

Chapter 42 - Identifying victims of trafficking for sexual exploitation

42.1 Scope of the Guidance

This guidance should be followed during all operations where individuals who may be victims of trafficking for sexual exploitation are encountered, so that potential victims are handled in a consistent and sensitive manner.

During operations, enquiries into whether a person is a victim of trafficking should take precedence over enquiries into the individual's immigration status. Officers should be aware that victims of trafficking for sexual exploitation are likely to be classified as vulnerable persons and detention will not normally be appropriate. Officers should refer to 38.10 of the OEM when considering detention.

It is acknowledged that this guidance has its limitations and that it will be updated as knowledge and experience develops.

42.2 The Palermo Protocol

The UN Convention against Transnational Organised Crime (UNTOC) and its two supplementary protocols aims to prevent, suppress and punish trafficking in persons, especially women and children (**trafficking protocol**) and guard against the smuggling of migrants by land, air and sea (**smuggling protocol**)

The trafficking protocol otherwise known as the Palermo Protocol was signed by the United Kingdom on 14 December 2000 and ratified on 9 February 2006. It was the first international instrument to define and address the trafficking problem.

The protocol sets forth three purposes:

- To prevent and combat trafficking in persons, paying particular attention to women and children;
- To protect and assist the victims of such trafficking, with full respect for their human rights; and
- To promote cooperation among State Parties in order to meet these objectives.

42.3 Definition of Trafficking

The 2000 Palermo Protocol's definition on trafficking in persons states:

“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or the use of force or other forms of coercion, or abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

So the essence of trafficking, broadly speaking, is that the person is coerced or deceived into a situation where they are exploited.

Further the UNHCR guidelines of April 2006 on international protection state that “An important aspect of this definition is an understanding of trafficking as a process comprising a number of interrelated actions rather than a single act at a given point in time. Once initial control is secured, victims are generally moved to a place where there is a market for their services, often where they lack language skills and other basic knowledge that would enable them to seek help. While these actions can all take place within one country's borders, they can also take place across borders with the recruitment taking place in one country and the act of receiving the victim and the exploitation taking

place in another. Whether or not an international border is crossed, the intention to exploit the individual concerned underpins the entire process.”

(<http://www.unhcr.org.au/UNHCRguidelinesonInternationalProtection.shtml>)

42.4 Key signs to assist staff in identifying victims/possible victims of trafficking.

The following should assist Officers in making a primary assessment of whether the individuals encountered are or may be potential victims of trafficking for sexual exploitation.

Consider whether there are signs of:

- Threat or actual physical harm to the individual
- Psychological abuse and intimidation
- Restriction on the individual's movement
- Debt bondage: provision of food, accommodation, travel expenses, clothing at very high prices

Consider the individuals physical/health/psychological symptoms of trafficking, for example:

- Fear
- Depression (lack of interest, hopelessness, suicidal)
- Anxiety (tense, restlessness, nervous, suddenly scared)
- Hostility (annoyed and irritated easily, temper outbursts)
- or other physical and health symptoms including: fatigue, memory difficulties, headaches; abdominal and back pain.

Consider whether:

- Wages are being withheld
- Travel documents have been retained or the individuals is in possession of false documents.

Consider whether the individual:

- states he/she was threatened with being reported to the authorities because of his illegal status in the UK
- Mentions that he/she was deceived by the agent/trafficker i.e. false promises, like well-paid work, marriage or access to education system
- Mentions that he/she was recruited through agents
- Shows unfamiliarity with the country
- Was asked or forced to provide sexual services
- Was subjected to crimes such as rape/abduction/kidnapping
- Had opportunity to escape controllers but never sought to take advantage of such opportunities
- Has few, if any friends or family in the UK
- Claims to be older than their actual age - If Officers suspect that an individual may be a child i.e. **under 18 years of age**, then they must contact Social Services immediately.

(These lists are not exhaustive)

42.5 Guidance on handling victims/possible victims of trafficking

Officers are advised to deal with such individuals in a professional and sensitive manner and should be aware that the individuals concerned may be extremely vulnerable. Officers should expect that victims may display suspicion, fear and mistrust of authority figures.

Officers need to be mindful of their gender, appearance and behaviour and how this may have an effect on the victims who could be in a distressed or in a traumatised state. As there may be language & communication barriers (including illiteracy or learning disabilities) Officers will need to think about how best to manage the needs of particular individuals.

It is likely that these individuals will have been isolated from their family circle/friends and living in an unfamiliar country/area. As a result, in addition to possible feelings of fear and intimidation they may feel dependent upon their

controllers. Individuals may on initial contact exhibit an unwillingness to cooperate with authorities, especially if they are in the presence of their controllers or around other victims. In addition victims may not understand the concept or think that they are victims of trafficking. Look out for non-verbal communication and body language between victims and controllers/suspects.

Be aware that victims of trafficking may suffer a wide range of health, mental health, psychological and physical problems. Look out for signs of distress or physical injury and watch for signs of drug/alcohol misuse and associated unusual behaviours.

Victim's participation in any future proceedings will often depend on their psychological, emotional, physical and mental health. It is important to ensure that the appropriate physical healthcare and psychological support is provided to these individuals.

Due to the type of exploitation that these individuals have been subjected to they may be suffering from post-traumatic stress and/or a range of other trauma induced mental or physical illnesses. Also be aware that these individuals may be vulnerable to sexually transmitted infections. It is possible that you may encounter a woman who is pregnant or has been forced to have an abortion. It is therefore likely that some victims will require immediate medical attention and counselling.

For further information on dealing with victims of trafficking Officers should familiarise themselves with the **online trafficking toolkit** at <http://www.Crimereduction.gov.uk/toolkits/tp00.htm>

42.5.1 Conducting interviews

When conducting interviews with victims, Officers may wish to bear in mind that given the level of trauma experienced female victims may prefer to be interviewed by a female Officer. This should be accommodated where it is

both practical and possible to do so. Officers will need to identify the first language of the victim and consider whether an interpreter will be required to facilitate communication. Interpreters should be chosen from the Home Office's own database of Interpreters, and where possible a female interpreter should be provided where requested.

Officers need to maintain an active awareness of the vulnerability of these individuals and their mental, emotional and psychological state during an interview. Officers should work hard to establish a rapport with victims, making them feel comfortable and at ease.

Officers should endeavour to use non-threatening body language, ensuring that they do not overcrowd or intimidate women and that they do not persist in questioning if she seems too traumatised or unable to cope. Victims of trafficking are victims of crime, and although their documents/situation might be implicated in immigration offences, this is the responsibility of the trafficker, not the trafficking victim who has had little or no control. Officers should be aware that victims of trafficking may have been told (and pressured) to lie to the authorities if encountered.

42.5.2 Making referrals

Each case is to be considered on its own individual merits and it should be recognised that some individuals who have experienced exploitation at the hands of traffickers, will need time to recover and reflect on their position. Therefore, if Officers encounter a potential victim of trafficking they should contact the United Kingdom Human Trafficking Centre (UKHTC www.ukhtc.org) on **0114 252 3891** who will be able to advise on making a referral to either a support service, or directly to the **POPPY Project** Duty Officer (tel: **020 7735 2062**). POPPY can provide full time accommodation or outreach support depending on the circumstances.

The UKHTC should be manned between 0800 and 1800 each day. If Officers need to contact the UKHTC out of hours, then an answer machine provides an emergency out of office number.

42.5.3 The POPPY Project

POPPY is a Home Office funded project which is run in partnership with Eaves Housing for Women to provide support and accommodation for adult women who have been trafficked for the purposes of sexual exploitation.

The POPPY Project has eligibility criteria for acceptance onto the project. Only those who meet the criteria will be accepted onto the project. The criteria are to be applied by POPPY Project workers only. Where a POPPY Project caseworker concludes that an individual does not meet the criteria for acceptance onto the scheme, they may recommend other non-governmental organisation that may be able to provide care and assistance.

Women accepted onto the POPPY Scheme will have removal action held in abeyance for a period of four weeks while they give consideration to whether they wish to remain on the Scheme and assist the authorities by providing information about their situation. Those women who remain on the POPPY Scheme will not be subject to removal action for the duration of their stay on the Scheme and where appropriate to do so, leave to remain may be granted on either a limited or permanent basis. Any proposed removal action may be deferred in the appropriate circumstances and leave to remain may be extended where the circumstances of the case determine that this is suitable or necessary.

42.5.4 Victim's participation in future legal proceedings

Requests for the victim to stay in the UK to assist with legal proceedings will usually come from the police and/or Crown Prosecution Service.

Guidance on the process of submitting applications granting leave to individuals for the purposes of appearing as witnesses at trials in the UK can be obtained via home office circular **HO 2/2006** which can be found on <http://www.homeoffice.gov.uk/about-us/publications/home-office-circulars/>

Should Officers require further clarification regarding entry to, extensions of stay in, or deferral of removal from the UK for witnesses they should contact the Central Point of Contact at IND on the numbers listed at Annex B of the 2/2006 home office circular.

Officers should also bear in mind that there may be some individuals who have expressed a willingness to assist the authorities with their enquiries who may still wish to return home. In such situations consideration should be given as to whether the individual could assist the authorities with their investigations and participate in any future legal proceedings from abroad through the use of video conferencing and web links.

42.5.5 Assisted Voluntary Returns

All potential victims of trafficking should be informed of the opportunity to make a voluntary return under the Assisted Voluntary Returns for Irregular Migrants (AVRIM) programme which is particularly aimed at those who have been smuggled or trafficked into the UK. This programme is run in partnership with the International Organization of Migration (IOM) who liaises with the applicant. The AVRIM scheme provides IOM assistance at the port of departure in the UK and assistance with immigration upon arrival in the country of origin if requested. It also meets the cost of a flight to the applicant's country of origin and onward domestic transportation. In some cases IOM will arrange referral to appropriate NGOs in the country of origin for victims of trafficking. Certain cases may also be eligible for some reintegration assistance to help with small business start up, vocational

training or further education courses. Further information can be obtained from the IOM website at www.iomlondon.org

42.6 Conducting visits to premises suspected to be used for prostitution

42.6.1 Pre visit considerations

Staff will need to have regard to any locally prepared risk assessment and conform to its recommendations, as well as any regional or national guidelines for conducting such visits.

Staff should also be aware that due to the contentious nature of the work there is much media interest and publicity and such visits may be accompanied by media personnel. If Officers do not wish to be identified on camera they can opt not to go on such visits or request that no photographs or camera shots be taken of them. Equally, the victims have a right to privacy and consideration must be given to their safety. It is important that their identities remain hidden and if the media are present women should be advised of this and given access to blankets/coverings to protect their identity.

42.6.2 Security and Health and Safety Issues

Compliance with local regional police Vice Unit commands whatever the grade are to be adhered to at all times during visits. Officers need to be aware of how to handle suspected victims and traffickers encountered and at all times comply with the local regional police Vice Units instructions/commands/guidance, to ensure that successful prosecution cases can be mounted against the traffickers.

Officers must be conscious of personal safety at all times and need to be aware of the risk of contamination at vice premises from bodily fluids, drugs,

needles and diseases. Therefore any search of property/premises should be conducted taking adequate precautions.

42.6.3 Conducting the visit

Local regional police Vice Unit are to enter the premises first at all times and Immigration Officers are not to do so until given the go ahead. Staff should be aware that overt PPE equipment (personal protection equipment) may have an effect on a victim's willingness to come forward.

All visits to premises suspected to be used for prostitution are to be conducted sensitively and in a low key manner with minimum disruption to the business premises. Courteous and professional relationships are to be established with all individuals encountered at such premises. Full awareness, acceptance and appreciation of diversity are to be displayed at all times by immigration personnel. Immigration personnel should be aware of the presence of CCTV at most premises and that every word movement, look or gesture is recorded and could lead to an official complaint against the Immigration Service's conduct, particularly when dealing with individuals in a state of undress.

All interviews with any person on the premises during the enforcement operation are to be fully recorded in a note book with details of the date, place, location and persons spoken with. Initial questioning of those identified is to be brief and succinct as it is likely the individuals will not feel safe or comfortable being questioned on the premises. Removing potential victims away from the premises is likely to be the best way of obtaining full and frank answers to any questions and therefore interviews, ideally, should be conducted off site. An officer should never be left alone in a room with any suspected immigration offender of either sex due to risk of allegations of improper conduct being made and or accusations of financial theft (often large sums of cash will be found on premises).

Questions that are directed to individuals found on vice type premises should be based on specific local intelligence and the general situation of individuals

found. Questions should relate to suspected identity of traffickers, specific routes to the UK, situation once in the UK...etc. An example of the range of questions that could be asked is at annex A.

42.6.4 Post Visit

Debriefs of each & every visit will need to be completed; all CID records & NOD to be completed & updated on every visit to premises suspected to be used for prostitution even where no immigration offenders are located.

Annex A

Please find below types of questions that may assist staff when conducting visits to vice type premises. This is not an exhaustive list and is not intended to be used as a specific form of questions that need to be asked. Officers should ask appropriate questions based upon the circumstances of the case.

Details of travel/document(s) used

- i) Was a visa/EC obtained/issued to the individual prior to their entry into the UK?
- ii) If “yes”, in what category was the visa/EC obtained? (e.g. student/ medical/ visit)
- iii) From which visa post was the visa/EC issued?
- iv) What document(s), genuine or forged, were used or supplied to the individual to travel with?
- v) Please provide details of the route that was used by the individual to gain entry to the UK? (if known)

Details of agent (if appropriate)

- i) Was an agent involved at any stage?
- ii) If “yes”, provide a description & details:
- iii) How did the individual know/meet agent?
- iv) What money was paid to the agent to assist in their travel to the UK?
- v) Is the whereabouts of the agent known? (if ‘yes’ record details)

Time in the UK

- i) Did the individual encountered know what they would be coming to do?
- ii) What was the occupation of the individual in their country of origin?
- iii) Did the individual claim to be a different nationality at any time?
- iv) Did they at any time produce a forged/counterfeit doc?
- v) How did they find work?

- vi) What is their working environment like?
- vii) Why have they stayed in their employment?
- viii) Have they tried to leave at all? If so, what happened?
- ix) Where do they live whilst in the UK?

Concluding question

- i) Do you consider that the subject has been trafficked? (NB Trafficking, broadly speaking, entails the coercion or deception of a person into a situation where they are exploited)

Explain how you have reached this decision (i.e. record any information given by the individual being questioned which suggested that they may have been a victim of trafficking including any personal testimony/admission made by the individual concerned).