phases, and/or in decisions that impact the victim, that pertain to the victim's needs and/or in upholding the rights of victims. These considerations and respect will promote complementarity, increase a holistic, shared understanding of the situation, and avoid duplication.

Tasks and responsibilities must be transparent and clear for each LUPTA actor. Each LUPTA actor shall take note of and respect the codes of conduct and rules of confidentiality of other actors.

LUPTA actors will undertake actions agreed upon within the victim's *Individualized Care and Protection Plans*, the investigation and prosecution plan. Where activities fall outside those plans, LUPTA actors should confer wherever possible, with other LUPTA actors prior to taking action in order to prevent uncoordinated action which may harm the common objective of LUPTA.

## A victim centric approach involves:

Ensuring investigators **pursue all corroborating types of evidence, and attempt to build case evidence that is not reliant solely on victim or witness testimony.**

These practices may include heightening financial investigations and drawing upon evidence submissions used from other countries that have successfully conducted prosecutions without victim testimony.



Ensure that **appropriate security measures** are put in place to address risks to victims, their families, and other people that are important to them.



Utilize new and innovative interdisciplinary tools to promote judicial specialization and understanding of trafficking in persons cases.

For example, using forensic psychological evaluations and expert testimony to provide empirical evidence and to increase judicial and law enforcement actor understanding of victim behaviors.



**Ensuring no harm is caused to the victim (their family and the wider community) in the provision of assistance, and the actions pertaining to investigation and prosecution.**

Acknowledging that the words used, support given, and the actions taken by LUPTA task force actors can have a harmful impact on a victim, including their safety, trust, emotional state. LUPTA actors will:

- **Ensure the victim is not treated as an offender**, not arrested, and that any interaction with law enforcement authorities (such as the serving of summons, call for interview etc.) is done in a respectful manner and in coordination with the Victim Protection Coordinator.

- Assure that all LUPTA actors keep an open mind, **do not discriminate against**, do not pass judgement on the circumstances, personal choice or lifestyle of a victim, and ensure the victim is never blamed, never stigmatized or labeled (for instance, do not label a sexual exploitation victim a "prostitute or soliciting person").

- **Understand** that when trafficking is related to a common cultural or traditional practice, a victim who has exited the trafficking situation may attract a **social stigma** or inspire other anti-social reactions. Similarly, cooperating with law enforcement may also attract a social stigma or inspire other anti-social reactions.

- **Avoid the re-traumatization or re-victimization of the victim by taking special measures to reduce the trauma and distress of the victim.** The Victim Protection Coordinator will be a crucial actor in reducing the risk of re-traumatization and harm. Steps may include securing appropriate psychological support and physical protection for the victim, ensuring emotional safety, being empathetic in any contact with the victim, avoiding the continual recounting of experiences, applying victim-centric, trauma-informed approaches to interview or examination procedures and techniques, stopping an interview / examination / procedure if it is negatively impacting the victim, using caution when speaking to the media, only making promises that can be kept, ensuring the victim understands the process and procedure and that they feel listened to, limiting uncertainty and maximizing predictability, being as transparent as possible, anticipating and explaining outcomes, avoiding coercive practices or oppressive language.



Recognizing that all trafficking victims have unique experiences, vulnerabilities and needs and that this means they require **individualized support, assistance, and approaches** to their cases.

In tailoring case management and making decisions that concern or impact the victim, support must be appropriate.

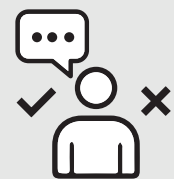
It should be provided in the victim's preferred language, it must be appropriate to the victim and their context including their age, gender, culture, history of trafficking, vulnerability, means of coercion, associated criminal investigations or legal procedures, their perspective and a balance between their rights and criminal justice procedures and processes, and any other factor relevant to the victim's interests and rights.

**Empowering the victim by providing them with choice and voice, allowing them to participate (if they choose to) whenever possible.**

Victims should be consulted and informed of all actions being taken on their behalf or involving them.

Giving the victim control over certain decisions to reduce feelings of powerlessness and focusing on their strengths will facilitate victim recovery, and reintegration.

Further, by providing choice and taking a collaborative approach with a victim, their experience may be improved and might make them more likely to accept support, services and participate in investigation and prosecution efforts, assisting law enforcement.



LUPTA task force actors should, with the victim Protection Coordinator's support, attempt to view things from the victim's perspective. Decisions outside a victim's control should be clearly defined.

Support services and any referrals should be **provided only with the informed consent of**, and in **collaboration** with victims in order to promote their agency and autonomy. A victim should freely give their permission with an understanding of all possible risks / benefits as well as the knowledge of their right to refuse as well as accept. This consent must be re-evaluated continuously.



Victims should be given **unfettered access to assistance. Upholding victim rights, providing protection and assistance** at all stages of the investigation and prosecution, regardless of a victim's willingness to cooperate with law enforcement.

Assistance should be physically accessible and not inaccessible due to physical barriers, safety or security concerns, financial, or social barriers.

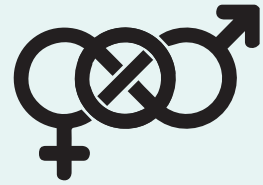
## Human Rights Based Approach



The actions and decisions of LUPTA task force actors should ensure that they do not adversely affect the human rights and dignity of any person, especially victims. **The rights of victims should be at the forefront of all LUPTA efforts.**

LUPTA's intervention, support and services will be **provided without discrimination or prejudice** and without restriction or preference for race, nationality, gender, gender identity, sexual orientation, language, ethnicity, immigration status, religion, property, disability, age, political or other opinion, circumstances, personal choices or lifestyle, medical condition, social status, birth or any other status. The application of the measures with these SOPs and the task force actions will be **consistent with internationally recognized principles of equality and non-discrimination.**

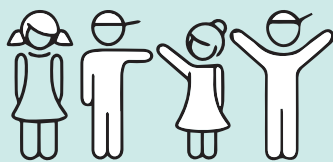
## Gender-sensitive Approach



The similarities and differences in the trafficking experience, vulnerabilities and needs of different genders should be expressly acknowledged and adequately addressed in LUPTA intervention, support and services.

Center-based discrimination and violence, and gender dimensions of trafficking in persons must be recognized. The promotion of gender equality through strategies, intervention, support and services provided by LUPTA is crucial.

**A gender-sensitive approach empowers victims to access information, support, remedies and claim their human rights. This may include providing gender-specific services and services that aim to address gender inequality and / or discrimination.**



## Child-focused Approach

All actions and decisions of LUPTA task force actors which involve children (including child victims) must ensure that the **rights**

**of the child are upheld and that the best interest of the child is the paramount consideration.**

Actions and decisions must be in line with the international Convention on the Rights of the Child. Child victims (and presumed victims) are **entitled to special principles and protection**, regardless of their status.

Support and services for trafficked children must be accessible and age appropriate for the child investigation and prosecution practices must be adapted to ensure consistency with the best interest of the child. Information must be communicated and delivered in a child friendly manner. In the management of a child's case, it must be recognized that family unity is **not** always in the best interest of the child if it presents an unsatisfactory risk of harm to a child or is unsafe for the child.

**When a child is capable of forming their own view, their right to express their views in matters affecting them must be given due weight.** In case management, such weight to a child's views may be given in accordance with age and level of maturity of the child: other considerations to help LUPTA actors determine due weight may include how strongly the child holds their view, how long they have held the views for, whether they have been pressured to form such views and the circumstances in which the views were expressed.

## Accountability



**Victim views should be solicited to ensure no harm and the accountability of LUPTA actors.**

This feedback can be used to adapt and improve services. Victims should have an opportunity to safely provide feedback about different phases and components of the investigation and prosecution phase, and services and support received (or not received). This should be done through the effective systematic use of participatory monitoring and evaluation methods.

**LUPTA will effectively investigate and prosecute all cases of trafficking**, including component acts and related conduct, regardless of the status of the alleged trafficker including allegations made against governmental or non-state actors.

## Holistic Approach



Trafficking in Persons investigations, prosecutions and victim protection responses that do not take a holistic approach involving service providers and consideration of social, political, legal and individualized dimensions are inadequate to the needs of victims.

It is explicitly acknowledged that victim care and victim-centered, holistic, simultaneous approach across various actors to trafficking in persons cases can increase victim participation in criminal investigations and proceeding. This can result in improved outcomes for victims, and higher rates of success in investigations and prosecutions.

**LUPTA will provide a strong case management system with a comprehensive holistic approach whereby protection, support and assistance services will be included, delivered, tracked and monitored throughout all phases of investigation and prosecution.**

## Persons with Disabilities



The impact physical and psychosocial disabilities have on experiences, vulnerabilities and needs must be expressly acknowledged. It is crucial that support and LUPTA task force actions address this.

**Case management must involve consideration of the different and additional discrimination persons with disabilities face to ensure a more comprehensive approach is taken.**

Support and services provided through LUPTA for persons with disability must address these factors and ensure accessibility is given to support services and facilities. Other measures may include screening processes to improve the identification of less visible disabilities, risk assessments and care and security plans which consider potentially heightened vulnerability of the person.



