



ASEAN Intergovernmental
Commission on Human Rights

Human Rights, Gender Sensitive
and Child-Friendly Approaches to
Trafficking in Persons Cases for
Frontline Officers

TRAINING MANUAL





Disclaimer: The Training Manual on Human Rights, Gender Sensitive and Child-Friendly Approaches to Trafficking in Persons Cases for Frontline Officers has been developed by the ASEAN Intergovernmental Commission on Human Rights (AICHR), and supported by the Australian Government through the ASEAN-Australia Counter Trafficking (ASEAN-ACT) program. The views expressed in this publication do not represent the official position or views of ASEAN and ASEAN Member States, and not necessarily the views of the Australian Government, or any other institution.

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The AICHR would like to acknowledge the contributions of the ASEAN-ACT team in developing this Training Manual, especially Mr. Archemides O. Siguan, ASEAN Program Director. The AICHR Indonesia team also provided invaluable support in the finalisation of this training manual.

Jakarta, Indonesia, 2023.

Foreword

Frontline officers play an invaluable role in identifying and providing support and protection to trafficked persons. They are often the first and primary point of contact between trafficked persons and care, protection, and support service providers, and stand between trafficked persons and perpetrators. The work of frontline officers is therefore vital to ensuring that the human rights of trafficked persons, as enshrined in the ASEAN Convention Against Trafficking in Persons, Especially Women and Children and other regional and national instruments, are realised and fulfilled.

Trafficking in persons is a serious human rights violation on several levels. However, responses to trafficking can also cause harm, if not properly implemented. Every trafficked person is unique, and each person will have their own unique experiences, needs, strengths, and vulnerabilities. Responses to trafficking must therefore fully respect, and not adversely affect, the individual human rights and dignity of every trafficked person. In particular, responses to trafficking must be carefully framed to minimise the risk of harm, secondary trauma, or secondary victimisation to trafficked persons. Frontline responders are essential to fulfilling this goal.

Frontline officers face diverse challenges in carrying out their essential work. They may need to address complex and highly sensitive personal situations, involving persons of diverse backgrounds and experiences. They often operate under environments of intense pressure, and with limited time and resources. In recent years, these challenges have been compounded by the effects of COVID-19, which has radically altered patterns and forms of exploitation, the experiences of victims, and the way that anti-TIP interventions and services to victims are delivered.

In recognition of these common regional challenges, and the diverse challenges of each ASEAN Member State in ensuring a rights-based response to countering trafficking in persons, the ASEAN Intergovernmental Commission on Human Rights has developed this training program for Human Rights, Gender Sensitive and Child-Friendly Approaches to Trafficking in Persons Cases for Frontline Officers.

This training program is intended to build the capacity of frontline officers across ASEAN Member States to work with trafficked persons in a human rights-based, gender-sensitive, and child-sensitive manner. Building upon the ASEAN Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities, and the ASEAN Gender Mainstreaming Strategic Framework 2021–2025, this training program also includes practical guidance and approaches for frontline officers to incorporate gender and social inclusion mainstreaming into their day-to-day work.

We are grateful with the support from the ASEAN-Australia Counter Trafficking (ASEAN-ACT) program in developing this training program. The publication of this training program is reflective of the joint commitment and partnership of ASEAN and the Government of Australia to countering human trafficking and supporting and protecting the rights of trafficked persons in the ASEAN region.



H.E. Wahyuningrum

Chair and Representative of Indonesia to AICHR

Remarks

Message from Australia's Ambassador to ASEAN

Australia commends the ASEAN Intergovernmental Commission on Human Rights (AICHR) for advancing human rights mechanisms in ASEAN, including to counter trafficking in persons. This training manual on Human Rights, Gender Sensitive and Child-Friendly Approaches to Trafficking in Persons Cases for Frontline Officers is an initiative led by AICHR and supported by Australia through the ASEAN-Australia Counter Trafficking (ASEAN-ACT) program. Australia is pleased to support this important resource as part of our partnership with ASEAN and all Member States to implement the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP).

Importantly, this training manual incorporates insights and views from all ASEAN Member States and participants from across the region. This resource has been developed specifically for trainers responsible for delivering training to frontline responders in ASEAN Member States, and provides practical guidance on how to apply human rights-based, gender-sensitive, disability-inclusive, and child-friendly approaches when handling trafficking cases.

Trafficking in persons is a heinous crime that requires transnational and multi-disciplinary efforts to address. Frontline responders – including police, border guards, social workers, and non-governmental organisations – play a pivotal role in the identification of victims of trafficking and in referring victims to appropriate protection and support. It is therefore imperative that frontline responders understand and apply human rights-based approaches in handling trafficking cases. Applying a human rights lens when handling trafficking cases includes understanding the diverse experiences and needs of victims of trafficking which may be influenced by factors such as gender, age, ethnicity, disability, and socio-economic status, and tailoring protection and support services accordingly. The prospect of successful prosecutions and justice for all parties is also increased by applying a human-rights based approach.

I wish to commend the AICHR for its leadership, input and endorsement of this training manual. Australia looks forward to continuing its strong partnership with AICHR to increase the capacity of ASEAN Member States to fulfil their obligations under the ACTIP, with a shared commitment to integrate victim-centred, gender-sensitive and inclusive approaches to countering trafficking in persons.



H.E. Will Nankervis

Australian Ambassador to ASEAN

About this Training Manual

Under the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (**ACTIP**), the ASEAN Member States (**AMS**) have committed to establish comprehensive policies, programmes, and other measures protect trafficked persons, and to provide them with appropriate care, protection, and support.¹ AMS have also committed to ensuring that competent authorities dealing with TIP cases are equipped with the appropriate knowledge and skills in relation to the protection of trafficked persons.²

In support of those commitments, the ASEAN Intergovernmental Commission on Human Rights (**AICHR**) has developed this training manual to build the capacity of frontline officers in AMS to apply human rights-based, gender sensitive, disability-inclusive, and child friendly approaches when handling TIP cases. The objectives of this Training Manual are also consistent with AICHR's role pursuant to the ASEAN Political-Security Community (2016-2025) Blueprint, in relation to promoting the interaction and consultation between AICHR and other relevant ASEAN sectoral bodies and other stakeholders concerning the protection and promotion of human rights, and the fulfilment of AICHR's contribution towards the Bohol Trafficking in Persons Work Plan 2017-2020.³ This Training Manual is prepared pursuant to the AICHR 2020 work plan and taking into account the discussion and presentation during the AICHR Training on the Human Rights, Gender Sensitive and Child-Friendly Approaches to Trafficking in Persons Cases for Frontline Officers held on 15-17 November 2021.

Frontline officers play a key role in countering TIP and the protection of trafficked persons. They are central to the prevention of trafficking crimes, the early and effective identification of trafficked persons, the conduct of investigations, and the protection of trafficked persons. Frontline officers are often the first and most critical point of contact between trafficked persons and support and protection service providers (whether state-based or non-governmental). Ensuring that frontline officers are well trained in rights-based, gender-sensitive, disability-inclusive and child-friendly approaches to handling TIP cases is likely to improve outcomes for trafficked persons in terms of minimising the risk of harm, secondary trauma, or secondary victimisation, arising from interactions with frontline officers, as well as increasing the likelihood that trafficked persons' human rights will be respected.

Such an approach is also likely to improve law enforcement outcomes. Trafficked persons who are treated in a rights-based, gender-sensitive, disability-inclusive and child-friendly manner are more likely to build greater relationships of trust and confidence with authorities. This in turn is likely to contribute to improved victim identification decisions, and higher-quality information from trafficked persons to support law enforcement investigations and criminal prosecutions.⁴

1 See, e.g., ACTIP, Articles 11(1)(b), 12(g), 14(5), 14(7), 14(10), 14(12), and 16(6).

2 ACTIP, Article 16(1).

3 ASEAN Political-Security Community (2016-2025) Blueprint, A.2.5.viii.

4 Bernadette Sherry and Miriam Cullen (2007) *The Criminal Justice Response to Trafficking in Persons: Practical Problems with Enforcement in the Asia-Pacific Region*. Global Change, Peace & Security, 19(3), 205 – 220.

Who is this Training Manual For?

This Training Manual is intended for trainers responsible for delivering training to frontline officers. The target frontline officers for this training are low-to-middle-ranking frontline officers in AMS. These may include investigators and officers operating in specialist anti-trafficking units, border control officers, social workers, caseworkers, medical responders, non-government organisation and civil society organisation staff, and other responders who come into contact with TIP situations in their day-to-day duties. The target audience is expected to have some baseline knowledge of human rights, gender-sensitive, and child-friendly approaches, but may require a refresher or more structured and comprehensive training on these topics. Other topics, such as disability-inclusive approaches, may be entirely new to the target audience.

How to use this Training Manual

This package consists of this Training Manual, and an accompanying set of Training Exercises and Case Studies.

This Training Manual is intended to be used by trainers (i.e., people who will be delivering training to other frontline officers). It will help guide trainers on how to deliver the training content to participants, but the contents of this manual can also be shared with training participants as reference material for them to keep after the completion of the training.

This Training Manual is divided into six different modules. Each module can be delivered as an individual training session, or together as part of a larger training program. At the start of each module, there is a statement of the intended learning outcomes for participants, suggestions on how to deliver the module content, as well as a list of suggested reading materials for participants.

Suggested activities for each module have been included in a separate set of Training Exercises and Case Studies that accompany this Manual. These exercises and case studies are designed to test participants' knowledge of the training content, and to give them an opportunity to practice and implement the practical skills that this training program aims to develop. Activities include role play exercises, case study activities, and quizzes.

Suggested timings have also been included for each module and activity. These suggested timings are intended to be suggestions only. More or less time may need to be allocated to different modules and activities depending on the background, knowledge, and experience of the training participants. The suggested timings also assume that the training will be delivered in-person and without interpretation. Additional time should be allocated if the training will be delivered remotely, and/or there will be interpretation.

It is important to remember however that this Manual is only intended as a Manual. As a trainer, you will know your own audience and their context best. You should therefore adjust the content and delivery method of the materials in this training manual to best suit the needs of training participants – taking into account their level of knowledge and experience, and what they hope to gain from the training. The information contained in this Manual is also drawn from ASEAN and international laws, guidance, standards, and good practices. The specific laws, procedures, and practices that affect frontline officers will however differ from country to country. It is therefore important for trainers to adapt the training material to the specific local context of training participants.

List of Abbreviations

ACTIP	: ASEAN Convention Against Trafficking in Persons, Especially Women and Children
AICHR	: ASEAN Intergovernmental Commission on Human Rights
AMS	: ASEAN Member States
ASEAN	: Association of Southeast Asian Nations
ILO	: International Labour Organization
OHCHR	: Office of the United Nations High Commissioner for Human Rights
TIP	: Trafficking in Persons
UNODC	: United Nations Office on Drugs and Crime

Glossary of Key Terms and Concepts

Term	Definition	Reference
Do No Harm	<p>The principle that the human rights of trafficked persons must be at the centre of all efforts to prevent, combat, and remediate human trafficking, and that anti-trafficking measures shall not adversely affect the human rights and dignity of trafficked persons.</p> <p>Any actions taken in relation to trafficked persons must not be detrimental or prejudicial to their rights, or physical and psychological safety.</p>	<p>OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking</p> <p>OHCHR Fact Sheet No.36 on Human Rights and Human Trafficking</p>
Forced Labour	<p>All work or service which is extracted from any person under the menace of a penalty and for which the said person has not offered himself voluntarily.</p> <p>Certain acts set out in Article 2(2) of ILO Convention No.29 do not constitute forced labour, these are: compulsory military service, normal civic obligations, prison labour carried out under the supervision and control of a public authority and not for private individuals, companies or associations, emergencies, and certain forms of minor community service.</p>	<p>ILO Convention No.29 (1930)</p> <p>ILO Protocol to the Forced Labour Convention 1930</p>
Gender Equality	<p>Gender equality refers to women and men having equally respected rights, and equal access to resources and opportunities. It is concerned with the situation of men and women. However, as it is often women and girls who face greater risks and vulnerabilities in different sectors, it is often associated with a greater focus on women and girls.</p>	<p>ASEAN Gender Mainstreaming Strategic Framework 2021-2025</p>
LGBTQI	<p>Lesbian, gay, transgender, queer, and intersex.</p>	<p>UN Free and Equal: Definitions</p>
Migrant Smuggling	<p>The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state of which the person is not a national or permanent resident.</p>	<p>Protocol against the Smuggling of Migrants by Land, Sea and Air (2000)</p>

Term	Definition	Reference
Presumed victim (of trafficking in persons) or presumed trafficked person	A person whose circumstances indicate they may have been trafficked, but they have not yet been formally or officially identified as a trafficked person.	UNODC (May 2019) E4J University Module Series: Trafficking in Persons & Smuggling of Migrants, Module 8: A Human Rights-Based Approach to Trafficking in Persons
Rights-based/ Victim-sensitive approach	<p>The concept of the victim-sensitive approach is related to, but not identical to, the do no harm principle. It refers to the concept that the victim, and the rights of the victim, must be at the centre of all actions taken to prevent, combat, and remediate human trafficking, and should be the primary consideration in decision-making processes.</p> <p>The concept of a rights-based approach is similar to the victim-sensitive approach. It is based on the idea that a victim is an individual whose rights must be placed at the centre of every action and decision, and that actions should be taken with the objective of protecting, respecting, and vindicating the rights of the individual.</p>	<p>OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking</p> <p>OHCHR Fact Sheet No.36 on Human Rights and Human Trafficking</p> <p>Bali Process Guide on Enhancing a Victim-Centered Approach</p>
Slavery	The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised	<p>1926 Convention to Suppress the Slave Trade and Slavery;</p> <p>1956 Supplementary Convention on the Abolition of Slavery</p> <p>International Covenant on Civil and Political Rights, Article 8</p>
Social Inclusion	Social inclusion is linked to social exclusion, which refers to when individuals or groups are unable to participate in the economic, social, political, and cultural life of their society. They can be economically excluded from or have restricted access to labour markets, land, and livelihood opportunities; they can be politically excluded from or have restricted access to citizenship rights, the ability to organise, exercise voice, demand rights and influence decision-making that affects their lives; and they can be socially excluded or have restricted access to infrastructure, basic services and amenities, social protection, public safety and social networks.	ASEAN Gender Mainstreaming Strategic Framework 2021-2025

Term	Definition	Reference
Trafficking in persons (TIP)	<p>The recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.</p> <p>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.</p>	<p>ASEAN Convention Against Trafficking in Persons, Especially Women and Children, Article 2</p>

Icons

Icons have been introduced to help users:



to stress the importance of the subject



to refer to case studies



to refer to law



to complete the training exercise



to discuss or conduct role play

Module 1:

ASEAN and International Frameworks on Human Rights, Women’s Rights, Children’s Rights, and the Rights of Persons with Disabilities in the Context of Human Trafficking

Learning Objectives for Trainers

By the end of this module, trainers should be able to

- Clearly explain to training participants the concepts of human rights, women’s rights, children’s rights, victim’s right to justice and the rights of persons with disabilities in a way that is appropriate to the needs and capacity of training participants;
- Identify and access the sources of these rights in international law and ASEAN regional instruments, and supporting guidelines;
- Clearly explain to training participants the key general principles that apply to all aspects of working on trafficking in persons cases, including the rights-based and victim-centric approach, the non-criminalisation principle, the ‘do no harm’ principle, the ‘best interests of the child’ principle, and gender equality and social inclusion; and
- Clearly explain to training participants why frontline responders need to be aware of these rights, the role of frontline responders in ensuring that these rights are respected and protected, and how these rights can have a practical impact on the day-to-day work of frontline officers.

Learning Objectives for Participants	<p>By the end of this section, participants should:</p> <ul style="list-style-type: none">• Understand and explain, in general terms, the concepts of human rights, women’s rights, children’s rights, trafficked persons’ right to justice and the rights of persons with disabilities.• Understand and explain where to find the sources of these rights in international law and ASEAN regional instruments, and supporting guidelines.• Explain the meaning of the key general principles that apply to all aspects of working on TIP cases, including the rights-based and victim-sensitive approach, the non-criminalisation principle, the ‘do no harm’ principle, the ‘best interests of the child’ principle, and gender equality and social inclusion.• Understand and explain the reasons why frontline officers need to be aware of these rights, the role of frontline officers in ensuring that these rights are respected and protected, and how these rights can have a practical impact on the day-to-day work of frontline officers.
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Delivery Techniques/ Activities	<ul style="list-style-type: none"> • Training Exercise 1: Pre-training self-assessment (15 minutes) • Presentation (PowerPoint) by the trainer – 2 hours (including discussions) • Training Exercise 2: Post-training quiz (15 minutes)
Supporting Documents/ Recommended Reading	<ul style="list-style-type: none"> • Universal Declaration of Human Rights (1948) • International Covenant on Civil and Political Rights (1966) • The UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (2000) • ASEAN Convention against Trafficking in Persons, Especially Women and Children (2015) • UN Convention on the Elimination of All Forms of Discrimination Against Women (1979) • ASEAN Declaration on the Elimination of Violence Against Women and the Elimination of Violence Against Children in ASEAN (2013) • UN Convention on the Rights of the Child (1989) • ASEAN Declaration on the Protection of Children in the Context of Migration (2019) • ASEAN Consensus and Declaration on the Protection and Promotion of the Rights of Migrant Workers (2017) • UN Convention on the Rights of Persons with Disabilities (2006) • The ASEAN Enabling Masterplan 2025: Mainstreaming The rights of persons with disabilities (2018) • ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007)
Suggested Duration	2.5 hours

1. Who are frontline officers in TIP cases?

- 1.1. Frontline officers are government and non-government employees and volunteers whose day-to-day work brings them into direct contact with trafficked persons or their families, witnesses, and perpetrators/defendants in trafficking cases.
- 1.2. Frontline officers include, but are not limited to, law enforcement officers. They may include:
 - investigators and officers operating in specialist anti-trafficking units
 - border control officers

- social workers
- child protection officers
- caseworkers
- medical or psychological services providers
- emergency services workers
- non-government organisation staff
- lawyers (whether prosecutors, defence lawyers, or representatives of trafficked persons)
- human rights advocates
- community leaders
- other responders who come into contact with trafficking situations in their day-to-day duties.

2. Why is understanding how to adopt a human rights-based, gender equality and social inclusion-based, age-sensitive, and disability-inclusive approach important for frontline officers?



Complete Training Exercise #1 Pre-Training Self-Assessment

- 2.2. Frontline officers play a crucial role in the support and protection of trafficked persons. They are often the first point of contact between trafficked persons and the justice system, and serve as the interface between trafficked persons and protection and support services (whether state-based or non-state-based). Frontline officers are also often the key gatekeepers for trafficked persons to be able to access their rights and to receive support services. For this reason, the way in which frontline officers engage with and respond to the needs of trafficked persons often have a significant effect on trafficked persons' wellbeing and realisation of their rights.
- 2.3. Trafficked Persons are not a homogenous group. Each person will have their own unique background and experiences, and this will influence the trafficked person's individual protection and support needs. Factors such as the person's age, gender, background, immigration status, any disabilities, and other personal characteristics will all also interact to affect the needs of the trafficked person and that person's interactions with and responses to frontline officers. Frontline officers therefore need to understand how to engage with trafficked persons and others in a holistic human rights-based, gender,

age, and disability-sensitive manner. That is why, in this training, all of these concepts are discussed together rather than as separate issues, because in real life all of these different elements of a person's background will combine and overlap.

- 2.3. Where trafficked persons are not treated with proper care and respect for their rights this can have significant negative consequences. For the trafficked person, they may be at risk of re-traumatisation (becoming traumatised again from recalling or recounting past traumatic experiences), or secondary victimisation (feeling victimised or traumatised as a result of their treatment by the criminal justice system or other processes).
- 2.4. Where trafficked persons have negative experiences with frontline officers, this may decrease their trust and confidence in the authorities or other support services providers. This in turn may make trafficked persons less willing to access support and protection services, or provide information that may assist with enabling trafficked persons to access justice. Ensuring that trafficked persons are treated appropriately and in a human rights-based, age, gender, and disability-sensitive manner can therefore lead to improved outcomes for individual trafficked persons, as well as better law enforcement and criminal justice outcomes. As UNODC states:⁵

”

“...victims are more likely to assist authorities where they feel safe and their needs are met. In this way, an effective criminal justice response to trafficking in persons is intrinsically tied to a human rights-based approach to the crime - they are mutually reinforcing”

– UNODC, Criminal Justice Responses to Trafficking in Persons

”

- 2.5. Frontline officers also have a primary responsibility to ensure that trafficked persons' rights are protected and respected, as frontline officers typically have the most frequent day-to-day interactions with trafficked persons. Where frontline officers fail to properly respect a trafficked persons' rights or treat trafficked persons with proper gender, age, and disability-inclusivity, then trafficked persons' rights are unlikely to be realised in practice.
- 2.6. While much of the existing training and guidance for frontline officers focuses on trafficked persons, frontline officers have a duty to ensure that the rights of all other persons they interact with are protected and respected. This includes the rights of alleged perpetrators, defendants in human trafficking legal cases, witnesses, and the relatives of trafficked persons. Ensuring that the rights of alleged perpetrators and defendants in TIP cases are respected is critical to, among other things, ensure that all persons are treated equally with dignity and respect for their rights, and that defendants' rights to a fair trial and to due process according to the law are adhered to.

⁵ UNODC, Criminal Justice Responses to Trafficking in Persons. Available at: <https://www.unodc.org/e4j/en/tip-and-som/module-9/key-issues/challenges-to-an-effective-criminal-justice-response.html>. See also Bernadette McSherry and Miriam Cullen (2007) The Criminal Justice Response to Trafficking in Persons: Practical Problems with Enforcement in the Asia-Pacific Region, Global Change, Peace & Security, vol. 19, pp. 205-220.

- 2.7. Given the important role of frontline officers in protecting and realising the rights of all persons who they interact with, it is critical that they understand how to apply a human rights-based, gender equality and social inclusion-based, age-sensitive, and disability-inclusive approach to their work. Following these approaches will have significant positive benefits both in terms of improving the experiences of those whom frontline officers interact with on a daily basis, but also in improving frontline officers' ability to perform their own work.
- 2.8. This module provides a foundation for frontline officers to have a uniform understanding of what are human rights, the human rights of women and lesbian, gay, bi-sexual, transgender, queer and intersex community (**LGBTQI**) persons, children's rights, migrant rights and the rights of persons with disabilities. It will cover what these concepts mean, where the sources of these concepts can be found in international and ASEAN regional instruments, and the key principles that come from these concepts and how they can have a practical effect on the work of frontline officers.

3. Understanding human rights, women's human rights, children's rights, the rights of persons with disabilities, and the rights of trafficked persons

- 3.1. In this training program, different terms will be mentioned – including the human rights-based approach, gender equality and social inclusion (**GESI**), children's rights and age-sensitivity, and the rights of persons with disabilities. This section will provide an introduction to what we mean by each of these concepts, where these concepts come from, and how they affect the duties and responsibilities of frontline officers.

What are human rights?

- 3.2. Human trafficking is a serious violation of human rights. Human trafficking is often described as a 'crime of many crimes', and trafficked persons can experience serious violations of their human rights, human dignity, and personal integrity in many different ways. This can include being subjected to physical, sexual, or psychological harm, being deprived of liberty, but also being subjected to degrading treatment, being denied freedom of choice of employment and to receive fair pay for their work, and discriminatory treatment, among other things.
- 3.3. Furthermore, human rights violations are often both a cause and consequence of, human trafficking. For this reason, it is important for frontline officers to understand what are human rights, and how to apply a human rights-based approach to their day-to-day work.
- 3.4. Human rights can be understood as rights that every person has because they are a human being. Human rights are therefore inherent to every person. They are not granted or given by any state, authority, or other person. Human rights are:

- **Universal:** Every person is equally entitled to their human rights – without distinction of any kind, such as race, gender, age, language, religion, political or other opinion, national or social origin, economic status, birth, disability or other status.⁶
- **Inalienable:** Human rights cannot be taken away from any person.⁷ However, human rights can be restricted at times, and in other circumstances a particular human right may not be engaged. For example, the right to liberty may be restricted if a person has been convicted of a crime following a fair trial and a due legal process and sentenced to imprisonment.⁸
- **Indivisible and interdependent:** All human rights are enjoyed together, and cannot be separated from one another. Human rights must be treated equally and with the same emphasis – no one human right is more important than any other. For example, the right to freedom of thought, conscience, and religion,⁹ cannot be fully enjoyed and realised without the right to freedom of opinion and expression.¹⁰
- **Equal and non-discriminatory:** All persons are born free and equal in dignity and rights.¹¹ In other words, every person has the same human rights regardless of who they are. Related to this, is the principle of non-discrimination. Non-discrimination means that every person is entitled to the exercise of their rights without distinction,¹² and to be free from being discriminated against on account of their race, gender, age, language, religion, political or other opinion, national or social origin, economic status, birth, disability or other status.¹³

3.5 It is important to note that all human rights apply in every situation, and it is not true that there are no exceptions to when certain human rights may apply. Human rights can be classified into rights that are **absolute** and **non-absolute**, as well as rights that are **derogable** and **non-derogable**.

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“All human rights are universal, indivisible, interdependent and interrelated. All human rights and fundamental freedoms in this Declaration must be treated in a fair and equal manner, on the same footing and with the same emphasis. At the same time, the realisation of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds.”

– ASEAN Human Rights Declaration

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- An absolute human right is a human right that **cannot be limited or restricted for any reason**, with no exceptions. By contrast, a non-absolute human right is one that can be limited or restricted under certain circumstances.

⁶ ASEAN Human Rights Declaration, Articles 1, 2, and 7.

⁷ OHCHR, What are human rights? Available at: <https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>.

⁸ ASEAN Human Rights Declaration, Article 4.

⁹ ASEAN Human Rights Declaration, Article 22.

¹⁰ ASEAN Human Rights Declaration, Article 23.

¹¹ ASEAN Human Rights Declaration, Article 1.

¹² ASEAN Human Rights Declaration, Articles 2 and 9.

¹³ ASEAN Human Rights Declaration, Article 3 and 9.

- Human rights can also be classified as rights that are derogable, and rights that are non-derogable. A non-derogable human right is a right that **cannot be temporarily suspended under any circumstances**, including in a time of war or national emergency. By contrast, a derogable human right is one that can be temporarily suspended (or derogated from) in specific circumstances, such as in a war or time of national emergency.
- A human right can be both absolute and non-derogable. In other words, the human right has no exceptions, and cannot be suspended under any circumstances.
- A human right can also be non-absolute, but non-derogable. This means that there are certain situations in which the human right can be limited or restricted, but the right cannot be temporarily suspended altogether.
- A human right **cannot be non-absolute and derogable**. A derogable human right is, by definition, not absolute (because the exercise of the right can be suspended in certain circumstances).

3.6. Perhaps the most well-known example of an absolute and non-derogable right is the right not to be subjected to torture or to cruel, inhuman and degrading treatment or punishment, as protected under Article 7 of the International Covenant on Civil and Political Rights and Article 14 of the ASEAN Human Rights Declaration. There are no exceptions to this right, or circumstances under which this right can be limited. In other words, torture can never be justified for any reason, or under any circumstances. It is therefore an absolute right. The right to be free from torture is also a non-derogable right, meaning that even in times of crisis, war, or emergency, the right to freedom from torture cannot be suspended.¹⁴

3.7. You may wish to explain the concept of absolute and non-derogable human rights with the help of the discussion exercise below (in which case, do not give the examples above before conducting the discussion exercise).¹⁵ For frontline officers, the key point to take away from this is to know that there are some human rights that cannot be restricted for any reason.

¹⁴ International Covenant on Civil and Political Rights, Article 4(2).

¹⁵ Answers (by reference to the ICCPR): 1. Not absolute, non-derogable. 2. Non absolute, derogable. 3. Absolute, non-derogable. 4. Absolute – but there are certain matters that are excluded from the definition of forced labour, derogable. 5. Non-absolute, derogable. 6. Non-absolute, derogable. 7. Non-absolute, derogable. 8. Absolute, non-derogable.



Discussion Point: Absolute and non-derogable rights

Within your training group, divide the participants up into small groups or pairs. Ask each group or pair to consider one of the following human rights, and decide whether they think this human right is absolute and/or non-derogable (as a matter of international law). Invite each group or pair to share their answers with the other participants, and explain their reasons why. Where possible, ask each group or pair to give examples to support their explanation.

1. The right to life
2. The right to liberty, and to be free from arbitrary arrest and detention
3. The right to be free from slavery
4. The right to be free from forced or compulsory labour
5. Freedom of thought, conscience, and religion
6. No retrospective operation of criminal laws
7. Right to recognition before the law
8. The right to be free from torture and cruel, inhuman, and degrading treatment or punishment

What are the sources of human rights and where can they be found?

- 3.8. Having understood what human rights are, the next issue to consider is where these human rights can be found. Human rights are recognised and recorded in several different instruments. These include international legal instruments, regional instruments, and national laws.
- 3.9. Many human rights are set out in international legal instruments, including the Universal Declaration on Human Rights (**UDHR**), the International Covenant on Civil and Political Rights (**ICCPR**), and the International Convention on Economic and Social Rights (**ICESCR**). These human rights instruments are general in nature in that they apply to all persons. Other international human rights legal instruments refer to specific groups of people, such as women and girls, children, and persons with disabilities, these include the Convention on the Elimination of Discrimination Against Women (**CEDAW**), the Convention on the Rights of the Child (**CRC**), and the Convention on the Rights of Persons with Disabilities (**CRPD**).
- 3.10. These international legal instruments impose duties and obligations on the states that are parties to them under international law. Generally speaking, States' human rights obligations under international law include the obligation to:¹⁶
 - **Respect human rights:** The state must not unduly interfere with or restrict a person's enjoyment of their human rights.
 - **Protect human rights:** The state must protect people against violations of their human rights.
 - **Fulfil human rights:** The state must create conditions to facilitate or enable the enjoyment of human rights.

¹⁶ OHCHR, What are human rights? Available at: <https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>.

- 3.11. Therefore, states have both **negative** and **positive obligations** under international human rights law. They must **refrain** from interfering with or restricting a person's human rights. But they must also **act** to protect people against violations of their human rights, and create conditions to enable the enjoyment of human rights by all people under that state's jurisdiction.
- 3.12. Frontline officers engaged in countering TIP and supporting trafficked persons play a vital role in fulfilling states' obligations under international human rights law. Frontline officers who are government employees are agents of the state. The state therefore fulfils its human rights obligations through the actions and conduct of its frontline officers. If frontline officers do not respect human rights when carrying out their duties, then this will undermine the states' ability to fulfil its human rights obligations under international law. Frontline officers who are not government agents or employees also have an important role in fulfilling a state's human rights obligations. If these frontline officers do not respect human rights, then this will undermine the state's ability to carry out its duty to protect and fulfil human rights. It is therefore important for all frontline officers, regardless of where they work, to understand how to adopt a human rights-based approach to their work when handling cases of TIP.
- 3.13. In addition to international legal instruments, there are many regional-level legal instruments on human rights. Regional legal instruments are similar to international legal instruments in that they create obligations under international law on the states that are party to them. However, unlike international legal instruments, regional legal instruments are usually only open to signature by a smaller group of states, rather than any country that wishes to join. Often, these regional legal instruments are agreed under the framework of a regional institution, such as ASEAN, or the Council of Europe.
- 3.14. Within ASEAN, there are many regional legal and policy frameworks on human rights that are especially relevant to TIP cases. These include the:
- **ASEAN Convention Against Trafficking in Persons, Especially Women and Children**
 - **ASEAN Human Rights Declaration**
 - **ASEAN Declaration on the Elimination of Violence Against Women and the Elimination of Violence Against Children in ASEAN**
 - **ASEAN Declaration on the Protection of Children in the Context of Migration**
 - **ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers**
 - **Bali Declaration on the Enhancement of the Role and Participation of the Persons With Disabilities in the ASEAN Community (2011-2020)**
 - **ASEAN Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disability**

3.15. The ASEAN Convention Against Trafficking in Persons, Especially Women and Children contains several provisions that relate to the rights of trafficked persons. For frontline officers in ASEAN, the ACTIP and other ASEAN regional instruments provide an important point of reference for common standards that have been agreed upon by the ASEAN member states as being applicable across ASEAN. This is particularly important for frontline officers who are involved in handling transnational or cross-border human trafficking cases involving more than one ASEAN Member State, as the standards in these ASEAN regional instruments provide a common basis for understanding, information sharing, communication, and collaboration between frontline officers in different ASEAN Member States.

The ASEAN Convention Against Trafficking in Persons, Especially Women and Children

The ASEAN Convention Against Trafficking in Persons, Especially Women and Children (**ACTIP**) is the foundational ASEAN-level regional instrument in the field of trafficking in persons. **Palermo Protocol – different countries have differing laws around trafficking – including different AMS – but this is the consensus across ASEAN and that is what we are using as a baseline. Builds on Palermo – this definition is widely drawn from the Palermo Protocol – the ASEAN and intl. standards are similar.**

The ACTIP aims to prevent and combat trafficking in persons, provide for the effective punishment of offenders, promote legal co-operation and mutual legal assistance between states parties to meet the objectives of the ACTIP, and provide for measures for the protection, assistance, and repatriation of victims. The ACTIP also seek to promote coordinated enforcement and collaborative action amongst the ASEAN Member States to better prevent trafficking in persons and protect and assist victims.

In addition to trafficking in persons, the ACTIP also requires states parties to criminalise related offences including money laundering, corruption, and obstruction of justice.

Article 14 of ACTIP also provides for core rights and protections for trafficked persons, including:

- the right to physical and personal safety
- the right to privacy
- the right not to be held criminally or administratively liable, for unlawful acts committed by them, if such acts are directly related to acts of trafficking, and not to be placed in detention (this is known as the **'non-criminalisation' principle**)
- the right to access housing support, receive counselling and information, access medical and psychological services, material assistance, and employment and educational opportunities
- the right to receive financial compensation
- the requirement that measures for the protection and support for victims of trafficking take into account the age, gender, and other needs of the trafficked person

The ACTIP was signed on 21 November 2015 and came into force on 8 March 2017. All ASEAN Member States have ratified the Convention. The ACTIP therefore serves as the foundational binding regional legal instrument relating to trafficking in persons in ASEAN, and is a common frame of reference to guide and coordinate all ASEAN-level efforts to combat trafficking in persons and protect victims, and is therefore a foundational standard that underpins all aspects of this training program. References to the relevant provisions of ACTIP will be included throughout this training program.

3.16. Finally, human rights may be enshrined in national-level legal instruments, including state constitutions and national human rights laws. These instruments will be binding only under the national law of that specific country. Often, national human rights laws will reflect international human rights laws, as states will use national human rights laws to give effect to their international human rights law obligations.

The Human Rights-Based and Victim-Sensitive Approach

3.17. Having introduced the concept of human rights, and where the sources of these human rights can be found, the next key issue for frontline officers is how to take the framework of these rights, and apply them in their day-to-day work.

3.18. There are a number of key principles that will be introduced in the following sections that can help frontline officers to implement and realise human rights in their daily work. These include the human-rights-based and victim-sensitive approach, the ‘do no harm’ principle, and the principle of non-criminalisation.

3.19. The human-rights-based and victim-sensitive approach is a fundamental principle that frontline officers can apply to ensure that human rights are protected and respected. The human-rights-based approach is the way in which frontline officers can put the human rights legal framework described above into practice in their daily work.

3.20. TIP is first and foremost a serious violation of human rights, and an offence to the dignity of human beings.¹⁷ Further, human rights violations are often both a cause and a consequence of TIP.¹⁸ For that reason, ASEAN and international standards recognise that human rights must be at the centre of all anti-trafficking efforts, and in all measures for the protection and support for trafficked persons.¹⁹ This is known as the ‘human-rights-based approach’. This approach is clearly summarised in the ASEAN Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons, as follows:

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“Human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist, and provide redress to victims. These principles should be considered / be referred to at all stages of the process of supporting victims of trafficking”

ASEAN Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons

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¹⁷ ASEAN Convention Against Trafficking in Persons, Especially Women and Children, Preamble; ASEAN (2016) ASEAN Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons, Page 5.

¹⁸ OHCHR (2002) Recommended Principles and Guidelines on Human Rights and Human Trafficking, Guideline 1

¹⁹ ASEAN Convention Against Trafficking in Persons, Especially Women and Children, Preamble; ASEAN (2016) ASEAN Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons, Page 11; OHCHR (2002) Recommended Principles and Guidelines on Human Rights and Human Trafficking, Guideline 1

3.21. Placing the human rights of trafficked persons at the centre means recognising the primacy of human rights. In other words, anti-trafficking measures, and any measures for the protection, assistance, or to provide redress to trafficked persons, must not adversely affect the human rights of the trafficked person.²⁰

The human rights of trafficked persons must therefore take priority to all other considerations, including the need to prosecute alleged offenders or secure a criminal conviction.

3.22 Applying a human-rights based approach means that all laws, policies, and procedures that may be engaged in a TIP case must be viewed as tools to protect and respect the human rights of trafficked persons – and not means of prosecuting offenders, securing convictions, or pursuing other objectives.



Discussion Point: The Human Rights-Based Approach and Shelter Based Care

Even measures that are intended to be for the benefit of a trafficked person can, in certain circumstances, adversely affect their human rights. For example, a trafficked person may be required to remain in a closed shelter until the completion of a criminal prosecution – with limited contact with the outside world and no ability to work or return to their country of origin.

Such measures could be seen to be for the protection and safety of the trafficked persons. However, if these measures implemented without the trafficked person's informed consent, they could be seen to be a violation of their human rights. Taking measures would therefore not be consistent with a human-rights-based approach in this situation.

3.23. The rights-based approach also means that trafficked persons should be meaningfully involved in the planning and implementation of any assistance provided to the victim. This includes ensuring the victim has access to relevant information, and is not discriminated against in any aspect of the planning and implementation of assistance measures.²¹

3.24. It is also important to remember that adopting a human rights-based approach involves respecting the human rights of all persons involved in a human trafficking case – including the alleged perpetrator and defendants in TIP cases. As noted above, human rights are inherent and inalienable and therefore apply to every person – including alleged perpetrators. This is especially important as, in some situations, trafficked persons may themselves be perpetrators of trafficking offences or accessories to the crime. The phenomenon of “victim perpetrators” is discussed in more detail later in this training program.

²⁰ ASEAN (2016) ASEAN Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons, Page 11; OHCHR (2002) Recommended Principles and Guidelines on Human Rights and Human Trafficking, Principle 3 and Guideline 1.

²¹ ASEAN (2016) ASEAN Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons, Guideline 2.6

‘Do no harm’

- 3.25. The ‘do no harm’ principle is related to the human-rights-based approach. The do no harm principle requires that any actions taken in respect of a victim of trafficking must not adversely affect the human rights and human dignity of that person, cause the victim harm of any kind – including with respect to that person’s physical, psychological, material, and emotional safety and wellbeing.
- 3.26. Put simply, ‘do no harm’ can be understood as ensuring that no action is taken with respect to a person that would make that person’s situation worse in the short or long term.²²



Discussion point: ‘Do no harm’ and medical evidence

Suppose that a medical worker wants to examine a recently rescued trafficked person, because the medical worker suspects that person may have experienced sexual violence. The examination could yield evidence that would help identify the perpetrator.

However, the trafficked person appears to be highly traumatised and does not want to speak to anyone or consent to the examination. In this situation, trying to pressure the trafficked person to undergo the medical examination (or even subject her to the examination against her will) could have serious consequences for their mental health. Further, if the examination is conducted without the trafficked person’s informed consent, this could amount to a serious violation of her human rights. In this situation, proceeding with the examination would not be in line with the ‘do no harm’ principle or the human rights-based approach – even though this action could be seen, on one view, as being in the trafficked person’s best interest in that situation.

- 3.27. Adopting proper trauma-informed, age, gender, and culturally sensitive approaches to working with trafficked persons – as detailed in the later modules of this training manual (see in particular Module 2) - can help to realise the ‘do no harm’ principle in practice.

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“Before any action is taken, consideration should be made to ensure to minimise the harm of any kind that will be caused to that victim”

ASEAN Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons

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²² World Health Organisation (2003) WHO Ethical and Safety Recommendations for Interviewing Trafficked Women, Page 5.

Non-criminalisation

- 3.28. Trafficked persons should be seen as persons who have experienced serious human rights violations, and not as criminals. This is known as the ‘non-criminalisation principle’. The non-criminalisation principle recognises that trafficked persons may have, as a result of having been trafficked, violated certain laws.
- 3.29. For example, a person who is trafficked for forced labour into a country may have violated immigration laws due to not entering the country through regular channels or for working without a visa. To give another example, a sex worker may have been trafficked for the purpose of sexual exploitation. However, sex work may be illegal in the country where the victim is working. Due to the nature of human trafficking as a crime of exploitation and control – the victim is often likely to have unwillingly committed these crimes, or may have been deceived or coerced into committing them by the perpetrator. Where such crimes are directly related to acts of trafficking, the victim must not be held liable for those offences – whether under criminal law or administrative laws.
- 3.30. The non-criminalisation principle also requires that states should not hold trafficked persons in detention or prison prior to, during, or after, any civil, criminal, or administrative proceedings relating to TIP cases.²³

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“Each Party shall, subject to its domestic laws, rules, regulations, and policies, and in appropriate cases, consider not holding victims of trafficking in persons criminally or administratively liable, for unlawful acts committed by them, if such acts are directly related to acts of trafficking”

ASEAN Convention Against Trafficking in Persons, Especially Women and Children, Article 14(7)

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Non-discrimination

- 3.31. Non-discrimination and equality are core human rights principles. Article 2 of the ASEAN Human Rights Declaration provides that *“every person is entitled to the rights and freedoms set forth herein, without distinction of any kind, such as race, gender, age, language, religion, political or other opinion, national or social origin, economic status, birth, disability or other status”*.²⁴ Non-discrimination is likewise a fundamental principle underpinning ACTIP.²⁵

²³ ASEAN Convention Against Trafficking in Persons, Especially Women and Children, Article 14(8).

²⁴ ASEAN Human Rights Declaration, Article 2. See also: Articles 3, 7, and 9.

²⁵ ACTIP, Article 1(2).

3.32. Discrimination can take many forms, and can include:

- **Direct discrimination:** Where a law, policy, or practice, expressly treats one group of people differently from another *on the basis of a protected characteristic* (e.g., race, gender, age, language, religion, political or other opinion, national or social origin, economic status, birth, disability or other status).²⁶

Example: A law which provides that women will earn a lower minimum wage than men.

- **Indirect discrimination:** Where a law, policy, or practice is expressed to apply equally to all people, without distinction, but in practice affects one group of people differently to another – because pre-existing inequalities and power imbalances among different are not addressed in the apparently neutral law, policy, or practice.²⁷

Example: A policy requires all prisoners to shave their heads, without exception. Although this policy is phrased neutrally, it will have different impacts on different groups of people. For example, women or Sikh prisoners may be disproportionately affected by the requirement to shave their heads compared to other prisoners. Therefore, this policy could be considered indirectly discriminatory on the basis of gender and/or religion.

3.33. Non-discrimination therefore means more than just treating everybody the same. Non-discrimination means that people of diverse groups should be able to enjoy and exercise their human rights on an equal basis to others. This may require specific measures to be taken to ensure that power imbalances and inequalities among different groups are addressed.²⁸ For example, ASEAN has published the ASEAN Gender Sensitive Guidelines for Handling Women Victims of Trafficking in Persons, which are intended to help guide frontline officers in ASEAN Member States on how to fully realise and protect the rights of women in trafficking cases.

Gender equality and social inclusion

3.34. The concept of gender equality is grounded in principles of equality, non-discrimination, participation, and inclusion.²⁹ The principle of non-discrimination is expressly recognised in Article 1(2) of ACTIP as an overarching principle of ASEAN's anti-TIP commitments. According to the ASEAN Gender Mainstreaming Strategic Framework 2021-2025:³⁰

26 Committee on Civil and Political Rights (1989) General Comment No.18: Non-Discrimination, paragraphs 6-7; Committee on the Elimination of Discrimination Against Women (22 October 2010)

27 Committee on Civil and Political Rights (1989) General Comment No.18: Non-Discrimination, paragraphs 7, 8, and 10; Committee on the Elimination of Discrimination Against Women (22 October 2010), General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women, paragraph 16.

28 Committee on Civil and Political Rights (1989) General Comment No.18: Non-Discrimination, paragraphs 7, 8, and 10; Committee on the Elimination of Discrimination Against Women (22 October 2010), General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women, paragraphs 17, 19, and 20.

29 UNODC (2021) Toolkit for Mainstreaming Gender Equality into Criminal Justice Interventions to Address Trafficking in Persons and Smuggling of Migrants, page 12.

30 ASEAN (2021) ASEAN Gender Mainstreaming Strategic Framework 2021-2025, page 31.

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Gender equality refers to women and men having equally respected rights, and equal access to resources and opportunities. It is concerned with the situation of men and women. However, as it is often women who face greater risks and vulnerabilities in different sectors, it is often associated with a greater focus on women.

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3.35. UNODC provides the following definition of gender quality:³¹

Gender equality refers to the equal rights, responsibilities, and opportunities of men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female.

Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognising the diversity of different groups of women and men. Gender equality is not just a women's issue, but should concern and fully engage men as well as women.

Equality between men and women is seen as both a human rights issue and a precondition for, and indicator of, sustainable people-based development.

3.36. Gender equality is especially relevant in the context of trafficking cases as women and girls are disproportionately affected by trafficking. UNODC estimates that 65% of trafficked persons globally are women and girls.³² In addition, there is increasing evidence showing that LGBTQI persons are at risk of trafficked persons due to their increased marginalisation, stigmatisation, and ostracization in many societies.³³ Promoting the human rights of, and countering discrimination against, women and people of diverse gender identities are therefore important aspects of a rights-based approach to countering human trafficking.

3.37. Social inclusion is related to, but not the same as, gender equality. Social inclusion is an important part of ensuring a human-rights-based approach to countering TIP.

3.38. Social inclusion refers to improving the ability, opportunity, and dignity of people to take part in society. According to ASEAN Gender Mainstreaming Strategic Framework 2021-2025:³⁴

Social inclusion is linked to social exclusion, which refers to when individuals or groups are unable to participate in the economic, social, political, and cultural life of their society. They can be economically excluded from or have restricted access to labour markets, land, and livelihood opportunities; they can be politically excluded from or have restricted access

³¹ UNODC (2021) Toolkit for Mainstreaming Gender Equality into Criminal Justice Interventions to Address Trafficking in Persons and Smuggling of Migrants, page 12; see also UNICEF Regional Office for south Asia (2017) Gender Equality: Glossary of Terms and Concepts. Available at: <https://www.unicef.org/rosa/media/1761/file/Gender%20glossary%20of%20terms%20and%20concepts%20.pdf>.

³² UNODC (2020) Global Report on Trafficking in Persons 2020, page 31.

³³ UNODC (2020) Global Report on Trafficking in Persons 2020, page 37.

³⁴ ASEAN (2021) ASEAN Gender Mainstreaming Strategic Framework 2021-2025, page 31.

to citizenship rights, the ability to organise, exercise voice, demand rights and influence decision-making that affects their lives; and they can be socially excluded or have restricted access to infrastructure, basic services and amenities, social protection, public safety and social networks.

4. Understanding Children's Rights

- 4.1. According to UNODC, 34% of trafficked persons globally are children.³⁵ In addition, some trafficked persons may initially appear to be adults, or have identification documents that show their age as being over the age of 18 – but who subsequently are determined to be children. While in many ASEAN Member States, there are specialist units and agencies that work specifically with children and child trafficked persons, it is important for all frontline officers to understand the rights of children, and how to adopt an age-sensitive approach, as they are likely to interact with persons of all ages in their duties.
- 4.2. Children have the same basic human rights as adults. However, children also have special needs and unique vulnerabilities. In recognition of this, there are many international, regional, and national legal instruments that aim to promote and protect the rights of children.
- 4.3. Of these, one of the most well-known is the United Nations Convention on the Rights of the Child (**CRC**). The CRC is the most widely-ratified international human rights law instrument, and has been ratified by all ASEAN Member States. According to UNICEF:

Children and young people have the same general human rights as adults and also specific rights that recognize their special needs. Children are neither the property of their parents nor are they helpless objects of charity. They are human beings and are the subject of their own rights.

The Convention on the Rights of the Child sets out the rights that must be realized for children to develop to their full potential.

The Convention offers a vision of the child as an individual and as a member of a family and community, with rights and responsibilities appropriate to his or her age and stage of development. By recognizing children's rights in this way, the Convention firmly sets the focus on the whole child.

The Convention recognizes the fundamental human dignity of all children and the urgency of ensuring their well-being and development. It makes clear the idea that a basic quality of life should be the right of all children, rather than a privilege enjoyed by a few.³⁶

- 4.4. ASEAN has also enacted various instruments on the protection of the rights of children. In the context of child trafficked persons, ACTIP requires each ASEAN Member State to take into account the age, gender, and special needs of trafficked persons, in particular

³⁵ UNODC (2020) Global Report on Trafficking in Persons 2020, page 31.

³⁶ UNICEF, The Convention on the Rights of the Child. Available at: <https://www.unicef.org/child-rights-convention/child-rights-why-they-matter>

the special needs of children.³⁷ In 2019, the ASEAN Member States also adopted the ASEAN Declaration on the Rights of Children in the Context of Migration, which among other things, acknowledges the need to enhance the identification, referral, and protection of, and assistance to all children in the context of migration, including children who have become trafficked persons.³⁸

The ‘best interests of the child’ principle

- 4.5. The ‘best interests of the child’ principle is not specific to human trafficking cases, but applies to all actions concerning children. The best interests of the child principle is fundamental to ensuring that children’s rights are respected and protected in practice. This principle originates from Article 3 of the United Nations Convention on the Rights of the Child, described above, which states that:³⁹

”

“In all actions concerning child victims, whether undertaken by public or private social welfare institutions, police, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”

United Nations Convention on the Rights of the Child, Article 3

”

- 4.6 The ‘best interests of the child’ principle means that in any action taken, or decision made, with respect to a child, must be in the best interests of that child. The child’s best interests must be the primary consideration over all other factors – including law enforcement objectives.
- 4.7. For example, a child may have been trafficked by their parents and exploited for the purpose of producing pornography. Prosecutors may wish to have the child testify and give evidence against their parents in court. While the child may be a source of valuable evidence for prosecutors, the most important consideration is whether it would be in the best interests of that child to possibly undergo the trauma of having to recount their experiences in court, as well as the added stress and pressure of being required to testify against their parents. In these circumstances, it may be considered not to be in the best interests of that child to testify in court.
- 4.8. Because the ‘best interests’ principle applies to all decisions and actions concerning children, it is critical that frontline officers who encounter children – or who may not work directly with children but whose decisions may affect children (e.g., the children of trafficked persons) – understand this principle and know how to apply it in practice.

³⁷ ACTIP, Article 14(12).

³⁸ ASEAN Declaration on the Rights of Children in the Context of Migration, Article 3.

³⁹ See also ASEAN Declaration on the Rights of Children in the Context of Migration, Article 1.

5. Understanding the rights of persons with disabilities

- 5.1. Persons with disabilities can be at increased risk of TIP due to overlapping factors including a lack of economic opportunities, discrimination, social exclusion, and a lack of support networks. Data from UNODC shows that physical disability was a factor taken advantage of by traffickers in at least 3% of human trafficking cases reported globally.⁴⁰ In recognition of this, some ASEAN Member States, such as Malaysia, have recently increased the legal protections for trafficked persons with disabilities.

Malaysia: Anti-Trafficking in Persons and Anti-Smuggling of Migrants (Amendment) Act 2021

In December 2021, Malaysia passed the Anti-Trafficking in Persons and Anti-Smuggling of Migrants (Amendment) Act 2021. Among other things, the Act introduces a new criminal offence of Trafficking of children or persons fully unable to take care of or protect themselves because of a physical or mental disability or condition.

This new law significantly increases the protections available to victims of trafficking in persons with physical or mental disabilities by making it easier to prove cases of human trafficking where the trafficked person is a person with a physical or mental disability. Specifically, where the trafficked person is a person who is fully unable to take care of or protect themselves because of a physical or mental disability or condition, the legal standard needed to prove a case of human trafficking is the same as if the trafficked person is a child.

- 5.2. Trafficked persons, their relatives, perpetrators, and other persons that frontline officers come into contact may have disabilities of many different forms. Often, these may not be visible or immediately apparent. For this reason, frontline officers need to understand the rights of persons with disabilities, and how to adopt a disability-inclusive approach to their work.
- 5.3. Persons with disabilities enjoy all the same human rights as any other person. However, adaptations often need to be made so that persons with disabilities can fully enjoy all their human rights and to enforce their rights where these rights have been violated. Further, persons with disabilities may require greater protections of rights in certain areas. For these reasons, among others, the Convention on the Rights of Persons with

⁴⁰ UNODC (2020) Global Report on Trafficking in Persons 2020, page 11.

Disabilities (CRPD) was adopted by the UN General Assembly in 2006. The Convention has been ratified by 9 ASEAN Member States and has been acceded to by Myanmar.

5.4. The CRPD seeks to embody a **human rights-based approach to disability**. According to OHCHR, the human rights-based approach to disability:⁴¹

- acknowledges that persons with disabilities are subjects of rights, and the state and others have obligations to respect these persons;
- treats barriers to persons with disabilities in society as discriminatory, and provides avenues to persons with disabilities to complain when presented with such barriers;
- places a duty on states to ensure that discriminatory barriers are removed;
- seeks to help people with disabilities to help themselves so that they can participate in all aspects of economic, social, cultural, and political life, and to defend their rights through accessing justice.

5.5 In 2011, ASEAN adopted the Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in the ASEAN Community. Among other things, the Declaration calls upon the ASEAN Member States to ensure the fulfilment of the rights of persons with disabilities in all aspects of life through mainstreaming disability perspective in the development and implementation of ASEAN policies and programmes across the economic, political security and sociocultural pillars of the ASEAN Community.⁴² This includes, therefore, ASEAN efforts and policies to counter TIP. In 2019, ASEAN adopted a new ASEAN Enabling Master Plan 2025 for Mainstreaming the Rights of Persons with Disabilities which seeks to build upon the Bali Declaration from 2020 onwards. Among other things, the Master Plan specifically acknowledges the need for purposive and programmatic outreach to persons with disabilities who are trafficked persons.⁴³



Complete Training Exercise #2 Post-Training Quiz

41 OHCHR (2019) The Convention on the Rights of Persons with Disabilities: Training Guide, page 10. Available at: https://www.ohchr.org/Documents/Publications/CRPD_TrainingGuide_PTS19_EN%20Accessible.pdf

42 ASEAN, Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in the ASEAN Community, Article 5.

43 ASEAN, Enabling Master Plan 2025 for Mainstreaming the Rights of Persons with Disabilities, paragraph 1.5.

Module 2:

Practical Steps to Implement a Rights-Based, Gender-Sensitive, Disability-Inclusive, and Child-Friendly Approaches in the Investigation of TIP Cases

Learning Objectives for Module 2

At the end of this module, trainers will have the necessary knowledge and skills to:

Provide participants with an understanding of the practical steps that frontline officials can take during the investigation stage of human trafficking cases to adopt a rights-based, gender-sensitive, disability-inclusive, and child-friendly approach.

Equip participants with practical tools to adopt a rights-based and victim-centric approach when working with trafficked persons and FL, including coaching participants on interview techniques and soft skills for working with vulnerable.

When working with trafficked persons at the investigation stage, frontline officers should have two objectives in mind: to build a strong legal case, and to protect trafficked persons from further harm. Frontline officers may conduct interviews to obtain accurate and detailed information from the trafficked person for the identification process. Interviews may also be conducted to progress a criminal investigation against the offender. However, throughout these processes, frontline officers should be mindful to ensure that the trafficked person's personal security is not at risk and moreover, that their physical and mental well-being is healthy. This Module aims to illustrate how these dual objectives are mutually reinforcing and complementary and equip frontline officers the necessary practical knowledge and skills to collect testimony while meeting client care principles.

1. Section 1: Client Care

Learning Objectives for Participants	By the end of this section, participants should understand the key client care and/or professional conduct principles relevant to TIP cases and how to apply these in practice.
Delivery Techniques/Activities	<ul style="list-style-type: none"> • Presentation (PowerPoint) by the trainer (1 hour 40 minutes, including discussions) • Training Exercise 33: Quiz on client care principles (20 minutes)
Supporting Materials	<ul style="list-style-type: none"> • IOM Handbook on Direct Assistance for Victims of Trafficking (Appendix 1) • Do No Harm Guide for Working with Trafficked Persons, ASEAN-ACT, May 2021 • ASEAN Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons
Suggested Duration	2 hours

Right to Information and Informed Consent

- 1.1. The ASEAN Gender Sensitive Guideline recognizes the importance of the principle of informed consent, and requires that “*each victim should be able to make a choice based on all available facts, freely and voluntarily*”.⁴⁴ Being fully informed about, and having the ability to make decisions that impact their health, well-being, their future, the criminal justice process and available support services, are fundamental rights of every trafficked person. Providing trafficked persons with information regarding their rights and responsibilities, available support services, medical examinations, the status of legal proceedings/investigations and the criminal justice process, is also a key tenet of professional conduct for frontline officers.
- 1.2. If done correctly, the process of **requesting**⁴⁵ informed consent can also help restore a TIP trafficked person’s sense of control, choice and predictability. When individuals are trafficked, they often lose control over their body and life to their traffickers. As a frontline officer, ensuring that a victims’ right to information and right to consent are respected is therefore not only an important tenet of professional (and in some cases also legal) obligations, but also a form of client care.

⁴⁴ Section 2.4.1 of the ASEAN Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons; ACTIP Article 14(10)(b), which refers to the rights of victims to receive counselling and information, especially as regards their legal rights, in a language that the victim understands. See also ASEAN Plan of Action against Trafficking in Persons, Especially Women and Children, paragraph (g), and COMMIT Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region, part II (10).

⁴⁵ Sometimes, people refer to informed consent being “taken”. However, it is important that the language around informed consent makes clear that it is always voluntary. Informed consent is requested or sought. It is never taken, or obtained.

Discussion Point: Informed Consent

Within your training group, invite participants to consider and share their answers to the following questions. You may provide your own feedback and responses to the answers provided, or ask other participants to comment and share their own thoughts, comments, and reactions to these questions:

1. What do you understand “informed consent” to mean?
2. In your day-to-day work, do you ever need to ask someone to give informed consent, when?
3. What does seeking someone’s informed consent look like?
4. How do you know when someone has or has not given their informed consent?

1.3. Informed consent should be sought, at a minimum, where the trafficked person is requested to participate in:

- identification procedures;
- the criminal justice process (e.g., as a witness, complainant, or civil party in a criminal trial) – including the taking of any forensic samples;
- the receipt of rehabilitation services (including the provision of shelter, counselling, or psychological support);
- the provision of reintegration services;
- the provision of return assistance;
- the provision of medical or healthcare procedures; and
- participation in research, education, training, outreach, or awareness-raising activities.

1.4 While the type and level of detail that must be provided in order to request consent will depend on the specific circumstances. It should generally include the following:⁴⁶

- An introduction to the persons involved, including their name, position, and role;
- Detailed description of what consent is being requested for, including step-by-step description of the process and the timelines involved;
- Reasons for or benefits of the activity that consent is being requested for;
- Risks and dangers associated with the activity;
- Advanced notice of any part of the activity that could be potentially sensitive, upsetting or challenging for the individual;
- Notice of their rights in relation to the activity and what is expected from their participation;

46 IOM (2015) Handbook on Direct Assistance for Victims of Trafficking

- Notice of their rights to any documents and data relating to the process;
- Reassurance that their information will be kept confidential.

1.5 Informed consent may be sought in writing (e.g., through the use of written form) provided it is in a language the trafficked person understands (or the form is translated by an interpreter). However, it may not be appropriate to use a written form, for example, when working with persons with different levels of literacy or persons with disabilities. In such cases, the informed consent may be requested and given verbally. If so, a contemporaneous record of the verbal consent should be made, and such record should be acknowledged by the person giving consent.

1.6. To request truly informed consent, the way in which the information is provided is also important. Language, culture, gender, physical and mental capacity, and age can all be barriers to gaining genuine, fully informed consent. The individual may fear persons in positions of authority or believe that their participation in the activity for which consent is sought is a condition of obtaining assistance. They may want to please the frontline officer or be reluctant to show inability to understand and/or fear asking for clarification. They may agree to what is being asked in order to expedite an uncomfortable or stressful interaction. Frontline officers can help reduce these barriers by adopting the following good practices:⁴⁷

- Adopt a neutral, professional and compassionate tone and attitude;
- Encourage the individual to ask questions and clarify anything they do not understand;
- Use language that the individual will understand and avoid the use of technical terms;
- Ascertain that the individual has understood the information provided through observing for signs of comprehension and asking verifying questions;
- Assure them that there are no penalties or punishments for refusing all or part of the request;
- Assure them that there are no right or wrong answers;
- Be careful not to over promise or overstate the benefits of participating in the activity;
- Ensure that an interpreter is present, where required;
- Use consent forms, where appropriate. Written consent might not be appropriate where the individual is not literate;
- Conducting a risk assessment and taking steps to protect against risk (see Section 2 below).

1.7. In certain cases, the individual may not be able to meet the basic standards for informed consent. In the case of children and individuals with psychosocial disabilities, consider with reference to the applicable laws, whether they are in a position to give legally valid consent. If not, ensure that consent is requested through a legal guardian or legal counsel.

⁴⁷ Adapted from the IOM Handbook on Direct Assistance for Victims of Trafficking and ASEAN-ACT Do No Harm Guide for Working with Trafficked Persons.

1.8. It is important to note that the right to information should also apply to perpetrators or defendants and in particular, they should be informed of the conduct of criminal proceedings against them, including the expected timeline and their role in the criminal proceedings, and availability of legal assistance.

Confidentiality

1.9 The ASEAN Gender Sensitive Guideline states that “*service providers should keep the affairs and information of victims confidential except where disclosure is required or permitted by the victim assistance process or permitted by the victim*”.⁴⁸ Ensuring that the trafficked person’s confidentiality is maintained is important for their safety and welfare, and that of any other witnesses. This includes making certain that all information about and provided by the trafficked person is kept securely, and that the individual is informed of specific measures taken to ensure their confidentiality.

Figure 1 – Maintaining Confidentiality⁴⁹



⁴⁸ ASEAN Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons, Section 2.3.1.

⁴⁹ Adapted from the IOM Handbook on Direct Assistance for Victims of Trafficking.

1.10. Note also that the ACTIP obliges ACTIP governments to protect the privacy and identity of trafficked persons, including – among other things – by making legal proceedings related to such trafficking confidential.⁵⁰

Data Protection

1.11. Data collected by frontline officers through working with trafficked persons provides a useful fountain of knowledge, which can then be used to develop policy, targeted interventions and improve protections for those vulnerable to trafficking. However, in the collection, storage and dissemination of data, it is important that data is protected. Since this data inevitably includes highly personal information such as very intimate details regarding the individual’s personal and medical history, place of residence, name and addresses of their family, there is a significant scope for potential misuse.

Figure 2 – Good Practices for Data Protection⁵¹



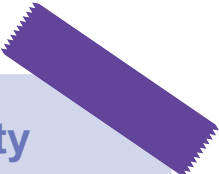
Gender, Age, Culture, and Disability Sensitivity

1.12. Taking a gender-sensitive, age-sensitive, culturally and disability-inclusive approach requires an understanding of the gender and cultural norms the trafficked person is subjected to and/or how the person’s age, mental and/or physical capacity may impact the way in which they interact with frontline officers. Such an approach also requires an awareness of how the frontline officer’s pre-conceptions of gender and cultural stereotypes may affect their interactions with the trafficked person and/or where the person’s age or disability may give rise to the need for special protective measures.

1.13. The table below highlights behaviours that trafficked persons may exhibit due to their gender, cultural background, age or disability, or how biases based on gender, cultural, age or disability may impact a frontline officer’s response. Practical tips on how to address these risks are also suggested below.

⁵⁰ Article 14(6), ACTIP.

⁵¹ Adapted from ASEAN and IOM (2015) ASEAN and Trafficking in Persons: Using Data as a Tool to Combat Trafficking in Persons



Discussion Point: Gender, Age, Culture, and Disability Sensitivity

Within your training group, invite participants to consider and share their answers to the following questions. You may provide your own feedback and responses to the answers provided, or ask other participants to comment and share their own thoughts, comments, and reactions to these questions:

1. What do the terms gender, age, culture, and disability sensitivity mean to you?
2. As a frontline officer, do you think that gender, age, culture, and disability sensitivity are important to your work?
3. Can you provide an example of a time when taking a gender, age, culture, or disability-sensitive approach has had a positive effect on you, your work, or on a beneficiary that you work with?
4. What are some examples of ways that you or your organisation promotes a gender, age, culture, or disability-sensitive approach?

Table 1. Gender, Age, Culture, Disability Sensitivity

	The Trafficked Person’s Circumstances or Conduct	Practical Considerations for Frontline Officers
Gender	A woman is recounting a harrowing experience of physical abuse but does not cry and appears emotionless.	<ul style="list-style-type: none"> Female witnesses who do not show any overt emotion might be perceived as “bad” witnesses or not as credible by frontline officers. Their suffering may also be minimized and therefore, they may not receive access to required psychological support. It is important to understand that each person responds to trauma differently. The fact that a female witness does not cry does not mean that she has not suffered any harm. Understand that recounting incidents of sexual violence can trigger feelings of shame and self-blame, and trafficked persons may also fear being stigmatized. Thus, trafficked persons may be reluctant to disclose the details of their experience.
	A male sex worker who was rescued from a brothel vehemently denies that he was subject to any sexual abuse. A male victim of sexual exploitation may feel very ashamed by what has happened to them and is not forthcoming about their experiences in interviews. They may exhibit avoidant behaviour. In his previous interactions with law enforcement, he may have experienced stigmatism and feels reluctant to provide details about his experiences.	<ul style="list-style-type: none"> Ensure that the trafficked person has access to counselling support or where appropriate, peer-to-peer support, e.g., opportunity to share their experiences with other male survivors of sexual exploitation. Don’t take strong reactions personally and be aware of managing your own emotional responses when interacting with the trafficked person.

	The Trafficked Person's Circumstances or Conduct	Practical Considerations for Frontline Officers
Age	A trafficked child is visibly shaking and scared when approached by law enforcement officials. They may not cooperate in the provision of evidence.	<ul style="list-style-type: none"> Utilize child-sensitive procedures and ensure that they are accompanied by an appropriate guardian. This could also include ensuring continuity in the relationships between child and professionals (e.g., social workers and interpreters). Use modified court environments and interview rooms designed for children.
	A trafficked child is 15 years old and appears to be fairly mature and independent. They may want to exercise a greater degree of autonomy over decision-making processes relating to their welfare, participation in legal proceedings and where applicable, repatriation.	<ul style="list-style-type: none"> Provide them with the opportunity to be heard and to participate in any judicial and administrative proceedings affecting them, either directly, or through a legal guardian or the equivalent thereof. Try to provide as much information about the legal proceedings and other processes relating to their welfare. Set out clear expectations on what to expect in the processes.
	A trafficked child is often tired during interviews. They fidget and are unable to concentrate. They may appear dazed or confused during interviews and make it challenging to prepare the witness statement.	<ul style="list-style-type: none"> During interviews, ensure that you give them frequent breaks and offer them toys to play with. It will likely be in the best interests of the child to provide evidence in the morning, when they are likely to be more fresh and alert.

	The Trafficked Person's Circumstances or Conduct	Practical Considerations for Frontline Officers
Culture	<p>Psychiatric illness is perceived as highly taboo within the person's community. The trafficked person may be reluctant to provide a victim impact statement or participate in counselling or psychological assessments.</p>	<ul style="list-style-type: none"> Do not force the trafficked person to make a victim impact statement or to participate in counselling or psychological assessments. Do not label trauma-affected persons as 'sick', 'difficult' or 'un-cooperative', frontline officers should understand that their behaviour may be a survival/ adaptive response to that traumatic event. Understanding a person's symptoms can help reduce the guilt and shame associated with trauma.
	<p>In the person's culture, it is perceived to be disrespectful to talk about adverse or negative experiences. The trafficked person avoids making eye contact because it is considered disrespectful in their culture. The trafficked person may gloss over details of their experience or avoid discussing certain topics. In their testimony, the trafficked person may try to minimize the extent of the harm suffered.</p>	<ul style="list-style-type: none"> Understand that the person is not lying or being deliberately evasive. Understand that avoiding eye contact should not be interpreted as a sign of guilt or affect the person's credibility. Be patient and explain the purpose of conducting the interview and how more detailed information can support this purpose. Multiple interviews may be required to obtain all the information required.

	The Trafficked Person's Circumstances or Conduct	Practical Considerations for Frontline Officers
Disability ⁵²	The trafficked person is having trouble communicating with the frontline officer and does not appear to be able to hear what is being said. They are making gestures with their hands but seem unable to respond to the officer verbally. It is challenging for the frontline officer to prepare a coherent record of the victim's experience.	<ul style="list-style-type: none"> Consult with persons with disabilities prior to any interviews on their communication needs and preferences. Plan for the provision of reasonable accommodation for persons with disabilities who face barriers to communication (e.g. budget for provision of sign language interpreters), and ensure that the frontline officer is trained to work with persons with disabilities.
	The trafficked person is not receiving any mental health and well-being support services as there are no counsellors who are trained to work with persons with psychosocial disabilities.	<ul style="list-style-type: none"> Ensure that persons with disabilities are identified and that their needs are assessed at the first point of contact. Make sure that services and infrastructures take account of and include those with physical, hearing, visual, intellectual and psychosocial disabilities. Establish referral systems to ensure that persons with disabilities reach relevant service providers.

Professional Conduct and Professional Ethics

- 1.14. Certain frontline officers such as, public prosecutors, lawyers, doctors and psychologists may be subject to additional codes of conduct or professional ethics rules. When interacting with trafficked persons, these groups should be mindful of both the principles for working with trafficked persons (including the “do no harm” principles and the rights-based approach set out in Module 1 and the client care principles outlined above) as well as the applicable professional conduct rules.
- 1.15. There may however, be instances where the principles for working with trafficked persons will override professional codes of conduct. For example, a lawyer might be subject to a professional duty to keep client information confidential however, the information provided by the client indicates that children will be put at risk unless an intervention occurs. In these cases, the best interests of the child and the “do no harm” principles will likely take precedent over the general duty of confidentiality, and most codes of conduct will likely incorporate such exceptions.



Complete Training Exercise #3 Quiz on Client Care Principles

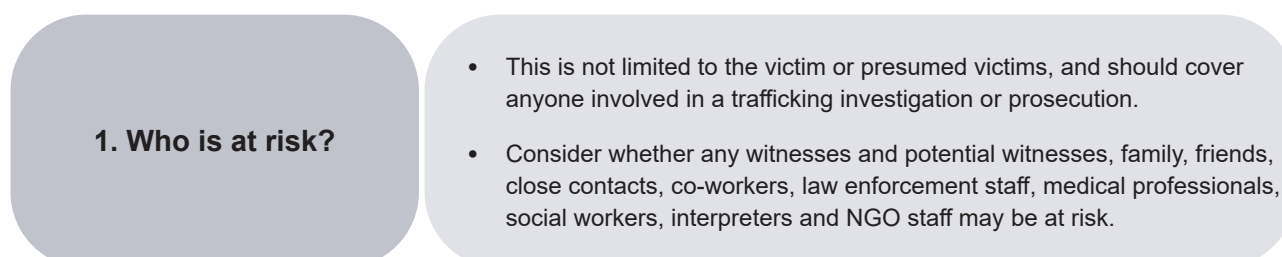
⁵² Adapted from UN High Commissioner for Refugees (UNHCR) (2019) Need to Know Guidance: Working with Persons with Disabilities in Forced Displacement. Available at: <https://www.refworld.org/docid/5ce271164.html>

2. Section 2: Conducting Risk Assessments in TIP Investigations

Learning Objectives for Participants	By the end of this section, participants should be able to understand and apply in practice the key principles and good practices of conducting risk assessments in TIP cases.
Delivery Techniques/ Activities	<ul style="list-style-type: none"> • Presentation (PowerPoint) by the trainer (1 hour, including discussions) • Training Exercise 44: Conducting a risk assessment (50 minutes)
Supporting Materials	<ul style="list-style-type: none"> • UNODC, Anti-human trafficking manual for criminal justice practitioners (Module 5) • IOM Handbook on Direct Assistance for Victims of Trafficking (Chapter 1)
Suggested Duration	2 hours

- 2.1. Throughout the investigation and prosecution of trafficking offences, the safety and risks to the trafficked person and others must be kept under continual assessment in light of the current facts and circumstances. As risk may change overtime, risk assessments must be proactive and dynamic. Conducting a proper risk assessment and taking appropriate steps to protect against risks can promote a safe and victim-sensitive environment which may encourage trafficked persons to develop trust and confidence in officials, and in turn, promote their co-operation in criminal investigations.
- 2.2. “Risk” is the likelihood of a potential harm or hazard becoming a reality, and the consequences if it does. Risk assessment is the process of determining how likely it is that the harm or hazard will materialise, what can be done to reduce or eliminate that possibility, and how to protect a person against the consequences.⁵³
- 2.3. A risk assessment involves asking four key questions:⁵⁴

Figure 3 – Key Questions for Risk Assessments



⁵³ UNODC, *Anti-human Trafficking Manual for Criminal Justice Practitioners, Module 5*.

⁵⁴ *Ibid.*

2. What is the level of risk?

- The level of risk can be divided into three levels, and be calculated by combining the severity of the risk (i.e., the seriousness of the consequences) with the likelihood of the risk. See the Risk Rating Matrix (Table 2) below.
- The level of risk must be kept under continuous assessment and is specific to each case

3. What is the risk?

- There are different forms of risk associated with TIP cases, as set out in Figure 4 below.
- The exploitative nature of trafficking means there are often health and other physical risks to the victim. Where the victim decides to cooperate with law enforcement officers in an investigation, further risks may arise.

4. What action should be taken?

- Consider how you might "remove, accept, reduce and avoid" risk.
- It may be the most effective to combine different tactics. Figure 5 below sets out practical models for deciding upon a course of action

Table 2 – Risk Rating Matrix

Severity			
3 – Severe	Medium	High	High
2 – Moderate	Medium	Medium	High
1 - Low	Low	Medium	Medium
Likelihood	1 – Not Likely	2 – More likely than not	3 – Highly likely

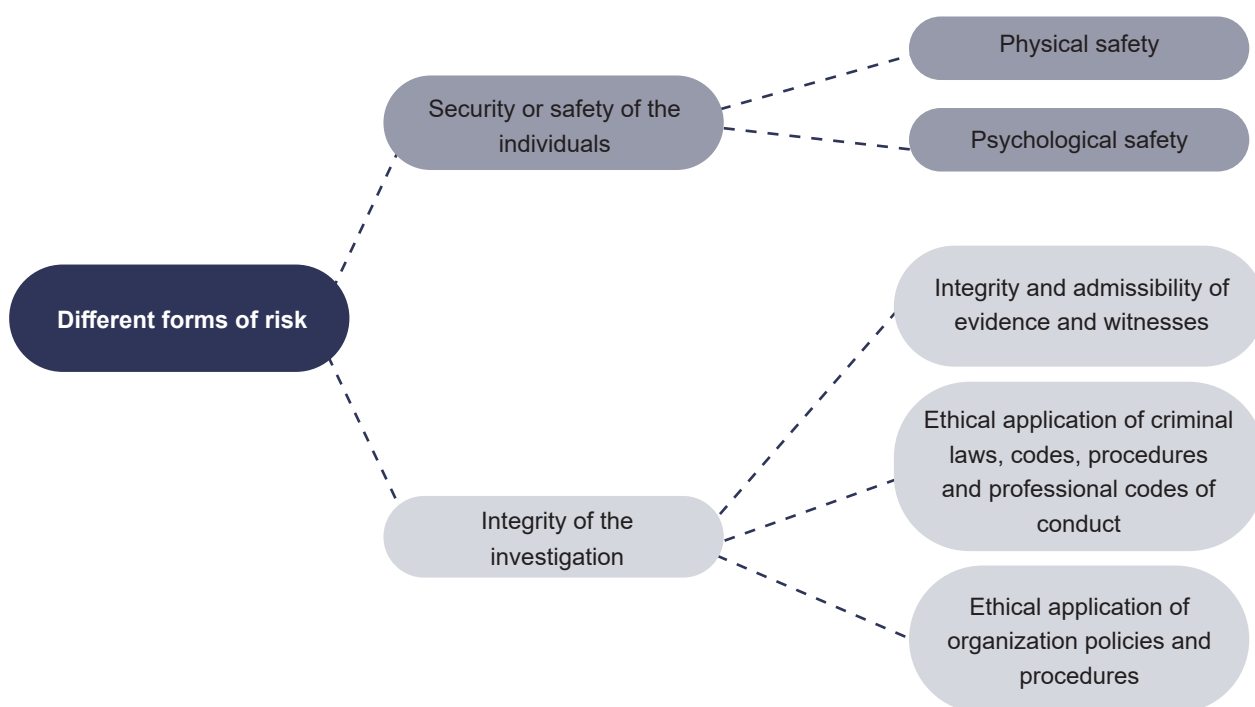
2.4. Questions that may help you assess the level of risk include:⁵⁵

1. Is someone in immediate danger?
2. Are there any other trafficked persons who are still in a situation of danger or who remain under the control of the trafficker?
3. Have traffickers previously threatened or used violence?
4. What knowledge do the traffickers have (e.g., trafficked person's personal contact details, whereabouts of their family)?
5. What support services, including physical protection, are available?
6. Who is in the trafficked persons' social network?

55 Ibid.

7. Do the traffickers know (or claim to know) the locations of safe houses trafficked persons for trafficked persons?
 8. Who do the traffickers have the ability to attack?
 9. How secure is the investigation (what is the risk of bribery impacting the investigation, how can information regarding the investigation be accessed)?
- 2.5. The level of risk should be kept under continuous assessment in light of changing facts and circumstances. For example, interviewing a witness or informant in a private setting during the investigation phase is likely to involve a different risk profile to having a witness testify publicly in court. Equally, risks assessments should be conducted before the deportation, removal, or repatriation of trafficked persons (or persons not identified as trafficked persons) to their countries of origin. Medical and other expert evidence may also affect the risk profile – for example, a medical report that indicates that a person has a psychological condition or lacks mental capacity will affect the risk profile of all future interactions with that person.
- 2.6. Risk assessments must also consider the specific age, cultural, and gender profile of a person. Children for example are likely to have very different care and protection needs to adults and will have a significantly different risk profile. Specialised child protection agencies should be engaged to ensure that child-specific care and protection mechanisms are in place.
27. Different forms of risk may arise in a criminal investigation into the crime of trafficking, but broadly, these risks can be divided into:⁵⁶

Figure 4 – Different Forms of Risk in the Trafficking Context



⁵⁶ Ibid.

- 2.8. Once the form and level of risk has been identified, frontline officers should then decide on a course of action to mitigate these risks. One model to decide on how risks may be managed is the “remove, accept, reduce and avoid” model:⁵⁷

Figure 5 – “Remove, Accept, Reduce and Avoid” Model



- 2.9. Questions that may be helpful to decide on a course of action include:⁵⁸

1. What frontline officer activity is appropriate?
2. Is immediate intervention necessary in light of the high risk faced by the individuals concerned?
3. If immediate action is required, what actions can be taken to prevent suspected traffickers from finding out that frontline officers are aware of the traffickers' activities?
4. If immediate action is not required, can the level of risk be safely managed while the investigation is initiated, conducted or continued?
5. If proactive investigation is not feasible, can the level of risk be safely managed to allow law enforcement officials to disrupt the activities of the traffickers?
6. What would be the impact of a course of action on each of the different groups of stakeholders (the trafficked persons and their families, the traffickers, law enforcement, potential witnesses, frontline officers *etc.*)?



Complete Training Exercise #4
Conducting a risk assessment

⁵⁷ Adapted from UNODC, Anti-human Trafficking Manual for Criminal Justice Practitioners, Module 5.

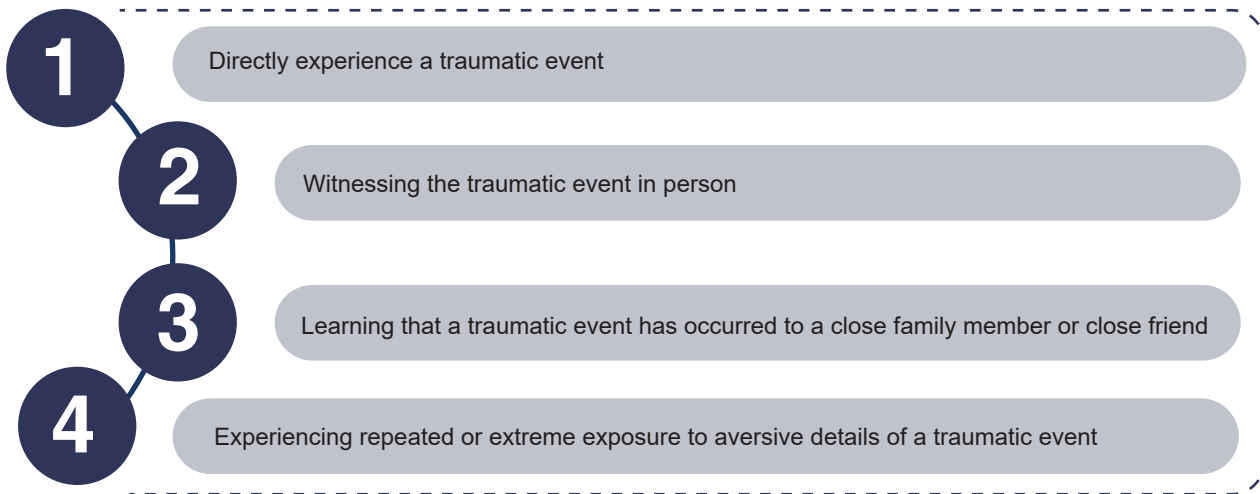
⁵⁸ Adapted from UNODC, Anti-human Trafficking Manual for Criminal Justice Practitioners, Module 5.

3. Section 3: The Psychological Effects of TIP and Good Practices for Adopting a Trauma-Informed Approach to Working with TIP Victims

Learning Objectives for Participants	By the end of this section, participants should understand how experiencing trauma may have a psychological effect on trafficked persons, and how these after-effects may impact the way an individual interacts with frontline officers.
Delivery Techniques/ Activities	Presentation (PowerPoint) by the trainer (30 minutes)
Supporting Materials	<ul style="list-style-type: none"> • Do No Harm Guide for Working with Trafficked Persons, ASEAN-ACT, May 2021 • WHO and London School Organisation of Hygiene and Tropical Medicine Ethical and Safety Recommendations for Interviewing Trafficked Women
Suggested Duration	30 minutes

- 3.1. Trafficked persons are likely to have undergone traumatic experiences and may be experiencing the psychological after-effects of the trauma. Applying a trauma-informed approach when working with trafficked persons can aid their recovery and support re-integration. For all frontline officers, understanding the psychological state of trafficked persons can help improve the effectiveness of interviews and more generally, all interventions. Understanding how trauma may manifest in the trafficked person's behaviour can help officers obtain more information regarding the trafficked person's experiences during any fact discovery process. Further, a better understanding of the needs of the trafficked persons ensures that appropriate support services are delivered.
- 3.2. The key characteristic of traumatic events is that they create a sense of a loss of control and are characterised by three elements: the inability to stop the event, the unexpected nature of the event, and the unpreparedness of the person experiencing it. Exposure to trauma may occur in a number of different ways.

Figure 6 – Different Experiences of Trauma⁵⁹



- 3.3. Each person will respond to trauma differently, based on their personal life experiences, genetic pre-dispositions, and unique combination of temperamental traits (*e.g.*, introversion/extroversion, response to fear, location of control, level of baseline anxiety and tolerance of frustration). The table below highlights how trauma experienced by trafficked persons may affect the way in which they interact with frontline officers and suggests good practices for officers who work with these individuals.

59 Adapted from the American Psychiatric Association (2013), *The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition*

Figure 7 – A Trauma-Informed Approach

Behavioural Responses to Trauma ⁶⁰	Potential Impact on Interactions with Frontline Officers
Avoidance behaviours, <i>i.e.</i> , avoidance of stimuli that may trigger certain responses	The trafficked person may avoid or evade certain questions or discussing certain experiences or topics or acting in a state of denial about their experiences or their severity. The trafficked person may fidget or show other signs of discomfort.
Memory impairment or memory loss	The trafficked person may have difficulties in providing coherent or consistent accounts of their experiences.
Inability to identify that they need assistance or what their needs are	The trafficked person may not believe themselves to be a victim.
Depersonalisation from their experiences or a sense of detachment	The trafficked person may not show any emotion when describing harrowing and highly traumatic experiences.
Fragmentation of perception, feelings, and consciousness, feelings of being overwhelmed	The trafficked person may not be able to maintain eye contact or concentration. The trafficked person may be prone to sudden outbursts of emotion.
Feelings of indifference and apathy	The trafficked person may only respond in monosyllables or speak in a flat tone. The trafficked person may also be unwilling to be discursive.
Maladaptive behaviours (such as drug or alcohol abuse)	The trafficked person may appear dazed, confused, hyperaware, hypersensitive or act unusually.
Somatisation (physical symptoms developed in response to psychological stress)	The trafficked person may not attend scheduled appointments or struggle to arrive at meetings on time.
Responding in an aggressive or combative manner to questioning	The trafficked person may show outrage when asked to discuss certain topics.

Good Practices for Frontline Officers

- Understand that responses to questions, changes in memory, and behaviour during interviews may be the result of previous trauma rather than a person lying or being deliberately evasive about their experiences.
- Be patient and understanding if the victim shows any emotional outbursts, and give them time and/or breaks.
- Do not assume that a lack of emotional reaction means that the person was not subject to exploitation.
- Do not assume that the victim is not committed to the reintegration process, criminal justice process etc. if they are reluctant to meet or discuss their experiences, show-up late or reschedules.
- Ensure to arrange for a psychologist or other social service providers to be present, if required.
- Be aware of managing your own emotional responses, demeanour, facial expressions, and body language.

⁶⁰ IOM (2020) *Trafficking in Persons: Victim Identification and Assistance*; United States Department of State Office to Monitor and Combat Trafficking in Persons (2018) *Implementing a Trauma-Informed Approach*

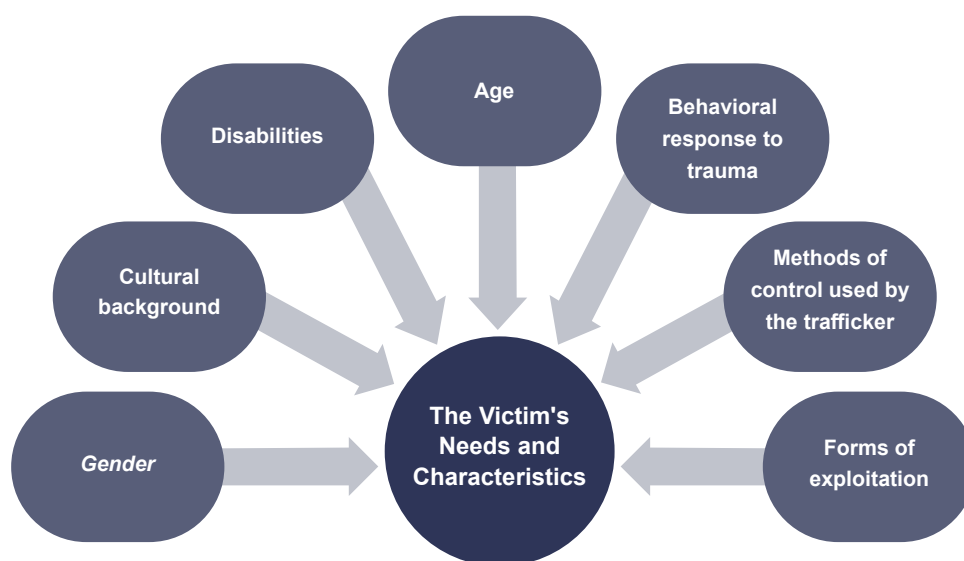
4. Section 4: Interviewing Skills and Techniques

Learning Objectives for Participants	By the end of this section, participants should have the practical skills and knowledge to conduct interviews and take testimony from witnesses, trafficked persons and perpetrators of trafficking effectively while ensuring to adopt a rights-based, gender-sensitive, disability-inclusive and child-friendly approach.
Delivery Techniques/ Activities	<ul style="list-style-type: none"> • Presentation (PowerPoint) by the trainer (2 hours, including discussions) • Training Exercise 55: Interviewing Skills Role Play (1 hour)
Supporting Materials	<ul style="list-style-type: none"> • ASEAN Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons • Criminal Justice Responses to Trafficking in Persons: ASEAN Practitioner Guidelines • Do No Harm Guide for Working with Trafficked Persons, ASEAN-ACT, May 2021 • IOM Handbook on Direct Assistance for Victims of Trafficking
Suggested Duration	3 hours

Trafficked person’s Needs and Typologies

- 4.1. A good understanding of the needs and characteristics of trafficked persons can help frontline officers conduct interviews more effectively. For example, ensuring that the physical environment for the interview gives the trafficked person privacy and a sense of safety can help them feel more at ease about sharing their experiences. In the same vein, demonstrating respect for the trafficked person’s religious beliefs and cultural norms can help build rapport and trust with the trafficked person, which in turn can encourage them to open up and recount their experiences in greater detail.
- 4.2. In this module, we have discussed how the trafficked person’s age, gender, cultural background and where applicable, disabilities may inform the response of frontline officers (see Section 1 above), and how officers may need to take into account the trafficked person’s behavioural responses to trauma in their interactions with trafficked persons (see Section 3 above). These two concepts can be combined with victim typology to help frontline officers form a picture of the trafficked person’s needs and characteristics.
- 4.3. Victim typologies attempt to categorize trafficked persons based on the means their traffickers used to recruit, traffic, control and exploit them. Victim typologies are not intended as a definitive tool to identify victims of exploitation – they are one of several sources/tools that may be helpful to inform the response of frontline officers.

Figure 8 – Factors influencing a trafficked person’s needs and characteristics



The different needs of victims of different forms of exploitation

- 4.4. Across all forms of exploitation, the relationship between trafficked persons and traffickers may involve trauma bonding, also known as “Stockholm Syndrome”. Trauma bonding occurs when a trafficker uses rewards and punishments within cycles of abuse to foster a powerful emotional connection with the trafficked person.⁶¹ The trafficked person may perceive the trafficker as their protector, and this helps the trafficker maintain control over the trafficked person. The trafficked person may feel confused about their relationship with the trafficker and may often develop a connection or attachment to the trafficker, including feelings of loyalty or love for the trafficker.
- 4.5. Grooming is another common way in which traffickers may obtain control over their victims. Grooming is where traffickers identify individuals with noticeable vulnerabilities or needs and manipulate those vulnerabilities and needs to manipulate victims into cooperating in their own exploitation. Grooming affects children extensively but can also be prevalent among adults.

⁶¹ United States Department of State, Office to Monitor and Combat Trafficking in Persons (2020) Trauma Bonding in Human Trafficking. Available at: https://www.state.gov/wp-content/uploads/2020/10/TIP_Factsheet-Trauma-Bonding-in-Human-Trafficking-508.pdf

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In the case of sexual exploitation, the groomer may look for a young victim at school or through online social media platforms. They may approach the victim and build a relationship with them. They may offer the victim gifts such as a mobile phone or cash, food, drink or emotional support. It is also common for the victim to enter into a fake romantic relationship with the victim, and then use that relationship to gain control of the victim and introduce the victim to sex. The groomer may also use emotional blackmail to persuade the victim to undertake sexual activities or to be filmed performing sexual acts. As a result of the grooming process, victims may not perceive themselves as victims or may be unwilling to disclose information regarding the groomer, who they perceive to be their romantic partner and someone who has treated them ‘well’.

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- 4.6. Table 3 below sets out potential characteristics of victims of different forms of exploitation, which have been adapted from publicly available research on TIP case typologies⁶² and from the experiences by the stakeholders consulted in the AICHR Capacity Building on Human Rights-Based /Gender-Sensitive/Child-Friendly Approaches on TIP Cases Handling for the Frontline Officers of relevant agencies (15-17 November 2021).

Table 3 – Victim Typologies

Form of Exploitation	Possible Victim Characteristics
Sexual exploitation - child sexual exploitation – group exploitation	<ul style="list-style-type: none"> Victims may be groomed and may have been supplied with alcohol, drugs, food, or small gifts. The victim might have a pre-existing relationship or friendship with the offenders. Victims may believe they are in a romantic relationship with the offender or have a high degree of trust in the offender prior to the offence. Victims likely subject to methods of control such as physical and sexual violence, emotional abuse, use of substances (drugs or alcohol), offers of gifts, and blackmail. Victims may distrust the authorities or do not see themselves as victims.
Sexual exploitation - forced sex work in fixed location	<ul style="list-style-type: none"> Victims may have been deceived about the type of work or offered work that did not materialize.
Sexual exploitation –online child pornography	<ul style="list-style-type: none"> Victims are often exploited by their siblings, parents or friends. Their guardians (the perpetrators) may believe that if there is “no touch no harm”.⁶³ Victims may have been approached by the offender at school or deceived into believing they were being scouted as child models. Victims may have been groomed, and experienced sexual abuse. The victim may believe that they are in a romantic relationship with the exploiter or have a high degree of trust in the exploiter, e.g., consider him/her like an elder sibling or a close friend, or may be related to the victim

62 UK Home Office (2017) A Typology of Modern Slavery Offences in the UK, Research Report 93. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652652/typology-modern-slavery-offences-horr93.pdf. Polaris (2019) The Typology of Modern Slavery. Available at: <https://polarisproject.org/wp-content/uploads/2019/09/Polaris-Typology-of-Modern-Slavery-1.pdf>.

63 Miramel Garcia-Laxa, DSWD-Philippines (2021) Understanding Trafficking in Persons and its Contemporary Issues.

Form of Exploitation	Possible Victim Characteristics
Labour exploitation – victims work for offenders in businesses or sites that offenders directly control	<ul style="list-style-type: none"> • Victims may have been subject to methods of control such as the threat or use of force, psychological coercion (e.g., threat of forced repatriation or reporting them to the authorities) or restriction of movement. Financial control is likely used alongside these other methods, e.g., threatening financial penalties for non-performance. • Victims may feel that they are unable to leave because they incurred debts to obtain the job and are underpaid or unpaid. • They may be deceived about their earnings and working conditions, rather than the type of work. • Victims may have lived at the place of work in unsanitary and poor conditions.
Labour exploitation – forced labour in illegal activities	<ul style="list-style-type: none"> • Victims may have been held hostage against their will in a remote location and not permitted to travel outside the place of work. They may not have been permitted to contact family or friends and were subject to constant surveillance. • Victims likely experienced threat or the use of force. • Victims may be coached by offenders on what to say to authorities and distrust/fear authorities.
Domestic servitude – exploited by partner through arranged or forced marriage	<ul style="list-style-type: none"> • Victims experience physical and sexual violence, constant surveillance, restriction of movement and emotional abuse. • Victims are unpaid and forced to do domestic chores and perform sexual favours. • There may be a sense of gratitude if the exploiter has 'helped' the person to migrate and settle in a new place, and a relationship of dependency.

General Principles for Interviewing Victims and Vulnerable Witnesses

4.7. Setting the stage for the trafficked person is a crucial first step in the interview process.⁶⁴

“It is not possible to have a credible, reliable witness until you have a victim who feels safe and secure”

- Honor and always respect the victim.
- Empower and engage the victim as an active participant.
- Avoid putting the victim under pressure.
- Put the victim’s needs ahead of the investigation and prosecution.
- The interview process is an opportunity to restore a sense of control, power and a voice to the victim that may have been taken away from them.



Sharing of Experiences of the First Responders in Addressing TIP while Respecting Human Rights, Child Rights and Gender Sensitivity: Challenges and Way Forwards, Wirawan Mosby

⁶⁴ Wirawan Mosby (2021) *Sharing of Experiences of the First Responders in Addressing TIP while Respecting Human Rights, Child Rights and Gender Sensitivity: Challenges and Way Forwards*.

4.8. The “PEACE” interview model provides a helpful framework for frontline officers when conducting interviews with trafficked persons and vulnerable witnesses.⁶⁵

Table 4 – The “PEACE” Interview Model

Elements of the “PEACE” Model	Good Practices for Interviewing Trafficked Persons and Vulnerable Witnesses
P: Preparation and planning	<ul style="list-style-type: none"> • Select appropriate interviewers, considering gender, culture, child and disability sensitivities. Be careful not to intimidate the trafficked person by having too many interviewers. The interviewers should also be trained in handling TIP cases. Consider whether the interviewer and other participants should be of the same gender as the interviewee. The interviewer should ideally be trained in working with trafficked persons. • Ensure to arrange for interpreters, if required. Check ahead of time with the interviewee, which language they would prefer to receive interpretation in – the interviewee may be more comfortable conversing in a specific dialect, rather than the official national language. Further, where the interpreter has a cultural affinity with the victim, this could improve the quality of translation and make the interviewee feel more comfortable sharing their experiences. • Ensure to arrange for a psychologist or other social service providers to be present, if required. If other professionals will be present during the interview, ensure that the interviewee is clear on each of their roles. • Choose and prepare an appropriate venue for the interview. Consider the safety features and privacy of the environment, and whether any elements of the room can be adjusted (e.g., room temperature, lighting) to make the interviewee feel more comfortable. The room should not be too bare and clinical, but too much stimulation can also be distracting. • Interviews, consultations, and other key interactions should take place at a time and place where the interviewee feels most stable and safe. • Ensure that self-soothing materials are available to support the trafficked person’s ability to remain present and connected during the interview (e.g., soft objects such as a stress ball, a box of tissues).

⁶⁵ Adapted from IOM (2018) *Investigating Human Trafficking Cases Using a Victim-centred Approach: A Trainer’s Manual on Combating Trafficking in Persons for Capacity-Building of Law Enforcement Officers in Antigua and Barbuda, Belize, Jamaica, and Trinidad and Tobago*, Pages 39-41, and 44.

Elements of the “PEACE” Model	Good Practices for Interviewing Trafficked Persons and Vulnerable Witnesses
E: Engage and explain	<ul style="list-style-type: none"> Engage the interviewee by developing rapport from the start. Introduce each person in the room to the interviewee and start the interview by asking background questions, e.g., the trafficked person’s current welfare, interests, and accommodation, to ease the interviewee into the process. Explain the role, rights, and responsibilities of the interviewee during the interview and how the interview will be conducted. Preview the purpose of the meeting, including the topics to be discussed, and avoid surprising the interviewee with unexpected tasks. Ensure that you request the trafficked person’s full informed consent (see Section 1 above for more information regarding consent). Be aware of managing your own emotional responses, demeanour, facial expressions, and body language. This includes being cognisant of any cultural, racial, ethnic or gender issues e.g., any body language or language that would be considered inappropriate by the interviewee.
A: Account	<ul style="list-style-type: none"> Allow trafficked persons to provide an account of their story in an uninterrupted manner. You may selectively use very short prompts or words of encouragement to demonstrate your engagement. If the interviewee pauses – e.g., due to memory loss, or pain of recalling difficult memories – take care not to pressure them for more information and respect their well-being and show compassion (see Section 3 above for more details regarding a trauma-informed approach). Use open-ended questions where you would like the interviewee to provide more information about a particular subject, e.g., “could you please tell me more about...” “tell me about a time when...” “I would like to know...” “Give me an example of...” “what was it like for you when...”? Carefully frame any questions focused on specific events, use “where, when, what and who” to start questions and avoid the use of “why” questions as these may imply a degree of blame or accusation. Avoid closed-end questions and leading questions. These types of questions have a fixed set of possible responses, which may give risk to the risk of suggestibility (i.e., where the witness provides answers that reflect the answers they think the interviewer wishes to hear) or limit the scope of information provided by the interviewee. Provide breaks as needed, particularly during tasks that may induce strong emotional responses. The interviewee may also need to take breaks for religious reasons, e.g., to pray.

Elements of the “PEACE” Model	Good Practices for Interviewing Trafficked Persons and Vulnerable Witnesses
C: Closure	<ul style="list-style-type: none"> • Allot time at the end of the interview to summarize the key information provided by the interviewee using their words. Invite them to correct any mistakes that have been made, and that the record of the interview (e.g., witness statement prepared) is acceptable to them. • Ask the interviewee whether they have any questions or concerns regarding the interview. If the interviewee voices their concerns, effort should be made to address these concerns. • Take time to explain the next steps and thank the interviewee for their time.
E: Evaluation	<ul style="list-style-type: none"> • Identify whether any immediate investigation actions or other follow-up steps need to be taken in light of the interviewee’s testimony. • Encourage the interviewers to evaluate their performance and highlight any interview skills or techniques that could be improved.

4.9. Good interviewers should have dual objectives.⁶⁶

“Interviewing trafficked victims is an art of extracting thoughts and memories – the interviewer’s objectives are to obtain accurate information from the victim, and to protect the psychological well-being of the victim being interviewed”

Good interviewers should:

- Ensure to do pre-interview planning;
- Keep an open mind and stay focused during the interview;
- Set expectations;
- Listen actively;
- Apply the right questions at the right time



Sharing Experiences in Interviewing Victims while Respecting Human Rights, Child Rights and being Gender Sensitive, Tharini Cecil James Arunasalam, SUKA Society

⁶⁶ Tharini Cecil James Arunasalam, SUKA Society (2021) Sharing Experiences in Interviewing Victims while Respecting Human Rights, Child Rights and being Gender Sensitive.

Interviewing Children

4.10. Where the trafficked person or other witness is a child, the following special considerations may apply:

Figure 9 – Interviewing Children



4.11. For child victims of sexual exploitation, it may not always be appropriate to have an interviewer of the same sex as the exploiter interview the child. For example, a male child that has suffered sexual abuse at the hands of men should not be interviewed by an older male. In these circumstances, it would be more appropriate to arrange for a female interviewer. Thus, frontline officers should understand the case background and the trafficked person's profile ahead of the interview and ensure that the interviewer is of the appropriate gender based on the specific circumstances of the case.

Interviewing Perpetrators and Victim-Perpetrators

- 4.12. When interviewing perpetrators and victim-perpetrators, the principles of the rights-based approach remain applicable. In particular, it is important that the interviewer requests the full informed consent of the perpetrator or victim-perpetrator before proceeding with the interview. The perpetrator or victim-perpetrator must be provided with all information relevant to make a fully informed decision on whether to provide testimony, including information regarding their rights, entitlements and the legal implications of disclosure.
- 4.13. In the criminal justice context, requesting full informed consent may also require providing the perpetrator or victim-perpetrator with independent, free legal assistance to ensure that they are apprised of legal implications of providing testimony. Perpetrators should not be coerced, through physical or psychological means to provide testimony. They and their families should not be threatened with, or subjected to, physical harm to force them to provide statements to law enforcement officials.
- 4.14. Interviewers should also be mindful to maintain professionalism when interviewing perpetrators and victim-perpetrators. Acting professionally means treating an individual with respect and equality. Interviewers should avoid adopting a judgmental and/or paternalistic tone. In particular, where there are reasons to suspect that the perpetrator may be a victim themselves, it is important that the interview does not let destructive scepticism cloud their impartiality. For example, the victim-perpetrator may have been groomed by the trafficker to believe that they are not victims, and in some cases, to help the trafficker commit further crimes. In these cases, frontline officers should be cognisant of the fact that trafficked persons may have complex relationships with perpetrator, and avoid making assumptions about the trafficked persons' perceptions of those relationships.

Experiences working with victim-perpetrators

Victims do not become perpetrators overnight. A victim of trafficking may become involved in criminality as a result of, or as a response to trafficking – for example, a child victim can become a perpetrator as a survival mechanism. When dealing with victims that may also be involved in trafficking other victims, it is important for frontline officers to have a clear protocol. Frontline officers may need to do additional investigatory work and preparation before conducting a screening interview, as the victim-perpetrator may be initially uncooperative.

Wirawan Mosby, Sharing of Experiences of the First Responders in Addressing TIP while Respecting Human Rights, Child Rights and Gender Sensitivity: Challenges and Way Forwards



Complete Training Exercise #4 Interviewing Skills Role Play

5. Section 5: Good Practices in Victim Identification

Learning Objectives for Participants	By the end of this section, participants should understand how the psychological effects of trafficking, and a person's age, gender, culture, or disability may affect the victim identification process, and have the practical skills to conduct a victim identification.
Delivery Techniques/ Activities	<ul style="list-style-type: none"> • Presentation (PowerPoint) by the trainer (1 hour, including discussions) • Training Exercise 66: Good practices in victim identification (20 minutes)
Supporting Materials	<ul style="list-style-type: none"> • Do No Harm Guide for Working with Trafficked Persons, ASEAN-ACT, May 2021 • IOM Handbook on Direct Assistance for Victims of Trafficking (Chapter 2)
Suggested Duration	1.5 hours

- 5.1. Victim identification is a key tool to help uncover situations of trafficking, enable trafficked persons to be protected and rescued, to facilitate criminal investigations and ensure the victim receives appropriate assistance. Even if a person is not identified as a trafficked person, they may be victims of other crimes or have other support and protection needs. It is therefore important that all persons who undergo a victim identification process are referred to appropriate government or civil society support services as necessary.
- 5.2. Victim identification may be used for a range of different reasons depending on the nature of the organisation conducting the identification. It is important however to remember that the identification process is principally concerned with just that: identifying whether or not a person has been trafficked. The ASEAN Gender Sensitive Guideline states that the aim of an initial screening assessment is “*to identify whether the person may be a victim of trafficking and the current state of the person*”.⁶⁷ The purpose of the identification process is not to “prove” that a person is or is not a victim of trafficking, or that the crime of trafficking has been committed. Rather, its primary purpose should be to identify persons who are, or may be, trafficked persons trafficked persons, and are therefore entitled to support and protection in accordance with their rights. For that reason, it is also important that the identification process is not seen as purely a criminal investigative or law enforcement tool. NGOs and other frontline officers may also conduct victim identification.
- 5.3. The identification of trafficked persons may be hindered by the following factors:⁶⁸
1. Victims avoiding or refusing identification
 2. Biases, assumptions and misconceptions of the frontline officers conducting the interview;

⁶⁷ ASEAN Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons, Section 3.2.1.

⁶⁸ Tharini Cecil James Arunasalam, SUKA Society (2021) *Sharing Experiences in Interviewing Victims while Respecting Human Rights, Child Rights and being Gender Sensitive*.

3. Victims' fear of traffickers and authorities;
 4. The physical and psychological impact of TIP on trafficked persons; and
 5. Cultural norms and language barriers.
- 5.4. The good practices for interviewing trafficked persons and witnesses set out in Section 4 above are also applicable when interviewing trafficked persons for the purposes of identification. Figure 10 below highlights further key good practices in victim identification that seek to address the above barriers.

Figure 10 – Good Practices in Victim Identification

The identification process does not need to be based solely on interviews or the testimony of the presumed victim

- In some cases, particularly at an early stage of the investigation, it may not be necessary or appropriate to conduct an in-person interview at all. For example, where the trafficked person is in an unstable psychological state, suffering from a psychological disorder and/or has experienced repeated and violent sexual exploitation and/or physical abuse. Conducting interviews with such individuals without first providing them with an opportunity to recover and receive sufficient medical treatment may lead to further trauma, undermining the “do no harm” principle.
- In these cases, all available sources of information, including surveillance, informant reports, public records, and other evidence should be used to inform the identification process.

The identification process should be a continuous process

- Very often, frontline officers will be working with partial or incomplete information, and it may take time before trafficked persons are willing to share details of their experiences with frontline officers. It is therefore important that the outcomes of any victim identification are kept under review as additional facts and information come to light.
- It is also unlikely that all the pieces and evidence will form a coherent or clear narrative immediately. This should prompt further inquiries to try to uncover gaps in information and evidence.

Frontline officers should refer to screening indicators to guide the identification

- Every trafficking case and every potential trafficked person will be different. Perpetrators will go to considerable efforts to conceal trafficking activities, and the psychological effects of trauma and coercion can affect the identification process. Victim identification is therefore not straightforward and there are no clear or universal elements that can be used to clearly determine if someone is or is not a trafficked person.
- For that reason, the identification process is typically guided by a series of “indicators” that point to, but do not prove, that trafficking has occurred. These indicators should serve as a prompt for further inquiries and investigation. This module will not set out each of these indicators in detail as this is outside the scope of this manual however, frontline officers may refer to the UNODC, Human Trafficking Toolkit, Tool 6.4: Indicators of Trafficking for further guidance.

Frontline officers should be mindful of how a person's age, gender, culture, or disability may impact the identification process

- For example, men may not want to admit to their victimization because they fear disclosure of losing control of their lives may lead to perceptions of diminished masculinity. Women who have suffered sexual abuse may feel shame and stigmatization and therefore fear disclosing their experiences. In these instances, frontline officers may need to be patient and explain the objective of the screening to the trafficked person and the importance of providing a comprehensive account of their experiences.
- Officers should self-assess whether they have any negative prejudice, biases, racist feelings towards the potential trafficked person. They should take care to ensure that their own biases, assumptions, or misconceptions do not impact their assessment. For example, the officer may be an atheist and therefore, may be skeptical of the impact that religious threats had on the state of the trafficked person's mind.

Care should be taken to ensure that the potential trafficked person's safety and well-being is protected throughout the identification process

- As recognized in Section 3.2.5 of the ASEAN Gender Sensitive Guideline, trafficked persons should be given the opportunity to have a support person with them through the identification process.
- Section 3.2.6 of the ASEAN Gender Sensitive Guideline advises frontline officers to take the trafficked person to a safe place for the identification process.



**Complete Training Exercise #6
Good Practices in Victim Identification**

Module 3:

Practical steps to implement a rights-based, gender-sensitive, disability-inclusive, and child-friendly approaches in the protection and support of trafficked persons

Learning Objectives for Module 3

At the end of this module, trainers will have the necessary knowledge and skills to:

- Communicate the practical steps that frontline responders can take to adopt a rights-based, gender-sensitive, disability-inclusive, and child-friendly approach when offering protection and support to trafficked persons
- Explain differences between shelter-based and alternative models of care

Support and protection services enable trafficked persons to recover from their trafficking experience and help facilitate their reintegration into society. They include settlement in a safe and secure environment, access to a reasonable standard of living, mental and physical well-being, opportunities for personal, social and economic development, and access to social and emotional support.⁶⁹ However, while the trafficked person is undergoing this process of recovery, the State is working to investigate and prosecute traffickers, which often requires cooperation from the trafficked persons. Thus, at times during this recovery and reintegration period, the rights and interests of the trafficked persons such as, their freedom of movement and liberty, may sometimes be at odds with the interests of law enforcement.

This Module aims to give frontline officers practical tools to ensure that a rights-based, gender-sensitive, disability-inclusive, and child-friendly approach is adopted when offering protection and support to trafficked persons, while being mindful of the criminal justice objectives. The key principles set out in this Module including the non-conditionality of assistance to trafficked persons and the importance of conducting individual needs and risks assessments will highlight the importance of taking a victim-sensitive approach in the delivery of protection and support services.

⁶⁹ NEXUS Institute, UN-ACT, World Vision (2017) *Supporting the Reintegration of Trafficked Persons: A Guidebook for the Greater Mekong Sub-Region*, Page 10. Available at: <https://nexushumantrafficking.files.wordpress.com/2017/04/final-reintegration-guidebook-gms.pdf>.

1. Section 1: Non-Conditionality of Assistance for Trafficked Persons

Learning Objectives for Participants	By the end of this section, participants should be able to understand and apply the 'non-conditionality' principle when offering support and protection for trafficked persons.
Delivery Techniques/ Activities	<ul style="list-style-type: none"> • Presentation (PowerPoint) by the trainer (30 minutes, including discussions) • Training Exercise 7: Discussion on the Importance of Protection and Support Services (45 minutes)
Supporting Materials	<ul style="list-style-type: none"> • Do No Harm Guide for Working with Trafficked Persons, ASEAN-ACT, May 2021 • UNICEF Guidelines on the Protection of Child Victims of Trafficking • ASEAN ACT – Freedom of movement for persons identified as victims of human trafficking: An analysis of law, policy, and practice in the ASEAN region
Suggested Duration	1.5 hours

- 1.1 Trafficked persons' access to protection and support services should not be tied to their willingness to participate and testify in criminal proceedings, or to agree to stay in government-run shelters. This principle is known as the non-conditionality principle.
- 1.2. Traffickers exert control over trafficked persons, often times restricting their freedom of movement and freedom of choice, in order to exploit them. Traffickers may also use psychological pressure and threats or blackmail to trap trafficked persons in a situation of exploitation. Requiring trafficked persons to cooperate with law enforcement or stay confined in shelters as a condition of receiving assistance, can therefore feel akin to the non-consensual nature of TIP.
- 1.3. To respect the trafficked person's rights, frontline officers should give trafficked persons the freedom to choose whether they would like to interact with the criminal justice system, and the extent to which they would like to participate in the criminal investigation and trial. The objectives of the criminal justice system (*i.e.* to prosecute, convict and sentence traffickers) should not override the trafficked person's rights.
- 1.4. In interactions with the trafficked person, it could be helpful for frontline officers to reassure them of the state's unconditional support and protection so that they do not feel pressured into co-operating with law enforcement. This is the case even where the non-participation of the trafficked person would make the prosecution more challenging. Trafficked persons may choose to:
 1. Remain silent;
 2. Seek legal options for compensation and redress, within or outside the criminal justice system;

3. Provide confidential information to the prosecution or law enforcement, but do not agree to provide witness testimony or testify for the prosecution at trial; or
 4. Agree to participate as a prosecution witness.
- 1.5. In making their decision whether to participate in criminal justice proceedings, trafficked persons should be provided with all the information necessary to provide fully informed consent. This means that “*each victim should be able to make a choice based on all available facts, freely and voluntarily*”.⁷⁰ The type and level of detail that must be provided in order to request full informed consent will depend on the specific circumstances, and consideration must be paid to whether the individual is able to give legally valid consent (especially where the trafficked person is a child or a person with disabilities). Please refer to Module 2 for the practical tools frontline officers may use to ensure that full informed consent is requested from the trafficked person.



Complete Training Exercise #7

Discussion on the Importance of Protection and Support Services

2. Section 2: Individualized Care of Trafficked persons and Conducting Needs and Risk Assessments

Learning Objectives for Participants	By the end of this section, participants should understand the importance of providing individualized care to trafficked persons and conducting continuous needs and risk assessments.
Delivery Techniques/ Activities	<ul style="list-style-type: none"> • Presentation (PowerPoint) by the trainer (1 hour, including discussions) • Training Exercise 8: Conducting a Needs Assessment (1.5 hours)
Supporting Materials	<ul style="list-style-type: none"> • Do No Harm Guide for Working with Trafficked Persons, ASEAN-ACT, May 2021 • UNICEF Guidelines on the Protection of Child Victims of Trafficking • Supporting the Reintegration of Trafficked Persons: A Guidebook for the Greater Mekong Sub-Region, Rebecca Surtees, NEXUS Institute, UN-ACT and World Vision, 2017
Suggested Duration	2.5 hours

⁷⁰ ASEAN Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons, Section 2.4.1.

2.1 Pursuant to the ACTIP, trafficked persons have the right to receive shelter, assistance and other support services. Section 14(10) of the ACTIP provides that:

State parties (in cooperation with other actors, where appropriate) are to provide care and support to victims, including appropriate housing, counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand; medical, psychological and material assistance; and employment, educational and training opportunities.

2.2. The provision of support must be based on an assessment of the individual needs of each trafficked person. The need for individualised care is also reflected in Section 14(12) of the ACTIP.

Each Party shall, take into account, the age, gender and special needs of trafficked persons, in particular the special needs of children, when applying the victim protection principles in Article 14 of the ACTIP.

2.3. Ensuring that the individual's circumstances (such as their age, gender, and nationality) are considered when making decisions regarding the provision of support and protection services is important for a range of reasons. Standardized support services may not be beneficial for the individual because:

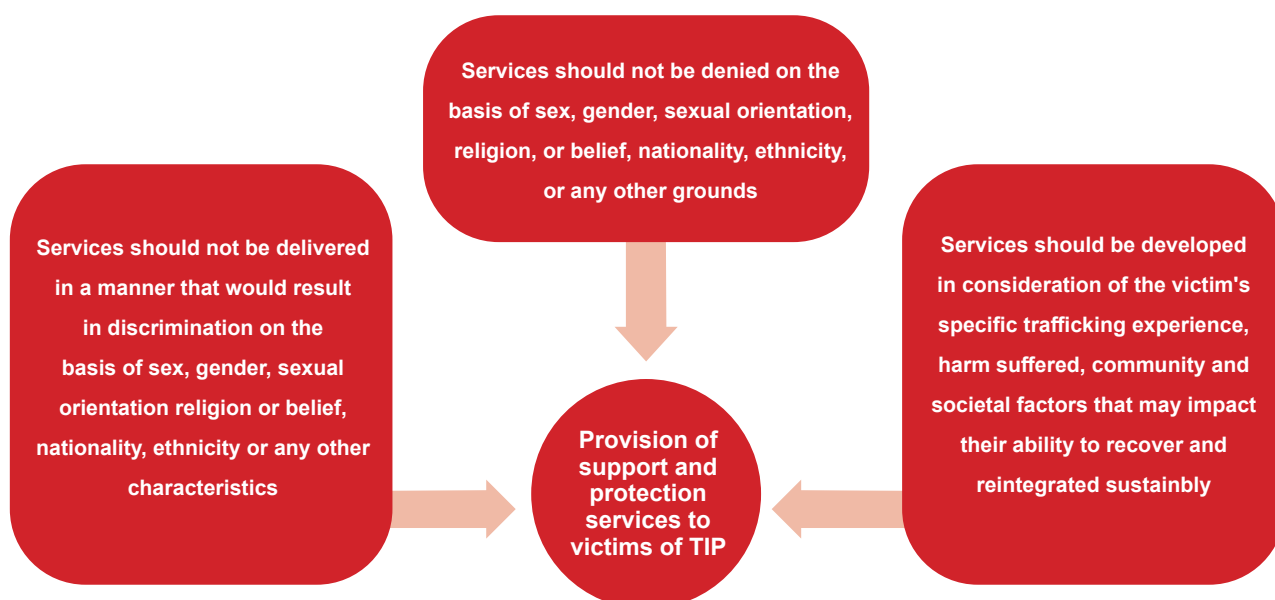
- **They may put the trafficked person in harm's way** – for example, the standard procedure might be to send the trafficked person to a state-run shelter however, as cases may involve corruption and official complicity, it is important to ensure that trafficked persons are not inadvertently put in harm's way, or feel they may be. In this instance, placing the trafficked person in a state-run shelter may make them vulnerable to influence from the traffickers and increase the risk that they will face threats and pressure not to testify in any subsequent criminal proceedings. In another example, the standard procedure requires authorities to escort trafficked persons home however, this inadvertently caused harm to the trafficked persons as this flagged to the other villagers that they were trafficked persons;⁷¹
- **They may impose unnecessary stress and burden on the trafficked person** –victims might be placed in a shelter when they do not want to be. This can be a particular problem in 'closed' shelters where (ostensibly for their protection), trafficked persons have limited visitation rights and contact with others. This can create challenges where, for example, a person placed in a shelter is the main

⁷¹ ASEAN Secretariat (2016) Regional Review on Laws, Policies and Practices within ASEAN relating to the Identification, Management and Treatment of Victims of Trafficking, especially Women and Children, Page 63. Available at: <https://asean.org/wp-content/uploads/2016/09/ACWC-Regional-Review.pdf>

income earner for their family, but is unable to work while in the shelter. Single-gender, or adult/child-only shelters may also result in trafficked persons becoming separated from their families for extended periods of time;

- **They may be impractical or inadequate for the trafficked person** – for example, a trafficked person may have disabilities that require them to have specialised and individualised accommodation, care, and support services. ;
- **They do not address the specific rehabilitation needs of the trafficked person** –for example, livelihood, reintegration and training support provided may only be offered along traditional gendered roles, and not fit the occupational or market opportunities potentially available to trafficked persons after they have moved on from the rehabilitation phase of support
- **They may apply to the trafficked person in a discriminatory manner** – the trafficked person might not be able to understand the primary language in which information regarding their legal rights and entitlement of assistance is provided. In this case, frontline officers should go beyond the standard delivery of services and arrange for an interpreter or translation services in order to ensure that the trafficked person’s right to information and to provide fully informed consent is met. To give another example, following standard procedures, psychological counselling may only be available for women who have been trafficked g for sexual exploitation. This would leave these male victims without necessary psychosocial support to recover from the trauma associated with their trafficking experience.

Figure 11 – Key Principles of Individualized Care



2.4. It is worth noting that the provision of individualized care will often require significant coordination and referral between different organizations. Failure to coordinate the provision of services and protection services can result in the trafficked person being under assisted and under assessed.⁷² Thus, in addition to implementing protocols to conduct a robust needs assessment (see sub-section below), frontline officers should also ensure that pathways for referral to other services providers – state agencies, NGOs, or other CSO providers – are in place. However, as noted in Module 2, the trafficked person’s fully informed consent must be requested ahead of a referral. Moreover, where the trafficked person’s personal information and case file is shared with external parties, the trafficked person must consent to the sharing of their information, and measures must be implemented to protect the privacy, identity and data of the trafficked person.

Practical Tools to Conduct a Needs Assessment

- 2.5. At the earliest time possible, frontline officers should conduct a needs assessment to determine the scope and types of services and protections required by the trafficked person. Needs assessments should be undertaken with reference to a range of sources – an interview with the trafficked person, review of available medical and psychological assessments, or information provided with law enforcement officers. Needs assessments should then be conducted on a regular basis. The trafficked person’s recovery is a dynamic process and their rehabilitation needs may change overtime.
- 2.6. The below questions may assist frontline officers assess the needs of a trafficked person in terms of (1) accommodation; (2) financial support; and (3) access to health and mental health care services; (4) social care services; (5) legal advice and support; (6) access to translation and interpretation services; and (7) community and social recovery needs. In addition to the questions listed below, frontline officers should also gather general personal information such as their family situation, education, and employment history and where appropriate (and not already available elsewhere in their case file), details of their trafficking experience.

Accommodation⁷³

- What are their preferences for accommodation?
- Is there evidence of an ongoing need to safeguard them from potential re-occurrence of the exploitation?
- What type of accommodation would provide a secure base from which they can start to recover and rebuild their lives?

⁷² ASEAN Secretariat (2016) Regional Review on Laws, Policies and Practices within ASEAN relating to the Identification, Management and Treatment of Victims of Trafficking, especially Women and Children, Page 63. Available at: <https://asean.org/wp-content/uploads/2016/09/ACWC-Regional-Review.pdf>

⁷³ Adapted from Recovery Needs Assessment (RNA) Version 4.0, United Kingdom Home Office, November 2021. Pages 18-19. Available at (accessed on 12 February 2022): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1031733/recovery-needs-assessment-ie-sca-update_041121.pdf

- What type of accommodation would help them become more self-sufficient, *e.g.* could act as a stepping stone to longer term stability?
- What type of accommodation would best facilitate their access to services that would assist with their rehabilitation needs?
- Are there any special considerations owing to their individual circumstances (sexual orientation, disabilities, culture, religion, age *etc.*) that would render a certain type of accommodation impractical, unworkable or even harmful for that person?

Financial support⁷⁴

- Are they able to meet their essential living costs?
- Do they need financial support to access services that will assist with their recovery?
- Do they need to support their family or any other dependents?
- Are they able and willing to support themselves by earning income through legitimate employment?
- What are the sources of financial assistance available to them (i.e. aside from state-provided trafficking funds, can the victim benefit from other sources of financial support)?
- Do they have the capacity to plan and manage their finances in the future?

Access to healthcare services

- Do they have any health needs arising from their trafficking experience? This includes both physical health needs (*e.g.*, temporary conditions such as broken bones, or chronic conditions such as heart conditions) and mental health needs? Defer to the advice of trained medical professionals.
- Do they need any ongoing support for health-related costs, including the cost of travelling to medical appointments?
- Do they have any addictions (to alcohol, drugs or others) that require treatment?

Access to social care services

- Would they benefit from social support to meet their basic living needs or day-to-day functioning (managing nutrition, washing, dressing)?

⁷⁴ Ibid, Page 20.

Legal advice and support

- Do they have access to information regarding their legal rights, entitlements and services available to them?
- Do they have access to a legal representative for support relating to criminal proceedings, compensation claims and immigration advice?
- Do they require an adult to accompany them to interviews?

Access to translation and interpretation services

- Do they have sufficient proficiency in the local language to make fully informed decisions? Consider the context of the service provided – a person may be able to have a simple conversation in the local language but might not be able to understand technical legal or medical terms. In this case, that person might need access to interpretation for some services, but not all interactions.

Community and social recovery needs

- Would they benefit from the use of facilities and services in the local community such as libraries, sports and recreational activities, or other social activities (e.g. those offered by charities and NGOs)?
- Would they benefit from being connected to community groups or religious and faith groups?

Conducting Risks Assessments

- 2.7. In addition to a needs assessment, frontline officers should also undertake risk assessments on a continuous basis to determine any risks to the trafficked person's personal security and well-being. Risk assessment is the process of determining how likely it is that the harm or hazard will materialise, what can be done to reduce or eliminate that possibility, and how to protect a person against the consequences.⁷⁵ The safety and risks to the trafficked person and other persons must be kept under continual assessment in light of the current facts and circumstances, throughout the delivery of protection and support services.
- 2.8. Conducting a proper risk assessment and taking appropriate steps to protect against risks can promote a safe and victim-sensitive environment which may encourage trafficked persons to develop trust and confidence in frontline officers and law enforcement. This may in turn, promote their co-operation in criminal investigations and ensure more effective delivery of support services. Please refer to Module 2 for practical tips on how to conduct a risk assessment.

⁷⁵ UNODC, Anti-human Trafficking Manual for Criminal Justice Practitioners, Module 5.

Special Needs of Children who have been Trafficked

- 2.9. When supporting children who have been trafficked, frontline officers should ensure the “best interests of the child” principle is paramount, and informs all decisions taken in relation to the child (please refer to Module 1 for more information regarding the rights of trafficked children). Frontline officers should undertake an assessment of the best interests of the child from the outset, and this assessment should be conducted on an on-going and continuous basis. The child’s views on this assessment should also be considered.
- 2.10. Where the age of a child is uncertain and there are reasons to believe that they are a child, that person should be presumed to be a child and provided with all necessary child-specific care and protection measures.⁷⁶ In these cases, victim identification needs should also be expedited and prioritized to determine the child’s age so as to ensure that the services provided to them are age-appropriate.
- 2.11. Services provided to the child must be tailored to the child’s individual and specific needs.⁷⁷ Services must also be delivered in a child-friendly way. To the extent possible, only frontline officers who are trained to work with children should be involved in the provision of support and protection to children who have been trafficked. The following special needs and good practices should also be considered:⁷⁸

Appointment of Legal Guardian

- 2.12. Trafficked children should have a guardian, who could be a parent, or an appointed legal guardian. An appointed legal guardian may be appropriate where the child’s parents are temporarily or permanently unable (*e.g.*, they are located in another State or have passed away), or unwilling or unsuitable to exercise their parental rights (*e.g.*, because they were complicit in the trafficking of the child). The guardian’s role is to advise the child and to act in the best interests of the child.⁷⁹
- 2.13. As a frontline officer it is important to consult the guardian and inform them of all actions taken in relation to the child. Where the child has a legal guardian, it is important for frontline officers to keep engaging with the guardian in order to ensure that the child’s protection needs are correctly identified and met. The guardian or parent should also be present during interviews, assessments and other interactions between the child and service providers.⁸⁰ At the same time, frontline officers should be mindful of the influence the parent or guardian may have over the child and continually assess whether the adult could be pressuring the child to behave in a certain way.

⁷⁶ Bali Process (May 2015) Policy Guide on Protecting Victims of Trafficking, pages 9 and 10. Available at: <https://www.baliprocess.net/UserFiles/baliprocess/File/Policy%20Guide%20on%20Protecting%20Victims%20of%20Trafficking.pdf>; UNICEF (2006) Guidelines on the Protection of Child Victims of Trafficking, pages 21-22. Available at: <https://gdc.unicef.org/resource/guidelines-protection-child-victims-trafficking>.

⁷⁷ UNICEF (2006) Guidelines on the Protection of Child Victims of Trafficking, page 22. Available at: <https://gdc.unicef.org/resource/guidelines-protection-child-victims-trafficking>.

⁷⁸ Adapted from the Do No Harm Guide for Working with Trafficked Persons, ASEAN-ACT, May 2021

⁷⁹ UNICEF (2006) Guidelines on the Protection of Child Victims of Trafficking, Page 17. Available at: <https://gdc.unicef.org/resource/guidelines-protection-child-victims-trafficking>.

⁸⁰ *Ibid.*

2.14. Thus, even where the child has a parent or an appointed guardian, frontline officers should also seek the child’s participation in decisions affecting the child’s welfare and well-being. Frontline officers should encourage the child to provide their input, and measures should be taken to ensure that the child has the opportunity to communicate their needs. The extent to which the child can participate in this decision-making process and provide consent will nonetheless depend on their age, experience and maturity.

Communicating with Children

2.15. Child-friendly language should be used when communicating with children, which is appropriate for their age and stage of development/maturity. Thirteen-year-old children will prefer a different communication style from children who are six years old. Older children will likely want to be given greater autonomy – though this shouldn’t be assumed.

2.16. It is not sufficient to provide information regarding the child’s welfare, participation in criminal justice proceedings, legal rights *etc.* solely to the child’s parent or guardian. Provision of information to parents and guardians is not a substitute for communicating with the child directly. Instead, communications with the parent or guardian should be viewed as an addition to communicating with the child.

Children’s Needs in the Provision of Accommodation

2.17. Family reunification should be the preferred option for accommodating children, where it is in the child’s best interests. However, if family reunification is not a suitable option, alternative options that should first be considered include placing the child in extended family care/kin-based placement, foster care or small group homes.⁸¹

2.18. Shelter and placement in state-run welfare institutions should be the option of last resort, and to the extent possible should only be used as a temporary solution and for the shortest possible period of time.⁸² Detention of trafficked children cannot be justified solely because the child is unaccompanied or separated from their parents, or because of their legal status (or lack thereof).⁸³ Where a child is placed in shelters or under state care, their needs should be continuously assessed to ensure that these forms of accommodation remain in their best interests.



Complete Training Exercise #8 Conducting a Needs Assessment

81 Supporting the Reintegration of Trafficked Persons A Guidebook for the Greater Mekong Sub-Region, Rebecca Surtees, NEXUS Institute, UN-ACT and World Vision, 2017, Page 23. Available at (accessed on 12 February 2022): <https://nexushumantrafficking.files.wordpress.com/2017/04/final-reintegration-guidebook-gms.pdf>.

82 UNICEF (2006) Guidelines on the Protection of Child Victims of Trafficking, page 23. Available at: <https://gdc.unicef.org/resource/guidelines-protection-child-victims-trafficking>.

83 Ibid, Page 33.

3. Section 3: Shelter-Based and Alternative Models of Care

Learning Objectives for Participants	By the end of this section, participants should be able to understand the different models of care, including both shelter-based care and alternative models of care. They should be able to weigh up the advantages and limitations of each form of care for the individual's needs.
Delivery Techniques/ Activities	<ul style="list-style-type: none"> • Presentation (PowerPoint) by the trainer (45 minutes, including discussions)
Supporting Materials	<ul style="list-style-type: none"> • ASEAN ACT – Freedom of movement for persons identified as victims of human trafficking: An analysis of law, policy, and practice in the ASEAN region
Suggested Duration	45 minutes

- 3.1 In most ASEAN Member States, trafficked persons are placed in state-run or NGO-operated shelters as a means of victim protection. Shelters can be closed, open or in between. Closed shelters are where trafficked persons are confined to shelters, and unable to leave. Open shelters are where trafficked persons are able to freely enter and leave the shelter. Shelters may fall in between closed and open – for example, the shelter provider may impose a curfew.
- 3.2. Sheltering trafficked persons can be a means to ensure that trafficked persons are protected, receive necessary assistance and further criminal justice objectives. Sheltering may also be used by States as a tool to manage migration-status related issues.
- 3.3. However, at times, sheltering trafficked persons results in significant curtailments on their freedom of movement. Trafficked persons may sometimes be confined to shelters in a manner akin to detention in incarceration facilities, and may have other liberties taken away from them e.g., access to a mobile phone. Trafficked persons may also be required to stay in state-run shelters in order to receive state-provided services, such as repatriation support, healthcare or other support services.⁸⁴ This restriction on the trafficked person's freedom of movement is often rationalized by States and frontline officers based on the potentially harmful assumption that confining trafficked persons to shelters is in their best interests.⁸⁵ For example, it may be assumed that victims will be the safest from traffickers and less likely to be influenced by traffickers or their associates if they are confined to a shelter, because they are less likely to be harmed, killed or dissuaded for testifying against traffickers. These restrictions are often justified

⁸⁴ ASEAN ACT – Freedom of movement for persons identified as victims of human trafficking: An analysis of law, policy, and practice in the ASEAN region, Page 27.

⁸⁵ ASEAN ACT – Freedom of movement for persons identified as victims of human trafficking: An analysis of law, policy, and practice in the ASEAN region, Pages 57-58, 68 and 81.

on the basis of victim protection (a paternalistic view that all trafficked persons need to be protected in shelter-based care systems), assistance, or prosecutorial rationales, without undertaking an individual assessment as to whether these purposes are served in practice.⁸⁶

- 3.4. Moreover, where provision of support services is tied to staying in shelters, trafficked persons may be disincentivized from seeking such services or participating in identification processes or criminal justice proceedings. For example, trafficked persons who are subjected to prolonged shelter stays often have their earning capacity constrained, which may be untenable for those who are indebted or have to support their families. This might be a particularly acute concern in cases of labour trafficking or forced labour, where the trafficked person might be a migrant worker. In these cases, the trafficked person may choose not to receive any assistance in order to be able to take up employment opportunities. As a result, they might not receive support and compensation commensurate with the crime committed against them. In addition, criminal justice objectives may also be left unmet as the trafficked person will be unlikely to participate in the criminal justice process.
- 3.5. Thus, unless an individual risk assessment is undertaken that identifies credible threats posed by traffickers to trafficked persons, and the risk assessment finds that shelter-protection is necessary to reduce these threats (*i.e.* there are no alternatives to restricting movement such as providing trafficked persons with phones which they can use to reach emergency assistance), it should not be assumed that confining a trafficked person to a shelter is the best solution to address this risk.⁸⁷ It is also important to conduct a needs assessment to determine whether it would be in the best interests of the trafficked person to receive shelter-based care. In some instances where shelter-based care might be the best solution for the trafficked person *e.g.*, the trafficked person needs intensive counselling or therapy. In other instances, family reunification or other kin-based /extended family care might be the preferable options, *e.g.*, where the trafficked person is a child.
- 3.6. There are alternatives to shelter-based care that have been used in certain ASEAN Member States. This may include accommodating trafficked persons in rented houses or apartments, where they are able to enter and leave freely. In these cases, trafficked persons are still able to access support and assistance. They may be supported by a police officer for protection and a social worker or other frontline officers may assist in arranging and co-ordinating healthcare, psychosocial and legal assistance. These individuals may also take up employment opportunities where they have the necessary legal documentation.

⁸⁶ ASEAN ACT – Freedom of movement for persons identified as victims of human trafficking: An analysis of law, policy, and practice in the ASEAN region, Pages 14-15.

⁸⁷ *Ibid*, Page 59.

Figure 12 – Examples of Open Shelter and Alternative Forms of Care⁸⁸

In Northern Thailand, the Chiang Mai provincial police have provided shelter to victims of trafficking (teenaged Thai girls) in a rented house, from which they were free to come and go until their 10pm curfew. They are protected by CCTV and supported by a police officer serving as a welfare officer, who the victims maintained regular contact with.

Trafficked men assisted in Thailand were permitted to work while staying at state-run shelters. Shelter staff assisted them in finding jobs and obtaining legal registration as migrant workers. Men typically stayed in shelters but were able to move freely. Where the men had worker registration, they were permitted to live off-site (e.g., in accommodation provided by the employer).

In Myanmar, a boy who was trafficked to Malaysia was able to stay with his family in Myanmar after being supported to return to Myanmar. Authorities provided support for the boy's family to repair their home, which helped to alleviate the financial pressures faced by the family so that they could spend money on other urgent needs.

Malaysia has introduced a program whereby foreign nationals who are victims of trafficking may be granted freedom of movement outside of shelters, and receive permission to work. As at 2020, over 90 such people had been granted liberty of movement.

3.7. The table below illustrates the advantages and limitations of the different forms of care from the perspective of the trafficked person. A careful balancing between the rights of trafficked persons and the interests of other stakeholders needs to be undertaken when deciding the trafficked person's accommodation.

⁸⁸ Examples provided in the below text boxes are adapted from ASEAN ACT – Freedom of movement for persons identified as victims of human trafficking: An analysis of law, policy, and practice in the ASEAN region, Pages 31-32, and Surtees, R. Supporting the Reintegration of Trafficked Persons: A Guidebook for the Greater Mekong Sub-Region. (Bangkok: NEXUS Institute, UN-ACT and World Vision, 2017), Page 10. Available at (accessed on 14 February 2022): <https://nexushumantrafficking.files.wordpress.com/2017/04/final-reintegration-guidebook-gms.pdf>.

Table 5 - Comparing Different Models of Care

Form of Care	Potential Benefits	Potential Limitations
Closed Shelters	<ul style="list-style-type: none"> • Potential improved ease of access to social welfare and support services • Trafficked persons may benefit from greater protection from harm, threats or intimidation by traffickers 	<ul style="list-style-type: none"> • Restrictions on freedom of movement • No opportunity to work and study outside of shelters • Shelter-based care may not facilitate the trafficked person's recovery and may be damaging to the trafficked person's well-being
Open Shelters	<ul style="list-style-type: none"> • Trafficked persons can enjoy enhanced liberty, which may be helpful to restoring a sense of control over their lives • Trafficked persons can still benefit from ease of access to social welfare and support services • Trafficked persons may be able to work or study, outside the shelter 	<ul style="list-style-type: none"> • It could be an increased risk of opportunity for their traffickers to threaten, intimidate or harm the trafficked person • They may be vulnerable to further exploitation
Non-Sheltered Based Care	<ul style="list-style-type: none"> • Trafficked persons have autonomy over their lives, which can help them restore a sense of normality and give them a sense of empowerment • Trafficked persons may be able to work or study 	<ul style="list-style-type: none"> • There may potentially be a greater risk to the trafficked person's personal security and safety • It may be less convenient for the trafficked person to access medical, psychosocial and other support services • They may be vulnerable to further exploitation

3.8. Where it is assessed that shelter-based care is the most appropriate for the trafficked person, the following principles should therefore be followed to the extent possible to ensure that the trafficked person's access to support services is not conditional upon their confinement to a shelter and does not disproportionately infringe their freedom of movement and recovery:⁸⁹

- Approach shelter stays not as an obligation on trafficked persons or presumed trafficked persons but as an entitlement available to victims who are in need of shelter-based assistance (regardless of whether they have been formally identified as trafficked persons).
- Ensure to request meaningful and fully informed consent (refer to Module 2 for practical guidance on obtaining fully informed consent) from the trafficked person to staying in a shelter. The trafficked person should be actively engaged in decisions regarding their shelter stay. They should be provided information

⁸⁹ Adapted from the recommendations made in ASEAN ACT – Freedom of movement for persons identified as victims of human trafficking: An analysis of law, policy, and practice in the ASEAN region.

about the conditions of their stay, the reasons for and against their admission to the shelter, and the protection and assistance services they are entitled to receive at the shelter. This information should be provided to the trafficked persons in a language and manner understood by them. The trafficked person's consent must not be sought under duress, or in exchange for the provision of support, and the trafficked person's consent must not be requested through pressure to collaborate with authorities.

- Ensure that mechanisms are in place that enable the trafficked person to inform service providers where they do not wish to remain in a shelter any longer, and retract consent for being placed in the shelter.
- Continuously update the trafficked person's needs and risk assessments based on their individual situation, needs, preferences, safety and family situation to understand whether shelter based assistance is appropriate in the trafficked person's case.
- Train shelter staff in obtaining informed consent from the trafficked person and ensure that staff understand that trafficked persons should not be coerced into receiving support and assistance. Ensure that shelter staff do not confiscate or hold in their possession, the trafficked person's passport, identity documents, valuable personal belongings, mobile phones or access to their bank accounts or financial support.

4. Section 4: Victim Reflection and Recovery Periods

Learning Objectives for Participants	By the end of this section, participants should be able to understand the importance of giving trafficked persons a reflection recovery period.
Delivery Techniques/ Activities	<ul style="list-style-type: none"> • Presentation (PowerPoint) by the trainer (30 minutes, including discussions) • Training Exercise 9: Module 3 Post-Training Quiz (40 minutes)
Supporting Materials	<ul style="list-style-type: none"> • IOM Handbook on Direct Assistance for Victims of Trafficking • UNICEF Guidelines on the Protection of Child Victims of Trafficking
Suggested Duration	1 hour 15 minutes

Defining Reflection and Recovery Periods

- 4.1. A reflection and recovery period is a period of time that is given to a presumed trafficked person during which they are able to access a range of support services. While practices vary across jurisdictions, reflection and recovery periods are typically granted at an early stage after a presumed trafficked person comes into contact with authorities, and may be linked to the victim identification process and part of a broader referral process sometimes known as a national referral mechanism. The trafficked person's right to a reflection and recovery period must not be conditional on the trafficked person's participation in criminal justice proceedings or agreeing to co-operate with authorities. This would otherwise undermine the core objective of the reflection and recovery period, which is to enable a presumed trafficked person to make a free and fully-informed decision about whether, and to what extent, to co-operate with authorities.
- 4.2. During this period, the presumed trafficked person is typically entitled to access physical, psychological and social support services appropriate to their needs, including access to accommodation and subsistence, counselling, physical and mental health care, and referrals to specialised services including legal aid.⁹⁰
- 4.3. In many jurisdictions, reflection and recovery periods are also accompanied by some form of residence or temporary immigration status, which may include permission to work that can aid trafficked persons with their recovery and re-integration. Presumed trafficked persons may also be able to access complementary protection mechanisms – for example asylum or other forms of humanitarian protection – during this period.⁹¹

Objectives of Reflection and Recovery Periods

- 4.4. The overarching objective of reflection and recovery periods is to provide trafficked persons with the time and an environment to make fully informed decisions about their future. By providing trafficked persons with access to a range of holistic support services, they may be better equipped to make decisions relating to their participation in criminal justice proceedings or repatriation *etc.* Where the individual is in a more stable psychological state and in good health, their decision-making capacity is likely enhanced. Similarly, the granting of immigration assistance can help trafficked persons make fully considered decisions by reducing anxiety around their legal status.
- 4.5. Further, while reflection and recovery periods principally serve to enhance the protection of trafficked persons and promote their recovery from trafficking, these periods may also facilitate criminal justice objectives. Trafficked persons who feel secure and in a calmer state of mind may be more willing to assist frontline officers to prosecute offenders and gather intelligence.⁹²

⁹⁰ UNODC (May 2010) Toolkit to Combat Trafficking in Persons, Second Edition, Tool 7.1, page 326. Available at: https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_7-1.pdf.

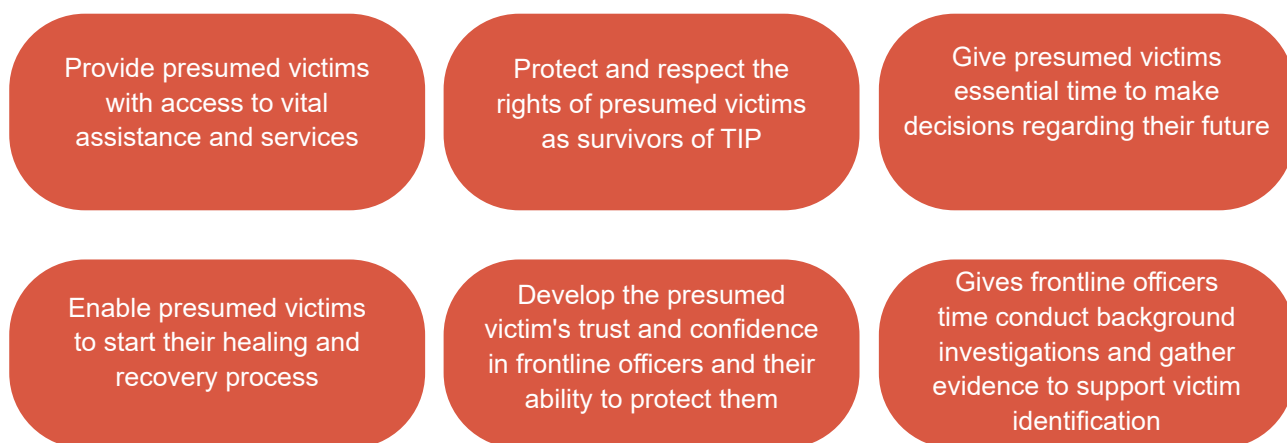
⁹¹ Home Office (2020) Modern Slavery: Statutory Guidance for England and Wales (under s.49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland, page 171. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/950690/January_2021_-_Modern_Slavery_Statutory_Guidance_E_W_Non-Statutory_Guidance_S_NI_v2.pdf.

⁹² UNODC (May 2010) Toolkit to Combat Trafficking in Persons, Second Edition, Tool 7.1, page 328. Available at: https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_7-1.pdf; Bali Process (May 2015) Policy Guide on Protecting Victims of Trafficking, pages 9 and 10. Available at: <https://www.baliprocess.net/UserFiles/baliprocess/File/Policy%20Guide%20on%20Protecting%20Victims%20of%20Trafficking.pdf>.

” According to UNODC, “*victims are more likely to assist authorities where they feel safe and their needs are met. In this way, an effective criminal justice response to trafficking in persons is intrinsically tied to a human rights-based approach to the crime - they are mutually reinforcing.*”

UNODC, Criminal Justice Responses to Trafficking in Persons ”

Figure 13 – Objectives of Reflection and Recovery Periods⁹³



Reflection and Recovery Periods in ASEAN

4.6. Reflection and recovery periods are used in a number of jurisdictions as a measure to protect trafficked persons.⁹⁴ The ACTIP provides grounding principles for reflection and recovery periods (see Figure 14 below). Some ASEAN Member States, including Thailand,⁹⁵ Malaysia⁹⁶ and Vietnam⁹⁷ have introduced temporary protection regimes for presumed trafficked persons that are not formally described as reflection and recovery periods, but which reflect some of the elements of reflection and recovery periods. While these are not yet aligned with international standards of protection and assistance for presumed trafficked persons, they are intended to fulfil similar functions.

⁹³ UNODC (May 2010) Toolkit to Combat Trafficking in Persons, Second Edition, Tool 7.1, pages 326-327. Available at: https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_7-1.pdf; Bali Process (May 2015) Policy Guide on Protecting Victims of Trafficking, pages 9 and 10. Available at: <https://www.baliprocess.net/UserFiles/baliprocess/File/Policy%20Guide%20on%20Protecting%20Victims%20of%20Trafficking.pdf>.

⁹⁴ See, e.g., 2005 Council of Europe Convention on Action Against Trafficking in Human Beings, Article 13.

⁹⁵ Thailand has implemented an up to 8-day period of temporary protection for presumed trafficked persons.

⁹⁶ Malaysia provides up to 21 days of temporary protection for presumed victims by way of Temporary Protection Orders during the victim identification process.

⁹⁷ In Vietnam, presumed victims provided with social welfare and support services until the victim identification process is complete (which must be carried out within 20 days, or not more than 60 days in complex cases).

The victim protection principles underpinning the reflection and recovery periods are reflected in the ACTIP:

- Article 14(4): Each Party shall consider adopting legislative or other appropriate measures that permit trafficked persons to remain in its territory, temporarily or permanently, in appropriate cases. Each Party shall give appropriate consideration to humanitarian and compassionate factors to this end.
- Article 14(5) Each Party shall endeavor to provide for the physical safety of trafficked persons while they are within the territory.
- Article 14(10): Each Party shall, where applicable, provide care and support to victims, including appropriate housing, counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand; medical, psychological and material assistance; and employment, educational and training opportunities. Care can be provided in cooperation with relevant NGOs, other organizations, and other elements of civil society.
- Article 14(12): Each Party shall, take into account, the age, gender and special needs of trafficked persons, in particular the special needs of children, when applying the victim protection principles in Article 14 of the ACTIP.



**Complete Training Exercise #9
Post-Training Quiz**

Module 4:

Practical steps to implement a rights-based, gender-sensitive, disability-inclusive, and child-friendly approaches in the prosecution of TIP cases

Learning Objectives for Module 4

At the end of this module, trainers will have the necessary knowledge and skills to:

- Communicate the practical steps such that frontline officers can adopt a rights-based, gender-sensitive, disability-inclusive, and child-friendly approach in the prosecution of offenders in human trafficking cases.
- Explain how prosecutors can support victims in obtaining compensation and restitution in the criminal justice system.

Prosecution is an integral pillar of countering TIP. Ensuring that perpetrators of TIP are prosecuted in accordance with national law is a key part of deterring future criminal behaviour. Trafficked persons often play a major role in helping prosecutors achieve these objectives by providing valuable witness testimony and evidence to support convictions. However, the criminal justice system does not simply serve to identify and punish offenders – it is also a tool to protect and promote the rights of trafficked persons and provide them with a means of redress. This Module aims to outline the key principles prosecutors and other frontline officers who support trafficked persons through the criminal justice process should bear in mind in order to ensure these dual objectives are achieved.

1. Section 1: A Victim-Sensitive Approach in TIP Prosecutions

Trafficked person’s Needs and Typologies

Learning Objectives for Participants	By the end of this section, participants should be able to apply a victim-sensitive approach in human trafficking prosecutions, including understanding the principle of non-conditionality, non-criminalisation and non-detention, and the need to ensure that trafficked persons are not simply treated as law enforcement tools or sources of evidence.
Delivery Techniques/ Activities	<ul style="list-style-type: none"> • Presentation (PowerPoint) by the trainer (30 minutes, including discussions) • Training Exercise 10: Quiz on the Victim-sensitive approach (30 minutes)
Supporting Materials	<ul style="list-style-type: none"> • ASEAN-ACT Gender Toolkit: A guide for criminal justice practitioners in the ASEAN region (February 2018) • ASEAN Ad-Hoc Working Group on Trafficking in Persons, Criminal Justice Responses to Trafficking in Persons: ASEAN Practitioner Guidelines • UNODC Toolkit for mainstreaming Human Rights and Gender Equality into criminal justice interventions to address trafficking in persons and smuggling of migrants • ASEAN Convention against Trafficking in Persons, Especially Women and Children
Suggested Duration	1 hour

The Importance of a Rights-Based and Victim-Sensitive Approach

- 1.1. Adopting a rights-based and victim-sensitive approach in TIP prosecutions is important for a multitude of reasons – as illustrated by Figure 15 below, such an approach serves both criminal justice objectives and the protection of victims’ rights.

Figure 15 – Importance of a Rights-Based and Victim-Sensitive Approach

A relationship of trust between victims and witnesses and prosecutors can improve testimony.	A victim's engagement with the criminal justice process can be an important step in their recovery.	The criminal justice system may place TIP survivors at risk of further harm.
<ul style="list-style-type: none"> • Where there is a relationship of trust and openness between law enforcement officials and the victim (or witnesses), they are more likely to co-operate with the investigation and prosecution process if they feel safe and secure, and when their needs are understood and appropriately addressed. • They are likely to feel more comfortable with being candid about their experiences and provide more details to law enforcement or prosecutors, which can lead to valuable evidence. 	<ul style="list-style-type: none"> • TIP is a crime that often involves serious violations of human rights and is a fundamentally disempowering and traumatic experience for victims. • Participating in the criminal justice process, in a manner that is active, free, informed and meaningful can be an empowering experience for victims and help them restore a sense of control 	<ul style="list-style-type: none"> • Criminal justice objectives may give priority to detention/ protective custody, prosecution, and deportation of trafficked persons for offences related to their legal status, including violation of immigration laws, prostitution or begging. • The criminalisation of victims may lead to additional human rights violations and vulnerabilities that may ultimately result in re-victimization. • Further, cooperating with law enforcement may put the victim's personal security at risk of retaliatory action or intimidation tactics by their traffickers. • To prevent further human rights violations, the protection of victim's rights should inform a prosecutor's conduct.

Non-Criminalisation Principle

- 1.2. Non-criminalisation is one of the essential pillars of a victim-sensitive approach. The non-criminalisation principle recognises that trafficked persons should be seen as victims of crime and not as offenders. As Article 14(7) of the ACTIP states:

“Each Party shall, subject to its domestic laws, rules, regulations and policies, and in appropriate cases, consider not holding victims of trafficking in persons criminally or administratively liable, for unlawful acts committed by them, if such acts are directly related to the acts of trafficking”.

”

- 1.3. This principle requires States to recognize in their respective laws that a trafficked person may have technically violated local employment, immigration, or other laws but should not be detained or prosecuted for those offences as they were committed as a direct result of being trafficked.



For example a victim of trafficking for labour exploitation may have been trafficked into the country and forced to work by the trafficker without any proper documentation (e.g., a work permit or visa). In this case, the victim should not be criminalized for immigration related offences such as unauthorized entry.

Non-Conditionality of Assistance for Trafficked persons

- 1.4. Trafficked persons should not be forced, coerced, or threatened to respond to questions from law enforcement officials or to participate in the criminal justice system. Nor should the provision of support, protection, and assistance to trafficked persons be made expressly (or implicitly) conditional upon their cooperation with authorities. This principle is known as non-conditionality of assistance.
- 1.5. Traffickers exploit victims by exerting control over them, restricting their freedoms and forcing them into exploitative situations. Tying the trafficked person's ability to access shelter, financial and legal assistance or other support to their willingness to participate and testify in criminal proceedings echoes this exploitative and non-consensual nature of TIP.
- 1.6. To respect the trafficked person's rights, frontline officers and prosecutors should give trafficked persons the freedom to choose whether they would like to interact with the criminal justice system, and the extent to which they would like to participate in the trial. In interactions with trafficked persons, it could be helpful to reassure them of the state's unconditional support and protection so that they do not feel pressured into co-operating with law enforcement and prosecution. Trafficked persons may choose to:
 1. Remain silent;
 2. Seek legal options for compensation and redress, within or outside the criminal justice system;
 3. Provide confidential information to the prosecution or law enforcement, but do not agree to provide witness testimony or testify for the prosecution at trial; or
 4. Agree to participate as a prosecution witness.
- 1.7. In making their decision, trafficked persons should be provided with all the information necessary to make a fully informed decision (please refer to the discussion in Module 2 on fully informed consent for more information on requesting consent).



In practice, prosecutors and frontline officers can build trust and rapport with the victim by being transparent about what is expected from them, if they choose to participate in the prosecution as a witness.

It may be that national law in your country does tie state-based assistance and support to the provision of information to law enforcement officials. If this is the case, it is important to be transparent about the situation and not to overpromise.

“Do No Harm” Principle

- 1.8. The “do no harm” principle requires prosecutors and other frontline officers to ensure that any criminal justice interventions or actions taken in respect to the prosecution of offenders does not adversely affect the human rights or dignity of trafficked persons. Prosecutors and frontline officers need to cognisant that nothing is done that would adversely affect the holistic physical, psychological, material, and emotional safety and wellbeing of trafficked persons. This means prosecutors should take a victim-sensitive, gender-responsive, best interest of child, trauma-informed approach to working with trafficked persons, and adopt (as appropriate) child, gender, disability, culturally sensitive working practices at all stages of the criminal justice proceedings. For more information regarding the “do no harm” principle, please refer to Module 1



Complete Training Exercise #10 Quiz on the Victim Centric Approach

2. Section 2: Good Practices Working with Trafficked Persons in the Criminal Justice System

Learning Objectives for Participants	By the end of this section, participants should be able to implement practical measures to support and protect trafficked persons (including children and other vulnerable persons) of TIP participating in the criminal justice process. Frontline officers should understand how the use of early/advance testimony and remote testimony may help protect trafficked persons.
Delivery Techniques/ Activities	<ul style="list-style-type: none"> • Presentation (PowerPoint) by the trainer (1 hour, including discussions) • Training Exercise 11: Protecting trafficked persons in the criminal justice system (45-50 minutes)
Supporting Materials	<ul style="list-style-type: none"> • ASEAN Ad-Hoc Working Group on Trafficking in Persons, Criminal Justice Responses to Trafficking in Persons: ASEAN Practitioner Guidelines • UNODC Toolkit for mainstreaming Human Rights and Gender Equality into criminal justice interventions to address trafficking in persons and smuggling of migrants
Suggested Duration	2 hours

2.1. A trafficked person's rights may be engaged in a multitude of ways throughout the criminal justice process.

Figure 16 – Rights of trafficked persons that may be engaged in justice mechanisms⁹⁸



2.2. By adopting the following good practices, prosecutors and frontline officers can help ensure that the trafficked person's rights are protected throughout their interactions with the criminal justice process, from preparing for trial to post-trial.

98 The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

Figure 17 – Before Trial



Right to security of one's person:

- Take measures to ensure that the victim and/or witnesses are protected from intimidation and retaliation.
- Where required, put the victim in a witness protection scheme or relocation scheme. If relocation is required, ensure that financial and other assistance is provided to support integration. This should be coordinated with the police, victim support agencies and the judiciary

Right to privacy and confidentiality

- Take appropriate measures to prevent the dissemination of information about the victim's private life, including details of the victim's family.
- Protecting the right to privacy can also be an integral part of ensuring the victim does not come into any danger.

Right to be treated with compassion and respect

- Avoid re-traumatization of the victim through repeated interviews or preparation sessions.
- The victim may be overburdened and face higher risk of danger if their testimony is the only source of evidence. Ensure that other types of evidence are obtained, e.g., financial forensics, open-source investigations, and electronic surveillance.

Right to information

- Inform the victim about the trial and their responsibilities during the trial so that they are well-prepared for the upcoming proceedings. Explanations should be provided in terms that the victim can understand.
- Use of victim liaison officers to help inform and support victims by working with prosecutors and victims through criminal justice proceedings.

2.3. Ahead of the trial, the prosecutor may need to decide whether the trafficked person should provide evidence by means of advance witness testimony, pre-trial statements or audio-visual recordings. On the one hand, these measures can protect the physical safety of trafficked persons and their mental well-being, as they will not be at risk of confronting the defendant at trial. Moreover, the trafficked person may find it very challenging to testify where the defendant is physically present, e.g. due to fear or their presence may trigger traumatic memories. On the other hand, the defendant's right to a fair trial must also be considered. All persons, included alleged traffickers, are entitled to a fair trial. This includes ensuring that the accused is in a procedurally equal position during the course of the trial and have an equal opportunity to confront the prosecution witnesses and to make their case. Thus, the use of advance testimony should be allowed provided that the defendant is able to question or cross-examine the witness through appropriate means (e.g., through the witness' lawyer, or another intermediary).

- 2.4. Prosecutors should also start building a good rapport with prosecution witnesses as early as possible in advance of the trial. Where the prosecutor and victim have a pre-existing rapport, this helps build trust. This could encourage the witness to feel more confident at trial, and therefore improve the quality of their testimony.
- 2.5. Prosecutors should also consider, whether based on the trafficked person's age, gender, mental state, cultural background or disabilities, additional steps need to be taken to prepare the trafficked person for trial. For example:

- **Setting clear expectations about the trial proceedings and flagging ahead of time any potential questions or events that may be traumatic, uncomfortable or stressful for the trafficked person.** Aside from providing a clear explanation of court proceedings that avoids the use of legal language or technical terms, prosecutors should also inform the trafficked person about any potentially challenging questions. For example, this could involve telling a victim of sexual exploitation that they may be asked to demonstrate where the offender touched their body by pointing to the relevant body parts. This could be considered offensive or disrespectful in the trafficked person's culture. Preparing the trafficked person ahead of time so that they know to expect these questions can help prevent shock or stress at trial.
- **Conduct a familiarisation visit.** It may be helpful for the trafficked person to visit the court and familiarize themselves with the environment. This may especially be the case for children, who may feel more intimidated by the court environment compared to adults. The child may also be accompanied by their guardian or social worker during these visits. Persons with disabilities who may feel discomfort in a new, unfamiliar environment may also benefit from a familiarisation visit.
- **Help the trafficked person refresh their memory.** If the trafficked person finds it difficult recollecting facts (for example if they are recovering from psychological disorders), the prosecutor may (if permitted under local law) support them to refresh their memory prior to the trial, *e.g.*, by reading through their testimony ahead of time or reviewing recordings of prior interviews. This may also be helpful in the case of child witnesses. However, prosecutors should be mindful to avoid unnecessary preparation sessions as this could also negatively impact the trafficked person's mental state and put them at risk of re-traumatization (due to repeated exposure to the traumatic experience).

Prosecutors must be careful not to 'coach' witnesses. Coaching is not the same as helping a witness to refresh their memory or to review their past statements. Coaching involves telling a witness what to say or what not to say. Coaching is typically not permitted under local laws, or may be contrary to professional conduct rules for lawyers.

Figure 18 – During Trial



Right to effective criminal proceedings

- Where required, ensure to arrange for interpreters to be present during the trial so that the victim can understand the proceedings.

Right to privacy

- Consider whether media and/or the public should be excluded from the trial.
- Consider whether any other measures should be taken to conceal the identity of witnesses until the latest possible stage of the proceedings.

Right to be treated with compassion and respect, and the right to security of one's person

- Bearing in mind the right of the defendant to a fair trial, consider whether the witnesses should provide evidence through a non-confrontational approach.
- This may include ensuring that court rooms are installed with a curtain to separate the witness from the accused, use of separate entrances to enter the court building so the accused does not have an opportunity to confront the witness, and to use video-link or other audio-visual methods to provide testimony.
- Consider whether the witnesses should testify from a separate location or from a different room in the court building.
- Provide a safe place for prosecution witnesses, separate from the accused and defence witnesses.

Right to information

- Explain the trial proceedings to the witness using simple, non-technical terms so that they understand what is happening in the court room.

2.6. Where a child will be called as a prosecution witness, the prosecutor should also consider whether any of the following additional measures are available pursuant to national law and whether they should be implemented:

1. Provision of evidence through video-link to ensure that the child does not come face-to-face with the accused;
2. Cross-examination and re-examination of the child by a psychologist or social worker, instead of defence counsel, to reduce stress on the child;
3. Requesting the court to prevent defence counsel from using repetitive and/or hostile questioning during cross-examination of the child witness;
4. Ensuring that the child's guardian, social worker or other representative is present at the trial and at all pre-trial meetings;

5. Ensure that the child is given sufficient time to rest and take regular breaks; and
 6. Consider whether the scheduled time for the child to provide evidence is appropriate for their age.
- 2.7. Where a witness has a physical disability, consider whether adjustments need to be made to enable them to access the court room. These arrangements should be made ahead of time in order to reduce stress and anxiety on the witness on the day of the trial.

Figure 19 - Post-Trial



Right to remedy

- Support the victim to access remedy by helping them file a claim for compensation to be paid or criminal damages to be awarded, subject to availability of such measures in the national legal framework. This may include helping the victim prepare a victim impact statement, which may be used to calculate the amount of compensation awarded to the victim.

Right to information

- Inform the victim of their right to compensation including where to seek legal assistance to support compensation claims and the available potential sources of compensation.
- Inform the victim of re-integration and support services available to them, including repatriation services. Prosecutors may also assist in co-ordinating with other government agencies to ensure that the victim receives appropriate assistance.

- 2.8. Prosecutors may work together with other frontline officers to support the trafficked person throughout the criminal justice process. This could help ensure that trafficked persons receive appropriate services and protection, are informed of their rights and kept apprised of case developments. This could in turn improve the trafficked person's cooperation, and the quality of their testimony and engagement at the prosecution stage. For example, the Philippines has piloted a "victim witness coordinator" programme, where special victim-witness coordinators were assigned to act as a conduit between trafficked persons and prosecutors. These coordinators also helped ensure that trafficked persons were informed of their rights, case developments and court dates. The coordinators helped trafficked persons apply for assistance, witness protection programmes, reintegration and rehabilitation programmes, livelihood programmes, obtain medical services and shelter, and file compensation claims. The coordinators facilitated coordination between prosecutors, NGOs, social welfare and law enforcement agencies to ensure that the trafficked person's needs were met and to ensure smooth hearing and trial preparation processes.⁹⁹

⁹⁹ AAPTIP Gender Toolkit: A guide for criminal justice practitioners in the ASEAN region (February 2018).



In the Philippines' experience, where victim survivors can see that frontline officers recognize their value and understand that they, as a victim survivor, can play a role in law enforcement, they are more willing to cooperate with law enforcement officials. As a result of greater victim engagement, the Philippines has found that the accuracy of interventions has also increased.

Gender Perspective in Addressing Trafficking in Persons, Miramel Garcia-Laxa, DSWD-Philippines



**Complete Training Exercise #11
Protecting TIP Victims in the Criminal Justice System**

3. Section 3: Compensation and Restitution

Learning Objectives for Participants	By the end of this section, participants should be able to understand the importance of obtaining compensation or restitution for trafficked persons from a rights perspective.
Delivery Techniques/ Activities	<ul style="list-style-type: none"> • Presentation (PowerPoint) by the trainer (30 minutes, including discussions) • Training Exercise 12: Sharing Experiences in Supporting Trafficked Persons in Obtaining Compensation and Restitution (30 minutes)
Supporting Materials	<ul style="list-style-type: none"> • UNODC, Issue Paper: Providing Effective Remedies for Victims of Trafficking in Persons • UNODC, Anti-human trafficking manual for criminal justice practitioners, Module 13 – Compensation for victims of trafficking in persons
Suggested Duration	1 hour

3.1. Trafficked persons are entitled to remedies due to their status as victims of crime and victims of human rights violations. A remedy aims to correct as far as possible these injustices and remedial measures can include restitution compensation, rehabilitation, satisfaction, apologies and guarantees of non-repetition. The provided remedy must be adapted to the specific case and consider the needs of the individual.¹⁰⁰ The importance of providing trafficked persons with a pathway to obtaining compensation is recognized in Article 14(13) of the ACTIP:



“Each Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.”

¹⁰⁰ UNODC, Providing Effective Remedies for Victims of Trafficking in Persons Issue Paper

3.2. Depending on the domestic legal framework, compensation for trafficked persons may include:¹⁰¹

- Pain and suffering due to physical or psychological violence;
- Degrading and inhuman treatment;
- Compensation for unpaid or underpaid wages;
- Excessive, fraudulent or illegal deductions from wages;
- Reimbursement of illegal fees paid to a recruitment or employment agency;
- Loss of opportunities during the period of trafficking and exploitation;
- Cost of repatriation, including any accommodation and travelling expenses;
- Legal fees and other expenses related to the legal process; and
- Aggravated, exemplary or punitive damages.

3.3. Often, a major barrier preventing trafficked persons from obtaining remedies is lack of access to information regarding compensation. The trafficked person might not be aware of their right to compensation. Prosecutors should therefore check with the trafficked person whether they have been informed of their right to compensation, the procedural steps required to obtain compensation, the timelines for compensation and the availability of assistance to file compensation claims.

3.4. It may be the case that the trafficked person's case file will already state that they do not intend to claim for compensation. In these instances, it may be helpful for the prosecutor to check that the trafficked person was provided accurate information regarding their entitlement to compensation. Trafficked persons may have received inaccurate information *e.g.*, that they must stay in the state-run shelter until compensation is paid to them, which may have deterred them from claiming compensation. Where remedies are not available through the criminal justice system, prosecutors should consider whether there are alternative paths to remedy, *e.g.* through filing a separate civil claim or state-run compensation funds for trafficked persons, and where appropriate, coordinate with other government agencies or CSOs to ensure the trafficked person receives appropriate assistance. The prosecutor has a key role to play to advocate for compensation on the trafficked person's behalf, especially in jurisdictions where the trafficked person's right to compensation is discretionary and not mandatory.

3.5. Beyond the duty to provide information, prosecutors should know whether they are responsible for assisting the trafficked person to file compensation claims. Depending on the domestic legal system, prosecutors may be authorized to file a claim for compensation at the same time as filing the prosecution case, or to file such a request on behalf of the trafficked person during the trial proceedings.

¹⁰¹ Adapted from UNODC, Anti-human trafficking manual for criminal justice practitioners, Module 13 – Compensation for victims of trafficking in persons

3.6. Prosecutors may also be required to help the trafficked person prepare a victim impact statement. Victim impact statements aim to convey the extent of the physical and psychological harm that was caused to them as a result of the commission of the offence. A victim impact statement should set out how the crime has affected the trafficked person emotionally, physical and psychologically, the financial impact of the crime on the trafficked person and their family, and any challenges the trafficked person faces in re-integrating with society. This may also include supporting evidence such as, crime scene photographs, the condition of the trafficked person upon rescue, including any images of physical injuries and any psychological assessments conducted, results of medical assessments, and records of medical treatment and counselling sessions, and expert evidence.



Complete Training Exercise #12
Sharing Experiences in Supporting TIP Victims in
Obtaining Compensation and Restitution

Module 5:

Practical steps to implement a rights-based, gender-sensitive, disability-inclusive, and child-friendly approaches in the adjudication of trafficking in persons cases

Learning Objectives for Module 5

At the end of this module, trainers will have the necessary knowledge and skills to:

- Communicate the practical steps that frontline officers can adopt a rights-based, gender-sensitive, disability-inclusive, and child-friendly approach in the adjudication of TIP cases.
- Explain the effect of unconscious bias and preconceptions on official decision-making in TIP cases.

1. Section 1 The Effects of Unconscious Bias and Preconceptions in TIP Cases

Learning Objectives for Participants	By the end of this section, participants should be able to understand how unconscious bias and preconceptions can compromise the impartiality of the criminal justice process and interventions in TIP cases.
Delivery Techniques/ Activities	<ul style="list-style-type: none">• Training Exercise 13: Taking an implicit bias test (30 minutes)• Presentation (PowerPoint) by the trainer (30 minutes, including discussions)
Supporting Materials	<ul style="list-style-type: none">• Bernice Donald, Jeffrey Rachlinski, Andrew Wistrich, Getting Explicit about Implicit Bias• American Bar Association, Implicit Bias Toolkit• Jerry Kang, Implicit Bias: A Primer for Courts
Suggested Duration	1 hour



Complete Training Exercise #13
Protecting TIP Victims in the Criminal Justice System

Why do frontline officers need to know about and understand unconscious bias?

- 1.1. Everyone has unconscious or implicit biases. Having and recognising your unconscious and implicit biases does not mean that you are a racist, misogynist, or a bad person. In fact, sometimes our unconscious biases can be at odds with our conscious and express values, beliefs, and standards.
- 1.2. Unconscious biases affect our perception of others and our decision-making processes. Unconscious biases can include decisions or actions that we are not consciously aware of, as well as hidden influences on decisions and actions that we believe are rational and based on objective un-biased evidence and experience.¹⁰² At times, our implicit or unconscious biases may even be at odds with our conscious values and standards. When decisions are influenced by unconscious bias, they are in effect, made using incomplete and inaccurate evidence bases and could result in poor quality decisions.
- 1.3. In the context of working with trafficked persons, unconscious bias could therefore lead to a miscarriage of justice (especially where the decision-maker is a law enforcement officer or judge), negative outcomes in the provision of support services and assistance, and discriminatory treatment. Unconscious biases can affect all stages of a TIP case. Among other things, unconscious biases may affect:
 - the way in which frontline officers screen and identify trafficked persons (including not only whether a person is identified as a trafficked person upon screening, but also the decision about whether or not to screen a person in the first place);
 - decisions made by law enforcement and prosecutors in the investigation and development of TIP cases – including what avenues of investigation to pursue, which alleged perpetrators to charge with offences, and which offences to charge;
 - evidence obtained in the investigation of TIP cases may also be influenced by unconscious biases – e.g., witness testimony or eyewitness identification;
 - the provision of support and protection to trafficked persons – including whether to provide support and protection to trafficked persons at all, and if so, the type of assistance provided;
 - judicial decisions in the adjudication of TIP cases – which may be compounded by previous decisions (also influenced by implicit biases) in relation to the way in which a TIP case has been investigated, prosecuted, and presented to the Court.
- 1.4. For frontline officers, it is therefore important understand:
 1. What are unconscious biases
 2. How unconscious biases manifest, and examples of unconscious bias
 3. How unconscious biases can affect frontline officers' decision making
 4. How to identify your unconscious biases
 5. How to help identify when your decisions or the decisions of others may be affected by unconscious biases, and to correct for this

¹⁰² University of Edinburgh, Unconscious Bias. Available at: <https://www.ed.ac.uk/equality-diversity/students/unconscious-bias>

What is unconscious or implicit bias?

- 1.5. Everyone has biases. Biases are one way in which our minds help to quickly and efficiently process and organise all the information we constantly receive. For example, if we are walking on a road and see something with four wheels and an engine approaching, we know it is a car – regardless of the brand, model, size, or colour, of the vehicle. We also know that if we see a car approaching that we should stay away from the road and not walk in front of it. We do not have to consciously think and decide every time we see a vehicle approaching whether it is a car, and if so, how we should behave in response. In other words, these thoughts are implicit or unconscious. Implicit ways of thinking are therefore part of the way process and perceive the world.¹⁰³
- 1.6. These implicit mental categorisations are referred to by psychologists as “schemas”.¹⁰⁴ They are mental concepts that help inform us about what to expect from a variety of experiences and situations. They are developed based on information we receive from our experiences that we store in our memory – including direct experiences as well as exposure from our peers, culture, and the media.¹⁰⁵ These schemas apply to not only objects and behaviours, **but also to people**, and we use schemas to assign people into social categories.¹⁰⁶
- 1.7. “Schemas” can be understood to be made up of:¹⁰⁷
 - **Attitudes:** An association between a concept and an evaluation of its “good-ness” or “bad-ness”. For example, an undocumented migrant worker is in a vulnerable position and is in need of support. Or, an undocumented migrant worker is an ‘illegal immigrant’ and needs to be deported.
 - **Stereotypes:** An association between a concept and a characteristic. For example, female sex workers are all trafficked persons.
- 1.8. Unconscious biases often manifest where our decisions are guided by intuition (*i.e.*, to ‘go with your gut feeling’) as opposed to deliberative thinking.¹⁰⁸ For example, if we see that the sky is cloudy in the morning, we may bring an umbrella with us because we “feel” like it is going to rain – even though the sky may be cloudy because it rained the night before, and therefore it is unlikely to rain again today.
- 1.9. With respect to people, unconscious biases often manifest based on apparent external characteristics or information about a person. Common examples include:¹⁰⁹

¹⁰³ American Bar Association (2016) *ABA Diversity and Inclusion 360 Commission Toolkit*. Available at: https://www.americanbar.org/content/dam/aba/administrative/diversity-portal/implicitbias_toolkit.pdf; Jerry Kang (2009) *National Center for State Courts: Implicit Bias, A Primer for Courts*. Available at: https://www.ncsc.org/_data/assets/pdf_file/0025/14875/kangibprimer.pdf

¹⁰⁴ American Bar Association (2016) *Implicit Bias & Judges: How innate attitudes shape behaviour, even on the bench*. Available at: <https://www.americanbar.org/groups/diversity/resources/implicit-bias/>; Jerry Kang (2009) *National Center for State Courts: Implicit Bias, A Primer for Courts*. Available at: https://www.ncsc.org/_data/assets/pdf_file/0025/14875/kangibprimer.pdf

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ American Bar Association (2016) *Implicit Bias & Judges: How innate attitudes shape behaviour, even on the bench*. Available at: <https://www.americanbar.org/groups/diversity/resources/implicit-bias/>

¹⁰⁸ Bernice Donald, Jeffrey Rachlinski, Andrew Wistrich, *Getting Explicit About Implicit Bias*, *Judicature* Vol.104 No.3 (2020-21). Available at: <https://judicature.duke.edu/articles/getting-explicit-about-implicit-bias/>

¹⁰⁹ American Bar Association (2016) *Implicit Bias & Judges: How innate attitudes shape behaviour, even on the bench*. Available at: <https://www.americanbar.org/groups/diversity/resources/implicit-bias/>

- **Gender Bias**
- **Racial bias**
- **Sexuality Bias**
- **Age Bias**
- **Disability Bias**

1.10. It is also important to remember that these biases do not exist independently of each other. They often **compound and overlap**. So that, for example, disabled women, or disabled persons of certain races, may experience compounded biases compared to other persons with disabilities.

How can unconscious biases manifest?

- 1.11. Unconscious biases can manifest in many different ways. As has already been noted above, they can manifest in how we perceive certain objects, behave in certain situations, or classify people in certain social groups. Unconscious biases can also affect what we remember and how we recall information. This can particularly affect, for example, witness testimony and eyewitness identification of perpetrators.¹¹⁰
- 1.12. Implicit bias can also affect decisions around staffing and the roles and responsibilities of frontline officers. For example, preconceptions around gender roles may lead to female officers being assigned to the care and protection of trafficked persons, such as victim liaison officers or caseworkers, while male officers are assigned to investigative duties and field work – regardless of whether or not the male or female officers are actually best qualified or suited for those roles.
- 1.13. Some examples of how implicit biases can manifest at different stages of a TIP case are considered below.

At the Victim Identification and Investigation Stage

- 1.14. Risks arising from unconscious bias can have a damaging impact on victim identification and by implication, there are negative outcomes for the trafficked person's ability to seek justice and assistance. Thus, gender, culture, age and disability dimensions must be taken into consideration during screening interviews. As will be illustrated by the examples in Table 6 below, law enforcement officers and other frontline officers who screen trafficked persons must take into account the special needs of particular groups (e.g. women and girls), while being careful not to make decisions based on assumptions that only certain groups or persons who fit a particular profile can be considered trafficked persons.

¹¹⁰ American Bar Association (2016) *Implicit Bias & Judges: How innate attitudes shape behaviour, even on the bench*. Available at: <https://www.americanbar.org/groups/diversity/resources/implicit-bias/>

- 1.15. Police officers responsible for investigating TIP cases may also be impacted by bias. For example, they may prematurely rule out certain avenues of investigation because they fail to identify that the trafficked person was recruited by a female perpetrator, who had also previously been exploited by the trafficker. This in turn may lead to bias impacting the prosecution of the case as the information collected at the investigation stage may be coloured by faulty preconceptions.
- 1.16. For example, police officers in one ASEAN Member State often try to interview trafficked persons as soon as possible after the trafficked person comes into contact with the authorities – even if the trafficked person may not be ready to undergo the interview. When asked about this practice, police officers stated that trafficked persons were likely to change their stories or to give less reliable evidence if they were given more time before they were interviewed. This decision may be influenced by a number of conscious and unconscious biases. For example, the police officers may have experience of previous cases where interviewing a trafficked person at an early stage yielded more reliable information. However, the decision may also be influenced by the officers’ perception that certain trafficked persons are unreliable or dishonest. This may in turn arise from the officers’ unconscious bias towards certain national, racial, or gender groups among trafficked persons that they encounter.
- 1.17. To give another example, certain prosecutors in one ASEAN Member State have stated that they consider human trafficking to be more “severe” than the crime of forced labour. This is because, under the law of that Member State, human trafficking carries a harsher penalty than forced labour. Prosecutors’ biases around whether human trafficking is “worse” than forced labour therefore affects their decision-making in relation to whether an offender should be charged with the crime of trafficking in persons or forced labour. Cases that prosecutors perceive to be more “severe” tended to be charged as trafficking in persons rather than forced labour – even if, legally and factually speaking – the evidence would have better supported a charge of forced labour. This is an example of how intuitive decision making and unconscious biases (how severe the crime “feels”) can influence what should be a deliberative decision-making process – i.e., the application of the legal definition of the elements of the crime to the facts of the case.

In the Provision of Support and Assistance

- 1.18. Shelter and support service providers may be impacted by bias when making decisions regarding the trafficked person’s welfare. A preconception of how trafficked persons should behave in response to trauma (e.g., women must be visibly upset otherwise they are not considered to be suffering from any psychological harm) may result in trafficked persons falling through the gaps of welfare schemes or missing out on necessary support services. Decisions around the type or duration of services provided may not be effective or helpful for the trafficked person, for example, shelter is provided that does not meet their needs.

In the Criminal Justice System

- 1.19. Stereotypes and preconceptions can also have significant implications on criminal justice proceedings. First, unconscious biases can significantly affect the way in which a case is investigated, evidence is collected, a prosecution case is formulated, and ultimately presented to the Court. Therefore, biases of others can significantly affect the legal case and factual evidence presented to the Court before the Judge even considers the case – who in turn will have their own biases. Unconscious biases can therefore compound and build on each other.
- 1.20. Although judges are trained to be independent and impartial, they are not immune to unconscious bias. In one American study, a group of judges was asked to decide a hypothetical assault case where the defendant claimed self-defence. Some judges were given a scenario where the defendant was implied (but not expressly stated) to be black. The others were given a scenario where the defendant was implied to be white. The judges imposed harsher penalties in the scenario where the defendant was implied to be black compared to the scenario where the defendant was implied to be white.¹¹¹
- 1.21. As highlighted in the table below, unconscious biases can also impact a judge's perception of the trafficked person's credibility. For example, a male victim of sexual exploitation may be reluctant to speak about their experiences at trial. Judges who may have a preconception that men cannot be victims of sexual exploitation will be more likely to doubt the veracity of the trafficked person's testimony. Judges – who are often themselves men – may also have preconceptions of masculinity and may believe that men cannot be affected by feelings of guilt, shame, and stigma, arising from being a victim of sexual violence, and hence might not understand how these feelings could affect a victims' willingness to provide evidence. This could have significant implications for conviction and sentencing of the accused.
- 1.22. Biases can also have a significant impact at the sentencing stage. For example, harsher sentences may be imposed on female perpetrators because of a perception that a women's criminality is a greater transgression than the same crime perpetrated by a male. Further, judges may not give proper weight to mitigating factors where a female trafficked person becomes a perpetrator due to a failure to recognize the pathways of abuse and exploitation that lead such victims to commit trafficking. These biases could lead to trumping of the non-criminalization principle, which requires that trafficked persons should not be prosecuted for offences committed as a direct result of being trafficked. On the other hand, female offenders may receive a more lenient sentence because of a perceived lack of agency dictated by patriarchal norms (*i.e.*, the idea that a woman has less independence and agency than a man, and therefore her criminal guilt is less than that of a man).¹¹² Where perpetrators receive a more lenient sentence, this could have significant implications on the trafficked person, as they may not receive compensation that is commensurate with the injury suffered.

¹¹¹ Bernice Donald, Jeffrey Rachlinski, Andrew Wistrich, *Getting Explicit About Implicit Bias*, *Judicature* Vol.104 No.3 (2020-21). Available at: <https://judicature.duke.edu/articles/getting-explicit-about-implicit-bias/>

¹¹² UNODC Toolkit for mainstreaming Human Rights and Gender Equality into criminal justice interventions to address trafficking in persons and smuggling of migrants

1.23. Judges, prosecutors and defence counsel should also consider how unconscious bias and preconceptions can impact the way perpetrators are treated. There is a risk that the rights of the accused and in particular, their right to a fair trial may be infringed as a result of biases. The accused has a right to be presumed innocent until proven guilty by the law. Thus, judges, prosecutors and defence counsel alike should be mindful to remain impartial and avoid making assumptions about the accused’s culpability due to gender, cultural or other stereotypes.

Practical Examples of Unconscious Bias in TIP Cases

1.24. Table 6 below highlights how unconscious bias, especially when linked to gender, ethnicity, age, disability or culture, may result in poorer outcomes and unfair treatment for trafficked persons.

Table 6 – Impact of Unconscious Bias in TIP Cases

Stereotypes / Preconceptions	Impact on Decision-Maker and Intervention
<p>Women cry and are visibly upset when recounting traumatic experiences.</p>	<ul style="list-style-type: none"> Female witnesses who do not show any overt emotion might be perceived as “bad” witnesses or not as credible by judges. Their suffering may also be minimized by shelter and support providers and therefore, they may not receive access to required psychological and re-integration support. Trafficked persons who are reluctant to attend interviews and answer questions about traumatic experiences due to the psychological effects of trauma may be regarded as “evasive”, “dishonest” or “unreliable” by investigators
<p>Men and boys cannot be victims of sexual exploitation</p>	<ul style="list-style-type: none"> There may be significant social stigma associated with the sexual exploitation of men and boys that prevent such trafficked persons from being identified by law enforcement officers at the screening and investigation stages. This risk may be exacerbated where the trafficked person is reluctant to speak about their experiences due to fear, shame or stigma. This can have significant implications at trial as the trafficked person may be reluctant to provide many details during their testimony. As a result, judges may perceive these trafficked persons as unreliable. Note that in some jurisdictions, some sexual crimes may be defined in such a way that men and boys are precluded from being victims.

Stereotypes / Preconceptions	Impact on Decision-Maker and Intervention
<p>Tendency to view men as perpetrators and women as passive victims.</p>	<ul style="list-style-type: none"> • Law enforcement officers may fail to identify perpetrators. For example, women are commonly involved as recruiters in cases of trafficking for sexual exploitation, or may be victim-perpetrators (women who have been trafficked recruit other women in order to lessen their own exploitation). • When these biases permeate decision-making around the investigation of a case and the collection of evidence, this could result in the prosecutor being presented with an incomplete case. For example, individuals who may have assisted in the commission of the crime may not be prosecuted because no evidence has been gathered to support charging these individuals. • For decision makers in a judicial capacity, this preconception could mean that female perpetrators are given more lenient sentences as their role in the commission of the TIP offence may be downplayed.
<p>Men should act in a masculine manner, and therefore do all they can to leave a situation of forced labour.</p>	<ul style="list-style-type: none"> • There is a risk that law enforcement officers fail to identify trafficked persons for labour exploitation by misinterpreting the absence of any escape attempts as evidence of consent. • At trial, judges may make mistakes around the assessment of consent due to a bias that men are masculine, should therefore be able to freely leave an abusive working environment or alternatively that they cannot be coerced into consenting. • This risk of misidentification may be aggravated where the trafficker has relied primarily on psychological compulsion to coerce the trafficked person into a situation of exploitation, and there is no evidence of physical abuse.
<p>No well-educated and morally upstanding woman would voluntarily choose to do sex work.</p>	<ul style="list-style-type: none"> • In reflection of patriarchal norms, the law enforcement response may automatically assume that all female sex workers are forced into sex work and are victims of exploitation. This could result in the misidentification of trafficked persons at the screening stage. • These patriarchal norms may also mean that women and girls are treated solely as objects for protection and decisions about support services are made on their behalf. As a result, these persons are not engaged in the development of assistance plans regarding their welfare and the assistance received may be ineffective or unhelpful. • On the other hand, such stereotypes could also mean that prosecutors and judges fail to apply the non-criminalization principle. As a result, trafficked persons for sexual exploitation are prosecuted as criminals for offences relating to 'morality' or 'culture'.

Stereotypes / Preconceptions	Impact on Decision-Maker and Intervention
<p>Violence against women in private settings is not out of the ordinary.</p>	<ul style="list-style-type: none"> • There is a risk that a court of law may not convict perpetrators of forced marriage as forms of violence in a domestic setting are normalized based on culture, tradition or religion. • This risk may be exacerbated where the trafficked persons themselves are dissuaded from self-identifying or seeking help from law enforcement officers. • Shelter and support service providers who hold these preconceptions may fail to help these trafficked persons who are in need of shelter, and medical and psychological support.
<p>Persons who believe in religious curses, witchcraft and voodoo are naïve.</p>	<ul style="list-style-type: none"> • There is a risk that law enforcement officers fail to identify trafficked persons as they may find that the trafficked person has not been coerced into a situation of exploitation, despite evidence showing that the trafficked person genuinely believed that they would be harmed by evil spirits should they refuse to obey the offender. • Judges who are impacted by these biases may not see how the “means” element of the TIP offence has been met.
<p>The trafficked person believes they are to be blamed for what has happened to them.</p>	<ul style="list-style-type: none"> • Family and community expectations can make trafficked persons feel that they are to blame for being trafficked. The trafficked person may also be pressured not to testify or seek help, out of fear for being shame on the family. • This may result in frontline officers receiving insufficient or inaccurate information about the trafficked person and their case, which may lead to misidentification at the screening stage. • At trial, judges may perceive trafficked persons who are reluctant to testify as unreliable.
<p>Persons with disabilities are perceived to be incapable of understanding criminal proceedings.</p>	<ul style="list-style-type: none"> • Decisions regarding the trafficked person’s welfare and legal case may be made without consulting them, as it is assumed that the decision-maker knows better what the trafficked person’s needs are. • The trafficked person’s right to information and right to give fully informed consent will likely also be infringed.



Experiences from the field in cases involving gender violence

Common myths

- Women who become victims or claim to be victims are generally women who have “bad attitudes” or are disobedient
- Those who claim to be a victim of gender violence may be lying, or actually consented to the abuse
- If the victim is still able to carry out daily activities or work, the violence experienced is only light and minor
- If the victim continues on a regular basis to have sexual relations with the perpetrator, she has consented to what has happened to her and therefore, there has been no crime committed
- The victim should appear depressed, suffering and weak, otherwise they must not be in a situation of exploitation
- If the victim has decided to escape the exploitative situation or has file a report to the authorities, she is now in a safe condition.

In reality...

- The victim may have tried her best to get out of her relationship with the perpetrator but was unable to do so because of emotional and economic dependence, lack of social support, fear of being stigmatized or blamed, and not knowing where to seek support. As a result they try to cope with the status quo.
 - There is often a power imbalance between perpetrators and victims. For example, violence is perpetrated by employers, husbands, heads of extended families, teachers or other individuals who have greater social standing and are respected in society. By contrast, the victim is in a weak position e.g. due to cultural, religious and gender norms which consider women inferior or subservient to men.
- **Dr. Livia Istania DF Iskandar, M.Sc., Psi – Handling Psychological and Psychosocial Aspects in Children of Human Trafficking Victims**

How do we identify unconscious bias?

- 1.25. Identifying unconscious biases can be challenging precisely because they are unconscious or implicit. For example, if someone simply asks you “do you think that women less capable than men?” you are very likely to say no. One way we can help identify our unconscious biases is to take **an implicit bias test** or IAT. These tests aim to teach you about your unconscious biases by testing how you react and respond to linking certain words and images.
- 1.26. Harvard University has developed several IATs that aim to test participants’ unconscious biases towards different characteristics such as gender, age, religion, disability, race, and sexuality. These can be helpful to learn more about our unconscious biases and, in turn, develop strategies to address them.

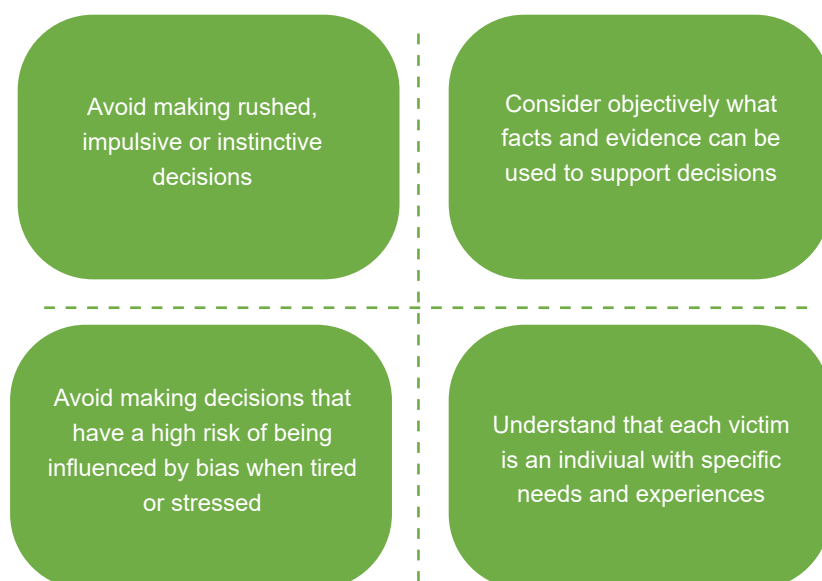
2. Section 2: Strategies to Address Unconscious Bias

Learning Objectives for Participants	By the end of this section, participants should be able to take practical measures to prevent implicit biases and preconceptions from negatively impacting decision-making in TIP cases.
Delivery Techniques/ Activities	<ul style="list-style-type: none"> • Presentation (PowerPoint) by the trainer (30 minutes, including discussions)
Supporting Materials	<ul style="list-style-type: none"> • Tom Stafford, Biases in Decision Making • Bernice Donald, Jeffrey Rachlinski, Andrew Wistrich, Getting Explicit about Implicit Bias • American Bar Association, Implicit Bias Toolkit • Jerry Kang, Implicit Bias: A Primer for Courts
Suggested Duration	1 hour

How can we address and counter unconscious bias?

- 2.1. Having set out what unconscious bias is, how it can manifest, and how it can affect decision-making in TIP Cases, we will now explore some strategies to address and counter unconscious bias. Unconscious biases often arise where decision makers take **mental shortcuts** that mean that decisions are made based on intuition rather than deliberative thinking. As a whole, strategies to counter unconscious bias are therefore built around avoiding the use of mental shortcuts and promoting the use of deliberative, rather than intuitive decision-making.
- 2.2. Frontline officers can take practical steps to mitigate the potential effects of unconscious bias and preconceptions by implementing safeguards into their decision-making protocols. While the individual circumstances of each trafficked person may necessitate different actions, Figure 20 below sets out key principles that may be universally applied by all frontline officers and judges when making decisions that could be influenced by bias. At the heart of these good practices is the victim-sensitive approach, which requires that protection of the victims' rights, and consideration of the trafficked person's needs and well-being are factored into decision-making processes made by frontline officers.

Figure 20 – Key Principles



2.3. A useful framework that may be helpful to counter bias in decision-making is the following **3 x 3 framework**, which is built around three types of strategies.¹¹³

- 1. Personal strategies:** changing your thoughts or behaviour
- 2. Interpersonal strategies:** targeting interactions between two or more people
- 3. Institutional strategies:** targeting the norms and regulations of an entire institution (e.g., the judiciary)

Within each strategy, actions can be taken which can be divided into:

- 1. Mitigation:** actions to counter bias, but leave the bias intact
- 2. Insulation:** remove factors that may trigger biases, to prevent them from occurring
- 3. Removal:** eliminating the bias directly, for example, by increasing the number of female police officers working in counter-trafficking task forces.

¹¹³ Adapted from Anti-Biases in Decision Making Tom Stafford, University of Sheffield, 2017. Available at (accessed on 14 February 2022): <https://www.judiciary.uk/wp-content/uploads/2018/02/stafford-biases-in-decision-making-winter-2017.pdf>.

Figure 21 – ‘3 x 3’ Model to Counter Bias

	Mitigate	Insulate	Remove
Personal	<ul style="list-style-type: none"> • Avoiding risk factors such as making decisions when hungry or fatigued • Ensuring that decisions are supported by well-articulated reasons supported by objective evidence • Use counterfactuals to verify that decisions have been made objectively 	<ul style="list-style-type: none"> • Remove information that could trigger bias 	<ul style="list-style-type: none"> • Participate in trainings to reduce bias in decision-making
Interpersonal	<ul style="list-style-type: none"> • Speaking up and challenging others regarding their biases 	<ul style="list-style-type: none"> • Reveal personal identifying information last • Sub-divide tasks to a number of different decision-makers 	<ul style="list-style-type: none"> • Increase exposure to diverse viewpoints
Institutional	<ul style="list-style-type: none"> • Recording decision-making processes • Tracking and evaluating outcomes of decisions to assess the impact of bias on decision-making • Ensuring that objective criteria or protocols are followed, e.g. when decisions are made about the trafficked person’s welfare 	<ul style="list-style-type: none"> • Implement procedures and protocols to remove information that could trigger biases 	<ul style="list-style-type: none"> • Avoid structures that may lead to biased outcomes, e.g. use of shortlists that may perpetuate institutional bias. • Ensure diversity within the organization

2.1. Set out below are some examples of ways in which these strategies can be applied at different stages of a TIP case.

At the Victim Identification and Investigation Stage

2.2. During the victim identification stage, taking a holistic approach to screening trafficked persons can help mitigate risks from unconscious bias. For example, if victim identification is conducted only by police officers, then victim identification decisions may be affected by the particular experiences, preconceptions, and biases of the individual officers, but also – collectively – of police officers as a whole. Adopting a holistic and multi-disciplinary approach to victim identification can help to address this. For example, in Thailand victim identification screenings are conducted by a multi-disciplinary team comprising police officers, social workers, interpreters, lawyers, and other frontline

officers as appropriate. In this way, different perspectives can be brought to bear which, in turn, can mitigate the effects of any one person's biases on the outcome of the victim identification process. To use the '3 x 3' framework above, this is an example of an **institutional removal strategy**.

- 2.3. In addition, the Thai trafficking victim identification screening form includes a space for members of the multi-disciplinary team to record any differences in opinion among themselves in relation to the victim identification decision. Providing space to express differing views and opinions is again a strategy that can counter unconscious biases by creating an environment that promotes the expression of diverse views and opinions.
- 2.4. Another common method of countering unconscious bias is to use objective criteria and protocols to guide victim identification screening decisions. These are often known as indicators. Using indicators do not, however, guarantee that there will be no bias. When using indicators, it is important to consider what unconscious biases may gone into the development of the indicators (i.e., the unconscious bias of the author(s) of the indicators).
- 2.5. The use of indicators can be complimented by the use of a standardised screening form where frontline officers must record the reasons why they have decided to identify, or not identify, a person as a trafficked person. Requiring frontline officers to record the reasons for their decisions in writing can help trigger frontline officers to use their deliberative reasoning rather than making intuitive decisions. They can help frontline officers slow down their decision-making processes and think deliberately about each element of the trafficking definition, rather than simply deciding, based on their intuition, whether or not a trafficked person 'seems like a victim'. Recording decisions in writing can also help organisations to monitor the way decisions are being made by frontline officers, which may help to identify patterns of unconscious and implicit biases in decision-making.
- 2.6. Adopting a trauma-informed, rights-based, gender-sensitive, disability-inclusive, and child-friendly approach when conducting interviews with presumed trafficked persons (see Module 2 on interview skills) can also help to counter unconscious biases. These approaches can help to promote better interactions with trafficked persons which, in turn, is likely to elicit higher-quality information that is less influenced by the biases of the persons conducting the interview. Importantly, decision-makers should also be cognisant of the fact that each person responds to trauma differently and avoid making assumptions regarding the "typical profile" of trafficked persons.

In the Provision of Support and Assistance

- 2.7. Support services providers may have preconceptions and unconscious biases towards what they perceive are the support and protection needs of certain trafficked persons. One way to help address these biases is to ensure that an individualized approach is taken to care and support that ensures that the trafficked person is fully informed and engaged in all decisions in relation to their care.
- 2.8. This is especially the case where decisions are made about the trafficked person's welfare. Frontline officers should ask the trafficked person what their needs are, what services they would like to receive and provide trafficked persons with sufficient

information, independent counselling and where applicable, legal assistance and legal aid to make these decisions. Prosecutors may also be involved in the victim support stage by helping trafficked persons to prepare victim impact statements that may be used to secure compensation for trafficked persons.

In the Criminal Justice System

- 2.9. In the context of the criminal justice system, prosecutors should consider all evidence closely to determine the appropriate charge, and avoid “pigeon holing” the case into a specific offence based solely on presumptions or past experience. This can be a particular challenge where prosecutors may see high volumes of cases with similar or overlapping fact patterns, and there can be a tendency to simply to do “the same thing as last time” because the facts of a case seem similar to an earlier case that was handled in a particular way.
- 2.10. Prosecutors or other lawyers building human trafficking cases should consider whether all the elements of the legal definition of TIP have been met based on the specific facts and circumstances of the case. Other potentially applicable criminal offences, such as forced labour, should also be considered where appropriate, and likewise applied to the facts of the case objectively based on the evidence available.
- 2.11. When preparing a case file, officers should reflect in detail the trafficked person’s background and circumstances and highlight how these factors may have impacted the trafficked person’s state of mind and experiences. For example, where the trafficked person was coerced into a situation of forced labour due to the threat of a religious curse, ensure that the case file includes objective facts around the significance of such religious curses based on the trafficked person’s culture, traditions and religious norms; the impact of this non-physical and psychological pressure should be highlighted.
- 2.12. Expert evidence and testimony from medical experts, psychologists, or anthropologists can also be used to build case files and support trafficking cases. These experts can help explain different aspects of a victims’ experiences and perspectives that may not be apparent to a decision-maker. These experts can help objectively guide decision making rather than allowing biases to ‘fill in the gaps’ left by a lack of awareness. For example, if a trafficked person has been subjected to psychological coercion by a trafficker using threats of voodoo, curses, or witchcraft, it may be necessary to include expert evidence to explain the significance and impact of those practices on the trafficked person from the perspective of the trafficked person’s culture and experiences. Otherwise, a decision-maker may potentially be sceptical of or dismiss this element of the case because, in their personal opinion, they do not believe in the power of witchcraft.
- 2.13. Likewise, when filing compensation claims it is important to prepare expert evidence or a victim impact statement in order to provide the judge (or decision-maker) with a fuller picture of the trafficked person’s state of mind and individual circumstances.

Otherwise, the judge or decision-maker may once again apply their own perspectives and unconscious biases to inform decisions in relation to compensation. For example, a decision-maker may decide not to award less financial compensation to a man for psychological injury because of an unconscious perception that men are tougher than women and should be expected to cope better with traumatic experiences. Expert psychological evidence or victim impact statements can help to counter these potential biases.

- 2.14. As previously noted, judges are not immune to the effects of unconscious bias. In addition, judges must not only address their own biases, but the biases of those who have previously been involved in the investigation, preparation, and presentation of the case. For judges and other decision makers, identifying and understanding your own potential sources of bias arising from your experiences, origin, age, gender, religion, race, etc. and keeping these in mind throughout the judicial decision-making process can be helpful to counter unconscious bias. It is also important for judges to consider their potential biases towards all other parties that may be involved in the trial, including defendants, lawyers, witnesses, and trafficked persons, and their potential significance to the case.¹¹⁴
- 2.15. For example, in one American study previously referred to above, a group of judges was asked to decide a hypothetical assault case where the defendant claimed self-defence. Some judges were given a scenario where the defendant was implied (but not expressly stated) to be black. The others were given a scenario where the defendant was implied to be white. The judges imposed harsher penalties in the scenario where the defendant was implied to be black compared to the scenario where the defendant was implied to be white. However, when the same test was repeated and the judges were specifically told the race of the defendant, the judges did not impose harsher penalties for the defendant based on their race. In other words, when the judges were consciously aware of the potential source of bias (the defendant's race) they were able to address this in their decisions.¹¹⁵
- 2.16. Judges can help mitigate the potential effects of bias in adjudication by ensuring that decisions are supported by clearly articulated reasons that are grounded in evidence. When making assessments around the issues of consent and coercion in TIP cases, where there is a greater risk of biases impacting decisions, take time to test decisions, e.g. through the use of counterfactuals (e.g. what if the trafficked person was of a different gender, would this impact the way in which this decision has been made?), and avoid making these decisions when fatigued or under pressure. That does not mean, however, the decisions should not be made based on factors such as the age, gender, or disability of the trafficked person or the defendant. In many cases these factors are very relevant. What is important is that, if a person's age, gender, disability, or other status is relevant to a judicial decision, that that factor is expressly acknowledged and forms part of the decision-maker's conscious decision making rather than their intuitive decision-making (i.e., the decision is not based on unconscious bias).

114 American Bar Association (2016) Implicit Bias & Judges: How innate attitudes shape behaviour, even on the bench. Available at: <https://www.americanbar.org/groups/diversity/resources/implicit-bias/>

115 Bernice Donald, Jeffrey Rachlinski, Andrew Wistrich, Getting Explicit About Implicit Bias, *Judicature* Vol.104 No.3 (2020-21). Available at: <https://judicature.duke.edu/articles/getting-explicit-about-implicit-bias/>

Module 6:

Practical steps for self-care and support for frontline officers

Learning Objectives for Trainers

By the end of this module, trainers should be able to:

- clearly explain to training participants the nature of vicarious trauma and the psychological effects on frontline officers arising from working on TIP cases;
- clearly explain to training participants examples of good practices to promote self-care for frontline officers working with victims of trafficking

Learning Objectives for Participants	<p>At the end of this module, participants should be able to understand and explain:</p> <p>The nature of vicarious trauma and the psychological effects on frontline officers arising from working on TIP cases</p> <p>Good practices to promote self-care for frontline officers working with trafficked persons</p>
Delivery Techniques/ Activities	<ul style="list-style-type: none">• Training Exercise 10: Pre-training self-assessment (15 minutes)• Presentation (PowerPoint) by the trainer – 1 hour (including discussions)• Training Exercise 11: Post-training quiz (15 minutes)
Supporting Documents/ Recommended Reading	<ul style="list-style-type: none">• United States Department of Justice, Office for Victims of Crime, The Vicarious Trauma Toolkit• Government of British Columbia, Human Trafficking Training Module 4: Vicarious Trauma and Self-Care when working with Trafficked Persons• OHCHR Manual on Human Rights Monitoring, Chapter 12: Trauma and Self-Care
Suggested Duration	1.5-2 hours

Why is self-care important for frontline officers?



Complete Training Exercise #14 Pre-Training Self-Assessment

- 1.1. Frontline officers who work on trafficking in persons cases often work under stressful and difficult conditions, and are regularly exposed to traumatic events.
- 1.2. Traumatic events are characterised by the fact that they tend to create a sense of a loss of control on the part of the person experiencing the trauma. A traumatic event can include but is not limited to exposure to actual or threatened death, serious harm, or sexual injury or sexual violence.¹¹⁶
- 1.3. Frontline officers may experience traumatic events in many different ways, this can include directly experiencing a traumatic event, witnessing a traumatic event occurring to another person, or learning that a traumatic event has occurred to a close family member or friend, or being **repeatedly exposed to aversive details of a traumatic event**.¹¹⁷
- 1.4. The sources and forms of exposure to trauma will be different depending on each frontline officer's role and responsibilities. For example, a police officer might directly witness traumatic acts of violence, or may even be subject to acts of violence or threatened death themselves. A psychologist or social worker might be regularly told about traumatic events and experiences by trafficked persons or perpetrators. A lawyer or caseworker might regularly have to read details of traumatic events from interview transcripts or case files, or see disturbing or graphic evidence such as evidence relating to child sexual exploitation or pornography. Each of these can potentially be traumatic for frontline officers. A frontline officer might also hear traumatic details of events from gossip or discussions with colleagues.
- 1.5. Often, it will not necessarily be one exposure, but repeated exposure to traumatic events over a frontline officer's career that can have an impact on frontline officers' mental or physical health. In particular, prolonged and repeated exposure to traumatic information can lead to what is known as "**vicarious trauma**". Vicarious trauma, sometimes known as "compassion fatigue", is the psychological phenomenon associated with the "cost of caring for others".¹¹⁸ It can be considered as the "emotional residue of exposure that counsellors/frontline workers have from working with people as they hearing their trauma stories and become witnesses to their pain, fear, and terror that trauma survivors have endured".¹¹⁹

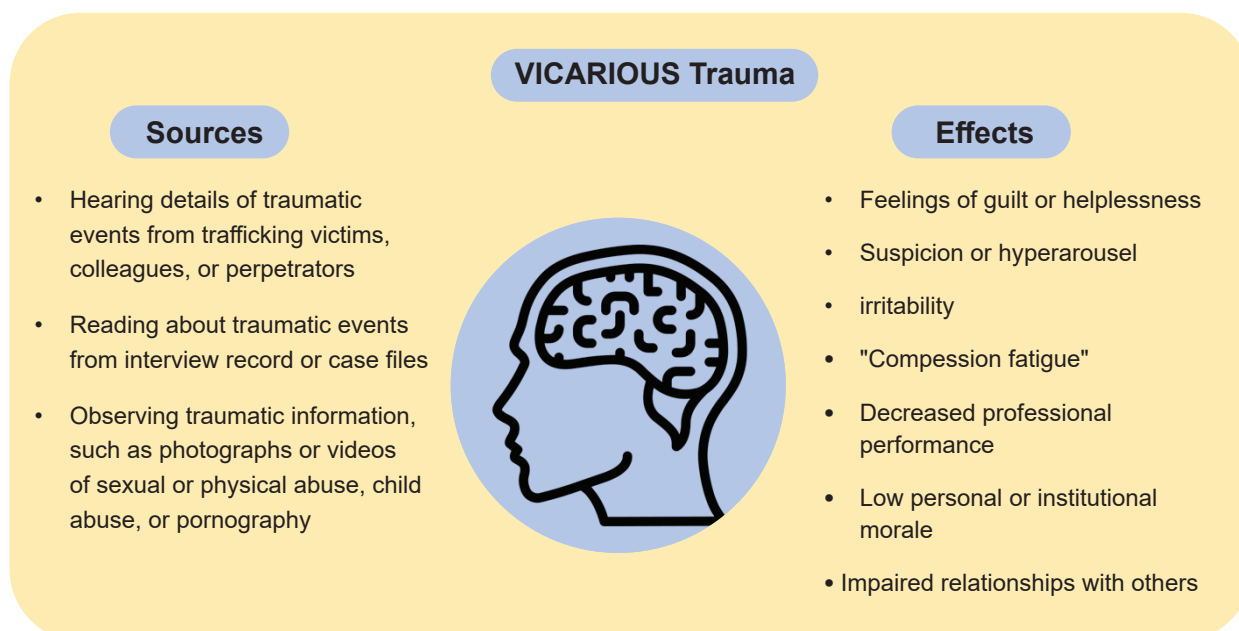
¹¹⁶ UNODC (2009) *Anti-human Trafficking Manual for Criminal Justice Practitioners, Module 3*; American Psychiatric Association (2013), *The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition*

¹¹⁷ American Psychiatric Association (2013), *The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition*

¹¹⁸ Alvieni Angelica (2021) *Organisational Mental Health Care During Pandemics, Indonesia's Experience*

¹¹⁹ Alvieni Angelica (2021) *Organisational Mental Health Care During Pandemics, Indonesia's Experience*

- 1.6. Vicarious trauma can give rise to feelings of guilt or helplessness, suspicion or hyperarousal, or irritability.¹²⁰ This in turn can lead to decreased professional performance, low personal or institutional morale, and affect relationships and behaviour.¹²¹



- 1.7. Apart from trauma, working to counter TIP can be a highly difficult and stressful experience for frontline officers. Stresses and pressures can stem from high workloads, the nature of emergency or rapid response work, high standards and expectations, a lack of resources, and institutional and organisational cultures.

- 1.8. The COVID-19 pandemic has added to the stresses and pressures on frontline officers. As a result of the pandemic, many frontline officers have been working from home, or under alternative working arrangements. For these reasons, frontline officers may have reduced contact with peers and other support networks, and may have experienced increased work-related stress. Working from home arrangements can also lead to decreased productivity and feelings of 'burnout' due to difficulty in separating work-life boundaries, or the need to manage childcare responsibilities or caring for other family members in the household while at work.¹²²

- 1.9. As practitioners, it is therefore important to understand the impact that working with trafficked persons can have on our own mental health, and to take steps to protect our own mental health and wellbeing in the same way that we consider the mental health of trafficked persons.

¹²⁰ Office for Victims of Crime: *Vicarious Trauma Toolkit*; Government of British Columbia, *Human Trafficking Training Module 4: Vicarious Trauma and Self-Care when working with Trafficked Persons*

¹²¹ Office for Victims of Crime: *Vicarious Trauma Toolkit*; Government of British Columbia, *Human Trafficking Training Module 4: Vicarious Trauma and Self-Care when working with Trafficked Persons*

¹²² Alviene Angelica (2021) *Organisational Mental Health Care During Pandemics, Indonesia's Experience*

Good practices for self-care for frontline officers

- 2.1. Each person will respond and react to stresses and exposure to trauma in different ways, and will have different self-care and support needs. What follows in this section is therefore some high-level good practices to help guide frontline officers and organisations to practice self-care.

Good practice	What this means
<p>Acknowledge the need for self-care and name the problem</p>	<p>Frontline officers are often reluctant to acknowledge the need to practice self-care, or that they may be experiencing acute stress or vicarious trauma. In some frontline organisations, there can be a culture of ‘toughing out’ problems. Staff who seek help or support with self-care needs may be branded as ‘weak’ or ‘unable to cope’. They may be perceived as lesser or incapable of performing their jobs by their peers and superiors.</p> <p>Acknowledging the importance of self-care and the need for all frontline officers to practice self-care is therefore critical. This is important both for organisations and for individual frontline officers. Given the significant negative effects of stress and trauma on a person, practicing self-care and maintaining good psychological health should be perceived as a key part of maintaining staff professionalism and capabilities. Just as a frontline officer may be expected to be physically fit to perform their duties, they also need to be psychologically fit.</p> <p>Similarly, where a frontline officer is experiencing a problem, it is important for the person to be able to recognise that they have a problem, to know where to seek support and what support services are available, and to be comfortable to be able to seek the support they need without feeling stigmatized for doing so.</p>
<p>Balance work, life, rest, and play</p>	<p>Maintaining healthy boundaries and balance between work, life, rest, and play is an important aspect of self-care. Frontline officers often work long hours under difficult circumstances. However, it is important to establish and maintain boundaries between work and other aspects of life, and to allow time to holistically practice all areas of personal wellbeing. This is often depicted as a ‘self-care wheel’ that covers professional, physical, psychological, emotional, spiritual, and personal wellbeing.¹²³</p> <p>It is the responsibility of both employers and employees to ensure a proper work-life balance. For employers, this means allowing staff proper time to rest and recover, to avoid disturbing staff outside of working hours, and to have regular supervision meetings between colleagues and supervisors or a counsellor to check in on staff wellbeing.</p>

¹²³ Olga Phoenix Project (1996) *Self-Care Assessment Worksheet: Transforming the Pain: A Workbook on Vicarious Trauma*.

Good practice	What this means
<p>Have colleagues, friends, or professionals to speak to</p>	<p>It is important for frontline officers to be able to have people to speak to where they are experiencing stress or psychological difficulties. As an organisation, this means making sure that officers work in an environment where they feel comfortable and are encouraged to speak about their mental health and self-care needs. Officers should also be aware of where to seek mental health support where needed, and to know that they will not be thought less of for doing so.</p> <p>Not every person will need to speak to a psychologist or mental health professional. Ensuring that colleagues feel comfortable talking to each other and seeking support from each other is therefore also important. Some good practices include: having regular supervision meetings between officers and superiors to 'check in' on an officers' wellbeing, post-stress debriefing sessions with officers that experience acutely stressful or traumatic events (e.g., where an officer is subjected to physical violence or a difficult interaction with a beneficiary), and making professional mental health resources available to officers to use as required.</p>
<p>Avoid 'self-medicating':</p>	<p>Frontline officers may attempt to manage stress by using alcohol, tobacco, or drugs. Substance abuse can have long term physical and psychological effects that will only compound the underlying stresses and trauma. Any relief experienced through 'self-medicating' in this way is therefore often only temporary, and will not address the underlying issue that prompted the behaviour in the first place.</p>

2.2. Set out below are some examples of good practices for self-care for frontline officers from different ASEAN Member States.



Self-care for frontline officers:

Women and Children Protection Centre of the Vicente Sotto Memorial Medical Center, Philippines

The Women and Children Protection Center of the Vicente Sotto Memorial Medical Center caters to women and children who are victims of abuse (physical, sexual, emotional and psychological), and offers medical, social, and psychological services.

Due to the nature of the services it provides, staff are at risk of secondary trauma and stress. To help combat this, the center has introduced a range of interventions. These include establishing an organisational self-care plan for the center, ensuring regular and adequate supervision for all staff, and ensuring that all staff have access to psychological services including psychological first aid, stress debriefings, and counselling and therapy.



Self-care during the COVID-19 pandemic: Indonesia COVID-19 Task Force

During the COVID-19 pandemic, it was observed that changing work patterns could give rise to increased stresses among workers in Indonesia. Challenges included a lack of healthy work-life boundaries due to work from home practices – leading to longer working hours, and the need to manage work and childcare responsibilities. Changing communication practices and the need to rapidly adapt working styles also lead to increased communication problems and misunderstandings among staff. Staff were also affected by increased isolation, loneliness, and depression due to prolonged periods of working from home.

Work from home policies also had a disproportionate effect on women. An online survey conducted by the National Commission on Violence Against Women conducted over April-May 2020 found that the burden of women was disproportionately borne by women. Married women with children therefore had to manage multiple roles (employee, wife, and mother) while working from home during the pandemic.

In response to these challenges, the Indonesian COVID-19 task force initiated several self-care initiatives. These included offering internet subsidies for staff and volunteers, organising webinars on mental health during the pandemic and online workshops on care for caregivers, establishing online prayer gatherings for colleagues, and offering dedicated days for professional counselling.



Complete Training Exercise #15 Post-Training Self-Assessment

Exercises and Case Studies

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Introduction

This package of training exercises and case studies is intended to be used alongside the Training Manual on Human Rights, Gender Sensitive and Child-Friendly Approaches to Trafficking in Persons Cases for Frontline Officers. References have been included in the Training Manual to the exercises and case studies in this package, and when they should be used.

Set out at the start of each training exercise and case study is a summary of the topic and objectives of the training exercise, the suggested timing, and instructions for the training facilitator. Where applicable, handouts for each exercise have also been included to provide to training participants.

Module 1 Training Exercises

Training Exercise 1: Pre-Training Self-Assessment

Topic	Module 1: ASEAN and international frameworks on human rights, the human rights of women, children's rights, and the rights of persons with disabilities in the context of human trafficking
Objectives of the Training Exercise	<p>The purpose of this training exercise is to identify and address some common preconceptions and biases in relation to human rights, the human rights of women, children's rights, and the rights of persons with disabilities in the context of human trafficking.</p> <p>Through this exercise, trainers will also learn more about the views and understanding of the participants, which will help guide trainers when delivering Module 1 and the later training modules.</p>
Suggested Timing	<p>15 minutes</p> <p>Complete this exercise at the start of training Module 1, before presenting the Module 1 content</p>

Facilitator Instructions

Provide each training participant with the list of self-assessment questions in Handout 1 below.

Ask each training participant to complete the self-assessment questions, to the best of their knowledge. Explain to training participants that the purpose of the self-assessment is not to test the participants' level of knowledge, but to understand participants' attitudes and perceptions around the key issues that will be addressed during the training.

Allow each participant 5 minutes to review and answer the multiple-choice questions in the handout on the following page, without discussion with the other participants.

After 5 minutes, bring the participants back together. Read out each question, and ask participants to share their responses to each question. You may do this by inviting individual participants to share their answers to the question, or by asking participants to raise their hands to indicate which answer they gave to each question. Briefly discuss the participants' responses, and invite other participants to give their own comments and reactions.

Handout 1: Module 1 Pre-Training Self-Assessment

Instructions for participants: Please answer the multiple-choice questions below to the best of your knowledge.

1. Human rights something for lawyers. It is too complicated for frontline officers to worry about.
 - a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree

2. A frontline officer with many years of working with different types of victims of trafficking – including with women, children, people of different cultures, and persons with disabilities – has enough knowledge and experience to know how to work with these different people. They don't need training on human rights-based, disability-inclusive or age, gender, and culturally sensitive approaches to working with victims.
 - a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree

3. The human rights of victims of trafficking are more important than the human rights of perpetrators of trafficking.
 - a) Strongly agree

- b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree
4. Any human right can be limited or suspended in the right circumstances, such as during a war or a time of national emergency.
- a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree
5. As a frontline officer, I only have to worry about following the human rights laws and standards set by my country. International laws and ASEAN regional standards are not relevant to my work.
- a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - d) Strongly disagree
6. Following all the different rules and guidelines around respecting human rights, gender-sensitivity, age-sensitivity, and disability-inclusiveness makes it more difficult for me to do my job.
- a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree
7. As a frontline officer, I know best what is in the best interests of a victim of trafficking – even if the victim does not always agree.
- a) Strongly agree
 - b) Agree
 - e) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree

8. Sometimes it is necessary to take actions that may harm the wellbeing of a victim of trafficking, if it means that we can catch the perpetrator(s) of the crime.
- a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree
9. Women frontline officers should work with women and girls that are victims of trafficking. Therefore, male frontline officers do not need to be trained on gender-sensitivity or on the rights of women.
- a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree
10. Gender-sensitivity is about the different needs of men and women. It is not concerned with lesbian, gay, bisexual, transgender, or intersex (LGBTI) people.
- a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree

Training Exercise 2: Post-Training Quiz

Topic	Module 1: ASEAN and international frameworks on human rights, the human rights of women, children's rights, and the rights of persons with disabilities in the context of human trafficking
Objectives of the Training Exercise	The purpose of this training exercise is to test participants' knowledge and understanding of the materials presented during the delivery of Module 1.
Suggested Timing	15 minutes Complete this exercise at the end of the delivery of the Module 1 training content.
Facilitator Instructions	<p>Provide each training participant with the list of questions in Handout 2 below.</p> <p>Ask each training participant to complete quiz to the best of their knowledge.</p> <p>Allow each participant 5 minutes to review and answer the multiple-choice questions in the handout on the following page, without discussion with the other participants.</p> <p>After 5 minutes, bring the participants back together. Read out each question, and ask participants to share their responses to each question. You may do this by inviting individual participants to share their answers to the question, or by asking participants to raise their hands to indicate which answer they gave to each question. Briefly discuss the participants' responses, and invite other participants to give their own comments and reactions.</p>

Quiz Answers:

1. A
2. B
3. D
4. E
5. B
6. D
7. E
8. C
9. C
10. A
11. B

Handout 2: Module 1 Post-Training Quiz

Instructions for participants: Please answer the multiple-choice questions below to the best of your knowledge.

1. Re-traumatisation is:
 - a) Where a person is traumatised again by having to recall details of a past traumatic experience.
 - b) Where a person experiences trauma because of the way they are treated by frontline responders
 - c) Where a person undergoes a similar traumatic experience to a traumatic experience that they have previously had
 - d) Where a person has a second traumatic experience

2. Secondary victimisation is:
 - a) Where a person is victimised again by having to recall details of a past traumatic experience.
 - b) Where a person feels victimised by the way that they are treated by frontline responders
 - c) Where a person is a victim of more than one crime
 - d) Where a person is an indirect victim of a crime

3. Which of the following statements is **true**:
 - a) Frontline officers are not responsible for causing victims to experience re-traumatisation or secondary victimisation. Re-traumatisation and secondary victimisation are caused by perpetrators of human trafficking.
 - b) Victims may experience re-traumatisation, but not secondary victimisation, if frontline officers do not adopt a human rights-based, gender-sensitive, age-sensitive, culturally-sensitive, and disability-inclusive approach
 - c) Victims may experience secondary-victimisation, but not re-traumatisation if frontline officers do not adopt a human rights-based, gender-sensitive, age-sensitive, culturally-sensitive, and disability-inclusive approach
 - d) Victims may experience re-traumatisation and secondary victimisation if frontline officers do not adopt a human rights-based, gender-sensitive, age-sensitive, culturally-sensitive, and disability-inclusive approach

4. Frontline officers must promote, respect, and protect the human rights of:
 - a) Victims of trafficking
 - b) Perpetrators of trafficking
 - c) Witnesses in human trafficking cases

- d) Their peers and colleagues
 - e) All of the above
5. Absolute human rights:
- a) Can be limited or restricted in certain circumstances
 - b) Can never be limited or restricted
 - c) Can be suspended during times of emergency
 - d) Cannot be suspended even during times of emergency
6. Non-derogable human rights:
- a) Can be limited or restricted in certain circumstances
 - b) Can never be limited or restricted
 - c) Can be suspended during times of emergency
 - d) Cannot be suspended even during times of emergency
7. The human rights-based approach **includes** the following principles
- a) Do no harm
 - b) Non-criminalisation
 - c) Non-discrimination
 - d) The 'best interests of the child'
 - e) All of the above
8. 'Do no harm' means
- a) Victims of trafficking must not be physically harmed by frontline officers
 - b) Frontline officers must not harm the wellbeing of victims of trafficking, except where necessary for the prevention of crime
 - c) Before taking any action, frontline officers must take steps to ensure to minimise the harm of any kind that will be caused to that victim
 - d) Victims of trafficking must not harm frontline officers
9. 'Non-criminalisation' means
- a) Victims of trafficking are absolutely immune from prosecution for any unlawful acts committed by them at any time
 - b) Victims of trafficking should not be held criminally or administratively liable for any unlawful acts committed by them, if such acts are directly or indirectly related to acts of trafficking
 - c) Victims of trafficking should not be held criminally or administratively liable for any unlawful acts committed by them, if such acts are directly related to acts of trafficking

- d) Victims of trafficking should not be held criminally liable for any unlawful acts committed by them, if such acts are directly related to acts of trafficking

10. Gender equality means

- a) Women and men should have equally respected rights, and equal access to resources and opportunities
- b) Women and men should be treated exactly the same
- c) Women should have better access to resources and opportunities than men, because they are in a less advantageous situation
- d) Women frontline officers should be responsible for handling the cases of women victims of trafficking

11. Social inclusion means

- a) That Socially marginalised groups should be included in all activities and actions
- b) Ensuring that individuals and groups are able to fully participate in the economic, social, political, and cultural life of their society
- c) Ensuring that minority groups are not discriminated against
- d) Ensuring that people from all different groups of society are treated exactly the same

Module 2 Training Exercises

Training Exercise 3: Quiz on Client Care Principles

Topic	Module 2, Section 1: Client Care
Objectives of the Training Exercise	To test participants' understanding of the key client care and professional conduct principles relevant to working with TIP victims.
Suggested Timing	20 minutes <ul style="list-style-type: none"> • Allow 5 minutes to explain the exercise • Allow 5-10 minutes for participants to consider and discuss their responses • Allow 5-10 minutes to share their responses and reflect on key take-aways and learnings
Facilitator Instructions	<p>Divide the participants into groups. Ideally, each group should consist of at least 4, and no more than 10 participants to help promote discussion.</p> <p>Distribute the questions in Handout 3 below to participants. Allow each group at least 5 and up to 10 minutes to discuss their responses to the questions. After the allotted time, you may ask each group to share their answers to each question, and then allow participants to react and share their thoughts on their answers to each question before sharing the answers with them. Set out below are the answers to the quiz to help facilitators guide the discussion.</p> <p>If conducting the training online, you may consider using the 'poll' function on Zoom or similar online polling software to conduct an interactive online quiz. An alternative option would be to separate participants into breakout groups.</p>

Quiz Answers (for facilitators only)

1. D
2. B
3. True – for example, children or persons with disabilities may not meet the basic standards for informed consent based on national laws. These individuals may not be in a position to give legally valid consent and in these cases, consent needs to be sought through their legal guardian or legal counsel.
4. No – it is important to first request the consent of the individual concerned. Moreover, it may not be sufficient to just remove their name. Other personal identifiers, such as their age or place of origin, and the details of their case may also need to be removed in addition to their name, in order to ensure anonymity. Moreover, conduct a risk assessment consider whether the publication of information regarding the individual's case will result in any risks to the individual (e.g. to their personal security).

5. False – a child victim that is 14 years old who appears to be fairly mature and independent should not be treated the same as a child victim that is 6 years old and visibly upset. The older child may want to exercise a greater degree of control over decisions made relating to their welfare and feel empowered by engaging in the judicial and administrative proceedings.
6. False – the gender of the interviewer should be determined based on the specific circumstances of the case. For example, a male victim of sexual assault at the hands of men, may feel more at ease with a female interviewer.
7. False – while cultural norms may not be as visible as gender, age or disabilities they can still have a significant impact on the frontline response. For example, cultural norms (a perception that mental illness is a sign of weakness or insanity) may render an individual reluctant to participate in any counselling sessions or seek psychological support.
8. False – it is important to consult with the individual as to what services they need and assess their requirements on a case-by-case basis, it may be the case that it would be more beneficial for individuals with disabilities to receive the same treatment as others.
9. False
- 10.D

Handout 3: Module 2 Quiz on Client Care Principles

Instructions for participants: Please answer the multiple-choice questions below to the best of your knowledge.

1. When should informed consent be requested?
 - a) When preparing witness testimony
 - b) When conducting a psychological assessment of the individual
 - c) When conducting research on TIP cases
 - d) All of the above.
2. The frontline officer would like the victim to undergo a medical examination in order to document the physical injuries suffered by the victim at the hands of the trafficker. What information regarding the medical examination should be provided to the victim before the check-up?
 - a) The results of the medical examination
 - b) Advanced notice that the medical examination will be physically intrusive
 - c) Undergoing the check-up is required for a successful conviction
 - d) All of the above
3. Certain individuals may not be able to give informed consent.

True/False
4. It is fine to publish information regarding the TIP victim's case provided that their name is removed from the publication.

Yes/No
5. Irrespective of their age, child victims should be treated the same.

True/False
6. According to good practices, a female victim should always be interviewed by a female interviewer. Likewise, male victims should only be interviewed by a male interviewer.

True/False
7. Cultural background and norms have little impact on the way frontline officers should interact with trafficking victims.

True/False
8. Victims with disabilities should always receive specialized assistance and support.

True/False
9. Professional ethics and duties will always take precedent over the "do no harm" principle when working with TIP victims.

True/False

10. When should a risk assessment be conducted to understand the safety and risks to the victim?

- a) Upon first contact with the victim
- b) Continuously throughout all stages of the legal and investigatory process
- c) When the victim agrees to participate as a prosecution-witness
- d) Only when the victim's safety is threatened

Training Exercise 4: Conducting a Risk Assessment

Topic	Module 2, Section 2: Risk Assessments
Objectives of the Training Exercise	To allow participants to familiarize themselves with the preparation of victim impact statements and encourage participants to consider how victim impact statements might help support compensation claims in practice.
Suggested Timing	<p>45-50 minutes</p> <ul style="list-style-type: none"> • 10 minutes to re-familiarize themselves with the case studies • 20-30 minutes for each group to discuss the questions accompanying the case study • Allow 5-10 minutes for each group to present
Facilitator Instructions	<p>Divide the participants into groups. Ideally, each group should consist of at least 4, and no more than 10 participants to help promote discussion. Separate each group, either physically or by using an online break out room, depending on the format of the training.</p> <p>Assign each group one Case Study from Handout 4 below. Depending on the number of participants, you may not use all of the Case Studies, or more than one group may be assigned the same Case Study.</p> <p>If you are conducting more than one group exercise in the course of your training, consider varying and mixing the groups each time you conduct a group exercise so that as many participants can interact with each other as possible.</p> <p>Allow the participants 10 minutes to read and re-familiarise themselves with the facts of the Case Study, then provide them with the instructions below.</p> <p>Allow the participants between 20-30 minutes to discuss the case study among themselves, and periodically move between the different groups to check in on their discussions and answer any questions they may have.</p> <p>After 20-30 minutes has passed, bring the different groups back together, and ask one representative from each group to present the findings of their discussions. You should allow at least 5-10 minutes per group for the presentation. It may be helpful for you to present a brief summary of the case facts at the start of the discussion to provide context for participants. After each group has presented their discussion, invite the other groups to give their reactions, or offer their own comments, questions, or observations on the group's presentation.</p> <p>Please also offer your own reactions, comments, and questions.</p>

Handout 4: Risk Assessment Case Study Exercises

Participant Instructions

In your groups, please review the case study scenario that you have been assigned, and discuss the following questions among yourselves:

1. Who is at risk?
2. What are the potential risks to each of the at-risk groups identified?
3. What questions would you ask to help assess the level of risk?
4. What actions should be taken?
5. What further information would you need to have to develop the best possible course of action?

After the allocated time has passed, you should select one or more members from your group to present your answers to the rest of the participants.

Case Study 1¹

A'nh was recruited by her cousin who lives in Thailand. She was asked to come to work in a massage parlour in Thailand. She was unaware that her cousin was the girlfriend of a member of an organized crime group and was working as a broker to recruit Vietnamese women into the sex industry. After arriving she was told she had a debt of a large amount of money for her travel to Thailand, and her cousin's boyfriend took away her passport, travel documents and her wedding ring. She was told that if she did not agree, her two children back in Vietnam would be harmed. She was forced to do sex work.

After six months she ran away to the nearby police station. The police called the Vietnamese embassy. A'nh said that her passport and personal belongings were being kept by her cousin's boyfriend in the apartment where A'nh lived with her cousin. She has asked for the police's assistance to get them back. The police identified the apartment as one known to be controlled by an organized criminal group.

When answering Questions 1-5 above, please do so from the perspective of the police officer in charge of A'nh's case.

Case Study 2

Boon-Nam is from a rural village in Thailand. He was recruited to work on a fishing vessel by a friend who lives in the same village. While at sea, he was physically and sexually abused, and was forced to take drugs to enable him to work long hours. He was rescued after five months and following a criminal investigation, in which, Boon-Nam agreed to provide his testimony, the

¹ Adapted from the UNODC, Anti-human trafficking manual for criminal justice practitioners, Module 5: risk assessment in trafficking in persons investigations.

case is going to trial. However, in the week before Boon-Nam is due to give his trial, he receives threatening phone calls from an unknown number. The caller threatens to come find him at the shelter he is staying at and hurt him.

When answering Questions 1-5 above, please do so from the perspective of the prosecutor in charge of the case.

Case Study 3

Mya is a 14-year-old girl from a village in Myanmar, close to the Thai border. Last year, the village chief told her parents that he could offer Mya a job as a cleaner in the neighbouring village, where she could earn a good salary. Her parents agreed, since he was the village chief and they needed the extra income that her salary would bring.

The village chief picked Mya up from her home on a scooter. But instead of taking Mya to the neighbouring village, he sold Mya to a broker, who transported her over the border to Thailand. Once in Thailand, Mya was locked in a house with 20 other girls from Myanmar. The house was owned by a Thai woman named Ms. Saeyang. Ms. Saeyang set up webcams in the house and make Mya and the other girls perform live sexual shows in front of the camera which are streamed on the internet to paying customers. Mya was told by Ms. Saeyang that if she ever tried to run away or spoke to the police, her family in Myanmar would be harmed. Ms. Saeyang also said that if the police found out that Mya was in Thailand illegally, they would arrest her and put her in prison. One evening, the Thai police raid the house and rescue Mya and the other girls. They send the girls to a shelter to await the formal victim identification process.

When answering Questions 1-5 above, please do so from the perspective of the social worker who has been assigned to care for Mya.

Case Study 4²

Anonymous information has been received that a palm oil plantation in your area is using trafficked labour. Initial enquiries do not indicate any specific risk. You decide to deploy officers to observe the plantation. These officers are briefed on potential risks involved in trafficking in persons investigations and report any concerns they have. The officers observe several women and young children working on the plantation. They do not appear to be adequately clothed and do not have any protective gear. Officers also see a van leaving the plant. The licensed number is noted and checked. A man associated with the car three weeks ago has prior convictions for acts of violence, including using weapons against police officers and for migrant smuggling.

When answering Questions 1-5 above, please do so from the perspective of the police chief in charge of the investigation.

² Adapted from the UNODC, Anti-human trafficking manual for criminal justice practitioners, Module 5: risk assessment in trafficking in persons investigations.

Training Exercise 5: Interviewing Skills Role Play Exercise

Topic	Module 2, Section 4: Interviewing Skills and Techniques
Objectives of the Training Exercise	To encourage participants to consider how trauma might manifest in the behaviour of the victim during interviews, and apply interview skills to protect the victim's well-being and obtain accurate information from the victim.
Suggested Timing	<p>1-1.5 hours</p> <ul style="list-style-type: none"> • 10 minutes to familiarize themselves with the role play scenarios • 15 minutes for each group to act out the role play • Allow 20-30 minutes for each group to work through the questions • Allow each group at least 10 minutes to present the key points of their discussion.
Facilitator Instructions	<p>Divide the participants into groups. Ideally, each group should consist of 3 participants to ensure that each person can participate. Separate each group, either physically or by using an online break out room, depending on the format of the training.</p> <p>Assign each group one role play scenario from Handout 5 below and allow them 10 minutes to familiarize themselves with the text and assign roles.</p> <p>Allow 15 minutes for the participants to act out the role play.</p> <p>Let the participants know when 15 minutes has passed and instruct them to work through the questions assigned to each scenario. Give the participants 20-30 minutes to discuss the questions.</p> <p>Select 3-4 groups (depending on the number of participants and groups) to provide an overview of the role play scenario and the conclusions of their discussion. Allow each group at least 10 minutes to present.</p> <p>Set out below are some suggested discussion points for each role play scenario that facilitators can use to help guide the group discussions after the completion of the exercise</p>

Role Play Exercises: Discussion Points for Facilitators

Role Play Scenario 1

Question 1: Please consider the victim's profile and past experiences, and the case typology and then identify their potential needs and concerns.

- V may feel afraid of adult male authority figures as they may trigger memories of her brother and the brothel clientele.
- V is very young and has had extremely traumatic experiences involving sexual abuse. Her emotional outburst is a manifestation of this trauma.
- V may need the support of a social worker and/or therapist to accompany her during the interview.
- V may have been groomed by her brother.
- It may be important to build trust with V before V is willing to discuss his experiences.
- V may be reluctant to disclose as to do so will incriminate a family member and bring shame to the family.

Question 2: Consider any areas where the prosecutor could have taken further steps to ensure that a trauma-informed, gender-sensitive, child-sensitive, culturally sensitive and disability-sensitive approach is taken.

- It would likely have been preferable for the prosecutor's office to arrange for a female prosecutor to interview V or to conduct the interview with the assistance of S.
- P should have started the interview by confirming that S (or V's legal guardian) has provided consent for the interview to go ahead and for the guardian to be in attendance during the interview.
- P could have enquired about the child's welfare and made sure that she felt comfortable before starting with the interview – instead of diving straight into tough questions.
- P could have used more child-friendly language, e.g. avoid the use of the terms "prosecutor" and "brothel", which a child may not understand.
- P could have tried to build a more encouraging and supportive atmosphere.
- P could have used more open-ended questions.
- P could have paid more attention to V's non-verbal cues.

Question 3: Please identify the good practices (if any) adopted by the prosecutor.

- Arranging for V to be accompanied by S to the interview and leveraging the assistance of S to support V during the interview.
- Some attempt was made to explain the purpose of the interview to V.
- Allowing for a break and giving V some privacy during the break.

Role Play Scenario 2

Question 1: Please consider the victim's profile and past experiences, and the case typology and then identify their potential needs and concerns.

- V might be feeling ashamed of failing her family by losing her job and be worried about her future job prospects given her injury.
- V might be afraid that she will be repatriated back to the Philippines and unable to continue working in South Korea.
- V is quite young and it might be her first time working abroad. She might therefore be feeling scared and intimidated by the situation.
- V may have been subjected to harsh living and working conditions, and constantly been verbally abused and overworked.

Question 2: Please identify the behavioural responses to trauma exhibited by the victim and what impact this had on the way they behaved in the interview.

- Providing monosyllabic responses and showing an unwillingness to be discursive.
- Her emotional outburst may be reflecting her frustrations and fears at her precarious legal status and work situation.

Question 3: Consider any areas where the case worker and the shelter manager could have taken further steps to adopt a trauma-informed, gender-sensitive, child-sensitive, culturally sensitive and disability-sensitive approach.

- Unless V wanted S to be present, S should have left the room to give V privacy during the interview.
- C should have introduced herself and explained the objective of the interview, V's rights and entitlements, the implications of a positive or negative screening result, and asked for V's consent to the interview.
- C and S should not tie access to the shelter to V's willingness to provide information to them.
- Instead of continuing to ask V questions when V was angry, they should have given her time to calm down and adopted an encouraging and compassionate tone.

Role Play Scenario 3

Question 1: Please consider the victim's profile and past experiences, and the case typology and then identify their potential needs and concerns.

- V may distrust government authorities, or new and unfamiliar people. He may be afraid that they will find out about his drug use.
- V may not consider himself a victim.
- V may be ashamed of the way he was treated, and feels shame from failing to provide for his family.
- It might be important to check in to make sure V is hearing and understanding what is being communicated.
- V may be embarrassed to be helped by a female police officer.
- V may be ashamed to talk about the sexual abuse he experienced

Question 2: Please identify the behavioural responses to trauma exhibited by the victim and what impact this had on the way he interacted with the police officer.

- Responding in monosyllables and unwilling to be discursive.
- Showing sudden outrage when asked to discuss certain topics.
- Fidgeting and avoiding eye contact.

Question 3: Please identify any areas where the police officer could have taken further steps to adopt a trauma-informed, gender-sensitive, child-sensitive, culturally sensitive and disability-sensitive approach.

- P could have provided an explanation of the purpose of the interview and a preview of the topics that would be discussed.
- P could have used more open-ended questions and avoided the use of leading questions.
- P could have displayed more knowledge of the concerns faced by V as a migrant worker.
- Bonus point: P could have been more proactive in checking that the interpreter was providing an accurate translation.

Handout 5: Interviewing Skills Role Play Exercise

Participant Instructions

In your groups, please review the role play scenario that you have been assigned and nominate one person for each role. Please act out the role play scenarios and then discuss as a group the questions accompanying each scenario.

After the allocated time has passed, you should select one or more members from your group to present your answers to the rest of the participants.

Role Play Scenario 1

Role 1: Female Child Victim (V)

Role 2: Male Prosecutor (P)

Role 3: Female Social Worker (S)

V is a 10-year-old girl from Thailand who was rescued from a brothel. The prosecutor's office has arranged for V to be accompanied by a female social worker to an interview with the prosecutor in charge of the case. When the male prosecutor enters, she starts visibly shaking and is unable to look at the prosecutor directly. Below is an excerpt from the start of the interview – please act out the dialogue:

P : Good afternoon. My name is [Name of Prosecutor] and I'm the prosecutor in charge of your case. Today I will be asking you how you ended up in the brothel. It is very important that you tell me everything that you remember.

V : [Does not react and does not show any signs that she has heard P. V just continues to shake.]

P : Let me repeat my question again. Can you remember how you ended up in the brothel?

V : [Shakes her head]

P : Okay, let's start with another question. [Name of Social Worker], could you please help me ask the girl who took her to the brothel?

S : Hi [Name of Victim], could you please tell me how you ended up in the bar?

V : [Starts to sob and gets off the chair, curling up in a ball on the floor]

P : Can you ask her why she's crying?

S : [Name of Victim], could you please let me know what is the matter?

V : My brother made me do bad things. I don't want to talk about it. [V starts crying]

S : Perhaps we could take a quick break – let me speak to her alone.

P : Sure, we can break of ten minutes. I'll leave the room.

Post-Role Play Scenario 1 Discussion Questions

1. Please consider the victim's profile and past experiences, and the case typology and then identify their potential needs and concerns.
2. Consider any areas where the prosecutor could have taken further steps to ensure that a trauma-informed, gender-sensitive, child-sensitive, culturally sensitive and disability-sensitive approach is taken.
3. Please identify the good practices (if any) adopted by the prosecutor.
4. Now re-enact the role play but this time, the prosecutor should adopt all the good practices.

Role Play Scenario 2

Role 1: Filipino Female Adult Victim (V)

Role 2: South Korean Female Manager of the Shelter (S)

Role 3: Filipino Female NGO Caseworker (C)

V is a 20-year-old Filipino migrant worker. She was previously working at an industrial plant in South Korea until recently. She had fallen from a height at work due to improper safety equipment and lost her right hand and broke her right leg in the accident. As she was unable to continue her duties, she was fired by the factory management. As she is now undocumented but has no means to return home, she has ended up in a shelter run by a local NGO. The caseworker is conducting a victim identification interview with V.

S to V (In English) : This lady here is going to ask you questions.

C (in Tagalog) : OK. Where in the Philippines are you from?

V (in Tagalog) : [V mutters unintelligibly]

C (in Tagalog) : Why did you come to South Korea?

V (in Tagalog) : To work.

C (in Tagalog) : Why did you want to work in South Korea?

V : I don't know. [V raises her voice and shouts] Why are you asking me these questions? [V addresses S in English] I want to leave.

S to V (in English) : You need to answer her questions otherwise we can't continue to provide you shelter.

V : [Stands up and tries to go to the door to leave the room]

C (in Tagalog) : You heard [S's name] – please co-operate with us otherwise you won't be able to stay at the shelter. How did you find the job in South Korea?

V : [Crosses her arms] I found the job online.

Post-Role Play Scenario 2 Discussion Questions

1. Please consider the victim's profile and past experiences, and the case typology and then identify their potential needs and concerns.
2. Please identify the behavioural responses to trauma exhibited by the victim and what impact this had on the way they behaved in the interview.
3. Consider any areas where the case worker and the shelter manager could have taken further steps to adopt a trauma-informed, gender-sensitive, child-sensitive, culturally sensitive and disability-sensitive approach.

Role Play Scenario 3

Role 1: Male Adult Victim (V)

Role 2: Male Interpreter (I)

Role 3: Thai Female Police Officer (P)

V is a 35-year-old male from Myanmar who was rescued from a Thai fishing vessel. It is suspected that he was drugged while at sea in order to work through the night. Interviews with other members of the fishing crew also suggest that the men were regularly beaten and deprived of food. Other members of the fishing crew have also made allegations against the captain for sexual abuse. The following is an excerpt from the interview between the police officer in charge of investigating the case and V.

P : Thank you for agreeing to answer our questions today. In your own words, could you please tell me about your experiences on the boat?

I : [Translating to Burmese] What happened to you on the boat?

V : I was working as a fisherman.

I : [Translating to Thai] He was working as a fisherman.

P : Were the working conditions on the boat bad?

I : [Translating to Burmese] What were the working conditions like on the boat?

V : [Shakes his head]

P : Could you please provide more details?

I : [Translating to Burmese] Why were the conditions bad?

V : [V shrugs and looks down at the floor]

P : Did they beat him?

I : [Translating to Burmese] Did they beat you?

V : No. [V fidgets and stares at the ceiling]

P : He needs to describe his daily routine.

I : [Translate to Burmese] Could you please describe your working day?

V : [Stomps his feet and crosses his arms] I don't know why you are asking me these detailed questions. I woke up, I worked. That's all.

I : [Translating to Thai] He says that he just worked.

P : [Speaking to I] Is that all he said? It sounded to me as though he gave more detail.

I : [Speaking to P] Yes, in our language the words are longer, so it only sounded like he said more things.

Post-Role Play Scenario 3 Discussion Questions

1. Please consider the victim's profile and past experiences, and the case typology and then identify their potential needs and concerns.
2. Please identify the behavioural responses to trauma exhibited by the victim and what impact this had on the way he interacted with the police officer.
3. Please identify any areas where the police officer could have taken further steps to adopt a trauma-informed, gender-sensitive, child-sensitive, culturally sensitive and disability-sensitive approach.
4. Re-enact the role play. However, this time, the person playing the role of the police officer should try to apply the good practice principles you have identified in question 3 above.

Training Exercise 6: Sharing of Good Practices in Victim Identification

Topic	Module 2, Section 5: Good Practices in Victim Identification
Objectives of the Training Exercise	To encourage participants to share their experiences in conducting victim identification.
Suggested Timing	20 minutes <ul style="list-style-type: none"> • 10 minutes for participants to discuss in small groups • 10 minutes for each group to share and present
Facilitator Instructions	<p>Divide the participants into groups. Ideally, each group should consist of at least 4, and no more than 10 participants to help promote discussion.</p> <p>Distribute the questions in Handout 6 below to participants. Allow each group at least 5 and up to 10 minutes to discuss their responses to the questions.</p> <p>After the allotted time, you may ask each group to share their answers to each question, and then allow participants to react and share their thoughts on their answers to each question. Feel free to supplement these responses with your own thoughts, comments, and reactions, but try to allow participants to drive the discussions so far as possible.</p>

Handout 6: Sharing of Good Practices on Victim Identification

Instructions for Participants: Within your allocated groups, discuss and prepare to share your responses to the questions below with the other training participants.

Questions for Discussion:

1. Do you or the organization you work for conduct screenings of potential victims of TIP? If yes, what do you or your organization hope to achieve through the victim identification process and what processes and protocols do you use to achieve identification?
2. What challenges have you encountered when conducting screening interviews with potential victims of TIP?
- 30 Please share any good practices that you or your organisation have developed when conducting victim identification screenings, and in particular any practices that have been developed to address the challenges you have identified in response to question 2 above.

Module 3 Training Exercises

Training Exercise 7: The Importance of Protection and Support Services

Topic	Module 3, Section 1: Non-Conditionality of Assistance for Victims Module 3, Section 4: Reflection and Recovery Period
Objectives of the Training Exercise	To encourage participants to discuss the provision of protection and support services and its intersection with criminal justice objectives.
Suggested Timing	45 minutes <ul style="list-style-type: none"> • 15 minutes for participants to discuss in small groups • 30 minutes for the groups to share and present
Facilitator Instructions	<p>Divide the participants into groups. Ideally, each group should consist of at least 4, and no more than 10 participants to help promote discussion.</p> <p>Distribute the questions in Handout 7 below to participants. Allow each group up to 15 minutes to discuss their responses to the questions.</p> <p>After the allotted time, you may ask each group to share their answers to each question, and then allow participants to react and share their thoughts on their answers to each question. Feel free to contribute your own thoughts, reactions, and responses but try to allow participants to drive the discussion as much as possible.</p>

Handout 7: Victim Protection and Support Services

Instructions for Participants: Within your allocated groups, discuss and prepare to share your responses to the questions below with the other training participants.

Questions for Discussion:

1. In your experience, why do victims decide to participate in criminal justice proceedings and cooperate with law enforcement officers?
2. Where a victim decides not to participate in criminal justice proceedings or cooperate with law enforcement officers, what are the typical factors driving their decision?
3. What are the potential harms of making access to support and protection services to the victim's participation in criminal justice proceedings from the perspective of the victim?
4. Are there ways in which one can carefully balance the need to take a rights-based approach with the needs of the criminal justice process?

Training Exercise 8: Conducting a Needs Assessment

Topic	Module 3, Section 2: Individualized Care of Victims of TIP and Conducting Needs and Risk Assessments
Objectives of the Training Exercise	To encourage participants to apply practical steps to conduct a needs assessment for TIP victims.
Suggested Timing	<p>1.5 hours</p> <ul style="list-style-type: none"> • 10 minutes to familiarize themselves with the case studies • 25-35 minutes for each group to discuss the questions accompanying the case study • Allow 10 minutes for each group to present
Facilitator Instructions	<p>Divide the participants into groups. Ideally, each group should consist of at least 4, and no more than 10 participants to help promote discussion. Separate each group, either physically or by using an online break out room, depending on the format of the training.</p> <p>Assign each group one Case Study from the handout below. Depending on the number of participants, you may not use all of the Case Studies, or more than one group may be assigned the same Case Study.</p> <p>If you are conducting more than one group exercise in the course of your training, consider varying and mixing the groups each time you conduct a group exercise so that as many participants can interact with each other as possible.</p> <p>Allow the participants 10 minutes to read and re-familiarise themselves with the facts of the Case Study, then provide them with the instructions below.</p> <p>Allow the participants between 25-35 minutes to discuss the case study among themselves, and periodically move between the different groups to check in on their discussions and answer any questions they may have.</p> <p>After 25-35 minutes has passed, bring the different groups back together, and ask one representative from each group to present the findings of their discussions. You should allow at least 10 minutes per group for the presentation. It may be helpful for you to present a brief summary of the case facts at the start of the discussion to provide context for participants. After each group has presented their discussion, invite the other groups to give their reactions, or offer their own comments, questions, or observations on the group's presentation.</p> <p>Please also offer your own reactions, comments, and questions. On the following page are some discussion prompts to help guide your discussions with participants.</p>

Training Exercise 8: Discussion Prompts for Trainers

Case Study #1 – Discussion Prompts

- Questions to determine whether any special considerations (sexual orientation, disabilities, nationality, religion, age *etc.*) would make staying in a shelter uncomfortable, impractical or harmful for Arun.
- Questions to determine Arun's cost of living. In addition, it would be worth understanding whether Arun is the main breadwinner, and whether he needs to support family back home in Cambodia or any other dependents.
- Questions to determine whether Arun may want to take up employment. Frontline officers may want to consider exploring this possibility with Arun.
- Questions to determine whether Arun requires legal assistance to support him through the criminal justice proceedings and to advise him on his immigration status .
- Questions to determine the support Arun might require support file compensation claims
- Questions to determine Arun's language ability as he might require additional language support as he might not speak Thai fluently.
- Questions regarding Arun's medical history. Frontline officers may want to obtain copies of his medical records (with Arun's permission) and consult the recommendations made by the professional medical staff regarding his health condition.

Case Study #2 – Discussion Prompts

- Questions to determine whether Denpo should be assigned a legal guardian.
- Questions to determine whether family reunification in this case is in Denpo's best interests or if alternative forms of accommodation (foster care or small group homes) might be in his best interests.
- Questions about Denpo's living conditions at home and his relationship with his parents.
- Questions to determine whether financial support should be given to the parents to support Denpo's daily needs.
- Questions to consider whether arrangements need to be made to ensure that Denpo attends school, including whether financial support is required.

Case Study #3 – Discussion Prompts

- Questions to determine whether any special considerations (nationality, religion, age *etc.*) would make staying in a shelter uncomfortable, impractical or harmful to her. For example, Setia may feel isolated because the other residents at the shelter are Singaporean and therefore unlikely to speak the same language as her, and also do not share her faith.

- Questions to determine Setia's cost of living. In addition, it would be worth understanding whether Setia is the main breadwinner, and whether she needs to support family back home in Indonesia or any other dependents.
- Questions to determine whether shelter-based care is important to ensure she has good access to psychosocial support.
- Questions regarding Setia's medical history. In particular, frontline officers should obtain a copy of Setia's psychological assessment (if one has been conducted) and defer to advice provided by the psychologist.
- Questions to determine whether Setia may want to access to facilities to pray and to connect with Muslim and/or Indonesian support groups.
- Questions to determine whether Setia may benefit from meeting and sharing her experiences with other victims of trafficking for sexual assault, or other domestic workers.
- Questions regarding Setia's language ability as she might require additional language support as she might not speak English or Chinese fluently.
- Questions to determine whether Setia might also require legal assistance to support her through the criminal justice proceedings and to file compensation claims.

Handout 8: Conducting a Needs Assessment

Participant Instructions

In your groups, please review the case study scenario that you have been assigned, and discuss the following questions among yourselves.

1. What questions would you need to ask the victim when determining which shelter would be suitable given their experiences?
2. What questions would you need to ask the victim to determine the extent to which they would require financial support?
3. Based on the available facts, what other services or support might the victim require? Please note the additional information and documentation you may need to obtain from the victim to make this assessment.

After the allocated time has passed, you should select one or more members from your group to present your answers to the rest of the participants.

Case Study 1

Arun, a Cambodian man trafficked to Thailand for work in a factory was rescued when the Thai and Cambodian police conducted a joint raid on the factory. After being screened and identified as a trafficking victim, he was referred to a shelter for male victims of TIP and a case was opened against his trafficker. When he first entered the shelter, he showed signs of malnourishment as the factory employer often deprived the workers of food as a form of punishment. He has now stayed at the shelter for three months. During this time, Arun has not been able to work as he no longer has a valid work permit and he has been confined to the shelter.

Case Study 2

An eight-year-old boy, Denpo from rural Myanmar, was trafficked to Yangon for forced begging. He was rescued and was returned to live with his family after trafficking. His family situation is very tense as his parents face difficulty in meeting their daily needs. The investigation against the suspected traffickers is still on-going and it is unclear whether Denpo's parents were complicit with the traffickers at this stage. Denpo has not been assigned a legal guardian as he is living with his parents.

Case Study 3

Setia is a twenty-year-old woman from Indonesia. She came to Singapore to work as a domestic worker. She was raped and sexually assaulted by her employer over a period of ten months. Her former employer had confiscated her mobile phone, installed CCTV in the house and did not permit her to leave the residence unless she was accompanied by a member of the household. Setia escaped the employer's residence one day when all members of the household were out. She was found by local law enforcement and then placed in a shelter with victims of domestic violence. The shelter is operated by a faith-based NGO founded by a local Christian church group. Setia is the only Indonesian national and Muslim at the shelter.

Training Exercise 9: Module 3 Post-Training Quiz

Topic	Module 3, Sections 1-4
Objectives of the Training Exercise	To test participants' understanding of the key concepts covered in Module 3, including non-conditionality of assistance, reflection and recovery periods, the importance of individualized care and the different models of care.
Suggested Timing	40 minutes <ul style="list-style-type: none"> • Allow 5 minutes to explain the exercise • Allow 15 minutes for participants to consider and discuss their responses • Allow 15 minutes to share their responses and reflect on key take-aways and learnings
Facilitator Instructions	<p>Divide the participants into groups. Ideally, each group should consist of at least 4, and no more than 10 participants to help promote discussion.</p> <p>Distribute the questions below to participants. Allow each group at least 5 and up to 10 minutes to discuss their responses to the questions. After the allotted time, you may ask each group to share their answers to each question, and then allow participants to react and share their thoughts on their answers to each question before sharing the answers with them.</p> <p>If conducting the training online, you may consider using the 'poll' function on Zoom or similar online polling software to conduct an interactive online quiz. An alternative option would be to separate participants into breakout groups.</p>

Quiz Answers

1. A
2. D
3. No – access to financial and other support services should not be made conditional upon victim's agreement to participate in criminal justice proceedings or to cooperate with law enforcement
4. No – there is no 'default' option for the form of care, whether a mixed gender shelter or male-only shelter is most appropriate for the particular victim should be assessed based on his individual circumstances.
5. False – frontline officers should also keep engaging with the child and provide opportunities for the child to communicate their needs directly. Frontline officers should also be mindful of the influence the parent or guardian may have over the child and continually assess whether the adult could be pressuring the child to behave in a certain way.
6. True
7. D

8. False - the overarching objective of reflection and recovery periods is to provide victims with the time and an environment to make fully informed decisions about their future.
9. False - The victim's right to a reflection and recovery period must not be conditional on the victim's participation in criminal justice proceedings or agreeing to co-operate with authorities. This would otherwise undermine the core objective of the reflection and recovery period, which is to enable a presumed victim to make a free and fully-informed decision about whether, and to what extent, to co-operate with authorities.

10.B

Handout 9: Module 3 Post-Training Quiz

Instructions for participants: Please answer the multiple-choice questions below to the best of your knowledge.

1. Which of the following is a fundamental component of requesting full informed consent from TIP victims?
 - A. Ensuring the victim receives all available facts about the matter they are being asked to decide upon
 - B. Ensuring that a lawyer is present when the victim gives their consent
 - C. Ensuring the victim records their consent in writing
 - D. None of the above

2. Which of the following options are available to a victim of TIP when deciding upon their involvement in the criminal justice proceedings?
 - A. Remain silent and refuse to cooperate
 - B. Informally provide confidential information to law enforcement
 - C. Act as prosecution witness
 - D. All of the above

3. Law enforcement officers can and should incentivize victims to participate as prosecution-witnesses by offering them access to financial and other forms of support.

Yes/No

4. Male victims should always be placed in male-only shelters.

Yes/No

5. Where it is difficult to communicate with the child directly, it is sufficient for the frontline officer to communicate information regarding the child's welfare and well-being solely with the appointed guardian.

True/False

6. One of the limitations of non-shelter-based care is that the victims may be more vulnerable to further exploitation.

True/False

7. Which of the following are good practices for shelter staff to follow?
 - A. Providing information to victims in a language they understand
 - B. Ensure that victims are comfortable communicating with shelter staff when they no longer wish to remain at the shelter

C. Ensure to request meaningful and full informed consent from victims for all services provided at the shelter

D. All of the above

8. The primary objective of giving victims a reflection and recovery period is to give law enforcement officers time to prepare for the victim identification process.

True/False

9. Reflection and recovery periods are only provided to victims who have agreed to cooperate with law enforcement as they are intended to give victims time to recover so that they can provide testimony at trial.

True/False

10. When should a needs assessment be conducted to understand the protection and support needs of the victim?

Upon first contact with the victim

Continuously throughout all stages of their recovery process

When the victim agrees to participate as a prosecution-witness

None of the above

Module 4 Training Exercises

Training Exercise 10: Quiz on the Victim Centric Approach

Topic	Module 4, Section 1: A Victim Centric Approach in TIP Prosecutions
Objectives of the Training Exercise	To test participants' understanding of applying a victim-centric approach in human trafficking prosecutions, including the principles of non-conditionality and non-criminalization.
Suggested Timing	30 minutes <ul style="list-style-type: none"> • Allow 5 minutes to explain the exercise • Allow 10-15 minutes for participants to consider and discuss their responses • Allow 10-15 minutes to share their responses and reflect on key takeaways and learnings
Facilitator Instructions	<p>Divide the participants into groups. Ideally, each group should consist of at least 4, and no more than 10 participants to help promote discussion.</p> <p>Distribute the questions below to participants. Allow each group at least 10 and up to 15 minutes to discuss their responses to the questions. After the allotted time, you may ask each group to share their answers to each question, and then allow participants to react and share their thoughts on their answers to each question before sharing the answers with them. Set out below are some suggested answers to the quiz questions, as well as some discussion prompts, to help facilitators guide the discussions.</p> <p>If conducting the training online, you may consider using the 'poll' function on Zoom or similar online polling software to conduct an interactive online quiz. An alternative option would be to separate participants into breakout groups.</p>

Quiz Answers

1. False
2. D – the victim may be at risk of deportation if law enforcement officers fail to apply the non-criminalization principle; the victim's personal security may be threatened by traffickers seeking to deter the victim from cooperating with law enforcement; and repeated questioning by law enforcement officers who are not properly trained in working with TIP victims may be traumatic for the victim due to repeated exposure to adverse details of their trafficking experience
3. True
4. No – access to financial and other support services should not be made conditional upon victim's agreement to participate in criminal justice proceedings or to cooperate with law enforcement

5. False - victims should not be pressured or coerced into cooperating with law enforcement
6. False – the ACTIP provides that victims of TIP should not be held criminally or administratively liable for unlawful acts committed by them, if such acts are directly related to the acts of trafficking
7. No – the victim’s unauthorized entry was the direct result of their being trafficked
8. D
9. True – where the victim feels at ease and comfortable speaking to the prosecutor, this will likely improve the quality of their testimony
10. False – the ‘do no harm’ principle should be followed by all frontline officers and applied across all interactions with the victim, not only in relation to the criminal justice proceedings.

Post-Quiz Discussion Question Prompts for Facilitators

1. Did any of the answers to the quiz surprise you?
2. Have you experienced instances where the principles of non-criminalization and/or non-conditionality were or were not applied in practice?

Handout 10: Quiz on the Victim-Centric approach

Instructions for participants: Please answer the questions below to the best of your knowledge.

Questions

1. Criminal justice objectives should override a victim's rights.
True/False
2. What are potential risks for victims who agree to cooperate with law enforcement?
 - A. The victim is deported
 - B. The victim's personal security is threatened
 - C. The victim is re-traumatized
 - D. All of the above
3. Victims may choose to remain silent and not participate at all in the criminal justice proceedings.
True/False
4. Law enforcement officers can and should incentivize victims to participate as prosecution-witnesses by offering them access to financial and other forms of support.
Yes/No
5. Presumed victims of trafficking should only be provided access to support and shelter if they agree to be screened as victims of trafficking and cooperate with law enforcement investigations.
True/False
6. The ACTIP provides that victims of TIP should never be prosecuted for any crimes committed by them.
True/False
7. Where the victim of TIP for labour exploitation is trafficked into the country and forced to work without a work permit, should the victim be prosecuted for unauthorized entry?
Yes/No
8. What type of information should be provided to the victim to enable them to make a fully informed decision on whether to participate in the criminal justice process?
 - A. The expected duration of criminal proceedings
 - B. Alternative avenues of obtaining compensation
 - C. The scope of their responsibilities as a prosecution-witness

D. All of the above

9. A relationship of trust and good rapport between victims and prosecutors can help serve criminal justice objectives.

True/False

10. The “do no harm” principle only applies to prosecutors working with victims in criminal justice interventions.

True/False

Training Exercise 11: Protecting TIP Victims in the Criminal Justice System

Topic	Module 4, Section 2: Good Practices Working with TIP Victims in the Criminal Justice System
Objectives of the Training Exercise	To encourage participants to identify the rights of victim that may be engaged and consider how the criminal justice proceedings may put these rights at risk.
Suggested Timing	45--50 minutes <ul style="list-style-type: none"> • 10 minutes to re-familiarize themselves with the case studies • 20-30 minutes for each group to discuss the questions accompanying the case study • Allow 5-10 minutes for each group to present
Facilitator Instructions	<p>Divide the participants into groups. Ideally, each group should consist of at least 4, and no more than 10 participants to help promote discussion. Separate each group, either physically or by using an online break out room, depending on the format of the training.</p> <p>Assign each group one Case Study Depending on the number of participants, you may not use all of the Case Studies, or more than one group may be assigned the same Case Study.</p> <p>If you are conducting more than one group exercise in the course of your training, consider varying and mixing the groups each time you conduct a group exercise so that as many participants can interact with each other as possible.</p> <p>Allow the participants 10 minutes to read and re-familiarise themselves with the facts of the Case Study, then provide them with the instructions below.</p> <p>Allow the participants between 20-30 minutes to discuss the case study among themselves, and periodically move between the different groups to check in on their discussions and answer any questions they may have.</p> <p>After 20-30 minutes has passed, bring the different groups back together, and ask one representative from each group to present the findings of their discussions. You should allow at least 5-10 minutes per group for the presentation. It may be helpful for you to present a brief summary of the case facts at the start of the discussion to provide context for participants. After each group has presented their discussion, invite the other groups to give their reactions, or offer their own comments, questions, or observations on the group's presentation.</p> <p>Please also offer your own reactions, comments, and questions.</p> <p>Set out below are some suggested discussion points for each role play scenario that facilitators can use to help guide the group discussions after the completion of the exercise.</p>

Discussion Prompts for Trainers

Case Study #1 – Discussion Prompts

Question 1: Is the person at risk and why?

Aung has experienced highly distressing events, and may be at risk of re-traumatisation or secondary victimisation during the criminal justice process.

Aung has been threatened by the trafficker's associates who know where she is staying. This may place her at risk of physical harm, threats, intimidation, or psychological harm from the stress of knowing that the traffickers know where she is.

Question 2: How might the prosecutor mitigate or reduce these risks before trial?

A rights-based approach:

- Avoid overburdening Aung and ensure that other types of evidence are included in the case file so there is no overreliance on her witness testimony as the main source of evidence at trial
- Avoid re-traumatization of Aung through repeated interviews
- Consider whether Aung needs to be put in a witness protection programme

Question 3: How might the prosecutor mitigate or reduce these risks during trial?

- Consider whether alternative means of providing testimony should be used, where permitted, such as the use of remote testimony, a screen or barrier so that Aung cannot see the alleged perpetrator while she gives testimony, or other measures
- If permitted, inform Aung in advance of any expected questions she will be asked during her testimony and during cross-examination that might be distressing for her

Case Study #2 – Discussion Prompts

Question 1: Is the person at risk and why?

The employer may be able to identify Leap based on the media reports. This may place Leap at risk of violence, threats, intimidation, or reprisals.

The employer might be highly influential and have the ability to threaten/intimidate Leap.

Question 2: How might the prosecutor mitigate or reduce these risks before trial?

- Ensure measures are in place to protect Leap's identity. For example, by requesting a Court order to protect Leap's identity during the criminal trial (if this is not automatically provided)
- Consider whether Leap needs to be moved to an alternative location outside the purview of the employer's brother, or be placed in a witness protection program

Question 3: How might the prosecutor mitigate or reduce these risks during trial?

- Leap’s right to anonymity and confidentiality:
 1. Consider whether to request for a ‘closed trial’ so that the media or other members of the public may not attend, or that reports of the trial be subject to confidentiality orders so that Leap’s identity cannot be disclosed.

Case Study #3 – Discussion Prompts

Question 1: Is the person at risk and why?

Boonnam appears to be exhibiting signs of trauma from his experiences, and may also have learning and developmental difficulties due to his lack of education and limited social interactions with others during his life.

Question 2: How might the prosecutor mitigate or reduce these risks before trial?

- Best interests of the child: All decisions made by the prosecutor in connection with Boonnam, including whether or not to seek to call Boonnam as a witness in the trial – must be made with his best interests as the paramount consideration. In other words, if it is not in Boonnam’s best interests to take part in the trial – because to do so may for example be harmful to his development or wellbeing – the prosecutor should not call Boonnam as a witness. The prosecutor should therefore consider what alternative sources of evidence – other than Boonnam’s direct testimony – could be used to build a case and support a conviction.
- Boonnam’s right to information: the prosecutor should ensure that his rights and responsibilities in relation to the criminal justice proceedings (including his right to decide whether to act as a prosecution witness) are communicated to him in a way that is understood by him. This may need to be communicated to Boonnam by a social worker or other trusted care person.
- Conduct a familiarization visit of the court room ahead of the trial, together with Boonnam’s guardian
- Prior to the trial, help Boonnam refresh his memory of events, using tools that are appropriate for a child of his age and at his stage of development

Question 3: How might the prosecutor mitigate or reduce these risks during trial?

- During the trial, if permitted, questions could be asked to Boonnam via a social worker or other trusted support person (i.e., the lawyers or the judge would communicate their questions for Boonnam to the social worker, who would then ask Boonnam the question). It may also be possible for Boonnam to participate in the trial remotely by video link from a child-friendly location.

Handout 11: Case Studies on Protecting Victims of TIP in the Criminal Justice System

Participant Instructions

In your groups, please review the case study scenario that you have been assigned, and discuss the following questions among yourselves. When answering these questions, please do so from the perspective of the prosecutor in charge of the case.

1. Is the person at risk and why?
2. How might the prosecutor mitigate or reduce these risks before trial?
3. How might the prosecutor mitigate or reduce these risks during trial?

After the allocated time has passed, you should select one or more members from your group to present your answers to the rest of the participants.

Case Study 1

Aung left Myanmar at the age of 16 to Thailand to take up a job as waitress. However, when she arrived in Thailand, the broker who had helped her arrange the job threatened to hand her over to the authorities for entering Thailand without documentation if she didn't do what he said. He then raped Aung and held her for months in a house with not enough food and isolated from everyone. He took away Aung's phone and what little money she had. The Thai authorities rescued Aung from the house and placed her in a shelter. They placed Aung in a shelter for victims of sex trafficking. Aung has agreed to cooperate with law enforcement officers. However, the broker's associates have left Aung a threatening message by sending an audio file to the manager of the shelter.

Case Study 2

Leap is a Cambodian national who was recruited to work on a sugar cane plantation in Cambodia, owned by the brother of a well-known government official. His employer regularly beat him. The employer also threatened to curse him and his family members. His employer also regularly failed to pay Leap on time and often deducted his wages. After 18 months of being subjected to beatings and verbal abuse, Leap sought help from an NGO by reaching out to them on Facebook. The NGO, with Leap's permission, referred the case to law enforcement officers who are now investigating the owner of the palm oil plantation. Leap initially agreed to help the investigation team by providing his testimony at trial. However, the news of the investigation has been leaked to the local press and Mohamed is now worried that the employer will find out that he reached out to the NGO and is working with law enforcement officers.

Case Study 3

Boonnam was sold by his parents when he was 10 years old to a farmer in the neighbouring village to work on the farmer's plot of land. The farmer kept Boonnam locked up in a shed when he was not working and never gave him enough food to eat. He was not permitted to go to school. Boonnam did not have any contact with the outside world. This went on for 8 months until a neighbour noticed Boonnam and called the local authorities. Boonnam has been assigned a legal guardian and has been placed under the care of a social worker. In the meantime, the Thai police has gathered sufficient information to prosecute the farmer and Boonnam's parents, and the prosecution would like Boonnam to testify at trial. Boonnam however, appears to be very distressed. When asked about his experience, he often forgets what he is saying in the middle of a sentence and bangs his head against the table. Boonnam also does not speak Thai very well and has trouble communicating with the prosecutor, relying heavily on the social worker to care for him.

Training Exercise 12: Sharing Experiences in Supporting TIP Victims in Obtaining Compensation and Restitution

Topic	Module 4, Section 3: Compensation and Restitution
Objectives of the Training Exercise	To encourage participants to share their experiences in supporting victims in seeking compensation and restitution, and foster the exchange of good practices
Suggested Timing	20 minutes <ul style="list-style-type: none"> 10 minutes for participants to discuss in small groups 10 minutes for each group to share and present
Facilitator Instructions	<p>Divide the participants into groups. Ideally, each group should consist of at least 4, and no more than 10 participants to help promote discussion.</p> <p>Distribute the questions below to participants. Allow each group at least 5 and up to 10 minutes to discuss their responses to the questions.</p> <p>After the allotted time, you may ask each group to share their answers to each question, and then allow participants to react and share their thoughts on their answers to each question before sharing the answers with them.</p>

Handout 12: Sharing of Good Practices on Victim Identification

Instructions for Participants: Within your allocated groups, discuss and prepare to share your responses to the questions below with the other training participants.

Questions for Discussion:

1. Describe briefly the pathways to compensation available for victims for TIP under the national legal framework and the types of remedies available under each of these pathways.
2. What challenges do TIP victims often face in obtaining compensation?
3. How might a prosecutor or frontline officer support the TIP victim in overcoming these challenges?

Module 5 Training Exercises

Training Exercise 13: Taking an Unconscious Bias Test

Topic	Module 5: Unconscious Bias
Objectives of the Training Exercise	The purpose of this training exercise is to help training participants understand their potential unconscious biases and how to use an online association test to help test possible unconscious biases they may have.
Suggested Timing	30 minutes Complete this exercise at the end of Module 5, Section 1 or, if possible, invite participants to complete the exercise themselves before attending the training session.
Facilitator Instructions	<p>In this training exercise, participants will complete a Harvard implicit bias test. This is an online test developed by Harvard University that aims to identify different unconscious biases that people may have towards different groups.</p> <p>This exercise will require participants to have their own computers and an internet connection. For that reason, you may wish to either ask participants to complete the exercise at home before attending the training, or ask participants to each bring a laptop to the training so they can participate in the exercise.</p> <p>At present, the tests are only available in English.</p> <p>Exercise instructions</p> <ol style="list-style-type: none"> 1. Participants may access the implicit bias tests at: https://implicit.harvard.edu/implicit/takeatest.html 2. Ask participants to choose any one of the following tests: <ul style="list-style-type: none"> • Sexuality IAT • Disability IAT • Gender – Career IAT • Age IAT 3. Once participants have selected a test, they should follow the instructions on screen to complete the test. Each test takes around 15 minutes to complete. 4. Once completed, participants will see a screen that states “You Have Completed the Study”. Participants should take a screenshot of their results, or note down the test findings. 5. After all participants have completed the test, ask individual participants to share their answers to the following questions with the group. <p>Remember that the point of this exercise is not to ‘name and shame’ people for having implicit biases (which we all have) but to point out that many people have hidden implicit biases that they are not aware of – and that only by identifying these can we take steps to address them.</p> <ul style="list-style-type: none"> • Which implicit bias test did you take? • What was the result of your test? • Did the result surprise you, why? • Now that you know about the result of your test, what practical steps can you take to address any implicit biases that have been identified?

Module 6 Training Exercises

Training Exercise 14: Self-Care Self-Assessment

Topic	Module 6: Practical steps for self-care and support for frontline officers
Objectives of the Training Exercise	<p>The purpose of this training exercise is to identify and address some common preconceptions and biases among the training participants in relation to self-care.</p> <p>Through this exercise, trainers will also learn more about the views and understanding of the participants, which will help guide trainers when delivering Module 6.</p>
Suggested Timing	<p>15 minutes</p> <p>Complete this exercise at the start of training Module 6, before presenting the Module 6 content</p>
Facilitator Instructions	<p>Provide each training participant with the list of self-assessment questions in Handout 13 below.</p> <p>Ask each training participant to complete the self-assessment questions, to the best of their knowledge. Explain to training participants that the purpose of the self-assessment is not to test the participants' level of knowledge, but to understand participants' attitudes and perceptions around the key issues that will be addressed during the training.</p> <p>Allow each participant 5 minutes to review and answer the multiple-choice questions in the handout on the following page, without discussion with the other participants.</p> <p>After 5 minutes, bring the participants back together. Read out each question, and ask participants to share their responses to each question. You may do this by inviting individual participants to share their answers to the question, or by asking participants to raise their hands to indicate which answer they gave to each question. Briefly discuss the participants' responses, and invite other participants to give their own comments and reactions.</p>

Handout 13: Self-Care Self-Assessment

Instructions for participants: Please answer the multiple-choice questions below to the best of your knowledge.

1. I know there is somebody that I can speak to I feel overworked or stressed, tired, or anxious about my work
 - a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree

2. I should not complain about feeling stressed or overworked because victims of trafficking are in a much worse situation than me
 - a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree

3. Frontline officers need to be able to deal with being exposed to traumatic experiences during their daily work. People that cannot should not be frontline officers.
 - a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree

4. If I ask for help from a colleague, counselling, or psychological support to deal with the stresses and pressures of work, this means that I am weak and not good at my job.
 - a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree

5. Trauma can only be felt by people who are directly experience harm. You cannot become traumatised by reading or hearing about other people's traumatic experiences.

- a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree
6. It is wrong to take time off work or take breaks because victims of trafficking rely on us for protection and support.
- a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree
7. Getting professional counselling is the only way to practice mental health self-care
- a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree
8. I maintain strong boundaries between my work and other areas of my life
- a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree
9. The COVID-19 pandemic has increased the stresses and pressures of my job
- a) Strongly agree
 - b) Agree
 - c) Neither agree or disagree
 - d) Disagree
 - e) Strongly disagree

Training Exercise 15: Self-Care Case Study Exercises

Topic	Module 6: Practical steps for self-care and support for frontline officers
Objectives of the Training Exercise	The purpose of this exercise is to allow participants to have the opportunity to apply some of the different self-care techniques covered in Module 6 through looking at a series of different scenarios.
Suggested Timing	30 minutes
Facilitator Instructions	<p>Divide the participants into small groups. Provide each group with the discussion scenarios in the handout below.</p> <p>Allow each group 15 minutes to read and discuss the different discussion scenarios in Handout 14, and to answer the questions.</p> <p>After 15 minutes, invite each group to present their answers to the various questions to the other groups. Depending on the number of participants and groups, you may ask each group to present their answers to all of the questions, or to just one question per group. Briefly discuss the participants' responses, and invite other participants to give their own comments and reactions.</p>

Handout 14: Self-Care Case Study Exercises

Instructions for participants: In your groups, please consider the following scenarios and answer the questions that follow each scenario.

Scenario 1:

Arif is a field officer in an elite police counter-trafficking division. Two months ago, Arif took part in a raid against a human trafficking ring. During the operation, one of the traffickers tried to escape, and was chased by Arif. During the chase, the trafficker shot at Arif and narrowly missed him. Arif subsequently restrained and arrested the trafficker.

Arif was not physically injured in the raid, and so returns to duty. However, he has started to spend more time by himself and seems more distracted at work. Two weeks after the raid, Arif's supervisor calls him to a meeting and tells him to "get it together" or he will transfer Arif to a desk-based role. Arif's colleagues start to talk about him behind his back. They say that he "can't deal with it", and doesn't deserve to be in the counter-trafficking division. They say that only the "best of the best" deserve to be in the division. Eventually, Arif's colleagues stop inviting him to eat lunch with them or to attend social gatherings.

One day, Arif overhears another colleague making fun of him behind his back in the locker room. Arif responds by punching his colleague in the face. After the incident, Arif's supervisor suspends Arif without pay and transfers him to a different division.

Scenario 2:

Boonmee is a senior public prosecutor specialises in cases of child sexual exploitation. Boonmee is often required to conduct witness interviews with young children, and to review graphic evidence of child sexual exploitation (e.g., pornographic photos and videos).

Boonmee is working on a major trafficking case involving the trafficking of dozens of children for the purpose of sexual exploitation and the production of pornography. This is the largest case he has ever worked on and will be very important for his career. He has been working late into the night for several months, and often works on the weekends.

Because of the COVID-19 pandemic, Boonmee has been working from home, without much contact with his colleagues. He has recently stopped attending the regular weekly Zoom social sessions organised by his department because he says he doesn't have enough time. Boonmee says that he cannot rest until he has seen the perpetrators of the crime brought to justice. He tells his colleagues not to worry about him, because the children involved in the case have suffered much more than he will.

When Boonmee does go home, he often has whisky to "wind down" after work. Usually, he has one or two glasses a week. Recently, however, his intake has increased to around two bottles of whisky a week. Yesterday, after consuming the last of his whisky, Boonmee decides to drive to the store to buy more. On the way, he crashes his car into a ditch and is arrested for drink-driving.

Questions

For each scenario, consider the following questions:

1. What (if any) psychological or mental health conditions might Arif or Boonmee be experiencing?
2. What are the likely sources of these conditions?
3. What signs and symptoms of these conditions can you observe?
4. What poor self-care practices can you observe being taken by the Arif and Boonmee's employers and colleagues, and by Arif and Boonmee?
5. What measures could Arif or Boonmee's employers have taken to help promote better self-care for Ari and Boonmee respectively?
6. What measures could Arif and Boonmee's colleagues have taken to help promote better self-care for Arif and Boonmee?
7. What measures could Arif or Boonmee have personally taken to help promote better self-care for themselves?



**Human Rights, Gender Sensitive
and Child-Friendly Approaches
to Trafficking in Persons Cases
for Frontline Officers**