Police Officers

Pocket Guide on Trafficking in Persons

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**Purpose of the Trafficking in Persons Pocket Guide**

1. Quick reference to key trafficking definitions, indicators, and child interviewing techniques
2. On the job material to support identification and investigative processes of potential trafficking in persons cases

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# CHAPTER 1: What is Trafficking in Persons (TIP)?

## Law Against Human Trafficking

The offence of human trafficking is set out in the Revised Act to Ban Trafficking in Persons Within the Republic of Liberia, 2021. The basic elements include the act, means, and purpose:

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| ***Act*** | Actions: Recruiting, transporting, transferring, harbouring, providing, or receiving a person. |

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| ***Means*** | Actions: Using threat, use of force, coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or giving or receiving payments to someone having control over another.  "Means” refers to the method perpetrators use to exploit someone’s consent. Individuals cannot give full consent when threatened, coerced, forced, or any other actions listed above.  For children and mentally incompetent individuals, the ‘means’ element and victim or guardian consent is not required. |

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| ***Purpose*** | Actions: Exploitation, including slavery, prostitution, sexual exploitation, forced labour, slavery or involuntary servitude, or debt bondage, illicit removal of organs. |

To prove a case of trafficking in persons, only one of the actions per each element (act, means, purpose) needs to occur. Multiple actions may occur, but only one is needed to help prove a case of TIP, except in cases where children or mentally incompetent are involved, then none of the actions of the “means” element are required.

## What is Exploitation?

Exploitation can take many forms and may not always be obviously coercive.

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| ***Slavery*** | When a person is owned by another person and is in a situation of exploitation where they cannot leave due to threats, violence, coercion, deception, and/ or abuse of power. |
| ***Debt Bondage*** | When someone works without wages or has money deducted from their wages to repay debts, such as a recruiting fee.  The repayment scheme is structured in a manner where the individual is unable to pay the fee, trapping the person in the job. |
| ***Serfdom*** | When a person by law, custom, or agreement is bound to live and labour on land belonging to another person due to their status in society. |
| ***Forced Marriage*** | When a person is married against their will, without their consent, or is unable to leave the marriage. |
| ***Delivery of Children for Exploitation*** | When a person delivers a child whether for reward or for exploitation or labour. |
| ***Forced Labour or Services*** | When a person involuntarily or unwillingly engages in work. |
| ***Servitude*** | When a person is in a situation of dependency and is forced or coerced into believing if they fail to complete the labour or services, they will suffer serious harm. |
| ***Prostitution*** | Engaging in sexual activity for payment. |
| ***Illicit Removal of Human Organs*** | When a person’s organs are extracted for any purpose without legitimate medical procedures and proper consent, or when there is consent, but the medical procedure is not legitimate. |

## Definition of a Trafficker

A trafficker is anyone who traffics, attempts to traffic, organizes, or assists in trafficking, of one or more persons. This can include:

* Recruiting
* Transporting
* Assisting
* Conspiring
* Exploiting

For commercial transportation offences, any transportation staff member who had “reason to know” or was acting recklessly/negligently is liable for a trafficking offence.

## Trafficking and Smuggling

Trafficking and smuggling have distinct legal treatments. If a migrant is arrested for smuggling or suspected of being an illegal migrant, its crucial to check for potential trafficking.

Smuggling incidents should be considered as potential human trafficking cases before any immigration arrests. If migration offenses result from trafficking, the individual cannot be held liable for immigration violations.

## Punishments

Traffickers are subject to criminal and civil punishments.

* **Minimum Sentence for Traffickers:** A convicted trafficker can face a minimum 20-year prison term, which can be extended based on aggravating factors such as:
  + Trafficking multiple people
  + Harming the victim permanently or in a life-threatening way
  + Trafficking children or mentally incompetent persons and/or
  + Involvement in an organised criminal group
* **Fines:** A convicted trafficker faces fines ranging from USD 100,000 to 200,000 depending on the nature of the trafficking
* **Sentence for Obstruction:** Anyone obstructing or interfering with the enforcement of trafficking laws may be fined and imprisoned for up to 10 years
* **Remedies for Victims:** Courts can order convicted traffickers to pay restitution to the victims

## Protection for Victims/Survivors of Trafficking

Victims are immune from prosecution and entitled to monetary compensation.

* **Immunity**: A person is not guilty of animmigration, prostitution, or any other criminal offence(s) which are committed as a direct result of the person being a victim of slavery or a victim of relevant exploitation. Victims should not be treated as criminals and should not be arrested
* **Forfeiture:** Money or assets gained by the trafficker is seized by law enforcement and auctioned to help create financial compensation for the victims
* **Compensation:** Victims are entitled to compensation for the following:
  + Medical and psychological treatment, physical and occupational therapy/rehabilitation, and emotional distress, pain, and suffering
  + Education/missing education
  + Relocation, repatriation, reintegration, citizenship, visas
  + Transportation, temporary or permanent housing
  + Lost income and benefits (including loss of future income)
  + *Advocates* – lawyers' and other advocates' fees and/or
  + *Other Loss* – any other loss suffered by the victim, or any other costs ordered by the court

***Examples of Trafficking***

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| **Example 1** | Carrie is 20 years old and works as a street trader. Carrie works 10-hour days, every day. A recruiter connected Carrie to her boss and receives a third of Carrie’s monthly pay. This was charged to Carrie as a recruitment fee. Carrie is unable to leave the job until she pays her recruitment debt. |

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| **Example 2** | George was told by his boss if he moves to Liberia he can work as a factory manager. When George arrives and meets his new boss, the new boss forces George to work as a prostitute. George’s boss confiscates his passport and threatens to tell George’s family he has been working as a prostitute if he tries to leave. |

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| **Example 3** | John is recruited to work in a mine. John accepts the position on the condition that he can keep some of the gold. John’s boss does not honour this agreement, and physically assaults him every time he asks to leave. |

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| **Example 4** | Annie is kidnapped by a recruiter and taken to Lebanon where she is forced to work in domestic servitude. |

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| **Example 5** | Ruth was offered a job as a receptionist. When she arrived at the location Ruth discovered the office was a make-shift doctor's room. Ruth was drugged and her kidney was extracted. Her kidney was given to another patient even though Ruth never consented and tried to leave. |

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# CHAPTER 2: Identifying Human Trafficking

## Identifying Victims of Human Trafficking

Victims of human trafficking may not always realise they are victims and/or may be afraid to leave or seek help. Identifying indicators can assist investigators when identifying potential TIP victims. Below are some examples:

***Documentation*** – a victim may:

* No longer have their passport or identification documents (ID)
* Possess forged documents
* Not know their home or work address
* Lack an employment contract
* Fear revealing their immigration status to the authorities.

***Control*** – a victim may be:

* Threatened with violence
* Drugged
* Silent
* Believe they or their family are in debt
* Isolated from the community
* Unwilling or afraid to answer questions

***Working and Living Conditions*** – a victim may:

* Be responsible for work that is different from what they were offered
* Work long hours
* Work in remote locations
* Rely on their employer for food and shelter
* Have unpaid wages
* Work in poor conditions
* Be the recipient of threatening or harassing behaviour in the workplace
* Have wages withheld
* Be unwilling or unable to identify employer

***Travel*** – a victim may:

* Travel to an unknown location
* Not be able to travel freely or without supervision
* Be travelling with a group of people who speak multiple different languages
* Have their valuables confiscated by supervisors
* Be a child travelling with a person(s) not related or familiar to them

## Places Where Human Trafficking Can Occur

* Farms/plantations
* Private homes
* Factories
* Mines
* Fishing boats and fish farms
* Construction sites
* Restaurants and hotels
* Brothels
* Massage parlors
* Dance clubs
* Public streets

In Liberia domestic trafficking is more prevalent with victims moving from rural or urban areas. In Liberia international trafficking occurs in Liberia, primarily involves young women from West Africa who are forced into arranged marriages.

A disproportionate number of trafficking victims are from the following counties: Maryland, Grand Kru, River Gee, Grand Gedeh, and Sinoe.

# CHAPTER 3: Investigating Human Trafficking

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## Evidence Collection

Below are examples of evidence that can be used to prove all elements of trafficking.

**Act:**

* Job postings/advertisements
* Recruitment text messages
* Social media postings
* Bus or travel ticket
* One-way locks on doors to prevent people from leaving
* Confiscation of passports and identity documents

**Means:**

* Injury
* Coercion, threatening text, emails, and voicemail messages
* Weapons or restraints used to commit abduction
* False promises
* Proof of a person’s position of authority over another (e. g., a teacher, boss, or community leader)

In cases involving children or trafficking of a mentally incompetent person, the ‘means’ element does not need to be proved; however, it is critical to establish the victim’s status as a child or mentally incompetent person.

Evidence to show age of a child

* Birth certificate, ID, or passport
* School certificate
* Testimony from various witnesses and sources
* Medical evaluation
* Photographs or other identifying documentation that have appropriate markings, such as date of birth, and/or the date the photograph was taken.

Evidence to prove mental incompetence

* Medical records
* Witness testimony
* Psychological evaluations

**Purpose:**

* Websites used for recruitment and/or selling of sexual services
* Evidence linking an injury to machinery/equipment
* Wage slips can be a reliable indicator to show there is a potential violation of the minimum wage law

Aggravating factors: Prosecutors may require additional evidence when establishing the below aggravating factors:

* Trafficking of multiple individuals
* Permanent harm or life-threatening harm to the victim (supported by medical records and expert testimony)
* Trafficking of one or more children or mentally incompetent persons or
* Involvement in an organised criminal group

Restitution: Victims/survivors of trafficking are entitled to various forms of financial compensation, such as:

* Medical and psychological treatment
* Physical and occupation therapy, and rehabilitation
* Education and where applicable, loss of education
* Relocation, repatriation, and reintegration
* Visas and temporary or permanent citizenship
* Transportation (temporary/permanent)
* Lost income/benefits and estimated future losses
* Attorney’s fees and other costs such as victim advocate fees
* Emotional distress, pain, and suffering
* Other losses suffered by the victim
* Other costs assessed by the court

# CHAPTER 4: Victim Protection and Management

## Interviewing Victims/Survivors

Interviewers should receive proper training in forensic interviewing to interview a victim/survivor. Trauma survivors may have changing narratives due to their traumatic experiences, therefore it is crucial to build rapport and trust, while respecting the survivors' boundaries. Their accounts may evolve, but this does not make their stories untrue.

## If You are Interviewing a Child

* During the interview only the interview team should be present in the room with the child. Parents, friends or relatives should not be in the room while the child is being interviewed. Ensure that a social worker is present throughout the interview
* Interviewers need to establish a trusting relationship with a child to obtain accurate information
* Build rapport by requesting clarification and follow-up prompting
* Avoid repeatedly asking the same questions. Children may interpret this as their initial answers being incorrect
* During a threatening event, the brain focuses on what is essential to survival and not on insignificant and tangential details

## Ending the Child Interview

* End the interview in a structured and timely manner, not abruptly
* If appropriate and dependent on the child’s emotional state, summarise the interview using the child’s own words to ensure there is mutual understanding between the child and the interviewer
* Invite the child to correct any mistakes that may have been made
* Ask if the child has any questions of the interviewer or the interview team
* It is important to have a positive attitude towards the child. This can help facilitate future cooperation and allows the child to feel that the experience of speaking with the interviewer was not judgmental or terrifying

## Before the Interview / Starting the Interview

* Quiet and neutral location
* Use a translator when necessary
* Introductions
* Ensure the survivor’s comfort
* Inquire about safety concerns
* Seek consent for recording
* Explain the interview process and anticipated questions

## Questioning Techniques

* Begin with basic background questions to build trust
* Use open-ended questions, such as:
  + Can you describe what happened?
  + Is there anything else you remember?
* Take detailed notes and allow the victim to speak
* Use “what” instead of “why” to avoid blame
* Consider relevant questions to determine aggravating factors
* Ask one question at a time and keep the questions simple
* Reassure the survivor of no judgement or blame
* Avoid leading or yes/no questions
* Allow the survivor to write or draw if more comfortable

## Sample Questions to Help Identify TIP Cases

* How did you learn of the opportunity to work at X?
* Please tell me about the hiring process.
* Did you sign a contract?
* Please describe a typical workday?
* Did someone help you get this job?
* Have there been changes to your conditions of employment? If so, what are the changes?
* Were you responsible for any travel-related costs?
* Have you or other employees been punished and/or threatened at work?
* How often are you paid?
* Are you paid the salary you were promised?
* Do you have access to your identity documents and passport?
* Is your employer providing you with accommodation? If so, please describe your living conditions.
* Are you able to come and go freely?

## The End of the Interview

* Summarise and invite corrections
* Allow questions and explain next steps
* After the interview – match what the victim said in the interview with other evidence