

Identification of Trafficking in Human Beings Related to the Humanitarian Crisis Stemming from the War against Ukraine

Brief for first line responders

1 What is human trafficking?

Trafficking in human beings is a complex crime that violates basic human rights, especially those related to freedom and personal integrity. It involves the exploitation of another human being, usually for profit. There are many forms of exploitation that victims may be subjected to, including sexual exploitation (like prostitution or pornography), labour exploitation, organ removal, forced marriage, or committing other crimes (such as pickpocketing, drug dealing, online fraud, smuggling of migrants and even recruiting other victims into human trafficking). Human trafficking does not require border crossing, and anyone who contributes to the exploitation, whether by transporting, harbouring, recruiting or exploiting a person, is accountable for the crime.

Human trafficking can be found everywhere in our societies, in virtually every sector of economy and sphere of life. It might involve a person confined to a factory or a construction site, an unpaid agricultural worker, a person exploited in prostitution or forced to commit a crime, child begging on the street, an exploited domestic worker, among others.

Anybody can be a victim of human trafficking: traffickers can “use” persons of different age, gender, ethnic, cultural or other background to make illicit profit. Victims are trapped through deceit, including about the nature of services required or by promise of their salaries being paid one day, violence, threats, also against their close ones, debt bondage or other forms of control. This makes it extremely difficult for them to reach out for help. It should be kept in mind that while victims might initially agree to provide certain services or labour, they **do not consent to being exploited**, to commit a crime or to work with little or no pay in challenging, often inhuman conditions. Elements of deceit, coercion or other means of control are

present in trafficking situations and thus make any form of consent initially provided by the victim **irrelevant**. Furthermore, children are considered as a priori vulnerable due to their age, lack of life experience and emotional immaturity, thus their “consent” to be involved in trafficking schemes is never taken into account.

It is very important to note that States should not prosecute victims of trafficking, and thus not impose penalties (including fines or incarceration) on trafficked persons for crimes committed by them in connection with their trafficking.¹

Recruiting a person into a trafficking situation can occur in various ways. In many cases, this happens through friends, acquaintances, family members or a person with whom the victim has an intimate relationship and, above all, whom he/she trusts. It is in fact common that emotional connections with a victim are used to exercise influence. There are instances where such people are not even aware that, for example by disseminating messages about employment opportunities or other offers, they are endangering their close ones. Potential victims, particularly from vulnerable groups, could be also approached by strangers who try to attract them by “too good to be true” job and housing offers, unofficial employment, bartering of goods and services, requests for acquaintance, dating or other relationships, often seeking to establish a closer connection and suggesting a “solution” to a challenging situation a person might face.

Increasingly, **traffickers use the Internet** to attract and recruit potential victims, for example through social media channels, websites, chats and chat rooms, job searching portals, gaming or dating sites, and other online forums or applications. Encrypted (confidential) applications (including Telegram, Viber or WhatsApp) are the preferred means of communication due to confidentiality.

¹ <https://www.osce.org/files/f/documents/6/6/101002.pdf>

What individuals are vulnerable to human trafficking and at greater risk in the context of the war against Ukraine?

Since 24 February 2022, an estimated 32 million people in Ukraine suffered directly or indirectly from the impact of the war.² Since the beginning of the war, more than half of Ukrainians have lost their income³, over six million people from Ukraine have sought temporary protection abroad⁴, and over five million have been displaced internally⁵.

About 90% of people fleeing the war are women and children⁶ – a population that is at particular risk of human trafficking. The risks of trafficking are also higher for certain other groups: unaccompanied and separated children and children travelling with adults whose relationship with the children cannot be verified; people who were previously internally displaced within Ukraine; people who are unable to access temporary protection, because they are not eligible, or due to lack of information or incorrect information; non-Ukrainians, including undocumented and stateless people; Ukrainian Roma people; LGBTQI+ people; elderly people; and people with mental and physical disabilities.⁷

Despite the unprecedented protection and assistance measures put in place by States to respond to the humanitarian crisis, various integration challenges persist in most of the receiving countries, such as: shortage of accommodation facilities, language barriers, insufficient childcare and education opportunities, challenges to access gainful employment, difficulties in validating professional and educational qualifications, among others. Furthermore, as the war continues, challenges in long-term integration and/or economic difficulties (spent savings, lack of income or realistic job opportunities) became apparent and may cause additional movements within the EU and worldwide, including returns to Ukraine.

These and other factors lead to the increase of the risks of potential abuse and situations of exploitation in Ukraine itself, as well as in bordering and destination countries⁸. Moreover, as earlier migration crises have demonstrated, criminal groups or individuals will take advantage of large flows of people to exploit the most vulnerable in origin, transit and destination countries. This is why early identification of potential and presumed human trafficking situations should be prioritized to ensure both targeted prevention as well as rescue of and assistance to the victims.

“ About 90% of people fleeing the war are women and children – a population that is at particular risk of human trafficking.”

2 https://ukraine.iom.int/sites/g/files/tmzbd11861/files/documents/Survey%20results_ENG_web.pdf

3 https://ukraine.iom.int/sites/g/files/tmzbd11861/files/documents/Survey%20results_ENG_web.pdf

4 <https://data.unhcr.org/en/situations/ukraine>

5 <https://dtm.iom.int/ukraine>

6 <https://data.unhcr.org/en/documents/details/96447>

7 https://www.unodc.org/documents/data-and-analysis/tip/Conflict_Ukraine_TIP_2022.pdf

8 https://www.unodc.org/documents/data-and-analysis/tip/Conflict_Ukraine_TIP_2022.pdf; <http://www.antislaverycommissioner.co.uk/media/1801/ucl-iasc-2022-roundtable-report-the-war-in-ukraine-human-trafficking-and-exploitation.pdf>;

<https://www.tandfonline.com/doi/full/10.1080/23322705.2022.2128242>

First line responders are among the first stakeholders that might come in contact with a victim of human trafficking or observe a suspicious situation. There are certain indicators or signs that can help identify potential or presumed victims and cases of trafficking.

Here are some of the “red flags” that can point to a situation of trafficking or exploitation when interacting with or providing services to particularly vulnerable individuals⁹:

Potential situation of trafficking in human beings, where the risks that human trafficking is about to happen are high

- People fleeing the war are approached by strangers in an unsolicited way to offer employment, housing, transportation or other assistance;
- Strangers are observed in the vicinity of the shelters, temporary accommodation or other assistance facilities or transportation hubs seeking to meet persons fleeing the war in privacy;
- People fleeing the war are asked to pay for intermediary services to assist with job search or employment;
- A person fleeing the war is offered a job with an unrealistically high salary, an arrangement that looks too good to be true, an unofficial employment or is not provided with full information about the working conditions (for example, a job offer for drivers with no particular requirement and high payment might be a recruitment into criminal activity – smuggling of migrants);
- A person is enticed or pressured to come to a country/place of destination;
- A person/group of persons fleeing the war abruptly disappears from accommodation facilities or fails to show at scheduled meetings with assistance providers.

It should be noted that this list is not exhaustive and first line responders might come across other signs of human trafficking. Overall, the first line responders are encouraged to react to the situations as soon as the slightest indication of human trafficking appears, as it might be crucial to prevent the crime or assist its victims in a timely manner.

Presumed situation of trafficking in human beings where there is a probability that human trafficking is already happening

- A person fleeing the war was transported from a place to another and/or from one country to another;
- People are forced to perform work, services or sex without consent and/or are subjected to psychological pressure and manipulations to gain their consent (for example, requested to perform domestic work or provide sexual services “to express their gratitude to the landlord” or to be able to stay in the house);
- Identity or travel documents (and/or other personal documents) are withheld by another person;
- Freedom of movement or expression has been restricted or controlled by another person and an individual cannot freely contact friends and family;
- The working conditions contradict the established labour legislation, including working hours, employee rights and benefits, social security standards, or an employer does not respect the agreed working conditions or financial arrangements;
- A person receives little or no pay or does not have access to funds, incl. social welfare payments;
- The person displays signs of physical, sexual and/or emotional violence;
- The person is pressured to repay loans and debts (to the trafficker);
- The person is afraid to talk because they think they are being watched.

⁹ For more specific indicators related to child victims of trafficking, please, consult <https://www.unicef.org/eca/reports/practical-guide-identification-victims-and-persons-risk-trafficking-human-beings>

While it is **not** the role of the first line responders to interview victims of trafficking or officially identify them, even the initial interaction in such cases requires certain considerations.

The following provides essential guidelines regarding the initial contact and interactions with a presumed victim of trafficking¹⁰

Provide a safe and secure environment for conversation

The potential victim can be separated (especially if they are in a larger group of people, for example on a bus) to a safe area where some personal space for follow-up conversation is organized.

Create an opportunity for clear communication

When the alleged victim is a foreigner of a certain ethnicity, it is essential to find an interpreter and/or cultural mediator, preferably of the same gender as the potential victim.

Seek the person's consent to start the conversation

Victims of trafficking may be less or more prone to share information about their situation, so consent needs to be sought at all times.

Enquire about what they need¹¹

It is important to pay attention to and address urgent, basic needs in a timely manner. People fleeing the war, especially if they are subjected to human trafficking, could suffer from multiple traumatic experiences and, thus, display sudden emotional and other reactions, which first line responders should be ready to address.

Assess whether the victim is a child

In the case of a minor (child), the relevant child protection departments (and/or other competent authorities, according to national legislation and Standard Operating Procedures) must be notified, in order for a guardian to be appointed if needed, and so that their best interest is upheld.

Provide information on human trafficking, identification procedures and the specific rights of victims of human trafficking and assistance options

If possible, provide those in written format and in a language understood by the presumed victim. Such hand-outs should be prepared beforehand in co-operation with the national anti-trafficking authority to ensure the accuracy of information, including contact details. Note that video or printed materials on human trafficking displayed, for example, in waiting areas could also help launch the conversation.

Identify and reach out to the competent anti-trafficking authority

With the prior consent of the presumed victim, immediately inform the local anti-trafficking co-ordinator or competent authority, who will handle the subsequent process of identification and referral of the alleged victim of trafficking to support and protection. In the event that the competent authority belongs to the law enforcement and the presumed victim does not wish to co-operate, it is of great importance that the person be given the opportunity to speak with a trained anti-trafficking specialist instead (e.g. NGOs, statutory/public social services).

Ensure tailored procedures

It is crucial that any organization working with people fleeing the war and other vulnerable groups establish clear procedures for its staff and volunteers to follow when a presumed victim or case of human trafficking is suspected. It is also essential that all procedures towards the presumed victim of trafficking are sensitive to the gender, age and cultural specificities of the person.

¹⁰ <https://www.osce.org/cthb/413123>

¹¹ <https://www.osce.org/odhr/549793>

The following questions might be helpful to reveal the signs of human trafficking during the initial conversation:

- Did someone pay/make promises of profit/money/better future to encourage you to undertake the trip? Did someone threaten you to undertake the trip?
- Did you enter into debt to undertake the trip and, if so, does somebody exercise pressure for you to pay back such debt?
- Were you promised a job and a home, but the conditions turned out to be quite different?
- Have your documents (e.g. passport, travel documents, residence permit) been taken away and are withheld by someone else?
- Have you received and signed an employment contract? Do the conditions laid out in the contract look “fair” to you (e.g. is a pay foreseen and are working hours reasonable?) If you are already working, do the actual conditions correspond to the promised ones or those specified in the employment contract?
- Were you requested to provide any “favors” (e.g. perform domestic work or provide sexual services) as a gratitude to your landlord or as a condition to remain in your accommodation?
- Do you think you have been subjected to physical, mental, sexual violence or abuse on your way or after arriving to this country?
- Were you compelled to steal, beg, prostitute or record pornographic material/webcamming?
- Is someone threatening you or your family?
- Are you compelled to lie to the authorities, your family or other people?
- Did anyone suggest you to use false identity or other documents?
- Do you have access to your social security and/or salary payments and can manage the money yourself?

It should be noted that many victims of trafficking do not recognize themselves as such (i.e., do not self-identify), as they may be in the transfer phase or generally in a phase before their actual exploitation. Others may normalize what is happening (given their culture or previous experience) or fear reprisal from their traffickers. Some victims, particularly undocumented migrants or those who are forced by their traffickers to commit criminal acts, may avoid identifying themselves to authorities for fear of punishment by the authorities (e.g. fear of deportation or punishment for their irregular status). There may be individuals who get

worried from interaction with governmental authorities and lack confidence in institutions due to bad experiences with such officials in their region or country of origin. In some cases, the victim may have a relationship with the trafficker and feel emotionally compelled not to report them. Others may fear stigmatization, especially if they have suffered sexual and intimate abuse. That is why the proactive screening for the signs of trafficking as well as proper referral and reporting by field level first line responders is decisive to prevent the crime or break the cycle of exploitation as early as possible.

5

Referrals: Who shall be contacted, available hotlines and anti-trafficking co-ordinators?

It is important to bear in mind that a presumed victim of trafficking cannot be reported to the police or other authorities, without the **prior consent** of the person. The person should be informed about the procedure of official reporting and provided respective contact information as mentioned above. The first line responders should also follow the **established procedure¹² to share the information about the case** with the national authorities without disclosing the victim's identity and personal data. Should the person request support from the first line responder in contacting the authorities, such support should be provided immediately.

To make sure the referral and communication with national agencies work smoothly, **it is highly recommended to know national and local/community-based anti-trafficking mechanisms and agencies, establish working contacts and agree on procedures beforehand.** These contacts might also enlighten first line responders on existing anti-trafficking legislation and frameworks in the country, which would be helpful for putting their efforts in the national context.

Below you can find helpful links to identify the relevant national contacts in the country you operate:

Be Safe – numbers to contact to receive official information and assistance in case of suspicion or when in a trafficking situation

<https://www.helpforukrainians.info/contact-info/>

Overview of the national anti-trafficking response and important contacts in the EU Member States

https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/eu-countries_en

National hotlines in the EU

https://ec.europa.eu/home-affairs/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/national-hotlines_en

The publication is developed in the framework of an Extra-Budgetary Project “Preventing and responding to trafficking in human beings amid the humanitarian crisis related to the war in Ukraine” implemented with the financial support from the Governments of France, Germany, Hungary, Japan, Liechtenstein, Poland, Spain, Switzerland, UK and US.

¹² <https://www.osce.org/cthb/413123>