



**Handling the “grey” area of victim
identification**

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What is Human Trafficking?

- **Trafficking in Persons Protocol (Art. 3.a)**
 - **First element – *action of recruitment, transportation, transfer, harboring or reception of persons***

What is Human Trafficking?

- **Trafficking in Persons Protocol (Art. 3.a)**
 - *Second element – by means of threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits in order to achieve the consent of a person having control over another person (victim)*

What is Human Trafficking?

- **Trafficking in Persons Protocol (Art. 3.a)**
 - *Third element - with the purpose of exploitation of prostitution of others or other forms of sexual exploitation, forced services or labor, slavery or practices similar to slavery, and the removal of organs*

What is migrant smuggling?

- **Smuggling of Migrants Protocol (Art 3 (a))**
 - the procurement of illegal entry
 - into a State of which the person is not a national or a permanent resident
 - to obtain direct financial or other material benefit

What is the difference between the two?

- **Both involve moving human beings for profit**
 - **Additional elements for human trafficking cases must be presented**
 - **improper form of recruitment**
 - **the activity undertaken for an exploitative purpose**

What is the difference between the two?

- **Major source of revenue**
 - **Human trafficking – proceeds derive from the exploitation of victim**
 - **Smuggling – smuggling fee paid by the illegal migrant**

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What are the challenges to identifying victims?

- **Nature of the crime**
 - **Hidden nature**
 - **Illegal entry**
 - **Unaware of their rights as victims**
 - **Do not understand laws and language**
 - **Kept isolated, no freedom of movement**
 - **Contact outside world is controlled**
 - **Dependent on traffickers**
 - **Not consider themselves to be victims**

What are the challenges to identifying victims?

- **Awareness/Understanding of the problem**
 - **General public**
 - **Law enforcement**
 - **Service providers**

What are the challenges to identifying victims?

- **Perceptions of victims**
 - **Victims do not identify themselves as victims**
 - **Other do not view victims as victims**

What are the challenges to identifying victims?

- **Resources**

- **Limited officers**

- **Limited resources for targeted training and ongoing technical assistance**

Considerations before identification

- **Gender**
- **Immigration status**
- **Fear of reprisals**
- **Relationship with the trafficker**
- **Cultural background**
- **Individual circumstances and reactions**

Tips during initial interview

- **Presumed victim should be informed about the procedure and its consequences**
- **Information given should be clear, accurate and in the native language of the presumed victim**
- **Experienced interpreters should be present**
- **Questions touching upon the person's privacy should be avoided**

Tips during initial interview

- **Bear in mind gender barriers, presumed female victim should be interviewed by female officers**
- **Treat presumed victim with respect and listened to carefully**
- **Allow the presumed victim to discuss about the future actions and steps**
- **Try to speak to the presumed victim in private and should bear in mind the potential risk for giving interview**

Promising strategies

- **Training and education**
 - **Dynamics of trafficking, impact of trauma, specific cultures**
 - **Follow-up training and technical assistance**
 - **Training needs to be repeated periodically**

Promising strategies

- **Screening and interview protocols – needs to be developed and make available to a wider audience**
- **Task forces – facilitate communication, coordination, information sharing and overcome system barriers inherent in working across agencies**