



FAQs

The United Nations Anti-Human Trafficking Manual for Criminal Justice Practitioners

What is trafficking in persons?

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| SHORT ANSWER: The act of recruiting, transporting, transferring, harbouring or receiving a person, by certain means , for the purpose of exploitation. |
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Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines trafficking in persons as the recruitment, transportation, transfer, harbouring or receipt of 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

On the basis of the definition given in the Trafficking in Persons Protocol, it is evident that trafficking in persons has three constituent elements;

The Act (What is done)

Recruitment, transportation, transfer, harbouring or receipt of persons

The Means (How it is done)

Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim

The Purpose (Why it is done)

For the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs.

To ascertain whether a particular circumstance constitutes trafficking in persons, consider the definition of trafficking in the Trafficking in Persons Protocol and the constituent elements of the offense, as defined by relevant domestic legislation.

Further information about trafficking in persons can be found at:

<http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>

What is UNODC and what does it do about trafficking in persons?

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| SHORT ANSWER: | UNODC is the guardian of the Trafficking in Persons Protocol and works to assist States in implementing and giving practical affect to it. |
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The United Nations Office on Drugs and Crime (UNODC) is the guardian of the United Nations Convention against Transnational Organized Crime, and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and is therefore mandated to assist States in fighting transnational crime, including trafficking in persons. Since the adoption of the Trafficking in Persons Protocol in 2000, response to human trafficking has improved, but translating the goals of the Protocol into reality is challenging.

UNODC offers practical help to States, not only by assisting them to draft laws and create comprehensive national anti-human trafficking strategies, but also by providing specialized assistance including the development of local capacity and expertise, as well as practical tools to strengthen investigation and prosecution. The *United Nations Anti-Human Trafficking Manual for Criminal Justice Practitioners* is one such tool.

Several other UNODC tools and publications can be downloaded free of charge at: <http://www.unodc.org/unodc/en/human-trafficking/publications.html>

More information about UNODC's response to human trafficking can be found at:

<http://www.unodc.org/unodc/en/human-trafficking/index.html>

How are criminal justice practitioners around the world responding to Trafficking in Persons?

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| SHORT ANSWER: | By legislating against trafficking, by investigating and prosecuting traffickers, and by providing protection and assistance to victims. |
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The Trafficking in Persons Protocol supplementing the United Nations Transnational Organised Crime Convention not only encourages universal common understanding of trafficking in persons by providing a definition in Article 3; it also calls for criminalization of trafficking in persons so as to end impunity for those who often carry out their exploitative criminal activities for large profits and little consequence. Article 5 of the Protocol therefore requires that the conduct set out in Article 3 be criminalized in domestic legislation. Domestic legislation does not need to follow the language of the Trafficking in Persons Protocol precisely, but should be adapted in accordance with domestic legal systems to give effect to the concepts contained in the Protocol.

Since the introduction of the Trafficking in Persons Protocol in 2000, the number of countries implementing the laws has doubled. Convictions globally are increasing in number, but impunity

is still immense. The role of Criminal Justice practitioners in bringing an end to this is enormous; legislators are required to domesticate the requirements of the Protocol into their national legislative systems, judges are required to interpret laws and give judicial affect to them, lawyers are required to prosecute human traffickers and ensure that the rights of victims and their families are protected throughout the criminal justice system and police are required to investigate human traffickers so as to bring them to justice and to ensure that their victims are liberated and provided with appropriate assistance and support.

The UNODC Global Report on Trafficking in Persons provides a wealth of information about the world's response to the crime of human trafficking. It provides data on national legislative and enforcement activity from 155 countries and territories.

The full report can be downloaded at <http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>

What is the United Nations Anti-Human Trafficking Manual for Criminal Justice Practitioners all about?

SHORT ANSWER: Practical action at every phase of the criminal justice response to trafficking in persons; from identification and protection of victims through to the investigation and prosecution of traffickers.

The modules address each phase of criminal justice response to trafficking in persons, from identification of victims through investigations and prosecutions of traffickers to the protection of victims.

The publicly-available version of the training modules address the following issues.

1. Definition of trafficking in persons and smuggling of migrants
2. Indicators of trafficking in persons
3. Psychological reaction of victims of trafficking in persons
4. Control methods in trafficking in persons
5. Risk assessment in trafficking in persons investigation
6. International cooperation in trafficking in persons cases
7. Crime scene and physical evidence examinations in trafficking in persons investigations
8. Interviewing victims of trafficking in persons who are potential witnesses
9. Interviewing child victims of trafficking in persons
10. Interpreters in trafficking in persons investigations
11. Victims needs in criminal justice proceedings in trafficking in persons cases
12. Protection and assistance to victims-witnesses in trafficking in persons cases

13. Compensation for victims of trafficking in persons

14. Consideration in sentencing in trafficking in persons cases

There is another restricted circulation version of the training manual which contains other modules for use only by law enforcers. More information about these restricted circulation modules can be sought by contacting UNODC's Anti-Human Trafficking and Migrant Smuggling Unit at ahtmsu@unodc.org

What is the purpose of the *United Nations Anti-Human Trafficking Manual for Criminal Justice Practitioners*?

SHORT ANSWER: To support criminal justice efforts to prevent trafficking, protect its victims, prosecute its culprits and cooperate nationally and domestically to these ends.

In the framework of UNODC's mandate to combat trafficking in persons, and in line with the Trafficking in Persons Protocol supplementing the United Nations Transnational Organised Crime Convention, the purpose of the *United Nations Anti-Human Trafficking Manual for Criminal Justice Practitioners* was brought about to support

- Prevention of human trafficking
- Protection of its victims
- Prosecution of its culprits, and
- International cooperation to these ends

The Training Manual aims to address capacity gaps of criminal justice practitioners working to prevent and combat trafficking in persons, protect and assist its victims, and effectively cooperate with others in doing so. The manual elaborates promising practices in every phase of criminal justice response to trafficking in persons, and stands as a practical guide and training tool for criminal justice practitioners.

The number of convictions of human traffickers is increasing, but unfortunately not proportionately to the growing awareness and extent of the problem. There are several likely reasons for the low number of convictions of human traffickers. One of the reasons is the absence of anti-trafficking legislation in some countries. Alternatively, there may be legislation addressing human trafficking but law enforcement officials and prosecutors might not be properly trained to utilize it. Sometimes situations of human trafficking are mistaken for situations of migrant smuggling; this can result in inappropriate and inadequate sentences applied to crimes. Further to this, sometimes prosecutions are not successful because of the unwillingness of victims to cooperate with the criminal justice system where they have been threatened and intimidated by traffickers.

The *United Nations Anti-Human Trafficking Manual for Criminal Justice Practitioners* is offered as a response to these challenges in securing convictions of human traffickers.

Who is the target audience of the United Nations Anti-Human Trafficking Manual for Criminal Justice Practitioners?

SHORT ANSWER: Law enforcers, Prosecutors and care givers.

The Training Manual has been designed primarily for criminal justice practitioners – that is law enforcers and prosecutors – who are working to investigate and prosecute human traffickers. Victim service providers are also crucial in working with victim-witnesses and were also involved in elaborating these modules.

Each module is designed to stand alone in meeting the specific needs of the particular phase of criminal justice response it seeks to address. The manual should not be viewed as an academic treatise, but as a practical guide for criminal justice practitioners.

How will the United Nations Anti-Human Trafficking Manual for Criminal Justice Practitioners be used?

SHORT ANSWER: In training of anti-trafficking practitioners.

UNODC will be making a public version of the Training Manual available on open sources so that the material reaches as wide an audience as possible. It is hoped that practitioners from different countries around the world will use the Training Manual to strengthen their own anti-trafficking response.

Beyond this, UNODC will be implementing the training material in its own technical assistance programme. This will include translating the modules into local languages as adapting the modules to local needs. It is also hoped that States around the world will work with UNODC to formally integrate the training material into national training programmes for law enforcers and prosecutors.

To these ends, UNODC always stands ready to respond to requests made by States for technical assistance in both domesticating the Trafficking in Persons Protocol into national legislation, and in giving practical meaning to legislation by strengthening capacity of law enforcers and prosecutors by use of tools such as the *United Nations Anti-Human Trafficking Manual for Criminal Justice Practitioners*.

How was the United Nations Anti-Human Trafficking Manual for Criminal Justice Practitioners developed?

SHORT ANSWER: Through a cooperative process of gathering expertise from expert law enforcers, prosecutors, care givers, academics etc from around the world.

The development of the *United Nations Anti-Human Trafficking Manual for Criminal Justice Practitioners* was led by the Anti-Human Trafficking and Migrant Smuggling Unit (AHTMSU) of UNODC and supported by the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT).

The manual is the product of a broad participatory process involving numerous experts in the field of law enforcement, prosecution and protection and assistance.

The process involved contributions from Anti-trafficking practitioners from Africa, from Asia, from the Middle East and from Europe.

Practitioners came from academia, NGOs, international organizations, law enforcement, prosecution and the judiciary.

Four expert group meetings that were convened to develop the *United Nations Anti-Human Trafficking Manual for Criminal Justice Practitioners*, at which expert participants shared their expertise and experience for the purpose of elaborating the Training Manual. All four expert group meetings were held in Vienna, Austria, at the Vienna International Centre.

Who is Ambassador Luis CdeBaca?

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| SHORT ANSWER: Director, Office to Monitor and Combat Trafficking in Persons (GTIP) US Department of State |
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Ambassador CdeBaca was appointed by United States President Obama in May of 2009 to direct the US State Department's Office to Monitor and Combat Trafficking in Persons.

Ambassador CdeBaca formerly served as Counsel to the House Committee on the Judiciary where his portfolio extended to national security, intelligence, immigration, civil rights and modern slavery issues.

A highly-decorated anti-human trafficking expert, Ambassador CdeBaca has lead several successful prosecutions against human traffickers in the United States. He was honoured with the Attorney General's Distinguished Service Award for his role as lead trial counsel in the largest slavery prosecution in United States history - *United States v Kil Soo Lee*, involvement the slavery of 300 Chinese and Vietnamese workers in a garment factory in American Samoa. Ambassador CdeBaca also received the Director's Aware from the Executive Office of United States Attorneys for his work on the New York 'Deaf Mexican' trinket peddling slavery case, and was awarded the Department's highest litigation honour – the Attorney General's John Marshall Award – for his work as lead counsel in the prostitution case in Florida, *United States v Cadena*. Ambassador CdeBaca has also been honoured by the national trafficking victim service provider community – the Freedom Network's Paul & Sheila Wellstone Award – and been named the Michigan Law School's Distinguished Latino Alumnus.

Ambassador CdeBaca served as Chief Counsel of the Civil Rights Division's Human Trafficking Prosecution Unit under the Bush Administration and during the Clinton Administration was the Justice Department's Involuntary Servitude and Slavery Coordinator. He was instrumental in developing the United States' victim-centered approach to combating modern slavery.

Ambassador CdeBaca has convicted dozens of abusive pimps and exploiters, and helped to liberate hundreds of victims from servitude.

A long-time partner of UNODC, Ambassador CdeBaca was himself actively involved in the development of the United Nations anti-human trafficking training manual for Criminal Justice Practitioners.

Source and further information about US Ambassador Luis CdeBaca can be found at:

www.state.gov/r/pa/ei/biog/124083.htm

What is GTIP?

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| SHORT ANSWER: The Office to Monitor and Combat Trafficking in Persons, US Department of State |
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The US State Department's Office to Monitor and Combat Trafficking in Persons (GTIP) led by Ambassador Luis CdeBaca, is statutorily mandated to coordinate US government activities in the global fight against contemporary forms of slavery. The mission of the Office to Monitor and Combat Trafficking in Persons is on a mission to eradicate modern-day slavery, by protecting victims, prosecuting traffickers and preventing trafficking from occurring in the first place.

The GTIP office coordinates the US governments diplomatic efforts, research and programmes aimed at these goals. The State Department's annual *Trafficking in Persons Report* is intended to raise awareness and spur foreign governments to take action to counter all forms of trafficking in persons.

Find out more about the US GTIP Office at <http://www.state.gov/g/tip/>