



Victim Support
Europe

SUPPORTING VICTIMS OF TRAFFICKING FOR LABOUR EXPLOITATION

Identification of Early Signs and Risk Indicators for Adults and Children

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ABOUT VICTIM SUPPORT EUROPE

Victim Support Europe (VSE) is the leading European umbrella organisation advocating on behalf of all victims of crime, no matter what the crime, no matter who the victim is. VSE represents 80 member organisations in 36 countries, providing support to around 3 million people affected by crime every year. Founded in 1990, VSE has been working for 35 years for a Europe, and a world, where all victims have strong victims' rights and services, whether they report the crime or not. We work towards this mission through advocacy to improve European and International laws, through research and knowledge development and through capacity building at national and local level.

DEFINITION OF TRAFFICKING IN PERSONS

The internationally agreed definition of trafficking in persons, replicated in **Article 4 of the Council of Europe Convention on Action against Trafficking in Human Beings**, as well as in other instruments, is a combination of three components:

- an “**action**” (recruitment, transportation, transfer, harbouring or receipt of persons), which is committed through the use of
- “**means**” (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.

DEFINITION OF TRAFFICKING IN PERSONS

The definition provides an open-ended list of “**exploitation**” practices, which include 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.

Exploitation is a fundamental element of the criminalisation of human trafficking. However, the concept of exploitation is not defined in international law

The **consent** of a person to the intended exploitation is irrelevant where any of the previously mentioned “means” have been used, or where the trafficked person is a child.

LEGAL FRAMEWORK AT EU LEVEL

- **Article 5 of the EU Charter of Fundamental Rights** explicitly forbids trafficking, alongside slavery, servitude and forced or compulsory labour.
- **Directive 2024/1712 (EU Anti-trafficking Directive)** is the main EU instrument addressing trafficking in human beings. The directive builds on the Palermo Protocol's definition of this offence, but contrary to the latter, explicitly mentions begging as a form of 'forced labour or services'. While it does not criminalise demand for the labour of trafficked persons, it encourages Member States to consider making knowingly using the services of such persons a criminal offence.

TRAFFICKING FOR THE PURPOSE OF LABOUR

Trafficking for the purpose of labour exploitation as a term is used to differentiate between trafficking for the purpose of sexual exploitation, and trafficking for exploitative purposes in different economic sectors, both in the formal and informal economy.

ILO Conventions No. 29 and 105 provide an international framework for defining forced labour and formulating legislation and policies to combat forced labour. In addition, two UN Conventions (1926 Slavery Convention, Supplementary 1956 convention), ILO Convention No. 182 on the Worst Forms of Child Labour (1999), and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), known as the “Palermo Protocol”, provide definitions of forced labour-related terms and concepts

ILO Convention No29, 1930

The Forced Labour Convention, defines forced or compulsory labour 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” (Art. 2.1). The Convention provides for certain exceptions, in particular with regard to military service for work of a purely military character, normal civic obligations, work as a consequence of a conviction in a court of law and carried out under the control of a public authority, work in emergency situations such as wars or other calamities, and minor communal services (Art. 2.2)

ILO Convention No 182, 1999

The Worst Forms of Child Labour Convention, states that “worst forms of child labour” shall include “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict”.

ILO Convention No 105, 1957

The Abolition of Forced Labour Convention, requires members that ratify it to specifically suppress and not make use of any form of forced or compulsory labour:

- As a means of political coercion or education or as a punishment for holding or expressing political views ideologically opposed to the established political, social or economic system;
- As a method of mobilizing and using labour for purposes of economic development;
- As a means of labour discipline;
- As a punishment for having participated in strikes;
- As a means of racial, social, national or religious discrimination

TRAFFICKING FOR THE PURPOSE OF LABOUR

Forced labour of adults:

A service, without reference to the employment status of the worker both formal or informal, for which a person has not offered him or herself voluntarily and which is performed under the menace of penalty applied to the worker by an employer or a third party. The **coercion** may take place during the worker's recruitment process to force him or her to accept the job or, once the person is working, to force him/her to do tasks, which were not part of what was agreed at the time of recruitment, or to prevent him/her from leaving the job

TRAFFICKING FOR THE PURPOSE OF LABOUR

Forced labour of children:

Work performed by children under coercion applied by a third party (other than his or her parents) either to the child or to the child's parents, or work performed by a child as a direct consequence of their parent or parents being engaged in forced labour.

A child below the age of legal majority (18 years old) cannot him or herself give consent to work, and therefore the consent of the parent(s) must be considered instead.

As with forced adult labour, forced child labour may take different forms.

Regarding coercion of children, the sub-categories of coercion of adults also apply. The “penalty” can be applied to the parents, rather than directly to the child.

TRAFFICKING FOR THE PURPOSE OF LABOUR

Forced labour definition includes the four principal dimensions:

- Unfree recruitment covers both forced and deceptive recruitment.
- Work and life under duress covers adverse working or living situations imposed on a person by the use of force, penalty or menace of penalty.
- The impossibility of leaving an employer is a form of limitation on freedom, and a key feature of forced labour.
- Penalty or menace of penalty (as a means of coercion) may be applied directly to the worker or to members of his or her family.

HIGH-RISK SECTORS

- Agriculture
- construction
- domestic work
- hospitality
- garments
- food processing and packaging
- warehousing and logistics





INDICATORS OF FORCED LABOUR ARE:

- Abuse of vulnerability
- Deception
- Restriction of movement
- Isolation
- Physical and sexual violence
- Intimidation and threats
- Retention of identity documents
- Withholding of wages
- Debt bondage
- Abusive working and living conditions
- Excessive overtime

BEHAVIOUR THAT VICTIMS MAY EXHIBIT:

- be unfamiliar with the local language
- act as if they were instructed by someone else
- allow others to speak for them when addressed directly
- be distrustful of the authorities
- be afraid of revealing their immigration status
- have limited or no social interaction either in the workplace or at their accommodation
- believe that they must work against their will
- never leave the workplace without their employer
- show fear or anxiety
- feel that they cannot leave
- have to resort to crime in order to get food or money for food
- may need to scavenge for food
- be forced to commit crime if there is no work available for them
- have acted on the basis of false promises

VICTIMS ALSO MAY:

- suffer injuries that appear to be the result of an assault,
- suffer injuries or impairments typical of certain jobs or control measures,
- suffer injuries that appear to be the result of the application of control measures



WHO ARE THESE INDICATORS FOR?

- NGO workers and practitioners working within civil society organizations
- Health service providers, administrators and staff involved at all levels in hospitals, clinics and medical practices
- Statutory social service providers and child protection actors
- Police and other law enforcement officials (including those not specialized in trafficking), the judiciary, including prosecutors and court employees
- Psychologists and counsellors (other than medical staff)
- Employment/recruitment agency staff and other intermediaries facilitating employment
- Humanitarian specialists and first responders, including in emergency settings
- Employees on airlines, ships, trains, taxis and other means of transport used for trafficking•Employees in the HORECA (Hotel, Restaurant, and Café/Catering), entertainment and beauty industries y Teachers, administrators and staff in schools, orphanages, colleges, universities and other educational centres
- Labour, maritime, mining and agricultural inspectors, health and safety inspectors
- Staff at all levels of administrative detention centres, pre-trial detention facilities and prisons
- Lawyers working in all fields of law, including criminal law, asylum and immigration, mental health, housing, employment, social welfare, child and family law, and child protection or safeguarding cases
- Members of trade unions
- Diplomats, embassy and consular officials,Banking and financial sector personnel, Information and Communications Technology (ICT) company personnel, Staff of religious institutions and places of worship, Members of the general public

POOR TREATMENT OF VICTIMS RESULTS IN:

- Willingness to report
- Trust in police, authorities, other organisations
- Additional trauma – secondary victimisation
- Drop out of victim/ witness
- Poor evidence/ testimony
- Failed cases
- Criminal impunity
- Weakening of cohesive and resilient societies

SECONDARY VICTIMISATION

- Secondary victimisation can be caused by behaviours, reactions, and attitudes of stakeholders/the wider society interacting with the victim. Key factors that may cause secondary victimisation:
- Repeatedly asking victims to recount traumatic events in detail, without consideration for their emotional and physical wellbeing
- 'Victim-blaming' or making the victim feel like they are not believed
- Lack of empathy and compassion, e.g. failing to acknowledge the emotional toll a crime may pose on the victim, and treating them coldly
- Forcing victims to face the offender in court
- In crimes related to sexual offences, having to be interviewed by officials from a different sex can lead to further victimisation/traumatisation
- Delays/lack in the provision of information and assistance, i.e. lack of referral mechanisms to the necessary psychological, medical or legal support services

IS THERE A BETTER WAY TO ORGANISE OUR VICTIM RESPONSE?

"A way of engaging with victim(s) that prioritises listening to the victim(s), avoids re-traumatization, and systematically focuses on their safety, rights, well-being, expressed needs and choices, thereby giving back as much control to victim(s) as feasible and ensuring the empathetic and sensitive delivery of services and accompaniment in a non-judgmental manner".

UNHCR (2020). Policy on a Victim-Centred Approach in UNHCR's response to Sexual Misconduct, UNHCR/HCP/2020/04.

<https://www.unhcr.org/sites/default/files/legacy-pdf/5fdb345e7.pdf>



TRAUMA INFORMED APPROACH

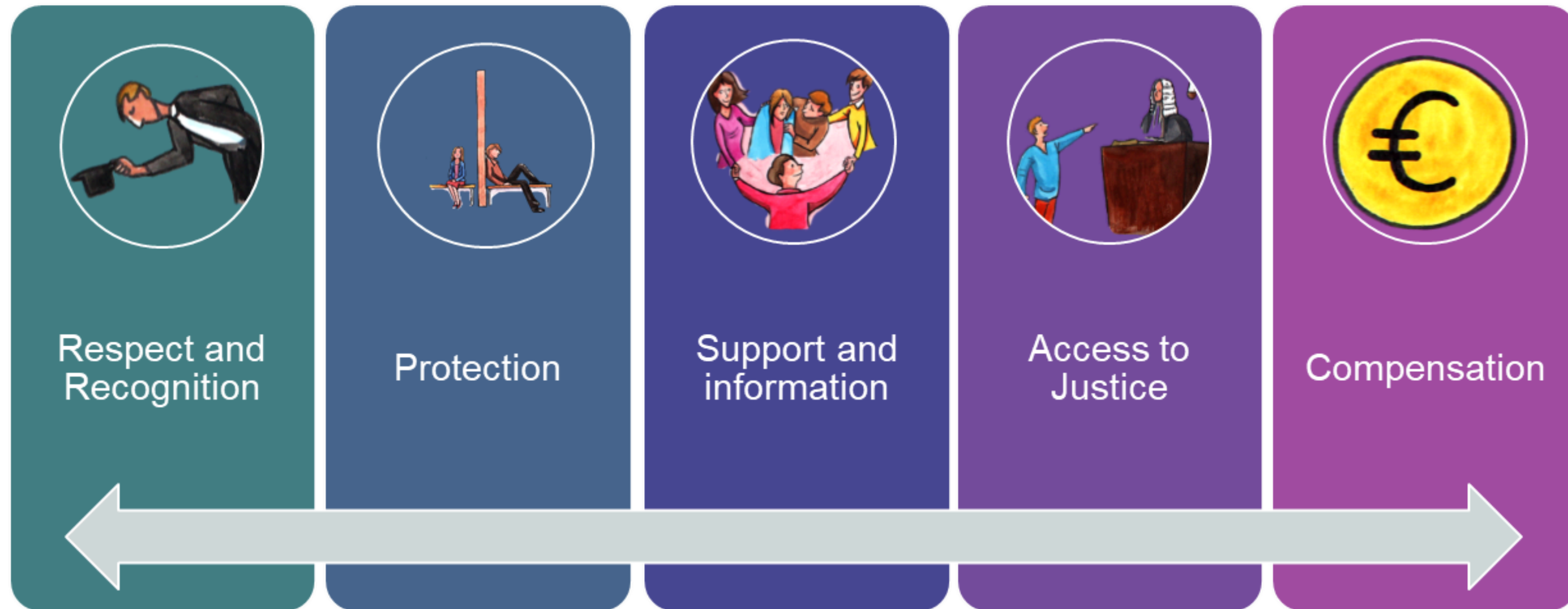
It aims to ensure trauma is:

- Understood
- Recognised
- Responded to appropriately, and
- Re-traumatisation is avoided

IMPACT OF CRIME ON VICTIMS

- Understanding the consequences of crime
- The impact of Trauma
- How crime affects a victim's ability to participate in proceedings

NEEDS OF VICTIMS IN THE AFTERMATH OF CRIME



SPECIFIC NEEDS OF HUMAN TRAFFICKING VICTIMS

I. Immediate Safety and Protection:

- Secure accommodation away from traffickers
- Protection from potential retaliation

II. Psychological Support:

- Trauma-informed counseling to address PTSD, anxiety, and depression
- Safe spaces to express emotions and experiences

III. Legal Assistance:

- Access to legal representation familiar with trafficking laws
- Information on rights and available legal pathways

IV. Medical Care:

- Comprehensive health assessments to address injuries and ongoing health issues
- Specialised care for sexual and physical abuse victims

V. Education and Vocational Training:

- Opportunities to continue education interrupted by trafficking.
- Training programs to reintegrate into society and gain independence.

VI. Cultural and Language Support:

- Services in local languages barriers.
- Cultural sensitivity to respect background and experiences.

VII. Social Reintegration:

- Family life and Support networks to rebuild trust and community connections.
- Assistance in reconnecting with family or establishing new support systems.

HOW YOU CAN ASSIST VICTIMS :

- always maintain a victim centred approach when dealing with potential victims
- explain to the victim what is happening and what can be done to assist
- respect the needs and wishes of the victims
- take the victim to a place of safety where they feel comfortable to talk freely
- speak to victims individually and keep them separate from potential suspects
- keep multiple victims separate to allow them to give their account
- try to build a rapport and trust, dispelling any fear of law enforcement
- be aware that a victim may be suffering from stress or mental health problems brought on by their circumstances
- assess and arrange for any medical needs to be addressed



HOW YOU CAN ASSIST VICTIMS :

- look out for signs of any verbal or non-verbal communication between potential victims and suspects and make a note of them
- take account of cultural or religious views the victim may have
- give the victim as much information as you can and, if they consent to enter the National Referral Mechanism, explain what will happen next
- take steps to prevent further contact between the trafficker and their victim(s) by offering support/assistance through the service providers within the National Referral Mechanism
- be aware of the opportunities to gather information relating to, or evidence of, any offences to include obtaining identity documents, travel documents, financial information and communication devices where practical and possible to do so
- make contact with the police, or the GLA where appropriate, at an early stage, once you have identified the indicators



DON'T

- expect victims to disclose immediately. Some may not know they have been trafficked or subjected to forced labour, some may have been told to lie and/or still be in fear of reprisals to them or their families
- make judgements if they have been complicit in part of their circumstances or work
- use unofficial interpreters or friends of victims to interpret, they may have their own agenda
- treat victims as suspects or immigration offenders
- expect victims to have access to travel or identity documents and, if any are presented, check they are legitimate
- seek to obtain any formal statement at the initial

VICTIM CENTRIC ENGAGEMENT – KEY ELEMENTS

How the victim feels	How they feel about you	How you behave towards them
Comfortable	Warm	Open
Safe	Reliable	Reassuring
Calm	Trustworthy	Calm
Heard	Engaged	Engaged
In control	Non-judgmental	Understanding
Empowered	Competent	Warm
Understood	On my side	Empathetic

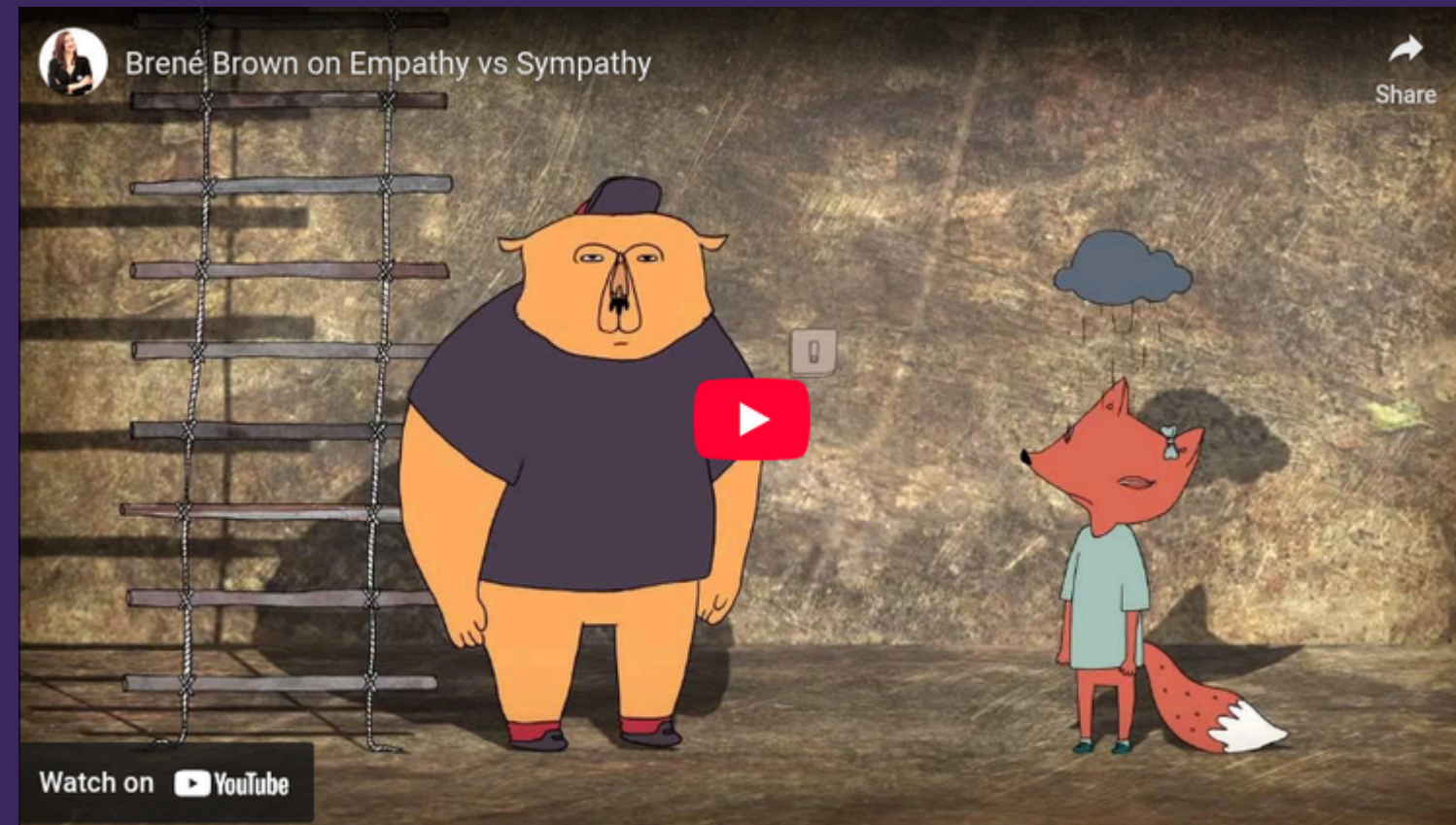
TOOLS TO SUCCESSFUL ENGAGEMENT



OVERCOMING COMMUNICATION CHALLENGES

- Empathy
- Rapport Building
- Effective communication

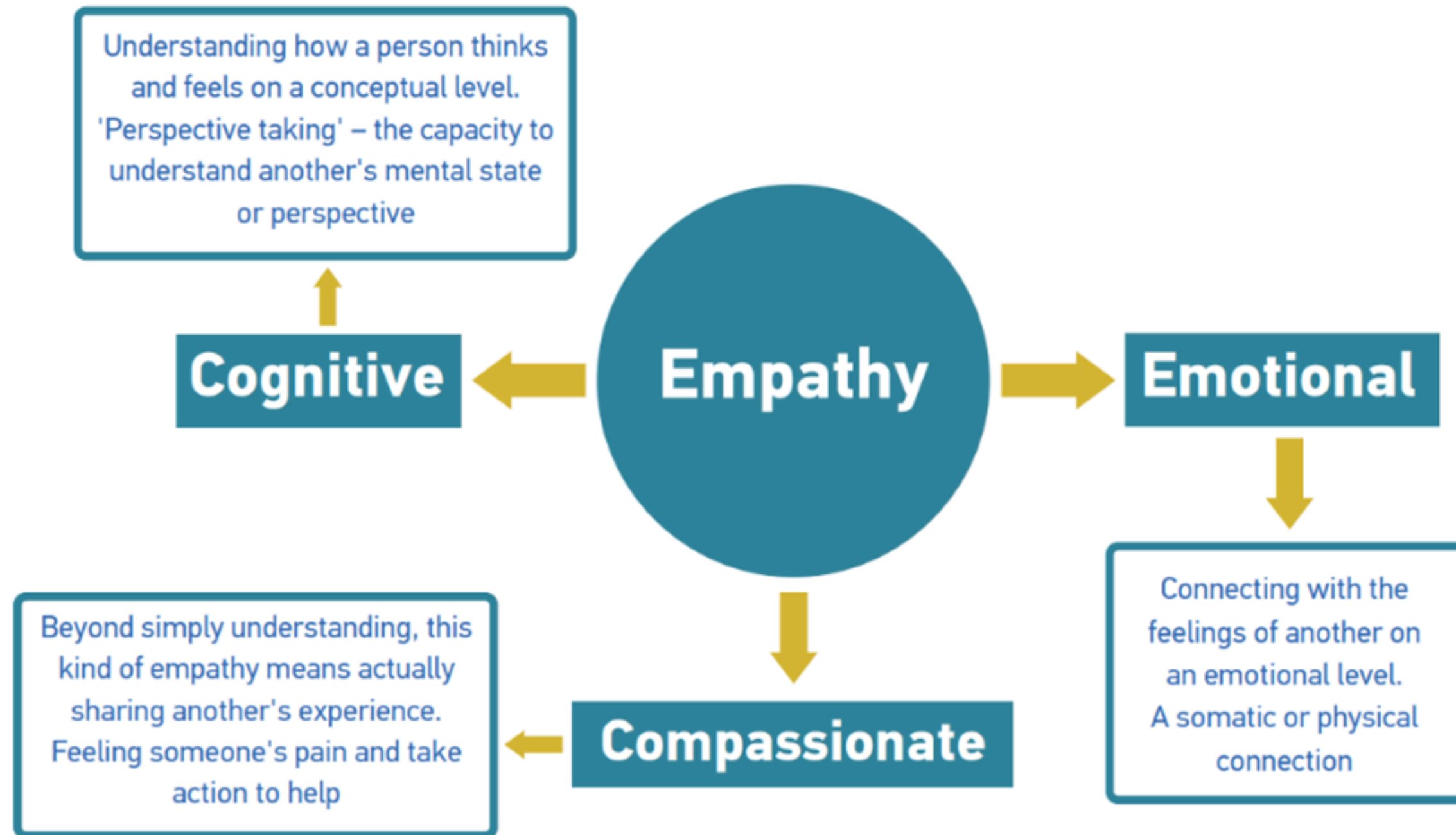
WHAT IS EMPATHY



Definition: understanding a person from their own frame of reference rather than one's own, or vicariously experiencing that person's feelings, perceptions, and thoughts.

Essential to establish and maintain rapport, increase co-operation, identify needs and address trauma and wellbeing issues

Three Types of Empathy



EMPATHY

3 KEY ELEMENTS

Curiosity: Understand, Focus, Non-Judgmental: Seek out new experiences, learn about the person's life

Emotionally connect: Identify with the person, understand their perspective

Acknowledge your biases: Innate biases, often around race, gender, age curb empathy - decisions based on false perceptions

Be non judgmental, honour people's perspectives as truth, even when different from yours

EFFECTIVE COMMUNICATION – DO'S & DON'TS (IACP)

INTERVIEW QUESTIONS TO AVOID	TRAUMA-INFORMED REFRAMING
"Why did you...?" "Why didn't you...?"	"When (specific event happened), what were your feelings and thoughts?" "Are you able to talk more about what happened when...?"
"Start at the beginning and tell me what happened." "How long did the assault last?" Or other questions asking for a chronological account.	"Where would you like to start?" "Would you tell me what you are able to remember about your experience?" "What are you able to tell me about what was happening before/during/after the assault?" "If anything, what do you remember hearing during the event?"
"What were you wearing?"	"Sometimes we can get valuable evidence from the clothes you were wearing, even if you've put them through the laundry. We would like to collect the clothes you were wearing at the time of the assault as evidence. Can we pick up those items at a time and place that is convenient for you?"

IACP Successful Trauma informed Interviewing: <https://www.theiacp.org/sites/default/files/2020-06/Final%20Design%20Successful%20Trauma%20Informed%20Victim%20Interviewing.pdf>

Payoke good practice tool: <https://www.payoke.be/wp-content/uploads/2021/09/Police-Interview-Good-Practice-Tool.pdf>

EFFECTIVE COMMUNICATION – DO'S & DON'TS

INTERVIEW QUESTIONS TO AVOID	TRAUMA-INFORMED REFRAMING
"Were you drinking or taking any drugs?"	"Can you tell us if you had been drinking or taking drugs at the time of the assault? We are not investigating your drinking/drug use. We are concerned for your safety and about what happened to you. This helps us to establish an element of the crime and get a better picture of what was happening during the assault and provide you with additional support."
"Why did you go with the suspect?" "Do you think you led them on?" "Do you think you contributed to this happening?"	"Can you describe what you were thinking and feeling when you went with the suspect?" "Did the suspect's behaviour change after you went with them? How did this make you feel?"
"Why didn't you leave?"	"Are you able to describe what was happening while you were in...?" "What were your thoughts and/or feelings while you were in...?"

EFFECTIVE COMMUNICATION – DO'S & DON'TS

INTERVIEW QUESTIONS TO AVOID	TRAUMA-INFORMED REFRAMING
"Did you say no?"	“What are you able to recall doing or saying during the accident?” "How did the suspect respond to your words or actions? Do you remember how that made you feel?"
"Did you fight back?"	“What did you feel you were physically capable of doing during the incident?” “What was going on in your mind when you realised you were in danger?”
"Why didn't you report it right away?"	"Did anything in particular cause you to come tell us about the incident today?" "Would you tell me about your thoughts leading up to reporting this incident?"
"Did anyone see this happen?"	"Can you tell me about any people or witnesses who might have seen you and the suspect together or who might have seen the incident?" "Can you identify anyone who was at the party/bar (any location)?“

SAFETY, PRIVACY AND TRANSPARENCY

- It is essential to ensure that victims feel safe
- A specialised needs & risk assessment process for Human Trafficking cases should exist – to set out a safety plan
- Explain to or train victims in digital cleanliness and security
- Risk assessment should focus on physical safety / privacy concerns / concerns about the safety of family members, etc.

EMPOWERMENT AND SUPPORT

Two main ways to achieve empowerment is by:

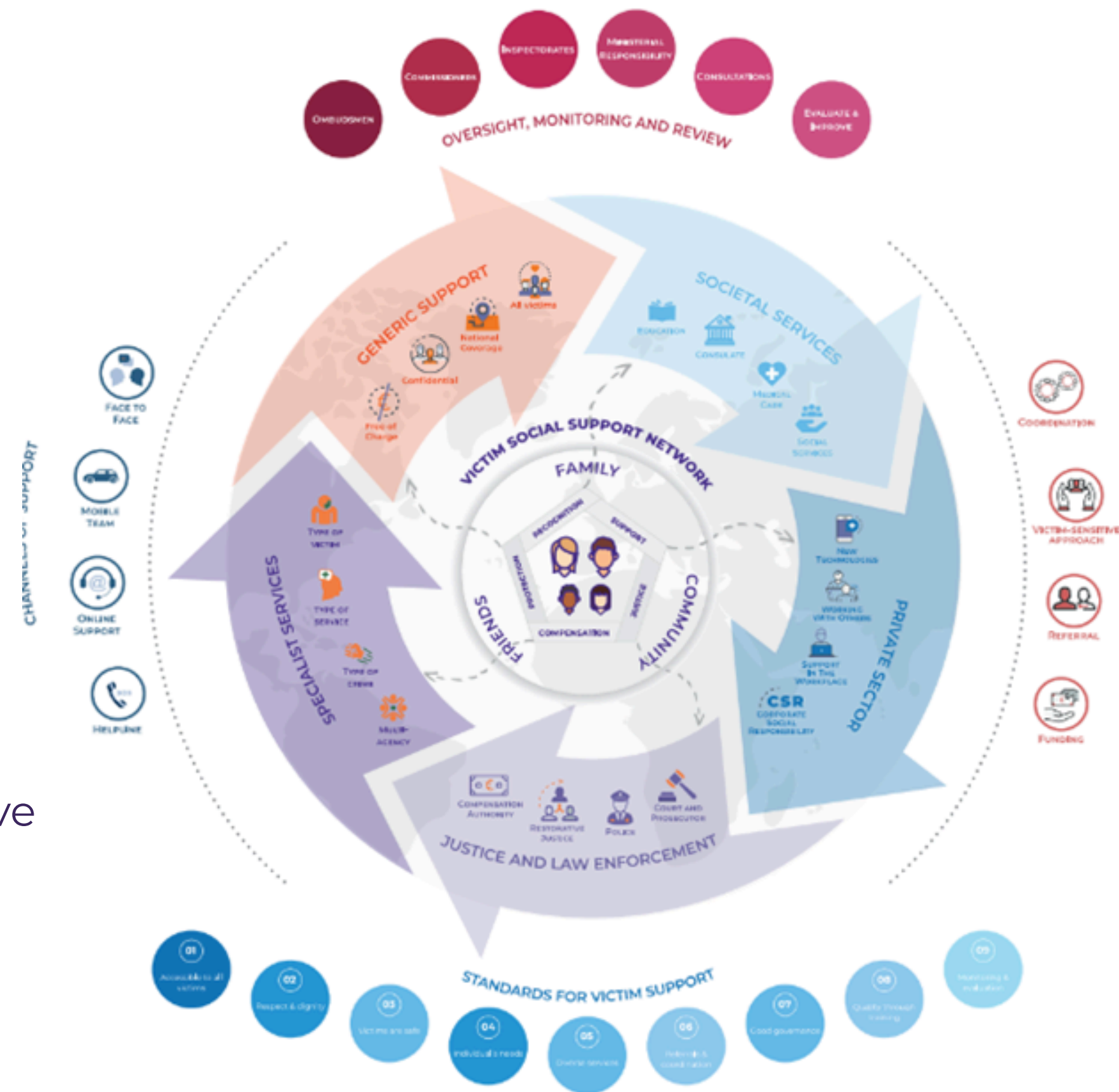
- Providing victims with information and skills: explaining to a victim what will happen, what procedures will be followed, what rights they have and how to access them, what services there – referral
- Giving victims choices: present all available options and their potential, allowing victims to make decisions that align with their needs and expectations from proceedings.

ENGAGING EFFECTIVELY WITH VICTIMS OF CRIME

NATIONAL SUPPORT FRAMEWORK

A GUIDE FOR PRACTITIONERS

- Establish a support referral mechanism
- Ensure multiple support solutions exist
- Remember that victims' needs change over time
- Be aware of all local services and ensure effective co-ordination arrangements exist
- Remember you are part of the support system



SUPPORTING VICTIMS STARTS WITH AWARENESS, EMPATHY, AND ACTION.

Victims may not always ask for help — we must be trained to notice signs.

Thank you for your attention!

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