Trafficking in Persons Investigation Manual

Trinidad and Tobago Police Service

Ministry of National Security
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Ministry of National Security Police Service

Trafficking Investigation Manual: Guidelines for Police Officers

INTRODUCTION

Trinidad and Tobago, similar to many countries in the Caribbean and the world, is facing the reality of a serious organised crime that violates many fundamental human rights, has a negative impact on both individuals and society, and feeds other major criminal activities such as drug smuggling, the arms trade, extortion, etc. This crime has been described as a form of modern-day slavery and is called “Human Trafficking”, “Trafficking in Human Beings” or “Trafficking in Persons”.

The International Organization for Migration (IOM), through its Port of Spain office, has offered the Government of Trinidad and Tobago its expertise and assistance in providing technical support, advice and training to law enforcement agencies combating human trafficking.

Through their joint efforts this manual has been produced. It is based on national and international research and compiled in close cooperation with Investigations Officers working within the Criminal Investigations Department, and from material gained during the IOM workshops and trainings held with Police personnel.

This manual will give law enforcement agencies a fundamental understanding of the phenomenon of trafficking in persons and the potential methods of combating it. It is designed with due consideration for the capacity and resources available in Trinidad and Tobago and contains the national law and international standards. The reader will gain the essential knowledge and skills necessary to take action in the fight against human trafficking.

The constructive and positive support that IOM has received from the Ministry of National Security in effecting this project has been instrumental to its success. Its support is also noted in the extensive programme of trainings conducted for the Trinidad and Tobago Police Service, that lead to the subsequent production of this manual.

IOM welcomes comments regarding the manual and looks forward to updating this product to incorporate both changes in legislation and policies, and also to reflect the progressing insights into law enforcement’s contribution to the prevention of trafficking and smuggling in persons in Trinidad and Tobago.
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CHAPTER I
Trafficking and Smuggling of Persons

Introduction

The terms and key concepts “trafficking in persons”, “organised crime” and “smuggling of migrants” are used frequently during the normal course of law enforcement.

In the media, we also find the terms used in a variety of contexts. However, the words often have different meanings, depending on the perspective of the person using them. For this reason, it is important to define very clearly the subjects of our study, following the classifications provided by international legal conventions.

This chapter presents, in detail, the legal framework of trafficking and smuggling in persons; the process and phases of trafficking; the coercion and control mechanisms used; the relevance of international legal instruments; and the key elements of organised crime.

1.1 The International Conventions on Trafficking in Persons

International UN Convention on Trafficking in Persons

Under the United Nations Convention against Transnational Organised Crime, the UN adopted the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children”. This protocol is known as “The Palermo Protocol”.

Article 3 of the Protocol defines trafficking in persons as:

a) “Trafficking in Persons” shall mean 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.

b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.
Special Provision for Minors

There is also a special provision for minors, where the Protocol further states that the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons”, even if this does not involve any of the means (threats, use of force, fraud, deception, etc) set forth above. This means if a minor (under 18 years of age) is found, for example, working in a brothel, this young person is to be considered as a victim of trafficking before anything else is considered.

Minimum Standards

The Trafficking Protocol establishes minimum standards for countries to comply to. These are:

- To define and standardise terminology;
- Requires States to criminalise trafficking;
- Requires assistance and protection of victims in countries of origin, transit and destination and repatriation of victims;
- Control measures: borders, travel documents, etc;
- Training, research, information measures and prevention;
- Technical provisions (signature, ratification, etc).

The Government of Trinidad and Tobago ratified the International Convention against Transnational Organised Crime and its three Protocols, including the “Protocol to Prevent, Suppress and Punish Trafficking in Persons”, especially women and children, in November 2007. Accordingly, the Government will enact legislation to implement the provisions of that Protocol. Until such legislation is passed, law enforcement can use the laws currently available to prosecute trafficking cases. (See Chapter IV)

The definition of “Trafficking of Persons” has three main elements to consider:

**Trafficking in Persons**

1) The recruitment and movement of a person: recruitment, transportation, transfer, harbouring or receipt of persons;

2) The techniques and means used for this movement to happen: coercion, abduction, fraud, deception, abuse of power, abuse of a position of vulnerability, or the “buying” of a person;

3) The objectives of the above-mentioned elements: all forms of exploitation, including sexual exploitation, forced labour, servitude, slavery, removal of organs, etc.

Thus, the primary goal of the trafficking process is the subsequent exploitation of the
trafficked person, which constitutes a severe human rights violation.

The term “smuggling of persons”, on the other hand, just implies the facilitation of illegal entry of migrants into a country. In contrast to a case of trafficking, smuggled migrants have usually consented to being smuggled. Moreover, the act of smuggling usually ends with the migrant arriving at the destination, while trafficking involves the continued exploitation of the person, in some form, to generate illicit profits for the traffickers.

Hence, while trafficking in persons is considered as a crime against human rights, smuggling of persons is considered as a crime against the State by violating Immigration laws.

1.2 The Trafficking Process

Trafficking can be explained by separating it into three distinct but interrelated stages.

The three stages of trafficking are referred to as:

1. RECRUITMENT
2. TRANSPORTATION
3. EXPLOITATION

The stages of trafficking usually follow this order and can be further explained:

- **Recruitment**
  - The victim is recruited by the use of false promises, by offering incentives, or by the use of force or coercive methods to obtain the consent of a person and have control over that person;

- **Transportation**
  - The movement of a person by any transportation means and across international borders, legally or illegally, or within a country;

- **Exploitation**
  - The use or sale of the victim to financially benefit the trafficker. This includes all forms of human exploitation, including sexual exploitation, forced labour, servitude, slavery, removal of organs, etc.

**When is it Trafficking?**

- Each of the three stages (recruitment, transportation and exploitation) must be present;
- The three stages must be linked to each other;
What Does Trafficking Mean to People who Become Victims of Trafficking?

It can mean:

- A grave violation of their human rights;
- Being treated as a slave;
- Becoming a commodity for someone to make a profit from;
- Loss of respect and dignity;
- Suffering humiliation from society and often imprisonment for prostitution or illegal status;
- And very much more……

1.3. Distinguishing Between Smuggling and Trafficking in Persons

The expressions “smuggling” and “trafficking” are often used synonymously, although a clear distinction should be drawn, as they are substantially different. This distinction is also useful from a law enforcement perspective.

Clarification of the terminology and definitions has been included in the United Nations Convention against Transnational Organised Crime and its two accompanying Protocols on smuggling and trafficking, which were adopted by resolution A/RES/55/25 in Palermo, in December 2001.

The definitions make it clear that smuggling of migrants is the act of assisting with an illegal border crossing and illegal entry. Smuggling, therefore, always has a transnational element, and is primarily directed against the interests of a State and not against an individual, i.e. the smuggled person.

Smuggler - The person who facilitates the illegal crossing of a smuggled person (who is the customer).

Trafficker - The person who is involved in the recruitment, transportation or exploitation of the trafficked person (who is referred to as, the victim).

In respect of trafficking in persons, the key element is the purpose of exploiting the victim. Trafficking involves the intent to exploit a person, in principle irrespective of how the victim comes to the location where the exploitation takes place. Trafficking can involve, in cases where borders are crossed, legal as well as illegal entry into the country of destination and, respectively, can occur without any border-crossing at all.
This international consensus on the definitions of smuggling of migrants and trafficking in persons is of significant importance; as by incorporating a common understanding of these concepts into their national laws, States should be able to cooperate more effectively and to overcome difficulties regarding data collection and analysis.

1.4. Smuggling of Migrant People

Article 3 of the Protocol against the Smuggling of Migrants defines several key concepts that are relevant for border control and of which all law enforcement should be aware:

(a) “Smuggling of migrants” shall mean procurement in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State of which the person is not a national or permanent resident;
(b) “Illegal entry” shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State;
(c) “Fraudulent travel or identity document” shall mean any travel or identity document:
   (i) That has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorised to make or issue the travel or identity document on behalf of a State;
   (ii) That has been improperly issued or obtained through misinterpretation, corruption or duress, or in any other unlawful manner;
   (iii) That is being used by a person other than the rightful holder;
(d) “Vessel” shall mean any type of watercraft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water, except a warship, naval auxiliary or other vessel owned or operated by a Government and used, for the time being, only on Government non-commercial service.

The Smuggling Protocol requires minimum standards of compliance:

**Minimum Standards**

- Define and standardise terminology;
- Requires States to criminalise smuggling;
- Cooperation among States regarding smuggling by sea;
- Repatriation of smuggled migrants;
- Control measures: borders, travel documents, etc;
- Training, research and information sharing;
- Public awareness programs regarding the serious risk to migrants perpetrated by criminal groups.

**Smuggling of Persons**

The three main elements contained in the definition of “smuggling of persons” are the
following:

1) The **movement** of a person: the crossing of borders, usually following the migrant’s consent;

2) The **techniques and means** used for this to happen: clandestine transportation by land, sea and/or air, usually under inhuman or dangerous conditions;

3) **The objective**: the crossing of borders to facilitate illegal entry (often through transit states) into the intended country of destination.

However, many smuggled persons themselves become victims of human rights violations. Many researchers agree that in practice, the differences between trafficking and smuggling are not always obvious and the two concepts often overlap. For example, a person might ask for a smuggler’s help to reach a certain destination illegally and fall into an exploitative situation at the end of the journey, i.e. by working in conditions of slavery in order to financially remunerate the smuggler.

In other situations, migrant women might be aware that they will be working in prostitution but not realise the awaiting conditions they will be working under, including violence and exploitation.

In these two last cases, the crime is then clearly considered as a crime of “trafficking in persons” (see Article 3 (b) of the Protocol Against Trafficking in Persons).

The determination of such cases, as either human smuggling or trafficking, are significant for the persons involved as recent legal changes tend to confer **stronger protection rights** to trafficked victims than to smuggled migrants. This is why smuggled persons are not necessarily seen as “victims” of crime. Likewise, the punishments for trafficking can be much more severe than the sanctions for smuggling over borders, due to the human rights violations involved.

**Smuggling of persons is primarily a crime against the State, that normally involves the prior consent of the migrant to be smuggled.**

### 1.5. The Coercion and Control Mechanisms Associated with Trafficking

**Four Key Mechanisms**

- Debt bondage;
- Isolation;
- Use of violence and fear;
- Use of threat of reprisal against victim’s family.
What is Debt Bondage?

Many of the trafficked victims do not have the money to purchase their tickets, and travel documents to travel to their destination country.

The travel is paid for them, or they agree to an advanced loan that they are expected to repay with money to be earned in the destination country/location, and a “debt bond” is created. Traffickers exploit the fact and use this as a coercive measure to ensure that victims engage in the planned activity.

What is Meant by Isolation?

- Removal and retention of passport, identity card or return flight ticket;
- Language or social segregation;
- Restriction of movement;
- Repression of communication with the outside world (no letters, no phone calls, no visits, etc).

Use of Violence and Fear

- The victim often fears their trafficker, who can use violence and threats of violence toward the victim or family or friends;
- Victims may be beaten, raped, confined, deprived of food and water, drugged, etc, to ensure obedience and compliance.

Use of Threat of Reprisals

- The recruiters will know details about the victim’s family – addresses, places of employment, etc;
- May threaten to harm victim or harm family members and loved ones to get compliance.

1.6. Trafficking and Smuggling: Similarities and Differences

The diagrams on page 13 illustrate the main similarities and differences between trafficking of persons and smuggling of migrants.
TRAFFICKING AND SMUGGLING: SIMILARITIES AND DIFFERENCES

**TRAFFICKING**
- Legal, illegal or no border crossing;
- Legal or illegal documents;
- Coercion and repeated exploitation;
- Restricted movement, control;
- Commodity: an individual; Crime against an individual.

**SMUGGLING**
- Illegal border crossing;
- Illegal (false or stolen) documents;
- Voluntary;
- Commodity: a service, movement;
- Crime against the State.

- Profitable business;
- Involving human beings;
- Criminal networks.

Coercion – is firmly associated with trafficking;

Human Rights Violation – is mostly associated with trafficking, although smuggled migrants can also face human rights violations;

Irregular Migration - can occur in both, although it is more likely to be associated with smuggling;

Exploitation – is a key ingredient of trafficking. In cases when an irregular migrant is exploited then trafficking can be considered;

Illegal Employment – can occur in both trafficking and smuggling but it is more often associated with irregular migration.
CHAPTER II
Organised Crime

Introduction

Human trafficking is organised crime and comprises of both internal and external trafficking. Where it becomes external it involves transnational elements and becomes more complex to investigate. It is necessary for law enforcement to understand the complexities of national and transnational organised crime.

2.1. Defining Organised Crime

The UN Convention against Transnational Organised Crime gives a wide-ranging definition for organised crime and organised criminal groups, comprising the broad spectrum of different smuggling and trafficking operators and their networks.

All forms of trafficking and smuggling of people are generally acknowledged as being controlled by organised criminal groups. It is important that law enforcement officers acknowledge and understand this is the case during the investigation process, in order that the correct intelligence and processes take place to detect all criminal participation in the crimes of trafficking and smuggling of people.

Article 2 (a) of the UN Convention defines transnational organised criminal groups as:

“A structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this convention, in order to obtain, directly or indirectly, a financial or other material benefit.”

Organised crime includes both criminal organisations and the criminal activities they carry out. It is, therefore, a slightly broader concept than that of “organised criminal groups,” covered by the Conventions.

There are four mandatory criteria for organised crime:

- Collaboration of three or more people;
- Active for a prolonged or indefinite period of time;
- Suspected or convicted of committing serious criminal offences;
- With the objective of pursuing profit and/or power.

In addition, there are seven optional criteria, two of which need to be fulfilled in order for the organisation and its activities to be categorised as organised crime:

- Having a specific task or role for each participant;
Investigation Manual Chapter II: Organised Crime

• Using some form of internal discipline and control;
• Using violence or other means of intimidation;
• Exerting influence on politics, the media, public administration, law enforcement, the administration of justice, or the economy, by corruption or other means;
• Using commercial or business-like structures;
• Being engaged in money laundering activities;
• Operating on an international level.

2.2. The Key Criteria of Organised Criminal Groups

A recent United Nations Office on Drugs and Crime (UNODC) study identified five different types of structures of organised crime groups:

1) **Standard hierarchy:** single hierarchical group with strong internal systems of discipline;

2) **Regional hierarchy:** hierarchically-structured groups, with strong internal lines of control and discipline, but with relative autonomy for regional components;

3) **Clustered hierarchy:** a set of criminal groups which have established a system of coordination/control, ranging from weak to strong, over all their various activities;

4) **Core group:** a relatively tightly-organised but unstructured group, surrounded in some cases by a network of individuals engaged in criminal activities;

5) **Criminal networks:** a loose and fluid network of individuals, often drawing on individuals with particular skills, who constitute themselves around an ongoing series of criminal projects.

The fluid and changing nature of the criminal groups and chained organisations makes it difficult to track down the criminals. Very often, criminal groups involved in illegal migration and smuggling or trafficking in persons are also involved in other related criminal activities such as extortion, racketeering, money laundering, bribery of public officials, drug trafficking, document forgery, and gambling.

According to UNODC (2002) the majority of criminal groups are involved in one main criminal activity and, although other activities are also carried out, these are undertaken in order to make the main activity possible.

Similar to trafficking in persons, smuggling and illegal migration in general do not occur in one particular part of the world; they do not victimise one particular homogenous group; and nor is one particular criminal group responsible for this crime. Criminal groups dealing with smuggling and illegal migration vary in level of organisation, size and composition.

2.3. Level of Organisation in Smuggling of Persons
The paradox related to the smuggling of migrants is that the more measures States are taking to prevent illegal entry, the more the arrangements for illegal entry become organised.

Under current circumstances, with tightened border control measures and tightened sanctions on illegal residence, not many ways remain for migrants (interested in residence or labour) to enter without the involvement of “professional” smuggling organisations that can provide a wide variety of services.

Research and the experience of law enforcement agencies has shown that not all smugglers are well organised, which is then a problem for the response of law enforcement agencies, because organisations that are loosely-formed are not easy to track down and make the gathering of information, both reactive and pro-active, very difficult.

Some of the research indicates that the smuggling of migrants, especially in Europe, does not necessarily involve highly-organised, large criminal groups. Instead, it seems that the smugglers can consist only of professional but loosely-grouped individuals. This is indeed the case in Trinidad and Tobago.

In addition to the high profile, well-established, organised criminal operations of people smuggling/trafficking, there are numerous lesser-known criminal groups operating throughout the Caribbean region. These groups may decide to cooperate with each other when it is opportune for them to do so. For example, so called “amateur” smugglers using their own small boats, which take on board a dozen or so people, such as the small fishing type boats operating between the coast of Venezuela and Trinidad and Tobago.

These are occasional smugglers who earn a few dollars supplying national and international transportation. They are usually the owners of taxis, small fishing boats and trucks that can transport small groups of people, departing from secluded coastal areas, effecting short sea passages and crossing insufficiently guarded frontiers. This activity is not their main source of income and can be categorised as spontaneous, illegal, non-organised and unsophisticated smuggling.

Then, there are small groups of well-organised criminals, specialised in leading citizens from one specific country to another, using well-known routes. These criminal groups have a higher level of specialisation than the occasional smugglers.

There are also the sophisticated criminal organisations. These criminal syndicates succeed in satisfying the most complex needs of potential migrants.

They can provide counterfeited or real documents (passports and visas; stolen altered/ forged) as well as housing and support in many countries of the world. But their main characteristic is flexibility in the face of unforeseen situations. This is made possible because the members of the organisation are spread all over the world, the routes are often well tested by smuggling other illegal goods, and because the smugglers avail themselves of sophisticated means of communication, enabling the members to keep in constant
contact. The smuggling of migrants for these organisations is often a secondary profitable line next to their other existing activities that, within a criminal context, gives them all the characteristics of a real enterprise.

Organised criminal groups involved in human smuggling and trafficking are increasingly decentralised and flexible in their organisation. This flexible structure allows for the prompt reorganisation of illicit activities according to demand, the number of competitors and threats from law enforcement.

This flexibility is improved by the incorporation of small sub-units of criminal specialists, who provide particular services and expertise that might otherwise be outside of the scope of the criminal organisation. Indeed, there are a number of specialist roles that are potentially involved in the smuggling or trafficking process.

The more criminal organisations become transnational, the more they develop connections and networks. They establish these links or alliances to improve their operational capabilities and to resist governmental control efforts. In conclusion, we could say that the criminal networks have the following general characteristics:

- They have safe houses/hideouts to accommodate their clients during the transportation phase;
- They have access to persons that possess, or can create, counterfeit documents;
- They have great flexibility and in case of increasing controls can easily switch routes;
- They have reliable bases, contacts and lodgings in transit countries;
- They have adequate funds and can, therefore, pay attractive sums to corrupt officials;
- Often they are pursuing other criminal activities at the same time (e.g. drugs or arms smuggling).

2.4. Categories of Criminal Actors in Trafficking/Smuggling

Division of Labour

Research indicates that individuals and organisations involved in smuggling and trafficking have varying levels of organisational structure, and commitment to those processes. According to Schloenhardt,¹ individuals and criminal groups involved in smuggling and trafficking of people may also limit their activities to one or more of the following roles:

- **Investors** - those who put forward funding for the operation, and oversee the entire operation. These people are unlikely to be known by the everyday employees of the operation, as they are sheltered by an organisational pyramid structure that protects their anonymity;

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¹ Dr Andreas Schloenhardt senior lecturer at The University of Queensland TC Beirne School of Law
- **Recruiters** - those who seek out potential victims and migrants and secure their services or financial commitment. The recruiters may be members of the culture and the community from which migrants are drawn;
- **Transporters** - those who assist the victims and migrants in any part of their travel and by leaving their country of origin, either by sea, land or air;
- **Corrupt public officials or protectors** - who may assist in obtaining travel documents, or accept bribes to enable migrants to enter/exit illegally or allow an illegal activity to continue;
- **Informers** - who gather information on matters such as border surveillance, Police activity, etc;
- **Guides, crew members** - who are responsible for moving irregular migrants from one transit point to the other or helping the migrants to enter the destination country, and **mediators** - who negotiate or facilitate the transactions concerning the victim;
- **Enforcers or minders** - who are primarily responsible for enforcement of discipline of staff, victims and migrants, and for maintaining orders;
- **Supporting personnel and specialists** - which may include local people in transit points who might provide accommodation and other assistance;
- **Debt-collectors** - who are in the destination country, to collect fees;
- **Money-movers** - who launder the proceeds of crime, disguising their origin through a series of transactions or investing them in legitimate businesses.

**2.5. The Diversification of Roles in Trafficking and Smuggling**

These diagrams shows the scale of management that is common within trafficking, and the trafficking network, and compares the differences with the smuggling process:
2.6. The Inter-Dependency of Criminal Activities

Current intelligence, reported in the UK Home Office Organised Crime Notification Scheme, suggests links between international networks which traffic drugs, money, and human beings. It is less clear whether (and if so, how) the smaller-scale operations connect to more organised groups. For example, do successful enterprising individuals expand their operations and move into the organised crime frame, are they absorbed into existing networks, or are they perceived as threats by these established groups?

The “inter-dependency” of criminal activities reflects the motivation of sophisticated organised crime groups to maximize their profits, either by diversifying into new criminal markets, and/or by minimising the risk to the organisation. People trafficking/smuggling is one of the most profitable and lowest risk criminal activities.

It is known that criminal groups adapt their business to that market where the intended profit can be made and where the threat is low. If there is more profit to be made in another type of business and there is less danger of getting caught (and there are not high penalties if arrested) it makes logical sense to switch to another form of illegal business.

One of the significant challenges for law enforcement agencies is that criminal groups conduct what is called “commodity hopping”.

That means, looking at it from the Police angle, that the Police are facing a group which is changing commodity, changing operation and do not recognise national borders; while the Police, because of the way they are structured, are faced with all the subsequent consequences of this change. They also face all the difficulties and obstacles that come with cross-border Police cooperation. In the first place, and not the least, there is the cumbersome process of merely establishing international Police cooperation for a particular type of investigation, which in turn delays the whole process.
CHAPTER III
Causes and Concerns

Introduction

Why do people become victims of trafficking and what are the major concerns and issues that the Government of Trinidad and Tobago faces in tackling this problem? This chapter covers some of those issues as well as the “push and pull” factors.

3.1. Push and Pull Factors of Trafficking in Persons

Push and Pull Factors

- What pushes people into unwittingly becoming victims of trafficking?
- What are the factors that pull them?

The motivations that push thousands of persons, from the poorest and most unstable countries on the planet, to undertake long and often dangerous trips are varied.

<table>
<thead>
<tr>
<th>Push Factors</th>
<th>Inducement</th>
<th>A person flees his country for economic, political, religious, social or environmental reasons.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pull Factors</td>
<td>Attraction</td>
<td>Towards their destination: the promise of a job; the longing to reunite with family; the idealism portrayed by the media/criminal organisation; or the promised opportunity to gain immediate financial reward.</td>
</tr>
<tr>
<td>Alternate Factors</td>
<td>Facilitation</td>
<td>Of the Immigration; the ability, using the criminal network, to pass unchecked from country to country.</td>
</tr>
</tbody>
</table>

Push and Pull factors Relating to Trinidad and Tobago

Push Factors

- Poverty, hardship and desperation – and the feminisation of poverty;
- Lack of education;
- Unemployment;
- Gender discrimination;
- Domestic violence and coming from a dysfunctional family;
- Impact of conflict or transition on countries;
• Lack of opportunity for legal migration;
• Lack of opportunity or alternatives;
• Real values of salaries low, helping worsen poverty;
• Financial ambition;
• Escape prosecution;
• Political situation.

**Pull Factors**

• Expectation of employment and opportunities;
• Demand for services (labour and sex services);
• Expectation of rich financial rewards;
• Growing demand for commercial sex with minors (young boys) associated with the tourist trade of paedophilia;
• Access to material benefits associated with a more affluent country;
• Improved social position and treatment;
• Perceived “glamour” of a different daily life;
• Demand of “housemaids” work for women;
• Demand of cheap labour;
• Macro-economic conditions of a country provide incentives for trafficking;
• Inadequate border control;
• Improper legislation to deal with trafficking and migration;
• Promises of opportunities;
• Self-improvement.

### 3.2. The Consequences

**The Likely Consequences for Victims**

Victims of trafficking will suffer a number of violations, the most common are:

• Violation of their human rights;
• They often have no protection under labour laws;
• They often suffer sexual and physical abuse/coercion;
• Illegal status in the country of destination;
• They are often imprisoned and treated as criminals;
• The risk/danger of death and serious disease (physical and mental);
• It is difficult for them to reintegrate and they suffer stigmatisation.

**Consequences for Countries of Origin, Transit and Destination**

• Increase of irregular migration;
• Growth and diversification of criminal organisation’s activities;
• Violation of national legislation;
  – On migration
  – On labour
- On human rights
- Laws on abuse, sexual offences, exploitation, etc.

### 3.3. Factors to be Considered in Trinidad and Tobago

The issues of trafficking reveal the following factors that should be considered in Trinidad and Tobago in order that the crimes can be adequately considered:

- The legal issues (correct laws should be in place);
- Health issues (migrants health and sexually-transmitted diseases);
- Lack of trained Police resources to investigate cases;
- The tourism issues that effect the country’s image;
- Standardisation of policies and procedures;
- Education and awareness of the public;
- Requirement of victim assistance;
- The availability of interpreters required;
- Social and family breakdowns;
- Establishing links with other crimes and criminals (networks);
- Dealing with corruption issues;
- Prosecution of the traffickers under the Sexual offences Act, until T&T has a specific trafficking law;
- Finding trafficking victims and especially minors, who are particularly vulnerable;
- Border management, especially the sea border to stop the irregular migration channels.

Issues of victim protection and assistance that include:

- Safe house and shelter;
- Funding for victim assistance;
- Repatriation programme for foreign victims;
- Reintegration programme for national victims;
- Counselling services;
- Non criminalising of victims.
CHAPTER IV
The Law, a Summary of the Criminal Justice System

Introduction

Though no specific trafficking law exists, Trinidad and Tobago is a signatory to, and has ratified a variety of, UN counter-trafficking conventions and are in the process of drafting legislation. This chapter explains briefly the more relevant laws that can be applied when investigating and prosecuting cases of trafficking people.

4.1. Sexual Exploitation

Prostitution is illegal in Trinidad and Tobago, and the Sexual Offences Act (SOA) of 1986 states who can be prosecuted. While soliciting for immoral purposes itself is prohibited, those involved in the management of prostitution may be prosecuted through a number of channels.

For example, those living off the earnings of prostitution are liable (Section 23), as are those who manage brothels or knowingly permit premises under their control to be used as a brothel (Section 22). The broadest offence is that of “aiding in prostitution” (Section 24), which states:

“A person who for the purposes of gain, exercises control, direction or influence over the movements of a prostitute in a way which shows that the person is aiding, abetting or compelling the prostitution is guilty of an offence and is liable on conviction to imprisonment for five years.”

Definitions:

- “Prostitute” means a person of either sex who engages in prostitution;
- “Prostitution” is generally defined as the practice of providing sexual services for money but, because it requires a buyer and a seller, it can more appropriately be defined as the practice of exchanging money for sexual services;
- “Adult” means a person 18 (eighteen) years or over;
- “Brothel” means a place resorted to by persons of either sex for the purpose of prostitution;
- “Minor” means a person under the age of 18 (eighteen) years.

Other Offences and their Related SOA Sections

Procuring in prostitution - Section 17 (in trafficking terms, the recruiter);
Procuring by threats, deception or drugs – Article 18 (in trafficking terms, the recruiter);
Detention for use in prostitution - Section 19 (in trafficking terms, the harbourer);
Defilement of a minor - Section 21 (in trafficking terms, the harbourer);
Brothel keeping – Section 22 (in trafficking terms, the receiver);
Living off immoral earnings and soliciting (pimping) – Section 23 (in trafficking terms, the receiver or recruiter).

**Prosecuting the Traffickers**

This would allow authorities to prosecute all those connected with the trafficking process. Most significantly, it refers to control, direction and influence on the movements of a prostitute, which suggests that those involved in the recruitment process could be addressed under this Section.

The Immigration Act supports these penalties against prostitution, and those aiding and abetting the cross-border movement of persons for sexual exploitation. All the penalties relating to prostitution carry the same penalty of five (5) years imprisonment.

Procurement in Trinidad and Tobago is also illegal, and carries more severe penalties, 15 (fifteen) years, rather than five (5), (Section 17). Procurement of a minor for sex - here defined as someone under 16 (sixteen) years of age - carries the same penalty as the procurement of an adult for prostitution, or as an inmate of a jail.

However, the provision states procurement for prostitution can occur “either in Trinidad and Tobago or elsewhere”. This suggests that traffickers could be prosecuted for procuring non-national women to come to Trinidad to work, as well as procuring nationals for sex work abroad.

**Forced Prostitution**

Forced abduction and detention for sexual purposes is also clearly addressed with respect to forced “defilement”. Any person who procures another for sex through threats, intimidation, and deception, or the use of drugs, faces a penalty of up to 15 (fifteen) years (Section 18).

Forced detention of a person for sexual purposes meanwhile carries a penalty of 10 (ten) years, including in a brothel (Section 19). Finally, abduction of a woman for sexual purposes carries a similar penalty (Section 20).

Broader rules cover the defilement of minors - those under 16 (sixteen). It is sufficient to show that a householder – whether an owner, manager or occupier of a premises – knowingly permitted sexual intercourse with a minor in his premises. His role in the defilement or procuration of the minor is irrelevant and he could face up to 10 (ten) years imprisonment.

This could be used to prosecute any person who sexually abuses a victim of trafficking under their control, whether that victim has been trafficked for the purposes of prostitution or not. As a final note, the prostitution of minors is also covered under the Children’s Act, Chapter 46.01.
Anyone in custody or charge of a minor who allows them to reside in, or frequent, a brothel (Section 7), or “causes or encourages the seduction, prostitution, or unlawful carnal knowledge of” a girl under 16 (sixteen) (Section 8), is liable to two (2) years imprisonment.

Consent is irrelevant for those under the age of 16 (sixteen), so the offence is deemed to be forced prostitution in this sense. It should be noted that Section 8 only pertains to females, and is thus biased against young men who may be drawn into prostitution.

### 4.2. Sexual Offences

In 2000, The Sexual Offences Act was tightened, and penalties increased. A person can be liable for rape where consent is extorted through threats, impersonation, fraud, or unlawful detention, all of which may be relevant where a person is in the hands of a trafficker (Section 4, Sexual Offences Amendment Act, 2000).

In cases where the crime is particularly serious, is committed by more than one person, or by someone previously convicted of rape, the accused can face the rest of his natural life in prison.

In terms of sexual assault, the law is less comprehensive and before 2000 it seems that no crime of grievous sexual assault existed (Section 4A). However, the parameters of the offence, and penalties imposed are now the same as for rape and the most severe in the region. The lesser offence of indecent assault (Section 15, Sexual Offences Act 1986), though it is unclear what that covers, offers a maximum penalty of five (5) years.

#### Sexual Offences Against Minors

Trinidad and Tobago divides the offence of sex with a minor into two categories, and makes a distinction between the sexes. First, sex with a minor male under 16 committed by a female, carries a five (5) year penalty (Section 8). Second, sex with a minor female is divided into those under 14 (Section 6), which carries a penalty of life, and those aged between 14 and 16 (Section 7), which carries a penalty of five (5) years. All three offences can be committed regardless of whether the minor consented to the intercourse.

### 4.3. Kidnapping and Abduction

Trinidad and Tobago is fairly unique in having created a dedicated piece of legislation to prohibit kidnapping in 2003. The main provision states that:

“A person who, for ransom, reward, or for any similar consideration, unlawfully leads, takes, entices away, abducts, seizes or detains any person without his consent or with his consent obtained by fraud or duress and without lawful excuse such that the person... is held, confined, restricted, imprisoned, or prevented from returning to his normal place of abode or sent or taken out of Trinidad or Tobago, commits an offence and is liable to
As the above shows, it is a broad definition of kidnap which includes those enticed away through fraud, and can thus be used to cover a wide range of trafficking scenarios. Of all the legislation detailed above, this most resembles the definition of trafficking as agreed in the “Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons in 2000”. It is actually broader in the sense that the personal gain of the trafficker does not have to be proved, or that forced labour was involved.

It is difficult to tell whether this just covers nationals, or also covers those kidnapped and brought to Trinidad, but it is to be hoped that both populations can be protected through this legislation. The penalty - 25 (twenty-five) years - is the most severe in the region, though it is uncertain whether the maximum penalty has ever been imposed.

### 4.4. Labour

#### Work and Residence Permits

All non-nationals coming to work in Trinidad and Tobago need to have a Work Permit (Section 10, Immigration Act, and Chapter 18.01). The employer applies for the permit and there are a number of documents which need to be submitted, including a covering letter from the employer (outlining why a national cannot be hired), character references for the prospective employee (including from a previous employer), a Police Certificate of Character, and proof of advertisement of the position. While these conditions have been put in place for the benefit of the government, it means there are also some safeguards for the migrant in the legitimacy of the process.

#### General Employment Provisions

Employment provisions seem to be generally sound for legal workers. Minimum Wages are fixed by the Minister for Employment, and monitored by the Minimum Wages Board (Chapter 88.04). The Act also provides for inspectors to ensure that minimum wages are paid and that records are kept.

Employers offering misleading or false information regarding wages are liable to a fine of TT$1,500 and two (2) years imprisonment, while those found to be paying less than the minimum wage are liable to a TT$2,000 fine and two (2) years imprisonment, as well as compensating that worker for lost wages. It is uncertain as to how these rules apply if the employee is an undocumented migrant, though those in possession of a Work Permit should be able to enforce their employment rights.

#### Child Labour

The age of majority in Trinidad and Tobago is 18 (eighteen) - Children’s (Amendment) Act 2000. Despite this, the employment age for children in the country is 12 (twelve) years.
of age, except in industrial undertakings, where the age limit is 14 (fourteen) - Sections 91 and 94, Children’s Act, Chapter 46.01. It is hoped that some reform of these laws will occur following Trinidad’s ratification of the “Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour”.

Other relevant provisions make it an offence to have sex with a minor employee (Section 11, Sexual Offences Act 1986), and prevents the economic exploitation of children by prohibiting them from being “in any street, premises or place for the purpose of begging or receiving alms, or inducing the giving of alms” (Section 5, Children’s Act Chapter 46.01).

Fundamental Rights: Forced Labour and Slavery

Though the Trinidad and Tobago Constitution (1976, with amendments through to 2000) does not offer protection against forced labour and slavery in the form of a specific article of law, as do a number of other Commonwealth Caribbean States, the preamble to the Constitution states that “labour should not be exploited or forced by economic necessity to operate in inhumane conditions by that there should be an opportunity for advancement on the basis of recognition of merit, ability and integrity.”\(^1\)

No other Acts prohibit slavery, since the Emancipation Acts of 1838 abolished slavery in British-owned territories of the Caribbean and are no longer on the Statute books.

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\(^1\) Constitution of the Republic of Trinidad and Tobago, http://www.georgetown.edu/pdba/Constitutions/Trinidad/trinidad76.html
CHAPTER V
Profiling for Victim Identification, Assistance and Referral

Introduction

One of the first, and singly most difficult, tasks in investigating this already complex crime is the identification of trafficked victims. By the very nature of the *modus operandi*, trafficking of persons has a number of features in common with people smuggling and other forms of irregular economic migration. The consequence of this is that victims of trafficking are regularly and mistakenly classified and treated as irregular migrants, rather than as victims of the serious crimes that they are.

This chapter describes the best practice principles of assistance and profiling victims in Trinidad and Tobago and the subsequent identification process.

5.1. Categorising Victims

It is essential that no assumptions are made in an attempt to categorise individuals who are the victims of organised migration crime. For example, although a victim may arrive in Trinidad and Tobago with substantial capital, it should not be assumed they are smuggled migrants rather than trafficked victims. Verification of the type of crime committed can often be very complex and all background factors must be considered very carefully before any attempts can be made to classify a victim.

The distinction between the two crimes of trafficking and smuggling is very narrow. This is further complicated by the increasing trend for offenders to cross the boundaries of definition; to maintain control over victims upon arrival at their destination. The consequences are the deprivation of freedom that the victim so greatly strived to obtain. The trafficked individual is considered a commodity as “criminal goods” within the criminal organisation.

Understanding these definitions, allows us to appreciate the considerations involved when tasking national and international organisations responsible for tackling this criminal market. This is also the case within the judicial structures, where it is paramount to distinguish between the criminal organisations that operate specifically in aiding and abetting the clandestine immigration and those that are active in the trafficking of persons.

5.2. Methods of Exploitation and Proactive Measures

It is necessary for Trinidad and Tobago law enforcement officers to take proactive measures to monitor agencies (and other likely sources of recruitment), and the transport locations, to identify victims and traffickers with the objective of preventing and detecting cases of trafficking.

Proactiveness of victim identification will always be most successful when applied in the
destination countries, as it is the application of the exploitation phase that creates the highest level of visibility of the crime. It is necessary to implement proactive measures at the methods of recruitment in country, and also in the transportation stage, by effective border control to identify victims. These measures are based on victim profiling, aimed at preventing and interrupting the trafficking process and the eventual exploitation of the victim in the destination country.

**Sexual Exploitation**

In the case of trafficking for sexual exploitation; it is the necessity to market, or advertise, “the sexual services” that is the weak point of the traffickers and creates the visibility factor. This makes it almost impossible for them to hide their criminal activity and that fact alone makes them vulnerable to detection. Other forms of trafficking have a similar weak-point based upon the degree of visibility.

**Labour Exploitation and Forced Begging**

In the case of trafficking for labour exploitation, it is virtually impossible to completely conceal forced labourers that are being exploited in construction, security and agricultural fields. Victims that are exploited as forced labourers will still be visible if subjected to a focused inspection, most effectively by means of a well-organised and authoritative system of labour inspection. It is apparent that increasing numbers of migrant workers, from as far away as China, are consistently being engaged in construction work. Little is known of their working conditions or contractual obligations.

People are also recruited as beggars and exploited - especially vulnerable are children and people with disabilities.

**Human Organ Trafficking**

To a limited extent, the same point can be made in respect of the growing trend of organ trafficking. Recently, Police worldwide have uncovered several criminal networks. By definition, such activity will involve the medical profession at some stage and monitoring of the movements of potential recipients, the administration of treatment, and the dispensation of relevant medications, will all help to increase the visibility of this growing type of trafficking.

**Domestic Servitude**

The chief characteristic of human trafficking for domestic servitude is that it consists of the extended exploitation of individual victims within the confines of a private residence. It is therefore extremely difficult to design and implement effective measures to monitor it, although, depending upon the specific *modus operandi*, it may be possible to monitor the activities of employment agencies that recruit and place the domestic servants in the first place. Suspicions may also arise when passports or work visas are renewed.
With cases of trafficking for domestic slavery, it is often the case that the only effective practical measure to improve the rate of location and identification of victims consists of increasing public awareness of the problem, with a view to increasing public vigilance and reporting of suspicious incidents.

The role of good networking within the community in this context is crucial to identify the first signs of a possible crime, even in the first stages of recruitment.

In order to successfully identify victims it is necessary to implement a range of proactive monitoring measures that are based upon intelligence-led, multi-agency cooperation. The visibility factor of trafficking can be exploited for the benefit of trafficked victims, provided that law enforcement officers are aware and look out for them. This is key to successful proactive monitoring.

5.3. Why Victim Profiling and Creating Indicators are Necessary

By considering the profile of victims of trafficking within Trinidad and Tobago, it can be used as a guide to assist in determining if the person is, or could be, a victim. Why do we need to profile a victim? Because there is a general confusion over smuggled or trafficked persons and, most often, trafficked victims do not readily come forward and identify themselves.

Victims are often unwilling to assist in investigations and trafficking crimes differ to conventional crimes (whereby the victim normally identifies themselves to law enforcement).

Victims often do not see themselves as a victim and are also reluctant to admit it because of stigmatisation, fear of the traffickers and law enforcement. This is especially true if they have an illegal status within the country, or feel there is nothing they can personally gain from cooperating with law enforcement.

**Indicators**

Law enforcement officers are encouraged to use indicators to identify a trafficked person, or potentially trafficked person. Indicators are an accumulation of known or suspected facts that indicate a person is, or could potentially be, a victim of trafficking. It is a means of building up a profile of a victim of trafficking from Trinidad and Tobago.

An indicator can be:

- **A Direct Indicator** of trafficking, which corresponds (confirms) some of the elements of the trafficking in persons definition;
- **Or an Indirect Indicator** of trafficking, which is based on practical data and social researches of real cases of trafficking (overall average social and psychological
profile of a trafficked person, atmosphere and environment, which surrounds the potential victim).

5.4. How to Create Indicators

Victim identification should be based on the Three Phases of “Trafficking in Persons”, within the definition of trafficking according to the Palermo Convention. This covers the:

**ACTIVITY** – **MEANS** and **PURPOSE**

**Activity**

Questions to ask concerning the **Activity**:

- Was the victim recruited and what were the full circumstances?
- Was the victim transported?
- Was the victim harboured and if so where and under what circumstances?
- Was the victim transferred to another person?
- Was the victim the subject of a sale and therefore received by someone?

Examples relevant to Trinidad and Tobago:

**Recruitment** - Examples include:

- Person responded to an advertisement;
- Promised a lot of opportunities, large salary or financial gains;
- Told a story, the facts of which being not true, or only partly true;
- Signed a doubtful contract.

**Receipt** - Several people involved in the process and received by different persons throughout the entire process. On arrival at locations handed over to someone.

**Transportation** - The persons found:

- Without travel documents;
- With false documents;
- With documents without entry stamps;
- Their travel documents held by someone else.

The transportation was clandestine, by small boat, often taken at night and landed on the seashore.

**Harbouring** - Several persons of similar status (irregular migrants) are found in a house without travel documents and are most times not related. Their movements are restricted and they are contained in the building for an indefinite period of time.
Transfer - Frequent relocation under escort from their locations, and unaware of the surroundings and their next location.

**Means**

Questions to consider of the **Means** used:

Has the person been subjected to:

- Threats;
- Violence and other forms of coercion;
- Abduction;
- Blackmail;
- Fraud or deception;
- Exploitation of vulnerable position, or abuse of power;
- Granting or receiving remuneration, or other benefits, to obtain consent of a person capable to influence another.

Known indicators to identify a victim by the **Means**:

- Physical signs of abuse;
- Age discrepancies - gives the age of 18 (eighteen) years or over but looks and believed to be much younger;
- Signs of trauma, abuse;
- Was the victim coached to answer questions in a particular manner?
- Was the victim forced to perform sexual acts?
- Does the victim have freedom of movement?
- Was the victim in possession of documents?
- Was the victim able to communicate freely to family and friends?
- Was the victim allowed to socialise or attend religious functions?

**Purpose**

Questions to consider of the **Purpose**. Was the person subjected to exploitation by:

- The use of a person for forced labour or service;
- Of engagement in criminal, or other anti-social conduct, or prostitution;
- Placement of person under conditions similar to slavery or modern conditions of slavery;
- Sexual exploitation or forcing provision of other services;
- Use of a person for transplanting an organ, part of an organ, or tissue of a human body or otherwise utilising him/her.

Known indicators to identify a victim who has been **exploited**:
Visible physical injuries (scars, bruises);
No documents - unable to account for them, or was forced to hand them over to an employer;
Of a young age (always be aware of minors);
Location and type of workplace (e.g. brothel, or under the guise of a brothel);
Earning less than the minimum wage;
The type of work engaged in (e.g. construction, security);
The living conditions are poor;
No family connections or familial ties;
Number of persons working or staying in the establishment/gender female/ location/time/method of dress;
Dominance by one person (speaking on behalf of everyone);
Timid, insecure, lack of confidence. Fearful, or apparent overconfidence;
Has the victim or family been threatened with violence or intimidation if he/she attempts to escape?
Has the victim’s salary been kept back (debt bondage)?
Was the victim recruited for one job and forced to engage in some other job?

5.5. The Three-Stage Identification Process

The identification of a victim is a three-stage process which should consist of:

- The consideration of a range of pre-interview assessment indicators that can be evaluated before actually interviewing the individual;
- An interview by an experienced and trained officer who completes a victim identification questionnaire with the individual, consisting of a set of questions focusing on the recruitment, transportation and exploitation phases of the trafficking experience;
- An assessment of any additional corroborative material, such as medical records, Immigration data, etc.

5.6. Principles of Victim Protection

Once a victim of trafficking has been identified the following actions should be considered:

- The victim should not face any criminal charges relating to prostitution or illegal migration;
- The victim should not face deportation, only an assisted, dignified and voluntary return to the home country (seek the guidance of IOM);
- The victim should not be imprisoned but protected and given shelter facilities;
- The victim should be medically examined (with consent);
- The victim is offered assistance and possible redress to the exploitation.
5.7. Best Practice Guidelines of Victim Assistance

There are some internationally-accepted best practice principles with regard to victim assistance. These principles are based on the humanitarian approach and are as follows:

- Genuine trafficked victims should be treated as victims of serious crime and must not be re-victimised nor should their case be criminalised.

International humanitarian standards are quite specific that genuine trafficked victims should not be re-victimised and criminalised by the criminal justice process, and this must be avoided wherever possible.

- The safety of the victims, their families and loved ones, shall be the paramount consideration at all times for all personnel of law enforcement agencies.

The only effective response to trafficking victims is a multi-agency one and this involves sharing information and seeking assistance of governmental departments, law enforcement NGO’s and international agencies who specialise in victim assistance.

- The conduct of a continuous process of risk assessment, in respect of the safety and welfare of the victims and their families at every stage of the assistance, investigative and judicial process, is an essential component of ensuring the safety of trafficked victims.

Safety and the possibility of reprisals against the victims and their families will always be a feature of trafficking crime, and it will never be possible to completely eradicate the risk factors. However, it is the duty of all law enforcement personnel to ensure that the risks, in each case, are assessed from the outset and that the assessment process is continuously reviewed and updated.

Moreover, in those cases where the victims have testified, the duty of care does not end with the conclusion of the trial process.
CHAPTER VI
Suspect Profiling

Introduction

Criminal profiling is now an integral part of everyday modern policing. By narrowing down the list of criminal suspects it significantly helps law enforcement to combat and prevent crimes more efficiently. This chapter will look at criminal profiling, as it relates to trafficking in persons, in an attempt to assist the investigator to more easily identify the trafficker.

6.1. Defining Profiling

There are two types of profiling:

1) Offender Profiling - frequently used in criminal investigation, prevention and detection of crimes;
2) Victim Profiling – this is rarely used in criminal investigations (covered in Chapter V).

What is Profiling?

Profiling within law enforcement is a method with an objective to assist investigations in order to reduce or narrow down the number of potential suspects and, in some cases, to estimate the value of focusing on a specific suspect.

A profile is used as an instrument in the investigation; the profile is not used as evidence. It is used in order to create a more scientific picture of the perpetrator(s).

Offender Profiling

Offender profiling is a behavioural and investigative tool that helps investigators to profile an unknown subject or offender(s).

6.2. The Investigative Phase of Profiling

The Investigative Phase

When crimes are initially being committed by a perpetrator, and are under investigation by the law enforcement, this is also referred to as the unknown offender for the known crime.

The main purposes of this investigative phase are:
• To reduce the viable suspect pool in a criminal investigation, and to prioritise the investigation into those suspects;
• To assist in the linkage of potentially related crimes by identifying unique crime scene indicators, behaviour patterns and the *modus operandi* of known criminals;
• To assist in assessing the potential for escalation of criminal behaviour to more serious or more violent crimes;
• To provide investigators with investigation-relevant leads and strategies;
• To help keep the overall investigation on track and undistracted.

**Investigating Trafficking in Persons**

Investigating “trafficking in persons” cases involves using the many variables of all investigation methods. Profiling of a victim and offenders is therefore necessary as the crime often involves:

• Dealing with highly-organised criminal groups, each with a structure of command with many individuals involved, each with a specific role within that structure;
• Although the crime of trafficking is regarded as a visible crime in as much as the victim and the exploitation can be seen, many of the components are hidden during the recruitment and transit stage;
• The criminal groups often justify themselves within society and pose as legitimate businesses;
• There is a difficulty in identifying victims and victims very often do not see themselves as such;
• The difficulty in identifying traffickers;
• The crime of trafficking involves multiple crimes;
• Trafficking in Trinidad and Tobago is often transnational and involves dealing with organised criminal networks, from small networks to larger ones;
• Traffickers pose as legitimate travellers and business people, especially when crossing borders;
• The crime is heavily susceptible to corruption.

6.3. Profiling the Trafficker

**Building the Profile**

This is done by considering the three phases of trafficking:

**The Activity – Means – Purpose**

**Activity**

The criminal profile of a trafficker can be prepared by determining who is engaged in the activity of trafficking:
• Any person who is involved in the recruitment part of the process;
• Any person who is engaged in transporting the victim;
• Any person who transfers the victim;
• Any person who is involved in the harbouring of the victim; or
• Any person who receives a victim.

The profile should then be used with existing criminal intelligence that exists on that person or criminal group.

This profile should be used as a guide when investigating criminal offences but also at border crossing points and ports, when screening passengers within the mixed flow of people crossing borders.

**Profiling the Trafficker in Trinidad and Tobago**

**The Transporter** - Any person involved in the transportation process by land, sea or air. This could be a maxi-cab driver, a person who arranges transport, a boat owner or the crew.

**The Recruiter** - Is often a person known to the victim and trusted, even a relative and sometimes the husband of the victim. The recruiter is often a former victim. Often the recruiter is, or has been, working as a prostitute. Employment agents, tour operators, and persons who put the ads in the situation vacant columns of newspapers, can also be recruiters. Strangers approaching people in market places offering jobs at home or abroad act as recruiters.

**Harbouring** - Rented apartments and safe houses or hotels are used and often the victim is sexually exploited there. The victim is kept there, often in confinement, until the transportation can be arranged. The owners or occupiers of such premises, or the guards, are involved in the harbouring process.

**Means**

Someone who uses the **means** against the victim by using any forms of:

• Threats;
• Violence, or other forms of **coercion**;
• Abduction;
• Blackmail;
• Fraud;
• Deception;
• Using vulnerable position of a person or by abusing power, granting or receiving remuneration, or other benefits.

Withholding the identity documents or passport is a means of controlling the movements...
of someone.

This person is often the manager of a brothel or business, a bodyguard or an agent of the manager.

**Purpose**

**The purpose of trafficking** - the purpose is always to exploit the victim and gain financial reward and any persons who are involved in this process are traffickers.

The exploitation can be any form of exploitation, but the most commonly found in Trinidad and Tobago are sexual exploitation and labour exploitation. That is not to say that other forms of exploitation, such as servitude, forced begging, removal of body organs, etc, are not occurring.

The persons involved in this process could be the manager of the premises, the receptionist, or the pimp.

**The placement under modern conditions of slavery (servitude) shall mean the deprivation of personal identification documents; restriction of the right to free movement; prohibition of contact with a family (including correspondence and telephone communication); cultural isolation; and forced labour (under conditions degrading to human honour and dignity and/or without any, or adequate, remuneration).**
CHAPTER VII
Law Enforcement Investigation Methods

Introduction

With the sole exception of trafficking for the purposes of exploitation in domestic slavery within private residences, all forms of trafficking are visible and can be seen by Police Officers if they look diligently in the right places.

This degree of visibility makes traffickers acutely vulnerable to proactive investigation. The visibility is created by the fact that traffickers cannot conceal their activity at all times. For example, in sex exploitation cases, they have to advertise the availability of the prostitution. In labour cases, they cannot hide workers in the construction sites and companies and, in many instances, they also have to advertise and market the products of the exploitative labour.

Each of these exploitation activities makes the criminal groups visible and vulnerable to intelligence gathering to identify the range of crimes that they are committing. This, in turn, enables the Police to proactively investigate cases.

There are a range of specialist techniques that can be developed from carefully-planned intelligence gathering, focusing on the five core components of the crime: advertising; purchasing; transporting; communicating; and financial transactions.

This chapter highlights those specialist techniques that enable Police to investigate the criminal cases of trafficking in persons more efficiently.

7.1. The Investigation Options

There are three counter trafficking alternative approaches open to law enforcement investigators. They are known as the proactive, reactive and disruptive investigative options.

The Investigative Options

- **Reactive** – This is the victim-led option based on a victim being identified or coming forward and providing testimony;
- **Proactive** – This option is generated from an intelligence report that is law enforcement-led and involves special investigative techniques. It is not dependant on a victim’s testimony;
- **Disruptive** – A Police-led operation aimed at stopping or stalling the illegal activity.

The Police must decide what option to take based on a victim risk assessment. When a trafficking victim is identified, and provides testimony, the Police investigate the case
following the standard procedures of crime reactive investigation, the same as in any other complaint of crime.

When Police become aware of a suspected trafficking case where there is no victim’s testimony, they have the options of adopting either the proactive approach of investigation or the disruptive method.

### 7.2. Disruptive Investigation – Police-Led

The disruptive method of investigation means the lawful closing down, or disrupting and stopping by legal means, of a suspect illicit business/activity, e.g. a brothel. This option is used:

- When the **level of risk to a victim demands an immediate response**;
- Proactive approach is not an option;
- Where there is a need to address an identified problem very quickly.

Key points to note when considering the disruptive option include:

- It is not a long-term solution and may only displace the problem to another location;
- It can drive the problem “underground”;
- Use a multi-agency approach to stop the activity, e.g. licensing authorities, Government offices, fire department, etc.

Many illicit business activities can be temporarily, or permanently, stopped or stalled because they are unlicensed or their buildings are unsafe and do not conform to fire regulations or health and safety and the factories legislation. This will force the owners to come out into the open, which will allow law enforcement agencies to monitor that business more easily.

**Disruptive Option - Sequence of Investigation**

- Collection and **analysing of all intelligence**;
- Risk assessment (inspecting the location, controlling and protecting external area/periphery and determining the risk factors for victims);
- Decision making – determining the appropriate course of action;
- Liaising with other related agencies (ambulance/first aid, fire department, tax/revenues office, licensing departments, department of demolition of unsafe structures);
- Taking an overall control of the situation;
- Investigate the legality and activities of an **organisation**;
- Identification and studying of personnel and founders of an **organisation**;
- Monitoring of further activity.
7.3. Reactive Investigation – Victim-Led

This is the victim-led option where the victim comes forward, or is identified by other means, makes a complaint and subsequently provides a written testimony. The Police investigation can then normally commence, but the following points should be considered first:

- Do the Police have to act immediately?
  - Sometimes it is better to wait, conduct some proactive enquiries and assess the situation
  - If minors are involved then action should be taken immediately
- Are there any known witnesses?
  - Corroboration of the facts is required and all efforts should be made to locate any witnesses
- And if so, are they willing to testify?
- Is it safe for the witnesses to testify?
  - Victim and witness safety is paramount
- Is there any corroboration of the victim’s testimony?
  - Often there are attempts to discredit a victim’s evidence, therefore corroborative evidence is required. This could be a friend of the victim or family
- Is witness protection required?
  - Conduct a victim risk assessment (note: this is an ongoing process)
- If the witness is the victim, what are the needs?
  - There will be many needs of the victim, they could be: welfare; medical; physiological; safety; legal status in the country; etc.

7.4. Proactive Operations

The Police immediately take charge of the case and commence a proactive investigation. The arrest and successful prosecution of traffickers should, in theory, be possible without having to rely upon the cooperation and testimony of the victim. It is a combination of intelligence gathering, human and technical surveillance, undercover agents and standard investigative techniques, to identify the trafficking victims and investigate a prima facie case against the traffickers.

The investigations may be initiated by the Police based on: their suspicions of a criminal activity of trafficking; on information received from an informant; or by a verbal complaint from a victim (victim is unwilling to provide a testimony) or third party, e.g. a victim’s family member or an informant. It consists of conducting surveillance observations on specified premises, or persons, and/or making a test purchase to verify the information and to obtain evidence that can be used to gain a warrant to search the premises.

Therefore, in defining a proactive law enforcement-led investigation, it is:

- A law enforcement-led investigation based on intelligence reports;
• The investigation, arrest and successful prosecution of traffickers without having to rely upon the cooperation and testimony of the victim;

• A combination of intelligence-gathering, human and technical surveillance, undercover agents and standard investigative techniques, to identify the trafficking cases and investigate proceedings against the traffickers.

The Proactive Approach

A proactive approach will be used when investigators receive information of an ongoing criminal activity from a confidential source (intelligence gathering) or from the report presented by a witness.

The information received does not call for a quick reaction, meaning that there is no imminent risk for the victims if arrest is delayed. Therefore, investigators can plan their activities intended to collect evidence, according to their operational plans or resources.

In planning the proactive approach to investigation the Police can:

• Select the starting point of the operation;
• Control the direction the investigation will take;
• Remain in control until the final outcome.

The proactive approach to investigation is the favoured method for investigators. Proactive investigations are more effective because the investigative officer retains control on the time and modalities of the investigation. In these circumstances, the traffickers will never know when, where, or how investigators will act.

Proactive Tactics

The proactive tactics of the pre-arrest phase are designed to gather the evidence with which three objectives can be achieved:

• Rescue and assistance to victims;
• Arrest and prosecution of the traffickers;
• Identification, freezing and confiscation of the assets;

7.5. Proactive Investigative Methods

The law enforcement can use a number of proactive techniques when investigating suspected trafficking cases. The use of these methods are carefully assessed and planned by the Chief Investigating Officer. Only trained law enforcement officers are to be used in operations, and proper instructions, guidance and monitoring must be given.

If a decoy or undercover officer is used they should not take part, condone or encourage anyone in committing a criminal offence. The data obtained should be used in the preparation
of the information or affidavit to obtain the Justice’s warrant for search.

**Proactive Methods of Investigations**

**Surveillance**

This amounts to a planned and structured “keeping watch” of the premises/persons suspected of conducting illegal activities through various methods. The most appropriate method of surveillance will be chosen based on the location and other variables to prevent detection.

This surveillance is carried out over an extended period of time and, in order for the investigation to be effective, it is important that all activities are carefully documented for evidential purposes. Use, wherever possible, a camera to record events and binoculars to aid vision, etc.

**Observations**

An observation is not as concentrated as carrying out surveillance. This may be just a one-off occasion where something/someone is observed which, based on your experience, you have deduced that an offence against the Act is being committed. The observation is recorded and passed through to the investigating officer who will record and match it against existing intelligence, to build a case against traffickers.

**Test Purchase**

A test purchase consists of an undercover officer making a planned and coordinated visit to the identified premises and posing as a client. The aim is to accumulate evidence and criminal intelligence that there is a prima facie case of a crime under the Sexual Offences Act occurring on the premises, and also to determine if there are any minors there.

Any money that is used should be marked so that it can be identified and used in evidence. The test purchase usually follows surveillance or observation and the evidence/information gained should be carefully recorded to use in the affidavit that is required when applying for a warrant under the Sexual Offences Act 1986.

It is however, very important to note that the undercover officer must never, under any circumstances, cross the line and become involved in, or engage in, the illegal or illicit act that is taking place.

**Phone Tapping and Interceptions**

This is carried out strictly in accordance with laws, laid down procedures and authorisations.
CHAPTER VIII
Operational Planning and Evidence Gathering

Introduction

The operational planning concludes the investigation phase and is the time when the planned Police operation takes place. This chapter details a method of a planned response and includes the crime scene and evidence gathering process.

8.1. The Trafficking Crime Scene

Successful crime investigations start with effective crime scene preservation, search and gathering of evidence. They end with the gathering of all available corroborative evidence and intelligence. Hence, criminal investigations lead to a successful instrument in the court proceedings that enable prosecution of traffickers.

Whilst most law enforcement investigations of serious crimes start at an easily distinguishable scene of crime (e.g. murder or a burglary), the trafficking crime scene is not so readily defined. The trafficking crime scene is unique, because it is not always evident and distinguishable. This is mainly due to the fact that the crime scene moves from place to place, and very often starts in another country. The current scene is often only part of a bigger picture.

Note: All places the trafficked person has been, and is currently located, should be considered as crime scenes and searched accordingly for evidence.

This is due to the fact that the trafficker will often continually move the person from place to place during the trafficking phases. Therefore, whenever or wherever a victim is located, be it at the border whilst attempting to exit or enter, or if found in a hotel during a control, the search for vital evidence MUST always be done quickly and thoroughly.

8.2. Operational Planning/Warrant

Before a Police operation can be carried out, a warrant to enter the premises under the Sexual Offences Act 1986 must be obtained. The warrant is granted by a Justice in a closed court.

To obtain this warrant, evidence must be presented in the form of an affidavit, on the grounds of reasonable suspicion that offences under the Act are to be found on the premises. The evidence will be provided from the proactive investigations carried out, i.e. surveillance, test purchase, etc.

Consultation should be made at this stage with the Police Legal Department. They will assist in the preparation of the statement of purpose and give guidance as to evidence
8.3. Planning and Briefing

Following the successful obtainment of a warrant under the Sexual Offences Act, it is vitally important to carefully plan the execution of the warrant. This section explains how to plan a Police operation, sometimes referred to as a raid, by using an internationally-recognised model known as I.I.M.A.C.

The operational plan is likely to be complex and must also have been the subject of a separate risk assessment, and management process, that should be fully recorded in the usual way.

Even the lowest categories of trafficking cases have the potential to be complex. Therefore all arrest operations should be made the subject of an arrest operation plan and briefing. This will address the five key areas, in the following sequence, using the I.I.M.A.C model.

I.I.M.A.C stands for:

I - Intention
I - Information
M - Method
A - Administration
C - Communications

The idea of this format is to provide a logical framework for planning the operation and providing the detailed operational briefing for all personnel that will be engaged in the exercise.

This framework can be applied to all forms of arrest operations. It is designed to be flexible and provide the officers deployed with detailed and precise instructions as to the operational goal and their precise roles and responsibilities within it. The following points are set out as general guidance:

**I - Intention**

*Intention* - This part of the plan should state, in concise and simple terms, the objective(s) of the arrest operation, i.e. to affect the arrest of a number of named suspects; to rescue the victims of exploitation; and to enter specified addresses to search and seize evidence.

**I - Information**
Information – This part of the plan and briefing should set out a brief outline of the investigation to date, e.g. the information gained from the proactive measures used (test purchase, surveillance, observations, etc). The deployed officers should also know the background to their deployment, to affect arrests of suspects and rescue of victims.

M - Method

Method – This is the detailed part of the plan used during the operational briefing and it should incorporate precise instructions, as given in the following examples:

- The posting and deployment of the officers into their respective teams. Team 1 is responsible for the arrest of suspects, search of the premises and security of evidence. Team 2 is responsible for the care and protection of victims. Team 3 is responsible for back-up and perimeter security of the crime scene. It is also good practice to have a forward meeting point near the target’s premises.

- Consider the sequence, timing and coordination of each plan phase and, in particular: the preliminary surveillance; timing and identity of the officer responsible for giving the order to affect the planned arrest; the execution of the arrest of the suspects; deployment of the search and seizure teams; etc. (In more complex arrest operations, involving multiple suspects and venues, getting this sequence, timing and coordination of the arrest phases right will be of prime importance to the plan’s success.)

- Give precise instruction as to the legal and procedural powers that will be used, and instructions as to the execution of those powers. For example, Team 1 to: affect the arrest of Suspect A for suspected offences under the Law; to comply with the rights of arrested persons by ensuring that he/she is informed of the fact of the arrest, the grounds upon which it is based, the date and time of his arrest, etc; and to search for, and seize, only those evidential items specified under the warrant. Team 2 to: quickly identify victims, taking special care to identify minors; and to ensure their dignity and protection whilst removing them to a place of safety.

- Give specific instructions as to the best practice and force procedures in crime scene management and specific deployments to meet these standards. For example, Team 3 officers to: identify and secure the perimeter of the scene, ensuring that no-one leaves or enters; and to be prepared to assist team 1 and 2 if required.

A - Administration

Administration – This section of the framework should be used for all other administrative detail that is not directly related to the operational execution of the plan. For example: instructions as to which Police station the arrested suspects are to be taken; where any victims are to be taken; the officer to whom all of the seized evidential exhibits are to be handed; to whom all of the arrest and search notes are to be handed; etc.
C - Communication

Communications – This section provides instruction on the methods by which the officer in charge of the operation, and the arrest and search team(s), will communicate with each other. For example: using only designated Police radio channels and designated call signs; the contingency planning use of mobile or landlines phones; and the use of the communications by the arrest team(s), to report and update their progress through the phases of the operation to the officer in charge. Examples of this communication would be: 1) Immediately notify the officer in charge when the team has arrived at the forward meeting point, near to the home address of their allocated target; 2) Report when the team is moving out to start the operation and then their arrival at the target’s address. From then on, report all occurrences including the arrests made and the victims secured.

It is very important to allocate sufficient time for the professional and detailed preparation of the arrest plan and for the briefing of the officers deployed on it. “Failing to plan is planning to fail.”

8.4. Operational Security

The following points on operational security should be considered:

- Ensure secrecy throughout the planning stage;
- Conduct the briefing and ensure that no information is leaked (strictly no mobile phones to be used);
- All operational personnel leave together, there is no delay and strictly no mobile phone calls to be made or talking to anyone not connected with the operation;
- Execute the warrant (enter the premises) whilst effectively securing the crime scene;
- Ensure no-one on the premises is allowed to make any telephone calls (mobile or landline).

8.5. Securing Evidence from the Crime Scene

Conduct a comprehensive search of the premises for evidence relating to the Sexual Offences Act and seize for evidential purposes:

- All monies found (local and foreign currency);
- Pornographic material and any evidence of sexual activities, condoms (new and used), gel, ropes, etc;
- All hotel or business books, records, registers or documents;
- Any item relating to any form of explicit activities being practised on the premises;
- Mobile phones;
- The victims travel and identity documents, who was holding them and where found;
• Victim’s diary;
• Any evidence of confinement.
• Rescue and give assistance to victims, taking special care for any minors or victims suspected to be minors;
• Arrest and detain all suspects (manager, doormen, assistants, housekeeper, etc);
• Identify and determine who is the mastermind and arrest the person if present.

It is important to restrict and monitor the movement of persons and prevent the use of mobile and landline phones during the operation. This will prevent messages being relayed by persons on the premises to other criminal members, warning them of the Police operation.
Be aware that criminal suspects or victims are under instructions to warn others involved in the criminal network including the mastermind.

8.6. Post Operation

The following points should be considered immediately following the operation:

1. Ensure that victims are safe, by immediate referral to the Government agencies of victim assistance. Are interpreters required?
2. Convene a debriefing that thoroughly reviews and assesses the operation;
3. After carrying out an operation and execution of the warrant it is essential to label and properly secure and store the evidence, to ensure only the best evidence is presented to the court;
4. If the mastermind was not at the premises, it becomes necessary to prepare a warrant for their immediate arrest;
5. After the operation, gathering of evidence and collecting witness statements, it becomes essential to make early consultation with the Legal Department for advice and guidance.

8.7. The Evidence Trail

The evidence trail starts very early on, when the information first comes to light of the existence of a trafficking case.

The property and evidence seized is vital to prove an offence under the Act, whilst property seized can also be awarded as restitution to the victim. The safety and security of evidence is therefore vital. Police must also seek corroborative evidence to support the case.

Additional Corroborative Material/Evidence

Additional supporting material may be used to corroborate the victim’s account and help in the decision-making process. Documents, or other supporting material, may be available from the victims themselves. The following are examples:

• Police reports;
• Reports of any medical treatment provided for injuries prior to referral;
• Copies of employment contracts or copies of the original advertisement;
• Still or video pictures taken at the crime scene during the Police control;
• Diary entries, letters written by the victim;
• Victim’s travel documents;
• Corroborating evidence from victim’s associates, or family, of the trafficking process;
• Any relevant photographs or documents that are found either in possession of the victim or suspects that may assist the investigation;
• Mobile phone data.

Arrest of Mastermind and Control of Premises

It may be necessary to plan a second operation to arrest the mastermind. Trafficking is an organised, complex crime with many people involved who have specific roles within the criminal network. There is hierarchy, with the top person often referred to as the mastermind. Upon arrest, all premises stated in the warrant can be controlled by the Police whilst the mastermind is held accountable for the assets.

8.8. Victim Assistance

It is very important to make the early identification and assessment of victims and verify their ages. Special attention must be given to minors under 18 (eighteen) years; they must be given priority assistance. Minors are often told by their employers to give their age as 18 years or older. Their age must be thoroughly checked out if there is any doubt as to the true age of the victim.

The safety of victims is paramount and the first consideration. Therefore, law enforcement should seek early assistance from the Government and Non-Government Organisations (NGO’s) to assist in victim safety, protection and assessing immediate care needs.

Victims are often traumatised and this must be taken into consideration very early on. Seek assistance from trained counsellors.

Victims will be able to provide the vital evidence that can secure a conviction against the trafficker or facilitator. However, they are often unwilling to provide a testimony because of fear of reprisals, etc. Pressure must never be put on the victim to provide a written statement. If a victim is willing, and it has been assessed as safe and appropriate for them to do so, then only an experienced and trained officer should record this statement. If the victim is a minor, then a parent or legal guardian must be present, or a legal representative.
The Republic of Trinidad and Tobago Law Enforcement Investigation Process and Measures to be taken when investigating cases of “Trafficking in Persons”

Starting the case:
- Intelligence-based operation concerning suspect premises/activities or businesses and conducting a proactive approach of prevention and detection of a suspected trafficking case

Suspect premises, e.g., brothels, massage parlours, nightclubs, hotels, etc → Information passed to.......... who collects and assesses information. Police direct covert enquiries and start an investigation → Instigates proactive investigative measures, e.g., observations, surveillance, test purchase, undercover work, etc (objective to confirm the criminal activity and gather evidence)

Warrant granted by a Magistrate to the Police to search premises for evidence and arrest suspects
Application submitted to the Court for a warrant to search the premises → Prepare a report of evidence to apply for a warrant under the Sexual Offences Act

The Police Operation (Execution of the Warrant)

Operational Planning → The Police Operation (Execution of the Warrant) → Immediate security of the crime

Identification and rescue of victims
- Special care to identify minors, special care and assistance provided
- Assess immediate needs, provide safety and assistance
- Victim risk assessment
- Victim testimony
- Shelter assistance
- Protection issues of victim
- Victim identification of Mastermind and facilitators (directly or indirectly involved)
- Further warrant application and arrest of Mastermind/facilitators
- Investigation into the criminal assets
- Police and prosecutors review the case and prepare the Court file of evidence for the subsequent Court case

Court Case

Safety and security of evidence for production at Court → Consultation with DPP department → Investigate and follow money-trail of organised crime groups (money laundering)

Searching of suspect premises for evidence of trafficking → Seizure of property subject of the crime
Case Studies

Scenario One

The Story of Grace

Grace is nearly 17 years old and living in a small town in the south of Trinidad with her mother and three younger siblings. Her dad has recently died, leaving the family with very limited resources.

Grace is looking for a job that will support her family and responds to an ad in the vacancies section of the daily newspaper. “Attractive girls wanted, very good pay”, call 322 5--9. Grace calls the number, which is answered by a friendly lady called Patricia. Patricia says: “I am looking for broadminded, pretty girls to give personal massages. Our company is well-established and we offer good rates of pay, in excess of TT$2,500 per week. Full training will be given.” Pat tells Grace she will have no expenses and that a car will be sent to collect her and bring her to the Port of Spain office for interview. Grace agrees.

Grace is taken to a house in Belmont, Port of Spain, where she meets Dan who explains he is the manager. Dan is a loud and frightening man, he spends a long time talking to Grace and explains that this is an adult business dealing with executives who pay a lot of money to receive a friendly service from attractive girls.

Grace is very intimidated, especially when she is told she will have to sign a contract and pay some money to receive training. She is told she will live on the premises and, for this, a small charge will be taken from her earnings. Grace thinks about leaving and tells the manager this but then she is introduced to Angel, to whom she takes an immediate liking. Angel is very friendly and offers to help Grace. She says not to worry, that Dan is just a businessman and she would take care of her. Angel also lives on the premises. She says the contract she has signed is normal, just a piece of paper, and that she would soon earn lots of money to pay back the fees, it was nothing to worry about.

Grace feels reassured and goes with Angel to meet her first client. Angel says she must do as the client asks. Standing outside the door of the room is Brendon; Angel says he is there to protect her. Grace is again nervous and wants to leave but Brendon says she must stay and do what the client asks, otherwise he will tell the manager who will be angry. Grace feels she has no choice and is forced to offer sexual intercourse to the client. Angel tells Grace she has already earned TT$250 and she will earn easily five times that in one day. Plus, if she obliges the client, he will tip her and this she can keep.

Grace wants to go home but feels she has no alternative but to stay, as she doesn’t want to let her mother down by failing to send home money. Grace works there for two months but doesn’t receive any money, just her food and lodgings. When she asks for money she is told that the expenses must be paid as per the contract first. She works every day from 3pm to 5am and is told that she mustn’t go out unless Brendon goes with her. Several times she is
taken by a taxi driver to a hotel, or a house, where she has to give sex to a client. Brendon always goes with her and waits in the taxi until she has finished. She is told she will earn extra money for this but still hasn’t received any, just TT$100 for toiletries.

Finally Grace tells a client named Lal, who has seen her on two or three occasions and seems a nice man, that she wants to leave but she doesn’t know how. She borrows the client’s cell phone and calls her mother. Grace is crying and hysterical. The mother immediately calls 555 and asks for help.

1. What should the Police tell the mother?
2. What are the prime considerations of the Police at this stage?
3. What are the secondary considerations?
4. What criminal acts, if any, are taking place?
   - Who is responsible; and
   - What action should be taken against them?
5. Considering a multi-agency approach, what agencies can assist and in what way?

**Scenario Two**

**The Story of Maria**

Maria is 25 years of age and lives in Columbia with her invalid husband and two children. She has to work as a street vendor to support the family.

Her situation is desperate and one day a lady called Sophia talks to her in the street. She tells Maria about her job in Trinidad, working in a hotel, and that she sends money home to her family to support them. Sophia says she can help Maria by getting her a job in the hotel where they need waitresses for the many tourists. Maria has no money for the travel and only has an identity card. Sophia explains they will go by boat and it’s not necessary to have a passport. Also, she can pay for travel from the wages she will soon earn in Trinidad. Maria has never left her country before.

After two days the two women meet again at the bus depot and travel together with two other younger girls. Maria thinks that Sophia is indeed a kind soul to help her. On the bus Sophia takes the identity cards from the three women for safe keeping and at the border with Venezuela she talks to the borderguard. On the bus, Maria makes friends with one of the young girls who has just left school and is really excited at finding her first job on a rich and exotic Caribbean island.

They travel for many hours and reach a town near the sea where they are taken to a house. Sophia meets a man who speaks English and a Venezuelan man. The girls are told to stay in the house as it’s a bad area. They stay there for three days and food is brought to them. They are told they are waiting for a boat. The girls talk together and are happy when they are told that the next night they will travel to Trinidad. Late at night they are taken to a small fishing boat and they leave the shores of Venezuela.
They arrive at a small island and go ashore for a short time but soon board another boat. After a short boat trip they go ashore and wait for a car to pick them up. A maxi-taxi arrives and Sophia talks to the driver in English. She calls him Dennis. After two hours they arrive at a house and go inside. Sophia tells them this is the hotel where they will work. Maria notices there is no restaurant or tables and wonders how she will be a waitress. She sees other Columbian and Venezuelan women there and they are dressed in exotic clothes. She at once understands it is a nightclub and the girls are prostitutes.

Maria is seen by the manager Raj who tells her that she must pay TT$400 each week to stay there, and also TT$40 per day for her food. Also she must pay TT$4,000 for her travel, but that can be paid off weekly from her earnings. Raj tells her if she works hard and is good to the customers, she will earn lots of money and will soon pay off her debt. He adds that he will keep her identity card until the money is paid though.

Maria does not want to work as a prostitute and refuses to work for three days. Sophia has left and Maria only talks to the younger girls she came with. They are already working and tell her she must do the same. Then, when they have saved enough money, they can all leave together to go home. Reluctantly she starts to work but happy to think that in a few weeks time she can return home and put all this behind her. The girls are told they must not leave the hotel as, if the Police catch them without documents, they will be arrested and put in prison for a long time.

After one month the Police and Immigration raid the hotel and all the girls are taken to a Police station and interviewed with an interpreter. Maria is very frightened at the prospect of going to prison because she knows she is a prostitute and that this is illegal. She has seen Police Officers using the services at the hotel for free. She is fearful of the Police and has been told that they will beat and abuse her. She is crying when you talk to her.

Please consider the following:

1. What is your first consideration?
2. How will you treat Maria and conduct the interview?
3. After the interview what will happen to Maria?
4. Considering “trafficking in persons” will this be a case and, if so, who are the traffickers and why?
5. What offences, if any, will be committed within T&T law and who can be charged after investigation?

Scenario Three
The Story of the Guyanese Men

You are a detective officer working in San Fernando when Immigration asks you to assist in an investigation. The Immigration Officer thinks a Police Officer should interview some Guyanese men that have been detained.
A Police patrol detained five Guyanese men found wandering in a village, having been alerted by a member of the public. They are taken to the Immigration Office because they have no identity documents.

When you attend the Immigration Office you find the five young Guyanese men (aged between 19-25 years) all in a pretty desperate state. They look dishevelled and are hungry. They have just a few belongings, no money and are unable to produce any identity. They say they have been working on a large construction site down South for a sub-contractor and the boss of the company had kept their identity cards.

They had arrived in the country by fishing boat two months ago, had been given a telephone number in Guyana, and were met by a man who took them to the construction site. Now they have left their work, wanting to go back home, as they weren’t being paid. They had only received their board and lodgings in return for work. They thought they could find other employment and earn money which is the reason they came to Trinidad.

1. What is the legal status of the Guyanese men in T&T?
2. Is this a Police case and, if so, what would you establish?
3. Considering “trafficking in persons”, are these Guyanese men victims and, if so, why?
4. If you consider this a trafficking case, who else would you wish to see, and for what reason?
5. What can be done, if anything, to assist these men?
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Material gathered from the participants of IOM during the “Train the Trainers” course and the field training seminars held at Police stations throughout Trinidad and Tobago, in July 2008