GUIDELINES FOR
THE FIRST LEVEL IDENTIFICATION
OF VICTIMS OF TRAFFICKING IN EUROPE

June 2013
Human trafficking continues to be a dangerous criminal activity in each of our countries. We are all concerned by this issue that must be fought in all of its forms.

We all - Bulgaria, Greece, Spain, Romania, France, and the Netherlands, as partners of the project “Development of Common Guidelines and Procedures for the Identification of Victims of Trafficking”, have set the objectives to develop a network of national contact points between the participating countries for the collection and exchange of best practices in the identification of victims of trafficking and developing common guidelines and procedures for first level identification of victims of trafficking in our respective countries. Furthermore, we want to share these best practices and the Guidelines for the first level identification of victims of trafficking with the 27 EU Member States.

We do believe it is our duty to strengthen and harmonize the procedures to identify victims, in order to better protect them, strengthen their rights and fight this awful crime.

The difficulties encountered in identifying victims have numerous consequences, particularly for women and girls.

The project coordinators of Bulgaria, France, Greece, the Netherlands, Romania and Spain, call the national coordinators of other Member States to consider the identification of victims of trafficking as fundamental and invite them to join us in providing assistance and protection to victims using a common approach, with due respect to human rights. We want to break the silence of the surrounding violence related to exploitation in all its forms, particularly of women and children and intensify our efforts in a joint and focused action.

Together, we can change the attitudes and behaviors which enable or facilitate the trafficking in human beings and encourage standards, concepts and practices that allow for equal rights through a common language.

Together, we can effectively combat this serious crime by strengthening our cooperation with regards to the identification and protection of victims.

Together, we can translate our commitments into tangible actions to ensure effective assistance to victims through proper identification.

Together, we can help support victims across borders through a common mechanism for first level identification of possible victims of trafficking.

Together, we invite other Member States of the European Union to join us to adopt and implement the common guidelines and procedures for first level identification of victims.

Today, we stand to fight human trafficking in all its forms, and we focus on setting practical tools for the first level identification of victims agreed by all the Member States.
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1. INTRODUCTION

These guidelines have been developed in the context of the project “Development of Common Guidelines and Procedures on Identification of Victims of Human Trafficking”. The six participating countries are Bulgaria, France, Greece, Romania, Spain and The Netherlands. In addition, four partners are also associated with the project: the Council of Europe (CoE), the International Centre for Migration Policy Development (ICMPD), the International Labour Organisation / Special Action Programme to Combat Forced Labour (ILO SAP-FL) and the United Nations Office on Drugs and Crime (UNODC). The project has received the financial support from the Prevention of and Fight against Crime Programme of the European Union/European Commission- Directorate-General Home Affairs under the ISEC 2010 Call for proposals as well as co-financing from five participating States.

The French Ministry of Foreign Affairs, the project leader, has designated its implementing agency, France Expertise Internationale, to coordinate the implementation of the 24-month project, which started in November 2011.

The aim of these guidelines is to propose tools to enhance and harmonise methods and procedures for the first level of identification of victims of trafficking within the European Union (EU) in order to better address trafficking in human beings and to ensure equitable treatment between the victims in the region as regard their rights, including the right to protection. Harmonised procedures will also reinforce the cooperation between participating States in this area. According to the 2012 ILO estimate of forced labour and trafficking, there are 880,000 victims in the European Union, much more than the number of victims actually identified. This demonstrates the need for improved identification and prosecution of cases involving human trafficking.

The target groups of the guidelines are professionals in charge of the first level identification of victims of human trafficking within the participating States, including law enforcement agencies, local authorities (municipalities), immigration officials, prosecution authorities, the judiciary, child protection agencies, organisations providing services to victims, NGOs, social services, the labour inspectorate, embassies, consular services and trade unions. Within these professional categories, the goal is to bring common guidelines and best practices to frontline and non-specialised professionals in charge of the first level identification. The list of professionals mentioned in these guidelines is not exhaustive, and the guidelines can also be used by non-specialised professionals who may come into contact with victims in the course of their work, such as health care, education or transportation staff. In order for all these actors to understand the global process and have a comprehensive view of the procedures, from early detection to formal identification of victims, the guidelines also describe the phases that will follow the first level identification up to the point where the presumed victim is protected, assisted and informed of his/her rights, including the right to a recovery and reflection period.

The guidelines were developed based on the report “Identification of Victims of Trafficking for all forms of Trafficking, Collection of good practices in Bulgaria, France, Greece, Romania, Spain, and The Netherlands” prepared during the first phase of the project. The good practices collected in the six countries included the methods and procedures implemented to identify victims as well as the operational indicators of trafficking in human being (adults, children and all forms of exploitation) used for that purpose.

These guidelines for the first level identification of victims of trafficking have been designed with a human rights-based and victim centred approach, which put the protection of the fundamental rights of the possible victim at the heart of the suggested actions and procedures. They are based on the guidelines for the respect of the human rights of victims as described in the Joint UN Commentary on the EU Directive1 and on the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking2. This document reflects an approach that recognises trafficking as a gross and serious human rights violation and reaffirms the importance of human rights based approach, in particular for identifying trafficking victims.

These guidelines have specific recommendations for children who are victims of trafficking. In each section, all measures specific to children are presented between two occurrences of the symbol.

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2. FIRST LEVEL IDENTIFICATION OF VICTIMS OF TRAFFICKING

2.1. WHAT IS HUMAN TRAFFICKING

ACTION, MEANS AND PURPOSE

 Trafficking in Human Beings was first defined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also referred to as the Palermo Protocol), an international agreement attached to the UN Convention against Transnational Organized Crime (CTOC) which entered into force on 25 December 2003. The same definition was used in Council of Europe Convention on Action against Trafficking in Human Beings (2005) (“CoE Convention”). In 2011, a new EU directive (Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims) was created to establish minimum rules at European Union (EU) level concerning the definition of criminal offences and sanctions in the area of trafficking in human beings. It also provides measures aimed at better prevention of this phenomenon, and at improving the protection of victims.

The legal framework of these guidelines is based on the definition of trafficking as mentioned in the Article 2 of this Directive:

“Trafficking in human beings” shall mean

1. The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

2. A position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.

3. The consent of a victim of trafficking in human beings to the exploitation, whether intended or actual, shall be irrelevant where any of the means set forth in paragraph 1 has been used;

4. When the conduct referred to in paragraph 1 involves a child, it shall be a punishable offence of trafficking in human beings even if none of the means set forth in paragraph 1 has been used;

5. For the purpose of this Directive, ‘child’ shall mean any person below 18 years of age.

This definition is usually summarized with the following table, which highlights the three main elements of the definition — ACTION, MEANS AND PURPOSE. All three of these elements must be present for a situation of “trafficking in persons” to be recognised, with one important exception:

There is no need to have any element pertaining to the MEANS section in the case of children. In addition, the definition states that the fact that a person “consented” to the intended exploitation is irrelevant if one of the MEANS is used.

Accordingly, except for cases involving the trafficking of children, any person who is subject to (at least) one of the ACTIONS by (at least) one of the MEANS for (at least) one of the PURPOSES can be considered to be a victim of trafficking.

Two further clarifications are necessary. First, as explained further in Section 5, the guidelines treat forced begging and exploitation of criminal activities as falling within the definition of forced labour and services, in accordance with EU Directive 2011/36/EU and ILO Forced Labour Convention, 1930 (No. 29).

Second, the guidelines do not address situations of human trafficking for the purpose of removal of organs, illegal adoption or forced marriage, although these situations are explicitly cited in the that Directive. These guidelines do not cover these situations because their distinct nature and characteristics mean that the relevant indicators to detect them, the procedures to proactively identify them and the types of actors who may be involved are totally different from other forms of exploitation.

The only exception — which is covered by these guidelines — arises when a person is exploited in one of these four forms of exploitation as a result of false promises of marriage or adoption.

2.1. THE SPECIAL CASE OF CHILDREN

Trafficking in children is as a special case of trafficking in Persons as defined in the CoE Convention on trafficking. Under Article 4(c) recruitment, transportation, transfer, harbouring or receipt of a child (defined as any person under eighteen years of age) for the purpose of exploitation is to be regarded as trafficking in human beings even if it does not involve any of the means listed in Article 4(a).

In the case of children: ACTION + PURPOSE = TRAFFICKING in Children. Trafficking in children is recognised as a worst form of child labour in the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). The International Programme on the Elimination of Child Labour (IPEC) has developed an operational definition of child trafficking and exploitation, which mirrors the international trafficking definition’s requirement of an act and exploitative purpose. For IPEC operations, in the context of child trafficking, exploitation is defined as follows:

- all forms of slavery or practices similar to slavery, debt bondage and servitude and
generated compulsory or forced labour, including forced or compulsory recruitment of children
for use in armed conflict (C182, Article 3(a));
the use, procuring or offering of a child for prostitution, for the production of
pornography or for pornographic performances (C182, Article 3(b));
the use, procuring or offering of a child for illegal activities, in particular for
production and trafficking of drugs as defined in the relevant international treaties (C182, Article
3(g));
work which, by its nature or the circumstances in which it is carried out, is likely to harm
the health, safety or morals of children (C182, Article
3(d) and C183, Article 3);
work done by children below the minimum age for admission to employment (C183, Articles 2 &
7).

This definition sets the context for the first level identification of children presented in these guidelines.
TRAFFICKING VS. SMUGGLING

Human Trafficking is different from smuggling of migrants. Smuggling of migrants is a crime involving the procurement for financial or other material benefit of illegal entry of a person into a State of which that person is not a national or resident.

In smuggling cases, the migrant consents to pay someone (the smuggler), who will organise and/or facilitate his/her illegal entry into a State of which that person is not a national or resident.

The smuggler is not concerned with what will happen to the migrant once the border is crossed. In particular, the smuggler’s objective is not to exploit the migrant once at his/her destination, but to receive a financial gain. Smuggling is a crime against the State (illegal entry), not against the migrant (who paid for a service).

THE MAIN DIFFERENCES WITH TRAFFICKING IN PERSONS CAN BE SUMMARISED AS FOLLOWS:

<table>
<thead>
<tr>
<th>TRAFFICKING IN HUMAN BEINGS</th>
<th>SMUGGLING OF MIGRANTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose Exploitative</td>
<td>For financial or other material benefits</td>
</tr>
<tr>
<td>Consent Invalid consent</td>
<td>Valid</td>
</tr>
<tr>
<td>Transnationality</td>
<td>Not required</td>
</tr>
<tr>
<td>Crime</td>
<td>Against the person</td>
</tr>
</tbody>
</table>

Nevertheless, the processes of trafficking and smuggling can be interrelated and the distinctions between the two crimes can be difficult to draw. Both smuggled persons and trafficked persons can be identified in the same group of persons illegally crossing a border, as criminal networks are interlinked. Similarly, a migrant consenting to be smuggled across a border may, in transit or at his/her destination, end up in a trafficking situation.

2.2. WHAT IS FIRST LEVEL IDENTIFICATION?

First level identification

General Public

Front line officers

Specialised officers

Law enforcement

Immigration officials

Prosecution authorities

The Judiciary

Child protection agencies

Municipalities

NGOs providing services to victims

NGOs

Social services

The Labour inspectorate

Trade Unions

National Referral Mechanism

Initial screening

Access to basic needs

Risk assessment

Recovery and reflection period

Formal identification

Non specialised professional categories (hospitals, schools, transport, etc.)

First level identification

2.3. WHY IS IT IMPORTANT TO DETECT AND IDENTIFY VICTIMS OF TRAFFICKING?

First level identification is only a first step of a long and comprehensive framework set up to offer short and long-term protection of victims. Front-line officers are not responsible for the following steps of the process described in this paragraph, but it is important for all actors to have a comprehensive view of the existing mechanisms set up to protect the victims.

PROTECTION AND REFERRAL TO COMPETENT AUTHORITIES

Victims of trafficking should be detected as soon as possible in order to be rescued from their situation of exploitation and given protection. Once detected, possible victims should be referred to specialised bodies, such as National Referral Mechanisms, or any competent authority, in charge of formally identifying the person as a victim of trafficking and coordinating all actions and services dedicated to victims. Identification is crucial as, once identi-
2. First level identification of victims of trafficking

2.1. Identification

First level identification can take place in a wide range of organisations, but it is necessary to have a mechanism specifically designed to coordinate actions, protection and services offered to victims of trafficking who are referred to it. Such coordination systems, usually known as National Referral Mechanisms, are responsible for “ensuring that the human rights of trafficked persons are respected and for providing an effective way to refer victims of trafficking to services.” This includes ensuring firstly that the presumed victim is informed about his/her rights and options in a language he/she understands and also that she is offered immediate support and protection relevant to his/her needs. This is done based on a gender-sensitive approach. Specific measures apply to child victims or victims whose age is uncertain where there are reasons to believe that they are below. The ICMPD developed guidelines on Transnational Referral Mechanisms which take the process of referral one step further in order to facilitate the referral of a victim across borders; these guidelines complement the National referral Mechanisms and provide practical measures and recommendations in order to carry out transnational referrals. They include mechanisms for providing immediate assistance and information concerning their rights in administrative and judicial proceedings, education and information on employment opportunities. In cases where the victim does not reside legally resident with a short-term residence permit, they can escape their influence, so that they can take an informed decision on whether or not to cooperate with the competent authorities and whether or not to participate in available social assistance programmes.

The institution or entity responsible for coordinating referral and protection of presumed victims of trafficking differs from country to country. It can be one or several law enforcement agencies, accredited social service agencies or a unique coordinating agency. Depending on the institution in charge of this crucial phase, there is no unique or better solution to determine where the next steps should take place.

It is essential to ensure that the possible victim is safe and feels as comfortable and secure as possible. This is why it is recommended that the presumed victim and the officer in charge of identification can understand each other, either directly or through an interpreter. Interpreters dealing with adults and children should be specifically trained and sensitised to the issue of trafficking. In addition, the organisation in charge of identification may offer the assistance of cultural mediators to enhance mutual understanding and respond to the fears and anxieties of the person who may be a victim of trafficking. Gender dimensions and ethnic specificities should be taken into account in the profile of the officer who will be in charge of interviewing the presumed victim.

In all cases, this phase cannot take place without the informed consent of the presumed victim nor if there is any doubt regarding his/her safety and security. The officer, along with the interpreter if necessary, must explain to the presumed victim what is going to happen, how long it will take, where, by whom and above all, why. In addition, the officer should not begin talking with the person before offering him/her water, food, clothing, emergency medical care or any other urgent support.

In the case of children, or persons who may be children, there are special provisions to ensure that they get direct access to special protection measures as victims of human rights violations. Trafficking in children is clearly a violation of their rights as defined in the UN Convention on the Rights of the Child. In particular, their rights to go to school or receive some form of education, to stay with their family, to be protected from sexual violence and other forms of violence, to have time to play and to be protected from exploitation are violated. First level identification must ensure that appropriate action is taken as soon as possible. The recommendation from the European Commission Group of Experts on Trafficking in Human Beings specifies that “when the age of a person presumed or identified as a victim of trafficking is uncertain and there are reasons to believe that the person is a child, he/she shall be presumed to be a child and receive immediate access to assistance and protection.”

Special procedures should be applied for children; this is why the first step is to check the age of the person, and in cases of doubt, to treat him/her as a child.

There are several stages from the first detection of some signs of trafficking in human beings to the formal identification of a victim which can be summarised as follows:

1. Determine the age of the person, to decide which procedures apply.
2. Assess whether the person is a possible victim of trafficking.
3. Assess his/her immediate needs, taking into account the risks he/she faces.
4. Decide together on the best solution for the presumed victim.
5. Implement the solution jointly decided upon by the person and, if applicable, the person’s legal representative.

According to Recommendations on Identification and Referral to Services of Victims of Trafficking in Human Beings from the European Commission, during all of these procedures, from the moment the competent authorities have an indication that the person has been subject to the crime of trafficking, the presumed victims should be considered and treated as a victim.

**Recovery and Reflection Period**

A recovery and reflection period at a minimum of 30 days according to the CoE Convention should be granted by the competent authorities to presumed victims during which they are protected from immediate deportation (for those who do not have a legal administrative status to stay in a Party’s territory or who are legally resident with a short-term residence permit), they can start their recovery process, and they are protected from possible reprisal from traffickers and can escape their influence, so that they can take an informed decision on whether or not to cooperate with the competent authorities and whether or not to participate in available social assistance programmes.

In cases of unaccompanied minors and children who are possible victims of trafficking, they automatically have the right to protection as minors.

**Prosecution**

Once recognised as a victim of trafficking, the person has a right to legal redress. According to the Articles 12 and 15 of the CoE Convention, presumed victims should receive information about the relevant judicial and administrative proceedings in a language they understand right as from their first contact with the competent authorities. Access to legal redress, including compensation, and the prosecution of traffickers often depend upon the information and evidence that is collected during the first level identification of victims. This is why the detection of the signs of trafficking should be accompanied by the collection of relevant evidence whenever it is possible.

**Access to Assistance**

Legal provisions and recommendations on the type and content of specialised and comprehensive assistance to be offered to presumed victims have been detailed in the official documents from the directive 2011/36/EU of the European Parliament and of the Council, OSCE and the EC Experts Group on trafficking recommendations 99-103. They include provisions for medical, psychological, social, financial, legal assistance and information concerning their rights in administrative and judicial proceedings, education and information on employment opportunities. In cases where the victim does not reside legally resident with a short-term residence permit, they can escape their influence, so that they can take an informed decision on whether or not to cooperate with the competent authorities and whether or not to participate in available social assistance programmes.

**Possible Victims of Trafficking Should Not Be Treated as Perpetrators**

One key issue in first level identification of victims is to avoid treating them as perpetrators and subjecting them to arrest, detention, prosecution, imprisonment or deportation for crimes that relate directly

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6. Ibid
7. Council of Europe Convention on Action against Trafficking in Human Beings, 2005, Article 13
to their status as victims of trafficking. In fact, there is a real risk that this will happen if trafficked persons are not identified as victims, since many trafficking victims may have violated national immigration or labour laws. In accordance with Article 26 of the CoE Convention which states that “Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so”. For children, Article 8 of the EU Directive 2011/36 states that “the child’s best interests must be a primary consideration”, recognizing the fact that “Children are more vulnerable than adults and therefore at greater risk of becoming victims of trafficking in human beings”.

Proof of the existence of coercion or some other means of trafficking that have been applied to the victim in order to compel him/her to carry out unlawful activities suggests that one must re-examine the status of some perpetrators who may actually be victims of trafficking.

Some typical examples of violations of laws by victims of trafficking for labour exploitation include crossing the borders with fake documents (victims may be or may not be aware that their travel papers are not legitimate), crossing the borders without any document (traffickers having organised the transport and transit stage without the victim’s consent), residing and/or working in the country without the required authorisations, working in illegal activities (such as forced begging, prostitution, drug cultivation, transportation or dealing). The same acts, committed voluntarily and freely by a person under different circumstances, could be prosecuted as appropriate. Early identification of the status of presumed victims will protect them “from prosecution or punishment for criminal activities (…) that they have been compelled to commit as a direct consequence of being subject to trafficking”. Once a person has been mistakenly treated as an offender, it is much more difficult to identify him/her as a presumed victim. This will be dealt with in the next chapter.

**FIRST LEVEL IDENTIFICATION TO COMBAT CRIMINAL NETWORKS**

In the same way, this phase of early identification is crucial to combat criminal networks or individual traffickers and to prepare the ground for convictions. The same elements which are used to prove that the presumed victim was compelled to act in a way contrary to the law, or was coerced and threatened and therefore could not choose to refuse, can be used to demonstrate the role and responsibilities of traffickers and build the case for prosecution. Examples of evidence which can be collected to prove the presence of indicators of deception, fraud, coercion and exploitation imposed on the victims are listed in the three chapters on identification of victims of trafficking for labour or sexual exploitation and illicit activities.

Identification of one possible victim may lead to other victims being identified and freed. This can be a direct consequence of the identification of the first victim if he/she is able to provide information about persons in the same situation that he/she has just escaped. But identification can also help to promote more targeted, long-term prevention programmes, which could be specifically designed, for example, to tackle the recruitment mechanisms used to deceive or coerce the identified victim. Knowledge about the cycle of trafficking is enriched by each case, for the benefit of all.

**2.4 GUIDING PRINCIPLES AND ETHICAL RULES**

Much has been written on this topic for all stages of the identification process, from the first contact to interviews for formal identification. The objective is not to repeat all these essential rules but only to set the human rights framework within which all actions related to early identification of victims of trafficking should be taken, as recommended by the Brussels Declaration on Preventing and Combating Trafficking in Human Beings. The CoE Convention and EU Directive 2011/36 acknowledge that trafficking in human beings constitutes a serious violation of human rights and express the need for human rights based approach to trafficking. Thus, identification of victims should follow a similar human-rights-based approach, which respects the rights of the possible victim at all stages of the identification process. The 2004 Report of the Experts group on Trafficking in Human Beings lists recommended principles in its Explanatory Paper 3. They can be summarised as follows:

- The observance of human rights norms, including “the duty to investigate alleged violations of human rights, to punish violators of human rights and to provide effective remedies to victims of human rights violations”.
- The principle of non-discrimination, to ensure that “trafficked persons are not subjected to discriminatory treatment in practice or law and that protections for trafficked person are applied without discrimination, particularly with respect to gender, ethnicity, immigration status, and the fact of a trafficked person’s having been trafficked formerly or having participated in the sex industry”.

**HUMAN RIGHTS BASED APPROACH**

The CoE Convention and EU Directive 2011/36 acknowledge that trafficking in human beings constitutes a serious violation of human rights and express the need for human rights based approach to trafficking. Thus, identification of victims should follow a similar human-rights-based approach, which respects the rights of the possible victim at all stages of the identification process. The 2004 Report of the Experts group on Trafficking in Human Beings lists recommended principles in its Explanatory Paper 3. They can be summarised as follows:

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Regarding the risk for possible victims to be sent back to their country of origin against their will, the EU Directive 2011/36 states that it should be done “without prejudice to the principle of non-refoulement in accordance with the 1951 Convention relating to the Status of Refugees and the 1967 Protocol.”

**IDENTIFICATION AND GENDER APPROACH**

Victims should be identified using a gender-sensitive approach in all stages, as the patterns of trafficking are often gender-based. Abusive recruiters do not approach men and women in the same way, false promises are not similar and means of coercion may differ. Quantitative studies have also consistently shown that men and women are not exploited in the same sectors. The detection process should take into account these differences in order to be more effective and efficient. Once identified as possible victims as perpetrators, men and women should be provided with assistance and care that takes into account their particular needs. In particular, female victims of sexual exploitation may prefer to share their experience with women, while men may prefer to discuss with other men, but, in order to avoid creating more stress for the victim, the choice of the gender of the officer should be left to him/her. The specific needs of women should be taken into consideration when offering protection and support measures, in particular in relation to health and shelter services. Similarly, male victims of trafficking for labour exploitation may not perceive themselves to be victims and should be listened to from this perspective. Quite often, they may ask for compensation for the work they provided more than any other kind of assistance.
to the Status of Refugees (Geneva Convention), and is in accordance with Article 4 and Article 19(2) of the Charter of Fundamental Rights of the Euro-

2.4. In addition to these principles, which also apply to minors, when the possible victim is or is pro-

2.5. bably below 18 years, the principles of protection of children’s rights as set out in the United Nations Con-

2.5. vection on the Rights of the Child should apply. This means that in all decisions and during all steps in first level identification, the best interest of the child is paramount and must be taken in considera-

2.5. tion. If the child is able to express his preferences for the options which are presented to him/her, his/her views should be taken into account within the fra-

2.5. mework of the applicable protection measures.

2.5. Special identification and assistance procedures apply in the case of child victims of trafficking. All international and national standards recognise the partic-

2.5. ular vulnerabilities of children and the legal obligations of Governments to offer special protec-

2.5. tion and assistance and ensure legal safeguards to child victims. One key element of these standards is the obligation for Governments to ensure that a legal guardian or equivalent authority is imme-

2.5. diately appointed to represent the best interest of the child throughout the procedures when the child is unaccompanied. Details about specific indicators and procedures for children are given in each sec-

2.5. tion relating to early identification of children victims of labour exploitation, sexual exploitation or who are forced into begging or illicit activities.

2.5. 2.5. AWARENESS OF TRAFFICKING TO ENHANCE IDENTIFICATION

2.5. This section addresses the importance of public awareness of trafficking. The general public may play a key role in detecting signs of possible traffick-

2.5. ing among individuals they come into contact with, in many different circumstances. Such preliminary detection opens the way to first level identification. Awareness-raising of public and non-specialised ac-

2.5. tors about trafficking has been identified as a good practice in all participating countries. Identification of victims can be enhanced by the general public’s increased awareness of the problem of trafficking. For example, non-specialised professionals – such as those involved in the transporta-

2.5. tion or housing services that traffickers may use to transport and harbour their victims – may come into contact with victims in the course of their work.

2.5. Victims of trafficking are exploited to provide ser-

2.5. vices or produce goods which are used by the gene-

2.5. ral public. Some victims are locked away and hid-

2.5. den in remote places from which they cannot escape and which the public cannot enter. But most victims have some degree of exposure to the outside world, while being controlled by their exploiters. It is conse-

2.5. quently crucial to educate members of the public about the problem of trafficking and provide relevant information about signs that should alert anyone that he/she may be in the presence of a possible victim. For example, possible victims could be:

2.5. • The staff from the hotel or restaurant where the person stays or eats.

2.5. • The domestic help who is working for the family where the individual is invited, or for the neigh-

2.5. bour’s family.

2.5. • The worker who is part of the team renovating the citizen’s flat or the office.

2.5. • The child begging on the street.

2.5. • The prostitute contacted on a public website or encountered in a brothel.

2.5. • The farmer picking grapes, strawberries or ve-

2.5. getables in the neighbouring farm.

2.5. Informed consumers should not only learn to spot signs of possible trafficking but should also be aware of whom they should call about suspicious situations that they have witnessed.

2.5. A broad range of professionals in sectors not directly related to the identification of victims of trafficking are likely to interact with traffickers and their victims, and even to facilitate the process, without being aware of what is taking place on their premises. For example, the following professionals may come into contact with victims of trafficking:

2.5. • Hospital staff, in particular those involved in the provisions of specialised services related to gy-

2.5. naecology, paediatrics, or emergency care (for cases of violence).

2.5. • Hotel staff renting rooms for prostitution or during the transfer of victims from one place to an-

2.5. other.

2.5. • Transport professionals, such as bus drivers, ticket clerks, or cab drivers, during the transport or transfer of victims.

2.5. • Housing professionals renting rooms, flats and houses used by exploiters for prostitution, hou-

2.5. sing of victims or illegal activities.

2.5. • Public administration officials delivering resi-

2.5. dence or work permits to foreigners, some of who may be victims or traffickers.

2.5. • Housing inspectors/fire department officials who can find violations to housing standards/fire hazard standards in flats used by exploiters for housing victims of trafficking.

2.5. Specific training and awareness campaigns should target each profession and sector with precise examples of situations they may face and clear indi-

2.5. cations about how they should react.

2.5. Another population group which is likely to be of help in the detection of signs of trafficking can be found in the vulnerable groups from which the vic-

2.5. tims come. Recruiters may be active for a long time in the same communities, or the myth of successful migration may be prevalent in areas to which victims of trafficking have returned. By informing the population about the risks and the elements that constitute trafficking, there is a chance not only to prevent new cases but also to increase the detection of fraudulent practices or deceptive offers made to vulnerable persons in search of job opportunities. Awareness campaigns in these communities must provide clear and simple guidance on how to react in cases where one suspects the presence of traffick-

2.5. ers among them, and teach vulnerable population the common traps and tricks that traffickers use so that possible victims can avoid them.

2.5. In cases of trafficking for labour exploitation, ano-

2.5. ther category of persons who can be active in detec-

2.5. ting signs of trafficking are the workers themselves. Some employers may have both free and forced workers working together. This may be the case in situations of trafficking involving in debt bondage. Victims of trafficking will do the same work, in the same conditions as the free workers, but they are forced to repay a real or fictitious debt and subjec-

2.5. ted to threats so as to prevent them from leaving the employer. Some awareness campaigns on spec-

2.5. ific signs of trafficking and forced labour can be efficient in sectors and areas which have previously been identified as being at risk of hosting trafficked victims. Trade unions and workers organisations can play a crucial role in raising the awareness of all workers concerned.

2.5. Large scale awareness campaigns should be design-

2.5. ed to inform the public and non-specialised actors on signs that should alert them and encourage them to call specialised agencies. In order to be more effi-

2.5. cient, as demonstrated by the good practices col-

2.5. lected in the six participating countries, it is recom-

2.5. mended that targeted public awareness campaigns that use vocabulary and examples of situations specific to the audience be implemented. There can be specific types of campaigns, such as:

2.5. • Public awareness campaigns explaining the si-

2.5. tuation of child beggars in a country.

2.5. • Campaigns targeting transportation staff to in-

2.5. form them on the issue of transportation and trans-

2.5. fer of victims of trafficking, including the main signs of trafficking.

2.5. • Campaigns targeted to hotels and real estate sta-

2.5. ff, with a special focus on some usual pat-

2.5. terns of housing of victims of trafficking.

2.5. • Awareness campaigns targeting migrant wo-

2.5. men and men so that they can themselves call for help if they are trapped in a situation of for-

2.5. ced prostitution.

2.5. • Awareness campaigns targeting clients of pros-

2.5. titutes.

2.5. • Awareness campaigns and training for profes-

2.5. sionals in direct contact with prostitutes so that they can recognise some signs of trafficking.
3. VICTIMS OF TRAFFICKING FOR SEXUAL EXPLOITATION

3.1. WHAT IS TRAFFICKING FOR SEXUAL EXPLOITATION?

The CoE Convention’s and DIRECTIVE 2011/36/ EU definition of trafficking states that exploitation “shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation...” In the context of these guidelines, the three elements of the definition of the Convention – means, purpose and action – must be present (for adults). National laws may differ from the text of the Convention, especially on the necessity to prove the use of some means (deception, fraud, coercion) or not to identify trafficking for sexual exploitation.

For the purpose of these guidelines, we will refer to and rely on the UNODC Model Law on Trafficking, which proposes that the term « exploitation of the prostitution of others » be defined as « the unlawful obtaining of financial or other material benefit from the prostitution of another person ».

For « sexual exploitation » there is no international law definition that is agreed upon. The UNODC Model Law defines the term « sexual exploitation » as « the obtaining of financial or other benefits through the involvement of another person in prostitution, sexual servitude or other kinds of sexual services, including pornographic acts or the production of pornographic materials ».

Both of these definitions are broad enough to include a wide range of commercial sexual practices, such as internet shows and live shows.

3.2. WHO ARE THE VICTIMS?

According to the latest ILO Global Estimate of Forced Labour, there are 4.5 million victims of sexual exploitation worldwide. Most of them are exploited outside their place of origin, as 74% have crossed a national border and 19% have migrated within their country. One in five victims of trafficking is a child, boy or girl below the age of eighteen, which makes an estimate of almost one million child victims of commercial sexual exploitation. The majority of identified victims are women and children.

In Europe, ILO estimated that there are 260,000 men and women victims of sexual exploitation. They mainly come from European Union Member States and have migrated from one country to another, or from Central and Eastern and CIS countries, Africa and to a lesser extent Latin America and Asia. People can also be victims of trafficking within their country of residence. A typical example of such practices has been revealed in The Netherlands with the concept of “loverboys”. The loverboy is a young man or a boy who seduces and wins over the victim, usually a girl below 18, by means of (the promise of) a romantic relationship with the victim with the aim of exploiting the victim through prostitution or some other form of exploitation.

Many non-governmental, governmental and international organisations detect and assist women and girls victims of commercial sexual exploitation. This is why the statistics of identified and assisted women victims of trafficking in Europe have been published for many years by many different organisations in European countries.

3.3. WHO IS AT RISK?

All prostitutes and persons in the sex industry are at high risk of being victims of trafficking. In many cases, the sex industry is controlled by traffickers who benefit from the exploitation. Besides, someone who has agreed to enter into prostitution might nevertheless become a victim of trafficking where the conditions in which she/he has to perform the sexual services are different from those agreed when recruited: (i.e.: working hours, not allowed to use condoms, fixed number of clients a day, etc).

There are some groups who deserve special attention as they may be at higher risk of trafficking:

- Foreign men and women in prostitution are more vulnerable to trafficking. Firstly, because they have been deceived and lured with offers of jobs of another nature. Secondly they may have contrac-
ted a debt to pay for their travel and documents that leaves them with no other option than to prostitute themselves in order to pay off their debts. Thirdly, because they may be unfamiliar with the local lan-
guage and contacts, it may be more difficult for them to call for help.

- Women and men who are mentally challenged are at risk of being trafficked more easily. They are also less likely to know their rights and to call for help or defend themselves.

- People who are living in low social and economic situations, people who are illiterate or with limited education may be at risk of becoming vic-
tims of trafficking because their vulnerability may be abused by traffickers and they are less likely to know their rights.

- Migrant workers travelling with an artist or student visa are vulnerable to trafficking because they may have been lured on the real purpose of their migration.

Children, women and men who are exploited in remote and hidden places and live in the place where they are prostituted or have to provide sexual services are at high risk of being fully dependent on the traffickers, with few possibilities of escape.

People from some communities/minorities may be exploited by men or women from their community with little access to outside people, even to outside customers. Whenever this is the case, the exploiters can exercise a full control over the women and girls who are likely to be trafficked.

People with addictions can be exploited and controlled through their addictions.

Street children, unaccompanied minors, children without parents or guardians to protect them, and children from residential care and institutions may be the target of traffickers.

Many organisations may come across prostitutes or people offering sexual services and may be in a position to detect signs of trafficking. This include staff from law enforcement such as the police, specialised police or street police, local authorities (mu-
icipalities), immigration officials who have specific roles in the formal identification of victims, embas-
ny staff, consular services, but also air crew, taxi drivers, health workers, child protection agencies or NGOs providing services to prostitutes. In addi-
tion, there are many other actors, professionals or not, who may be in a position to recognise signs of trafficking among men and women in prostitution or related activities.

Signs of trafficking can be detected by many actors such as:

- By law enforcement officers, in open places where there is a contact between prostitutes and clients, such as streets, roundabouts, along woods, specific roads and avenues, malls, etc.
- By law enforcement officers, during inspections or raids on night clubs, hotels, brothels or other places known for prostitution.
- By law enforcement officers making assignments.
- By law enforcement officers making assignments.

Children and young people active on internet networks may be recruited by traffickers to perform sexual acts, or to appear in paedophile videos.

3.4. WHO CAN BE A TRAFFICKER?

Traffickers may be of the same family, the same nationality as their victims; they may even live and work with them. They may be prostitutes or ex prostitu-
tes who have themselves been victims of trafficking before and now act as traffickers in order to make money. Some may be involved in the organisation of the recruitment of the prostitutes, other may be responsible for organizing their transport and transfer while some traffickers may intervene only for harbouring or receiving them in order to place them in a situation of exploitation.

3.5. WHO CAN DETECT VICTIMS AND WHERE?

Many organisations may detect victims of trafficking, such as:

- By law enforcement officers making assignments.
- By law enforcement officers making assignments.

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Signs of trafficking can be detected by many actors such as:

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- By law enforcement officers, during inspections or raids on night clubs, hotels, brothels or other places known for prostitution.
- By law enforcement officers making assignments.
3.5. Mediators through the internet.

- By law enforcement officers, border guards, international bus drivers, airline and airport staff, immigration officials at border points where victims may be or may not be accompanied and under the control of their trafficker.
- By law enforcement officers and specialised police in transportation agencies or in public or private transport, for example after some denunciations have been made by transportation staff or other transport users.
- By hotel staff, who may recognise traffickers or trafficked victims among clients.
- By staff from accredited NGOs or state child protection agencies.
- By NGO workers in centres providing social or health services and assistance to prostitutes.
- By state or local officials (such as Chambers of Commerce) in charge of registration in the Trade Register of people who want to start a business or want to start as a self-employed entrepreneur in entertainment sectors such as dancers, singers, etc.
- By state or local officials (such as Municipalities) in charge of giving licences or permits for opening or inspecting entertainment businesses, hotels and businesses in the catering industry establishments.
- By state officials in charge of delivering residence permits.
- By law enforcement officers or NGO workers in detention centres, where victims of trafficking may stay along with illegal migrants waiting for deportation.
- By law enforcement officers or NGO workers in centres for asylum seekers, where some victims of trafficking may stay under a false pretext, forced to do so by their trafficker.
- By law enforcement officers in prisons where victims of trafficking may have been sent for infringement of the law on prostitution.
- By health workers, especially gynaecologists and services specialised for STDs and abortion. Regular doctors can also have victims of trafficking among their patients.
- By health workers in charge of prevention and awareness on HIV.
- By embassies or consulates where citizens from the country of the Embassy may come to call for help after having been forced to provide sexual services or to prostitute themselves.
- By law enforcement officers or specialised agencies, including helplines, when a person comes on his/her own to call for help on matters related to forced prostitution or degrading living conditions or violence.
- By law enforcement officers or specialised agencies or helplines which are known by the public and other professionals in charge of detection and protection of victims. Clients of prostitutes may also call these helplines to alert law enforcement officers about a suspect situation.
- By helplines dedicated to related topics, such as domestic violence helplines.
- By housing departments of municipalities or private landlords in case of in-house prostitution.
- By other prostitutes working or living next to victims of trafficking for sexual exploitation.
- By clients of prostitutes.
- By people living in a neighbourhood of a red light district.
- By transportation staff, especially taxi drivers and aircrew, who can witness suspicious behaviours of groups of women accompanied by men.
- By other professionals in charge of giving licences or permits for opening or inspecting entertainment businesses, hotels and businesses in the catering industry establishments.
- By state officials in charge of delivering residence permits.
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- By clients of prostitutes.
- By people living in a neighbourhood of a red light district.
- By transportation staff, especially taxi drivers and aircrew, who can witness suspicious behaviours of groups of women accompanied by men.

3.6. Signs of sexual exploitation

How can sexual exploitation be detected and recognised? The notion of sexual exploitation varies from one country to another one, particularly depending on the legal status of prostitution. A general list of signs or indicators for first level identification that may indicate a situation of exploitation has been designed in the context of these guidelines and is presented below. It is important to note that not all signs must be present to characterize something as sexual exploitation. These signs are listed to guide front-line officers and people who may have contact with victim in the detection process.

In cases of trafficking for sexual exploitation of adults these indicators will be combined with other signs characterizing the Action against the victim and the Means employed to force him/her into the situation.

- The Person is forced to have sex without condoms.
- The Person cannot refuse clients.
- The Person is denied breaks, days off, and free time.
- The Person has STDS that remain untreated.
- The Person works on call (24 hours a day, 7 days a week).
- The Person is moved from one place to another one without consent.
- The Person has to lie in case of checks by law enforcement officers.
- The Person is required to undertake illegal or humiliating activities.
- The working environment is unhealthy, including poor lighting and ventilation, lack of heating and access to sanitary facilities.
- Other prostitutes look exhausted and scruffy.
- The Person is forced to prostitute himself/herself, even when sick or pregnant.
- The Person is always accompanied when he/she is out.
- The Person has tattoos which may indicate a dependency relationship on a group/gang.
- The Person has no cash with him/her.
- The Person does not keep the money he/she earns and has to handover to someone else.
- The Person cannot be alone when going to check-ups or social service providers.

For children, there is no need to detect the use of any of the MEANS to suspect a case of trafficking.
4.1. WHAT IS TRAFFICKING FOR LABOUR EXPLOITATION?

The DIRECTIVE 2011/36/EU states that "exploitation" shall include, at minimum, (...) forced labour or services, including begging, slavery or practices similar to slavery, servitude(...). Forced Labour is defined in the ILO Forced Labour Convention, 1930 (No. 29) as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily".

The use of the term "all work or service" makes clear that the prohibition on forced labour applies to all types of work, service, and employment – regardless of the industry and the occupation in which it occurs, and regardless of whether it is legal and formal or illegal and informal in nature. It also applies to all human beings, regardless of age, gender, origin and legal status in the country where forced labour takes place.

The two elements necessary to assess forced labour are: (1) Involuntary offer and (2) Menace of any penalty.

The first element refers to the person's consent, which must be both freely given and informed. This consent applies during the whole cycle of employment and coercion to bring about forced employment. In other words, a worker who freely enters an employment relationship must also be able to terminate that relationship. The notion of free and informed consent excludes the use of deception, coercion and threat, or fraud. Consent is also irrelevant when obtained by abusing the vulnerability of the worker.

The second element, the menace of any penalty, refers to all means that the trafficker or employer can use to coerce the worker. It includes physical, psychological and sexual violence, or threats of violence, but also other means such as retention of wages, confiscation of identity or travel documents, and threats of deportation. A non-exhaustive list can be found under the section on Indicators.

Slavery and practices similar to slavery are another form of prohibited exploitation. The 1926 Slavery Convention defines slavery as "the status or condition of a person over whom any or all powers attaching the right of ownership are exercised". The main concept specific to this definition is that of "ownership". Ownership can be found when people are "bought" or "sold" for labour exploitation. The definition implies a full dependency of the individual on his or her "master" or "owner". The 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery ("1956 Supplementary Convention") retained the same definition of "slavery", and also introduced the term "practices similar to slavery", which refers to institutions and practices including debt bondage, servitude, servile forms of marriage, and exploitation of children. Trafficking for marriage has been excluded from the focus of this report but the guidelines presented may help in detecting some signs of such cases.

Although debt bondage is not specifically mentioned in the CoE Convention, Article 1(a) of the 1956 Supplementary Convention includes it in the list of institutions and practices similar to slavery, defining it as "the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined". Note that some countries may prohibit debt bondage as a form of "servitude" that is based on the same concept. Debt bondage is a key element in the new forms of trafficking, where the debt may arise from the organisation of the departure, transportation, recruitment, and may be manipulated by the trafficker leaving the victim in a situation from which he/she cannot escape. People indebted are considered vulnerable and therefore at risk of abuse of vulnerability, as defined in the DIRECTIVE 2011/36/EU.

Servitude is defined in the 1956 Supplementary Convention as the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person or to render some determinate service to such other person, whether for reward or not, and is not free to change his status. Paragraph 95 of the CoE Explanatory Report on the anti-trafficking convention states that "Servitude is thus to be regarded as a particular form of slavery, differing from it less in character than in degree. Although it constitutes a state or condition (...) it does not have the ownership features characteristic of slavery".

In the context of trafficking, exploitation of children has a broader sense as explained in section 2 of definitions. Not only are all the worst forms of child labour, as defined in Article 3 of ILO Convention No. 182 (1999), considered to be Exploitation when they are the result of one of the ACTIONS listed in the directive, but also all work done by children below the minimum age for admission to employment (C138, Articles 2 & 7). This means that a child working below the minimum age as the result of recruitment, transportation, transfer, harbouring or receipt by a third person is a victim of trafficking. In reality, exploitation can take many different forms but usually involves dirty, dangerous work for little or no pay, with inadequate rest time, no safety nets like health insurance or social assistance, and often with a degree of force or violence.

4.2. WHAT TRAFFICKING FOR LABOUR EXPLOITATION IS NOT?

Trafficking for labour exploitation should be distinguished from other concepts with which it is sometimes wrongly confused. These examples are given to provide the ground for the explanations for the first level identification, with the aim of clarifying the core concepts of trafficking.

Not all labour exploitation is trafficking for forced labour. Workers can be found working in poor conditions, for low salaries or in unhealthy environments, for example, without being victims of trafficking. If the person accepted the job freely, knowing what the conditions would be, and if he/she can leave (provided he/she gives reasonable notice to his/her employer) without fear of reprisals, that person cannot be considered to be a victim of trafficking for labour exploitation. This means that workers that endure poor working conditions because of economic necessity and a lack of alternative options cannot be automatically classified as victims of trafficking, even if they are migrant workers.

Not all labour exploitation is slavery or like slavery. Clearly, the elements of ownership, permanent relationship and absolute control can be used to differentiate a case of exploitation from slavery. In addition, working excessive overtime for a low salary can be the result of other causes, such as a lack of economic alternatives.

Concealed or undeclared work is not equal to trafficking in persons. Undeclared work is described as "any paid activities that are lawful as regards their nature but not declared to the public authorities, taking into account differences in the regulatory systems of Member States of the EU."... This definition excludes criminal activities and work which does not have to be declared. In reality, most cases of trafficking for labour exploitation involve undeclared work. But in theory, people could be trafficked and exploited in declared work. Similarly, not all undeclared work is the result of trafficking; concealed work often occurs for financial reasons, so that both parties can avoid paying social taxes.

Illegal employment of migrant workers is not necessarily trafficking in persons. Illegal employment is defined by the European Commission as "the employment of third-country nationals illegally staying in the country", i.e. "a third-country national present on the territory of a Member State, who does not fulfil, or no longer fulfil, the conditions for stay or residence in that Member State".

According to ILO, IOM and UNODC statistics of both reported and estimated victims of trafficking, many victims of trafficking for labour exploitation in the EU are EU citizens, who do not require residence or work permits. This demonstrates that you can be a victim of trafficking without being an "undocumented migrant". There are also migrants from outside the EU who cross the border with valid documents with the help of someone who later sends the migrant to an employer who is part of the chain of exploitation. Alternatively, many undocumented migrants work freely, without any menace of penalty, and may or may not be in poor working conditions.

In summary, we have demonstrated that workers, in particular migrants, can be in many difficult or illegal situations which do not amount to trafficking for labour exploitation. Nevertheless, most of these situations put the worker in a position of vulnerability which may be exploited by employers. This is why these groups are presented as groups at risk of trafficking. Therefore, whenever persons are encountered in these situations, special attention should be paid to detecting the indicators of trafficking.
4.3. WHO ARE THE VICTIMS?

According to the most recent ILO Global Estimate of Forced Labour, there are 14.2 million victims of forced labour in the private economy worldwide, out of which one third (4.8 million) have migrated, within or across borders. In the 27 EU Member States, it is estimated that 620,000 people are working in forced labour in the private economy, most as a result of migration. A smaller proportion is trafficked from one EU country to another one or from a country outside the EU to one of the 27 member states. Worldwide, women represent 40% of the victims of labour exploitation, with a similar ratio to the EU, that 250,000 women and 370,000 men in the EU are victims of trafficking for labour exploitation.

Most of the victims in the European Union come from EU Member States and to a lesser extent from Asia, Africa and Central and South-Eastern Europe and CIS countries. Victims are exploited in agriculture, domestic work, manufacturing, catering and construction. According to the data collected, victims of trafficking were lured with false job offers only to find that the conditions of work were worse than those promised or initially agreed upon. Many, but not all, are in irregular situation or have a debt with the trafficker or employer and have very limited bargaining power. A smaller proportion is trafficked within their country of residence, victims of similar deceptive practices. Another source of information is the official statistics of identified and assisted victims in the 27 EU Member States. The profile of the victims is slightly different, with a higher percentage of women, as more attention has been given up to now to identifying of victims of trafficking for sexual exploitation.

4.4. WHO IS AT RISK?

Some groups of workers are more at risk of becoming victims of traffickers and require special attention in detection efforts. Although the same procedure for identification should be applied to workers belonging to these groups, the indications given below may help the actors in charge of identification to be more attentive during the procedure.

Migrant workers are at risk of being trafficked, especially if they have no social network in the country where they are working, if they have a debt to reimburse to the person who helped them find a job, if they have irregular status for residence or work. The vulnerability created by these elements, which per se are not sufficient to definitively identify trafficking, can be exacerbated by a low level of education and can be used to coerce them into exploitative working conditions.

Workers in the informal economy are hidden from the law enforcement, there is no trade union and it may be difficult for them to call for help in case of abuse. Therefore, we may assume that traffickers are more likely to place their victims in such situations without their consent and from which it will be difficult to escape.

Domestic workers are more at risk of trafficking because, in the absence of ratification of the new ILO Domestic Workers Convention, 2011 (No. 189) or national laws protecting their rights, they do not have the same labour rights and legal protection as other workers. Moreover, they can be confined in their working and living place, with little or no exposure to the outside world, and with limited access to means of communications. Traffickers of women for domestic work may use these vulnerabilities, which are inherent to this type of work, to recruit and place women, especially migrant women, with unscrupulous employers who will exploit them.

People who are living in low social and economic conditions who may be illiterate or with limited education may be at risk of becoming victims of trafficking because there vulnerability may be abused by traffickers and they are also less likely to know their rights.

Women and men who are mentally challenged are at risk of being trafficked more easily. They are also less likely to know their rights and to call for help or defend themselves.

Young migrant workers travelling with a student visa are vulnerable to trafficking because they may have been lured on the real purpose of their migration.

People from some communities/minorities working for employers of their community, Recruitment of migrant workers often occurs in the place of origin through intermediary people of the same origin as the possible migrants because they will trust them more easily and are more likely to follow the instructions of those they consider to be their guardians. This may lead to situations in which migrant workers are fully dependent on their recruiters for accommodation, food, and work, with no freedom to leave. Many cases of trafficking have been found in illegal workshops where all workers and managers belonged to the same ethnic group, and where workers were forced to live in the work premises, with no outside contact.

Children from poor communities and families may be targeted by recruiters who will convince the parents to let the child go with them for education or job prospects. This type of recruitment occurs more often following some personal or general catastrophes for example after economic crisis, earthquakes, floods, droughts, etc. where family income earners are left without any job opportunities.

Street children or children without parents or guardians may be the target of recruiters or unscrupulous employers who know that child in these living conditions is more likely to follow them without anyone protecting its well-being.

4.5. WHO CAN DETECT VICTIMS AND WHERE?

First level identification of victims of trafficking for labour exploitation can be performed by those organisations and agencies specified in national laws on trafficking. They usually include law enforcement, sometimes a dedicated police unit, but can also include immigration officials, local government employees, diplomatic missions and labour attaches, prosecution authorities, the judiciary, child protection agencies, organisations providing services to victims, accredited NGOs, organisations dealing with migrants (such as asylum centres or detention centres), faith-based organisations, labour inspectorate and trade unions.

Specifically, that means first level identification can take place by a variety of actors such as:

- By law enforcement officers, in open or closed places where recruitment of victims takes place, such as recruitment agencies (including temporary employment agencies), but also roundabouts, specific roads or avenues, malls, etc. In cases of recruitment through the internet, specialised police officers can access the real (as opposed to virtual) places where recruiter and worker will meet.
- By law enforcement officers, immigration officials at border points, border guards, international bus drivers, airline and airport staff where victims may or may not be accompanied and under the control of their trafficker.
- By law enforcement officers and specialised police in transportation agencies or in public or private transport, for example in response to complaints by transportation staff or other transport users.
- By staff from accredited NGOs or state child protection agencies, who work with children in need of care and protection.
- By labour inspectors, social security officials, building and fire safety inspectors, health inspectors or trade unions in workplaces.
- By NGO workers in centres for migrant workers or people in need of assistance, where some victims of trafficking may be present.
- By government officials (national or municipal) in charge of delivering work and residence permits, when victims of trafficking come to claim their papers.
- By staff from chambers of commerce or government officials (national or municipal) in charge of delivering authorizations to businesses to open and recruit staff.
- By law enforcement officers or NGO workers in detention centres, where victims of trafficking may stay along with other illegal migrants awaiting deportation.
- By law enforcement officers in centres for asylum seekers, where some victims of trafficking may stay under false pretext, forced to do so by their trafficker.
- By law enforcement officers in prisons where some offenders may have been forced to work in illicit activities by their trafficker.
- By organisations delivering services to migrant workers or people in need of support, where victims who may not identify themselves as “trafficked victims” may nonetheless lodge complaints about their working conditions.
- By embassies or consulates who receive requests for help from citizens after having...
been trapped in a trafficking situation in another country, or during the visa application process.

- By law enforcement officers or specialised agencies, when any individual comes on his/her own to call for help on matters related to working conditions.
- By law enforcement agencies or any dedicated agency which is known by the public and other professionals as the actor in charge of identifying and protection of victims.
- By teachers, law enforcement officers, doctors or nurses, social workers in contact with children, who may observe signs of fear or anxiety, who may listen to the testimonies of children or who may witness the abusive attitude of adults supervising the children.

Not all officers from these organisations/bodies are responsible for conducting the assessment necessary for first level identification of the victims of trafficking. But all of them should be able to detect signals and recognise indicators that should alert them that they may face a victim of trafficking, and they should know whom to call for further investigation and dialogue with the possible victim. This is why the good practices collected concluded with recommendations for countries to:

- Enhance and improve outreach and detection strategies via a proactive approach, such as planning inspections of workplaces at risk, approaching migrants in places where they meet after work, and using a "snowball" approach once a victim has been identified, a method whereby the identified victim is invited to help in the detection of other victims he/she knows and with whom he/she has been in contact.
- Encourage self-identification of workers who may be willing to report and call for help from law enforcement or specialised, accredited NGOs.
- Encourage reporting from third parties (general public, professionals and non-professionals).
- Improve the detection of signs of trafficking by front-line professionals in the course of their work through training about the indicators of trafficking.

The indicators listed below are designed to be easy to understand and memorise, especially in the case of the signs to be spotted. Awareness raising and training programmes will be based on these lists of indicators.

### 4.6. SIGNS OF LABOUR EXPLOITATION

The list of signs of labour exploitation below is presented to help front-line officers recognise that they may have contact possible victims. It is not an exhaustive list, and not all signs need to be present to identify a situation as labour exploitation.

In cases of trafficking for labour exploitation of adults these signs will be combined with other signs characterising the Action against the victim and the Means employed to force him/her into the situation.

- The worker is required to undertake hazardous work without adequate protective gear.
- The worker does not have the required education and experience to work safely.
- Workers are expected to live in the same place where they work.
- One ethnic group is overly represented in the workplace.
- It is demanded that the worker undertake illicit or humiliating activities.
- The working environment is unhealthy, including poor lighting and ventilation, lack of heating and access to sanitary facilities.
- There is no safety or health notices in the workplace.
- The working conditions are in gross violation of labour laws and collective agreements.
- Workers look exhausted and scruffy.
- Even sick people or pregnant women are expected to work.
- The employer cannot show employment contracts, insurance details or registers of the Persons.
- Workers do not have true representatives to negotiate their conditions in the workplace.
- The worker must work overtime without over-time compensation.
- Working hours are loosely defined, if at all.
- Compensation is results based and tied into production targets.
- The worker must work overtime in order to earn the legal minimum wage.
- If the worker refuses to work overtime on one occasion, he/she is never given the chance to work overtime again (blacklisted).
- The worker works on-call (24 hours a day, 7 days a week).
- The worker works during unusual hours
- The worker also works in the employer’s private residence.

For children, there is no need to detect the existence of signs of the use of force, deception or any other mean to suspect a case of trafficking.

- The worker is denied breaks, days off, and free time.
- The worker is denied the benefits to which he/she is entitled to, such as paid holidays.
- The worker looks tired and exhausted.
- The Person has to work though he/she is sick or she is pregnant.
5. VICTIMS OF TRAFFICKING FOR OTHER FORMS OF EXPLOITATION (FORCED BEGGING AND ILLEGAL ACTIVITIES)

5.1. WHAT IS TRAFFICKING FOR FORCED BEGGING AND EXPLOITATION OF CRIMINAL ACTIVITIES?

Preamble 11 of the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 is dedicated to this issue. The Directive adopts a broader concept of what should be considered trafficking in human beings and states: “within the context of this Directive, forced begging should be understood as a form of forced labour or services as defined in the 1930 ILO Convention No 29 concerning Forced or Compulsory Labour”. It adds further that “the expression “exploitation of criminal activities” should be understood as the exploitation of a person to commit, inter alia, pick-pocketing, shop-lifting, drug trafficking and other similar activities which are subject to penalties and imply financial gain”.

It is worth mentioning that, regarding begging, the directive states that “the exploitation of begging, including the use of a trafficked dependent person for begging, falls within the scope of the definition of trafficking in human beings only when all the elements of forced labour or services occur. In the light of the relevant case-law, the possibility of any possible consent to perform such labour or services should be evaluated on a case-by-case basis.

This does not apply if the victim is a child, as “no possible consent should ever be considered valid”. For criminal activities, similarly, the crime concerns the exploitation of a person to commit such activities.

5.2. WHO ARE THE VICTIMS?

There are no estimates of the number of victims involved in these forms of exploitation within the European Union, as they were included within the category of exploitation of forced labour in the last ILO Global Estimate. It can be said that, according to the ILO, the majority of children in forced labour in Europe were exploited for such activities. According to Eurostat 2008/2010 statistics, 3% of the identified victims of trafficking were exploited through forced begging.

5.3. WHO IS AT RISK?

The profiles of people at risk for this type of exploitation in the EU Member States are not well known because of the limited amount of research on this issue. There are some indications that the following groups may be more at risk.

- Migrant workers and irregular migrants are at risk for being trafficked, especially if they have already been involved in such activities in their country of origin. They may be detected by local traffickers and forced to migrate to beg or commit criminal activities abroad for the benefit of the traffickers. This process can also take place as a way to reimburse an outstanding debt.

- Persons who have been involved in criminal activities, without having been forced, may become the prey of traffickers from their own country who will exploit their past and force them into new criminal activities. They can threaten to report them for their other crimes, or to disclose to their family, and use threats to forcibly recruit them. Drug users and drug traffickers are especially vulnerable to these types of threats. As well, using outstanding debts may also be used in this type of situation to force persons into trafficking.

- Young migrant workers travelling with a student visa are vulnerable to trafficking because they may have been lured on the real purpose of their migration.

People from some communities/minorities may be forcibly recruited by other persons from their community. This has been proven especially in cases of forced begging. The victims, especially if they are children, are told to lie about their relationship with the trafficker and the person who forces them to beg.

Homeless and street children or other children without guardians are easy targets for criminals who will recruit them to beg or force them to perform criminal activities. They are particularly vulnerable to trafficking. If caught they will be treated as children by authorities and not punished as severely as adults.

5.4. WHO CAN DETECT VICTIMS AND WHERE?

In addition to the same law enforcement professionals dealing with migration, there are specific places and actors who can be active in detecting trafficking for criminal activities. More precisely,

- Law enforcement officer who arrests minors for drug offences or petty crimes should systematically investigate whether there is any evidence of coercion or duress. Even officers on patrol (for example in shopping areas) should always bear in mind that a minor may have been forced to undertake a particular activity.

- During proceedings in court, judges and prosecutors should determine whether the person committing the offence was being forced or was under duress.

- In detention centres, especially those for minors, staff should be trained to pay attention to any sign showing that the youth is under the control of another person, whether youth or adult who may have forced him/her to commit the offences for which he/she is in prison.

- Street social workers are the best informed people on who is begging, where and with whom. They should be trained to detect signs of trafficking among adult and child beggars.

- Teachers, doctors and social workers working with children and young people can detect signs of tiredness, anxiety, violence on children which can be related to a situation of exploitation.

- Shop owners who detect and stop shop lifters can spot signs of trafficking amongst the offenders, or notice whether someone is waiting to be picked up, indicating that they have been caught. Such signs should alert the shop owners and lead them to report the case to law enforcement or dedicated agencies.

5.5. SIGNS OF OTHER FORMS OF EXPLOITATION

Signs of trafficking for forced begging or exploitation of criminal activities are particularly difficult to detect as they require one to look beyond the criminal aspect of the activities performed to see if the person has been forced to perform them.

The list of signs below is not exhaustive, and not all signs need be present to characterize exploitation for begging or criminal activities. These signs are listed to assist front-line officers and people who may face a victim in their detection process.

- The Person is begging most of the day.
- The Person is moved to beg from one place to another.
- The Person looks tired and exhausted.
- The Person is forced to beg, even when sick or pregnant.
- The Person appears to be handicapped.
- The Person is using/selling/transporting illegal substances or arms.
- The Person looks afraid.
- The Person has no cash with him/her.
6. ASSESS WHETHER THE PERSON IS A POSSIBLE VICTIM OF TRAFFICKING

The chapter presents tools that can be used to detect the victims of trafficking. This means that they are likely to be used by trained officers who can make the decision to refer the person (with his/her consent) to the appropriate referral mechanism or similar competent authority. As their use and content depend on the age of the victim, this chapter starts with a section on age assessment. While in practice, there are cases when this step is unnecessary as the age of the person, whether child or adult is obvious, it is so important to effectively protect children and use the right procedures that the chapter starts with a section on age determination.

It is important for front-line officers to know why it is essential to recognize people as victims of trafficking. In many cases, the potential victim does not want to be labelled as a victim, and does not recognize himself/herself with such a label. However, detecting potential victims of trafficking is important because these persons are probably in danger and it is the duty of professionals to protect them. Also, because by detecting and protecting victims of trafficking, you contribute to the fight against organized crime. The main reasons why it is important are specifically listed below:

- First, the person must be protected from those who exploit him/her, who harm or threaten him/her.
- Once identified as a possible victim, the person will be referred to competent authorities who are in a position to grant protection and assistance for the victim’s immediate and short-term needs.
- Detection of this victim may help to free other men and women, or boys and girls, who are suffering the same exploitation.
- First level identification may help to build a case and may lead to the arrest and prosecution of those who have abused the victim.
- This may lead to providing compensation and legal redress to the victim.

In addition, it is compulsory in some countries, to inform the authorities when witnessing a crime.

The seven points below summarize the actions that front-line officers can/should take from the moment that they begin to suspect trafficking until the moment when the possible victim is referred to the competent authority.

1. ENSURE SAFETY AND BASIC NEEDS

The first priority is to make sure that the situation is safe for the person and for the officer. If there is any doubt about the safety of either, (for example if there is someone listening to the discussion or threatening the person), then it is necessary to leave the place immediately and call for help.

As soon as possible, the person who displays signs of trafficking should be offered food, drinks, something to rest and access to other basic needs if necessary.

2. ASSESS IF THE PERSON A CHILD

It is necessary to determine if the person is a child (below 18 years old) as the procedures that are to be followed are specific. While in some cases the age of the person may be obvious, in other cases it may be more difficult to assess the age of the person. Often minors below 18 years may lie and claim to be adults.

The European Union Directive states that in case of doubt, if the person is (or probably is) a child, then if there are enough reasons to believe that the child was exploited in any way, that person should be presumed to be a child and receive immediate assistance, support and protection. And the officer should call the unit in charge of child protection. It is their responsibility to go further in the identification of trafficking. Meanwhile, it is important to make the child feel safe and secured, to listen to his/her fears. The specialised unit will decide whether and when the parents/guardians should be informed.

3. MAKE SURE THE PERSON UNDERSTANDS THE OFFICERS

Basic language may be sufficient to offer protection and determine if the person is a child but, in order to go further in the detection of trafficking, it is necessary to make sure that the person understands the language spoken by the front-line officers. If not, it is possible for example to find an interpreter or a trained cultural mediator speaking the language that they can facilitate communication. The possible victim should agree on the choice of the interpreter. Moreover, it is recommended not to use ‘colleagues’ from the same workplace of the possible victim, as they may be related to the trafficker.

4. CREATE CONFIDENCE, EXPLAIN WHO YOU ARE

The possible victim, who may have just escaped a situation of fear, exploitation and threats, must be informed about who is talking to him/her, from which organisation they are from, and the objective of the discussion/interview.

The possible victim should give his/her consent to start a ‘discussion’ with the front-line officer, and be told that he/she can interrupt it or ask more details at any moment of time. He/she should know that his/her identity will be disclosed only with his/her consent to organisations which need it to organize their support they will provide.

Taking notes during the discussion can be very helpful to refer the possible victim to the authorities but it should not be done without his/her consent.

While talking and listening to the person, a human-rights based approach should be strictly followed, and possible trafficked persons treated as holders of rights.

At the end of the discussion, if the conclusion is that the person may be a victim of trafficking, the front line officer must inform the competent authority and the possible victim must be offered to be referred to a specialised body which will provide support and protection for short, medium and possibly long term if he/she is identified as victim of trafficking. Next paragraph explains what will happen once the person will be referred to the specialised authority in charge of identification of trafficking. This information can be used, if wished, by front-line officers to answers to questions from the possible victim.

5. LISTEN, OBSERVE, ASK QUESTIONS

The role of front-line officers is to observe the situation and listen to the person in order to get enough information to decide if they have detected a possible victim of trafficking. If possible, they are also invited to document the signs of trafficking that they notice by collecting available evidence.

In order to facilitate the detection, Annex 1 presents a list of signs which may indicate that the person may be a victim of trafficking.

Indicators are facts which point to the presence of the legal concepts describing trafficking in human beings. The presence of an indicator is not sufficient to qualify the case as trafficking. This is why the method suggests spotting the signs (which could possibly indicate a situation of trafficking) and for each sign find the causes and intentions behind the indicator. Explanations for the presence of one sign may lead to disregard the indicator or on the contrary to go deeper in the investigation and look for other indicators.

Only the combination of different indicators from the three elements of the definition of trafficking (Action, Means (for adults), Purpose) will lead the official to conclude that the situation is probably a case of trafficking. The indicators are presented as per ILO methodology, each indicator is presented with four dimensions: 1) signs, 2) a checklist of verifying questions, 3) methods of investigation and 4) evidence to be gathered.

1. SPOT SIGNS – These are signs that first attract attention and indicate that something is seriously wrong. Each indicator should be linked to a sub-set of warning signs. Once warning signs have attracted attention, the official should try to spot other signs of the indicator as well as signs of other indicators whilst the inspection proceeds. Most of the signs are perceivable by monitoring, observance and questioning as part of initial screening in the field without in depth interviewing and examinations. These signs point that an indicator of trafficking might be present. But for some indicators (such as deception) there are not obvious and easily

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20. This section is based and relies upon a methodology developed by the ILO in the context of developing a e-learning tool for identifying victims of forced labour. The indicators have been modified here to reflect the wording of the trafficking definition given in the EU Directive. The objective of these indicators is limited to assessing the probability that the worker is a victim of trafficking.
observable signs. On the contrary, they require more questions and other methods.

2 CHECK CAUSES – This provides the officer with a set of questions which help to verify whether the indicator indeed relates to an offence of trafficking or not. They are not questions to be addressed to the possible victim. The idea is to find out the causative actions, reasons and intentions behind the indicator. The questions guide the officer to investigate the cases further, especially when interviewing the victims and other witnesses of trafficking. The questions are not direct, such as "was the violence used to coerce the person to work", but rather indirect to be asked from different angles – the answers obtained leading to conclusions by the officer.

These two phases can be completed by two more investigative steps, namely « Use methods » and « Collect evidence ». They are not the responsibility of the front-line officer, but they are listed here so that the officer knows how to react if some of these elements come to surface in the course of the discussion with the possible victim.

3 USE METHODS – These are only suggestions on how a specialised officer can find answers to the set of questions. In the case of labour exploitation, this will include direct observations in the workplace and sleeping areas, reviewing relevant company and employee documentation, taking samples, conducting on and off-site interviews. The list is by no means exhaustive. In the case of sexual exploitation, some observations may take place in brothels, massage parlours or other places where prostitution is taking place. But is unlikely to have access to "employers’ documentation and the investigator will have to rely more on testimonies.

4 COLLECT EVIDENCE – If it seems likely that the case could constitute an offence of trafficking, the specialised officer is given a non-exhaustive list of evidence specific to the indicator in question to be gathered. Under each of the indicators, the officer should strive for obtaining a detailed testimony of the possible victims based on the questions provided. Other evidence corroborates the worker’s account but may also stand on its own especially if the victim refuses to testify. This type of evidence is presented in detail under each indicator.

These indicators can be used at all stages of the cycle of trafficking, and therefore the person to which they apply may have migrated or not, may be on his/her way to the place of destination, may be currently working or may have escaped a situation of exploitation. In order to avoid naming the person according to the stage where he/she is detected (applicant / possible migrant / migrant / worker / ex-worker), the indicators use the generic term of "the person to work", but rather indirect to be as decided for the time being: lack of clarity in the facts and explanations leads to uncertainty.

6. EXPLAIN WHAT ARE THE DIFFERENT STEPS OF IDENTIFICATION OF VICTIMS OF TRAFFICKING

In case possible victims ask questions on what will happen once referred to competent authority, it is important for front-line officers to be able to answer to and to explain the rights of the possible victim. This section summarises the main next steps after referral.

The person referred to the competent authority (National Referral Mechanism), will be interviewed by specialists in charge of identifying trafficking victims. Once identified as a presumed/possible victim of trafficking, the person shall be treated as a victim and will benefit from the assistance described in the national law for victims of trafficking unless some new elements come to contradict this identification.

For adults, once identified as a presumed victim, and if he/she gives his/her consent, the person might:

- Be offered a recovery and reflection period which entitles a victim with no legal residency the right to remain in the country, recover from their ordeal and make an informed decision as to whether they wish to cooperate with competent authorities to provide evidence against the trafficker.
- Be protected from previous exploiters/traffic-kers by security measures decided jointly with the victim upon a risk assessment.
- Be offered protection for physical safety and well-being, including some solutions for safe housing, if needed.
- Be offered the services of an interpreter.
- Be granted with free legal aid.
- Be offered medical and pharmaceutical assistance if needed.
- Be offered psycho-social services and care.

Later, this authority or other competent authorities will examine his/her case more in detail in order to grant (or not) the formal status of victim of trafficking. This formal status opens the right to:

- A long-term residence/work permit for third-country victims without legal residence.
- Benefit from some training/education offers for the youngest ones.
- Regular medical-pharmaceutical care.
- Compensation from the perpetrators and legal redress.
- For the victims who wish so, they can be provided with safe and dignified repatriation to their country of origin or sometimes to another country.

If the presumed victim is a child, he/she will benefit from specific measures as soon as he/she is identified as a presumed victim. This includes:

- Special measures taken by competent authorities to determine identity and nationality of the child, and whether he/she was accompanied or not.
- Legal representation provided.
- Necessity for the competent authorities to take all possible efforts to locate the minor’s family.
- Access to schools or other forms of education.

7. TAKE ACTION

At the end of your discussion with the person, there are 4 follow-up possibilities:

A The person is a child: the first thing to do is to call the unit in charge of (or competent for) child protection.

The person is an adult:

B You think that he/she may be a victim of trafficking, and he/she has agreed to be referred to the specialised authority: you need to call the authority and refer the person to them.

C You think that he/she may be a victim of trafficking but the person does not want to be referred to the specialised authority, at least for the time being. You must invite the person to think about it and to provide him/her with a list of contact details in case he/she changes his/her mind and details of organisations that can provide support for specific topics, such as check-ups, or legal aid.

However please note, that it is compulsory in some countries to inform the authorities when you witness a crime, irrespective of the victim’s consent. If it is the case, you have to inform the authorities.

D You don’t think the person is a victim of trafficking but nevertheless needs some support. Provide him/her with details of specific support organizations and a leaflet with information on trafficking.
## Indicators of Actions

### Recruitment

<table>
<thead>
<tr>
<th>Signs</th>
<th>Causes/Questions to be asked to oneself (not directly to the victim)</th>
<th>Use Methods</th>
<th>Collect Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The Person doesn’t know how he got the work documents.</td>
<td>• Gather and examine all documents related to recruitment and the terms and conditions of work, from the employer, worker, and other sources (e.g., third parties such as transportation services, newspapers, or other media containing the original job advertisement, banks or money transfer services that establish recruitment fees).</td>
<td>• Write statements.</td>
<td></td>
</tr>
<tr>
<td>• The Person paid excessive fees for recruitment</td>
<td>• In case of sexual exploitation, examine documents, if available, with promises of a job, its nature and conditions.</td>
<td>• Employment contracts or other documents indicating the terms and conditions of work (e.g. correspondence, employment agreements, and how the terms and conditions of work are communicated to prospective workers).</td>
<td></td>
</tr>
<tr>
<td>• The Person didn’t know where he was going to work</td>
<td>• Search for records of communication to establish means of recruitment, relationships between employer and recruiters or brokers, and terms and conditions of work.</td>
<td>• Records of financial transactions between the employer, intermediary, and the Person (e.g. pay slips, bank records, other electronic and paper records).</td>
<td></td>
</tr>
<tr>
<td>• The employer cannot show an employment contract.</td>
<td>• Interview workers. Find out how they were recruited, what they were promised and what their expectations were, and the actual terms and conditions of work.</td>
<td>• Sources related to recruitment (e.g. job advertisements in newspapers, on the internet, on their ads, or on television, posters, leaflets).</td>
<td></td>
</tr>
<tr>
<td>• The Person paid someone to get the job</td>
<td>• Interview employers, managers/supervisors and other relevant personnel. Ask about recruitment practices and policies, employment agreements, and how the terms and conditions of work are communicated to prospective and current workers. If the employer uses an intermediary, does the employee have procedures in place to prevent fraud and abuse?</td>
<td>• Records of financial transactions between the employer, intermediary, and the Person (e.g. pay slips, bank records, other electronic and paper records).</td>
<td></td>
</tr>
<tr>
<td>• The Person didn’t apply for the job</td>
<td>• Interview any intermediaries involved in hiring workers, including recruiters, broker or private employment agencies. Ask about recruitment practices and policies, employment agreements, and how the terms and conditions of work are communicated to prospective workers. Find out whether the intermediary continues to play a role after the Person has been hired.</td>
<td>• Correspondence between employer, worker, and any third parties involved.</td>
<td></td>
</tr>
<tr>
<td>• The Person has no employment contract or the terms and conditions are not properly defined.</td>
<td>• Review any records or documents related to recruitment and the terms and conditions.</td>
<td>• Public records, media reports and information from government databases.</td>
<td></td>
</tr>
<tr>
<td>• The employment contract is written in a language that the Person does not understand.</td>
<td>• Check the terms and conditions of work, from the employer, worker, and other sources (e.g., third parties such as transportation services, newspapers, or other media containing the original job advertisement, banks or money transfer services that establish recruitment fees).</td>
<td>• Records of transportation (e.g. ticket stubs or receipts, pieces of paper with dates and times, petrol receipts).</td>
<td></td>
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<tr>
<td>• The Person signed a new employment contract upon arrival at work (this practice is sometimes called “contract substitution”).</td>
<td>• Where applicable, check whether intermediaries are licensed and certified by the competent authority.</td>
<td>• Public records, media reports and information from government databases.</td>
<td></td>
</tr>
</tbody>
</table>

### Identification of Victims of Trafficking in Europe

Guidelines for the first-level collection of evidence in cases of trafficking in accordance with the EU anti-trafficking framework. This document is intended to provide a framework for identifying victims of trafficking, particularly for first-level authorities involved in the investigation of such cases. The guidelines cover various aspects of the investigation, including the collection of evidence, the examination of documents, and the identification of victims. The document is structured to help first-level authorities understand the process of identifying victims of trafficking in Europe, with a focus on the steps involved in collecting evidence and identifying victims.
## Indicators of Means

### Threats

<table>
<thead>
<tr>
<th>Signs</th>
<th>Causes (Questions to be Asked to oneself, Not Directly to the Victim)</th>
<th>Use Methods</th>
<th>Collect Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The Perosn demonstrates fear and anxiety, especially at the presence of supervisor or manager.</td>
<td>• Does the Person feel unable to leave the work? If yes, what happened?</td>
<td>• Speak with workers individually, and keep in mind the security and confidentiality of these interviews to protect the Person from any possible reprisals; if possible and appropriate, meet workers off-site or use hotlines.</td>
<td>• Notifications via e-mail or other correspondence concerning black-mailing, demotion to authorities, informing the family of the Person, dismissals, or other threats and sanctions.</td>
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<tr>
<td>• The Person is subjected to unjustified, arbitrary threats of disciplinary measures.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>• The Person feels intimidated and deprived of essential living necessities, such as food, water, accommodation and sleep.</td>
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</tbody>
</table>

### Indicators of Means

#### Transportation, Transfer

<table>
<thead>
<tr>
<th>Signs</th>
<th>Causes (Questions to be Asked to oneself, Not Directly to the Victim)</th>
<th>Use Methods</th>
<th>Collect Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The Person did not organise his/her transport.</td>
<td>• Whose organised the transport? Who paid for it?</td>
<td>• Interview the Person. Interview men or women traveling with the Person and examine their treatment.</td>
<td>• Witness statements. Transport receipts. Pictures.</td>
</tr>
<tr>
<td>• The Person had to lie during border crossing.</td>
<td>• Is there an agreement for the Person to pay it back? In which terms?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The Person doesn’t know the travel route from the place of origin to the destination.</td>
<td>• Who forced the Person to hide?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The worker shows signs of fear of the person or persons who accompany her.</td>
<td>• Why did the Person hand over passport to someone else to cross the border?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• A third person gives the passport back to the Person just before crossing the border.</td>
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</tbody>
</table>

#### Harbouring, Receipt

<table>
<thead>
<tr>
<th>Signs</th>
<th>Causes (Questions to be Asked to oneself, Not Directly to the Victim)</th>
<th>Use Methods</th>
<th>Collect Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The Person lives and sleeps at work.</td>
<td>• Does he/she live in another place provided by the employer, e.g. does he/she live with the family of the employer? What are the conditions of living? Has he/she freedom to move somehow restricted by the employer?</td>
<td>• Inspect sleeping areas and check whether workers have a decent sanitary facilities, private space, access out of the premises, available media, other services, etc.</td>
<td>• Pictures of the living place.</td>
</tr>
<tr>
<td>• The sleeping areas are overcrowded.</td>
<td>• What part of the salary/wages is deducted to pay accommodation?</td>
<td>• Speak with workers about the living conditions and their willingness to accept them.</td>
<td>• Measure temperature and humidity during day and night.</td>
</tr>
<tr>
<td>• The conditions are unhealthy, and there are no basic hygiene facilities.</td>
<td>• Is the Person dependent on the employer or in a vulnerable position (see the signs of vulnerable position)?</td>
<td>• Speak with employers about the policies concerning that living in the work place.</td>
<td>• Receipts with amount deducted for housing.</td>
</tr>
<tr>
<td>• There is lack of access to food and water.</td>
<td>• What happens if the Person complains and refuses to live in the place imposed by employer? Does the Person fear from dismissal or other sanctions?</td>
<td>• Take and remove samples, materials and subsamples at the living place for analyzing the possible risk for health and safety of workers.</td>
<td>• Workers' testimonies.</td>
</tr>
<tr>
<td>• The living place is unsuitable for living, such as basement, stored or left.</td>
<td>• Does the Person report any threats or sanctions against him-/herself, his / her co-workers or family members?</td>
<td>• Look for video surveillance, locks.</td>
<td></td>
</tr>
<tr>
<td>• The Person has limited freedom to move in his/her place.</td>
<td>• The Person demonstrates fear and anxiety, especially at the presence of supervisor or manager.</td>
<td>• Speak with workers individually, and keep in mind the security and confidentiality of these interviews to protect the Person from any possible reprisals; if possible and appropriate, meet workers off-site or use hotlines.</td>
<td>• Photos of the place of residence.</td>
</tr>
<tr>
<td>• The Person is denied to choose or change his/her place of residence.</td>
<td>• The Person has limited freedom to move in his/her place.</td>
<td>• Review company documentation regarding disciplinary measures, such as codes of labour discipline, workplace regulation, written warnings or reprimands given to workers.</td>
<td>• Measure temperature during stay and night hours.</td>
</tr>
<tr>
<td>• The Person is forced to stay in a confined place during travelling with the Person.</td>
<td>• The Person demonstrates fear and anxiety, especially at the presence of supervisor or manager.</td>
<td>• Pay lips, records of bank accounts, other evidence on financial transactions verifying the use of punitive fines.</td>
<td>• Receipts with amount deducted for housing.</td>
</tr>
</tbody>
</table>

#### Indicators of Actions

<table>
<thead>
<tr>
<th>Signs</th>
<th>Causes (Questions to be Asked to oneself, Not Directly to the Victim)</th>
<th>Use Methods</th>
<th>Collect Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The worker shows signs of fear of the person or persons who accompany her.</td>
<td>• The worker shows signs of fear of the person or persons who accompany her.</td>
<td>• Review company documentation (incl. correspondence) regarding disciplinary measures and sanctions to determine whether the company imposed a work as a penalty.</td>
<td>• Pictures or attitude during border crossing.</td>
</tr>
</tbody>
</table>
**USE OF FORCE**

**CAUSES (QUESTIONS TO BE ASKED TO ONESELF, NOT DIRECTLY TO THE VICTIM):**
- The Person has visible injuries (e.g. bruises, scars, cuts, stab wounds, mouth and teeth injuries, cigarette burns).
- The Person is anxious or afraid (e.g. sweating, trembling, difficulty responding to questions directly, avoidance of eye contact for reasons unconnected to culture).
- The employer, manager/supervisor or others display aggressive behavior toward workers.
- Multiple workers have injuries.
- The Person has consumed drugs, alcohol or other intoxicants.

**USE METHODS:**
- Interpreters work separately and in a confidential environment, be sensitive to the risk of reprisals and the safety of workers, and ask for detailed descriptions of any incidents involving violence (e.g. by whom anddatetime, time and date, exact location and its layout, any witnesses present, physical descriptions of those involved, whether medical treatment was obtained, etc.).
- Obtain medical assessments of workers’ health and injuries from experienced healthcare professionals (after obtaining the Person’s consent). If relevant, test for drugs or other intoxicating substances that may have been administered to the Persons.
- Interpreters, managers/supervisors and other relevant personnel. Ask about any policies and practices related to harassment, violence, and discipline in the workplace.
- Examine any written policies and procedures related to physical and sexual violence.
- Interview guards separately about policies and practices related to harassment, violence, and discipline in the workplace.
- Ask about employer instructions, their roles and responsibilities, and the means they use to carry out their jobs.

**COLLECT EVIDENCE:**
- Written descriptions/notes.
- Audio-visual evidence (e.g. photos, video or digital recordings, diagrams/sketches indicating the location of the injury, depicting the injuries).
- Medical records of treatment or examination of injuries.
- Physical items that were used to cause the injuries (e.g. objects found on the premises, weapons).
- Objects, clothing (of victim and attacker) and other materials (e.g. bedding, furniture) that shown signs of violence (bodily/damaged, containing blood or other biological materials).
- Biological materials (blood, semen, saliva, hair, etc.).
- Detailed notes describing the injuries.
- Records from law enforcement, government databases, and media sources for information about any prior incidents of violence involving the employer and workers.
- Use forensic techniques to preserve, document and analyze physical evidence (e.g. biological materials, fibers from clothing).
- Record any visible injuries.

**OTHER FORMS OF COERCION: RESTRICTION OF MOVEMENT, ISOLATION, RETENTION OF ID DOCUMENTS, WITHHOLDING OF WAGES**

**RESTRICITION OF MOVEMENT**

**CAUSES (QUESTIONS TO BE ASKED TO ONESELF, NOT DIRECTLY TO THE VICTIM):**
- The Person was confined in some way while being transported to the workplace.
- The Person lives and works at the same location.
- The Person is locked inside the workplace or living quarters.
- The workplace, including certain workers and others are enclosed in some way.
- There is an inaccessible fence around the premises (e.g. tall fence or covered in barbed wire).
- Whether access is uncontrolled (these bars or wire are not high to prevent access or have no windows at all).

**USE METHODS:**
- Inspect working areas, sleeping areas, and surroundings for signs of confinement.
- Interview workers separately and in a confidential environment. Ask about any conditions related to their freedom of movement.
- Interview employers, managers/supervisors and other relevant personnel. Ask about any policies and practices related to restriction of movement, such as workplace discipline.
- Ask about employer instructions, their roles and responsibilities, and the means they use to carry out their jobs.

**COLLECT EVIDENCE:**
- Witness statements.
- Written descriptions/notes.
- Audio-visual evidence (e.g. photos, video or digital recordings, diagrams/sketches indicating the location of the injury, depicting the injuries).
- Medical records of treatment or examination of injuries.
- Physical items that were used to cause the injuries (e.g. objects found on the premises, weapons).
- Objects, clothing (of victim and attacker) and other materials (e.g. bedding, furniture) that shown signs of violence (bodily/damaged, containing blood or other biological materials).
- Biological materials (blood, semen, saliva, hair, etc.).
- Detailed notes describing the injuries.
- Record any visible injuries.
**SIGNS**

- The Person did not speak to anyone during transportation and transfer.
- The workplace is in an isolated location (e.g., in a rural area far from other buildings or communities).
- The workplace is difficult to reach by public or private transportation.
- The workplace cannot be reached by public transportation.
- The Person has limited or no access to means of communications (e.g., phone, mail, internet).
- The Person has limited or no access to the media (e.g., no television, radio, magazines, newspapers).
- The employer, manager/supervisor or other relevant personnel monitor the Person’s contact with or出入 the premises.
- The Person is not permitted to contact others outside the premises.
- The Person does not know his or her location or address.
- The Person cannot speak the local language.
- The workplace is inaccessible and difficult to reach for other reasons (e.g., private household, unregistered business).
- The employer, manager/supervisor or other relevant personnel insist on answering questions on behalf of the Person and/or on translating all conversations.

**CAUSES (QUESTIONS TO BE ASKED TO ONESELF, NOT DIRECTLY TO THE VICTIM)**

- How did the Person arrive at the workplace? Does the Person know how to return home?
- Where is the workplace located? Are there any homes, businesses, or other neighboring dwellings nearby? If so, is the Person aware of them or allowed to access them?
- Is the workplace accessible by public or private transportation? If not, why?
- Does the Person have access to means of communication (e.g., phone, mail, internet)? If so, is the Person able to utilize them in practice? If not, why?
- Does the Person have access to means of communication (e.g., television, radio, internet, magazines, newspapers)? If so, is the Person able to access media in practice? If not, why?
- Is the Person able to contact his or her relatives, friends or associates? Are the Person’s communications monitored? When was the last time the Person was in contact with them?
- Is the Person able to study or learn the local language? If not, why? Has the employer taken any measures to prevent the Person from learning the local language?
- Can the Person freely interact with others outside the premises (relatives, friends, or associates) or are the Person’s communications monitored? When was the last time the Person was in contact with them?
- What is the isolation? Person do they have access to means of communication or personal effects (e.g., mobile phones), possible to access media in practice.

**USE METHODS**

- Inspect the premises, searching areas, sleeping areas and surroundings for signs of isolation. Look for means of communication (e.g., pay phones and mobile phones, mail and mailboxes, internet). Verify whether workers are able to use these means (practices as, do pay phones work, are workers provided with change to use them, or are they able to use them for personal communications?).
- Look for media (e.g., televisions, radios, internet, magazines, newspapers). Verify that workers are able to access media in practice.
- Interview workers separately and in a confidential environment. Ask how they arrived at the workplace and if they know their location, whether they are able to maintain contact with relatives, friends and the outside world, and about any other restrictions related to isolation.
- Interview employers, managers/supervisors, and other relevant personnel. Ask about any policies or procedures related to isolation, such as prohibitions on mobile phones, restrictions on phone calls, emails, or letters, or other restrictions on communication and access to media.
- Examine written policies and procedures related to isolation.
- Interview third parties, such as relatives, neighbours, and local community leaders (both at the location of destination and origin) who can provide information about the nature and extent of their contact with workers.
- Speak with local authorities who are familiar with the location of the workplace, other services, and how the area was/is used for personal effect.

**COLLECT EVIDENCE**

- Witness statements.
- Written description/notes.
- Audio-visual evidence (e.g., photos, video or digital recordings, maps, diagrams, sketches) depicting the isolation of the location (e.g., badly maintained or inaccessible roads, distances from other buildings and premises).
- Audio-visual evidence depicting restrictions on communication (e.g., lack of public phones or of places to purchase and add credit to mobile phones, keeping phones, internet, etc, in places that are off-limits to the Person).
- Records of transportation to or from the premises (e.g., ticket stubs or receipts, places of paper with dates and times, permit, receipt).
- Records of communication (e.g., diaries, agendas, phone records, actual phones, accompanying calls made and received, emails, letter, messages, etc).
- Other physical evidence (e.g., mobile phones).

**INDICATORS OF MEANS**

**SIGNS**

- The Person does not possess or have access to his/her ID documents (pass, ID card, visa, work or residence permit) or other valuable personal effects (passport, identity card).
- The ID documents or other valuable personal effects are kept by the employer or an intermediary.
- If kept by the employer or an intermediary, the Person cannot obtain access to ID documents or other valuable personal effects within a reasonable period of time.
- Retention of ID documents or other valuable personal effects is used to punish workers.
- The employer or intermediary provides different explanations for retaining the ID documents or other valuable personal effects.

**CAUSES (QUESTIONS TO BE ASKED TO ONESELF, NOT DIRECTLY TO THE VICTIM)**

- What documents or belongings are retained? When were they retained during the Person’s recruitment or after employment? For how long have they been retained? (By whom?)
- Are the documents or belongings being held temporarily or indefinitely?
- Have the documents or belongings been secured (e.g., locked, keys, combination, off-site location)?
- Was the Person told that his or her documents or belongings would be retained? Did the Person agree?
- What explanations does the employer or intermediary give for retaining the documents or belongings? Do the explanations seem reasonable? Are they legal?
- If the explanation given is that the documents or belongings are retained for security reasons, do workers have access to them on an equal or within a reasonable period of time? What impact does the retention have on the Person? Does the Person feel unable to have his or her employment without the loss of the documents or belongings? Does the Person feel that the authorities are responsible for the retention?
- Does the Person have other documents or means of proving his or her identity, nationality, and legal status, or other ways to access certain services?

**USE METHODS**

- Interview workers. Ask about the location of their documents and belongings and their ability to access them.
- Interview employers, manager/supervisors, and other relevant personnel. Ask about the policies and practices underlying the retention of documents and belongings and for proof that they are being retained for the reasons provided.
- Check with other government agencies to verify whether explanations that are given for the retention of documents (e.g., for visa purposes or registration purposes) are valid.
- Examine and record the location where documents or belongings are kept.

**COLLECT EVIDENCE**

- Witness statements.
- Written description/notes.
- Audio-visual evidence (e.g., photos, video or digital recordings, maps, diagrams, sketches) depicting the isolation of the location (e.g., badly maintained or inaccessible roads, distances from other buildings and premises).
- Audio-visual evidence depicting restrictions on communication (e.g., lack of public phones or of places to purchase and add credit to mobile phones, keeping phones, internet, etc, in places that are off-limits to the Person).
- Records of transportation to or from the premises (e.g., ticket stubs or receipts, places of paper with dates and times, permit, receipt).
- Records of communication (e.g., diaries, agendas, phone records, actual phones, accompanying calls made and received, emails, letters, messages, etc).
- Other physical evidence (e.g., mobile phones).

**IDENTIFICATION OF VICTIMS OF TRAFFICKING IN EUROPE**

**GUIDELINES FOR THE FIRST LEVEL OF IDENTIFICATION OF VICTIMS OF TRAFFICKING IN EUROPE**

**Facts and findings**

- The Person did not speak to anyone during transportation and transfer.
- The workplace is in an isolated location (e.g., in a rural area far from other buildings or communities).
- The workplace is difficult to reach by public or private transportation.
- The workplace cannot be reached by public transportation.
- The Person has limited or no access to means of communications (e.g., phone, mail, internet).
- The Person has limited or no access to the media (e.g., no television, radio, magazines, newspapers).
- The employer, manager/supervisor or other relevant personnel monitor the Person’s contact with or出入 the premises.
- The Person is not permitted to contact others outside the premises.
- The Person does not know his or her location or address.
- The Person cannot speak the local language.
- The workplace is inaccessible and difficult to reach for other reasons (e.g., private household, unregistered business).
- The employer, manager/supervisor or other relevant personnel insist on answering questions on behalf of the Person and/or on translating all conversations.

**CAUSES (QUESTIONS TO BE ASKED TO ONESELF, NOT DIRECTLY TO THE VICTIM)**

- How did the Person arrive at the workplace? Does the Person know how to return home?
- Where is the workplace located? Are there any homes, businesses, or other neighboring dwellings nearby? If so, is the Person aware of them or allowed to access them?
- Is the workplace accessible by public or private transportation? If not, why?
- Does the Person have access to means of communication (e.g., phone, mail, internet)? If so, is the Person able to utilize them in practice? If not, why?
- Does the Person have access to means of communication (e.g., television, radio, internet, magazines, newspapers)? If so, is the Person able to access media in practice? If not, why?
- Is the Person able to contact his or her relatives, friends or associates? Are the Person’s communications monitored? When was the last time the Person was in contact with them?
- Is the Person able to study or learn the local language? If not, why? Has the employer taken any measures to prevent the Person from learning the local language?
- Can the Person freely interact with others outside the premises (relatives, friends, or associates) or are the Person’s communications monitored? When was the last time the Person was in contact with them?
- What is the isolation? Person do they have access to means of communication or personal effects (e.g., mobile phones), possible to access media in practice.

**USE METHODS**

- Inspect the premises, searching areas, sleeping areas and surroundings for signs of isolation. Look for means of communication (e.g., pay phones and mobile phones, mail and mailboxes, internet). Verify whether workers are able to use these means (practices as, do pay phones work, are workers provided with change to use them, or are they able to use them for personal communications?).
- Look for media (e.g., televisions, radios, internet, magazines, newspapers). Verify that workers are able to access media in practice.
- Interview workers separately and in a confidential environment. Ask how they arrived at the workplace and if they know their location, whether they are able to maintain contact with relatives, friends and the outside world, and about any other restrictions related to isolation.
- Interview employers, managers/supervisors, and other relevant personnel. Ask about any policies or procedures related to isolation, such as prohibitions on mobile phones, restrictions on phone calls, emails, or letters, or other restrictions on communication and access to media.
- Examine written policies and procedures related to isolation.
- Interview third parties, such as relatives, neighbours, and local community leaders (both at the location of destination and origin) who can provide information about the nature and extent of their contact with workers.
- Speak with local authorities who are familiar with the location of the workplace, other services, and how the area was/is used for personal effect.

**COLLECT EVIDENCE**

- Witness statements.
- Written description/notes.
- Audio-visual evidence (e.g., photos, video or digital recordings, maps, diagrams, sketches) depicting the isolation of the location (e.g., badly maintained or inaccessible roads, distances from other buildings and premises).
- Audio-visual evidence depicting restrictions on communication (e.g., lack of public phones or of places to purchase and add credit to mobile phones, keeping phones, internet, etc, in places that are off-limits to the Person).
- Records of transportation to or from the premises (e.g., ticket stubs or receipts, places of paper with dates and times, permit, receipt).
- Records of communication (e.g., diaries, agendas, phone records, actual phones, accompanying calls made and received, emails, letters, messages, etc).
- Other physical evidence (e.g., mobile phones).
WITHHOLDING OF WAGES

**CAUSES OF QUESTIONS TO BE ASKED TO ONESELF NOT DIRECTLY TO THE VICTIM**

- Does the employer use irregular, delayed, deferred or in-kind payment of wages to ensure that workers cannot freely terminate employment?
- Why are wages withheld or subjected to deductions? What are the reasons given? Do the reasons seem reasonable, and are they consistent with legal requirements?
- Did the Person know that his wages would be withheld in the event of certain situations? If yes, does the Person feel that it is fair to stop working? The Person would be entitled to unemployment benefits.
- Does the Person have an employment contract? If so, what are its terms and conditions, and are they consistent with legal requirements? Do the contract’s provisions appear above or exploitative?
- Is the Person paid in accordance with payment conditions documented by the employer? Has the Person been paid everything he or she is entitled to?
- If the Person is provided with pay slips or other payment records, are any deductions clearly explained?
- Why does the Person not understand how wages or deductions are calculated or how much he or she is earning?
- How are the Person’s wages calculated? Are wages based on a fixed amount (e.g. weekly, hourly, monthly or seasonal rate) or results of a work process or service provided? Are kind payments used to create a tale of dependency of the Person on the employer?
- Are workers compelled to use certain stores or services connected to the employer? Are the goods and services provided at fair and reasonable prices?

**USE METHODS**

- Gather and examine all documents related to recruitment and employment, including contracts, payment slips, records of employment, employment agreements and wage payments, from the employer, worker, other source (e.g. third parties such as banks or money transferal services).
- Check whether the company is using a double set of records to hide irregular transactions.
- Investigate workers, selecting a representative cross-sample (e.g. women, foreign and fixed duration contracts) as well as those paid on hourly or piece-rate basis.
- Ask about wage payment and deduction practices, and find out what expectations were prior to employment and whether wage withholding has impacted the Person’s ability to live or hire his or her families.
- Interview employees, managers, supervisors, and other relevant persons. Ask about policies and practices related to recruitment, wage payments, and deductions. If the employer uses an intermediary such as a private employment agency to hire workers, ask about policies related to this practice.
- If the employer uses an intermediary to hire workers, interview the intermediary. Ask about policies and practices related to recruitment, wage payments, and deductions.
- Check whether the intermediary is licensed and certified by the competent authority.
- Inspect the premises of the intermediary and examine relevant records (e.g. license, model or actual employment contracts, professional qualifications, company experience).
- Seek the agreement of the intermediary about the possibility to speak to the intermediaries and workers.
- Investigate third parties, such as relatives, neighbors, and others (both of the location of destination and origin), by mail or personal visit. Ask general questions about the terms and conditions of work originally promised.
- Check government records for information about whether the employer is paying taxes and social security contributions on behalf of workers.
- Collect evidence related to recruitment (e.g. court databases, government websites, government databases and media sources for information about any complaints or pending cases involving the employer or intermediary that relate to wage disputes).
- Conduct correspondence between the workers, the employer and the government representatives to find out what information, if any, they know about the employment intermediary and the employment relationship.
- Inspect the premises of the intermediary and determine the employment relationship (e.g. pay slips, bank records, relevant records, electronic and paper records).
- Investigate third parties, such as relatives, neighbors, and others (both of the location of destination and origin), who may be familiar with the Person’s financial situation as well as with the terms and conditions of work originally promised.
- Compare the terms and conditions of work differ from those that were promised (e.g. third parties such as transportation or broker).
- Check the local labor legislation (e.g. in written or employment agreements), whether the terms and conditions of work differ from those that were promised.
- Does the Person sign an employment contract? If so, what are the terms and conditions? Is the contract signed under duress?
- Did the Person sign more than one employment contract, and is the contract for the period in which he is working?
- Is the contract paid partially or wholly in-kind? Are in-kind payments consistent with the reasonable market value of the work and services provided? Are kind payments used to create a tale of dependency of the Person on the employer?
- Ask about the Person’s financial situation, including previous employment (e.g. previous employment agreements, identification of victims of trafficking in Europe).
ABUSE OF POWER / VULNERABILITY

CAUSES (QUESTIONS TO BE ASKED TO ONESELF, NOT DIRECTLY TO THE VICTIM)

- The Person is under 18 years old (young children who look like a parent or other adult family member are especially vulnerable).
- The Person is in an irregular situation without legal documents (e.g., irregular migrants).
- The Person’s employment is unregulated or poorly regulated (e.g., low paid workers, domestic workers).
- The Person belongs to a group that has been discriminated against and is especially vulnerable (on the basis of sex, race, religion, ethnicity, allergies, or physical status or being part of a minority religious or cultural group).
- The Person comes from an area affected by natural disasters, political or armed conflicts, economic downturns or other crises that have reduced alternative livelihood options.
- The Person is poor and his / her family is fully dependent on his / her earnings.
- The Person’s family situation is difficult or unstable (e.g., single parent households).
- The Person lacks information about local laws and the role of authorities.
- The Person is sick or has a physical or mental disability.
- The Person is emotionally and economically tied to the job (advertisement, informal work).
- The Person is emotionally and economically tied to the employer or his / her work (e.g., because of a romantic or living relationship).
- The Person fears exclusion from his / her community, social, cultural or religious life.

USE METHODS

- Gather and examine documents and records related to recruitment, work or residency status, the nature of any employment agreement, and wage payments.
- Review wage records to ensure that wage levels are the same.
- Search for records of communication to establish any breaches of recruitment agreements by employers and recruiters or brokers.
- Interview workers. Find out about their situations, including their personal characteristics, background and awareness of relevant laws, the circumstances of their employment, and conditions of work.
- Interview employers, managers, supervisors, and other relevant persons. Find out if workers are allowed to support vulnerable workers, such as by ensuring that work-related information is communicated to workers in a language and medium that they can understand.
- Interview third parties, such as relatives, neighbours, co-workers (both at the location of destination and origin), who are familiar with this situation and characteristics of workers.
- Interview third parties, such as relatives, neighbours, and local community members (both at the location of destination and origin), who are familiar with recruitment methods used and the terms and conditions of work originally promised.
- Check employer and government records for information about whether workers have received social security, unemployment and other benefits.
- Assess whether the person’s personal characteristics, background and awareness of relevant laws make them especially vulnerable to exploitation.
- Check employer and government records for information about whether workers have received social security, unemployment and other benefits.
- Obtain medical assessments of the Person’s physical and mental health from an experienced healthcare professional after obtaining the Person’s consent. If available, test for drugs or other intoxicating substances that may have been administered to or taken by the Person. Medical examinations may also be used to determine a worker’s age.

COLLECT EVIDENCE

- Witness statements.
- Documents, including passbooks, identity cards, birth certificates, and other relevant documents.
- Employment contracts or other documents indicating the terms and conditions of work (e.g., contracts, agreements, employment contracts, annexes or addendums).
- Records of financial transactions between the employer, intermediary and the Person (e.g., pay slips, bank receipts and registers, bank records, other similar paper and record receipts).
- Employment contracts or other documents, including passbooks, identity cards, birth certificates, and other relevant documents.
- Records of financial transactions between the employer, intermediary and the Person (e.g., pay slips, bank receipts and registers, bank records, other similar paper and record receipts).
- Medical records addressing illnesses, disabilities, addictions, and history of trauma or abuse.
- Government records on social security, unemployment and other benefits.
- Expert statements providing relevant background and context (e.g., on patterns of discrimination against certain groups and how certain characteristics make one especially vulnerable to exploitation).
- Records of communication (e.g., diaries, agendas, phone records, actual phone conversations, calls made and received, emails, letters, messages slips).
- Records of transportation (e.g., ticket stubs, receipts, pieces of paper with dates and times, petrol receipts).

GIVING OR RECEIVING PAYMENTS AND DEBT BONDAGE

CAUSES (QUESTIONS TO BE ASKED TO THE VICTIM)

- What is the reason for the debt (e.g., recruitment fees, goods or services provided by the employer, wage advances, interest, etc.)? Is the calculation of the debt reasonable and consistent with the Person’s wage and pay regulations?
- Who is responsible for the debt? Is it the Person, an intermediary or some other? If the intermediary, what measures has the Person taken to ensure that workers are not subjected to illegal recruitment fees?
- Is the Person paying his / her debt through his / her arrangement with the employer or intermediary consistent with legal requirements?
- Did the Person know about the debt and the repayment terms before he / she started working? If not, when and how did the Person learn about the debt?
- Did the Person consent to any changes?
- Are the repayment terms reasonable and do they comply with legal requirements?
- Does the person use any means to manipulate the debt, such as imposing the Person’s labour, threatening to destroy accounts, or imposing excessive deductions? Are adequate and accurate records of the debt maintained and provided to the Person?
- Is the Person forced to remain in the employment situation even if he / she was no longer able to work?
- Did the Person leave the job if the debt was more than the wages he / she would normally receive? Is the Person forced to remain in the employment situation even if he / she was no longer able to work?
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- Is the Person forced to remain in the employment situation even if he / she was no longer able to work?
LABOUR EXPLOITATION

INDICATORS OF PURPOSE

SIGNALS

• The worker is demanded to undertake hazardous work without adequate protective equipment.
• The worker does not have a required education and experience to work safely.
• The worker is demanded to “take illicit or humiliating activities.
• The working environment is unhealthy, including poor lighting and ventilation, lack of heating and access to sanitary facilities.
• There is no safety or health regulations in the workplace and the equipment is lacking.
• The working conditions are in gross violation with labour laws and collective agreements.
• Workers lack exhausted and exhausted.
• Even sick or pregnant people are demanded to work.
• The employer cannot show employment contracts, insurance or registration of the Persons.
• Workers do not have true representatives to negotiate their conditions in the workplace.

CAUSES (QUESTIONS TO ASK TO THE VICTIM, NOT DIRECTLY TO THE VICTIM)

• How many hours does the worker work per day/ week? Does the worker work overtime? Is the overtime required temporarily (e.g. to meet production deadlines) or is the worker working overtime on a continuous basis?
• The worker works on call (24 hours a day, 7 days a week).
• The worker works during unusual hours.
• The worker works also in employer’s private places.
• The worker is denied breaks, days off, and free time.
• The worker is denied benefits he/she is entitled to, such as paid holidays.
• The worker looks tired and exhausted.
• The Person has to work even sick or pregnant.

USE METHODS

• Interview workers. Ask about working hours, overtime, compensation and how the compensation would be if the refused to work overtime.
• Interview employers, managers and other personnel. Ask about policies and practices related to working hours, overtime and compensation, and what happens if workers refuse to work overtime. Find out if the employer is familiar with the overtime limits of national legislation or agreed to in collective agreements.

COLLECT EVIDENCE

• Witness statements
• Records of working hours and overtime payments (e.g. pay slips, books and registers, bank records, other electronic and paper records).
• Government records of taxes and social security contributions.
• Records of communication (e.g. diaries, agendas, phones records, email correspondence).

INDICATORS OF PURPOSE

CAUSES (QUESTIONS TO ASK TO THE VICTIM, NOT DIRECTLY TO THE VICTIM)

• The worker is demanded to undertake hazardous work without adequate protective equipment.
• The worker does not have a required education and experience to work safely.
• The worker is demanded to “take illicit or humiliating activities.
• The working environment is unhealthy, including poor lighting and ventilation, lack of heating and access to sanitary facilities.
• There is no safety or health regulations in the workplace and the equipment is lacking.
• The working conditions are in gross violation with labour laws and collective agreements.
• Workers lack exhausted and exhausted.
• Even sick or pregnant people are demanded to work.
• The employer cannot show employment contracts, insurance or registration of the Persons.
• Workers do not have true representatives to negotiate their conditions in the workplace.

USE METHODS

• Interview workers. Ask about working hours, overtime, compensation and how the compensation would be if the refused to work overtime.
• Interview employers, managers and other personnel. Ask about policies and practices related to working hours, overtime and compensation, and what happens if workers refuse to work overtime. Find out if the employer is familiar with the overtime limits of national legislation or agreed to in collective agreements.

COLLECT EVIDENCE

• Detailed report of inspection including list of breaches of certain labour laws and/or safety and health regulations (provide officers that would act as witnesses and take notes)
• Reports on the actions and instances during inspection, especially where workers were found, in what kind of conditions, who was using machines, etc.
• Photographs, audio-visual records of the work premise, sleeping areas, surroundings.
• Eyewitnesses, such as inspectors or other officers, neighbours, the Workers, etc.
• Diary logbook of The worker (including records of working hours and money earned in prostituti on or other exploitative work events that have happened to him/her, etc.)
• Samples of the materials/substances used, such as toxic pesticides in agriculture, etc.
• Physical objects, such as working tools, clothing worn in the workplace, etc.
• Any correspondence between employee, employer and recruiter, such as complaints about the conditions of the work.
• Employment contracts, job advertisements, other documents and media.
## Sexual Exploitation

### Signs
- The Person is forced to have sex without consent.
- The Person is denied breaks, days off, and free time.
- The Person has some STDs or is HIV positive.
- The Person is forced to beg, even sick or pregnant.
- The Person is denied food or water.
- The Person is required to work 24 hours a day, 7 days a week.
- The Person is moved from one place to another one without consent.
- The Person is forced to work in an unhealthy environment.
- The Person looks tired and exhausted.
- The Person has someSTDs or is HIV positive.
- The Person cannot be alone when going to health controls or social service providers.

### Causes (Questions to Be Asked to oneself, not directly to the Victim)
- Can the prostitute speak freely?
- Is the prostitute dependent on the "employer" for other items: housing, clothes, or other medical needs?
- Does the prostitute report any violence or the threat of the "employer"?
- Does the prostitute have any contact with other prostitute?
- Who is the man or woman who is always accompanying the Person?
- Where are the tattoos applied? By whom? Does she like it? How did the Person choose the drawing?
- When was the tattoo applied? By whom? How did the Person start to prostitute?
- Can the Person keep for himself/herself the money collected?
- Is there someone monitoring the Person discretely?
- To whom does he/she hang over the money collected?
- What happens if the Person doesn't bring back a minimum amount of money?
- Is the Person dependent on the "employer" for other items: housing, clothes, or other medical needs?

### Use Methods
- Observe the place where the Person is in contact with clients.
- Speak with clients about the attitude of the prostitute.
- Check if there are any reports of other authorities on violations on prostitution/health/safety regulations concerning the brothel or pending complaints in courts, etc.

### Collect Evidence
- Pictures of the brothel.
- Witness statements (prostitute and clients).
- Examine all documents related to finance.
- Look for similar recruitment advertisements.

## Exploitation in Illicit Activities

### Signs
- The Person is begging all day long.
- The Person is moved to beg from one place to another one without consent.
- The Person looks tired and exhausted.
- The Person is forced to beg, even sick or pregnant.
- The Person is denied breaks, days off, and free time.
- The Person looks tired and exhausted.
- The Person seems afraid.
- The Person has no cash with him/her.

### Causes (Questions to Be Asked to oneself, not directly to the Victim)
- Can the Person keep for himself/herself the money collected?
- Is there someone monitoring the Person discretionally?
- To whom does he/she hang over the money collected?
- What happens if the Person doesn't bring back a minimum amount of money?
- Is the Person dependent on the "employer" for other items: housing, clothes, or other medical needs?
- How did the handicap happen? Birth? Accident? At what age? In which conditions?
- Has the Person ever been caught by law enforcement? What happened? How was he/she freed? Who paid the bail if any?
- How did the Person get the illicit substances/arms?
- Has the Person ever been injured in the course of this activity? In which circumstances?

### Use Methods
- Locate the place where the Person goes once he/she stops begging.
- Speak with people who give money, do they see this Person regularly? do they see him/her with another one?
- Check if there are any reports of other authorities on violations on prostitution/health/safety regulations concerning the brothel, or pending complaints in courts, etc.

### Collect Evidence
- Pictures.
- Witness statements.
These guidelines have been developed in the context of the project:
« Development of common guidelines and procedures on identification of Victims of human trafficking »

Euro TrafGuID