



## **Novel Strategies to Fight Child Sexual Exploitation and Human Trafficking Crimes and Protect their Victims**

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# **D4.4 Manual for Early Identification of Potential Victims of Trafficking in Human Beings, Child Sexual Abuse and Child Sexual Exploitation**

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<b>Abstract (for dissemination)</b>	
<p><b>The Manual for Early Identification of Potential Victims of Trafficking in Human Beings (THB) and Child Sexual Abuse and Child Sexual Exploitation (CSA/E)</b> aims to serve as a practical tool for early identification of potential victims of THB and CSA/E. The Manual targets frontline responders and other relevant practitioners (law enforcement agents, labour inspectors, non-governmental organisations, health, and education professionals, etc.), who, during their daily work, might detect potential and actual victims of THB and/or CSA/E, and refer them to the adequate support services.</p>	
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## Abbreviations

AI	Artificial intelligence
CI	Classified information
CoE	Council of Europe
CSA	Child sexual abuse
CSA/E	Child sexual abuse and child sexual exploitation
CSE	Child sexual exploitation
CSEM	Child sexual exploitation material
CSO	Civil society organisation
CWCS	Centre for Women and Children Studies, Bangladesh
E4J	Education for Justice
EU	European Union
FEI	France Expertise Internationale
GRETA	Group of Experts on Action against Trafficking in Human Beings, Council of Europe
ICT	Information and Communications Technology
ICAT	The Inter-Agency Coordination Group against Trafficking in Persons
ICMEC	International Centre for Missing & Exploited Children
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organisation
IOM	International Organisation for Migration
IP	Internet Protocol
KEMEA	Centre for Security Studies, Greece
LGBTQIA+	Lesbian, gay, bisexual, transgender, queer, intersex, and asexual
LEA	Law enforcement agencies
NGO	Non-governmental organisation
NRM	National Referral Mechanism
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
OSINT	Open-source intelligence
P2P	Peer-to-peer
SMS	Short message service
SOP	Standard Operating Procedures
THB	Trafficking in human beings
TIP	Trafficking in persons

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UCM	Complutense University of Madrid (Universidad Complutense de Madrid)
UK	United Kingdom
UN	United Nations
UN.GIFT	United Nations Global Initiative to Fight Human Trafficking
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
US	United States (of America)
VPN	Virtual Private Network

# 1. Introduction

**The Manual for Early Identification of Potential Victims of Trafficking in Human Beings (THB) and Child Sexual Abuse and Child Sexual Exploitation (CSA/E)** aims to serve as a practical tool for early identification of potential victims of THB and CSA/E. The Manual targets frontline responders and other relevant practitioners (law enforcement agents, labour inspectors, non-governmental organisations, health, and education professionals, etc.), who, during their daily work, might detect potential and actual victims of THB and/or CSA/E, and refer them to the adequate support services.

The Manual provides **legal definitions of the THB<sup>1</sup> and CSA/E phenomena**, as well as examples of existing **tools (indicators) for early identification** that exist at the international and national levels. Further, the Manual contains **sets of tailored, sector-specific indicators for early identification of potential THB and CSA/E victims in four selected countries: Bangladesh, Colombia, Spain and the United Kingdom (UK)**. These indicators are developed based on the characteristics and the specifics of the phenomena in the countries themselves, accompanied by a brief assessment of the specific contexts in which they occur, with a focus on the relevant economic and social sectors. Given the fact that the Internet has increasingly become a major tool for victim recruitment and exploitation, specific attention is given to the online abuse, exploitation and trafficking. Understanding such elements and devising indicators to combat THB and CSA/E in the digital age are urgent matters that need to be addressed.

The Manual has been developed in the framework of the HEROES Project<sup>2</sup>, which is a European Union-funded programme. HEROES is implemented jointly by law enforcement agencies, international organisations, academic institutions, and civil society organisations from countries in the Americas, Europe and Asia with the objective of developing novel strategies to fight CSA/E and THB crimes and protect their victims. By the end of its implementation cycle, the HEROES Project will have developed nine new web applications and tools to empower citizens, NGOs, law enforcement agencies, and other responders to detect and curb CSA/E and THB. Such novel strategies will encompass knowledge and technological developments to furnish all relevant actors with the means and tools they need in this fight. The purpose of this Manual is also to contribute to HEROES by creating social science parameters to populate and guide the technological systems under development. Furthermore, the guidelines and indicators in this document will serve as the foundation for training modules on early identification and initial referral of victims, aimed at THB and CSA/E frontline responders within the HEROES Project's training programme, as well as any other interested party worldwide.

## 1.1. Objectives of the Manual

**The main objective of the Manual is to strengthen the capacities of the frontline responders and other relevant practitioners<sup>3</sup> to early identify and refer potential and actual cases of THB and CSA/E to adequate services**, by expanding their knowledge and skills to proactively use **practical tools (indicators) and techniques** in their daily work.

The Manual also aims to:

-  Expand the knowledge and understanding of the frontline responders on the role of the internet and online applications on THB and CSA/E;
-  Determine indicators and case identification methods that can be replicated in the same or similar sectors in other countries, depending on the specific contexts.

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<sup>1</sup> "Trafficking in Human Beings" and "Trafficking in Persons (TIP)" are interchangeable terms. The United Nations adopted the term 'trafficking in persons' when it passed the Protocol against Trafficking in Persons. Both terms can be found in this Manual, depending on the sources used.

<sup>2</sup> HEROES Project - Novel Strategies to Fight Child Sexual Exploitation and Human Trafficking Crimes and Protect their Victims

<sup>3</sup> Law enforcement agencies (LEAs), non-governmental organisations (NGOs), international organisations (IOs), anti-trafficking government agencies, etc.

## 1.2. Contents and Structure of the Manual

THB and CSA/E crimes have different characteristics in different contexts, influenced by various political and economic factors. The Manual contains two main parts. The **first part** therefore provides:

- a **general overview of THB and/or CSA/E internationally** (including general **vulnerabilities to trafficking, abuse and exploitation**), as well as
- **general (internationally used) indicators** for identifying adult and child victims of various forms of THB, as well as CSA/E.

The **second part** of the Manual provides:

- an **overview of THB, CSA/E in the countries under study** (Bangladesh, Colombia, Spain and the UK), including vulnerabilities to trafficking and exploitation in each of the selected countries.
- **sector-specific indicators for early detection** of potential and actual trafficking cases and exploitative/abusive situations. The specific **tools (indicators)** were designed to specific contexts within the four selected countries, based on detailed research on existing methodologies for early detection of THB and CSA/E, including research interviews with relevant stakeholders in these countries (**see part 2.1**).

Each of the two parts of the Manual contains two sub-parts, as follows:

### **Part I: Conceptualisation of the THB and CSA/E phenomena, definitions, as well as the existing tools for first-level identification of such crimes at the international level.**

#### ○ **Sub-Part A:**

- General explanation on THB identification.
- Description of the existing tools, mechanisms, and indicators for early first-level identification of THB developed by regional and international organisations and/or in the international law.

#### ○ **Sub-Part B:**

- General explanation on CSA/E identification, presenting the definitions of child sexual abuse and child sexual exploitation.
- Description of the existing tools, mechanisms, and indicators for early identification of CSA/E developed by regional and international organisations and/or in the international **law**.

### **Part II: Country- and sector-specific indicators of THB and CSA/E.**

- **Sub-Part A:** General description of THB and/or CSA/E context in the countries under study (Bangladesh, Colombia, Spain and UK), containing:
  - A brief description of THB and CSA/E contexts in each country under study, highlighting the social, psychological and economic factors identification leading to those crimes.
  - A brief mapping of the legal and institutional frameworks relevant to THB and CSA/E in each country.
- **Sub-Part B:** Country- and sector-specific indicators (case studies)
  - A situational analysis containing an overview of the sector under study and the types of exploitation and/or abuse occurring therein.
  - A list of indicators for THB and/or CSA/E separated by indicator categories.

The Manual also includes instructions for frontline responders on how to use the indicators and questions to ask potential victims and perpetrators to spot verbal indicators. Finally, THB and CSA/E may overlap or happen simultaneously in many cases. The contexts and indicators of these phenomena are likely to be complementary at best and supplementary at least, allowing for cross-identification.

### 1.3. Who is this Manual for?

This manual is designed to assist any stakeholder who may come into contact with potential or actual THB and/or CSA/E victims. These stakeholders are known as "frontline responders" and they have the possibility and responsibility to detect suspicious cases and refer them as soon as possible to the competent authorities and organisations/services for further investigation, assistance and support.

The stakeholders that are likely to come into contact with potential victims of THB and/or CSA/E may vary in each country and may include but not limited to: representatives from law enforcement agencies (LEAs), anti-trafficking government agencies, **social workers, police representatives, border officials, labour inspectors, educators, health professionals, migration and asylum authorities, representatives from non-governmental organisations (NGOs), community leaders, international organisations (IOs), and others**, depending on the country's legal and institutional framework.

### 1.4. How to use this Manual?

**The frontline responders may use this document** in order to expand their knowledge and to improve their skills in early identification of potential and actual victims of trafficking and child victims of sexual abuse and exploitation. They may learn by the different sections of the Manual on:

- i. THB and CSA/E phenomena, characteristics, definitions, as well as the existing tools for first-level identification of such crimes at the international level;
- ii. THB and/or CSA/E context in the countries under study (Bangladesh, Colombia, Spain and the UK);
- iii. relevant legal and institutional framework in the countries under study;
- iv. vulnerabilities of people (adults and children) leading to trafficking, exploitative and abusive situations, which may also help in prevention efforts.<sup>4</sup>

Further, frontline responders may **improve their skills** in early identification of potential and actual cases of THB and CSA/E by taking into consideration and using:

- i. the general indicators for early identification, developed at international levels (UNODC, IOM, ILO indicators);
- ii. the tools/lists of indicators specific for certain context/situations developed by several countries and indicated as good practices in this manual;
- iii. the existing tools/lists of indicators developed in the four countries under study;
- iv. the specific tools/lists of indicators for the selected country-specific sectors, along with the instructions provided on how to use the indicators.

The content of the Manual may also serve as a useful **supporting material for training sessions** on THB and CSA/E and identification of potential victims.

The frontline responders might not use the content of the Manual as a whole. On the contrary, separate sections are intended to be used independently from each other, pending on the specific needs and job assignments. However, it is recommended for the frontline responders, specifically to those who have no previous knowledge on THB and CSA/E, to get informed on the characteristics of the phenomena, definitions, as well as the existing tools for first-level identification of such crimes at the international level, summarised in the Part A of this Manual.

Although country specific information on THB and CSA/E is available in the Part B of the Manual, the content can be used for developing specific indicators in other countries as well, where similar forms of THB and CSA/E occur. The indicators specific for the sectors concerned can be a solid base for their adaptation in different contexts.

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<sup>4</sup> In order to provide clarity of the document, some information is placed in the annexes of the Manual.

While an attempt is made to provide concise information and tools for early identification of THB and CSA/E cases, **the annexes** of this document contain more extensive information on the relevant issues, such as the indicators developed by the different international organisations, the relevant legal, policy and institutional frameworks in the countries under study, the vulnerabilities to THB and CSA/E, the references used etc. The annexes are dedicated for users who would like to learn more on the THB and CSA/E phenomena.

## 2. Methodology

The Manual is developed based on research that applied an **interdisciplinary methodology**. The first stage of the methodology thoroughly analysed findings of documental research on publications publicly available; qualitative data obtained through primary and secondary sources, and any existing relevant quantitative data published by public authorities, international organisations, research institutions, renowned scholars, and the media. Specifically, the **scope** of this Manual covers the **thematic areas** of social, psychological, and economic factors leading to THB and/or CSA/E in the chosen countries and sectors.

In a second stage, 14 interviews were conducted with representatives of governmental and non-governmental stakeholders in the countries covered who hold substantial information relevant to the formulation of this Manual. Children (people under 18 years of age) were not interviewed.

In both phases, specialised organisations in the relevant fields were deployed to collect data and provide locally-sourced information on the specific contexts of the countries and sectors under study. The following organisations participated in the documental and field research: The *Centre for Women and Children Studies* (CWCS)<sup>5</sup> in Bangladesh, the *Renacer Foundation*<sup>6</sup> in Colombia, the *Complutense University of Madrid* in Spain<sup>7</sup>, and *Trilateral Research*<sup>8</sup> in the United Kingdom. Following the collection of the countries case-studies, the *International Centre for Migration Policy Development* (ICMPD)<sup>9</sup>, which coordinates the development of the Manual, has compiled, analysed, and put together the consolidated document.

The research that was conducted for the development of this Manual strived to answer a number of logically sequenced questions, which served the authors as a guidance as to what the reader can expect to find, in practical terms. The research questions supported the authors to find a solid pathway of data and information, which, combined with the experience of interviewed stakeholders in the four countries under study, led to evidence-based indicators of THB and/or CSA/E in the specific economic and social sectors. The research questions were the following:

### **Part I: Conceptualisation of the THB and CSA/E phenomena**

-  What are the definitions of THB and CSA/E internationally?
-  What is first-level identification of potential cases of THB and CSA/E and their victims/perpetrators?
-  Why is early first-level identification essential to fight THB and CSA/E?
-  What are the international or national good practices on early identification?
-  What are pitfalls and barriers to early identification?
-  What is the impact of the internet and online applications in the recruitment for THB and CSA/E?

### **Part II: Country- and sector-specific indicators of THB and CSA/E**

-  What is the socio-political-economic situation that impacts the sector/context under study in the country?
-  What are the elements of THB or/and CSE/A in the sector/context under study?
-  What are the legal and institutional characteristics relevant to the context under study?
-  Who are the actors responsible for first-level identification in the country?
-  What are the indicators and tools for early identification already available in the country?
-  What are the context/sector-specific indicators that may lead to the suspicion of THB or CSA/E in the sector(s) under study?

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<sup>5</sup> <http://cwcsbd.org/>

<sup>6</sup> <https://www.fundacionrenacer.org/>

<sup>7</sup> <https://www.ucm.es/>

<sup>8</sup> <https://trilateralresearch.com/>

<sup>9</sup> <https://www.icmpd.org/>

- How can frontline responders (law enforcement, NGOs, etc.) recognise and use those indicators to refer a potential case? What do those actors need to spot such indicators?

## 2.1. Countries and Sectors under Study

The Manual covers the countries, topics, and sectors shown in Table 1.

Table 1: Countries covered for the manual.

Country	Topic(s)	Economic and Social Sector(s)
Bangladesh	THB and CSA/E	THB: Trafficking for labour exploitation of Bangladeshi migrant women domestic workers. CSA/E: Sexual exploitation of children in the sex industry of Bangladesh.
Colombia	CSA/E	Sexual exploitation of children in the tourism sector affecting children in a migration context.
Spain	THB and CSA/E	THB: Trafficking in women and forced sex work in a context of migration. CSA/E: Online harassment of children for sexual purposes and for the production and distribution of child sexual exploitation material.
United Kingdom	THB	THB taking place within the context of county lines drug trafficking and cuckooing.

Several **general criteria** were taken into consideration for the selection of the economic and social sectors and developing specific indicators for early identification of victims of THB and CSA/E in the four selected countries. The rationale behind was based on the following:

- The THB and the CSA/E contexts in Bangladesh, Colombia, Spain and the UK, their main characteristics and the most prevalent forms of THB and CSA/E. The incidence of these crimes, the number of official cases reported, number of anecdotal cases known, and the likelihood of a sector housing a high number of cases, were taken into consideration despite official underreporting.
- The availability and the reliability of the data on potential and actual cases of THB and CSA/E, originating from trustworthy sources in the chosen sectors;
- The significance of the online recruitment, abuse, and/or exploitation in the specific sector.

**Specific criteria** for selection of the sectors in each of the four countries were taken into consideration:

### Bangladesh

In Bangladesh, two separate economic and social sectors were studied, one on THB and another one on CSE, as follows:

#### **Trafficking for labour exploitation of migrant women domestic workers from Bangladesh as a country of origin**

International labour migration has been an integral part of Bangladesh's economic and social development. Labour migration from Bangladesh began in the mid-seventies, when Bangladeshi citizens left the country as temporary migrants to work abroad. Women have been sent abroad as domestic workers since the early 1990s. The primary reason for selecting women migrant domestic workers for the study was the increasing number of women travelling overseas in the past seven years (since 2015)<sup>10</sup>. Most women leave to work temporarily in the Gulf and other Arab states. However, most of them are unskilled and find themselves working abroad in domestic servitude. In the destination countries, they work long hours for minimal pay, have no freedom of movement, no access to healthcare, barely grasp the local language, and have extremely limited communication skills and networks. There are large number of cases of trafficking for labour and sexual exploitation of Bangladeshi women abroad, with many of them committing suicide as a consequence of the

<sup>10</sup> Bureau of Manpower, Employment and Training (BMET), 2022. *Annual Report 2020-2021, BMET*. Ministry of Expatriates' Welfare and Overseas Employment, GoB.

vigorous traumas they have faced.<sup>11</sup> Those who return to Bangladesh face social stigmatisation by their families and communities, especially if they arrive empty-handed due to the debt bondage they fell into during their exploitative working situations.

The sector was chosen given these circumstances, considering that the early identification of the potential victims among the Bangladeshi migrant women domestic workers is of the utmost importance to prevent exploitative situations abroad.

### **Sexual exploitation of children in the sex industry in Bangladesh**

Bangladesh's demand for sex workers has expanded as the country's urbanisation has grown in parallel with the development of a free market economy. Children in Bangladesh are especially affected, and they face increased vulnerability to sexual exploitation. This is due to various factors: poverty, widespread physical violence, insecurity caused by extreme weather and natural disasters, patriarchal norms that promote violence against women and girls, the tradition of child marriages, the exclusion of children from education, rural-urban migration, criminal activities, and cultural norms that are part of the wider context of discrimination and neglect towards children. Children are forced into sex work typically by their family members (parents, stepparents, and relatives), who are usually illiterate and/or have low incomes. Child sexual exploitation occurs in Bangladesh's brothels, in hotels, and in parks, on the streets, and at the bus and railway stations. Many of the children living and working on the street in urban areas are engaged in so-called "survival sex", exchanging sexual favours in return for food, shelter, protection, and money. Girls are at a greater risk of sexual abuse and exploitation. Many are sold in brothels after fleeing abusive child marriages. Others grow up in brothels because their mothers were engaged in commercial sex, and brothel owners forced them into commercial sex when they were children. Boys are sexually exploited by men; however, this is a growing and hidden issue. *"A large number of children are still victims of child marriage while a considerable proportion of children are also engaged in different forms of child labour, including the exploitative and hazardous ones"*.<sup>12</sup> These phenomena are mostly hidden and underreported as they are associated with shame and stigma. Children are afraid to speak out of fear of disbelief and retribution.

Given the sensitivity and pervasive nature of the problem, as well as the fact that frontline responders in Bangladesh currently lack specific indicators for identifying children victims of sexual exploitation, this Manual offers specific tools for the early identification of such cases.

## **Colombia**

### **Sexual exploitation of children in the tourism sector affecting children in a migration context**

Since 2014, migrants from Venezuela, more than from any other country, have been arriving to Colombia in unprecedented numbers<sup>13</sup>. Among those migrants are thousands of children and adolescents entering Colombia largely through unofficial border crossing points (BCP), leaving them with an irregular status in the country. Hence, migrant children and adolescents become vulnerable to, and affected by, sexual exploitation in Colombia. In addition to the irregular status, factors such as poverty, ethnic discrimination, being unaccompanied, and having low levels of education, among others, also all make children and adolescents particularly vulnerable.

Venezuelan children and adolescents have increasingly been becoming victims of exploitation in many Colombian Departments in economic activities related to or adjacent to the tourism sector, such as bars, restaurants, clubs, street vending, and street prostitution in tourist areas. The problem is exacerbated by the presence of illegal armed groups that control migrants who used the armed groups' services and BCPs to cross the border into Colombia. These groups often exploit children sexually in the bordering areas and beyond. Instances of sexual exploitation of Venezuelan children in the tourism sector have been identified repeatedly,

<sup>11</sup> Aya Harn, J. (2019) *Bangladeshi women and maids continue to be tortured in Saudi Arabia*. 12 November 2019.

<sup>12</sup> RAPID & UNICEF (2020) *Policy Brief: The situation of children in Bangladesh*.

<sup>13</sup> Available at: <http://migracioncolombia.gov.co/infografias/distribucion-de-venezolanos-en-colombia-corte28-de-febrero-de-2022>

for example, in the Colombian Departments of North Santander, La Guajira, Arauca, and Cartagena de Indias. Specific indicators for the early identification of sexual exploitation of migrant children within the tourism sector have been developed within the context of this manual to support Colombian frontline responders in their daily capacity to fight this rampant crime.

## Spain

In Spain, two separate economic and social sectors were studied, one on THB and another one on CSE, as follows:

### **Trafficking in women and forced sex work in a context of migration**

Trafficking in women and forced sex work are prevalent in Spain, and the victims are mostly migrant women<sup>14</sup>. In the past decade, Spain shifted from being a source country for emigration to being a net receiver of migrants. In this new influx of people coming mostly from Latin America, North Africa, and Eastern Europe, many migrants remain in Spain with an irregular status<sup>15</sup>. Undocumented migrants receive fewer state services and protection and have fewer educational and employment opportunities. These factors make these migrants easy prey for exploiters. Other factors, such as gender inequality and violence, a lack of education, and discrimination based on nationality and ethnicity, have contributed to the rampant trafficking of migrant women.

The prospective victims' recruitment is usually conducted via the internet, particularly social networks. It starts by offering attractive employment opportunities to the prospective victim. The traffickers talk to the victims for as long as necessary to gain their trust. Many women travel to Spain and end up being forced into prostitution, as traffickers abuse these women's vulnerabilities.

Given the high frequency of this crime in this format over the last decade, this Manual has selected this sector for THB in Spain to study. It is vital that Spanish frontline responders and other specialised organisations have the tools they need to identify and refer potential cases of migrant women trafficking and forced sex work.

### **Online harassment of children for sexual purposes and for the production and distribution of child sexual exploitation material (CSEM)**

On a daily basis, content, images, and videos depicting children being abused circulate online. The internet presents unique challenges for regulating and controlling the activities that occur on it. It is a medium available to the entire world population, with applications that facilitate any content search and contact with strangers. In 2020, Spanish authorities reached a peak average of 578 reports of child sexual exploitation material (CSEM) on the Internet per day<sup>16</sup>. These numbers have decreased since the easing of COVID-19 mobility restrictions, but the volume of CSEM material still circulating freely online is very high and continuously damaging to children.

Access to the internet, the growth of online applications, and the amount of time spent online and/or on the phone have all increased in recent years, particularly among children. Furthermore, as a result of the COVID-19 pandemic and the mandated use of online platforms for educational purposes, there was an increase in the demand for and flow of CSEM on the internet, raising the likelihood for this group to be cyberbullied with the goal of producing child sexual abuse and exploitation material or even sexually abusing them in the virtual environment<sup>17</sup>.

The present trend of child grooming and acquiring CSEM online is accelerating and includes a growing number of victims. Offenders frequently employ methodical approaches, which they apply to multiple underage users concurrently or sequentially, increasing the possibility of collecting abusive content.

<sup>14</sup> Salat, M. (December, 2022). Human trafficking in Spain: A quantitative case-law analysis. In: *International Journal of Law, Crime and Justice*, v.71.

<sup>15</sup> Available at: <https://www.aa.com.tr/en/world/spains-irregular-migration-increases-29-this-year/2566607#>

<sup>16</sup> Available at: [www.fiscal.es/memorias/memoria2021/FISCALIA\\_SITE/index.html](http://www.fiscal.es/memorias/memoria2021/FISCALIA_SITE/index.html).

<sup>17</sup> General Prosecutor's Office (2022). *Memoria del Ministerio Fiscal de 2022*.

For all of the aforementioned reasons, this Manual has identified online sexual harassment of children and the production and distribution of child sexual exploitation material as urgent topics to investigate, and it provides indicators for early case identification to frontline responders and other concerned individuals.

## United Kingdom

### **THB taking place within the context of county lines drug trafficking and cuckooing**

County Lines and Cuckooing are complex phenomena that overlap with other forms of exploitation and crimes covered under the UK's Modern Slavery Act 2015. Despite the fact that the County Lines cases have made headlines in the UK media, knowledge of the crime is limited. These crimes are understudied, and the intersection with THB is even more so. It is estimated that approximately 1,000 different County Lines are operating across the UK, with each line generating about £800,000 a year<sup>18</sup>. The UK National Crime Agency (NCA) estimates that about 600 lines operate in any given month<sup>19</sup>.

County Lines are gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas within the UK, using dedicated mobile phone lines or other forms of "deal line"<sup>20</sup>. The deal line includes the address book for the dependent drug users, from where they send out texts for advertising, first time user offers or free offers, and to build a network in the importing location. Cuckooing, on the other hand, is a relatively new form of criminal exploitation that refers to the phenomenon of county-line drug dealers taking over provincial accommodations to use as local drug dealing bases<sup>21</sup>. The complexity of the crimes is illustrated by the victims' journey, who find themselves in an "exploitation cycle of recruitment, grooming, debt bondage and trafficking"<sup>22</sup>. The number of victims, especially children, who have been exploited by county line gangs has significantly increased across the country in recent years<sup>23</sup>.

In the UK, many charities, NGOs, police forces, and government departments (e.g., Home Office, NCA, The Safeguarding Network, Crimestoppers, etc.) provide lists of potential signs online to indicate if a person is involved in County Lines activities. This Manual takes it a step further, and based on additional research, provides a more comprehensive list of indicators and practical tools that will support the frontline responders in raising their awareness and being able to identify potential victims of county lines and cuckooing at very early stages.

## **2.2. Indicators of THB and CSA/E**

First-level identification refers to the point of first contact between a stakeholder and a potential victim in the process of detecting signs that suggest a possible situation of THB or CSA/E. These signs are also called "indicators," which intend to provide guidance to practitioners/frontline responders on: **a)** spotting potential signs of the abovementioned crimes, and **b)** reporting suspicious cases for further investigation.

Taking into consideration the specific context and the trends of THB and CSA/E, some countries have developed standard lists of indicators for identifying suspected exploitative and abusive situations, which serve as helpful training aids for a variety of actors, including police officers, immigration and customs officials, medical experts, and non-governmental organisations. These signs may be relevant to certain components of a human trafficking situation, such as the trafficker's means of exploitation, or to a particular type of exploitation, such as forced labour. Indicators relating to exploitation are often more likely to suggest a potential trafficking situation, as the majority of victims are recognised after they have been exploited<sup>24</sup>.

<sup>18</sup> Public Health England (2021). *Guidance. County Lines exploitation: applying All Our Health*. February 2021.

<sup>19</sup> Havard, T. (2022). Serious youth violence: County lines drug dealing and the Government response. In: *House of Commons Library*. Number 9264. February 2022.

<sup>20</sup> Home Office (2020). *Guidance: Criminal exploitation of children and vulnerable adults: county lines*. February 2020.

<sup>21</sup> Coomber & Moyle (2018); Spicer, Moyle & Coomber, (2019).

<sup>22</sup> National County Lines Coordination Centre (NCLCC) (2021). *NCLCC County Lines Strategic Assessment 2020/2021*.

<sup>23</sup> The Modern Slavery Policy Unit (2020). *It still happens here: Fighting UK slavery in the 2020s*. July 2020.

<sup>24</sup> E4J University Module Series: *Trafficking in Persons & Smuggling of Migrants*. UNODC online.

There could be indicators for each element of trafficking (acts, means, and purposes) and their equivalent for CSA/E. Therefore, the lists of indicators are divided into each of the said elements. Both THB and CSA/E indicators are further classified into three types: **visible, non-verbal, and verbal**, as it will be explained in the forthcoming parts of the Manual.

It is important to notice that indicators are only signs of the possibility of wrongdoing.



**Indicators alone are not evidence of, nor confirmation of, trafficking, exploitation, or abuse.**

In other words, they can establish a presumption in favour of support and protection for the potential victim in need for it, pending the completion of additional investigations. Additionally, it should be recognised that indicators are constrained due to the diversity of forms of trafficking. Certain forms of exploitation are more obvious than others. For example, someone who works extremely long hours every day for little or no compensation, with limited freedom of movement is a strong indicator of human trafficking. Simultaneously, a single indicator may be more convincing in one instance of trafficking while being irrelevant in another. This might be a case of a child being carried across a national border without proper identification. In areas with a history of child begging, the transport of a child may be a strong sign of trafficking. The same situation may be meaningless in a country where children frequently accompany their parents who sell goods in markets across borders, for example<sup>25</sup>.

Additionally, certain indicators may be more indicative of different types of crimes. Their existence or absence does not conclusively establish whether or not a case involves any actual crime. It should be highlighted that when abusers and/or exploiters become more aware of the indicators regularly used by both governmental and non-governmental groups to identify crimes, they may change their activities to escape detection. This can be the situation if, for instance, traffickers allow victims to carry their travel and identification documents to avoid arousing suspicion.



In light of the above-mentioned restrictions, **frontline responders are advised to use a combination of many sorts of indicators, which should corroborate the suspicion, instead of depending on one indicator alone to draw conclusions**<sup>26</sup>.

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<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

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# PART I

Trafficking in Human Beings (THB) and Child Sexual  
Abuse and Child Sexual Exploitation (CSA/E)

AND

Existing International Tools for their Early Identification

## SUB-PART A: TRAFFICKING IN HUMAN BEINGS

### Who is this sub-part for?

This part of the Manual aims at enabling frontline responders to gain a more nuanced understanding of human trafficking complexities going beyond mere definitions of the phenomena provided by legal instruments and policy documents. **The focus is given to the importance of the early identification of the trafficking victims and the tools (indicators) that support frontline responders to detect possible trafficking cases** during their daily work, in order to enable prompt and proper assistance/protection to the victims.

Following the introduction to the trafficking in human beings phenomenon and its main elements and forms of exploitation, information is provided on traffickers and victims profiles, as well as on the vulnerability factors that might lead to trafficking situations. The frontline responders may familiarize themselves with the general trafficking indicators (developed by the international organisations), their purpose as well as to get basic instructions on how to use the indicators in their daily work. This part also contains a section on the online aspects of THB and the main technological challenges frontline responders face in identifying cases of THB linked to online methods.

### What is Trafficking in Human Beings?

Trafficking in Human Beings (THB) is a serious crime that affects fundamental human rights and dignity. It involves the criminal exploitation of vulnerable people for the purpose of economic gain.

According to the global estimates, in 2018 about 50,000 human trafficking victims were detected and reported by 148 countries.<sup>27</sup> However, given the hidden nature of this crime, the actual number of victims trafficked is far higher. Even though it is difficult to have reliable and complete data, human trafficking is considered among the largest criminal activities and sources of funding for organised crime, along with drug trafficking and arms trafficking. Traffickers particularly target the most vulnerable people, using violence or fraudulent employment agencies and fake promises of education and job opportunities to trick and coerce their victims. Victims are often exploited in multiple ways, or may be involved in other illicit activities, thus resulting in cases of human trafficking that are not investigated or recorded as such. Moreover, differences in national legal definitions of human trafficking hinder the comparison and assessment of common trends and patterns across the world. Therefore, **the early identification of trafficked people or potentially trafficked people is of utmost importance**, so they can be further referred to adequate assistance and protection.

The **United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons<sup>28</sup>**, so called **Palermo Protocol**, is the world's primary legal instrument to combat human trafficking. It is the first legally binding instrument with an internationally recognized definition of human trafficking.<sup>29</sup>



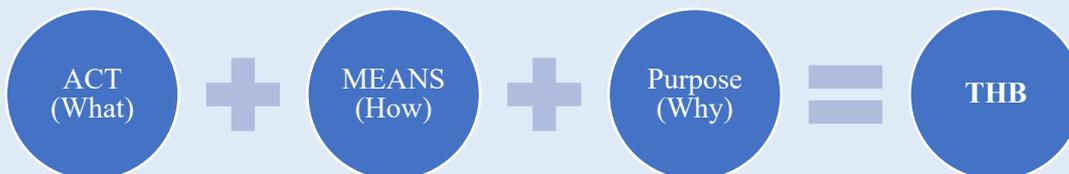
The definition enshrined in the Protocol provides a **vital tool for the identification of victims and the legal recognition of victims as such**, whether men, women or children, and for the detection of all forms of exploitation which constitute human trafficking.

<sup>27</sup> UNODC produces Global Report on Trafficking in Persons every two years. UN Office on Drugs and Crime (2021) *Global Report on Trafficking in Persons 2020*.

<sup>28</sup> UN General Assembly (2000), *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*.

<sup>29</sup> The Protocol was adopted in 2000 as part of the UN Convention against Transnational Organized Crime. Countries that ratify this treaty must criminalize human trafficking and develop anti-trafficking laws in line with the Protocol's legal provisions.

“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.<sup>30</sup>



**The consent of a victim of trafficking in human beings** to the exploitation, whether intended or actual, **shall be irrelevant where any of the means mentioned above have been used!**

In the case of trafficking in adults, this can be broken down into a specific **act**, using certain **means**, for the purpose of **exploitation**.

Trafficking in children<sup>31</sup>, however, is defined as committing a specific **act** for the purpose of **exploitation**, as the means are irrelevant.



**Trafficking occurs when a person is subjected to at least one of the trafficking acts, by one of the trafficking means for the purpose of at least one of the forms of exploitation**, as defined in the Table 2.

Table 2: Definitions of when occurs trafficking.

THE ACT	
Recruitment	Recruitment occurs in the place of origin, transit or destination, when a physical person or the representative of a legal person seeks to persuade a potential victim to take a trip or to take up employment, with the purpose of exploiting them.
Transportation	Transportation covers various methods of travel and the facilitation of entry to the place of destination.
Transfer	Transfer is the act of facilitating transit between countries, regions, cities or places.
Harbouring	Harbouring indicates the physical space where trafficked people are accommodated during the journey or at the places of transit, destination or exploitation.
Receipt	The receipt of persons is the act of receiving trafficked people at the final destination or at the place of exploitation.
THE MEANS <u>(not relevant for children)</u>	
Threat/ Use of Force or other Form of Coercion	When the trafficker uses force, threat or another form of physical, moral or psychological coercion in order to obtain the consent of the trafficked person to the transportation and/or the exploitation. Consent obtained in this manner is called invalidated consent.

<sup>30</sup> THB definition as per the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (2000), also known as the ‘Palermo Protocol’.

<sup>31</sup> Persons under 18 years of age.

<p><b>Abduction/ False Imprisonment</b></p>	<p>When the trafficker abducts the trafficked person or falsely imprisons them with the intention of transporting them and/or exploiting them.</p>
<p><b>Abuse of Power or of a Position of Vulnerability</b></p>	<p>When the trafficker uses their power (for example, in a hierarchical relationship) or the position of vulnerability of the person to be trafficked (e.g. financial or familial difficulty).</p>
<p><b>Fraud/ Deception</b></p>	<p>When the trafficker uses fraudulent means, such as false employment contracts, or makes deceptive promises like that of a decent salary, or marriage, in order to obtain the consent to the transportation from the person to be trafficked.</p>
<p><b>Giving or Receiving of Payments or Benefits to Achieve the Consent of a Person Having Control Over Another Person</b></p>	<p>When the trafficker pays or receives benefits for convincing the person to be trafficked or a person with control over them, for example, by means of an advance payment.</p>
<p><b>Forms of EXPLOITATION (purpose of the act)</b></p>	
<p><b>Sexual exploitation</b></p> 	<p>Obtaining financial gain or other benefits from the forced sex work of another person or through sexual violence carried out against another person, including through pornography (adults) and child sexual abuse material (children).</p>
<p><b>Forced Labour/ Labour Exploitation</b></p> 	<p><i>“A work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”</i> (ILO Convention no. 29, 1930).</p>
<p><b>Domestic Servitude</b></p> 	<p>This means to subject a person to labour exploitation or excessive working hours, or to subject them to degrading working conditions, in the domestic sphere.</p>
<p><b>Forced/Servile/Early Marriage</b></p> 	<p>Servile marriage is when a trafficked person is married to someone who promises a healthy marital relationship but who then obliges the person to carry out household chores and/or to have sexual relations with them. Forced marriage is when a party does not validly consent to a marriage, while early marriage is when a party has not yet reached the minimum legal age for marriage.</p>
<p><b>Removal of Organs, Tissue, Cells or Human Body Parts</b></p> 	<p>Exploitation by removing a trafficked person’s organs, skin tissue, cells or body parts, without their valid consent or that of their relatives.</p>
<p><b>Illegal Adoption</b></p> 	<p>Exploitation of a child being transferred to another person without observing the legal formalities for an adoption process.</p>

<p><b>Criminal Activities</b></p> 	<p>Exploitation of a person, forcing them to engage in criminal activities, such as transporting drugs from one place to another, petty theft, etc.</p>
<p><b>Exploitation of Begging</b></p> 	<p>The exploitation of begging, whereby begging indicates various activities through which a person asks a stranger for money, on the basis of their poverty or for the benefit of religious institutions or charity (classic begging). The sale of token items such as flowers and sweets at traffic lights, the price of which is not in accordance with the value of the product, is also considered as an act of seeking alms, and offering small services such as washing car windscreens, parking cars, helping with shopping at the supermarket, circus tricks and playing musical instruments on the streets may also be considered as a form of begging (auxiliary begging activities)<sup>32</sup></p>
<p><b>Exploitation in Armed Conflict</b></p> 	<p>According to the Optional Protocol on the Involvement of Children in Armed Conflict, “armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years” (Art. 4).<sup>33</sup> Any violation of this article may constitute child trafficking for exploitation in armed conflict (child soldiering). If an adult is involved in armed conflict on behalf of non-state groups and any of the trafficking means are in evidence, then they may be a victim of trafficking for exploitation in armed conflict.</p>
<p> <b>It is important to emphasise that the list is not exhaustive and that other forms of exploitation may be identified during the identification process!</b></p>	

### Who are the traffickers and what are their tactics?

Traffickers may be sole operators or highly sophisticated organized crime groups that operate at national and/or international levels. Traffickers’ principal motive is financial gain. Typically, they induce emotional dependency on the victim, offering them help, love, affection, affiliation, encouragement, and affirmation. They often initiate romantic relationships with their victims before forcing or manipulating them into prostitution, forced labour, and committing criminal activities.<sup>34</sup> They lure victims with false promises of a job, better life or a pathway to immigration status regularization/citizenship. Parents or other family members and acquainted individuals can also be traffickers who facilitate the victim’s entry into commercial sex or other types of exploitation.

**A common trafficking tactic is to trap and manipulate individuals into cycles and multiple layers of dependency, which serve exploitation purposes.** Traffickers instil fear and exploit vulnerability in their victims while convincing and manipulating them in believing that they are lawbreakers and thus, unable to go to the authorities for help or protection. Traffickers control the victim’s money, resources and movements. The victim may be both terrified of the perpetrator but simultaneously dependent upon them which leads to a paradoxical attachment to the perpetrator. **Total dominance is achieved when the perpetrator controls every aspect of the victim’s life to the extent that they do not even have to be present to be able to keep this control?**

The digital world has increasingly become a part of people’s daily lives, almost everywhere in the world.

<sup>32</sup> Healy & Rogoz (2012). *Report for the Study on a Typology and Policy Responses to Child Begging in Europe*. Vienna: ICMPD, project funded by the European Commission.

<sup>33</sup> UN General Assembly (2000). *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*. States Parties to the Protocol also commit to ensuring that any voluntary recruitment of a child (under 18 years) into national armed forces is “genuinely voluntary” and “carried out with the informed consent of the person’s parents or legal guardian,” and that the child is “fully informed of the duties involved in such military service” and provides “reliable proof of age prior to acceptance into national military service” (Art. 3).

<sup>34</sup> ICMPD (2022). *A Blueprint for Return Counsellors. Counselling Victims of Trafficking and People Vulnerable to Trafficking and Exploitation*.

Digitalisation has helped boost all economic sectors and criminal activities alike. Trafficking in human beings is not different. As people spend more time online, recruiters increasingly use this tool as an entry point to their exploitative ventures<sup>35</sup>. Additionally, the authorities' difficulties in monitoring and controlling the almost infinite, fast-growing internet content, especially in the dark and deep web servers, makes the virtual world a rather free, fertile ground for traffickers.

In a recent study conducted by UNODC, data have shown *“how victims are being targeted and recruited via social media and online dating platforms where personal information and details of people’s locations are readily available. Sexual abuse and other forms of exploitation are taking place virtually and photos and videos sold further on different platforms to customers worldwide, resulting in even more money for the traffickers at no additional cost”*<sup>36</sup>. The recruitment may take place in a variety of ways, some common ones being through the building of fraudulent websites or job adverts on legitimate job platforms and social networking sites<sup>37</sup>. The mix between legitimate and fake information further confuse the victim into the believing the exploiter.

Another prevalent tactic is the "lover boy" technique, which is a type of online recruitment in which a trafficker finds and contacts a possible victim via an online platform, learning about their hobbies and interests as well as their personal and family problems. In the context of a romantic connection, the trafficker then offers empathy and support to the potential victim, hoping to win trust and then power over the victim<sup>38</sup>. Many other strategies exist and are being created regularly, including blackmailing victims for stolen information and documents, or video chat applications to inspect the lives and environments of prospect victims, but also through fake cryptocurrency schemes and online gaming, among others.

### Who are the victims of trafficking?

**There is no single profile of a trafficking victim.** Victims of this crime may be men, women, adults, children, nationals or foreigners in a given country, regardless of race, colour, national origin, disability, religion, age, gender, sexual orientation, gender identity, socioeconomic status, education level, or citizenship status. **However, pending on the combination of various vulnerability factors, some people are more vulnerable to trafficking crime than others,** as it will be explained in the next section.

According to the 2020 UNODC elaboration of national data of 148 countries, *“Female victims continue to be particularly affected by trafficking crime. In 2018, for every 10 victims detected globally, about five were adult women and two were girls. About one third of the overall detected victims were children, both girls and boys, while 20 per cent were adult men.”*<sup>39</sup>

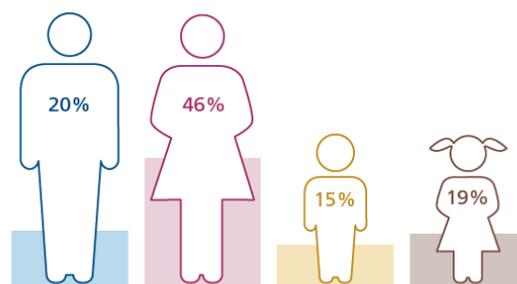


Figure 1: Shares of detected victims of trafficking in persons, by age group and sex, 2018 (or most recent). Source: UNODC elaboration of national data

<sup>35</sup> These challenges are key to the HEROES project development, discussed further in Aposkiti, C., F. Makri, K. Stergiatou, E. Katarachias (2022). Use case analysis and applications scenarios description. HEROES Deliverable 2.2. Confidential.

<sup>36</sup> UNODC (14 October 2021). *Good Use and Abuse: the role of technology in human trafficking*.

<sup>37</sup> The HEROES Project develops tools to prevent, identify, and treat THB cases through digital means, including in order to combat such recruitment strategies of traffickers. In particular, the INDOOR App (Identifying Fake Job Offers), the objective of which is to detect fake job offers.

<sup>38</sup> CoE (2022). *Online and technology-facilitated trafficking in human beings*.

<sup>39</sup> UNODC estimates are based on information referring to age and sex of 48,478 victims detected in 135 countries in 2018 or, if data not available for that year, in 2019, 2017 and 2016.

The victim profile changes widely in different parts of the world. Countries in Sub-Saharan Africa detected more children than adults. Conversely, in Eastern Europe and Central Asia, the shares of adults among total victims were much greater in comparison to other parts of the world. Europe, North America, as well as countries in Asia recorded more adult women among the victims detected. At the same time, countries in North Africa and the Middle East detected more adult men than other victims.

Victims may be trafficked for a few days or weeks, or may remain in a trafficking situation for years. They may have been trafficked within national territory, may have escaped from traffickers and have fled abroad in search of international protection.



**Victims of trafficking will not immediately ask for help or assistance and will extremely rarely self-identify as a victim of a crime.**

There are varieties of reasons for this, including a lack of trust, self-blame, conviction no one would believe them, or specific restrictions imposed by traffickers regarding how to behave when talking to law enforcement or social service providers. Even when telling their stories in interviews, for example, victims might defend their actions as their own choice or autonomy.

It is indeed very common that the victims of human trafficking are manipulated and forced into a situation against their will. One of the key elements of the trafficking process is the issue of consent. **Consent** is a crucial issue in countering trafficking. Consent means an informed and voluntary agreement of a person to commit an action or be subjected to an action, following a request by another person. This signifies that, even if the victim initially consents to engage in the sex industry, the consent shall not be considered relevant, if in order to obtain such consent, purpose such as exploitation or means such as deception or abuse of power, have been put in place.



**It is important to avoid making a quick judgment about who is or is not a trafficking victim based on a first encounter!**



**No one can consent to being trafficked! Persons can consent to a situation but not to having their rights violated!**



**Not all human trafficking is done without initial consent; however, all human trafficking is undertaken without valid consent!**

An alternative formulation of victim of trafficking, which may appear interchangeably in this Manual, is “trafficked person”, as well as “trafficked people”, “trafficked adults”, “trafficked children”, etc.

## Understanding vulnerabilities to trafficking in human beings

What factors cause certain people in certain situations to be trafficked? How does context, current situation or personal characteristics/conditions interact and exacerbate vulnerability of people to trafficking?

The abuse of an individual’s position of vulnerability is one of the **means** used by traffickers to perpetrate their illicit acts, as stipulated in the Palermo Protocol.<sup>40</sup> Vulnerability relates to the likelihood that trafficking/exploitation and abuse will take place.<sup>41</sup> **A position of vulnerability** means a situation in which the **person has no real or acceptable alternative but to submit to the abuse** involved.

Vulnerability has been defined by the United Nations as “*a condition resulting from how individuals negatively experience the complex interaction of social, cultural, economic, political and environmental factors that create the context for their communities*”<sup>42</sup>. In this context, vulnerability refers to “*those inherent,*

<sup>40</sup> UN General Assembly (2000), *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.*

<sup>41</sup> Healy, C. (2019). *The Strength to Carry On: Resilience and Vulnerability to Trafficking and Other Abuses among People Travelling along Migration Routes to Europe.* Vienna: International Centre for Migration Policy Development (ICMPD).

<sup>42</sup> UNODC & UN.GIFT (2008). *An Introduction to Human Trafficking: Vulnerability, Impact and Action, Background paper*, p.8.

environmental or contextual factors that increase the susceptibility of an individual or group to being trafficked".<sup>43</sup>

### Why it is important for the frontline responders to understand the vulnerabilities to trafficking?



The correct **understanding of the vulnerabilities may support identification of potential and actual victims of THB** and their referral to adequate assistance and protection services. Further, it can **support developing strategies to prevent and respond more effectively to this crime.**

### What are the vulnerability factors to trafficking?

Some people are more susceptible to being trafficked than others. The reasons why certain people are more likely to fall prey to exploitation than others are commonly called **vulnerability factors**.

The victims are liable to being trafficked and recruited due to several factors<sup>44</sup>. These range from extreme poverty, marginalization due to social identity, financial exclusion, irregular migration status, low educational background to mental and physical disabilities, and/or dysfunctional family environments, among others<sup>45</sup>. Gender- and age-related factors in contexts of inequality, violence and discrimination play a role in contributing to vulnerability to trafficking as well<sup>46</sup>. Further, environmental disasters and impacts of climate change, armed conflicts, displacements, economic recessions, health, humanitarian and other crises also notably contribute to increasing the vulnerability of individuals to trafficking, especially where these are connected to the erosion of the rule of law or a sharp increase in unemployment rates or where social safety nets are disrupted<sup>47</sup>.

In order to fully understand the vulnerability concept, it is also necessary to **distinguish the concepts of vulnerability and risk**, which are sometimes used interchangeably in both literature and policy. "**Vulnerability** is commonly associated to individual characteristics and situations that - in specific contexts – will increase the risk or threat of a person to be trafficked. **Risk** is on the contrary often referring to the threats that a person or a particular group may be exposed to, with an explicit external focus on the presence of such threats in certain contexts or situations."<sup>48</sup> Vulnerability encompasses different factors: **personal, situational, and contextual**<sup>49</sup>. **These factors** interact and may increase risk of trafficking for certain individuals, groups and/or communities.



It is important to recognise that it is the intersection of vulnerability factors that increases the risk of trafficking in human beings, as illustrated in the Figure 2.

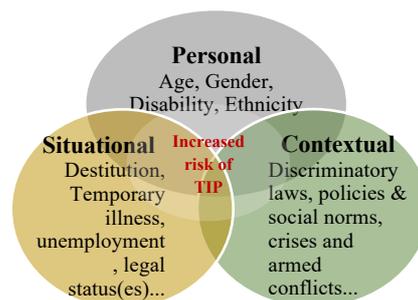


Figure 2: Intersection of vulnerability factors to increase risk of TIP<sup>50,51</sup>

<sup>43</sup> UNODC (2013). *Abuse of a position of vulnerability and other “means” within the definition of trafficking in persons: Issue Paper*, p.13.

<sup>44</sup> ICAT (2022) Issue Brief. *Addressing vulnerability to trafficking in persons*.

<sup>45</sup> UNODC (2020). *Global Report on Trafficking in Persons*. p.10

<sup>46</sup> *Ibid.*, p.9.

<sup>47</sup> ICMPD (2016), *Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons*. See also ICAT (2020) *20<sup>th</sup> Anniversary of the Trafficking in Persons Protocol. An Analytical Review*.

<sup>48</sup> ICAT (2022) Issue Brief. *Addressing vulnerability to trafficking in persons*.

<sup>49</sup> *Ibid.*

<sup>50</sup> ICAT (2022) Issue Brief. *Addressing vulnerability to trafficking in persons*.

<sup>51</sup> TIP stands for Trafficking in Persons, which is alternative and interchangeable term with Trafficking in Human Beings (THB).

<p><b>Personal vulnerability factors</b></p>	<p>These are traits that are inherent to each individual, such as age, sex, gender, ability, disability, ethnicity or sexual orientation.</p>  <p><b>A personal characteristic should not be understood as a vulnerability in itself,</b> but it may become a vulnerability factor when it interacts with other personal, contextual and situational factors, therefore increasing the risk of being trafficked.</p>
<p><b>Situational vulnerability factors</b></p>	<p>These <b>relate to temporary challenges that negatively affect the situation of a person in a specific period and in a specific context</b> (unlike personal vulnerability factors, which are more of a permanent nature).</p>
<p><b>Contextual vulnerability factors</b></p>	<p>These factors relate to the <b>influence of the external environment as well as structural elements that negatively impact a person’s circumstances.</b> These may be the result of a policy, for example not granting the right to work to people with certain types of migration or other legal status, or the promotion of social norms that implicitly fuel racism towards minority groups. Armed conflicts or other type of humanitarian crises including those related to climate change also often act as catalysts for increased vulnerability. In crisis situations, these contextual vulnerability factors stem from widespread human, material and economic losses caused by crises; hampered ability of families and communities to provide for their basic needs; limited options to seek domestic or international protection safely and regularly; erosion of the rule of law; and the breakdown of social safety nets and other social protection systems.<sup>52</sup></p>

### How to detect/recognise possible THB victims/cases?

The possible trafficking victim/case can be recognised by spotting the so-called **indicators of trafficking in human beings**. Indicators are signs and signals that act as signposts drawing the attention of the frontline responders to a specific situation – or to investigate further. They are based on common characteristics that have often been observed in relation to trafficking in human being cases in the past.



**Indicators are important tools for frontline officers responsible for early/first-level identification.** To spot indicators, the frontline responders need awareness of the topic and must know what to look out for, even when they are not actively searching for indicators.

Indicators should guide frontline responders (law enforcement agencies, victim assistance organisations, etc.) to identify possible situations of trafficking in human beings and whether a person should be referred for further identification as victim of trafficking by the competent authorities. Indicators are not intended to provide a conclusive decision on whether a case is trafficking or not. Indicators provide a list of common characteristics found in trafficking cases and are intended to support frontline responders make a structured decision about whether further investigation is needed.

Indicators vary in their forms<sup>53</sup>. According to ILO, indicators can be **strong, medium and weak**<sup>54</sup> and, according to ICMPD<sup>55</sup>, they can also be classified as:

-  **Visible**, e.g. physical signs of abuse on a person, visible in the infrastructure, such as locked accommodation, workplace etc.;
-  **Verbal**, thus communicated, e.g., directly communicated, or indirectly communicated as hints or in inconclusive information. The verbal indicators furthermore include possible questions for the labour inspector to ask the potential victim;
-  **Non-verbal**, e.g., visible in the behaviour, body-language of a person (including vis-à-vis another person, such as the supervisor or employer).

<sup>52</sup> ICAT (2017), *Trafficking in Persons in Humanitarian Crises*, Issue Brief 2.

<sup>53</sup> ICMPD (2018) *Training Curriculum For Labour Inspectors on Trafficking in Human Beings in Jordan*. Vienna, Austria.

<sup>54</sup> ILO (2009), *Operational indicators of trafficking in human beings*.

<sup>55</sup> ICMPD (2018) *Training Curriculum For Labour Inspectors on Trafficking in Human Beings in Jordan*. Vienna, Austria.

Further, the indicators list may be specific, containing indications in which sector (such as, industrial, agricultural, service industry, domestic work) the indicators are likely to be identified.

There are lists of indicators available, developed by the international organisations or countries themselves, which are usually structured according to the Palermo Protocol's **three elements of the trafficking crime: Act, Means and Purpose**.

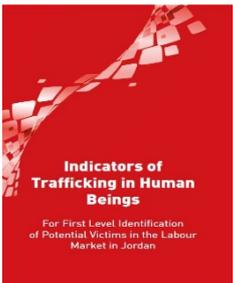


Indicators often are non-conclusive, and a number of them are hidden. If a situation of trafficking is suspected, **frontline responders are required to report their suspicions to the attention of the referring authority for further investigation and identification** (see the next section).

*"Not all the indicators [...] are present in all situations involving trafficking in human beings. Although the presence or absence of any of the indicators neither proves nor disproves that human trafficking is taking place, **their presence should lead to investigation**"<sup>56</sup>*

To support frontline responders to be able to detect possible trafficking victims/cases, several international organisations (IOM, ILO, UNODC) have issued general indicators of THB, or indicators for each form of exploitation. These indicators<sup>57</sup> can be useful for front-line responders anywhere in the world and are available in the **Annex 1** of this Manual.

Some countries have developed specific indicators that are relevant for detecting trafficking cases in different context/situations. Those indicators are based on the general indicators, however, contain elements that are specific for detecting trafficking signs in a specific situation. Below are mentioned some good practices in this regard.

	<p>The Jordanian anti-trafficking authorities in 2018, developed <b>indicators for early identification of trafficking for labour exploitation and forced labour</b><sup>58</sup>, to be used specifically for labour inspectors in various regions in the country. The indicators were developed following a consultative process with input from the Ministry of Labour, the Counter-trafficking Unit within the Ministry of Interior, the Ministry of Social Affairs and Ministry of Justice, as well as NGOs and International Organisations working in Jordan.</p>
	<p>Specific indicators for <b>the identification of Victims of THB in Mixed Migration Flows</b><sup>59</sup> along the Western Balkan migration route, have been developed in North Macedonia in 2016, following the massive migrant inflow in the country in 2015 due to the Syrian crises.</p>
	<p>In Bangladesh, UNODC in 2017 developed <b>Standard Operating Procedures to counter cross-border trafficking in India and Bangladesh</b><sup>60</sup>, containing a list of indicators and actions that can be taken by the first responders. These indicators are not exhaustive and only serve as a guide for handling specific cases in cross-border context.</p>

<sup>56</sup> UNODC, UN.GIFT (2013). *Human trafficking indicators*. Vienna, Austria.

<sup>57</sup> Note that organisations may not separate their indicators into verbal, non-verbal, and visible.

<sup>58</sup> ICMPD (2018). *Indicators of trafficking in human beings for first level identification of potential victims in the labour market in Jordan*. Vienna: ICMPD.

<sup>59</sup> National Commission for Combating Trafficking in Human Beings and Illegal Migration (2016), *Indicators for Identification of Victims of Human Trafficking During Mixed Migration Flows*.

<sup>60</sup> UNODC (2017), *Standard Operating Procedures to Counter Cross-Border Trafficking in Persons: India-Bangladesh. For First Responders*.

	<p>The American Hospital Association regularly organises awareness- raising activities on human trafficking. It also developed a set of Indicators for health professionals: "<b>10 Red Flags Card</b>"<sup>61</sup>, so they could be able to spot the signs indicating that a patient might be a victim of trafficking.</p>
	<p>To improve the identification of child trafficking victims in Jamaica, a <b>screening tool was developed</b><sup>62</sup> with support of international organisations. In addition to the red flags that indicate trafficking, the screening tool includes specific questions to ask suspected victims to uncover potential abuse. Variations of this screening tool are customized for the needs of multiple government agencies to better equip Jamaican authorities to identify victims of THB.</p>

### How to use the indicators?

In **applying the indicators**, frontline responders must look for a combination of signs that suggest trafficking may be taking place. A single indicator may not be a conclusive sign that trafficking is taking place. Rather, a suspicion of trafficking and decision to report the case should be reached by spotting an initial indicator, and then pro-actively looking for other relevant indicators to strengthen the case for reporting. The frontline responders should use the available lists of THB indicators list as a helpful tool in their daily work:

- before and during the field work when they might get in touch with vulnerable people or potential trafficking victims**, to serve as a reminder what to look for and which questions to ask, when in doubt);
- when writing a special report** referring a potential trafficking case for further investigation and identification.



The frontline responders **must study the indicator list in detail** and be aware of the cross-over with law violations, e.g. withdrawal of passports, freedom of movement etc.

In parallel, the frontline responders have the duty and opportunity to:

- discover** a potential trafficking situation, requiring them to go beyond focusing on isolated law violations and observing the full picture;
- detect** during their daily work any violations of law and human dignity, including signs for a potential trafficking situation;
- analyse** the wider environment and situation and take a decision if further investigation is needed;
- report** potential trafficking indicators to the responsible referring authority (through a written report or in urgent cases, via phone).



#### Tips for the frontline responders Think carefully:

- ✓ *Where and within what frameworks you might spot indicators for a potential situation of trafficking during your daily work (Workplace: working environment, interviews with socially vulnerable families, workers, factory premises, nail and beauty salons, accommodation of workers, airports, border crossings etc.)?*
- ✓ *Are there any verbal, non-verbal, and physical indicators that might lead to discovering potential trafficking victim/case?*

<sup>61</sup> American Hospital Association. (n.d) *Human Trafficking. 10 Red Flags that your Patient Could be a Victim.*

<sup>62</sup> Winrock, n.d. *Screening Tool and National Referral Mechanism Help Jamaica Fight Child Trafficking.*

## What is Identification of victims?

**Victim identification is the first stage of a local, national, or transnational referral mechanisms** by which a trafficked person or a THB case is identified.

**Referral mechanisms** are frameworks for identifying and referring potential victims of trafficking in human beings and ensuring they receive the appropriate support.



**A victim of trafficking** is a person who has been identified as a victim according to a formal or informal identification mechanism in a given country.

The victim identification stage can be divided into three main parts:

### 1. Initial screening/assessment

Anyone (whether specialised or not in THB), may come in contact with/detect a potential or presumed victim. This category includes, for example, law enforcement agents, labour inspectors, education and health professionals, social workers, NGO staff, etc.

**The initial screening is conducted by frontline responders** and results in the referral of a suspected case/victim to the competent authorities. **An initial screening or assessment, by using the available indicators, may suggest that a person might be a victim of trafficking, but cannot determine it.** It may be based on conversations and interactions with the individual, observation of the person (his/her behaviour, appearance, or circumstances), and/or an interview guided by indicators or previous allegations, which can lead to the detection of signs of trafficking to be further explored in a formal interview. It may also be triggered by victims who self-report and present themselves for identification or witnesses who bring a possible case to the authorities' or to attention of an NGO.

### 2. Initial/preliminary interview (preliminary identification)

Preliminary identification is conducted by the **first point of notification**<sup>63</sup> with the aim of ascertaining whether there are reasonable grounds to believe that the person has been trafficked. The First point of notification will vary depending on the country legislation and policies (this is usually a police specialised unit, national referral office, etc.).

When the competent authorities see enough signs/indicators that a person may be a victim of trafficking (see the section below), the presumed victim<sup>64</sup> should be referred to assistance and protection.

There are several measures accompanying the preliminary identification<sup>65</sup>, such as:

- i. **Initial referral:** Presumed victim is referred or self-refers to a body responsible for initial referral. The responsible body will vary depending on the country legislation and policies;
- ii. **Access to basic needs and information:** providing basic information to and enquiring about urgent needs of a presumed victim; responding to expressed concerns and/or emergency needs;
- iii. **Early risk assessment:** reviewing possible risks and securing the immediate safety for the presumed trafficked person;
- iv. **Language and interpretation:** ensuring communication in a language the victim understands;
- v. **Recovery and reflection period:** providing individuals the time and resources to assure that they can make sound decisions about next steps.

<sup>63</sup> Also called referral authority. These can be Institutions/organisations that act as central points of information, referral and initial support for presumed victims of THB.

<sup>64</sup> A person who is presumed to be a victim of trafficking but who has not been formally identified by the relevant authorities or has declined to be formally or legally identified. Presumed victims should be entitled to the same treatment as identified victims from the beginning of the identification process.

<sup>65</sup> ICMPPD (2009). *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons. South-Eastern Europe*. Vienna



A person shall be considered and treated as a victim as soon as the competent authorities have the slightest indication that s/he has been subject to the crime of trafficking. At this stage, before the formal identification of a person as a victim of THB is conducted, the person should be entitled to the same treatment and immediate rights as the recognised victims, pending on national legislation.

### 3. Formal Identification

Formal identification is conducted by official identification authorities tasked by law or procedure with victim identification. Competent authorities may include law enforcement, social services, prosecutors, a court and, in some countries, NGOs. Formal identification may be based on verification of the information obtained as a result of the initial interview and other evidence. This may result in the person's being entitled to more long-lasting assistance and protection services. It may also coincide with the investigation and prosecution of alleged traffickers. Figure 3 illustrates the identification process and the actors that might be involved in the different stages of identification of trafficking victims.

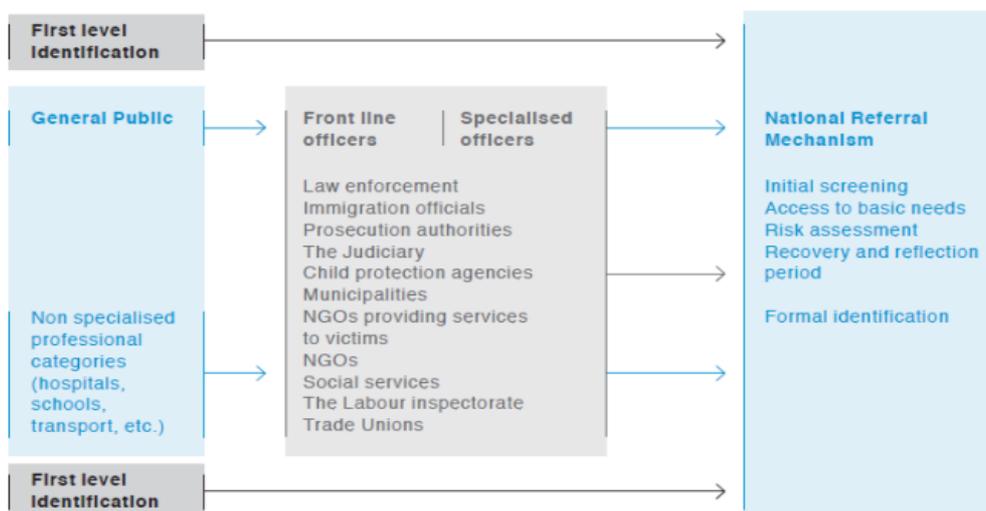


Figure 3: The first level identification of victims of trafficking in Europe<sup>66</sup>

#### Why is Early Identification important?

Spotting an instance of THB is essential to stop the exploitation, protect the victims, punish the perpetrators and curb future trafficking cases in the same context, as soon as possible. The earlier a potential case is identified, the sooner the presumed victims receive assistance and protection.

Furthermore, because victims rarely self-report, **proactive identification**<sup>67</sup> by authorities is critical. Victims frequently have limited mobility and access outside of their immediate place of exploitation. They may be too afraid for their own safety to seek help, they may feel indebted to their exploiters and morally bound to them. Their families may face retaliation if they report, so they see no alternative for their survival outside of their current situation. Oftentimes, they simply do not see themselves as victims of a crime. All these factors partially explain why **reactive identification**<sup>68</sup> alone yields low numbers of registered trafficking cases in most countries. There must be a balance between the reactive and proactive approaches, with the proactive one typically being on the underdeveloped side.

In conclusion, the failure to identify a trafficked victim early will almost certainly result in further deprivation of that person's human, civil, and political rights. An early and accurate first-level identification should be prioritised in order to ensure that<sup>69</sup>:

<sup>66</sup> FEI (2013). Guidelines for the first level identification of victims of trafficking in Europe. Paris: Ministère des Affaires Étrangères de la République Française.

<sup>67</sup> Proactive identification means that authorities investigate and refer potential cases without the need for a victim's or witness'.

<sup>68</sup> Reactive identification or investigation means that the identification process starts in reaction to a report from a victim or witness.

<sup>69</sup> E4J University Module Series: *Trafficking in Persons & Smuggling of Migrants*. UNODC online.

- ✚ The presumed victims are taken from the exploitative situation and placed in safe care, where they receive protection and support. They are segregated from the suspected perpetrators to avoid retaliation and re-victimisation;
- ✚ Trafficking groups are identified and disrupted, criminals are apprehended and convicted, and trafficking patterns are tracked to establish targeted preventive programmes and to develop effective anti-trafficking measures.

### Challenges in early identification of online trafficking cases

European countries reported to GRETA<sup>70</sup> (Council of Europe) a multitude of challenges that their front-line responders faced in identifying cases of THB linked to online methods<sup>71</sup>:

- ✓ The constantly growing volume of online activities/interactions. Policing the internet is very resource-intensive and subject to legal restrictions (including privacy laws and limitations to the use of web crawlers in some countries);
- ✓ The volume of online advertisements (open and classified) for both sexual and non-sexual services is often too vast to be manually searched;
- ✓ Difficulties in identifying both perpetrators and victims as they may use nicknames and aliases when operating online and may use anonymising software (e.g., VPNs);
- ✓ Use of encrypted communication between traffickers and victims. Conversations between traffickers and victims take place in closed groups;
- ✓ Fast-changing behaviour of Internet users;
- ✓ Challenges in sorting online advertisements to identify those related to THB both in the context of sexual and non-sexual services. Red flags in relation to advertisements related to both sexual and labour exploitation are still underdeveloped or not consistently utilised;
- ✓ Absence of specialised units within the police and/or lack of specialised THB investigators with advanced computer skills. Lack of officers trained to carry out covert operations on the Internet. Cyber-operations can be lengthy and time-consuming;
- ✓ Time-consuming process of sending requests to social media companies and lack of response from some of them;
- ✓ Short data retention periods for IP addresses and difficulties in accessing them.

**Technological challenges**<sup>72</sup> spark the need for technological solutions, which include<sup>73</sup>:

- ✚ **Data aggregation and analysis software:** As mentioned, the vastness of the internet database makes it virtually impossible for any single LEA or CSO to monitor and detect all possible cases of trafficking online. Online applications to collect, aggregate and generate useful reports across servers and countries are essential. In that sense, both governmental institutions and civil society organisations have to cooperate and be trained together in the daily use of such systems. One such tactics is open-source intelligence (OSINT) data collection, analysis and investigation.
- ✚ **Artificial intelligence (AI):** AI can assist in making scenario forecasts and search logical solutions autonomously and continually, without the need for human participation. Examples in the context of human trafficking include the use of AI to identify the layout of a hotel room where victims may be upheld, as well as financial activities that may be indicative of human trafficking networks.

<sup>70</sup> Group of Experts on Action against Trafficking in Human Beings is the monitoring mechanism on Human Trafficking established by the Council of Europe Convention on Action against Trafficking in Human Beings in Article 36.

<sup>71</sup> Extracted from: CoE (2022). *Online and technology-facilitated trafficking in human beings*, p.10.

<sup>72</sup> Tools in this area also have some challenges related to data protection and privacy, ethical issues, among others. These issues, however, are not discussed in details in this Manual. The list of technological tools below is only examples of latest developments in the field.

<sup>73</sup> ICAT (2019). *Human Trafficking and Technology: trends, challenges and opportunities*.

-  **Facial recognition:** Visual processing software can search for trafficked victims' images and videos. They can use facial recognition to find trafficking victims' photographs and videos. This technology can also assist law enforcement find and analyse tens of thousands of photos and videos fast in the pursuit of specific content.
-  **Applications directly for victims:** Applications that allow responders (law enforcement and NGOs alike) to interview potential victims for indicators of trafficking from their phones are important. Additionally, they may also help victims self-report online or deliver information that raises their awareness that they might be in an exploitative situation. In the context of labour exploitation, for example, internet surveys, SMS messages, and voice-operated applications are used to engage employees to obtain information on exploitative behaviours across several tiers of supply chains.

## SUB-PART B: CHILD SEXUAL ABUSE AND CHILD SEXUAL EXPLOITATION

### Who is this sub-part for?

This sub-part is relevant to all frontline responders who are likely to come into contact with children potentially abused and/or exploited. This group includes, but is not limited to: teachers, pedagogues, health professionals, child protection services, law enforcement agencies, labour inspectors, and specialised civil society organisations. Additionally, parents, legal guardians, other family members, community members, and religious leaders that may not be considered official responders are also key people and can benefit from this section.

### Background

This sub-part introduces the concepts of sexual abuse and exploitation of children (CSA/E) as commonly used among practitioners. There are no international conventions or laws defining exactly what CSA and CSE are. Rather, this part is based on the available literature and practices on what is generally understood by these two phenomena and how they apply in various scenarios.

In this section, you will find: a) the main accepted definitions and differences of the phenomena; b) brief contextual information and global statistics; c) the online dimension of the phenomena; d) who is at risk; e) who the victims are; what is identification of victims; f) the steps for identification; g) why is early identification important; h) international good practices on identification; i) and general indicators of CSA/E available internationally.

The sexual abuse and exploitation of children is a violation of human rights and a public health problem with significant consequences for global health and development. CSA/E is a serious and persistent global issue, affecting up to 5% of the child and youth population worldwide. It is an omnipresent and pressing concern for developed and developing countries alike. Online CSA/E refers to the sexual abuse of a person under the age of 18, as well as the production of images of such abuse and the sharing of those images online. INTERPOL<sup>74</sup> identified some trends about these crimes worldwide by analysing a random selection of videos and pictures online<sup>75</sup>: “the younger the victim, the more severe the abuse”. Figure 4 shows other findings included.

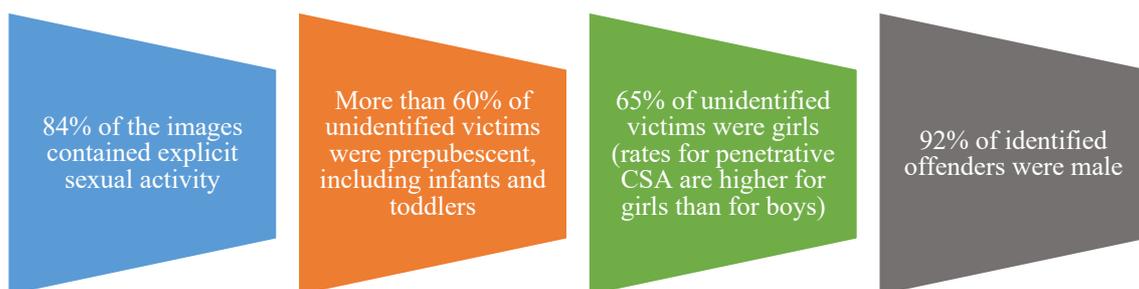


Figure 4: Other online findings

Data to measure and understand the scale of the problem are lacking. “Every day, across all countries and levels of society, millions of girls and boys face the alarmingly common childhood experience of sexual abuse and exploitation”. “Sexual violence is a universal threat to which no boy or girl is immune, although children with disabilities, those displaced through trafficking or forced migration, those living in care institutions and those who are lesbian, gay, bisexual or transgender can be especially vulnerable. To say that these incidents hit “close to home” is an understatement; in some 90% of cases of sexual abuse, the perpetrator is known to

<sup>74</sup> INTERPOL (2018). *ICSE database. Report.*

<sup>75</sup> “INTERPOL’s Child Sexual Exploitation database holds more than 4.3 million images and videos and has helped identify more than 30,000 victims worldwide.” Extracted from <https://www.interpol.int/Crimes/Crimes-against-children/International-Child-Sexual-Exploitation-database>.

*the child*<sup>76</sup>. Despite efforts globally to combat and catalogue online child sexual abuse, the proportion of children experiencing CSA each year globally has grown. Social media have opened a new front in the battle against CSA/E. Moreover, with 85 million pictures and videos depicting child sexual abuse reported worldwide in 2021 alone<sup>77</sup>, and many more going unreported, child sexual abuse is pervasive.

The children's online presence increases their exposure to harmful or illegal content, such as child sexual abuse or exploitation materials, pornography and adult content, sexting, and online hate speech or mis- and disinformation, due to the lack of effective parental control of the online content, and age verification systems<sup>78</sup>. During the COVID-19 pandemic, children have been online more often, and consequently, there has been an increase in online abuse and exploitation, cyberbullying, and the sharing of more CSA material online. With the irruption of new technologies, international legislation has started using the concept of "child in the online environment."

### International and Regional Legal Framework

Looking at legal documents, the Convention on the Rights of the Child, which was adopted by the General Assembly in November 1989, only referred to the CSA/E phenomena two times. Concretely, article 19 considers "*States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child*". In addition, article 34: "*States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials*".

In 2000, the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (OPSC) was adopted. In addition, in 2007, Europe adopted a Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse<sup>79</sup>. The Lanzarote Convention, in Article 18 on sexual abuse, refers to the "*legal age for sexual activities*" (Article 18(1)(a)), and leaves it up to the States Party to the Convention to decide the age below which it is prohibited to engage in sexual activities with a child (Article 18(2)). Also, the European Union (EU) Directive 2011/93 on Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography uses, in Article 2, the expression "*age of sexual consent*" and sets forth that it means "*the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child*". The EU took an important step with the adoption of the Child Sexual Abuse Directive (2011/93/EU 20), whose implementation in Member States is now finalized as a matter of urgency. In 2020, the EU approved its strategy for a More Effective Fight Against Child Sexual Abuse<sup>80</sup>.

Moreover, "child" is not a contentious term, and as such is used in a large number of international legal instruments. While the precise textual legal definition of "child" can vary slightly depending on the instrument, it is clear that a quasi-universal understanding of the legal notion exists<sup>81</sup>. In the legislation, there are diverse

<sup>76</sup> The Economist Intelligence Unit Limited (2020). Out of the shadows: Shining light on the response to child sexual abuse and exploitation.

<sup>77</sup> European Commission, 2022. Press release. 11 May 2022. Brussels.

<sup>78</sup> Council of Europe (2022). EU strategy on the rights of the child (2022-2027). "Children's Rights in Action: from continuous implementation to joint innovation". Brussels. p. 16.

<sup>79</sup> Council of Europe (2007). *Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*. Treaty Series - No. 201. 25.X.2007. Lanzarote: Council of Europe Convention.

<sup>80</sup> EU strategy for a more effective fight against child sexual abuse. COM(2020) 607 final, 24.7.2020. Brussels.

<sup>81</sup> 1989: Article 1 of the CRC sets forth that, "for the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." 1990: Article 2 of the African Charter on the Rights and Welfare of the Child (ACRWC) states that, or the purposes of this Charter, a child means every human being below the age of 18 years." 1999: Article 2 of International Labour Organization (ILO) Convention No. 182 on the Worst Forms of Child

terms such as: child, age of majority, age of sexual consent, minor, juvenile, adolescent, teenager, and young person/young people/youth. However, there is an exception to the applicability of the CRC, mentioning the possibility that the age of majority is attained before the age of 18 under national law. Despite all of these documents, this issue has no universally accepted definition due to the differences among countries, specifically around age. One needs to hybridize a CSA/E definition based on legal documents such as the Conventions. In this context, to develop a theoretically robust definition of CSA/E, this manual offers a systematically synthesized literature review.

### What is Child Sexual Abuse?

Child sexual abuse is *“the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society by an adult, adolescent, or another child. All sexual activity with a child is considered sexual abuse. Child sexual abuse is evidenced by this activity between a child and an adult or another child who, by age or development, is in a relationship of responsibility, trust, or power, the activity being intended to gratify or satisfy the needs of the other person”*<sup>82</sup>.

Moreover, child sexual abuse involves forcing or enticing a child or young person to take part in sexual activities. The activities may involve physical contact, including abuse by penetration or non-penetrative acts (such as masturbation, kissing, rubbing, and touching outside clothing). They may also include non-contact activities, such as involving children in looking at or in the production of sexual images or watching sexual activities and encouraging them to behave in sexually inappropriate ways. Additionally, CSA may include incest, rape of a child, child sexual molestation, sexual touching of children, sexual harassment of a child, and online child sexual abuse.

### What is Child Sexual Exploitation?

Child sexual exploitation is a form of child sexual abuse. CSA becomes CSE when a second party benefits financially through sexual activity involving a child. *“Making a child participate in pornographic performances, knowingly attending pornographic performances that include children, making a child participate in child prostitution, and engaging in sexual activities with a child where recourse is made to prostitution”*<sup>83</sup>. Child sexual exploitation may include commercial sexual exploitation of children<sup>84</sup>, online child sexual exploitation, the exploitation of children in or for prostitution, transactional sex, child pornography, and the use of children for pornographic performances. CSE may follow one or more stages: Recruitment: this can take various forms but can be described as a grooming process; Control: This is an essential element in the process as it establishes the dominance of the perpetrator over the victim; Exploitation: In this phase, the young person is sexually exploited and may be made available to other people for sexual exploitation. However, many cases of child sexual exploitation occur within the family, in which close relatives directly exploit or facilitate the exploitation. In those cases, grooming is inherent, and control could also be, as children naturally already are under the control of their guardians.

There is a link between CSA and later CSE caused by general mental health sequels, leading to high-risk sexual behaviour and later sexual re-victimization. CSE occurs when an individual or group takes advantage of an

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Labour (WFCL) (ILO C182) sets forth that the term “child” shall apply to “all persons under the age of 18”. 2000: The OPSC refers explicitly, in its Preamble, to Article 1 of the CRC. 2000: Article 3(d) of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (“the Palermo Protocol”), defines the child as “any person under 18 years of age”. 2001: The Council of Europe Convention on Cybercrime (“the Budapest Convention”) uses the term “child” in Article 9 dealing with child pornography and states that it includes all persons under 18 years of age. However, a State party may require a lower age limit, which shall not be less than 16 years. 2007: The Lanzarote Convention establishes in Article 3(a) that a child is “any person under the age of 18 years”.

<sup>82</sup> WHO (1999), Report of the consultation on child abuse prevention, Geneva. p. 15.

<sup>83</sup> EU Directive 2011/93 defines offences concerning sexual exploitation in its Article 4.

<sup>84</sup> Child sexual exploitation includes all charges related to child sexual abuse images offences, age of consent offences, as well as sex work under the age of 18. Sex trafficking is human trafficking for the purpose of sexual exploitation.

imbalance of power to coerce, manipulate, or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appeared consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

### Differences between CSA and CSE

What distinguishes the concept of CSE from other forms of CSA is the notion of exchange present in exploitation. While these two phenomena must be distinguished, it is also important to acknowledge that there is considerable overlap between them and that, semantically, the distinction will probably never be completely clear. *“It is noteworthy that the sexual abuse of children requires no element of exchange and can occur for the mere purpose of the sexual gratification of the person committing the act, whereas the sexual exploitation of children can be distinguished by an underlying notion of exchange”*<sup>85</sup>. Consequently, it is necessary to identify CSA properly. In this sense, sometimes in legal documents the term “sexual violence against children” appears. This concept encompasses both CSA and CSE and can be used as an umbrella term to refer jointly to these phenomena.

There are different manifestations of sexual violence against children, and CSA is a crime that could be committed by any person in the close sphere of the child. For that reason, it is very difficult to identify and to develop precise protection and prevention strategies as well as case-specific responses to child victims. The following infographic is an overview of the fundamental terms and concepts used in international conventions and by practitioners internationally. The list is not exhaustive, and concepts must be adapted or new ones coined on a regular basis as context and criminal modes of operation change. During the identifying procedure, new forms of abuse and exploitation may be discovered. **Annex 2** contains a table with the same concepts and terms as in the infographic (Figure 5), along with a brief explanation of what they should mean and how they are commonly used, as well as their differences.

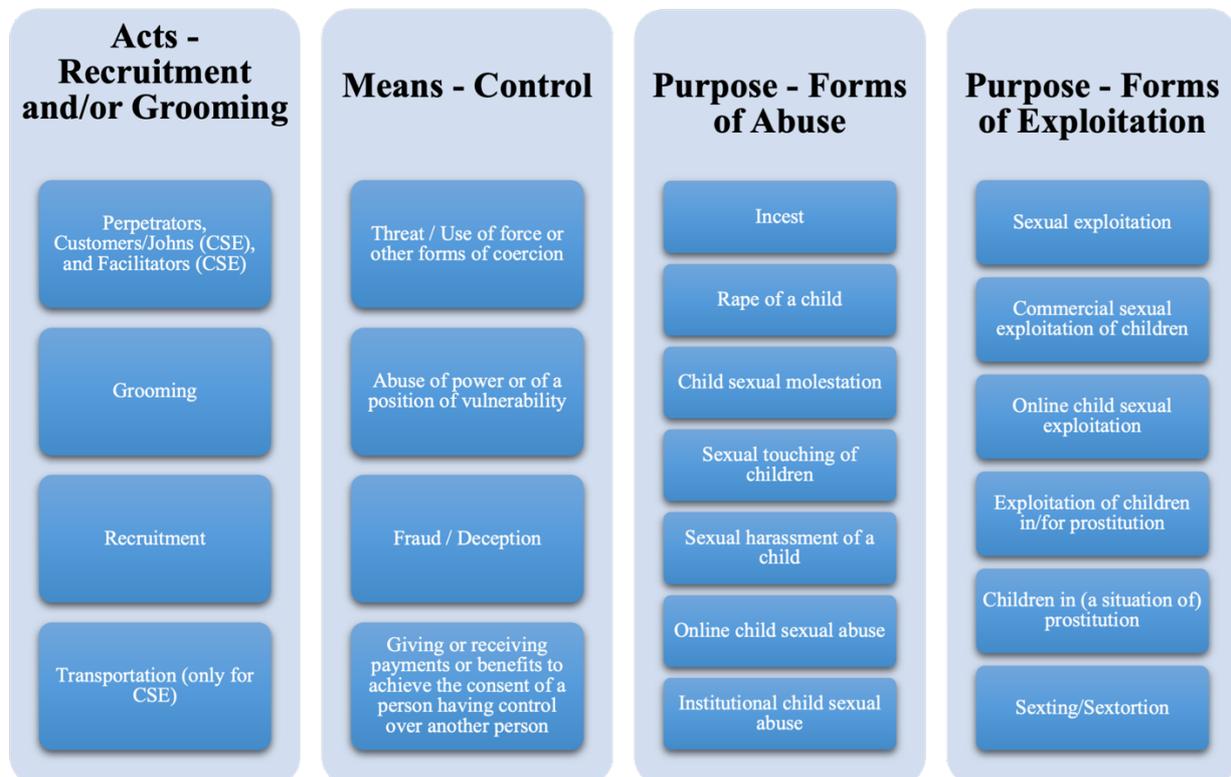


Figure 5: Fundamental terms and concepts used in international conventions and by practitioners internationally.

<sup>85</sup> ECPAT. (2016). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, p.18.

## Online dimension of Child Sexual Abuse/Child Sexual Exploitation

There is no internationally agreed-upon definition of online child sexual exploitation and abuse. For the purposes of this manual, the term is used interchangeably with *technology-facilitated child sexual exploitation and abuse* to refer to child sexual exploitation and abuse that is partly or entirely facilitated by technology, which are the internet or other wireless communications. For example, child sexual abuse takes on an online dimension when acts of sexual abuse are photographed or video- or audio-recorded and then uploaded and made available online, whether for personal use or for sharing with others. “*Each repeated viewing and/or sharing of such recorded material constitutes a new violation of the rights of the child*”<sup>86</sup>.

The exponential spread of the digital world has been abused, making CSA and CSE crimes borderless and facilitating the creation of a global market for child sexual abuse material. Particularly, the term *child sexual abuse material* is increasingly being used to replace the term *child pornography*. Consequently, child sexual abuse material is used to describe a subset of child sexual exploitation material where there is actual abuse or a concentration on the anal or genital region of the child. Both terms refer to materials that depict and/or document acts that are sexually abusive and/or exploitative of a child. “*Today, most child sexual abuse and exploitation materials are exchanged, bought, and sold online, making the online dimension of this crime almost omnipresent*”<sup>87</sup>.

The past few years have seen a dramatic increase in reports of child sexual abuse online. In this sense, an unprecedented surge has occurred globally: from 1 million reports in 2010 to almost 17 million in 2019, which included nearly 70 million images and videos. In the same terms, in the EU, the number grew from 23,000 in 2010 to more than 725,000 in 2019, which included more than 3 million images and videos. The EU becomes the largest host of child sexual abuse material globally (from more than half in 2016 to more than two-thirds in 2019)<sup>88</sup>.

The increased internet penetration and advances in technology have allowed offenders to engage in child sexual exploitation and abuse in an unprecedented environment of secrecy and relative anonymity across the world. Subsequently, online child sexual exploitation is a constantly evolving phenomenon and is shaped by developments in technology. Given this noticeable relevance of the issue, several new terms have been coined to define illegal acts performed online:

-  **Livestreaming child sexual exploitation and abuse:** transmitting child sexual abuse and exploitation in real time over the internet. This occurs in online chat rooms, social media platforms, and communication apps with video chat features. Viewers of livestreamed child sexual abuse can choose to be passive (pay to watch) or active (communicate with the child, the sex offender, and/or the facilitator of the child sexual abuse and request specific physical acts). Another form of livestreaming can involve coercing a child to produce and transmit sexual material in real-time.
-  **Online solicitation (or grooming) of a child for sexual purposes:** “*intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the legal age for sexual activities for the purpose of engaging in sexual activities or the production of child sexual abuse materials.*”<sup>89</sup>
-  **Online solicitation and sexual extortion.** “*The growing number of children and teenagers who own smartphones has been accompanied by the production of self-generated indecent material. Such material,*

<sup>86</sup> UNICEF (2021). *Ending Online Child Sexual Exploitation and Abuse. Lessons learned and promising practices in low- and middle-income countries.*

<sup>87</sup> ECPAT (2016). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse* Adopted by the Interagency Working Group in Luxembourg, 28 January 2016. PP. 39-40.

<sup>88</sup> Analysis made by the EC Communication COM(2020) 607 final of 24.7.2020, based on data from the US National Centre for Missing and Exploited Children (NCMEC), 2020. Available at: [Delivering on a Security Union: Questions and Answers \(europa.eu\)](https://european-council.europa.eu/media/en/press-communications/infographic/infographic-2020-07-24-01.pdf).

<sup>89</sup> Article 23, Council of Europe (2007). *Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*. Treaty Series - No. 201. 25.X.2007. Lanzarote: Council of Europe Convention.

*initially shared with innocent intent, often finds its way to “collectors”, who often proceed to exploit the victim, in particular by means of extortion.”<sup>90</sup>*

 Peer-to-peer (P2P) networks and anonymised access like Darknet networks. These computer environments remain the main platform to access child abuse material and the principal means for non-commercial distribution. These are invariably attractive to offenders and easy to use. The increased anonymity and strong networking opportunities provided by the hidden internet that exists beneath the "surface web" appear to make criminals more comfortable offending and discussing their sexual interests<sup>91</sup>.

In conclusion, the online CSA/E increases the threat and multiplies the difficulties to avoid this issue in all societies. The progress made through technology may change the forms of sexual child abuse and exploitation. Practitioners, front-line officers, institutions, stakeholders, families, and society as a whole must deal with this silent threat.

### Who is at risk?

Any child can be abused. It is important to remember that both boys and girls can be sexually abused. One difference with THB is that abuse can happen in every context and is not necessarily derived from a specific situation of vulnerability. Child sexual abuse can happen everywhere, regardless of a country's socioeconomic status or its citizens' quality of life, and is increasingly enabled by the internet. However, some children may be more susceptible to being abused than others. Very young children or those with special needs may be particularly vulnerable to abuse. In addition, persons in transitional circumstances, such as young people in the adolescence period, could be more vulnerable to the recruitment. For instance, a teenager may feel complimented by the attentions of an older adult and not realise they are being groomed, and that the perpetrator is establishing control over the victim, isolating them from their support groups, for example, their peers, family, and school. The perpetrator takes total control of the young person, making them wholly reliant on them, and manipulating the young person into feeling guilty if they do not do as they are asked<sup>92</sup>.

There are different sources of vulnerability derived from personal, family, structural/societal, and cultural/community factors. Notably, one may face personal/individual factors of vulnerability, being female, having a disability, depression and mental health problems, and substance misuse; family and relationships, chaotic family life, conflict within the family unit, poor parenting and lack of family support, being orphaned or separated from family, a history of abuse and neglect, poor mental health (or poor parental mental health), and homelessness; structural factors, such as poverty<sup>93</sup>, economic development, weak legal sanctions and child protection system responses, armed conflict and humanitarian crisis; and cultural/community factors specific cultural practices, high levels of violence in the community. Moreover, facing a disrupted factor or, in most cases, **a combination of factors**, increases the possibilities of CSA/E situation.

### What is identification of victims

The term "victim identification" refers to an investigation process by experts to analyse CSAM/CSEM (child sexual abuse material or child sexual exploitation material) in order to identify the victims of sexual abuse or sexual exploitation. The analysis includes different methodologies, especially in finding potential location-indicative objects, remarks, or data within or around the material (content and technical information) and evaluating them with existing or other relevant information.

The goal of this process is to identify the location of the abuse and, therefore, the victim and offender, to enable the safe removal of the child from harm while at the same time allowing evidence of the criminal activity to

<sup>90</sup> EUROPOL. (n.d) Crime Sexual Exploitation..

<sup>91</sup> Ibid.

<sup>92</sup> Bolton Council (n.a.). *Children and Young People at Risk of Sexual Exploitation. Section 5: Vulnerability and Risk Factors.*

<sup>93</sup> Despite the economic background, there are cases of private school pupils being recruited by drug gangs for running drugs and money laundering, precisely because they are less likely to be suspected, and also because they may have the means to conceal money.

be secured. In conclusion, in the context of CSA and CSE, and in particular regarding CSAM and CSEM<sup>94</sup>, “victim identification” has become an increasingly important issue, which should be understood as a victim-centred approach crucial to the protection of children and their removal from harm<sup>95</sup>.

In most of the countries “victim identification” is principally a law enforcement task done in accordance with the INTERPOL Resolution AG-2011-RES-08 on “*promoting victim-centric management of child abuse material at the national level*”<sup>96</sup>, which recognises the local nature of the child sexual abuse while acknowledging the global nature of the distribution of the resultant material. However, child abuse and exploitation victim identification is a very complex issue and a notoriously difficult task. There are some challenges and barriers to child self-reporting, including social stigma; a lack of awareness, understanding, and recognition of sexual abuse and exploitation among parents and the general public; professionals' lack of identification skills and training; poor information sharing by agencies; and policy contexts that do not support identification and child protection responses<sup>97</sup>.

The most critical step in any child protection response is learning how to recognise the different types of child maltreatment, particularly sexual abuse. Thus, a clinical evaluation is to determine whether: 1) abuse has occurred; 2) the child needs protection; or 3) the child needs treatment for medical and/or emotional problems.

### The steps of CSA/E victim identification

CSA victim identification is the first stage of a local, national, or transnational referral mechanism<sup>98</sup>, by which a case and its abused children are detected based on “*protective measures [that] should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement*”<sup>99</sup>.

In this sense, a few steps can be taken to identify a situation of CSA/E:

-  **Disclosure** refers to the discovery of child sexual abuse by an adult following reporting from a child, also called self-reporting. A child’s capacity to disclose is impacted by the child’s age, sense of safety, available resources, and other factors relevant to a particular context. Often, disclosure of sexual abuse is a process. “*Children may first “test the waters” to see how adults react to hints about their sexual abuse or give their full disclosure*”<sup>100</sup>. This process is multi-determined and influenced by a complex range of factors that may influence each child in a different way. Non-disclosure and delayed disclosure situations are both significant problems facing society, in particular for those professionals tasked with safeguarding the wellbeing of children. Disclosure can be a traumatic experience for both children and adults.
-  **Screening and early identification** seek an overview of the situation, such as indicators of grooming, risk factors, and examinations attesting child abuse. Medical personnel, educators, childcare providers, mental health professionals, law enforcement personnel, the clergy, and other professionals are often in a position to observe families and children to identify abuse or neglect when it occurs. Private citizens, such as family, friends, and neighbours, may also identify suspected incidents of child abuse. To make more

<sup>94</sup> CSAM can be subdivided into the categories “Identified”, “Unidentified”, and “Not Distributed”. “Identified” is a series or material where the victim has been identified and removed from harm. “Unidentified” is a series that is circulating online but has not yet been identified. A “Not Distributed” series is one where it is not known if the material has been shared either online or offline. OHCHR.

<sup>95</sup> European Commission (2020). *EU strategy for a more effective fight against child sexual abuse*. COM(2020) 607 final, 24.7.2020. Brussels.

<sup>96</sup> Adopted at the 2011 ICPO-INTERPOL General Assembly.

<sup>97</sup> International Rescue Committee - UNICEF (2012). *Caring for Child Survivors of Sexual Abuse. Guidelines for health and psychosocial service providers in humanitarian settings*

<sup>98</sup> Referral mechanisms are frameworks for identifying and referring potential victims of CSA/E and ensuring they receive the appropriate support.

<sup>99</sup> Article 19 of the Convention on the Rights of the Child.

<sup>100</sup> International Rescue Committee - UNICEF (2012). *Caring for Child Survivors of Sexual Abuse. Guidelines for health and psychosocial service providers in humanitarian settings*.

appropriate screening and identification, the agent in charge could consider applying different methods and looking for different indicators according to the child's age group. For example: abuse in children ages 0-5, abuse in children ages 6-12, and abuse in children ages 13-18. The screening may be based on interactions with the child<sup>101</sup>, observation of his or her behaviour, appearance, circumstances, and/or an interview guided by indicators, which can lead to the detection of signs of abuse to be further explored<sup>102</sup>. If there is suspicion of abuse, it is mandatory to contact the authorities and make a referral. During this phase, CSA/E must be reported according to each state's ethical and legal rules.

 **Assessment:** conducted by official identification authorities tasked by law or procedure with victim identification. Competent authorities may include law enforcement, social services, prosecutors, a court, and, in some countries, NGOs. Formal identification may be based on verification of the information obtained from the initial interview and other evidence and after a medical evaluation. When the competent authorities see enough signs that a child may be a victim of abuse, they need to decide what type of response is required<sup>103</sup>. This may result in the child being entitled to more long-lasting assistance and protection services. It may also coincide with the investigation and prosecution of alleged perpetrators. And in the case of CSA, besides the involvement of family members, the strategy could be different so as to not jeopardise any criminal investigation.

### Why is Early Identification important?

Acting immediately in cases of CSA/E is crucial to protecting abused children. In the same way, the earlier a potential case is identified, the sooner the presumed victims receive treatment, and the damage is reduced. The importance of early identification is linked with the need to help child survivors and their families recover and heal from the oftentimes devastating impacts of sexual abuse.

There are also situations of re-victimisation, which include any sexual abuse or assault subsequent to a first abuse or assault that is perpetrated by a different offender from the initial victimisation<sup>104</sup>. Early identification and early help could prevent re-victimisation and prevent harm from accumulating. Responses to preventing and responding to violence need to include earlier help for children of all age groups, as the risks and nature of violence experienced can vary across the life course<sup>105</sup>.

Ideally, efforts to improve the identification of children who are sexually abused or exploited would include:

-  Mechanisms to facilitate the formal reporting of child sexual abuse and exploitation;
-  Training those in contact with children to be alert to the signs of abuse;
-  Providing age-appropriate information to children on their rights to protection and where to find it;
-  Introducing methods to "screen" clients for experiences of sexual abuse and exploitation;
-  Introducing risk-assessment methods;
-  Improving data sharing and guidance for multi-sectoral methods of working together;
-  Developing reporting and referral pathways;
-  Developing integrated or multi-agency "one-stop shop" identification and response teams<sup>106</sup>.

<sup>101</sup> Number of times the child is interviewed; the location of the interview, with a relaxed environment; interviewing both parents in intra-familial abuse.

<sup>102</sup> Some tools are: anatomically correct dolls, children's drawings, videotaping and psychological testing.

<sup>103</sup> It depends on the countries. In the EU Social Services and particularly Children's Services using a protocol for assessment and procedures with strict deadlines regarding the actions to take in permanent contact with the police, the other agencies involved, local authorities, and somewhere NGO.

<sup>104</sup> Stathopoulos, M. (2014) *Sexual Re-victimisation, Individual, Interpersonal and Contextual Factors*, Australian Institute of Family Studiesp. 2.

<sup>105</sup> UNICEF (2015). *Preventing and Responding to Child Sexual Abuse and Exploitation: Evidence review*.

<sup>106</sup> Ibid.

In summary, the failure to identify an abused child early will almost certainly result in further re-victimisation, in a process where CSA cases may lead to CSE. Thus, early and correct first-level identification should be prioritised in order to ensure the avoidance of the abuse situation and, regarding the perpetrators, to accomplish the prosecution.

### General list of indicators for CSA/E

In **Annex 2**, you will find a general list of indicators for child sexual abuse and exploitation, which is broken down by age, including common behaviours in grooming and recruitment of children, along with instructions on how to use those indicators. They should help you spot potential/suspicious cases of CSA/E.

### International Good Practices on Early Identification in CSA/E<sup>107</sup>

Regarding CSA/E, there are some good practices and standards that can facilitate the early identification process, and can be applied worldwide, despite the cultural, economic, and social differences among societies, to be the driving force for a better response from front-line responders.

#### 1. Data and identification of CSA/E

-  Institutions should obtain information and available data on prevalence, incidence, and gaps, as well as distinguishing age, gender, ethnicity, etc.
-  Involve stakeholders and children in improving data collection processes, conducting ethical child victim surveys, and in building a common capacity to improve data collection by combining quantitative and qualitative methods.

#### 2. National frameworks<sup>108</sup>

-  National frameworks must be implemented through planning, legislative and policy reform, coordination, and resource allocation.
-  Adopt a national action plan or strategy with realistic cost estimates, targets, and time frames.
-  Ensure national laws and policies comply with international human rights and current scientific knowledge.
-  Create a map of the child protection system.
-  Pass comprehensive legislation to prohibit child sexual abuse and exploitation.
-  Make certain that laws do not criminalise child victims.
-  Set up a government policy coordination and accountability mechanism.
-  Develop government guidelines on child protection.

#### 3. Change social norms and behaviours

-  Develop prevention activities that target entrenched norms and values that support gender inequality and violence.
-  Promote life-skills training programmes to develop more equal relationships.
-  Use "edutainment" to change views and perceptions.
-  Involve men and boys.

<sup>107</sup> This entire section is based on good practices as described by Radford, Lorraine, Allnock, Debbie & Hynes, Patricia (2015). *Preventing and Responding to Child Sexual Abuse and Exploitation: Evidence review*. UNICEF and WHO (2017). *Responding to children and adolescents who have been sexually abused: WHO clinical guidelines*. Geneva: World Health Organization; 2017. Licence: CC BY-NC-SA 3.0 IGO.

<sup>108</sup> There are some countries that have the national framework as well as others at the regional level (i.e. European Union).

#### 4. Protective factors at interacting levels of child, family, community & society

-  Develop evidence-based, non-stigmatizing methods to identify and target prevention at the most vulnerable children.
-  Introduce school-based prevention programmes on safe touching, awareness, and online safety.
-  Promote whole-school approaches.
-  Develop awareness campaigns targeting sexual abuse and exploitation.
-  Apply knowledge about risks and protective factors to develop the evidence base for child empowerment approaches, e.g., credit transfers.

#### 5. Build capacity of child protection systems, professionals and all adults

Every person can prevent, intervene early, protect, and minimise the harm in a case of CSA/E. For that reason, it is necessary to:

-  Train key professionals to identify and respond.
-  Make sure that responses to boy victims are culturally and contextually appropriate.
-  Encourage the participation of children and community groups and establish community-based child protection committees.
-  Set up multi-sector information sharing, referral, and reporting mechanisms.
-  Develop children's phone lines and child-friendly help services.
-  Coordinate the multi-sector response.
-  Ascertain that forensic interviews are age-appropriate.
-  Standardize the assessment process and the development of efficient screening tools.
-  Provide child victim-friendly health care.
-  Create specialised multi-disciplinary, cross-sectoral teams in law enforcement and health care.
-  End impunity for perpetrators.
-  Build capacity for evidence-based recovery.

#### 6. Enable children to get involved

-  Enable the participation of children to include their views because they can influence the design, delivery, and evaluation of responses.
-  Improve child and youth service user participation.
-  Support youth councils.
-  Improve the participation of the most marginalised children.
-  Improve the evidence on effective child victim participation methods in specific contexts.

#### 7. Evaluate impact and use evidence from research to improve responses

-  Monitoring and evaluation should be guided.
-  Set up and conduct resource monitoring and evaluation with realistic and time-bound targets for short, medium, and long-term impacts.
-  Include monitoring of any negative consequences.
-  Use mixed quantitative and qualitative methods of monitoring and evaluation.
-  Develop context-specific child sexual abuse and exploitation indicators, e.g., police and health-recorded rape and sexual assault rates.
-  Develop indicators relevant for the most vulnerable children.

## 8. Special measures in armed conflict and humanitarian crisis

To prevent and respond to child abuse:

-  Implement current guidance on minimum standards.
-  Adhere to codes of conduct for humanitarian personnel.
-  Focus on situational prevention.
-  Unaccompanied children must be registered.
-  Provide safe spaces for children.

In addition to the above-mentioned good practices, it is highly desirable to build and maintain an international database where stakeholders from any country can record practices, non-sensitive case data, perpetrators, modus operandi, etc. Finally, the introduction of an ICD code at the WHO level for child sexual exploitation and abuse would contribute to accelerating victim referral, protection, and treatment.

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# PART II

Country and Sector-specific Case Studies

AND

Context-Specific Indicators for Early Identification of  
Trafficking in Human Beings (THB) and/or Child Sexual  
Abuse and Exploitation (CSA/E)

## BANGLADESH

### About the Study

The case study provides context for Trafficking in Human Beings (THB) and Child Sexual Abuse and Exploitation (CSA/E) in Bangladesh, focusing on the phenomena of (a) **child sexual exploitation in the sex industry** and (b) **labour exploitation of migrant women domestic workers**.

The case study offers to the reader **two lists of specific indicators** for early identification of victims/cases of: **child sexual exploitation in the sex industry in Bangladesh** and **labour exploitation of migrant women domestic workers from Bangladesh trafficked abroad**, phenomena that underwent considerable increase in the past years. The indicators were developed based on the research conducted within the framework of this Manual and should serve as a useful tool to support the frontline responders to make structured judgements and identify possible cases of exploitation and trafficking in the above-mentioned sectors. The case study will also guide the frontline responders on how to use these indicators in their daily work.

In order to closely introduce these phenomena, in the **first sub-part (A)**, the case study provides brief description of the general THB and CSA/E context in Bangladesh. The **second (B) and the third sub-part (C)** focus on the characteristics of these two phenomena occurring in the country and the vulnerabilities affecting specific groups: children exploited in the sex industry and Bangladeshi women migrating in other countries to work in the domestic sector. For the readers who would like to learn more on the THB context in Bangladesh, information on the THB statistics and forms of trafficking and exploitation in Bangladesh, relevant legal, policy and institutional framework as well as on general vulnerabilities to THB and CSA/E is available in the **Annex 3** of this document.

## Part A: THB and CSA/E context in Bangladesh

### General Context

Bangladeshi victims of trafficking in persons are detected in many countries across the world, as well as in Bangladesh itself. The country's geographic location contributes to it not only by being a significant source of victims regionally, but also a destination for trafficking victims from neighbouring countries and beyond. The country's low human development index, poverty levels and lack of economic opportunities, push people to seek employment abroad, where many end up in situations of trafficking in human beings.

According to the US TIP report 2022,<sup>109</sup> " ... traffickers exploit some Bangladeshi men, women, and children who migrate willingly to work in the Middle East and Southeast Asia, especially Brunei, Malaysia, and the Maldives, in forced labour. Traffickers also exploit Bangladeshis in forced labour in South Asia, Southern and Eastern Africa, Europe, and the United States." Many people fell victim to trafficking before leaving Bangladesh or while *en route* to the destination countries. Most of these people are deceived by legal and illegal agencies that commit recruitment frauds, including contract switching and debt-based coercion. These people remain undocumented abroad, reporting passport retention, underpayment or non-payment of wages, and fraudulent recruitment. Traffickers exploit Bangladeshi women and girls in **forced labour and sex trafficking abroad**, including in India, Pakistan, and Gulf countries. Women who migrated through Bangladeshi recruitment agencies to Lebanon, Jordan or other countries for domestic work are oftentimes deceived and fall into **forced labour**. Traffickers from China force Bangladeshi women, specifically indigenous women from the Chittagong Hill Tracts, into **sex trafficking and domestic servitude through arranged marriages**.<sup>110</sup>

**In Bangladesh**, traffickers force adults and children to work in the shrimp and fish processing industries, aluminium, tea, garment factories, brick kilns, dry fish production, and shipbreaking. They use coercive debts

<sup>109</sup> US Department of State (2022). *2021 Trafficking in Persons Report: Bangladesh*.

<sup>110</sup> Ibid.

to force Bangladeshi families to labour in brick kilns, shrimp farming, and on tea estates, with situations of parents receiving money advances against the children's salaries. **Children** younger than 14 years are forced into **domestic work**, experiencing torture and restrictions of movement. Traffickers coerce children experiencing homelessness into **criminal activities** or force them to beg, and begging ringmasters sometimes injure children to increase earnings. Children, especially in border areas, are forced to produce and transport drugs.

Traffickers exploit adults and children from all regions of the country in Bangladesh's legal and illegal brothels and private hotels. They use false promises of work to lure poor women and children into **sex trafficking** and fabricate exorbitant debts the women and girls must repay. Thousands of children are both growing up in and exploited in **commercial sex industry** in Bangladeshi brothels. Many children are forced to commercial sex and **begging**, due to increasingly widespread job losses, wage cuts, and poverty in rural areas and urban slums due to the pandemic.<sup>111</sup> Traffickers have increasingly lured potential victims through social media, including Facebook, Instagram, TikTok, and mobile messages. Some traffickers force sex trafficking victims to become addicted to drugs and use addiction to keep them in sex trafficking and involuntary unlawful acts.

Bangladesh hosts nearly one million Rohingya in refugee camps and communities in Cox's Bazar and in other parts of the country. **Rohingya men, women, and children from refugee camps are exploited in sex and labour trafficking** both within Bangladesh and transnationally. Rohingya girls are exploited for sex trafficking within Bangladesh to Chittagong and Dhaka and transnationally to India, Malaysia, and Nepal, sometimes using false promises of jobs or marriage.

Traffickers also target victims affected by environmental disasters caused by climate change, such as floods and droughts in Bangladesh, which erode livelihoods and heighten levels of vulnerability.<sup>112</sup> Comprehensive information summarising the **THB statistics and forms of trafficking and exploitation in Bangladesh**, as well as **general vulnerabilities of the people in Bangladesh to trafficking and exploitation** can be found in an **Annex 3** of this Manual.

### National Legal Framework

**In 2012, Bangladesh has enacted The Prevention and Suppression of Human Trafficking Act (PSHTA)**, in compliance with the Palermo Protocol, which defines human trafficking as possessing three constituent elements (Figure 6): **the act, the means and the purpose**. According to PSHTA, **all three components must be present** in an adult trafficking case. If the victim of trafficking is a child, it shall be immaterial whether any of the means of committing the offence mentioned above is used or not.



Figure 6: Human trafficking defined as possessing three constituent elements

**PSHTA is the main pillar of the overall anti-trafficking legal framework in Bangladesh**, which is comprised of several more legal and policy acts to prevent and combat THB and CSA/E. **The legal, as well as the institutional framework** related to the specific phenomena elaborated in this case study is available in the **Annex 3** of this Manual.

<sup>111</sup> Ibid.

<sup>112</sup> UNODC (2022). *First National Study on Trafficking in Persons in Bangladesh*. Vienna.

## Part B: Sector-specific study. Child sexual exploitation in the sex industry in Bangladesh

This sector-specific study focuses on **child sexual abuse and child sexual exploitation in the sex industry in Bangladesh** and offers a set of specific indicators that can be used by the frontline responders to support them in the early identification of CSA/E cases.

### 1. Child sexual abuse and child sexual exploitation in Bangladesh

Growing urbanization linked to the growth of a free-market economy has increased the demand for sexual services in Bangladesh. **Child sexual abuse and exploitation have become issues of serious concern in the country.** These phenomena are mostly hidden and underreported as they are associated with shame and stigma. Children in Bangladesh face discrimination and various forms of abuse and exploitation. A number of beliefs and practices that are harmful for children in general and highly gender-discriminatory continue to be practiced. Child marriage is a major problem in Bangladesh. *"It affects both girls and boys, but girls are the main victims... These young girls lose their childhood and face violence, and slavery."*<sup>113</sup> Child abandonment, kidnapping, and trafficking are other widespread problems. Children are afraid to speak out, fearing disbelief and retribution.

**Child sexual abuse** permeates all levels of Bangladeshi society. Children are at risk of abuse or harassment in their own homes, from relatives and family "friends." CSA is found in schools, communities and the workplace. While disadvantaged and disabled children are more vulnerable to abuse, it is not limited to them. Most children know their abuser, who is usually someone close to them.

**Child sexual exploitation** *"can start when children are as young as 10 in Bangladesh's registered brothels, its hotels and its parks, streets and stations."*<sup>114</sup> Girls in Bangladesh are believed to be at greater risk of sexual abuse and exploitation, however, boys are vulnerable as well. *"More than 20,000 children are born and live in the registered red-light areas of Bangladesh... ..Boys tend to become pimps once they grow up and girls continue in their mothers' profession. Most of these girls enter the sex industry before the age of 12."*<sup>115</sup> Many girls find themselves sold in brothels, after they fled abusive child marriages. Many girls grow up in brothels because their mothers were engaged in commercial sex and brothel owners forced them into commercial sex when they were children. Girls are also often sold by their families to brothels for a period of several years of bonded sex work. Many of them are forced to take steroid drugs to gain weight and to look better.

Bangladesh's **high rate of child marriage** has multifaceted causes and consequences. Parents of girls are usually motivated to marry their daughters off at early ages because of concerns for the girls' sexual safety and security, the need to conform to traditional societal expectations, and the need to avoid higher costs associated with later marriage and dowry demands that rise with age. The risk of child marriage is influenced by certain background characteristics such as poverty, lack of education, patriarchal mentality, gender discrimination, natural disaster and climate change.

A hidden but prevalent issue in Bangladesh is the **sexual exploitation of boys**. Many of the children living and working on the street in urban areas may often engage in periodic "survival sex", exchanging sexual favours in return for food, shelter, protection, and money.<sup>116</sup> On the streets, many children are beaten and robbed. Many boys are drawn into crime through their pimps. Men having sex with boys is growing and hidden issue but often not acknowledged due to the related stigma or shame.

According to UNICEF, *"32 percent children aged 10 to 17 years old who are online in Bangladesh are in danger posed by online violence, cyberbullying and digital harassment [...]. While older children may be more*

<sup>113</sup> Bell, S. (2019). *Child Marriage in Bangladesh. Causes and Consequences*. Munich, GRIN Verlag.

<sup>114</sup> UNICEF, n.d. *Child Sexual Abuse, Exploitation and Trafficking in Bangladesh*. [ebook] UNICEF.

<sup>115</sup> Asia Child Rights. Asia Human Rights Commission (2002) *Bangladesh's Child Sex Workers: No Place To Go*. Archived from the original on 16 April 2010. Retrieved 19 June 2010.

<sup>116</sup> Frederick, J (2010). *Sexual Abuse and Exploitation of Boys in South Asia. A review of research findings, legislation, policy and programme responses*, Innocenti Working Papers, no. 2010-02.

exposed to cyberbullying than younger ones, children are not immune from harmful content, sexual exploitation and abuse, and cyberbullying".<sup>117</sup>

### Who are the perpetrators involved in child sexual abuse and exploitation in Bangladesh?

There is a layered business framework behind child sexual exploitation in the country. Apart from **intermediaries and procurers** who source women and girls for commercial sexual exploitation, there are also a wide range of people who profit from sexual exploitation of people, such as **brothel madams, middlemen, pimps and "security."** Furthermore, there are more affluent facilitators who support sexual exploitation and stay outside the purview of any effective law enforcement that could be imposed to protect the rights of child sex workers. This group of **facilitators** are **landlords, local muscle men, influential politicians, law enforcement agencies**<sup>118</sup> etc.

Various informal channels and social networks also play an important role in the recruitment process of girls into commercial sexual exploitation. **Facilitators include family members - husbands, stepfathers'/mothers'** relatives for girls below the age of 18 years. Usually family members make the decision, while children are not consulted or their consent is not taken at all. There are **people in the community outside the family circle** as well who allure girls into sex work. Employers do not need to actively recruit as girls and women are introduced to them by **facilitators like madams and others** who manage brothels. However, in cases where employers have to look for workers, then they use contacts, other employees and friends, and to an **extent agents and pimps.**

Performers that facilitate sexual exploitation in Bangladesh are diverse depending on the traditional brothel model based on a **sardarni (madam)** with actors like **dalals (pimps)** and **brokers** who bring girls from outside and get a percentage of the money. In recent times, with growing diversity in the settings for sex work, traditional actors have changed to **hotel managers** and other **employees that play the intermediary roles.** Moreover, there is reduction of the dependency on intermediaries with the advancement of the ICT sector. By using mobile phones and the internet, the face-to-face contact is no more necessary to recruit sex workers or maintain clients. This has made forced sexual exploitation less visible. At the same time, combined with the reduced need for intermediaries, children may be at an increased risk of violence and manipulation.

**Intermediaries** play an important role by offering an array of services: help in 'recruiting' potential sex workers from rural areas, help brothels with clientele; at the same time help sex workers with a supply of clients or personal needs such as drugs. However, these services are not free of charge, and often sex workers are overcharged by intermediaries. But they have to rely on them to maintain their livelihood, particularly if they are operating outside of a brothel. Children are commonly confronted with violent clients and other permanent actors who are a threat as they live or are based in close proximity.

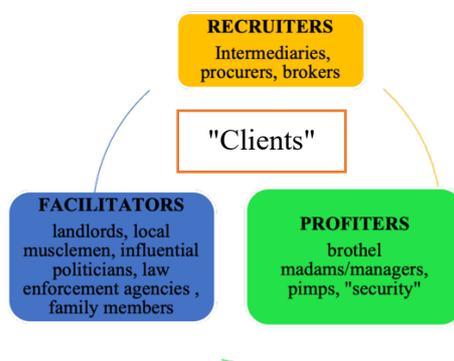


Figure 7: Perpetrators involved in CSA/E in Bangladesh

<sup>117</sup> UNICEF (2019). Press Release: *UNICEF calls for concerted action to prevent bullying and harassment for the 32 per cent of children online in Bangladesh.*

<sup>118</sup> Frederick, J (2010). *Sexual Abuse and Exploitation of Boys in South Asia. A review of research findings, legislation, policy and programme responses*, Innocenti Working Papers, no. 2010-02.

## Where do they operate?

Child sexual abuse/exploitation occurs at several scenes in Bangladesh:

-  **brothel sex industry** (mainly girls are exploited in brothels and red-light zones),
-  on **streets, at hotels, guest houses etc.**, (mostly girls, but boys as well);
-  In the refugee camps or outside the camps (mostly Rohingya girls);
-  There are allegations that officials sexually exploit children **in the government shelters**;<sup>119</sup>
-  On-line.

## How do they operate?

Children fall into exploitative chains through various ways. There are several modi operandi of the perpetrators, targeting most vulnerable categories of children<sup>120</sup>:

-  Traffickers prey and sell girls in illegal brothels, after they fled abusive marriages or come from socially vulnerable families. Many children are taken with their parents' consent, having been deceived by stories of well-paid jobs or marriages;
-  Young girls trapped in brothels mainly face economic exploitation such as repayment of the debt to the "madams" and it takes 4-5 years to repay the debt. Girls are excluded from mainstream society and basic economic services<sup>121</sup>;
-  Some children grow up in brothels because their mothers were engaged in commercial sex and brothel owners forced them into commercial sex when they were children;
-  In some brothels, owners force children to take steroids to appear older;
-  According to anecdotal evidence, in some brothels, police charge bribes to ignore abuse within the establishment, forego checking for required documentation that each individual is older than 18, and procure fraudulent documentation for children as young as 10 years old;
-  Girls sexually exploited in the streets have freedom of movement but they are tied up with their false "lovers" who are actually their pimps. There is also drug abuse, which makes girls dependant on their pimps;
-  Boys are mostly trafficked through allurements of good jobs by false agents of traffickers, for the purposes of sexual exploitation by adult men;<sup>122</sup>
-  Traffickers lure potential victims through social media, including Facebook, Instagram, TikTok, and mobile messages. In recent years, both print and social media have justified that internet-based connections and linkage such as online platforms and digital tools play a significant role in exploiting children, particularly during the COVID-19 pandemic;
-  Some traffickers force sex trafficking victims to become addicted to drugs and use addiction to keep them in sex trafficking and involuntary unlawful acts;
-  Sex traffickers exploit children experiencing homelessness or using the streets as a source of livelihood in exchange for food, shelter, protection, and money. NGOs describe increasingly widespread job losses, wage cuts, and poverty in rural areas and urban slums due to the pandemic, which forces some children into begging and commercial sex;
-  Some traffickers falsify identity documents to make children appear older than age 18 to send them abroad for sexual exploitation. In addition, traffickers bribe state authorities to issue age certification stating that they are older than 18;
-  Local criminal networks target Rohingya girls in the refugee camps. They take them from the camps at night, exploit them in sex trafficking, and bring them back to the camps during the day;
-  International organizations allege some Bangladeshi officials facilitate trafficking of Rohingya, including accepting bribes from traffickers to gain access to camps.

<sup>119</sup> Victims reported abuse within the shelters, according to the US Department of State (2022). *2021 Trafficking in Persons Report: Bangladesh*.

<sup>120</sup> US Department of State (2022). *2021 Trafficking in Persons Report: Bangladesh*.

<sup>121</sup> Interview BD01.

<sup>122</sup> Interview BD01.

## Who are the victims?

### Victims of child sexual abuse

Child sexual abuse permeates all levels of Bangladeshi society. Children, both girls and boys, are at risk of abuse or harassment in their own homes, from relatives and family "friends". It is found in schools, communities and the workplace. While disadvantaged and disabled children are more vulnerable to abuse, it is not limited to them. Most children know their abuser, who is usually someone close to them. Sexually abused children are rejected socially and therefore they do not get the benefits of social safety net programme in Bangladesh.<sup>123</sup>

### Victims of child sexual exploitation

Child victims of commercial sexual exploitation can also end up in brothels or on the streets through trafficking, family breakdowns or poverty. Many children in Bangladesh, especially girls, have to work as bonded sex workers. They must pay all their earnings to the brothel's madam for their first few years in return for food, clothes and essentials. They are also more vulnerable to HIV/AIDS, drug abuse, more likely to not finish - or begin - their education, or realize their right to be brought up with their family.<sup>124</sup> On the streets, many children are beaten and robbed. Many boys are sexually exploited and drawn into crime through their pimps. In the urban centres, there is poverty as well as prevalence of child marriage. Many girls involved in child labour, such as working in factories and as domestic workers are raped or sexually exploited. These girls are highly stigmatised and many of them flee to escape such abuse, but often they find that survival sex is the only option open to them—once involved with prostitution they become even more marginalised. Reintegration into mainstream society is a huge issue for trafficked children, especially for girls with the stigma and taboo associated with it. If they return with a Sexually Transmitted Infection (STI) or HIV positive, it becomes more challenging for the family and community to accept them.

## 2. Vulnerability factors to child sexual abuse and child sexual exploitation in Bangladesh

Children in Bangladesh face increased vulnerability to sexual exploitation due to various factors: **poverty, widespread physical violence, insecurity caused by extreme weather and natural disasters, patriarchal norms that support violence against women and girls, tradition of child marriages, exclusion of children from education, rural-urban migration, criminal activities, and cultural norms** which are part of the wider context of discrimination and neglect towards children. This list is non exhaustive. The table in the **Annex 3** provides an overview of the factors that make children in Bangladesh particularly vulnerable to child sexual abuse, exploitation and trafficking.

## 3. How can the frontline responders recognise potential victim of child sexual abuse/exploitation?

There are a number of tell-tale signs frontline responders should look out for that may indicate a child is being groomed or involved into CSA/E. Knowing the signs can help protect children and help them when they have no one else to turn to.

The possible CSA/E victim/case can be recognised by spotting so-called **indicators of sexual abuse/exploitation**. Indicators are signs and signals that act as signposts drawing the attention of the frontline responders to a specific situation – or to investigate further. They are based on common characteristics that have often been observed in relation to CSA/E cases in the past.



**Indicators are important tools for frontline officers responsible for early/first-level identification.**

To spot indicators, the frontline responders need awareness of the topic and must know what to look out for, even when we are not actively searching for indicators.

<sup>123</sup> Ibid.

<sup>124</sup> UNICEF, n.d. Child Sexual Abuse, Exploitation and Trafficking in Bangladesh. [ebook] UNICEF.

Indicators should guide frontline responders (law enforcement agencies, victim assistance organisations etc.) to identify possible situations of CSA/E and whether a child should be referred for further identification as victim by the competent authorities. Indicators are not intended to provide a conclusive decision on whether a case is trafficking or not. Indicators provide a list of common characteristics found in trafficking cases, and are intended to support frontline responders make a structured decision about whether further investigation is needed.

There is no formal list of signs/indicators developed by the authorities in Bangladesh. The indicators in the Table 3 were developed according to the specifics of the CSA/E phenomena and should serve the frontline responders to detect, in their daily work, possible cases of exploitation and trafficking affecting children.

**The indicators are divided into three elements: the Act (recruitment/grooming of a child), the Means (control of a child), and the Purpose (exploitation) – working along the definition of THB.** For each of these three elements, indicators are further divided into **visible (physical), non-verbal (behaviour), and verbal (communicated) indicators.** Verbal indicators are signs detected through a conversation and may also include questions to ask a child potential victim of sexual exploitation. Visible indicators may be physically observed, including the environment where the child is found/settled as well as its physical condition. Non-verbal indicators are signs in the behaviour. Some of the indicators will also apply to other elements of trafficking and may, thus, appear multiple times in the list.

It is worth mentioning, that the list of indicators is not exhaustive and in no particular order. **Some indicators are more specific** (e.g., referring to a specific scenario), **while others might be more general.** Crucially, a single indicator by itself will not necessarily point to a child being victim of sexual abuse/exploitation. Rather, a combination of multiple indicators from each element increases the likelihood of the child being sexually exploited. In addition, the wider context of the individual needs to be always taken into account (including the vulnerabilities of a child). To aid identification of potential child victims, frontline responders are advised to work closely with other relevant actors from the housing sector, public health, education (such as teachers), and the wider community. The indicators are divided into three groups, specific for:

-  **child sexual abuse;**
-  **child sexual exploitation in brothels, hotels, streets;**
-  **online child sexual exploitation.**

 **In applying the indicators, frontline responders must look for a combination of signs that suggest CSA/E may be taking place.** A single indicator may not be a conclusive sign that CSA/E is taking place. Rather, a suspicion of trafficking and decision to report the case should be reached by spotting an initial indicator, and then pro-actively looking for other relevant indicators to strengthen the case for reporting.

The frontline responders should use the below lists of CSA/E indicators as a helpful tool in their daily work:

- a. **before and during the field work when they might get in touch with vulnerable children or potential CSA/E victims,** to serve as a reminder what to look for and which questions to ask, when in doubt;
- b. **when writing a special report** referring a potential CSA/E case for further investigation and identification.

 **The frontline responders must study the indicator list in detail and be aware of the cross-over with law violations.**

In parallel, the frontline responders have the duty and opportunity to:

-  **discover** a potential CSA/E situation, requiring them to go beyond focusing on isolated law violations and observing the full picture;

-  **detect** during their daily work any violations of law and human dignity, including signs for a potential CSA/E situation;
-  **analyse** the wider environment and situation and take a decision if further investigation is needed;
-  **report** potential trafficking indicators to the responsible referring authority (through a written report or in urgent cases, via phone).



**Tips for the frontline responders**

**Think carefully:**

- ✓ *Where and within what framework might you spot indicators for a potential situation of CSA/E during your daily work (hotels, brothels, streets, home environment etc.)?*
- ✓ *Are there any verbal, non-verbal and physical indicators that might lead to discovering potential CSA/E victim/case?*

**List of Indicators: Child Sexual Abuse/Exploitation in Bangladesh**

**Sexual abuse** can be difficult to spot and sometimes mistaken for common child and/or teenage behaviour. Children and young people that are victims of sexual abuse often do not realise that they are being abused or exploited. Grooming is conducted through an emotional approach with children, who are deceived by their so-called friends or lovers.

The indicators in Table 3 have been conceived fully within the framework of this Manual. They were developed according to the specifics of the phenomenon described above and should help the frontline responders to detect, in their daily work, possible cases of child sexual abuse in Bangladesh.

Table 3: List of indicators of CSA.

Indicators of child sexual abuse
<ul style="list-style-type: none"> <li>Sharp changes in mood, behaviour or character – being more secretive, withdrawn or isolated from peers.</li> <li>Increasingly disruptive, hostile or physically aggressive at home or school including the use of sexualised language.</li> <li>Expressions of despair (including depression, mental ill-health, self-harm, suicidal thoughts / attempts, overdose, eating patterns or disorder).</li> <li>Being frightened of some people, places or situations.</li> <li>Change in physical appearance (new clothes, more/less make-up, weight gain/loss).</li> <li>Increasing use or misuse of drugs and alcohol.</li> <li>Physical signs of abuse, like scars or bruises, which they try to conceal or bleeding in their genital or anal area.</li> <li>Receiving gifts and having money, clothing, jewellery or other things they can't or won't explain.</li> <li>Having multiple mobile phones, credit, SIM cards or use of a phone that causes concern – multiple callers or more texts / pings than usual.</li> <li>Multiple callers to home (unknown adults/older or young people).</li> <li>Having an older boyfriend or girlfriend, who may encourage emotional dependence, loyalty and isolation.</li> <li>Hanging out with older people (men and/or women), other vulnerable people or in antisocial groups away from the home.</li> <li>Having a new group of friends and not mixing with usual friends.</li> <li>Physical or emotional abuse by a boyfriend / girlfriend or controlling adult including use of manipulation, violence and / or threats.</li> <li>Regularly coming back late, staying out overnight or going missing from home, care or education.</li> <li>Returning home after long intervals appearing well cared for.</li> <li>Reports of being taken to hotels, nightclubs, takeaways or out of area by unknown adults.</li> <li>Stopping going to school or college.</li> <li>Unhealthy or inappropriate sexual behaviour.</li> <li>Suffering from sexually transmitted infections.</li> </ul>

- Pregnancy.
- Concealed or concerning use of social media, such as sending and receiving indecent images, sexting (sending explicit messages), chatting to strangers online, webcam use and online gaming.

Child sexual abuse may be closely related to the **child sexual exploitation**. Recruiters usually target children who are abused in order to be exploited. Traffickers mostly exploit children in the Bangladeshi brothels, hotels, flats or in the streets <sup>125</sup>. Table 4 contains extensive list of indicators, that have been conceived fully within the framework of this Manual. They were developed according to the specifics of the phenomenon described above and should help the frontline responders to detect, in their daily work, possible cases of child sexual exploitation in Bangladesh.

Table 4: Indicators of child sexual exploitation and trafficking in Bangladeshi brothels, hotels, flats or in the streets.

Indicators of Action (recruitment/grooming of a child)	
Verbal (communicated)	<ul style="list-style-type: none"> <li>• The child is not giving an explanation as to why they are absent from home or care and where they have been/are going;</li> <li>• The child is unwilling to explain their situation;</li> <li>• The child is increasingly disruptive, hostile or physically aggressive including the use of sexualised language;</li> <li>• Parents or caregivers don't know where their child is;</li> <li>• The child is found to have been abducted;</li> <li>• The child is emotionally attached to the pimp/ trafficker, refers to him as friend or lover;</li> <li>• The child was promised a rosy life and marriage and followed the pimp/trafficker;</li> <li>• The child is recruited with the promise of a good job by another person/child who is also exploited;</li> <li>• The child was recruited with the promise of making good money.</li> </ul> <p><b><u>Questions that might be asked by the frontline responders:</u></b></p> <ul style="list-style-type: none"> <li>• <i>Where do you come from?</i></li> <li>• <i>How did you get to this location?</i></li> <li>• <i>Where did you stay? Who were you with?</i></li> <li>• <i>Where are your parents?</i></li> <li>• <i>Who is taking care of you?</i></li> </ul>
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>• The child appears anxious at the presence of the accompanying adult;</li> <li>• The child presents the accompanying adult as a relative different than his/ her parents (uncle, cousin, etc.);</li> <li>• The child is being frightened of some people, places or situations;</li> <li>• Changes in mood, behaviour or character – being more secretive, withdrawn or isolated;</li> <li>• Having an older boyfriend or girlfriend, who may encourage emotional dependence, loyalty and isolation;</li> <li>• Hanging out with older people (men and/or women), other vulnerable people or in antisocial groups away from the home;</li> <li>• Regularly coming back late, staying out overnight or going missing from home, care or education;</li> <li>• Returning home after long intervals appearing well cared for;</li> <li>• Reports of being taken to hotels, nightclubs, takeaways or out of area by unknown adults.</li> </ul> <p><b><u>Questions that might be asked by the frontline responders:</u></b></p> <ul style="list-style-type: none"> <li>• <i>Has anyone threatened you or your family if you try to leave or if you disclose about your work?</i></li> </ul>

<sup>125</sup> Interview BD01.

Visible (physical/ environment)	<ul style="list-style-type: none"> <li>• The child lives in brothel or a flat with other girls/boys and women who also provide sexual services;</li> <li>• Increasing use or misuse of drugs and alcohol;</li> <li>• The child lives with other girls/boys and women who are also addicted to psychoactive substances and provide sexual services;</li> <li>• The child lives with the exploiter;</li> <li>• The child lives in a flat with a person close to the perpetrator;</li> <li>• The child has keys/hotel cards for unknown places;</li> <li>• The child travels within the country accompanied by an adult person who is not a relative and someone else is meeting him/her at place of destination.</li> </ul>
<b>Indicators of Means (control over a child)</b>	
Verbal (communicated)	<ul style="list-style-type: none"> <li>• The child is deceived about the nature of work or the working and living conditions;</li> <li>• The child is deceived by false promise of marriage;</li> <li>• The child is in debt bondage towards a third party;</li> <li>• The child is blackmailed or receives threats of harm to family or loved ones;</li> <li>• The child is verbally threatened of violence and psychologically abused;</li> <li>• The child is threatened with arms or heavy objects (e.g. a gun, a stick, a flap);</li> <li>• The perpetrator threatens the child with the release of video materials of her/him engaging in sexual conduct or other intimate imagery to coerce her/him;</li> <li>• The perpetrator threatens the child with reporting her/him to the authorities especially in cases when the child is in conflict with the law or has irregular status;</li> <li>• The perpetrator threatens the child with financial harm to her/him or to family/ loved ones.</li> </ul>
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>• The child looks fearful, distressed and uncomfortable;</li> <li>• The child looks malnourished or older than its real age;</li> <li>• The child manifests unhealthy or inappropriate sexual behaviour;</li> <li>• Expressions of despair (including depression, mental ill-health, self-harm, suicidal thoughts / attempts, overdose, eating patterns or disorder);</li> <li>• The child comes from socially vulnerable family or is orphan (e.g. lacks resources for self-sustainability, has no own accommodation);</li> <li>• The child has an irregular status and fears reporting to police;</li> <li>• The child belongs to a socially excluded or discriminated group (e.g. Rohingya community);</li> <li>• The child is in a psychological or emotional crisis that renders her/him emotionally dependent on the perpetrator;</li> <li>• The child is in conflict with the law and the perpetrators offers protection;</li> <li>• The child suffers physical or emotional abuse by a boyfriend/girlfriend or other controlling adult including use of manipulation, violence and / or threats;</li> <li>• The child's movement is controlled by adults, who keep an eye of what s/he is doing, where s/he is going or with whom s/he is meeting or soliciting;</li> <li>• Family members receive money or other material benefit or other form of consideration to let the child go;</li> <li>• Family members receive money or other material benefit or other form of consideration to let the child marry an adult;</li> <li>• The child must repay a debt that is manipulated and manifestly excessive and unreasonable;</li> <li>• The child's debt is increased as a form of punishment in case of non-compliance with perpetrators' rules and demands.</li> </ul> <p><b><u>Questions that might be asked by the frontline responders:</u></b></p> <ul style="list-style-type: none"> <li>• <i>Are you allowed to go out by yourself or talk to other persons? If yes, are there any conditions?</i></li> <li>• <i>Can other people visit your workplace or is the access restricted?</i></li> <li>• <i>Are the doors and windows locked so you are unable to leave by yourself from the place you work/live?</i></li> <li>• <i>Are you hosted by someone? If yes, are there any conditions?</i></li> </ul>

<p>Visible (physical/ environment)</p>	<ul style="list-style-type: none"> <li>• The child has visible body injuries (e.g. scars, bruises resulting from beatings, cigarettes burns, rape which they try to conceal or bleeding in their genital or anal area);</li> <li>• The child is always escorted to clients and other places, and then someone waits outside, collects the money, and drives her/him to another place;</li> <li>• The child is addicted to psychoactive substances or is induced to consume psychoactive substances (the perpetrator provides her/him drugs or alcohol);</li> <li>• Change in physical appearance of the child (new clothes, overt sexualised dress, more/less make-up, weight gain/loss);</li> <li>• The child looks older than its real age (perpetrator induces steroids to the child);</li> <li>• The child is found living at brothel and/or at the same address as a perpetrator with limited or no private space and in squalid conditions;</li> <li>• The child is locked in a room or other place or has limited freedom of movement;</li> <li>• The child suffers from sexually transmitted infections;</li> <li>• Pregnancy;</li> <li>• Confiscation of passport or ID document or other valuable documents;</li> <li>• Someone is taking advantage of the limited maturity of the child who does not understand and fully appreciate the implications of the situation to ask her/him to engage in sexual services.</li> </ul> <p><b><u>Questions that might be asked by the frontline responders:</u></b></p> <ul style="list-style-type: none"> <li>• <i>Were you forced by someone to perform certain tasks or offer services against your will?</i></li> <li>• <i>Have you been injured in any way?</i></li> <li>• <i>Have you been deprived of food, water, or sleep? Do you have to ask for permission to eat, drink, sleep or go to the bathroom?</i></li> </ul>
<p><b>Indicators of Purpose (exploitation)</b></p>	
<p>Verbal (communicated)</p>	<ul style="list-style-type: none"> <li>• The child is forced to work and to provide sexual services for long hours;</li> <li>• The child does not have any days off from sex work;</li> <li>• The child does not keep the money or keeps a minimum amount and has to handover money to someone else;</li> <li>• The child is forced to provide sexual services even when sick or pregnant;</li> <li>• The child has no freedom to decide when, how and for how long to provide sexual services;</li> <li>• The child cannot refuse clients and/or unprotected or violent sex;</li> <li>• The child is in a situation of forced cohabitation (e.g. in case of a child forced marriage);</li> <li>• The child is frequently moved from one place to another (typical for boys);</li> <li>• The child acts/answers as if instructed/controlled by someone else;</li> <li>• The child has been placed in a de facto marriage situation.</li> <li>• It seems that the child previously received instructions on what to say;</li> <li>• The child is reluctant or unable to explain how s/he had been hurt.</li> </ul>
<p>Non-verbal (behaviour)</p>	<ul style="list-style-type: none"> <li>• The child looks exhausted;</li> <li>• The child shows fear or anxiety;</li> <li>• The child shows signs that her/his movements are being watched, constantly looks at someone who seems to be watching her/him;</li> <li>• The child looks intimidated and behaves in a way that does not correspond with behaviour typical of children their age;</li> <li>• The child has frequent outbursts of violence and anger, may be aggressive;</li> <li>• In some cases, children refuse completely any emotional interactions as a result of the trauma suffered;</li> <li>• The child is seen in places known to be used for sexual exploitation;</li> <li>• There is an adult often wandering around the child's school, and waiting for her/him, this is often a way of controlling the child (typical for boys);</li> <li>• There is a person who organizes place and conditions for sexual contact with the child;</li> </ul>

	<ul style="list-style-type: none"> <li>• The child is always accompanied by a person or a group, reluctant to one-to-one interviews (for children, permanent accompaniment by adults and prohibition to speak to unknown adults);</li> <li>• The child is controlled by another person (limited freedom of movement);</li> <li>• The child cannot speak alone and freely, always is accompanied by someone who speaks on their behalf.</li> </ul> <p><b><u>Questions that might be asked by the frontline responders:</u></b></p> <ul style="list-style-type: none"> <li>• <i>Do you have access to the money you earn?</i></li> <li>• <i>Is it used to repay a debt?</i></li> </ul>
Visible (physical/ environment)	<ul style="list-style-type: none"> <li>• The child's health °.</li> </ul>

Child sexual exploitation can occur "...through the use of technology without the child's immediate recognition, for example being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain."<sup>126</sup> The prolific use of the internet and mobile technology by children and young people today brings many exciting opportunities for them to communicate and share with a worldwide audience. However, it can also increase their vulnerability and put them at risk of online exploitation without them even realising it is taking place. The following may indicate that a young person is **being sexually exploited through the internet or mobile technology**.

The indicators in Table 5 have been conceived fully within the framework of this Manual. They were developed according to the specifics of the phenomenon described above and should help the frontline responders to detect, possible cases of child sexual exploitation through the internet or mobile technology.

Table 5: Indicators of child sexual exploitation through the internet or mobile technology.

Indicators of Action (recruitment/grooming of a child)	
Verbal (communicated)	<ul style="list-style-type: none"> <li>• The child is being secretive about who they are speaking to via mobile phone or communicating to via social media (Facebook, Tik-Tok);</li> <li>• Unwilling to share online 'friends';</li> <li>• Talking about new friends who don't belong to their normal social circle.</li> </ul> <p><b><u>Questions that might be asked by the frontline responders:</u></b></p> <ul style="list-style-type: none"> <li>• <i>Who are you speaking to on the phone?</i></li> <li>• <i>Who is texting you?</i></li> <li>• <i>Do your parents know them?</i></li> </ul>
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>• Spending increasing amount of time on social networking sites (e.g. Facebook, Instagram, Snapchat, Tik-Tok, chat Apps, online gaming, and chat forums) or using webcams;</li> <li>• Spending increased amount of time with online friends and less time with friends from school or neighbourhood;</li> <li>• Agreeing to meet people met online;</li> <li>• Changes of attitude in the use of technology (spend more/less time on internet), avoid using social networks and other online spaces;</li> <li>• Connect online at times when they normally did other things, changing their habits;</li> <li>• Behavioural or sleeping disorders (reduced sleep, nightmares);</li> <li>• Poor school performance (poor concentration, lack of attention at school);</li> <li>• Reduced contact with family and friends and/or other support networks.</li> </ul>

<sup>126</sup> HM Government (2009), *Safeguarding children and young people from sexual exploitation: supplementary guidance to Working Together to Safeguard Children*. DCSF

Visible (physical/ environment)	<ul style="list-style-type: none"> <li>• Increasing number of chat and image sharing Apps on mobile phone;</li> <li>• Unexplained increased mobile phone/gaming credits;</li> <li>• Accessing dating Apps or websites;</li> <li>• Concerning use of the internet/mobile phone;</li> <li>• Access to contact sites; chat lines via the internet or mobile phones;</li> <li>• Exclusion, truancy or unexplained absences from school.</li> </ul>
<b>Indicators of Means (control over a child)</b>	
Verbal (communicated)	<ul style="list-style-type: none"> <li>• Sudden need for privacy when using their devices (often change rooms when they receive a message or call, get nervous when they check their device or become anxious or violent when someone tries to look at their mobile phone)</li> <li>• Multiple callers to home (unknown adults/older or young people).</li> </ul> <p><b>Questions that might be asked by the frontline responders:</b></p> <ul style="list-style-type: none"> <li>• <i>How do you know the people you associate with?</i></li> <li>• <i>Are they part of your family, do your parents know them?</i></li> <li>• <i>Do you have any relation to the adults in the car with you?</i></li> </ul>
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>• Increasing secretiveness;</li> <li>• The child is emotionally low, sad or crying (feelings of guilt and shame, which reduce their self-esteem and cause other changes in behaviour);</li> <li>• Staying late at night attached to the mobile phone, tablet, or PC;</li> <li>• Being secretive about the use of their mobile phone;</li> <li>• Inappropriate sexualised behaviour for age and development.</li> </ul>
Visible (physical/ environment)	<ul style="list-style-type: none"> <li>• Concealed or concerning use of social media, such as sending and receiving indecent images, sexting (sending explicit messages);</li> <li>• Receiving a significant amount of phone calls and/or texts;</li> <li>• Establishing new online contacts with strangers, chatting to strangers online;</li> <li>• Increased webcam use and online gaming;</li> <li>• Buying and hiding provocative clothes in the closet;</li> <li>• Access to contact sites; chat lines via the internet or mobile phone;</li> <li>• The child is viewing abusive images of children/pornographic images;</li> <li>• Concern that the child is being bribed, blackmailed or threatened by someone for illegal or inappropriate sexualised online activity;</li> <li>• Concern that the child is selling images via the internet for money;</li> <li>• Concern that the child is being drawn into providing increasingly provocative/sexualised images or performing sexual acts for payment;</li> <li>• Concern that the child is selling sexual services online;</li> <li>• Concern that the child is having an online relationship;</li> <li>• Threats to humiliate or share sexual images of victims if they don't carry out sexual acts.</li> </ul>
<b>Indicators of Purpose (exploitation)</b>	
Verbal (communicated)	<ul style="list-style-type: none"> <li>• The child can't explain its change in behaviour.</li> <li>• The child acts/answers as if instructed/controlled by someone else.</li> </ul>
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>• Decline in wellbeing (mental and physical health);</li> <li>• The child looks intimidated and behaves in a way that does not correspond with behaviour typical of children their age;</li> <li>• Becoming withdrawn or alternatively having unexplained outbursts which are out of character (e.g., increasingly stressed, unsettled, secretive, anxious, angry, aggressive, hostile, scared, depressed, controlling);</li> <li>• Self-harm and other expressions of despair.</li> </ul>
Visible (physical/ environment)	<ul style="list-style-type: none"> <li>• The child is being bribed, blackmailed or threatened by someone for illegal or inappropriate sexualised online activity;</li> </ul>

- The child is being drawn into providing increasingly provocative/sexualised images or performing sexual acts for payment;
- The child is selling sexual services online.

#### 4. Case reporting and child victim identification in Bangladesh



If you have spotted indicators of child sexual abuse/exploitation, please report the case to the competent authorities. Those could be the police or any other governmental institution. When it is easier, you may also report the case to a trusted, specialised NGO that will contact the authorities. You may also call the available helplines in Bangladesh.

The case reporting and the identification process of children victims of CSA/E in the country is explained in the forthcoming paragraphs.

##### i. When there is suspicion on CSA/E

The public can report suspected cases of CSA/E (e.g., if they believe that they have encountered a potential victim or want to report a suspicion) to the local police stations. Child victim can also self-report the case in the local police. Potential CSA/E cases are also reported by media and NGOs. Some cases of children involved in sexual exploitation are reported by DURBAR (an organization of sex workers), however there is no formal mechanism for reporting potential CSA/E cases. The Government and NGOs maintain several general helplines to report crime, including human trafficking<sup>127</sup> (See Table 6).

Table 6: Helplines to report crime in Bangladesh.

Number		Services
	Child Helpline support to children.	The helpline responds by counselling or guiding children into making a decision. The emergency calls are addressed by the helpline members through immediate spot visit and rescue support.
109	Government helpline number for Violence against women/ prevention of child marriage	Multi sectoral referral and psychosocial support. <b>This is the main helpline number to call and has been/being circulated nationwide.</b>
999	National Emergency Hotline Number	Immediate services to police and hospitals
333	National Hotline Number	Immediate reports/help for any social problems from enquiring after COVID 19 to child marriage and sexual harassment cases, including online sexual abuse.

There are no consistent victim identification procedures in practice, despite the existence of Standard Operating Procedures for proactive trafficking victim identification of the Ministry of Home Affairs.<sup>128</sup> Police Officers use informal checklist to proactively identify victims when they came into contact with individuals in commercial sex industry.<sup>128</sup>

##### ii. Initial identification and referral of child victims

Once the initial identification is made, the government has a standard policy to refer child victims to appropriate services. The **Ministry of Social Welfare (MSW)** operates long-term shelters for women and child victims, including trafficking victims, however provision **of services requires a court order referral**. Child protection officers are assigned for the case, in order to ensure adequate assistance and protection. Children with specific need are referred to appropriate services offered by the Ministry of Women and Children Affairs

<sup>127</sup> The full list of hotline numbers is available at: <https://asiapacific.unwomen.org/en/focus-areas/end-violence-against-women/shadow-pandemic-evaw-and-covid-response/list-of-helplines>

<sup>128</sup> US Department of State (2022). *2021 Trafficking in Persons Report: Bangladesh*.

and Ministry of Social Welfare expert government ministries and departments, non-government organizations and other service providers, such as law enforcing agencies and judiciary etc.

## **Part C: Sector-specific study. Trafficking for labour exploitation of migrant women domestic workers from Bangladesh**

This sector-specific study provides an overview on the **situation of trafficking for labour exploitation of migrant women domestic workers from Bangladesh and offers practical tools/indicators** to support the frontline responders in the country to identify potential victims in this regard. There is a significant increase of the number of women migrating from Bangladesh abroad to work in the informal sectors in the past years.<sup>129</sup> The majority leaves the country to work abroad as domestic workers, however, once at destination, a majority falls into trafficking and exploitative situations.

### **1. Trafficking for labour exploitation of migrant women domestic workers from Bangladesh. Characteristics of the phenomenon**

International labour migration has been an integral part of Bangladesh's economic and social development, as one of the main contributions to the growth of the country economy. Since 2015, the migration of women from Bangladesh has been increasing and most of them migrate mainly to the Gulf and other Arab states<sup>130</sup>. In the recent years, most of the women seek work in Saudi Arabia<sup>131</sup> (above 60%), Oman (18%) and Jordan (15%)<sup>132</sup>, but also in Kuwait, Qatar, Bahrain, United Arab Emirates, as well as in India, the United States and Europe, particularly the UK. These cases are characterised by the vulnerability of women to a wide range of abuses: from exploitative employment and payment practices to physical and sexual abuse and exploitation. They are deprived of basic rights and face life threatening risks en route, in transit and destination countries.<sup>133</sup> Women are forced to work long hours for less wages, have no freedom of mobility, they hardly know the local language and have very limited communication skills and networks. When they return back home having been exploited both physically and mentally, women are traumatized and face social stigmatization. Traffickers often use debt-based coercion to compel women into domestic labour, exploiting an initial debt assumed by a worker as part of the employment terms. The cases mostly remain invisible and cannot be traced easily to be provided the required services and support.

Women migrate from Bangladesh mainly to overcome poverty and limited livelihood opportunities in their home country. They perceive their employment abroad as temporary, in order to achieve certain personal and family incomes such as savings to build a house, pay debts, education of children, healthcare of elderly family members, etc. In many instances, these needs are difficult to fulfil, as the contracts are mostly short term. Many women that migrate abroad for work face debt bondage, withholding of wages, receive less wages than agreed. In addition, they lack knowledge on money management and savings and send remittances through informal channels.<sup>134</sup> A number of migrant women are engaged in informal employment, particularly in the care and domestic sectors, manufacturing, service sectors and in the male-centred entertainment sectors. In addition to perpetuating traditional gender stereotypes about what constitutes “women’s work,” these gender-segregated labour markets offer no or few labour protections. Temporary or seasonal work in which women migrants are often engaged does not offer pathways to more regular, long-term or permanent employment as well as unemployment protection, healthcare and access to other essential services. Women migrants face discrimination and violence at all stages of their journey from Bangladesh, in the country of destination as well when they are back in the country.

<sup>129</sup> Bureau of Manpower, Employment and Training, BMET (2022). *Annual Report 2020-2021*, BMET. Ministry of Expatriates' Welfare and Overseas Employment, GoB.

<sup>130</sup> Ibid.

<sup>131</sup> In Saudi Arabia, traffickers exploit a substantial number of the hundreds of thousands of Bangladeshi female domestic workers.

<sup>132</sup> Interview BD02.

<sup>133</sup> Ullah, A. (2017). *Irregular Migration from Bangladesh to the Gulf: Is Combatting It a Governance Challenge?; Chapter XI*.

<sup>134</sup> Kawar, M.(2004). *Gender and Migration: Why are Women more Vulnerable?* Femmes en mouvement, [online] (9782940503803), pp.71-87.

**Women migrant workers move to various destinations by both regular and irregular channels**, oftentimes without valid travel and employment documents, requisite information on the working and living conditions, knowledge about the destination country and without having any idea regarding their protection and rights. Moreover, lack of communication due to the language barrier exposes them to risks of exploitation and abuses in the destination country. The vulnerability factors confronting women migrant workers are higher migration cost and low wages, along with lack of information on migration opportunities and risks, exploitation and abuse. **Many cases end tragically, with suicides of women workers, or deaths because they have been subjected to violence, exploitation and inhumane treatment by the "employers."**<sup>135</sup>

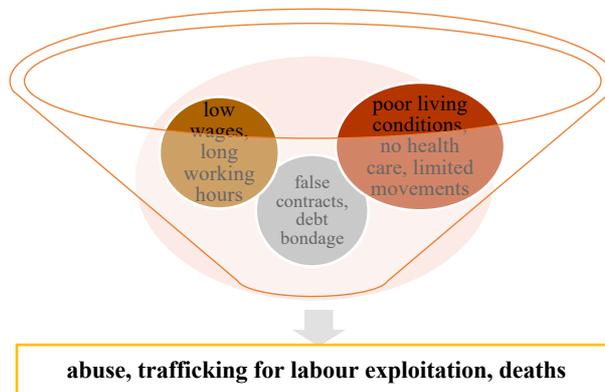


Figure 8: Trafficking for labour exploitation of migrant women domestic workers: Characteristics of the phenomenon

### Who are the recruiters and exploiters involved in the trafficking of women migrant domestic workers?

Despite the existing comprehensive legal and institutional framework related to safe migration issues in Bangladesh (elaborated in the **Annex 3** of this Manual), in practice, most women do not know any information about the migration process. Therefore, they decide to migrate via irregular channels, with support of **unlicensed sub-agents** who are active in different regions in Bangladesh.

#### During the recruitment process in Bangladesh:

- ✚ About 80% to 90% potential women migrant rely or depend on so called **brokers or middleman**. As such, they are unconsciously trafficked or sold in debt bondage.

Women do not have anyone by their side on whom they can rely to provide relevant information on safe and regular pathways of migration. They rely solely on the goodwill of these sub-agents or middlemen who provide them with misleading information and hardly give any information about the recruiting agencies who are all Dhaka-based. They have practically **no access to legitimate forms of employment, legal status and social protection**. Women do not even know their working hours, working environment, salary allowances, leave provision, rest time, communication opportunities, etc.

- ✚ In addition, there is a number of **sub-agents and intermediaries (dalals)**, who operate throughout the country unregistered and are therefore unaccountable. Dalals are intermediaries working at the grassroots level. They are mostly residing close to the residence of the aspirant migrants who want to go abroad for labour employment. Although they are not registered with the government, they provide their names to the Recruiting Agencies who are all in Dhaka with no offices at the local level.

#### In the country of destination:

- ✚ **The actual exploiters** in the destination countries are the **"employers"** themselves. In most of the cases, woman suffer multiple abuses as well as labour and sexual exploitation at their place of work. Their irregular status puts them entirely at the mercy of their "employers" who may seek to take advantage of

<sup>135</sup> Nearly 500 bodies of women migrant workers were brought to Bangladesh from different countries in the period 2017-2022. Among these, 200 bodies were brought from Saudi Arabia, the largest job destination country for Bangladeshi women workers.

their desperate circumstances. In addition, they are engaged to work in private homes abroad, thus "out of sight" of law enforcement and fully under control of their "employers".

### How do recruiters and exploiters operate?

Woman migrant workers fall in forced labour situations through the interaction of different factors and actors. These include recruitment through unlicensed sub-agents; advance sale of labour, recruitment under debt bondage and dependence upon informal recruiters to organize international migration.<sup>136</sup>

Before departure, many women workers assume debt to pay high recruitment fees, imposed:

-  **legally** via the existing international recruitment agencies who operate in Bangladesh<sup>137</sup>; and
-  **irregularly** by unlicensed sub-agents.

The exploitation process begins already in Bangladesh, in the form of **false or deceptive information provided by the "recruiters"**, including overstating the monthly wage, false information about the job itself and the working conditions and with fake contracts. On the other hand, these brokers and agencies charge **exorbitant recruitment fees**, with excessive interest rates **leading to debt bondage**. The repayment of these debts makes workers remain in exploitative conditions in the destination country, as women have hardly any alternate employment options to repay the loans if they return home<sup>138</sup>.

Recruitment of women domestic workers by Saudi Arabia, the largest job destination, is conducted through an **online system called MUSANED**, regulated under the MoU signed between Bangladesh and Saudi Arabia. Under this system, employers pay a certain amount in advance to the recruiting agent concerned in the country for the completion of the recruitment process. However, workers and insiders report that the outbound **women domestic workers are deprived of their due wages that the employers send to recruiting agencies in advance for hiring the workers**. These situations place women workers at risk of **debt-based coercion**. Some recruitment agencies, agents, and employers also commit recruitment fraud, including **contract switching**. This includes promising women and children jobs and sexually exploiting them upon arrival. Many of the Bangladeshi women, stay undocumented due to passport retention, experience underpayment or non-payment of wages, and fraudulent recruitment. During 2020, NGOs reported traffickers used **promises of employment in "COVID-19 free" locations** to attract victims. Traffickers have reportedly become increasingly sophisticated at deceiving the families of victims to delay filing of missing persons reports. The Bangladesh Association of International Recruiting Agencies (BAIRA) acknowledged migrant workers frequently paid to the sub-agents or dalals fees in addition to the legal amount BAIRA agents charged before the workers began the formal recruitment process. Dalals also directly connected workers to overseas jobs by providing fake visas and other documentation and, in some cases, incorrect information about the migration process and the job in the destination country.

Under the arrangements of employment such as the **Kafala system** practiced in the Gulf Cooperation Council (GCC) countries of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates and also in the Arab states of Jordan and Lebanon, **the passports are taken away from migrants**. Under the *Kafala* system, a migrant worker's immigration status is legally bound to an individual employer or sponsor – *kafeel* – for their contract period. The migrant worker cannot enter the country, transfer employment nor leave the country for any reason without first obtaining explicit written permission from the *kafeel*, which leads to a basic captivity. These circumstances, as well as fear of being prosecuted under the law of destinations, pushes the migrant workers into forced labour situations.

**Visa trading** refers to situations where a migrant is sponsored for a specific work or position. However, the migrant worker finds her/himself performing a substantially different job upon arrival in the destination

<sup>136</sup> ILO (2022). *What is forced labour, modern slavery and human trafficking*.

<sup>137</sup> These agencies are controlled by the Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE) and the Bureau of Manpower, Employment and Training (BMET).

<sup>138</sup> IOM (2015). *The Other Migrant Crisis - Protecting Migrant Workers Against Exploitation In The Middle East And North Africa*. [online] Geneva: IOM

country. This happens because the sponsor has unofficially “traded” or “sold” the worker’s visa to another sponsor, whom the worker now answers to informally. Such incidents occur because the sponsor has no intention at all to really provide the intended and rightful job to the migrant worker as intended in the visa. Rather, the migrant worker is “released” into the black market to earn a living in exchange for financially compensating the sponsor<sup>139</sup>

### Who are the victims?

The most vulnerable categories of Bangladeshi women migrants, who fall in labour trafficking situations are:

- ✚ Young poor women of rural areas;
- ✚ Women who are victims of domestic violence;
- ✚ Divorced women;
- ✚ Widowed women;
- ✚ Abandoned women;
- ✚ Women working in the informal sector;
- ✚ Women working as domestic supporters;
- ✚ Rural women without any viable income;
- ✚ Rural married women having a large family;
- ✚ Women who have to pay dowry for their daughter’s marriage



Almost 50% of women migrating abroad to work as domestic workers are unskilled. Many of them are under-aged, with no education. Most of them did not receive the trainings on safe migration that BMET offers to the women that intend to migrate abroad for work.<sup>140</sup> Table 7 was developed by the authors of this Manual according to the specifics of the phenomenon and provides an overview of the characteristics of women migrants going abroad to work as domestic workers.

Table 7: Profile of the women migrant domestic workers by geographical area, age group, knowledge and skills

Criteria	Description
Geographical areas	Women migrate from all over the country. However, most originate from 10-15 districts such as Cumilla, Chittagong, Dhaka, Brahmanbaria, Tangail, Chandpur and Sylhet which is also a high migration district. Most of the aspirant women migrants are from poverty-stricken areas, river erosion areas, natural disaster-prone areas, coastal areas and traditionally high migration areas in Bangladesh.
Age groups	Most women migrate between age 20-35, but there are exceptional cases of migrating even at the age of 14 years. Though there is government directive of not allowing women under the age of 25 years to work as domestic workers, in many cases it is found that there are girls at the age of 16-17 years using false passports to go for the job. <i>Dalals</i> or sub-agents provide false documents even for girls who are 14 years of age, so they can get certification by the Union Parishad chairpersons. Even 50 plus aged potential women migrants are taking housekeeping training at a Technical Training Centre (TTC). In case of aged women who cannot go legally abroad for work, sub-agents manipulate and lower their age.
Knowledge and skills/ qualifications	Women potential migrants are less educated to assimilate the existing information on migration. They do not have proper knowledge on migration, migration process and information of destination countries. They usually migrate unskilled and develop their skills by working in the destination countries.

<sup>139</sup> Migration Resource Centre, Bangladesh (2022). *What is visa trading? Why would sponsors trade visas*

<sup>140</sup> Interview BD02.

## 2. Vulnerability factors to trafficking for labour exploitation of migrant women domestic workers

**Migrant women are vulnerable to abuse at all stages of the employment and migration process**, as shown in Figure 9.

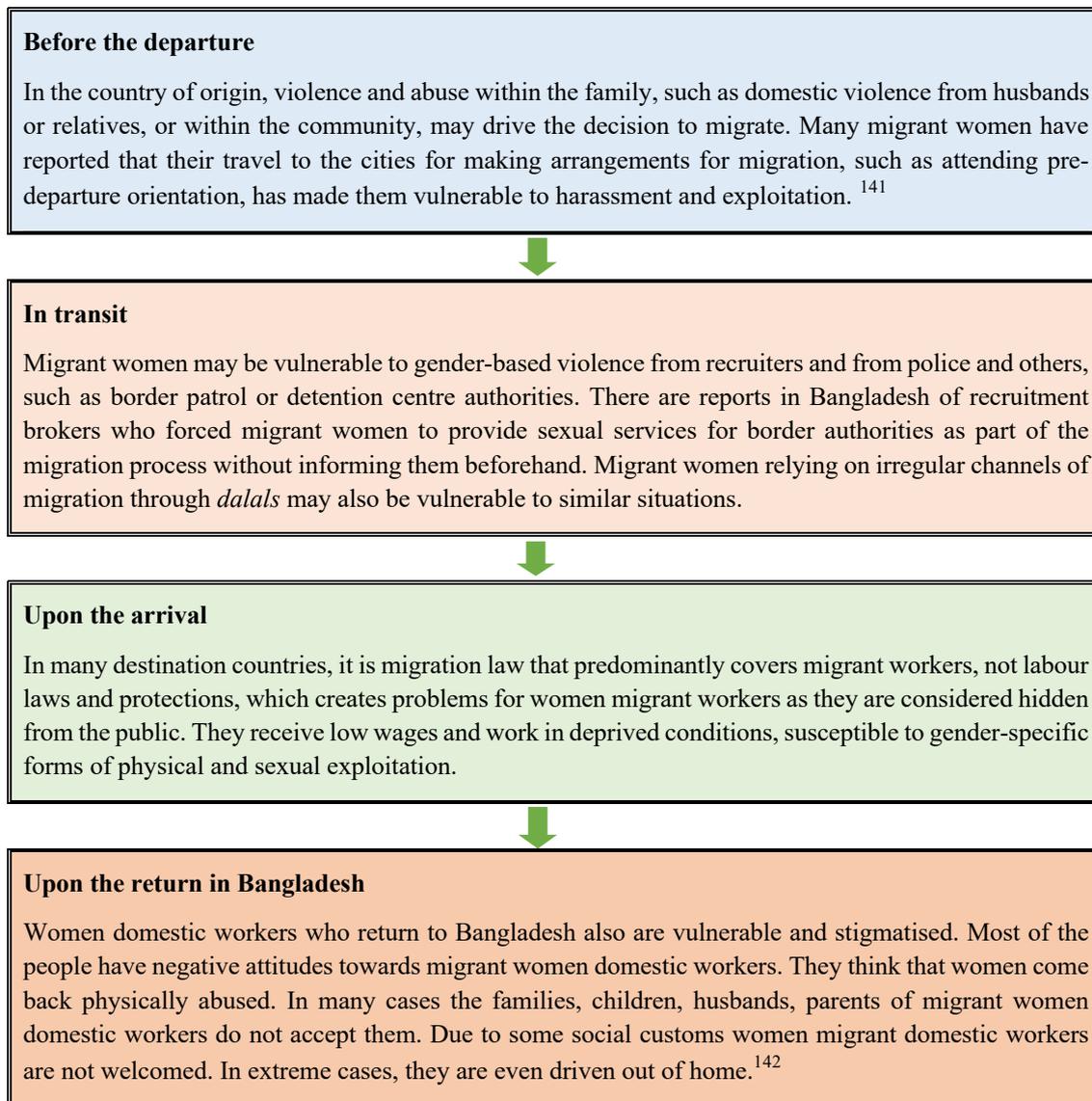


Figure 9: Vulnerability of women migrants at different stages in the migration process

## 3. How to recognise potential victims of trafficking for labour exploitation among women migrant domestic workers? Challenges and Standard Operating Procedures (SOPs) for first line responders

Although there are mechanisms in place at local/community level in Bangladesh for prevention of trafficking, exploitation and related abuses among migrant women, these usually do not manage to prevent such situations. At local/community level, there are so called Union Parishad, which are the lowest tier of local government with representatives from the community. Aspirant women migrants come to the Union Parishad to get authorization and prepare their travel documents. In case migrant women are in exploitative situation and need help, they need to contact the Chairmen of the Union Parishad to communicate the case sub-agent who has sent them abroad. However, these local/community structures hardly keep count of women migrating abroad for domestic work. They have no records on the number of women migrating abroad, the type of work they applied for, nor the destination countries they travel in. In reality, migrant women domestic workers have very

<sup>141</sup> Timothy, R. and Sasikumar, S.(2012). *Migration of Women Workers from South Asia to the Gulf*. [online] New Delhi: V.V. Giri National Labour Institute, NOIDA, and UN Women South Asia Sub Regional Office, New Delhi.

<sup>142</sup> BD02, 6 July 2022

little contact with local government bodies.<sup>143</sup>

The Bangladeshi embassies also lack information on the situation of domestic workers in the destination countries and thus they do not report on these issues to the government. However, if there are any complains being reported against the employers of abuse or exploitation, then the women domestic worker may rely on the Embassy for provision of legal support.

UNODC developed *Standard Operating Procedures for first line responders to counter cross-border trafficking in persons*<sup>144</sup> in India and Bangladesh (2017), containing list of indicators and actions that can be taken by the first responders. However, these indicators are not exhaustive and only serve as a guide for handling specific cases in cross-border contexts. These indicators do not cover the specific form of trafficking for labour exploitation of migrant women domestic workers from Bangladesh, however, some guidelines and indicators that are relevant for this context have been used for developing the below list of indicators.

There are a number of tell-tale signs frontline responders should look out for that may indicate that a migrant woman has been trafficked abroad. These situations can be recognised by spotting the specific **indicators of trafficking for labour exploitation among women migrant domestic workers**. These are signs and signals that act as signposts drawing the attention of the frontline responders to a specific situation - to investigate further.



**Indicators are important tools for frontline responders responsible for early/first-level identification.** To spot indicators, the frontline responders need awareness of the topic and must know what to look out for, even when we are not actively searching for indicators.



**Indicators are not intended to provide a conclusive decision on whether a case is trafficking or not.**

Indicators should guide local communities (Union Parishads), embassy staff of Bangladesh, law enforcement agencies, victim assistance organisations, etc., to identify possible situations of trafficking among migrant women and to refer these cases for further identification as victim by the competent authorities. In **applying the indicators**, these actors must look for a combination of signs that suggests trafficking may be taking place. A single indicator may not be a conclusive sign that trafficking is taking place. Rather, a suspicion of trafficking and decision to report the case should be reached by spotting an initial indicator, and then pro-actively looking for other relevant indicators to strengthen the case for reporting.

These actors should use the below lists of THB indicators list as a helpful tool in their daily work:

- a. **before and during the meetings with women that expressed the desire to work abroad, or have returned in Bangladesh.** The indicators may serve as a reminder what to look for and which questions to ask, when in doubt;
- b. **when writing a report** referring a potential trafficking case for further investigation and identification.



**The frontline responders must study the indicator list in detail** and be aware of the cross-over with law violations, e.g., withdrawal of passports, freedom of movement etc.

In parallel, the frontline responders have the duty and opportunity to:

-  **discover** a potential trafficking situation, requiring them to go beyond focusing on isolated law violations and observing the full picture;
-  **detect** during their daily work any violations of law and human dignity, including signs for a potential trafficking situation;
-  **analyse** the wider environment and situation and take a decision if further investigation is needed;

<sup>143</sup> Interview BD02.

<sup>144</sup> UNODC (2017). *Standard Operating Procedures for first line responders to counter cross-border trafficking in persons. India and Bangladesh. For First Responders.*

- ✚ **report** potential trafficking indicators to the responsible referring authority (through a written report or in urgent cases, via phone).



### Guidelines for frontline responders

#### Think carefully:

- ✚ *Where and within what framework you might spot indicators for a potential situation of trafficking during your daily work (interviews with socially vulnerable women, border crossings etc.)?*
- ✚ *Are there any verbal, non-verbal and physical indicators that might lead to discovering potential trafficking victim/case?*

#### Make sure to<sup>145</sup>:

- ✚ *Never disregard a suspicion. It is always wise to act on such suspicion, rather than risking someone being trafficked.*
- ✚ *Use victim-friendly techniques in interviewing a presumed victim.*
- ✚ *Make sure the victim is not intimidated in any way.*
- ✚ *Separate the presumed victim from the person he/she is travelling with, who may be a victim or trafficker;*
- ✚ *Do not treat the presumed victim as a suspect. Be empathetic and converse in a friendly manner;*
- ✚ *If the presumed victim is a girl / woman, ensure that a woman police personnel is dealing with her;*
- ✚ *Ask open ended or descriptive questions that evoke more than a “yes” or “no” answer;*
- ✚ *Beware of fake documents along the border. A person without a passport / visa may be a victim of human trafficking;*
- ✚ *Attend to the basic needs of the presumed victim like food, water or rest;*
- ✚ *Try to provide assistance to any urgent medical need of the presumed victim;*
- ✚ *Do not reveal the identity of the victim to the Media or Public;*
- ✚ *Respect the person, despite their background i.e., socio-economic status, gender, caste or ethnicity;*
- ✚ *Emotional distress and psychological manifestations of trauma, such as depression, anxiety, posttraumatic stress, self-inflicted injuries or suicide attempts may be exhibited in victims of trafficking. Pressure to pay off exorbitant debts could be a telling sign.*

## List of Indicators of trafficking for labour exploitation among women migrant domestic workers

There is no formal list of indicators developed by the authorities in Bangladesh that relates to labour exploitation among women migrant domestic workers. The indicators in Table 8 were developed according to the specifics of the phenomenon described above should serve the frontline responders to detect, in their daily work, possible cases of exploitation and trafficking among migrant women from Bangladesh.

**The indicators are divided into three elements: the Act** (recruitment, transfer, transport, harbour, receipt), **the Means** (threat or use of force, coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, giving or receiving of payments or benefits), and **the Purpose** (exploitation) – working along the definition of THB. For each of these three elements, indicators are further divided into **visible (physical/environment)**, **non-verbal (behaviour)**, and **verbal (communicated) indicators**. Verbal indicators are signs detected through a conversation and may also include questions to ask a potential victim

<sup>145</sup> Ibid.

of trafficking for labour exploitation. Visible indicators may be physically observed, including the environment where the women are found/settled as well as her physical condition. Non-verbal indicators are signs in the behaviour.

Table 8: Indicators of trafficking for labour exploitation among women migrant domestic workers.

<b>Indicators of Action (recruitment, transfer, transport, harbour, receipt)</b>	
Verbal (communicated)	<ul style="list-style-type: none"> <li>○ The woman is recruited by acquaintances (neighbours, friends, community people, local leaders);</li> <li>○ The woman is recruited by sub-agents and intermediaries (brokers, dalals);</li> <li>○ The woman is recruited by a recruitment agency with no license for the offered services;</li> <li>○ The woman is recruited via on-line advertisements and follow up informal communication;</li> <li>○ The woman is recruited by word of mouth;</li> <li>○ The woman paid someone to find and get a job;</li> <li>○ The woman is made to pay a high recruitment fee to get the job abroad and visa expenses;</li> <li>○ The woman took loan to pay recruitment fees;</li> <li>○ The woman was told to repay recruitment fees with the wages she will receive abroad;</li> <li>○ The woman has no contract or no access to the contract;</li> <li>○ Someone else signs the work contract instead of woman herself.</li> <li>○ The contract was in a language she does not understand and no translation was provided.</li> </ul> <p><b><u>Questions that might be asked by the frontline responders:</u></b></p> <ul style="list-style-type: none"> <li>○ <i>Where are you going?</i></li> <li>○ <i>How did you hear about the work opportunity?</i></li> <li>○ <i>How were you recruited?</i></li> <li>○ <i>Who helped you to find a job?</i></li> <li>○ <i>Have you paid a certain recruitment fee?</i></li> <li>○ <i>Did you sign a job contract? Do you have a copy of it? In what language was the contract? Did you read it and understand it before signing?</i></li> <li>○ <i>Do you have a valid passport and visa?<sup>146</sup></i></li> <li>○ <i>Who has helped you get these travel documents?</i></li> <li>○ <i>How are you travelling to your destination?</i></li> <li>○ <i>What mode of transport are you using?</i></li> <li>○ <i>Who arranged your travel and what is your relationship with him / her?</i></li> <li>○ <i>Did you pay for your travel or somebody else did it? How much did you/they pay for your travel?</i></li> <li>○ <i>Did you agree how you will return the money for your travel?</i></li> <li>○ <i>Are you or your family in any debt because of your travel and new work?</i></li> <li>○ <i>Do you have any savings? Who has access to your savings?</i></li> <li>○ <i>Where will you be staying? How did you find this place?</i></li> <li>○ <i>Who are you staying with? How do you know this person? What is their address and phone number?</i></li> <li>○ <i>What is the name of the company or employer? What is their address?</i></li> <li>○ <i>What kind of job will you be doing? How many hours do you have to work every day?</i></li> </ul>
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>● The woman is confused as she is not informed about working hours, rights to vacation, weekly holidays, healthcare insurance, etc.</li> <li>● The woman is agitated.</li> <li>● It is hard for the woman to stay or sit still while talking with you.</li> <li>● The woman talks quietly and you have to repeat the questions before she answers.</li> <li>● The woman does not look at you when she replies.</li> </ul>

<sup>146</sup> UNODC (2017). *Standard Operating Procedures for first line responders to counter cross-border trafficking in persons. India and Bangladesh. For First Responders.*

	<ul style="list-style-type: none"> <li>The woman is searching for an eye contact with another person traveling with her when replying to your question.</li> </ul> <p>The frontline responder must be aware that many factors might cause all of the above non-verbal indicators. Therefore, in the identification process, the indicators should be used always in combination with indicators from the other categories of this table and never on their own.</p>
Visible (physical/ environment)	<ul style="list-style-type: none"> <li>The presented contract is just a piece of paper, it is written in a foreign language (not understandable for the woman, usually in Arabic), has no Bangla translation, no stamp, and is not valid.</li> <li>The woman is provided with travel tickets to reach destination.</li> <li>The transportation to working site is arranged by a third party.</li> <li>The woman is charged excessive price for transportation to working site.</li> <li>A family member or other relative or influent community member hands over his/her control over a woman to another person or to other people.</li> </ul>
<b>Indicators of Means</b> <b>(threat or use of force, coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, giving or receiving of payments or benefits)</b>	
Verbal (communicated)	<ul style="list-style-type: none"> <li>The woman worker is deceived about the working conditions (salary, number of working hours, working days, sick leave etc.);</li> <li>The woman worker is deceived about travel, visa costs, boarding and lodging and is charged overinflated rates for accommodation and meals;</li> <li>Upon the arrival, the woman is offered various types of household work that were not communicated by the recruiters nor included in the job contract;</li> <li>The woman is forced to sign a new contract on arrival with different terms and in the language she does not understand;</li> <li>The woman is not allowed to call/talk to her family;</li> <li>The woman finds difficult to follow employers' instructions, as she doesn't know the language;</li> <li>The woman worker is threatened of physical violence in case of objections to working and living conditions.</li> <li>The woman worker is threatened with deprivation of water and food;</li> <li>The woman worker is threatened with dismissal without being paid due wages;</li> <li>The woman worker is threatened with being reported to the authorities because of her irregular status;</li> <li>The woman worker is threatened with financial or other harm to her/him or their families.</li> </ul>
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>The woman worker appears afraid and anxious at the presence of employer-householder;</li> <li>The woman is frightened to communicate with the householder/employer, even to ask for some essentials;</li> <li>The woman is afraid to leave the house as her documents are confiscated by the employer;</li> <li>The woman is anxious that if she leaves undocumented or reports the employer to the police, she will be recognised as irregular migrant and taken either back to Bangladesh or moved to detention;</li> <li>The woman is fearful to ask for support about her health condition;</li> <li>The woman suffers mental and physical abuse, and oftentimes sexual abuse by her employer.</li> </ul>
Visible (physical/)	<ul style="list-style-type: none"> <li>The woman worker has visible body injuries and, she is not properly nourished;</li> <li>The woman worker has body injuries that are not treated;</li> </ul>

environment)	<ul style="list-style-type: none"> <li>• The woman worker is denied medical aid in case of need;</li> <li>• The woman worker is provided with accommodation at employers' house;</li> <li>• The woman worker is beaten severely in case of violations of working and house rules;</li> <li>• The woman worker is violated and sexually abused;</li> <li>• The woman worker is subjected to unreasonable and arbitrary disciplinary measures;</li> <li>• The woman worker lives in unhealthy accommodation, lacking sufficient sanitary-hygienic facilities;</li> <li>• The woman worker has to respect very strict house rules, and in case of non-observance, severe penalties are imposed such as unreasonably high fines and physical punishment;</li> <li>• The woman worker is provided food by the exploiter, oftentimes in very limited amount and very poor quality, and overpriced;</li> <li>• The woman worker cannot leave accommodation and/or working site without authorisation;</li> <li>• The woman worker has a huge debt linked to the job recruitment or to travel, accommodation and boarding arrangements;</li> <li>• The woman is culturally and socially isolated (e.g. does not speak local language, lives in remote location) and has multiple dependencies on the exploiter (lodging, food, transport, work or residence permit etc.);</li> <li>• The woman's passport or other ID document is confiscated;</li> <li>• The woman worker's travel ticket is confiscated;</li> <li>• The woman worker is not allowed to have contacts with other people;</li> <li>• The woman is under constant surveillance at the household;</li> <li>• The working site is not accessible, e.g. a private household;</li> <li>• The woman worker must repay a debt that is manipulated and manifestly excessive and unreasonable;</li> <li>• The woman worker must pay excessively high fees for travel, recruitment, boarding, lodging, transport and other services supplied by/via perpetrator;</li> <li>• The woman worker's debt is increased as a form of punishment in case of non-compliance with perpetrators' rules and demands.</li> </ul>
<b>Indicators of Purpose (exploitation)</b>	
Verbal (communicated)	<ul style="list-style-type: none"> <li>• The woman worker is demanded to work excessively long hours up to 12 or more, including night shifts, and with no limitations to working hours;</li> <li>• The woman worker is forced to work also when he/she is sick or injured;</li> <li>• The woman worker cannot take any breaks during working time or is not allowed to eat, use the bathroom;</li> <li>• The woman worker does not know the names of his/her employers and/or controllers, s/he knows only their nicknames or fictitious names.</li> </ul>
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>• The woman suffers health consequences from the mental, physical and sexual abuse.</li> </ul>
Visible (physical/ environment)	<ul style="list-style-type: none"> <li>• The woman appears physically exhausted and malnourished;</li> <li>• The woman worker has no contract;</li> <li>• The woman worker is not being paid for the work done;</li> <li>• There are no records of pay slips or where they exist they have been altered;</li> <li>• Wage payments are made randomly and/or continuously delayed;</li> <li>• There are no records of social and health insurance;</li> <li>• There is no register of employed workers;</li> </ul>

	<ul style="list-style-type: none"> <li>• A significant portion of worker's salary is paid in kind (e.g. food, accommodation, transport) and at overly rated prices;</li> <li>• Woman worker is not paid cash but is given promissory notes, coupons etc.;</li> <li>• Level of wage is excessively below minimum wage;</li> <li>• Video-surveillance is arranged at living and working sites;</li> <li>• There are one or more bank accounts in the name of the worker but she has no information or control over such accounts;</li> <li>• The woman has to work not only at their employers' house, but sent to other households to do household work;</li> <li>• The woman wants to return home, but the employer doesn't permit her to do so as she "still didn't pay her debts for travel and accommodation".</li> </ul>
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#### 4. Case reporting and victim identification in Bangladesh



If you have spotted indicators of labour exploitation of migrant women domestic workers, please report the case to the competent authorities. Those could be the local communities (Union Parishad), embassies of Bangladesh abroad, police or any other governmental institution. When it is easier, you may also report the case to a trusted, specialised NGO that will contact the authorities. You may also call the available helplines in Bangladesh.

The case reporting and the identification process of labour exploitation of migrant women domestic workers in the country is explained in the forthcoming paragraphs.

##### i. When there is suspicion on trafficking

Potential victim of THB can self-report the case in the local police, local community (Union Parishad), or to the embassy of Bangladesh in the destination country. The public, media and the NGOs can also report suspected cases of trafficking (e.g., if they believe that they have encountered a potential victim or want to report a suspicion) to the local police stations. As explained in the previous sub-part, the Government and NGOs maintain several general helplines to report crime, including human trafficking.<sup>147</sup> Table 9 lists the helplines that are relevant for reporting trafficking and exploitation of women.

Table 9: Helplines relevant for reporting trafficking and exploitation of women

Number		Services
109	Government helpline number for Violence against women/ prevention of child marriage	Multi sectoral referral and psychosocial support; <b>This is the main helpline number to call and has been/being circulated nationwide.</b>
999	National Emergency Hotline Number	Immediate services to police and hospitals
10921	National helpline centre for violence against women	Immediate service to victims and links up to relevant agencies: doctors, counsellors, lawyers, DNA experts, police officers

There are no consistent victim identification procedures in practice, despite the existence of Standard Operating Procedures for proactive trafficking victim identification of the Ministry of Home Affairs.<sup>148</sup> The government, in partnership with an international organization, developed a rapid victim identification mobile application, although the application is not yet finalized or approved for official use<sup>149</sup>.

<sup>147</sup> The full list of hotline numbers is available at: <https://asiapacific.unwomen.org/en/focus-areas/end-violence-against-women/shadow-pandemic-evaw-and-covid-response/list-of-helplines>.

<sup>148</sup> US Department of State (2022). *2021 Trafficking in Persons Report: Bangladesh*.

<sup>149</sup> Ibid.

## ii. Initial identification and referral of THB victims

A variety of professionals is involved in the initial identification and referral of women migrant victims to support services in Bangladesh, as shown in Figure 10.



Figure 10: Actors involved in the identification and referral of trafficking victims in Bangladesh <sup>150</sup>

Once the initial identification is made, the government has a standard policy to refer victims to appropriate services. The **Ministry of Social Welfare (MSW)** operates long-term shelters for women, including trafficking victims, however, the provision of services requires a court order referral. The **Department of Social Services (DSS)** has comprehensive **Survivor Services Guidelines** and referral directories to ensure minimum standards of care in government-run shelters. Authorities commonly refer victims to government-run shelter homes for protection services, however, victims are occasionally referred to NGO-run shelters as well.

<sup>150</sup> UNODC (2017). *Standard Operating Procedures for first line responders to counter cross-border trafficking in persons. India and Bangladesh. For First Responders*

# COLOMBIA

## About this Case Study

This case study focuses on Child Sexual Abuse and Exploitation (CSA/E) in Colombia, with Trafficking in Human Beings (THB) appearing secondarily when it is related to CSA/E cases. More specifically, this Colombia case study looks into **sexual exploitation of children in the tourism sector affecting children in a migration context**.

The primary aim of this case study is to offer the reader a list of indicators for early identification of sexual exploitation in the tourism sector affecting children in a migration context in Colombia. These indicators were developed based on the research conducted within the framework of this Manual and building upon an indicators list<sup>151</sup> previously created by the *Regional Group for the Americas (GARA)*<sup>152</sup> on common signs of child sexual exploitation in the tourism sector. The set of indicators is intended to help frontline responders and other relevant stakeholders make structured judgements and identify possible cases of sexual exploitation. Indicators are important to help practitioners on the ground tackle sexual exploitation among migrant children in Colombia, a phenomenon that has undergone relevant growth in the past few years. Furthermore, in its first sub-part, this case study provides a brief description of the CSA/E contexts in Colombia, introducing the country's relevant legal framework, mechanisms for victim identification and referral, key actors, practices, and children's vulnerabilities to exploitation and abuse, particularly among migrant populations. The second sub-part presents the indicators per se and instructions for use, a brief elaboration on the CSA/E dynamics within the chosen sector, and the next steps that you should take to refer the case and protect the potential victims after identifying indicators.

## Part A: General description of the CSA/E context in Colombia

### 1. CSA/E context in Colombia

According to local reports, the **most common form of CSE in Colombia is prostitution** of children and adolescents<sup>153</sup> present in public areas together with their perpetrators, primarily on the streets and in shelters. One of the main consequences of Colombia's ongoing, half-century-long battle with multiple guerrilla organisations is the demand for children and adolescents to satisfy militants' sexual desires or to collect secret information from members of the public in exchange for sexual favours<sup>154</sup>. Colombian children and adolescents were historically the main victims of this crime.

Moreover, economic and political crises in South America, especially in Venezuela, have had a great impact on the dynamics of sexual exploitation of children and adolescents in Colombia. According to data from *Migración Colombia* in a 2022 report<sup>155</sup>, from 2014 until February 2022, about 2,5 million people from Venezuela have arrived through regular and irregular border crossing points into Colombian territories, such as La Guajira, Norte de Santander, and Arauca. The same 2022 report shows that, out of those Venezuelan migrants, 24% were children and adolescents<sup>156</sup>. For a decade, Colombia has been experiencing a large increase in sexually exploited Venezuelan children and adolescents in its territory.

<sup>151</sup> Original text and indicators are available at [ecpat.org/wp-content/uploads/2022/10/GARA\\_Protocol-and-Decalogue\\_English.pdf](https://ecpat.org/wp-content/uploads/2022/10/GARA_Protocol-and-Decalogue_English.pdf).

<sup>152</sup> The "Regional Action Group for the Americas" was established on October 26, 2005 in Rio de Janeiro, within the framework of the First Meeting of Ministers and High Authorities of Tourism of South America for the Prevention of Commercial Sexual Exploitation of Children and Adolescents in Tourism. This group is made up of the following countries: Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname, Uruguay and Venezuela.

<sup>153</sup> According to Law 1098 of 2006 and without prejudice to the provisions of Article 34 of the Civil Code, a child is defined as a person between 0 and 12 years of age, and an adolescent is defined as a person between 13 and 18 years of age. Both categories together are also known as children.

<sup>154</sup> Extracted from: <https://ecpat.org/country/colombia/#facts>.

<sup>155</sup> Data available at: <http://migracioncolombia.gov.co/infografias/distribucion-de-venezolanos-en-colombia-corte28-de-febrero-de-2022>.

<sup>156</sup> Ibid.

Furthermore, the presence of illegal armed groups that use their networks to access and abduct children, adolescents, and women as an object of trade and sale, has a significant impact on the safety of the people in a migration context. This is especially important with regard to the relatively weak state management of border areas where criminal groups have *de facto* authority and have been active for a long time.

The National Council for Economic and Social Policy (CONPES) released the document 3950 in 2018<sup>157</sup> that lays out rules and guidelines for dealing with the significant influx of people fleeing the crisis in Venezuela. The document 3950 identifies priority areas that require further attention, including the need of integration of the migrant population from Venezuela, as well as the various factors that affect disproportionately certain migrant groups, such as children and indigenous people. CONPES establishes that it is necessary to provide specialised care in terms of protection and guarantees of their rights in compliance with national and international laws.

The migration flow from Venezuela has generated three main problems for the institutional response in Colombia: (i) the lack of institutional capacities to act properly in face of a large number of displaced people from Venezuela; (ii) the risk of threat and violation of the rights of the children and families in the migration process and territorial settlement, and (iii) the difficulties in guaranteeing the rights and the integration of migrant children and families (especially the ones in an irregular situation) from Venezuela into Colombian society<sup>158</sup>. Children and adolescents require special care and measures, which due to lack of capacity of the local authorities, is not always provided. The burden on the social protection and education institutions also affects the provision of services to Colombian children and adolescents, as the entire system is under strain. Nonetheless, Venezuelan children continue to be more disadvantaged due to discrimination and their irregular status, which makes them vulnerable to child trafficking and/or sexual exploitation.

### 1.1. Vulnerability factors and especially vulnerable groups

In a nutshell, **gender and age are two of the most important vulnerability factors in Colombia for child sexual exploitation and abuse**, followed by poverty and the lack of education. Being part of an indigenous ethnicity, diverse sexual orientations and gender identities, as well as being in an irregular migratory status, all raise a child's or adolescent's likelihood of being a victim of sexual exploitation. According to the 2020 report by the **Colombian Family Welfare Institute (ICBF)**<sup>159</sup>, 1,954 children and adolescents have been identified as victims of child sexual exploitation in Colombia from 2012 to 2019, of whom almost 86% were female.

According to several studies and the experience of Colombian institutions, such as ICBF and Fundación Renacer, the vulnerability factors that affect any child or adolescent, Colombian or foreign-born, in the country can be separated into two broad categories: **predisposing** and **precipitating factors**; then, further subdivided into individual, family, and sociocultural aspects. These factors are not causal or absolute drivers of sexual abuse against children and adolescents, but they are frequently found in the context of victims. Such characteristics contribute to understanding why girls and boys are groomed and abused for sexual exploitation. In the **Annex 4**, you will find a comprehensive list with a detailed breakdown of the vulnerability factors.

## 2. Colombian legal framework against CSA/E

Colombia has made great efforts to align its national legal framework to international standards on the matter. The country has a comprehensive legal system that contains instruments criminalising CSA/E, protecting victims, regulating the interinstitutional coordination in the fight against CSA/E, and promoting capacity-building of public agents to identify and report cases.

The central pieces on the topic are **Laws 679/2001** and **1336/2009**, for the protection against exploitation, child sexual exploitation material (CSEM), sex tourism and other forms of sexual abuse of children, and the **Penal Code** that includes various articles directly or indirectly criminalising CSA/E in various contexts. Refer to

<sup>157</sup> CONPES (2018). *Estrategia para la Atención de la Migración desde Venezuela*. Available at:

<sup>158</sup> Ibid.

<sup>159</sup> Available at: [https://www.icbf.gov.co/system/files/infografia\\_escnna\\_vf.pdf](https://www.icbf.gov.co/system/files/infografia_escnna_vf.pdf).

**Annex 4** for a more comprehensive list of relevant pieces of legislation, national and international, with a brief description.

Moreover, **Resolution 1796 of 2018** includes a list of hazardous activities that are unsafe for health and safety of children and adolescents due to their nature or working conditions. Adolescents between the ages of 15 and 18 may only work in Colombia with a special permit from the labour inspectorate, which must attest that the adolescent is not subject to any of the listed practises. As a result, the resolution sets various criteria that, in and of themselves, individually or collectively, indicate that the employment or circumstance is illegal and may suggest that the child is in danger, abused, or exploited. In other words, the elements on the list can be viewed as visible (physical) indicators of child exploitation at work. The full list of hazardous activities can be found in **Annex 4**.

### 3. Relevant government and non-government actors and their roles

Colombia has a robust institutional framework to combat CSA/E that includes both governmental institutions and non-governmental organisations. Since the adoption of Law 679/2001, the country has been developing and improving its capacity to protect children and adolescents from abuse and exploitation. The system that centralises and coordinates all these efforts is the **National Family Welfare System (SNBF)**. One of the members of that system is the **Colombian Family Welfare Institute (ICBF)**, which provides protection of abused and exploited children. Equally relevant is the role of the **National Police** in the primary detection and investigation of CSA/E cases. In **Annex 4**, you will find an expanded list of the relevant actors on the topic in the country, along with a brief description of their functions.

## Part B: Sector-specific study. Sexual exploitation of children in the tourism sector affecting children in a migration context<sup>160</sup>

### 1. Specific context

More than half of the Venezuelan population in Colombia lack a regular status, affecting its ability to access essential services, protection and assistance<sup>161</sup>. A great contributor to this situation is the number of illegal border crossing points (BCP) - known as *trochas* - between Colombia and Venezuela. These BCPs are not patrolled by either country's border authority, making anyone who enters the country through them automatically an irregular migrant. They are numerous and operate outside the law, supporting the operations of criminal and armed groups that have control over who enters and exits the country through those BCPs. Migrants are frequently expected to pay fees to cross. Fees can be paid with the migrants' possessions (phones, products, computers, and other appliances), cash, or, in the worst cases, with sexual relations with the migrant women and children.

The Ombudsman's Office has informed of this situation in its Early Warning 025 Report, of October 2021. It points out that there is growing concern about the use of children and young women in networks of sexual exploitation in a context of migration. In municipal areas such as El Tarra and Tibú (North of Santander), *“the population of children and adolescents residing in the urban area has been subject to practices associated with sexual exploitation and use, presumably linked to coca base paste buyers who arrive in the municipality. This situation is extremely worrying since sexual exploitation and prostitution have also increased with the settlement of the migrant population from Venezuela”*<sup>162</sup>.

It has been found that, in the border areas, there are girls from 7 to 16 years of age who have been victims of

<sup>160</sup> The data contained in this section comes mostly from extensive research conducted by the NGO Fundacion Renacer of Colombia, unless otherwise referenced. The final report of this research has not yet been published.

<sup>161</sup> IOM, 9 February 2021. “IOM and UNHCR Welcome Colombia’s Decision to Regularize Venezuelan Refugees and Migrants”. In: *IOM news-global*.

<sup>162</sup> Fitzgerald, M. F. (2022). “En el Catatumbo, las redes de explotación sexual a niñas no dan tréguas”. In: *Cambio Colombia*.

sexual exploitation<sup>163</sup>. The perpetrators pay between 1,000 and 4,000 pesos (0.25 to 1 USD) to exploiters, so that they can have sexual relations with children<sup>164</sup>. Many of these children have been identified as suspected victims by health professionals when requesting pregnancy termination services or contraceptive methods at health facilities. However, in most of the cases the children are pressured by their families to generate income for their survival.

In municipalities such as Maicao, in La Guajira Department, there are reports that migrant girls are forced to have sexual relations with men as a payment for their parents' rent. Likewise, since the beginning of the Venezuelan crisis, there has been an increase in reports of forced marriages or child marriages, mainly of Colombian men with Venezuelan children. This may be due to the high number of children travelling unaccompanied, who are at the mercy of men recruiting into sexual and/or labour exploitation. As of October 2021, 400 survivors, children and adolescents, of sexual exploitation and at high risk of being victims of sexual violence and sexual exploitation had been identified, according to UNHCR and Fundación Renacer<sup>165</sup>.

In the same context, referring to the figures of Venezuelan children in Colombia and their situation, Duran & Millan (2021)<sup>166</sup> state that: "*Approximately 327,000 Venezuelan children live at risk in Colombia and require help with food, health, and education (UNICEF, 2019); however, underreporting prevents a full understanding of this population in its transit through or to Colombia. Like undocumented Venezuelan adults, children and adolescents reside and transit through the country irregularly. Since they (the government) do not have records on the number of irregular Venezuelan migrant children in the country, and much less on the number of children who are alone or abandoned, the child protection institutions in Colombia cannot act to provide the assistance and protection they need*". Additionally, in the border city of Riohacha, La Guajira (northern border of Colombia with Venezuela), Venezuelan girls who migrate alone are groomed by pimps and abusers to be sexually exploited and transferred to other municipalities<sup>167</sup>.

Thousands of these migrant children, adolescents, and women have arrived in places with few economic opportunities and scarce public services, leaving them more exposed to abuse and exploitation. For many migrant children and adolescents, their current location is not their chosen destination, but rather a poor transit area. In most of the cases, the intended destination is in cities such as Cartagena, which is richer. However, they are frequently unable to reach these destinations and end up staying or sleeping in improvised spaces near borders with no security or adequate conditions<sup>168</sup>.

there has been an increase in Venezuelan children not only increasingly suffering through sexual exploitation in Colombia, this phenomenon also happens very often in the tourism sector. Many of these children have been identified as victims or are vulnerable to abuse and exploitation in tourism-related businesses such as restaurants, clubs, bars, hotels, street vending, and street prostitution in touristic areas. For example, in North Santander, exploiters place their victims in prostitution zones on the streets of Cúcuta and Villa del Rosario, whose clients are commonly Colombian men travelling through the area.

Another example is in La Guajira, where indigenous children and adolescents frequently join adults in the selling of handicrafts throughout the day, even until late at night, in the municipality of Rioacha. At night, especially on weekends, sexual exploitation of women and children is very common and takes place in places such as hotels and rented rooms.

In Arauca, commercial sexual exploitation of children takes place throughout the urban area of Managua. In general, the child victims are found in their homes, in community spaces, being contacted by exploiters/abusers who travel through the area.

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<sup>163</sup> Blanquicet, J. (2021, 11 October). *El infierno de las menores migrantes en las ciudades fronterizas*. EL HERALDO.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Durán Palacio, N. M., & Millán Otero, K. L. (2021). "Atrapados y sin salida: explotación delictiva de niñas, niños y adolescentes venezolanos migrantes indocumentados en Colombia". In: *The Qualitative Report*, 26(10), 3279-3295.

<sup>167</sup> Ibid.

<sup>168</sup> Save the Children. (2020). *Ninas em movilidad em Venezuela y Colombia*.

Finally, in Cartagena de Indias, there are multiple areas of exploitation in touristic areas, such as the Clock Tower, the avenue, the forest, the Amparo service station, and the tourist beaches of the city and surrounding islands. More information on the CSA/E scenarios in the departments of North Santander, La Guajira, Arauca, and Cartagena de Indias can be found in **Annex 4**.

### List of Indicators for sexual exploitation of children in the tourism sector affecting children in a migration context

Below is a set of indicators based on research analyses conducted in Colombia on CSE of migrant children in the tourism sector within the framework of this Manual and expanded upon the indicators previously published by *The Regional Action Group for the Americas (GARA)*<sup>169</sup>. This is not an exhaustive list, on the contrary, other types of situations may arise, which will require using the readers’ own judgement, sensitivity, and common sense. It is important that the reader pays attention to these indicators not only in their own work but also in their environment, and that they are attentive to what is happening across the entire supply chain as well.

Indicators contribute in making a structured decision about whether further investigation is needed. Often, an indicator alone might or might not lead to a serious suspicion of exploitation. The context in which the situation takes place is important, and, usually, at least two indicators are present in actual instances of exploitation. Make sure to look for indicators at all levels (visible, verbal, and behavioural), whenever possible, as together they may give you a stronger indication of crime. It is impossible, however, to determine exactly how many indicators need to be present in a given context in order for it to be considered a potential case of exploitation. Ideally, you will be able to record and/or document as many indicators identified as possible, so that the investigation starts on solid ground and with relevant information.

If you suspect a possible exploitative situation, report it to the appropriate authorities immediately. Refer to the section immediately after the indicators to know how to report a case.

**Who are these indicators for?** These indicators in Table 10 can be useful to anyone who could come into contact with a migrant child or adolescent. They are useful to frontline responders working in an official capacity, such as police agents, social workers, labour inspectors, health and safety inspectors, teachers, and health professionals, among others. The indicators are also useful to parents and legal guardians, family members, community leaders, religious leaders, employees of the tourism sector (such as tour guides, hoteliers, etc.), civil society organisations, and any concerned citizen spotting a child in a seemingly difficult situation.

Table 10: Indicators for sexual exploitation of children in the tourism sector affecting children in a migration context.

Indicators of Acts (Recruitment and/or Grooming)	
<b>Visible (physical) Indicators</b>	N/A
<b>Verbal (communicated) Indicators</b>	<ul style="list-style-type: none"> <li> Interrupted education or a very low level of schooling.</li> <li> Child’s sudden change in living arrangements, place, or conditions.</li> <li> Child’s isolation and/or a lack of adult support.</li> <li> Adults have befriended or offered benefits to children (grooming) and/or their family for no apparent or legitimate reasons.</li> <li> Children are somewhere (specific place or even a town/city) against their will or were sent there without much knowledge.</li> <li> Child is in an irregular migratory situation is in need of public services (health, education, etc.) and is struggling with livelihoods (alone or with family).</li> </ul>

<sup>169</sup> The Regional Action Group for the Americas – GARA (?). *Action Protocol Model for Tour Guides for potential cases or risk of sexual and/or labor exploitation of children in the travel and tourism sector*.

	<p>Suggestions of questions to ask potential victims to help identify the indicators (choose the questions below or create new ones as appropriate with the actual context and the children' age). Be aware that children often do not perceive the traffickers and exploiters as bad people. They might have developed positive relationship (or might also be scared of them) and therefore, not answering questions that might seem easy and straightforward to you.</p> <ul style="list-style-type: none"> <li>- <i>How long have you been in this town or place?</i></li> <li>- <i>With whom you are here?</i></li> <li>- <i>What is your last grade completed? (If the grade does not match the person's age)</i></li> <li>- <i>What happened that you did not go to school?</i></li> <li>- <i>What did you do in your hometown (student, worker, etc.)?</i></li> <li>- <i>What made you take the decision to move or what changed in your life that brought you here? With whom did you live before? With whom do you live now?</i></li> <li>- <i>Before you moved here, what was your relationship with your closest family members? Is it the same now?</i></li> <li>- <i>Have you been communicating with your family and friends? What have they talked about?</i></li> <li>- <i>Do you feel you can count on them if you have any problems or fears?</i></li> <li>- <i>Did someone you do not know offer you gifts or trips?</i></li> <li>- <i>What about a friend? How do you know him/her?</i></li> <li>- <i>Did someone offered you free study or make you a job offer? How? Via social networks? Internet?</i></li> <li>- <i>Did they offer you free help with visa/passport applications?</i></li> <li>- <i>How did you come here? Did someone help you? Who is this person? Who welcomed you and where did you stay when you arrived?</i></li> <li>- <i>Did you have to pay for your stay? How did you pay? How did you have the money to pay for the stay?</i></li> </ul>
<p><b>Non-verbal (behavioural) Indicators</b></p>	<p>N/A</p>
<p><b>Indicators of Means (Control)</b></p>	
<p><b>Visible (physical) Indicators</b></p>	<ul style="list-style-type: none"> <li> The physical and/or ethnic characteristics, language or accent of the child and the accompanying adult are visibly different (GARA indicator).</li> <li> Children are subjected to violence (children have signs of physical violence, bruises, cuts, unhealed or recently healed injuries).</li> <li> Children look sick but receive no medical attention.</li> <li> Migrant children are treated more poorly than the locals, either verbally, physically or in terms of living conditions.</li> <li> The accommodations are precarious, without proper hygiene, and not fitting to the needs of a child or teenager.</li> <li> Children hide or are asked to hide and/or be quiet in the presence of authorities or strangers.</li> <li> The adult with the child cannot show that they have the legal rights to be with the child.</li> <li> The adult treats children and/or adolescents with physical and mental disabilities, as well as children and teenagers of the LGBTQIA+ community, with discrimination and/or disdain.</li> <li> The child or adolescent is in a romantic relationship with an adult.</li> </ul>
<p><b>Verbal (communicated) Indicators</b></p>	<ul style="list-style-type: none"> <li> The ones paying for the basic needs (food, water, accommodation, etc.) of the child are not the parents, family members, or legal guardians.</li> <li> Children have received <i>fake</i> documents by an adult.</li> <li> Adults make children use alcohol and/or drugs.</li> <li> Adults stimulate children to engage in erotic or sexual activities with themselves or others.</li> </ul>

	<ul style="list-style-type: none"> <li> A child cannot explain or does not have a credible explanation as to how they got where they are.</li> <li> A migrant child is not given the same opportunities as the local ones.</li> </ul> <p>Suggestions of questions to ask potential victims to help identify the indicators (choose the questions below or create new ones as appropriate with the actual context and the child's age):</p> <ul style="list-style-type: none"> <li>- <i>Who pays for your food, clothes, place to live?</i></li> <li>- <i>How do you get money? Do you have to work? If so, what type of work?</i></li> <li>- <i>Could you recognize all the documents you received as being your own?</i></li> <li>- <i>Do you use alcohol or drugs? Have they forced you to consume any of that?</i></li> <li>- <i>Have you been injected with substances that prevent you from moving or responding consciously in any context?</i></li> <li>- <i>Have you been required to take nude or underwear photos or videos?</i></li> <li>- <i>Has anyone forced, asked, or stimulated you to have sex with anyone?</i></li> <li>- <i>Has anyone encouraged you to be with a stranger adult alone in parties, bars, restaurants, etc.?</i></li> <li>- <i>How did you get to this city?</i></li> <li>- <i>Who paid for your tickets?</i></li> <li>- <i>Did your parents want you to come? Or did your parents agree for you to travel?</i></li> <li>- <i>What do they expect to happen with you here?</i></li> <li>- <i>Did you have all the documents to cross the border?</i></li> </ul> <p>* If the interviewer wants to ask this question, they must guarantee that the answer will not be used to punish or expel the child from the country. The interviewer should keep in mind that the child might not be aware or is only partially aware of the type of documents he/she needs.</p>
<p><b>Non-verbal (behavioural) Indicators</b></p>	<ul style="list-style-type: none"> <li> Children behave anxiously (motor restlessness, fear, unexplained eagerness) or scared.</li> <li> Children feel uncomfortable where they are or live.</li> <li> Children are hyper alert.</li> </ul>
<p><b>Indicators of Purpose (Exploitation)</b></p>	
<p><b>Visible (physical) Indicators</b></p>	<ul style="list-style-type: none"> <li> A child is pregnant.</li> <li> Children are present in places of immediate consumption of alcoholic beverages, canteens, taverns, bars or similar (GARA indicator).</li> <li> Children are selling various products at inappropriate times for their age (school hours or night) or children involved in activities or places that put their health integrity and/or security at risk (GARA indicator).</li> <li> Children confront authorities and are very defensive.</li> <li> Children are aggressive beyond normality.</li> <li> Children look hurt, pale, malnourished, and/or dehydrated.</li> <li> Children present symptoms or signs of wounds or sexually transmitted infections in the mouth.</li> <li> Children have many wounds and scars on their body.</li> <li> Children engage in self-harming activities, e.g. biting their nails, cutting their hands/legs, etc.</li> <li> Multiple children working or co-habiting together have the same tattoo.</li> <li> The child wears clothes or make-up not appropriate to her/his age or weather conditions (GARA indicator).</li> </ul>
<p><b>Verbal (communicated) Indicators</b></p>	<ul style="list-style-type: none"> <li> A child is working and is not of legal age for that or does not have the papers to work (in case of a migrant child).</li> <li> The child suffers coercion and/or violence at work.</li> </ul>

	<p>Suggestions of questions to ask potential victims to help identify the indicators (choose the questions below or create new ones as appropriate with the actual context and the child’s age):</p> <ul style="list-style-type: none"> <li>- <i>Had you been offered a job other than the one you currently hold?</i></li> <li>- <i>Did your work conditions change when you arrived here?</i></li> <li>- <i>Did they offer you to study and when you arrived they denied it?</i></li> <li>- <i>Do you have the corresponding permits and authorizations to carry out the work you currently perform?</i></li> <li>- <i>Is the supervision of your work carried out in a violent or aggressive manner?</i></li> <li>- <i>Can you freely go out, meet and talk with other people?</i></li> <li>- <i>Have you been punished for doing your job “badly” or for refusing to do your job? What were the punishments?</i></li> <li>- <i>How did you get these bruises? Does it hurt? Is this the first time this has happened to you?</i></li> </ul>
<p><b>Non-verbal (behavioural) Indicators</b></p>	<ul style="list-style-type: none"> <li> Children have eating and sleeping disorders.</li> <li> Children behave hyper sexualized, erotically, and/or wear provocative clothes.</li> <li> The child is alone in a place and time not suitable for his/her age (GARA indicator).</li> <li> Invitation of an adult to an unknown child to join the group of adults (GARA indicator).</li> <li> The adult delays the entry of any public officials (for example, health professionals) at the worksite.</li> <li> The child uses language or refers to situations that are not appropriate to his/her age (GARA indicator).</li> <li> The adult is trying to hide certain rooms or there effectively are hidden rooms in a property.</li> <li> The child is constantly sick.</li> <li> The child has interest in issues, such as abortion, contraception methods, risks or fears associated with similar situations.</li> <li> The child uses expressions of high sexual content or that denote the existence of a pimp or similar figures, such as daddy, etc.</li> <li> The child presents paranoid behaviours or ideation of being persecuted.</li> <li> The child shows shame and/or difficulty maintaining eye contact.</li> <li> The child has a fear of physical contact, distrust of adults, particularly of men.</li> </ul>

## 2. Case Reporting and Victim Identification in Colombia

If you have spotted indicators of sexual exploitation, please report the case to the competent authorities. Those could be the police or any other governmental institution. When it is easier, you may also report the case to a trusted, specialised NGO that will contact the authorities. As an example of a reporting channel, you can call the ICBF's hotline, 141, anonymously (see Figure 11).

**RUTA DE ATENCIÓN PARA PREVENIR Y ATENDER CASOS DE VIOLENCIA SEXUAL Y ESCNNA**

Cuando detectes una situación de riesgo o a una niña, niño o adolescente víctima de explotación sexual comercial, puedes denunciar en la Línea 141 del ICBF o en las siguientes entidades y líneas disponibles:

- Línea Nacional de la Mujer 155.
- Casas de justicia.
- Unidades Productoras Agropecuarias (UPA).
- Policía de Infancia y Adolescencia.
- Comisarías de Familia.
- Centros de Atención e Investigación Integral a las Víctimas de Delitos Sexuales (CAIVAS) de la Fiscalía.





**LÍNEA DE ATENCIÓN A NIÑOS, NIÑAS Y ADOLESCENTES.**  
PROTECCIÓN-EMERGENCIA-ORIENTACIÓN

Si tú o una persona cercana es víctima de ESCNNA, acude de inmediato a un servicio de atención en salud:

Cualquier caso de ESCNNA **siempre es una urgencia médica y es de carácter gratuito.** La atención es brindada en cualquier Centro de Salud a nivel nacional.

Los niños, niñas y adolescentes víctimas de violencia sexual **tienen derecho a ser atendidos** a nivel salud (hospitales, clínicas IPS), a recibir protección ante los derechos vulnerados (Defensorías de Familia, Comisarías de Familia o Inspecciones de Policía) y a acceder a justicia (Fiscalía General de la Nación).

Figure 11: Referral process on CSA/E. Retrieved from: [https://www.icbf.gov.co/system/files/infografia\\_escnna\\_vf.pdf](https://www.icbf.gov.co/system/files/infografia_escnna_vf.pdf)

In general, the identification of victims happens over several stages or through various means. The school system is the first one of them. In schools, identification happens *in situ*, where the stakeholders are either teachers or counsellors (professional psychologists or social workers). Since Law 1620 of 2013 sets rules in this area, educational institutions are required to report any violations.

Similarly, the Colombian **Family Welfare Institute (ICBF)**, as the governing body of Colombia's family welfare system, monitors complaints and reports of cases involving the need for on-site follow-up situations flagged to the police, or the healthcare and education systems, among others.

The **healthcare system** also plays a role in the identification and initial referral of abused children when indicators are detected. Any healthcare professional must report the suspected case to their superiors or other competent authorities, according to their functions and procedures.

The **police forces**, as previously established, carry out surveillance functions with respect to the protection of children, and are key actors in the identification of victims, particularly in the more touristic areas.

Due to the migration from Venezuela, the staff of **Migración Colombia**, in coordination with the police units specialising in children and the **Tourism Police**, are key to identifying and referring possible victims to protection and to reporting cases.

Civil society organisations also do or can conduct actions to identify victims and actively search for them. For example, **Fundación Renacer** actively monitors critical areas in the territories through various immersion tactics and approaches communities to identify situations that would put people at risk of abuse and exploitation. The private sector has also been an important ally in identifying victims and protecting children. One example is the tourism industry. All tourism businesses must follow ethical standards for the protection of children under Resolution 3840/2009. Companies that provide tourism services must disseminate information about child protection as well as the implementing policies and procedures that allow reporting of possible cases of child sexual exploitation to authorities.

Figure 12 shows the route through which a child usually goes through, within protection services, after they have been identified as potential or actual victims of exploitation.



Figure 12: Referral process for child’s victims of trafficking, in which CSE is included <sup>170</sup>

<sup>170</sup> Retrieved from [www.icbf.gov.co/mis-manos-te-ensenan/ruta-para-la-atencion-especializada-menores-de-edad-victimas-de-trata-de](http://www.icbf.gov.co/mis-manos-te-ensenan/ruta-para-la-atencion-especializada-menores-de-edad-victimas-de-trata-de)

## SPAIN

The case study provides context for Trafficking in Human Beings (THB) and Child Sexual Abuse and Exploitation (CSA/E) in Spain, focusing on the phenomena of (a) **trafficking in women and forced sex work in a context of migration** and (b) **online harassment of children for sexual purposes and the production and distribution of child sexual abuse and exploitation material**.

### Trafficking in Human Beings

#### About this Case Study

This first case study will discuss Trafficking in Human Beings, more specifically phenomenon (a) **trafficking in women and forced sex work in a context of migration**. Between 2018 and 2021, Spain identified 1,032 cases of **trafficking**<sup>171</sup> on its territory, the vast majority of which were **for the purpose of sexual exploitation**<sup>172</sup>. Additionally, 98.6% of those victims were **migrants** in Spain (mostly from Eastern Europe, Latin America, and Africa), and 90% were **women or girls**<sup>173</sup>. These figures show how relevant the issue of trafficking of women in a context of migration is.

This case study aims at offering the reader three lists of indicators for early detection of trafficking in human beings: The first set is a list of general indicators of trafficking in human beings in Spain; The second is a list of indicators for recognising specifically potential cases of sexual exploitation in Spain. Lists one and two have already been made available to frontline responders, as they were established in the Spanish legal framework. The third is a specific list of indicators for trafficking in women and forced sex work in a context of migration that was entirely developed for the scope of this manual. The indicators are important to help practitioners on the ground tackle sexual exploitation among migrant women in Spain, a phenomenon that gained much traction in the past years.

Furthermore, in its first sub-part, this case study provides a brief description of the THB context in Spain, introducing the relevant legal framework, key actors, practices, as well as the vulnerabilities to exploitation, and the mechanisms for identification and referral of victims following the indicators.

### Part A: General description of the THB context in Spain

#### 1. THB context in Spain and current levels of case identification

The real extent of the phenomenon of human trafficking in Spain is unknown, which reinforces the importance of the networking of all topic-relevant professionals and entities to promote faster, reactive and more proactive identification. The *Memoria del Ministerio Fiscal*<sup>174</sup> de 2022<sup>175</sup> collects official data and contains important data on the THB context in Spain. The case distribution was as is shown in Figure 13.

**Trafficking for the purpose of sexual exploitation** is the most often detected form of the crime in Spain, with **98% of the cases affecting foreign-born women and girls**. Women and girls are also the majority of identified victims in cases of trafficking for the purposes of forced marriage and servitude, while men and boys are the majority of identified victims of labour exploitation<sup>176</sup>.

<sup>171</sup> Combination of cases from the US TIP Reports of 2019, 2020, 2021, and 2022.

<sup>172</sup> US TIP Reports of 2019, 2020, 2021, and 2022. Salat, M. (December, 2022). "Human trafficking in Spain: A quantitative case-law analysis". In: *International Journal of Law, Crime and Justice*, v.71.

<sup>173</sup> Salat, M. (December, 2022). "Human trafficking in Spain: A quantitative case-law analysis". In: *International Journal of Law, Crime and Justice*, v.71.

<sup>174</sup> The Ministerio Fiscal is the institution in Spain that concentrates and publishes yearly data about all governmental activities. The General Prosecutor's Office is responsible for presenting an annual report reflecting the work carried out during the year.

<sup>175</sup> Available at: [www.fiscal.es/memorias/memoria2022/FISCALIA\\_SITE/index.html](http://www.fiscal.es/memorias/memoria2022/FISCALIA_SITE/index.html).

<sup>176</sup> General Prosecutor's Office (2022). *Memoria del Ministerio Fiscal de 2022*.

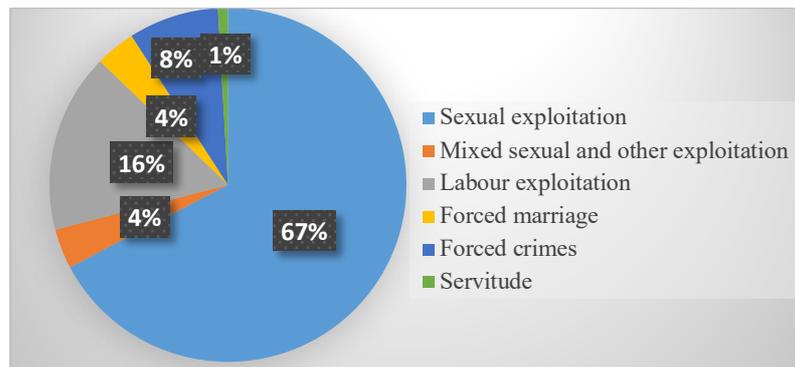


Figure 13: Identified THB Cases in 2021 by form of exploitation.

Additionally, the US Department of State issued its TIP Report of 2022<sup>177</sup>, based on information from governmental and non-governmental sources in Spain, found also the following critical facts and ongoing trends about THB in Spain<sup>178</sup>:

- ✚ The pandemic boosted worker vulnerabilities and labour trafficking in 2020 and 2021, especially in agriculture, domestic work, and cannabis growing in Catalonia;
- ✚ The pandemic has expanded the use of private residences instead of brothels or clubs and internet recruitment, making sex trafficking victims more vulnerable;
- ✚ The pandemic pushed sex traffickers to use social media, smartphone apps, and the dark web to recruit, exploit victims, and rent apartments;
- ✚ Ukrainian refugees, mostly women and children, are vulnerable to trafficking;
- ✚ Eastern European and South and East Asian workers, especially Pakistanis, are exploited in the textile, construction, industrial, beauty, elder care, and retail sectors;
- ✚ Vietnamese and Chinese mafia gangs increasingly trade Vietnamese victims in agriculture and cannabis plantations;
- ✚ Fruit farm workers from Morocco were found vulnerable to deceit and exploitation;
- ✚ Sex traffickers exploit women from Eastern Europe, South America, Central America, Vietnam, the Dominican Republic, China, and Nigeria;
- ✚ Sex trafficking victims are mostly Colombian, Paraguayan, and Venezuelan women;
- ✚ Women and LGBTQIA+ people fleeing Venezuela's crisis are exploited by sex traffickers using fraud, assault, and debt bondage;
- ✚ Unaccompanied migrant children face sex exploitation and forced begging;
- ✚ Labour trafficking targets Spanish Roma girls.

The instances of **international trafficking** involving non-Spanish citizens are **more common than domestic trafficking** involving Spanish nationals, among the identified cases<sup>179</sup><sup>180</sup>. In those instances, victims are usually recruited through deception, either with false promises of a good job in Spain or consented to work as prostitutes but were unaware of the conditions of exploitation in which this would take place. Traffickers abuse the situation of vulnerability, such as extreme poverty, poor education, undocumented status. The recruiters facilitate their transport to Spain, providing them with the necessary documentation (sometimes false) and paying for their journey. Once in Spain, they become tied to the trafficker due to debt accumulated during the journey. This debt is usually excessive and increases due to accommodation and food, fines, or any other items the trafficker charges from the victim. To exert full control, traffickers often use physical and sexual violence,

<sup>177</sup> US Department of State (2022). *2022 Trafficking in Persons Report: Spain*.

<sup>178</sup> Ibid, text extracted and adapted.

<sup>179</sup> General Prosecutor's Office (2022). *Memoria del Ministerio Fiscal de 2022*.

<sup>180</sup> US Department of State (2022). *2022 Trafficking in Persons Report*.

life threats, or threats to a family member living in their country of origin. In many cases, they are held in detention or tents, their documents are withheld, or they are under constant surveillance. They are often forced to deal drugs<sup>181</sup>.

Spain is a major destination to migrants within the EU. By 2022, it hosts about 7.3 million foreign-born people<sup>182</sup>, mostly from Morocco, Latin America, and Eastern Europe, but with a growing population from Ukraine and Italy<sup>183</sup>. The number of irregular migrants is also on the rise<sup>184</sup>, which makes more and more migrants vulnerable to exploitation in the country.

Additionally, the Western Mediterranean route of migrants has Spain as its principal transit point onto other European countries, with arrivals in various parts of the country, particularly the Canary Islands, Ceuta, Melilla, and the Andalusian coast. To worsen the situation, some international criminal networks are based directly in Spain, playing a prominent role in the smuggling of migrants, which, in turn, increasingly intersects their activities with human trafficking. In this context, statistics reveal that the majority of THB cases are for the sexual exploitation of foreign women (98%)<sup>185</sup>. Refer to **Annex 5** for further statistics and information on identified cases of THB in Spain.

## 2. Spanish legal and policy frameworks against THB

Spain has very comprehensive legal and policy frameworks to combat THB and protect its victims. The country has been developing and modernising its legal mechanisms for two decades now, and it is a party to all the conventions of the United Nations framework<sup>186</sup>, as well as a number of Council of Europe conventions that are relevant to action against THB. These agreements include the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and the Conventions on Cooperation in Criminal Matters, and, as a member of the European Union, Spain is also subject to the EU directives<sup>187</sup>. At the national level, the crime of THB was introduced into the **Spanish Criminal Code in LO 5/2010**, through the new Title VII *bis* on "Trafficking in Human Beings", Article 177a. This change was a step forward since, until then, the Criminal Code related trafficking to the crime of *smuggling of migrants for the purpose of sexual exploitation*. The new Criminal Code, in its Article 177a, defines THB as the following:

*Anyone who, either on Spanish territory, or from Spain, in transit or bound for Spain, using violence, intimidation or deception, or abusing a situation of superiority, need or vulnerability of the national or foreign victim, or by giving or receiving payments or benefits to achieve the consent of the person who has control over the victim, recruits, transports, transports, transfers, harbours, or receives, including the exchange or receipt of goods or services, shall be sentenced to five to eight years' imprisonment for the crime of human trafficking, including the exchange or receipt of goods or services, or by giving or receiving payments or benefits to achieve the consent of the person who has control over the victim, captures, transports, transfers, harbours or receives them, including the exchange or transfer of control over such persons, for any of the*

<sup>181</sup> General Prosecutor's Office (2022). *Memoria del Ministerio Fiscal de 2022*.

<sup>182</sup> Data available at: <https://www.migrationpolicy.org/article/spain-immigration-integration-multilevel#:~:text=Spain%20is%20one%20of%20Europe's,of%20more%20than%207.3%20million>.

<sup>183</sup> R. Sanmartín, Olga (25 June 2018). "La llegada de inmigrantes a España aumenta un 28% y hace crecer la población por segundo año consecutivo". In: *El Mundo* (in Spanish). Madrid: Unidad Editorial.

<sup>184</sup> Available at: <https://www.aa.com.tr/en/world/spains-irregular-migration-increases-29-this-year/2566607#>

<sup>185</sup> General Prosecutor's Office (2022). *Memoria del Ministerio Fiscal de 2022*.

<sup>186</sup> UNUnited Nations Convention against Trafficking in PersonsTransnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (both ratified in 2002). Spain is also party to the UN Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (ratified in 1990 and 2001, respectively), the Convention on the Elimination of All Forms of Discrimination against Women (ratified in 1984), as well as conventions elaborated under the International Labor Organization (ILO).

<sup>187</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting victims of such trafficking, replacing Council Framework Decision 2002/629/JHA. Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, and who cooperate with the competent authorities; Directive 2004/80/EC relating to compensation to crime victims and Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, replacing Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings.

following purposes:

- (a) The imposition of forced labour or services, slavery or practices similar to slavery, servitude or begging.
- (b) Sexual exploitation, including pornography.
- (c) exploitation for the purpose of criminal activity.
- (d) the removal of their bodily organs.
- (e) The celebration of forced marriages.

Article 177a of the Criminal Code is the main piece of legislation regulating the topic of THB in Spain. However, additional laws also support the fight against this crime and provide for the protection of the victims, such as the **Organic Law 4/2000**, **Law 4/2015**, and **Organic Law 8/2021**, to cite the most relevant ones. Refer to **Annex 5** for a complete transcription of the Criminal Code Article 177a, as well as a list with a short description of all other relevant laws and policies to combat THB and protect its victims in Spain.

### 3. Relevant government and non-government actors and their roles

Spain has a robust institutional framework for the fight against THB that includes governmental and non-governmental actors alike. Also, the THB response system is fairly decentralised in the country, as there are institutions and organisations acting both at the national and autonomous communities' levels<sup>188</sup>. Below are the main actors and their primary functions:

 **The National Police**, through its Central Unit for Illegal Immigration Networks and Documentary Falsifications of the General Commissariat for Aliens and Borders, is the primary institution tasked with the detection and identification of THB victims. It is responsible for the investigation of criminal activities, both national and transnational, related to human trafficking.

 **The Public Prosecutor's Office**, especially through the Office of the Public Prosecutor for Aliens, investigates cases and is involved in referral of victims to protection services.

Please refer to **Annex 5** for a complete table with further details about the institutions' mandates.

### 4. Vulnerability factors and vulnerable groups to THB in Spain

According to the statistics of identified THB cases, most of the identified victims were vulnerable and more prone to be exploited due to some intrinsic and extrinsic characteristics they carried. As most of the identified cases affected migrant women and girls, the below list shows the most prominent vulnerability factors divided into **general**, **gender**, and **migration** factors to help us understand the current scenario.

#### General vulnerabilities:

-  Poverty
-  A lack of education
-  A lack of employment opportunities
-  A lack of a safety net and/or a supporting community, including the family;
-  Be part of a marginalised group, such as the LGBTQIA+ community or persons with mental/physical disability

#### Gender-related vulnerabilities:

-  Gender violence
-  Gender inequality
-  Feminisation of poverty

<sup>188</sup> The Autonomous Communities in Spain have their own legislation, policies, and governmental infrastructure. THB may be dealt differently among those communities, as long as they respect national laws.

### Migration-related vulnerabilities:

-  Irregular migratory status
-  Linguistic barriers
-  Nationality and/or ethnicity discrimination
-  Family breakdown due to family members' migration

Additionally, due to fear, shame, a lack of financial means, a lack of knowledge of the laws and legal procedures, among other factors, it is usually very difficult for victims to self-report to the authorities and start legal action against their exploiters. As a result, exploitation might last for a long time and/or re-victimisation is possible.

## **Part B: Sector-specific study - Trafficking in women and forced sex work in a context of migration.**

### **1. Specific context**

Trafficking in women and forced sex work is prevalent in Spain. The victims are mostly migrant women who, in many cases, had been smuggled into Spain.

Victims of Romanian and Nigerian nationalities have historically been the most represented groups among victims of trafficking for sexual exploitation, but an increase in victims of Latin American origin, especially Venezuela, Colombia, and Paraguay, has also been observed recently. In 2020, Colombian and Paraguayan victims accounted for 51% of the total number of identified victims of trafficking for sexual exploitation. The victims from Latin American nationalities reached 73% of the total identified in 2020. In the same year, 60% of all sexual exploitation investigations focused on private homes, making cases especially difficult to detect<sup>189</sup>. Seventy percent of the victims are between 18 and 33 years of age, and this average has been decreasing recently, pointing towards victims getting younger<sup>190</sup>.

The main form of recruitment differs according to nationality, from the "lover boy" for Eastern European victims to the "voodoo-joujou" for Nigerian nationals<sup>191</sup>. Recently, it has been noted that much of the recruitment is conducted via the internet, particularly social networks. It starts by offering employment opportunities to the prospective victim. The traffickers talk to the victims for as long as necessary to gradually gain their trust. Although deception is the most typical method, there are several others, such as assault, the use of social, cultural, or religious control mechanisms, and affective interactions, in which the person who recruits pretends to have a sentimental attachment to the victim<sup>192</sup>.

### **2. Who are the traffickers?**

In 2020, 59% of traffickers arrested in Spain were men, compared to 41% of women<sup>193</sup>. The figures are consistent with past years and also show that **former victims** of trafficking often **become "madams" or recruiters** for trafficking networks. Commonly, the recruiter or trafficker holds the same nationality as the victims, so that they can build a rapport more easily and come across as more trustworthy. The trafficking networks make use of cultural and language ties to attract victims. As a result, as the number of Colombian and Venezuelan victims has increased, so has the number of traffickers of those nationalities in recent years; however, other relevant countries of origin of traffickers include China, Romania, and Spain itself<sup>194</sup>.

<sup>189</sup> Ministry of the Interior (2022a). *National Strategic Plan against Trafficking and Exploitation of Human Beings 2021-2023*.

<sup>190</sup> Ibid.

<sup>191</sup> Ibid.

<sup>192</sup> Ibid.

<sup>193</sup> Ibid.

<sup>194</sup> Ibid.

## List of general indicators of trafficking in human beings in Spain

There are a number of tell-tale signs frontline responders should look out for that may indicate a person is being exploited within the process of trafficking in human beings. Knowing the signs can help protect people and help them when they have no one else to turn to.

The possible THB victim/case can be recognised by spotting so-called **indicators of trafficking in human beings**. Indicators are signs and signals that act as signposts drawing the attention of the frontline responders to a specific situation – or to investigate further. They are based on common characteristics that have often been observed in relation to THB cases in the past.



**Indicators are important tools for frontline officers responsible for early/first-level identification. To spot indicators, the frontline responders need awareness of the topic and must know what to look out for, even when we are not actively searching for indicators.**

Indicators should guide frontline responders (law enforcement agencies, victim assistance organisations etc. to identify possible situations of THB and whether a person should be referred for further identification as victim by the competent authorities. Indicators are not intended to provide a conclusive decision on whether a case is trafficking or not. Indicators provide a list of common characteristics found in trafficking cases, and are intended to support frontline responders make a structured decision about whether further investigation is needed. In Spain, there are two sets of indicators available: 1) General indicators for trafficking in human beings, and 2) Indicators for sexual exploitation. Refer to **Annex 5** to see both lists of indicators.

## List of Indicators for trafficking in women and forced sex work in a context of migration

The indicators in Table 11 have been conceived fully within the framework of this Manual. They were developed according to the specifics of the phenomenon described above and should help the frontline responders to detect, in their daily work, possible cases of exploitation and trafficking among migrant women.

**The indicators are divided into three elements: the Act** (recruitment, transfer, transport, harbour, receipt), **the Means** (threat or use of force, coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, giving or receiving of payments or benefits), and **the Purpose** (exploitation) – working along the definition of THB (Palermo Protocol). For each of these three elements, indicators are further divided into **visible (physical/environment), non-verbal (behaviour), and verbal (communicated) indicators**. Verbal indicators are signs detected through a conversation and may also include questions to ask a potential victim of trafficking for forced sex work. Visible indicators may be physically observed, including the environment where the women are found/settled as well as her physical condition. Non-verbal indicators are signs in the behaviour.

**Who are these indicators for?** These indicators in Table 11 can be useful to anyone who could come into contact with women in sex work. They are useful to frontline responders working in an official capacity, such as police agents, social workers, labour inspectors, health and safety inspectors, and health professionals, among others. But the indicators are also useful to family members, community and religious leaders, civil society organisations, and any concerned citizen.

Table 11: Indicators for trafficking in women and forced sex work in a context of migration.

Indicators of Acts	
<b>Visible (physical) Indicators</b>	Not applicable
<b>Verbal (communicated) Indicators</b>	 The women were recruited through web chats and/or informal (not recognized recruiting agencies) online platforms.

	<ul style="list-style-type: none"> <li> The women were offered in Spain very good jobs, despite not necessarily having the qualifications necessary.</li> <li> The true nature of the job in Spain is not really explained or is explained but not followed through.</li> <li> Women in Spain from the same nationality as the women abroad, but not necessarily related to them, approach and convince them to travel to Europe.</li> <li> The women travelled to Spain after meeting a man online and falling in love with them.</li> </ul> <p>Questions to ask potential victims to help identify the indicators:</p> <ul style="list-style-type: none"> <li>- <i>How did you learn about the job offer? Did you look for it or were you approached by someone?</i></li> <li>- <i>Did you see a document with your job offer or a formal contract before travelling to Europe? In what language was this document? Could you understand what was written in it?</i></li> <li>- <i>Was the job offer/contract complete, describing all your rights and remuneration? Was the employer clear in explaining the conditions? Were you allowed you to ask questions?</i></li> <li>- <i>Did the employer try to convince you to take the job in case you were not sure about it?</i></li> <li>- <i>For this job, were you approached by a woman with the same nationality as you trying to convince you to come?</i></li> <li>- <i>Did you come here because of a romantic relationship?</i></li> <li>- <i>Did you want to come here in general?</i></li> </ul>
<p><b>Non-verbal (behavioural) Indicators</b></p>	<p>Not applicable</p>
<p><b>Indicators of Means</b></p>	
<p><b>Visible (physical) Indicators</b></p>	<ul style="list-style-type: none"> <li> The women show signs of physical violence (scars, wounds, bruises, etc.) upon their arrival.</li> <li> The women seem to be under the full control of their employer, who is always with them, supervising their moves and words.</li> <li> The women are working in clubs, restaurants, hotels, bars, and other places with high customer turnover and are dressed provocatively.</li> </ul>
<p><b>Verbal (communicated) Indicators</b></p>	<ul style="list-style-type: none"> <li> The women arrive indebted with the employer due to the travel costs and employment fees.</li> <li> The women are in an irregular status in Spain.</li> <li> The women speak/understand little to no Spanish.</li> <li> The women suffered sexual violence during their journey.</li> <li> The families left in the country of origin are under threat or violence.</li> <li> The women don't know where they are and/or are changed from place to place constantly.</li> <li> The women are forced to visit clients in their homes or other private spaces.</li> <li> The women have little to no money on them.</li> <li> The women's communication with their families and/or the outside world is limited.</li> <li> The women don't have their personal documents at their disposal.</li> </ul> <p>Questions to ask potential victims to help identify the indicators:</p>

	<ul style="list-style-type: none"> <li>- <i>Who paid for your trip to Spain? Are you still paying for it?</i></li> <li>- <i>Did you fully understand the terms of your Spanish contract? Did/do you understand all the instructions and explanations from your employer? Do you understand what the clients ask you?</i></li> <li>- <i>Was your journey here smooth and safe?</i></li> <li>- <i>Was your family in agreement that you came to Spain? How are they now? How often do you speak to them and your friends back home?</i></li> <li>- <i>Could you confirm the full address of where you live and where you work? Are those the same places you decided to live and accepted to work?</i></li> <li>- <i>Have you been asked to go to houses of strangers or clients?</i></li> <li>- <i>Do you have enough money on you for your basic expenses?</i></li> <li>- <i>Do you go out often? Can you go anywhere you want?</i></li> <li>- <i>Do you have all your personal documents with you at all times? If not, where do you keep them? Where are they now?</i></li> </ul>
<p><b>Non-verbal (behavioural) Indicators</b></p>	<p> The women show signs of confusion, discomfort, and/or distress.</p>
<p><b>Indicators of Purpose</b></p>	
<p><b>Visible (physical) Indicators</b></p>	<ul style="list-style-type: none"> <li> The working conditions are below the legal standards and precarious.</li> <li> The living conditions are unsanitary.</li> <li> The women share their rooms with many other women.</li> <li> The women seem to be malnourished or forced on unhealthy diets.</li> <li> The women have scars, bruises, or wounds on their bodies.</li> <li> The women seem to be under the effect of alcohol and/or drugs and yet working.</li> <li> The women look sick and yet working.</li> </ul>
<p><b>Verbal (communicated) Indicators</b></p>	<ul style="list-style-type: none"> <li> The women express frustration, they feel deceived and lonely.</li> <li> The women have no personal support in Spain and their communication back home is restricted.</li> <li> The women only know their employers in Spain.</li> <li> The women express the wish to be/go somewhere else and perform another work.</li> <li> The women need to work to pay a debt.</li> <li> The women suffer physical and psychological violence.</li> <li> The women don't speak Spanish and fully depend on the employer or are under their control.</li> </ul> <p>Questions to ask potential victims to help identify the indicators:</p> <ul style="list-style-type: none"> <li>- <i>Do you have friends and family here in Spain? Whom would you talk to if you needed any help?</i></li> <li>- <i>How often do you talk to your friends and family back in your home country? How do you get in contact with them?</i></li> <li>- <i>Do you like your work and life here? Would you wish to leave or stay?</i></li> <li>- <i>Do you have any debts or financial responsibilities apart from supporting yourself?</i></li> <li>- <i>Are you happy here? Do people treat you as you would expect?</i></li> <li>- <i>How much help do you still need with the language?</i></li> <li>- <i>Who helps you in your daily routine?</i></li> <li>- <i>How do you work with your clients?</i></li> </ul>

<b>Non-verbal (behavioural) Indicators</b>	<ul style="list-style-type: none"> <li> The women behave scared with the presence of the authorities or in general.</li> <li> The women behave sad most of the time.</li> <li> The woman might behave as overconfident and even provocative. This might appear as a “paradox” reaction to trauma or as a “mask” so the woman is not perceived by the others as a victim.</li> </ul>
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### Reporting THB in Spain

**If you have spotted indicators of trafficking and/or sexual exploitation, make sure to report it to the National Police via the hotlines 091 or 112!** You may also make your report fully online on the link <https://denuncias.policia.es/OVD/>.

### Identification of THB in Spain

The primary competent authorities for the formal identification of THB victims are the **National Police Corps** (NSFC). However, the national system is more complex. In 2011, the Ministries of Justice, Interior, Employment and Social Security and Health, Social Services and Equality, and the General Prosecutor’s Office and the Council of the Judiciary established the **Framework Protocol for the Protection of Victims of THB**<sup>195</sup>. Although the Protocol focuses on the protection, it also regulates preliminary identification (detection) and formal identification.

The Protocol, which functions as a national referral mechanism, establishes the phases that a potential victim of THB goes through, from its detection, indicating the actions to be carried out in each phase, and identifies the public administrations involved, establishing the coordination mechanisms between them and their relationship with other organisations with accredited experience in victim assistance. The protocol applies to all victims, nationals or foreigners, adults or children, men or women. For a better understanding, we highlight the following on the procedure for the detection and identification of victims of THB according to the Protocol for the Protection of Victims of THB:

#### i. Detection

This process can be carried out by the entities, authorities, or people shown in Figure 14.

Additionally, when someone asks for international protection and there are indications that they may be a victim of THB, the Asylum Section of the Aliens and Border Police Station is contacted so that the appropriate police unit is informed.

Similarly, if a potential victim of THB is detected during the development process associated with the International Protection Reception System, the Protocol of the Secretary of State for Migration for the detection and action of potential cases of human trafficking for the purpose of sexual exploitation will be followed.

#### ii. Formal Identification

The state authority in charge of victim identification are the police units (NSFC) with **specific training** in preventing and combating trafficking and in victim identification and assistance. As soon as the police units consider that there is evidence to presume that they are dealing with a victim of THB, all measures will be taken to guarantee their rights. In the case of a foreign victim, the administrative sanctioning procedure will not be initiated, and the provisions of article 59 bis LO 4/2000 will apply.

More specifically, the responsibility for identification of migrant victims lies onto the General Commissariat for Aliens and Borders of the National Police, specifically to the Central Unit for Illegal Immigration and Documentary Forgery Networks, in accordance with Order INT/28/2013 of January 18, which develops the

<sup>195</sup> Available at: [https://www.policia.es/miscelanea/trata/protocolo\\_marco\\_trata.pdf](https://www.policia.es/miscelanea/trata/protocolo_marco_trata.pdf).

organic structure and functions of the Central and Peripheral Services of the General Directorate of the Police<sup>196</sup>.



Figure 14: Detection process of THB in Spain

#### a) Victim interview

The interview should be conducted for any identification procedure. It is the responsibility of the NSFC personnel in charge of investigating these crimes, without prejudice to collaborate with the Administration and entities with experience in trafficking.

This interview shall be conducted in private and confidentially, in the language understood by the victim and/or with the assistance of an interpreter. It shall be carried out in an environment appropriate to the gender, age and other personal circumstances of the victim, avoiding contact with traffickers and persons directly or indirectly linked to them. The interview guidelines are set out in the Protocol<sup>197</sup>, which can be found in **Annex 5**.

<sup>196</sup> Available at: [www.boe.es/buscar/act.php?id=BOE-A-2013-662](http://www.boe.es/buscar/act.php?id=BOE-A-2013-662)..

<sup>197</sup> Extracted from the Framework Protocol for the Protection of Victims of Trafficking in Human Beings. Available at: [www.bienestaryproteccioninfantil.es/imagenes/tablaContenidos03SubSec/Protocolo\\_Marco\\_proteccion\\_victimas\\_trata.pdfhttps://www.policia.es/miscelanea/trata/protocolo\\_marco\\_trata.pdf](http://www.bienestaryproteccioninfantil.es/imagenes/tablaContenidos03SubSec/Protocolo_Marco_proteccion_victimas_trata.pdfhttps://www.policia.es/miscelanea/trata/protocolo_marco_trata.pdf).

**b) Special procedures for children**



Figure 15: Special procedures for children

**iii. Collaboration, communication, and joint work for identification in Spain**

Instruction 6/2016 describes how government and non-government entities should collaborate and communicate during the identification and protection processes. When there are reasonable grounds to believe that a person is a victim of THB, police units will take the appropriate steps to protect their rights, provide medical and social support, and provide the legal assistance they require. As soon as a potential victim is detected, the National Security Forces and Corps will seek the assistance of trafficking-specialised institutions to inform the victim of their rights and options for assistance during the identification process and if they are ultimately found to be a victim of human trafficking by the competent authorities.

The formal identification of victims shall be carried out solely by police units with specific training in the prevention and fight against trafficking, as well as in the identification and assistance of victims, while taking into account all legal and factual elements available to them. Following that, the Security Forces and Corps must communicate the detection of potential victims of human trafficking to entities specialised in their protection as soon and as efficiently as possible, so that they can collaborate in early identification, specifically in the identification interview. Said communication will always be carried out through the Social Interlocutor, except when it affects the victim's protection or the investigation.

Several collaborative mechanisms have been established. The State Prosecutor's Office (FGE), through its Aliens' Unit, has organised multidisciplinary working groups to develop effective strategies to address the problems identified in the identification of victims arising in particularly complex cases<sup>198</sup>, with two such teams:

- One aimed at improving the identification of possible victims among foreign asylum seekers at airports, which is currently developing a list of specific indicators for these cases and which is made up, in addition to prosecutors, of members of the National Police, the Asylum and Refugee Office (OAR), and different NGOs especially involved.
- Another aimed at enabling the prevention of trafficking cases among refugees from the Ukrainian conflict and facilitating the detection and identification of victims, which, in addition to the bodies and institutions mentioned above (although with different specialists), is made up of representatives of the Guardia Civil and the Ministry of Inclusion.

A liaison officer was established between the General Police for Foreigners and Borders (UCRIF) and the Fiscal Ministry (FGE) through the Instruction 4/2011 of the General Commissariat for Aliens and Borders, created the figure of Liaison of the Central Unit of Illegal Immigration Networks and Documentary Forgery in the FGE. After this Instruction, each province has agreed to assign a police officer from the Aliens' and Borders Brigade to serve as a Territorial Police Liaison to the Delegate Prosecutor for Aliens. This officer liaises between the Delegate Prosecutor for Aliens in the province and the Central UCRIF officer in the FGE<sup>199</sup>.

Finally, under Royal Decree 1109/2015, Victim Support Offices were established to serve as a specialised unit and a public service to provide assistance and/or coordinated care to victims of crimes in the legal, psychological, and social spheres, as well as to promote relevant restorative justice measures. Victim Support Offices are responsible for this area in the Ministry of Justice and the Autonomous Communities. In the case of criminal proceedings, coordination with the Ministry of the Interior is required. The Victims' Assistance Offices are staffed by specialised professionals, which may include psychologists, Justice Administration personnel, lawyers, social workers, and other technicians when the nature of the case requires it (art. 18).

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<sup>198</sup> General Prosecutor's Office (2022). *Memoria del Ministerio Fiscal de 2022*.

<sup>199</sup> Ibid.

# Child Sexual Abuse and Child Sexual Exploitation

## About this Case Study

This second Spain case study focuses on Child Sexual Abuse and Exploitation (CSA/E). It provides a brief description of the CSA/E context in the country, introducing the relevant legal framework, mechanisms for identification and referral of victims, key actors and practices, as well as children’s vulnerabilities to exploitation and abuse. More specifically, this case study will give an account of **online harassment of children for sexual purposes and the production and distribution of child sexual abuse and exploitation material**.

The reader will find a list of indicators for early identification of online harassment of children<sup>200</sup> for sexual purposes and for the production and distribution of child sexual abuse and exploitation material, along with brief instructions on use. These indicators were developed based on the research conducted within the framework of this Manual. Their aim is to help the reader make structured judgements and identify possible instances of production and distribution of CSEM. The indicators are important to help practitioners on the ground and online tackle sexual abuse and exploitation on the internet, a phenomenon that is currently prevalent and of growing concern. Furthermore, in its first sub-part, this case study provides a brief description of the CSA/E contexts, introducing the relevant legal framework, mechanisms for victim identification and referral, key actors, practices, and children's vulnerabilities to exploitation and abuse in Spain. The second sub-part presents the abovementioned set of indicators, as well as a brief elaboration on the CSA/E dynamics of online harassment of children for CSA/E and CSEM purposes, as well as the next steps the reader should take to refer the case and protect the potential victims after identifying indicators.

## Part A: General description of the child sexual abuse and child sexual exploitation in Spain

### 1. Current levels of CSA/E case identification in Spain

In 2021, the Public Prosecutor's Office<sup>201</sup> made a total of 2,086 indictments for sexual crimes committed against children, an increase of 15% compared to 2020 (1,791 indictments), Figure 16 details these indictments.

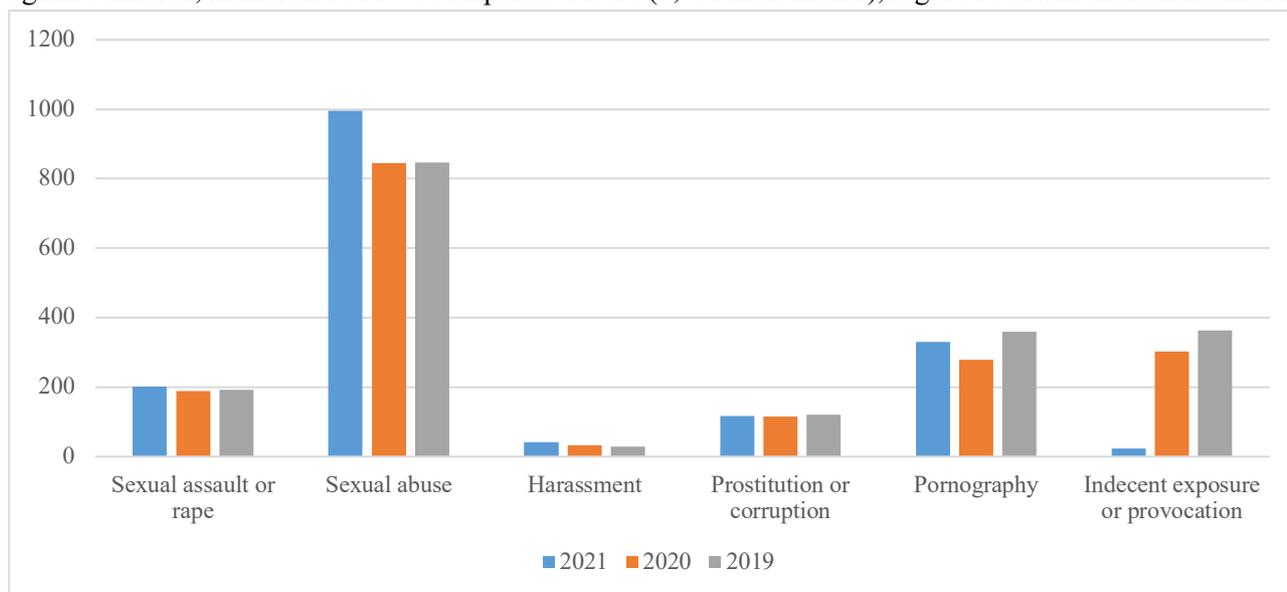


Figure 16: Indictments for sexual crimes against children

<sup>200</sup> The Spanish law (LO 8/2021) defines all persons under 18 years of age as “children”. This case study will use the term children, children, and children and adolescents interchangeably.

<sup>201</sup> General Prosecutor’s Office (2021). *Memoria de la Fiscalía General del Estado 2021*. Madrid.

According to the Ministry of the Interior's Statistical Crime Portal on "Victimisation of criminal offences by period, autonomous community, type of offence, age group and sex"<sup>202</sup>, which includes data from the State Security Forces and Corps, cases shown in Table 12 have been recorded.

Table 12: Ministry of the Interior's Statistical Crime Portal on "Victimisation of criminal offences by period.

2021	0-13 years				14-17 years			
	Male	Female	Unknown	Total sexes	Male	Female	Unknown	Total sexes
<b>3. CRIMES AGAINST SEXUAL FREEDOM</b>	833	2.954	18	<b>3.805</b>	583	3.925	4	<b>4.512</b>
<b>3.1.-Sexual assault</b>	44	219	0	263	61	579	0	640
<b>3.2.-Penetrative sexual assault</b>	25	125	0	150	34	434	0	468
<b>3.3.-Corruption of children or incapacitated persons</b>	59	128	6	193	61	139	2	202
<b>3.4.-Pornography of children</b>	48	36	9	93	24	46	0	70
<b>3.5.-Others against sexual freedom and sexual indemnity</b>	657	2.446	3	3.106	403	2.727	2	3.132

The total extent of the issue is, however, unknown. According to some estimates, child sexual abuse and exploitation may affect one out of every five children in Spain<sup>203</sup>. Conversely, analysing the Ministry of Interior's official data over time reveals a 53.56 percent increase in CSA/E case reporting between 2014 and 2019, followed by a progressively lower rate until 2020. In 2020, **79.18% of the total victims of child sexual crimes were girls**, and the average age range of the victims was **between 14 and 17 years**. Considering this age group only, girls represented 82% of the victims<sup>204</sup>.

## 2. Vulnerability factors to CSA/E in Spain

Poverty continues to be the greatest observed risk factor for children and adolescents, according to the "Recommendations for the Implementation of the European Child Guarantee in Spain from the Local Level"<sup>205</sup>. In Spain, 30.3% of children and adolescents (2.6 million) live at risk of **poverty** or **social exclusion**. Children and adolescents of all social economic backgrounds have already been identified as victims of CSEM. However, children of lower income households continue to be more vulnerable. Other common vulnerability factors are:

-  **A lack of education** – lacking education and knowledge about the risks they run in their daily lives (online or otherwise) and how to deal with them increases children's likelihood of being abused<sup>206</sup>.
-  **Distrust or poor communication with the family** – Children that do not have a relationship of trust and good communication habits with their parents or guardians tend to not turn to the adults when they face problems, have fears, or have questions<sup>207</sup>.
-  **Unaccompanied children and adolescents** – Children and adolescents who have been abandoned or have

<sup>202</sup> Data available at:

[estadisticasdecriminalidad.ses.mir.es/publico/portalestadistico/portal/datos.html?type=pcaxis&path=/Datos4/&file=pcaxis](https://estadisticasdecriminalidad.ses.mir.es/publico/portalestadistico/portal/datos.html?type=pcaxis&path=/Datos4/&file=pcaxis)

<sup>203</sup> FAPMI-ECPAT Spain (2022c). *La situación de la EXPLOTACIÓN SEXUAL DE LA INFANCIA y la ADOLESCENCIA en España*

<sup>204</sup> Ibid.

<sup>205</sup> UNICEF (2021). *Recommendations for the Implementation of the European Child Guarantee in Spain from the Local Level*.

<sup>206</sup> Interview ES04.

<sup>207</sup> Interview ES01.

travelled to Spain without their legal guardians are especially vulnerable to all sorts of abuses and exploitation<sup>208</sup>.

-  **Violence** – Children who suffered physical or mental violence may develop traumas, disorders, and unhealthy behavioural patterns that can make them easier to groom, abuse, and exploit. Children who suffer violence may also try to escape their homes and live alone, in the streets, or with strangers, which also increase their vulnerability.
-  **Substance abuse** – The children’s and/or the children’s parents’ substance abuse may disrupt the children psychologically, physically, and make them more prone to CSA/E.
-  **Physical and intellectual disabilities** – Children with disabilities are clearly more vulnerable due to additional limitations in mobility, speaking, and understanding of the world.

Children who are victims of CSA/E may be found to suffer from one or more vulnerabilities, and sometimes certain vulnerabilities may trigger others. For example, substance abuse may lead to violence, which can be linked to distrust and poor communication with the adults in their families. Similarly, children in poverty are also more likely to receive less formal education and training.

### 3. Spanish legal framework against CSA/E

The Spanish legal framework against CSA/E is very robust, ranging from provisions of its Constitution to various specific laws and regulations. Spain is also a party of the main international conventions on child protection, such as the Convention on the Rights of the Child (1990). The most important pieces of legislation to fight CSA/E in Spain are **LO 1/1996**<sup>209</sup>, on Legal Protection of Children; **LO 8/2021**<sup>210</sup>, on the comprehensive protection of children and adolescents against violence, and the most recent **LO 10/2022**<sup>211</sup>, on the comprehensive guarantee of sexual freedom.

According to the Penal Code, child sexual abuse against an adolescent of 16 years of age or more shall be “*any act that infringes on the sexual freedom of another person without that person's consent*”. For children and adolescents under the age of 16, the law defines CSA as “*any act of a sexual nature...acts of a sexual nature are considered to include those performed by the child with a third party or on himself/herself at the request of the perpetrator*”.

On the other hand, child sexual exploitation shall mean any act that “*induces, promotes, favours or facilitates the prostitution of a child or a disabled person in need of special protection, or profits therefrom, or otherwise exploits a child or a disabled person for these purposes*”. For CSE, age is irrelevant; all such crimes committed against anyone under the age of 18 fall under the same definition. However, CSE committed against a child under the age of 16 is punishable by four to eight years in prison, while CSE committed against an adolescent between the ages of 16 and 18 is punishable by two to five years. Refer to **Annex 6** for more details about these laws, how they are applied, and what aspects they cover.

### 4. Relevant government and non-government actors and their roles

Spain has a series of institutions and mechanisms at the various levels of government that operate in the field of prevention, identification, and prosecution of CSA/E cases. The most important ones to note are the **Guardia Civil and National Police**, tasked with identification and investigation of cases; the **Juvenile Prosecutor’s Office**, responsible for prosecution of cases but that also has an online service to report criminal online content; and the various **Autonomous Communities** have their own **specific institutions** dedicated to protecting children as well as their cybersecurity.

<sup>208</sup> FAPMI-ECPAT Spain (2022c). *La situación de la EXPLOTACIÓN SEXUAL DE LA INFANCIA y la ADOLESCENCIA en España*

<sup>209</sup> <https://www.boe.es/buscar/act.php?id=BOE-A-1996-1069>.

<sup>210</sup> [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2021-9347](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-9347).

<sup>211</sup> <https://www.boe.es/buscar/act.php?id=BOE-A-2022-14630>.

In addition to those state institutions, Spain also counts on several civil society organisations cooperating with the government to provide services to abused children, share information, and contribute to investigations. Some examples are the Federation of Associations for the Prevention of Child Abuse (FAPMI)<sup>212</sup> and the ANAR Foundation<sup>213</sup>. Refer to [Annex 6](#) for a more comprehensive list of relevant actors, their mandates

## **Part B: Sector-specific study - Online harassment of children for sexual purposes and for the production and distribution of child sexual abuse and exploitation material.**

### **1. Specific context**

On a daily basis, content, images, and videos depicting children being abused are circulated on the Internet. It is a problem that is constantly evolving as ICTs improve and new apps emerge that were not designed for criminal activity but are used to generate and distribute abusive content. The Internet presents unique challenges for regulating and controlling activities that occur on it. It is a medium available to the entire world population, with applications that facilitate any content search and contact with strangers<sup>214</sup>.

According to the General Prosecutor's Office's 2022 Report, there were 117 accusations of prostitution or corruption of children<sup>215</sup>, 330 cases of child sexual exploitation material (called child pornography in the statistics), and 24 charges of indecent exposure or provocation on the Internet. In this context, the FGE has concluded that children and adolescents are especially vulnerable to online harassment. The Internet has come to occupy a central place in children's and adolescents' lives as they rely on it for their daily activities, such as communicating with friends, studying, playing games, acquiring products or contracting services, and so on. As a result, their widespread exposure to the online world, combined with their inherent lack of experience and innocence, raises the risks that children and adolescents face when maintaining certain contacts with strangers on the network or disclosing information about themselves in forums or chats.

The present trend of child grooming and acquiring abuse content is accelerating and includes a growing number of victims. Offenders frequently employ methodical approaches, which they repeat with multiple underage users concurrently or sequentially, increasing the possibility of collecting content. It is also necessary to address sexting (the transmission of self-generated photos with sexual connotations via the Internet) or the offering of this self-generated content by children in exchange for gifts or money. This behaviour, which is becoming more socially acceptable among children, provides perpetrators with a new way to gather sexually harmful material for eventual commercialization or extortion. Parents have a low-risk perception of online sexual abuse; they see these situations as serious but remote or unlikely to influence their own children. This type of belief makes prevention and identification of cases more difficult at home<sup>216</sup>.

What's more, the COVID-19 pandemic and its mobility restrictions led to a growth in the use of the Internet for educational purposes. Along with it, the demand for and traffic of CSEM on the Internet has increased during the pandemic, posing a greater risk to a mounting number of children and adolescents<sup>217</sup>. In 2020, at the peak of the pandemic restrictions, the number of online CSEM instances on Spanish servers increased from

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<sup>212</sup> <https://fapmi.es/>

<sup>213</sup> The ANAR Foundation is a non-profit organisation helping children and teenagers at risk. It originally dates back to 1970, and focuses on promoting and protecting the rights of children who are in situations of risk and abandonment, by developing projects in both Spain and Latin America within the context of the United Nations Convention on the Rights of the Child. Website available at: [www.anar.org/en/](http://www.anar.org/en/).

<sup>214</sup> Awareness Working Group, 4NSEEK project (2021). *Sexual abuse and exploitation of children on the Internet: an analysis of 4NSEEK*.

<sup>215</sup> The crime of corruption of children consists of promoting the prostitution sexual exploitation of children or persons with disabilities., according to Spanish law. This constitutes their use in pornographic activities or participation in sexual acts that undermine the development of their personality.

<sup>216</sup> Awareness Working Group, 4NSEEK project (2021). *Sexual abuse and exploitation of children on the Internet: an analysis of 4NSEEK*.

<sup>217</sup> General Prosecutor's Office (2022). *Memoria del Ministerio Fiscal de 2022*.

105 to 578 reports daily<sup>218</sup>. The volume of IP addresses associated with CSEM trafficking on P2P networks climbed by 19,63% following the declaration of the state of alert, climbing to a further 23,76% increment during the total lockdown phase. Connections to the TOR network to disseminate CSEM also increased significantly, by 36,51% following the declaration of the state of alarm in Spain and by 42,21% during the lockdown period<sup>219</sup>. The volume of online CSEM has decreased significantly since restrictions eased, but their perverse effects persist, including the tendency of some children to now normalise online sexual contacts with adults.

Any child who has access to the Internet might become a victim of this crime. As a result, there is no single victim profile, nor is there a single context in which it takes place. However, more and more children are being affected at a younger age, and a great deal of content is being asked of them.

## 2. How recruitment, abuse, and exploitation take place

The methods used by stalkers and exploiters are not unique, but they can be highly diversified. Yet, current trends indicate that the initial contact resorts directly to extortion, without prior blackmail or deception of the child<sup>220</sup>. Nonetheless, the most common method still is to gain the trust of the child, usually by pretending to be another child. They also use media or venues where the child feels comfortable, such as a games platform<sup>221</sup>.

Grooming techniques are usually founded on the misuse of trust, and perpetrators conceal their real intentions in a variety of ways: by committing additional crimes such as impersonation or deceit; employing online anonymity techniques; or using anti-forensic instruments such as secure deletion systems, among others<sup>222</sup>. When abusers contact children, they commonly have two main goals: the profit motive on the one hand, and their sexual gratification on the other<sup>223</sup>. In other words, there is either a sexual interest in these children or organised crime is involved in the production of the material for profit, as there is a large consumer market behind it<sup>224</sup>.

The favourite websites used by abusers and exploiters to groom children are online games and social media/platforms<sup>225</sup>. The most common grooming strategies are:

- ✚ Selecting the victim through the internet, be it online games, social networks, or other websites. Nowadays, any child could be a victim, with those who spend the most time on social networks, especially the more visual ones such as Instagram or TikTok, being most at risk<sup>226</sup>.
- ✚ Gaining the child's trust by chatting with them to the point of establishing a "friendly" relationship and making them feel that they are special. They often hide who they really are and pose as other children who understand the victims and the problems they tell them about.
- ✚ The conversations then turn to sexual topics, like masturbation, to get the child's attention. Later, the stalker gets the first "indecent" photo of the child by manipulating other people.
- ✚ Once they have obtained material for the first time, they usually use it as blackmail or threats to obtain more photos or videos, with increasingly demanding requests. At this point, the stalker stops pretending to care about the child, and the "trusting" relationship he or she has led the child to believe they have become extortion.

## 3. Victim and perpetrator profiles

There is not one single profile of victims of CSA/E. Usually, **children who feel lonely, have a dysfunctional family, or come from a financially underprivileged background** make up the majority of the victims

<sup>218</sup> General Prosecutor's Office (2021). *Memoria del Ministerio Fiscal de 2021*.

<sup>219</sup> Ibid..

<sup>220</sup> Interview ES01.

<sup>221</sup> Interview ES04.

<sup>222</sup> Interview ES01.

<sup>223</sup> Interview ES03.

<sup>224</sup> Interview ES04.

<sup>225</sup> Ibid

<sup>226</sup> Ibid

detected. Nonetheless, any child on the Internet can become a victim. It is also more likely to happen with children who have low self-esteem and spend a lot of time online with minimal supervision from their parents. The profiles will vary depending on whether the harassment is for sexual abuse or for the production and dissemination of CSEM<sup>227</sup>.

In cases of sexual harassment, it is usually one of the **child's parents, legal guardians, relatives, or other people whom the child trusts** who lead the child to sexual exploitation online. In most of the other cases, a stranger grooms the child online. Clearly, in the first case, the child is in an even greater danger, as the aggressor is inherently close to them. Furthermore, as more children use social media, there has been a **rise in harassment at younger ages** in Spain. The younger the victim, the more attractive the material on the market. The authorities are experiencing a clear trend in which online CSEM depicts very young children, **new-borns, and children around the age of two**<sup>228</sup>.

## List of Indicators for online harassment of children for sexual purposes and for the production and distribution of child sexual abuse and exploitation material

In addition to the general indicators of child sexual abuse and exploitation described in the Part I, Sub-Part b, the indicators in Table 13 were entirely developed for this Manual and can be used complementarily or supplementary and are specific to the group under study in this section.

The indicators in Table 13 were developed according to the specifics of the phenomenon described above and should help the frontline responders to detect, in their daily work, possible cases of online harassment of children for sexual purposes and for the production and distribution of child sexual abuse and exploitation material.

**The indicators are divided into three elements: Grooming** (recruitment, transfer, transport, harbour, receipt), **Control** (threat or use of force, coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, giving or receiving of payments or benefits), and **Exploitation**. For each of these three elements, indicators are further divided into **visible (physical/environment), non-verbal (behaviour), and verbal (communicated) indicators**. Verbal indicators are signs detected through a conversation and may also include questions to ask a potential victim of CSA/E. Visible indicators may be physically observed, including the environment where the children are found as well as their physical condition. Non-verbal indicators are signs in the behaviour.

**Who are these indicators for?** These indicators below can be useful to anyone who could come into contact with children and adolescents online or in person. They are useful to frontline responders working in an official capacity, such as police agents, cybercrime investigators, forensic experts, social workers, among others. But the indicators are also useful to people who are not directly involved with law enforcement but could help spot a child being harassed, such as family members, friends of the child, civil society organisations, teachers, etc.

Table 13: Indicators for trafficking in women and forced sex work in a context of migration.

Indicators of Recruitment and/or Grooming	
<b>Visible (physical) Indicators</b>	Not applicable
<b>Verbal (communicated) Indicators</b>	<ul style="list-style-type: none"> <li> The child is accessing adult contents online.</li> <li> The child is using dating apps.</li> <li> The child has contacts of people outside of their geographical reach (village, town, city)</li> </ul>

<sup>227</sup> Interview ES03.

<sup>228</sup> Interview ES01.

	<ul style="list-style-type: none"> <li> The child recurrently mentions online friends they have never met but with whom they have constant contact.</li> </ul> <p>Suggestions of questions to ask potential victims to help identify the indicators (choose the questions below or create new ones as appropriate with the actual context and the children’s age):</p> <ul style="list-style-type: none"> <li>- <i>How many hours do you spend online every day?</i></li> <li>- <i>What kind of website do you access?</i></li> <li>- <i>Do you talk to someone there? The same person over and over or different people?</i></li> <li>- <i>Do people there ask you for something personal?</i></li> <li>- <i>Where are your online friends from?</i></li> <li>- <i>Is there anyone online asking for personal details and information?</i></li> <li>- <i>Do you have online friends whom you never met in person? What is the reason you do not meet in the city/village?</i></li> </ul>
<p><b>Non-verbal (behavioural) Indicators</b></p>	<ul style="list-style-type: none"> <li> The child spends many hours talking to people online.</li> <li> The child seems to be infatuated by someone they met online.</li> <li> The child prefers to connect to the internet when the adults are not at home and there is no supervision, such as the middle of the night.</li> <li> The child is using webcams on the computer or the camera for phone calls</li> </ul>
<p><b>Indicators of Control</b></p>	
<p><b>Visible (physical) Indicators</b></p>	<p>Not applicable</p>
<p><b>Verbal (communicated) Indicators</b></p>	<ul style="list-style-type: none"> <li> The child mentions or is known to have an online romantic relationship.</li> <li> The child is suffering cyberbullying, blackmail, and/or threats online.</li> </ul> <p>Suggestions of questions to ask potential victims to help identify the indicators (choose the questions below or create new ones as appropriate with the actual context and the children’s age):</p> <ul style="list-style-type: none"> <li>- <i>Do you have closer friend or group of friends? Who are they? Do you talk often online? Are you getting together? Do you have a best friend or someone you like more? Where did you meet this person?</i></li> <li>- <i>Do you feel safe with the people you know online?</i></li> <li>- <i>Do you feel that someone Is there anyone trying to harm you?</i></li> <li>- <i>Is there anyone online asking you for personal things, such as pictures?</i></li> </ul>
<p><b>Non-verbal (behavioural) Indicators</b></p>	<ul style="list-style-type: none"> <li> The child seems to be scared or afraid of someone online.</li> <li> The child refuses to show their online friends to adults.</li> <li> The child makes it difficult to access their phones and/or computer.</li> <li> The child presents such as irritability, anxiety, depression or violent behaviour while after going or while is online.</li> </ul>
<p><b>Indicators of Abuse and/or Exploitation</b></p>	
<p><b>Visible (physical) Indicators</b></p>	<ul style="list-style-type: none"> <li> The child is caught taking nude or semi-nude pictures of themselves.</li> <li> Images of the child are found online or saved on different devices.</li> </ul>
<p><b>Verbal (communicated) Indicators</b></p>	<ul style="list-style-type: none"> <li> The child wants to meet someone they met online in real life.</li> <li> The child secretly plans to meet someone they met online in real life.</li> <li> The child says they are sending their pictures to someone online.</li> </ul>

	<ul style="list-style-type: none"> <li> There are reasons to believe a child is selling their pictures or sexual services online.</li> <li> The child has been sending personal pictures and videos to strangers.</li> </ul> <p>Suggestions of questions to ask potential victims to help identify the indicators (choose the questions below or create new ones as appropriate with the actual context and the children's age):</p> <ul style="list-style-type: none"> <li>- <i>Is there anyone you met online that you would like to meet in person? Who is this person? Another child or an adult?</i></li> <li>- <i>Is there anyone you met online who wants to meet you in real life, but you would rather not? Are they insisting or forcing you?</i></li> <li>- <i>Do you feel threatened by anyone online who says you will only be safe if you send them something?</i></li> <li>- <i>Have you ever sent pictures of yourself to someone online? How often do you do that?</i></li> <li>- <i>Did someone threaten you or your family in case you do not agree to do the pictures?</i></li> <li>- <i>Did someone threaten to send these pictures to your friends or schoolmates?</i></li> <li>- <i>Do you make money online? How?</i></li> </ul>
<p><b>Non-verbal (behavioural) Indicators</b></p>	<ul style="list-style-type: none"> <li> The child will not let other people know what they have on their phones. Alternatively, the child often uses their phone away from the adults, such as in the bathroom or their bedroom with the door closed.</li> <li> The child constantly sends selfies and/or exchanges pictures.</li> <li> The child seems to be generally scared or anxious about their safety.</li> <li> The child is talking more about sex and/or shows heightened sexualized behaviour.</li> </ul>

## Reporting cases

**If you suspect of a case of abuse or exploitation, online or otherwise, report it in one of these channels:**

-  Juvenile Prosecutor's Office: [www.aepd.es/canalprioritario](http://www.aepd.es/canalprioritario)
-  Instituto Nacional de Ciberseguridad, INCIBE: [www.incibe.es](http://www.incibe.es)
-  INCIBE's Helpline: 017
-  Safer Internet Centre for Kids: [www.is4k.es/denuncia-casi](http://www.is4k.es/denuncia-casi)
-  Fundación ANAR (Ayuda a Niños y Adolescentes en Riesgo) Helpline: 900202010
-  Federation of Associations for the Prevention of Child Abuse (FAPMI): [www.fapmi.es](http://www.fapmi.es)

## Identification of CSA/E in Spain

The flow and institutions involved in the identification of CSA/E are similar to THB, as described in the previous case study: Police corps, prosecution services, and child protection services. The distinction is that, for CSA/E, the units specialising in children are deployed within the police and prosecution.

Whenever detected by a governmental institution or official, the case is immediately referred to the police, which notifies the prosecution service and calls in the child protection services. Sometimes it is the children themselves who report the situation, either to their parents or at the police station, but mostly it is the police who finds clues in their investigations when surfing the net or when they impersonate children to get information on who the abusers may be. In this case, families may also discover that their child is being victimised by looking at computer history or possible sexual advertisements that may be posted with pictures of the child<sup>229</sup>.

To help visualise the process, the Basic Protocol for intervention against child abuse<sup>230</sup> established a process

<sup>229</sup> Interview ES01.

<sup>230</sup> Ministry of Health, Social Services and Equality (2014). *Protocolo básico de intervención contra el maltrato infantil en el ámbito familiar*.

of assessment, intervention, and follow-up in some public institutions when they found in their assessment that they were faced with a case of child abuse and/or exploitation, see Figure 17.

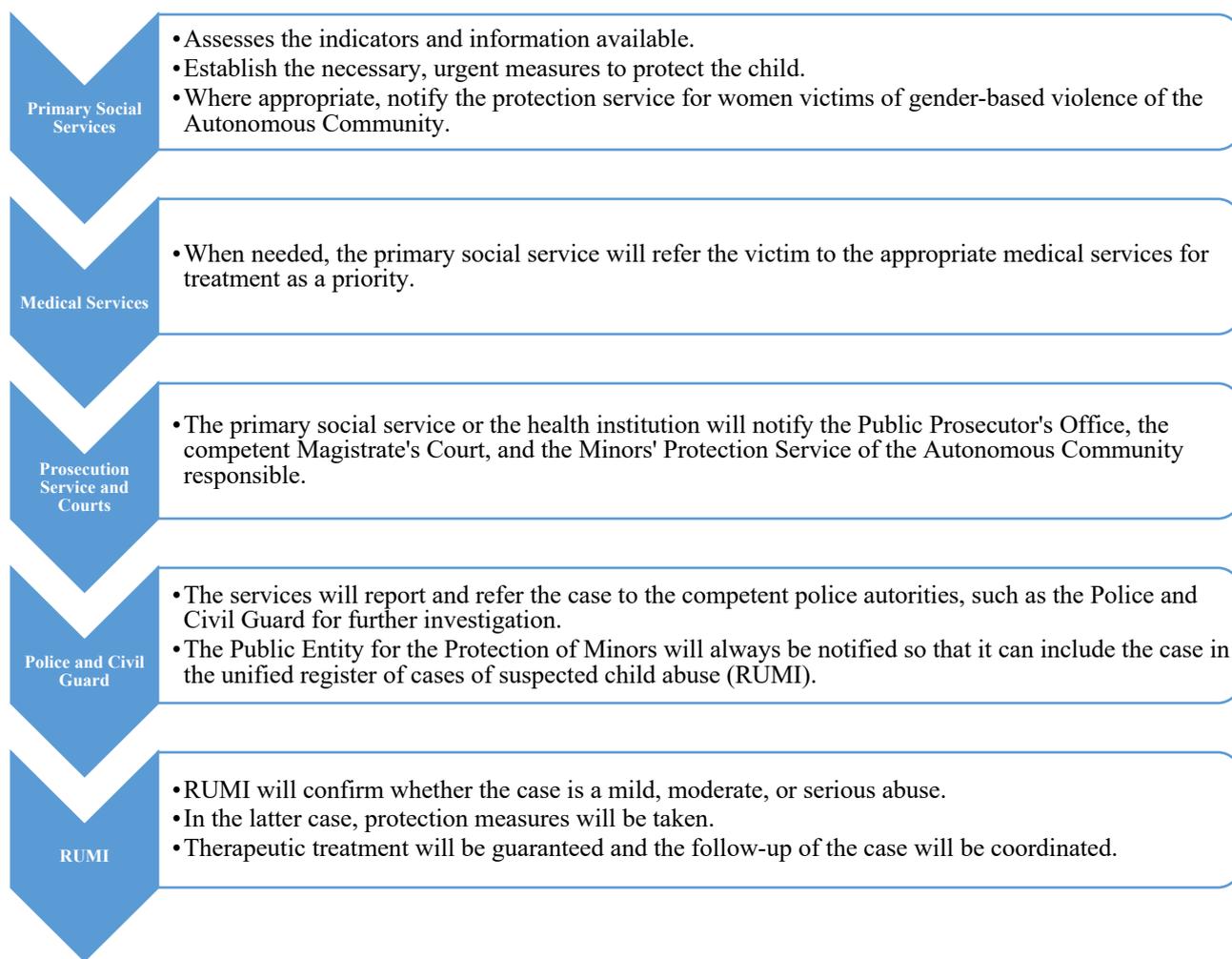


Figure 17: Basic Protocol for intervention against child abuse

Any civil servant detecting a CSA/E case must notify it through sheet based on a model called "Child Abuse Notification Sheet"<sup>231</sup>, which is available to social services, health, education, police, and most Autonomous Communities. This will serve to promote inter-institutional coordination, information gathering, and increase efficiency in decision-making<sup>232</sup>. The Child Abuse Notification Sheet is the first official means to register a CSA/E case. Please refer to **Annex 6** for more information on the Sheet and how to use it, as well as more details on the role of each institution in the reporting, care, and referral of cases.

In the case of online abuse of children for sexual and pornographic purposes, it is necessary for the investigation to be carried out mainly online, which is why the police work closely with Interpol's ICSE database<sup>233</sup>, where all the material found is uploaded for analysis, to see if it is unpublished or not, etc. They

<sup>231</sup> Available at: [observatoriodelainfancia.mdsocialesa2030.gob.es/productos/pdf/Hoja\\_notificacion\\_maltrato\\_infantil\\_en\\_el\\_ambito\\_de\\_servicios\\_policiales.pdf](https://observatoriodelainfancia.mdsocialesa2030.gob.es/productos/pdf/Hoja_notificacion_maltrato_infantil_en_el_ambito_de_servicios_policiales.pdf)

<sup>232</sup> Ministry of Health, Social Services and Equality (2014). *Protocolo básico de intervención contra el maltrato infantil en el ámbito familiar*.

<sup>233</sup> Interpol's International Child Sexual Exploitation (ICSE) image and video database is an intelligence and investigative tool, which allows specialized investigators to share data on cases of child sexual abuse. Using image and video comparison software, investigators are instantly able to make connections between victims, abusers and places. Database's website available at: [www.interpol.int/en/Crimes/Crimes-against-children/International-Child-Sexual-Exploitation-database](http://www.interpol.int/en/Crimes/Crimes-against-children/International-Child-Sexual-Exploitation-database).

also collaborate with NGOs that send them information and other organizations, such as NCMEC<sup>234</sup>, that send them reports. One such NGO that collaborates with the police is the ANAR Foundation.

### Practices and mechanisms available in Spain to identify CSA/E cases

All formal procedures and flows established by law and governmental policies to identify instances of CSA/E must always be observed. To that end, practices and mechanisms have been developed in Spain to facilitate detection and identification and speed up the implementation of the laws with high compliance.

First of all, detection and notification are generally considered two indissoluble concepts. Thus, to notify is "to transmit or transfer information about the alleged case of risk or child maltreatment and the family or context of the alleged victim"<sup>235</sup>, which is a necessary condition to enable intervention and a legal obligation for both citizens and professionals, as stated in the Spanish regulatory framework.

This notification is compulsory for "any person or authority, especially those who by their profession, function or activity detect a situation of risk or possible neglect of a child, shall inform the authority or its closest agents, without prejudice to providing the immediate assistance needed", as indicated in Article 13 of LO 1/1996, of January 15, on the Legal Protection of Children, partially amending the Civil Code and the Civil Procedure Act.

Regarding detection, "to recognise or identify the existence of a possible situation of child abuse"<sup>236</sup>, the sources of detection, according to this Protocol, are:

- Any member of the public who witnesses or has knowledge of alleged child abuse in the child's environment, including the children themselves.
- Professionals who are in contact with the child include: social services personnel, educators, health personnel, social workers, law enforcement officers, leisure and free time monitors, etc.

Furthermore, Spain has implemented a negative certification of the Central Registry of Sexual Crimes<sup>237</sup>, under which only individuals who have never been involved in crimes against sexual freedoms or integrity, or human trafficking for the purpose of sexual exploitation, may engage in activities with habitual contact with children. Any person can apply for the certification. The government will then verify the records of the person and issue a negative certificate. Similarly, the different Autonomous Communities have developed their own registrations on the matter, thus providing a very broad and varied institutional framework (taking into account the care and residential child protection resources of the Autonomous Communities as a whole—around 1,300 centres). There is a single protocol at regional level, specifically as a result of the situation that occurred with the children under guardianship in the Balearic Islands: "*Protocol d'actuació en casos d'abús sexual infantil i explotació sexual infantil a les Illes Balears*", from 2020<sup>238</sup>. Also noteworthy is the network of children's observatories in different regions such as Andalusia, Catalonia, Asturias, Galicia, the Basque Country,

**Look for certified professionals in the aforementioned platforms of your locality before engaging them in any child-related activities.**

<sup>234</sup> The National Center for Missing & Exploited Children is a private, non-profit 501(c)(3) corporation whose mission is to help find missing children, reduce child sexual exploitation, and prevent child victimization. NCMEC works with families, victims, private industry, law enforcement, and the public to assist with preventing child abductions, recovering missing children, and providing services to deter and combat child sexual exploitation. Website available at: [www.missingkids.org/home](http://www.missingkids.org/home).

<sup>235</sup> Ministry of Health, Social Services and Equality (2014). *Protocolo básico de intervención contra el maltrato infantil en el ámbito familiar*

<sup>236</sup> Article 13 of LO 1/1996, of January 15, on the Legal Protection of Children, partially amending the Civil Code and the Civil Procedure Act.

<sup>237</sup> This is a negative certificate that must be provided by persons working in contact with children. More information at: [www.mjusticia.gob.es/es/ciudadania/tramites/certificado-delitos](http://www.mjusticia.gob.es/es/ciudadania/tramites/certificado-delitos).

<sup>238</sup> Available at: [www.caib.es/govern/sac/fitxa.do?codi=3491043&coduo=196&lang=es](http://www.caib.es/govern/sac/fitxa.do?codi=3491043&coduo=196&lang=es).

Cantabria and the Balearic Islands. Some municipalities (town councils) have even created their own educational materials in order to address this issue and bring potential victims and their families closer to the mechanisms in the citizen's first point of contact with the administration.

Additionally, INCIBE's 4NSEEK Project<sup>239</sup> has developed **tools, practices, and methods** that can help you detect cases of CSA/E, especially online. Please find a list of these tools, practices, and methods, and their descriptions in **Annex 6**.

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<sup>239</sup> The manual involved: National Institute of Cybersecurity (INCIBE), Portuguese Victim Support Association (APAV), Civil Guard (EMUME Central - Technical Judicial Police Unit), National Police Force, Malta Police, EUROPOL - European Cybercrime Centre (EC3), UNICEF Spain, Federation of Associations for the Prevention of Child Abuse (FAPMI), ECPAT Spain and EU KIDS ONLINE, a leading research group in the study of children and new media at the University of the Basque Country.

## UNITED KINGDOM

The case study provides context for Trafficking in Human Beings (THB)<sup>240</sup> as well as modern slavery in the United Kingdom (UK), focusing on the phenomena of County Lines drug trafficking and Cuckooing in relation to THB.

The case study offers to the reader **a list of specific indicators** for early identification of victims/cases of County Lines drug trafficking and Cuckooing in the UK, phenomena that underwent relevant increase in the past years. The indicators were developed based on the research conducted within the framework of this Manual and should serve as a useful tool to support the frontline responders to make structured judgements and identify possible cases of trafficking in the above-mentioned sector. The case study will also guide the frontline responders on how to use these indicators in their daily work.

In its **first sub-part (A)**, the study provides brief description of the modern slavery context in the UK, while the **second sub-part (B)** elaborates the characteristics of the County Lines and Cuckooing phenomena in UK, both overlapping with other forms of exploitation and crimes covered under the UK's Modern Slavery Act 2015. For the readers who would like to learn more on the modern slavery context in UK, information on the relevant legal framework, the key actors, vulnerabilities to modern slavery, the existing indicators for early identification of modern slavery victims as well the mechanisms for identification and referral of victims, is available in the **Annex 7** of this document. This part, while looking at the whole of the UK, has a particular focus on England and Wales due to slightly different mechanisms and strategies in Scotland and Northern Ireland.

### Part A: General description of the modern slavery context in the United Kingdom

In the UK, human trafficking is understood as an element of **modern slavery** (see Figure 18). Modern slavery is *“used as an umbrella term that covers several different forms of exploitation which can include human trafficking, labour exploitation, criminal exploitation, sexual exploitation, and domestic servitude.”*<sup>241</sup>

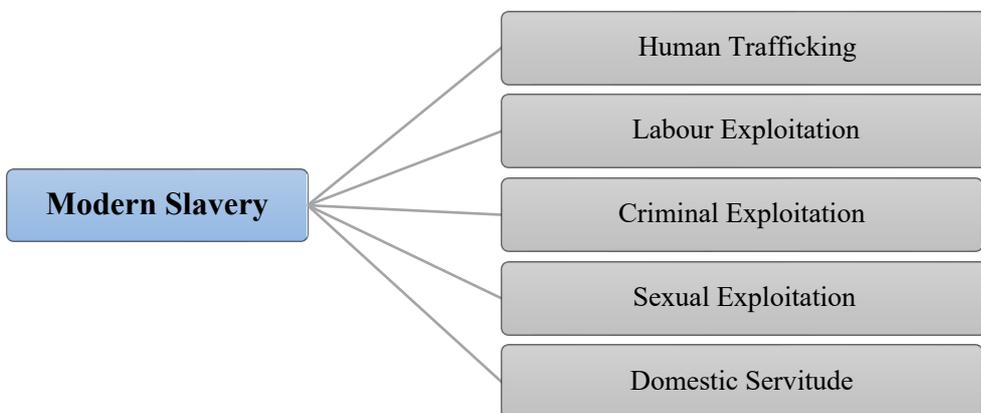


Figure 18: Basic Modern slavery

As in many other countries, the UK follows the definition of human trafficking established in the Council of Europe Convention on Action against Trafficking in Human Beings.<sup>242</sup> Human trafficking is understood to be able to take many forms such as sexual exploitation, forced labour, slavery, servitude, forced criminality, and the removal of organs. To be considered a victim of human trafficking, the UK legislation refers to the three elements of **Action, Means, and Purpose of exploitation**, as show Figure 19.

<sup>240</sup> Also referred to as human trafficking.

<sup>241</sup> HM Government (2021 b). *2021 UK Annual Report on Modern Slavery*. October 2021. Modern Slavery Unit: London. p.11

<sup>242</sup> Council of Europe (2005), *Council of Europe Convention on Action Against Trafficking in Human Beings*, 16 May 2005, CETS 197.



**All three components must be present in an adult trafficking case.**

**For child trafficking, the ‘means’ component is not required.**

**Trafficking can occur within a country – and does not have to occur across borders.**



Figure 19: Components present in an adult trafficking case

The potential victim of trafficking is referred to the **National Referral Mechanism (NRM) for further support and protection**, or if the adults do not provide consent for their referral then the Home Office is notified about the case.

Human traffickers exploit domestic and foreign victims in the UK. British citizens are also exploited abroad. Traffickers force adults and children to work in agriculture, cannabis cultivation, construction, food processing, factories, domestic service, nail salons, food services, the hospitality industry, car washes, food supply industry, and warehousing, as well as on fishing boats.<sup>243</sup> According to the National Crime Agency (NCA), *"trafficking victims in UK (both foreigners and nationals) work in the construction industry, in agriculture, in the sex industry, and in places like nail bars, car washes, and cannabis farms. Children are found in all of these situations as well. Many victims have been trafficked from overseas – frequently from Eastern Europe, South East Asia, and Africa – and their exploitation often begins en route."*<sup>244</sup>

Home Office regularly publishes statistics on modern slavery cases, available on their website.<sup>245</sup> The latest trends (covering 2021 and the first quarter of 2022) are summarised in the Figure 20.

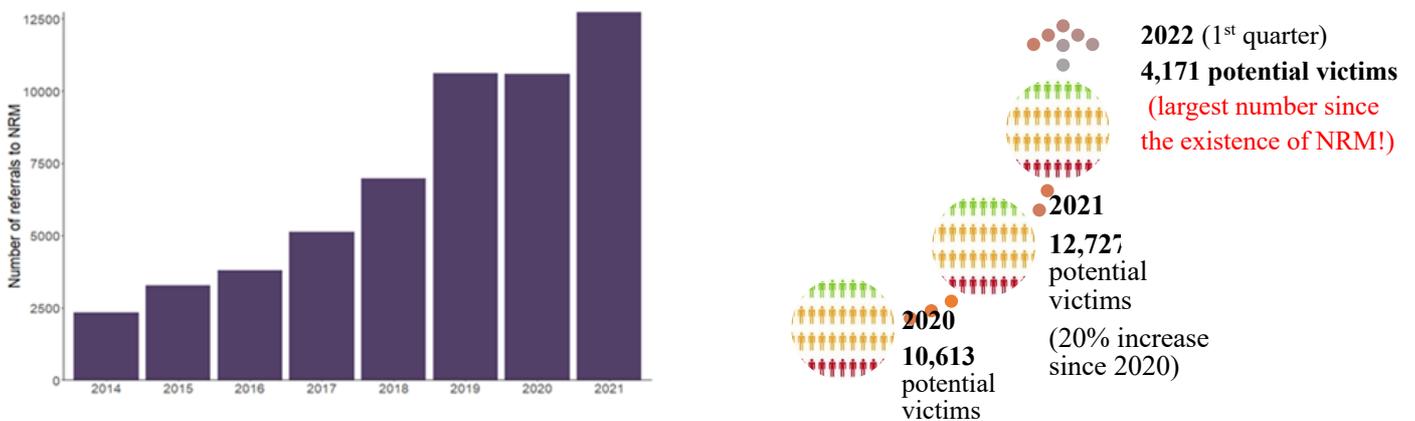


Figure 20: Number of referrals to NRM<sup>246</sup>

<sup>243</sup> US Department of State (2022). *2021 Trafficking in Persons Report: United Kingdom*

<sup>244</sup> National Crime Agency, n.d. *Modern slavery and human trafficking*.

<sup>245</sup> [www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2021/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2021](https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2021/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2021)

<sup>246</sup> Home Office (2022 a). Official Statistics. Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary, 2021. March 2022.

Overview of the statistics- covering all forms of modern slavery (March 2022)<sup>247</sup>

-  77% (9,790) male and 23% (2,923) female;
-  58% (7,434) of potential victims claimed exploitation in the UK only and 31% (3,883) claimed exploitation overseas only;
-  50% (6,411) of referrals were for potential victims who claimed exploitation as adults and 43% (5,468) claimed exploitation as children;
-  for adult potential victims, labour exploitation was most reported (33%; 2,141), whereas child potential victims were most often referred for criminal exploitation (49%; 2,689);
-  the most common nationalities referred this year were British, Albanian and Vietnamese



**Modern slavery in the UK increasingly affects children!**

\* In 2021, 43% of referrals to the NRM claimed they had been exploited as children. Out of the victims who were children, 79% were boys and 21% were girls in 2021.<sup>248</sup>



Those formally identified are widely estimated to be only a fraction of true numbers of people affected by trafficking crime. **The real numbers are considerably higher.**

While labour and sexual exploitation are common forms of trafficking, a growing form of slavery in UK is **trafficking into crime**, as illustrated in the Figure 21. *"Gangs force children to act as drug couriers from larger cities into rural areas across the UK"*.<sup>249</sup> According to the NGO Anti-Slavery International, this form is fuelled by *"... trafficking of primarily British children, forced into 'county lines' drug trafficking and trafficking of Vietnamese nationals forced to work in cannabis production"*.

Most victims are recruited in person, although some who find themselves trapped in the criminal groups or sex industry have been recruited through online job adverts and social media websites. In cases of sexual exploitation, adult services websites often unwittingly play a key role in expanding offenders' client bases. In some cases, victims are threatened and can suffer extreme violence as the criminals exert control. Many have their identity documents confiscated and most of their earnings withheld as 'payment' for living costs or their journey to the UK. Despite the existence of larger organisations, looser collaborating networks often involved in additional forms of criminality, such as drugs and firearms trafficking<sup>250</sup>, also the traffic of people.

<sup>247</sup> Ibid.

<sup>248</sup> Ibid.

<sup>249</sup> US Department of State (2022). *2021 Trafficking in Persons Report: United Kingdom*

<sup>250</sup> See more: <https://www.nationalcrimeagency.gov.uk/what-we-do/crime-threats/modern-slavery-and-human-trafficking>

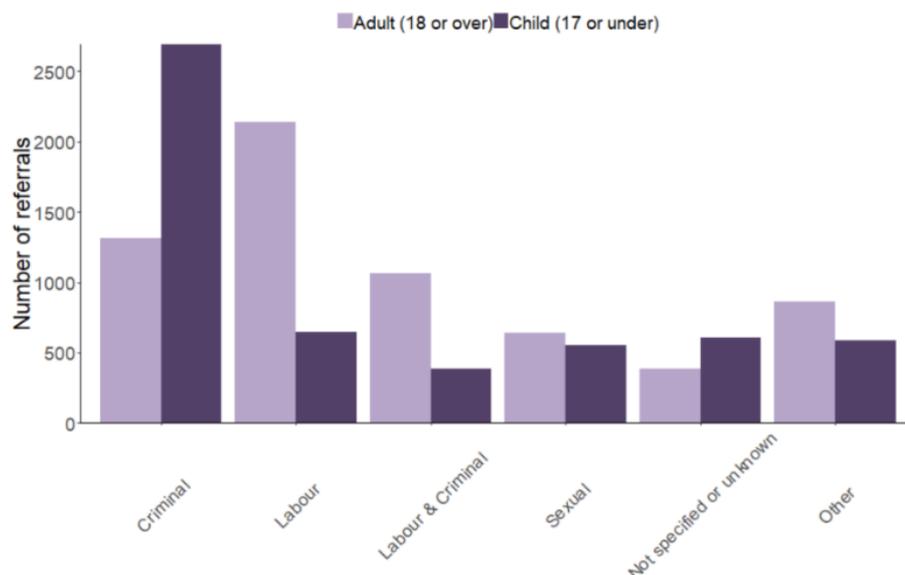


Figure 21: Number of referrals to NRM by exploitation type and age group<sup>251</sup>

The Home Office's guidance on modern slavery<sup>252</sup> lists individuals or groups that may be particularly vulnerable to modern slavery, including THB:

- ✚ Young men and women (as well as pregnant women)
- ✚ Former victims of modern slavery (including people who don't consent to enter the NRM)
- ✚ Homeless people (or individuals who are at risk of becoming homeless)
- ✚ Individuals with drug and alcohol dependency issues
- ✚ Individuals with underlying health factors (e.g., disabilities, learning difficulties, communication difficulties, chronic developmental or mental health disorders)
- ✚ People who have experienced abuse
- ✚ People in deprived and poor areas (with a lack of employment opportunities)
- ✚ Individuals with financial problems (particularly who have debt)
- ✚ People with limited support networks (including individuals that have lost their family)
- ✚ People with criminal records
- ✚ People considered 'illegal immigrants' or with insecure immigration status
- ✚ Older people who experience loneliness and financial hardship
- ✚ People who speak no/very little English and/or are illiterate
- ✚ Overseas domestic workers

In general, all children are considered to be at risk of modern slavery. *"This can include but is not limited to, unaccompanied, internally displaced children or children accompanied by an adult who is not their relative or legal guardian, orphans and children in the care system and children excluded from education"*<sup>253</sup>. Information on the general vulnerabilities to modern slavery in UK is available in the **Annex 7** of this Manual.

<sup>251</sup> Home Office (2022 a). Official Statistics. Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary, 2021. March 2022.

<sup>252</sup> Home Office (2022 b). *Modern Slavery: Statutory Guidance for England and Wales (under 49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland. Version 2.10 available online is the version 2.13*

<sup>253</sup> Ibid, p.113

## National legal and institutional framework

Modern slavery in England and Wales is considered a complex and largely hidden crime. It is framed in the **2014 Modern Slavery Strategy**<sup>254</sup> and **Modern Slavery Act 2015**<sup>255</sup>. The Modern Slavery Strategy sets out comprehensive Cross-Government approach to tackling modern slavery. It details the wide-ranging actions that are expected from Government departments, agencies and partners in the UK and, importantly, internationally. It also highlights that the civil society organisations are equally important partners in delivering commitments across the anti-slavery response.

The Act is accompanied by supporting documents, such as a **statutory guidance** for public authorities, first responder organisations, and organisations involved in tackling modern slavery,<sup>256</sup> who must refer a potential victim (child or consenting adult) into the **National Referral Mechanism (NRM)**, or must notify the Home Office (if the adult does not consent). As children and vulnerable adults are unable to give informed consent, they constitute a victim of modern slavery even if there has been no element of coercion.<sup>257</sup>

The **NRM**, established in 2009, is a multi-agency process by which the UK identifies and supports potential survivors of modern slavery by connecting them with appropriate support<sup>258</sup>. The NRM is also the UK's mechanism for the government to collect data about victims.

**A great number of UK government and non-government actors are working in the field of modern slavery**, particularly THB. Comprehensive information on the relevant legal, policy and institutional framework is available in the **Annex 7** of this Manual.

## Part B: Sector-specific study. County Lines and Cuckooing in UK

This case study focuses on **County Lines drug trafficking and Cuckooing** in the UK in relation to THB. County Lines and Cuckooing are complex phenomena overlapping with other forms of exploitation and crimes covered under the UK's Modern Slavery Act 2015. The complexity is illustrated by the victims' journey who find themselves in an "*exploitation cycle of recruitment, grooming, debt bondage and trafficking.*"<sup>259</sup> Over the recent years, the number of children, in particular, who have been criminally exploited by County Lines gangs has increased rapidly all across the country.<sup>260</sup> It is estimated that approximately 1,000 different County Lines were operating across the UK in 2019, with each line generating about £800,000 a year.<sup>261</sup> "*The number of operational county lines deal lines reported has reduced from 2,000 in 2019 to 600 in 2021.*"<sup>262</sup>

Although County Lines cases have been making the headlines in UK media, knowledge about the crimes is limited. While the terms County Lines and Cuckooing appear to be used only in the context of the UK, there is no doubt that these crimes are not just unique to the UK. Insights from the UK can be utilised to identify the phenomena as well as their scope in other countries – and to better understand the links between County Lines and THB.

<sup>254</sup> HM Government (2014). *Modern Slavery Strategy*.

<sup>255</sup> UK Legislation (2015). *Modern Slavery Act 2015*. The UK Modern Slavery Act 2015 is the first national legislation to use the term 'modern slavery' and to explicitly address 'slavery' as opposed to 'human trafficking' and 'forced labour', etc.

<sup>256</sup> Home Office (2022 b). *Modern Slavery: Statutory Guidance for England and Wales (under 49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland. Version 2.10*

<sup>257</sup> Home Office (2017). *Modern Slavery Awareness & Victims Identification Guidance*.

<sup>258</sup> HM Government (2022). *Guidance: National referral mechanism guidance: adult (England and Wales)*. May 2022.

<sup>259</sup> National County Lines Coordination Centre (NCLCC) (2021). *NCLCC County Lines Strategic Assessment 2020/2021*.

<sup>260</sup> The Modern Slavery Policy Unit (2020). *It still happens here: Fighting UK slavery in the 2020s*. July 2020.

<sup>261</sup> Public Health England (2021). *Guidance. County Lines exploitation: applying All Our Health*. February 2021.

<sup>262</sup> Havard, T. (2022). *Serious youth violence: County lines drug dealing and the Government response*. In: *House of Commons Library*. Number 9264. February 2022.

What are County Lines?	What is Cuckooing?
<p><b>Gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas within the UK, using dedicated mobile phone lines or other form of “deal line”.</b><sup>263</sup></p>	<p>Relatively novel form of criminal exploitation which refers to the phenomenon of County Lines drug dealers taking over an accommodation located in provincial areas to use them as local drug dealing bases.<sup>264</sup></p>
What are the main characteristics of both, county lines and cuckooing phenomena?	
<p><b>It is the criminal exploitation, particularly child criminal exploitation. Although adults are affected as well, the victims are mostly children.</b> The criminal exploitation occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a vulnerable person, or a child or young person under the age of 18. <i>"The victim may have been criminally exploited even if the activity appears consensual. Child criminal exploitation does not always involve physical contact; it can also occur through the use of technology".</i><sup>265</sup></p>	

### How are County Lines and Cuckooing related to trafficking and exploitation?

The UK’s Modern Slavery Act 2015 includes County Lines and Cuckooing under the umbrella of criminal exploitation (and overlap with other forms of abuse)<sup>266</sup>. County Lines drug trafficking (and closely related to this – Cuckooing) might not immediately appear to be cases of THB. However, **County Lines** drug dealing is closely linked to the coercion and exploitation of children and vulnerable people.<sup>267</sup> **Cuckooing is considered particularly exploitative** because it especially targets vulnerable people. Oftentimes, the legitimate tenant completely loses control over the situation which might result in them becoming homeless.<sup>268</sup> Looking at the definition of THB<sup>269</sup>, the relationship between Country Lines, Cuckooing and trafficking crime becomes clearer:

#### The Act

Individuals are recruited and may be transported as well as transferred from big cities to small towns where they might be harboured or received at a trap house/cuckooed property. Victims of County Lines are “often missing from their home area”<sup>270</sup>. Young people can be trafficked to locations far away from where they live for long periods of time by a county lines gang. Going missing is strongly linked with county lines exploitation, with children and young people being exploited and trafficked to move drugs and money and sell drugs across the UK. Those children and young adults will stay in unsuitable accommodation, including short term holiday lets, a cuckooed address, or budget hotels in an area unknown to them.<sup>271</sup>

#### The Means

Considering individuals over 18, gangs will particularly use some form of coercion, deception, abuse of power, utilisation of the position of vulnerability of the person to be exploited, and payments or benefits to lure people

<sup>263</sup> Home Office (2020). *Guidance: Criminal exploitation of children and vulnerable adults: county lines*. February 2020.

<sup>264</sup> Coomber & Moyle, 2018; Spicer, Moyle & Coomber, 2019

<sup>265</sup> Home Office (2020). *Guidance: Criminal exploitation of children and vulnerable adults: county lines*. February 2020.

<sup>266</sup> National Society for the Prevention of Cruelty to Children (NSPCC) (2022). *Protecting children from county lines*

<sup>267</sup> Havard, T. (2022). *Serious youth violence: County lines drug dealing and the Government response*. In: House of Commons Library. Number 9264. February 2022.

<sup>268</sup> Oxford City Council (n.d.). *Cuckooing*.

<sup>269</sup> As per Article 3 of the *Protocol to the United Nations Convention against Transnational Organized Crime, to Prevent, Suppress and Punish Trafficking in Human Beings, especially Women and Children*.

<sup>270</sup> Cooper, C., Hesketh, O., Ellis, N. & Fair, A. (2017). *A Typology of Modern Slavery Offences in the UK*. In: Research Report 93. Home Office Analysis and Insight. October 2017.

<sup>271</sup> National Society for the Prevention of Cruelty to Children (NSPCC) (2022). *Protecting children from county lines*.

into gangs or to take over their property. Once involved in County Lines, victims' movements are massively controlled through surveillance using mobile phones and threats of violence.

The aspect of means is irrelevant for the huge number of children recruited into County Lines.

The UK Government defines child criminal exploitation as common in County Lines which *“occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18. The victim may have been criminally exploited even if the activity appears consensual. Child criminal exploitation does not always involve physical contact; it can also occur through the use of technology”*<sup>272</sup>

Once children are recruited, social media is used by gangs to **coerce and blackmail them**. They might film young people being sexually abused, beaten, and humiliated by gang members. **Sexual offences and rape are used to control both boys and girls**. Gang members will then threaten their victims to upload the footage to Snapchat and TikTok or to share it with family members or partners.

Essentially, gangs will make the exploited child *“feel powerless to leave.”*<sup>273</sup> **Gangs use tracking devices through apps** such as Find My Friends **to monitor the movements of children** who are transporting and selling drugs for them.<sup>274</sup> They might also require the children to consistently live stream their movements on WhatsApp or FaceTime – making them feel controlled all the time. Children are told to have their phones always charged and switched on and must answer their phones within two rings. Drug runners must turn on location sharing to ensure that they don't try to run away. This is sometimes referred to as **'remote mothering'**; trying to control a person through their phone. Having constant control over the behaviour and movements of a person is what makes exiting a gang particularly difficult and frightening. If a child has been arrested, gang members will either drop the child from that line or follow up on the now accrued drug debt. This means those children – once released – will again have to keep working for the drug trafficking gang to pay back the money.

Furthermore, runners often run health risks due to a popular method of drug transportation called **'plugging'** – where drugs are inserted internally, often hidden in latex, with lethal consequences if the packages open inside.<sup>275</sup> Children working as runners are often prime targets for robberies or disputes.<sup>276</sup>

Children have been found in dangerous locations that have been cuckooed. Children might go missing for three or four days where they will stay in a trap house; with no running water, surrounded by needles and vulnerable adults or people addicted to heroin. If the children manage to come back home after those days, they are absolutely shattered and tired.

## The Purpose

**Children and adults will be trafficked for the purpose of exploitation in criminal activities**, however, they are likely to be sexually exploited as well (in particular girls and women).

Once a trusting relationship is formed, victims are required to perform increasing exploitative tasks that embed them further into gang activities, leading them into **'debt'**, further exploitation<sup>277</sup> and criminal lifestyle. After children are befriended, exploiters will start asking for 'favours'. In general, most children will become runners – transporting large amounts of cash, weapons, or drugs – which makes them a target for both police and rival gangs.<sup>278</sup> Generally, a child will typically spend less than two weeks away from their home. Subsequently, children will have accumulated a debt (due to previously received money, drugs, alcohol, clothing - initially portrayed as “gifts”, providing them with more drugs than they could pay for, or by setting them up and thus losing “their” money/drugs, etc.), that they now have to pay off by working even more.

<sup>272</sup> Home Office (2020). *Guidance: Criminal exploitation of children and vulnerable adults: county lines*. February 2020.

<sup>273</sup> National Society for the Prevention of Cruelty to Children (NSPCC) (n.d.). *Grooming*.

<sup>274</sup> Kelly, A. (2019). 'County lines' drug gangs tracking children via social media. *The Guardian*. February 2019.

<sup>275</sup> National County Lines Coordination Centre (NCLCC) (2021). *NCLCC County Lines Strategic Assessment 2020/2021*.

<sup>276</sup> Ibid.

<sup>277</sup> National Youth Agency (NYA) (2021). *Between The Lines*. March 2021.

<sup>278</sup> National Crime Agency (NCA) (2019). *County Lines Drug Supply, Vulnerability and Harm* 2018. In: NAC(19)095.

Sometimes, women are encouraged to take drugs at cuckooed properties and as a result held in ‘**debt bondage**’. Subsequently, they may be sexually exploited as a form of payment. Being in a relationship with somebody involved in County Lines, women and girls face further obstacles to escape the exploitation.<sup>279</sup> Out of fear for retribution, women often stay silent about their exploitation and abuse.<sup>280</sup>

## 1. County Lines

**County Lines** are gangs and organised criminal networks<sup>281</sup> which “(...) are likely to exploit children and vulnerable adults to move and store the drugs and money. (...) they will often use coercion, intimidation, violence (including sexual violence) and weapons”<sup>282</sup>.

### Who are the perpetrators?

County Lines are well known for their hierarchical structure. High up in the hierarchy of the drug dealing organisations are the so-called ‘**top boys**’, ‘**main men**’, or ‘**boss men**’<sup>283</sup>. They remain in the urban hubs and manage the phone lines customers use to place their orders.<sup>284</sup> Lower in the hierarchy are the so-called ‘**sitters**’ who, under the direction of the top boys, supervise the operations in the rural host towns. Arguably lowest in hierarchy are the ‘**runners**’, who transport the drugs from urban hubs to rural towns and to the customer. Compared to others in the criminal organisation, they often run the highest risks<sup>285</sup>, see Figure 22.

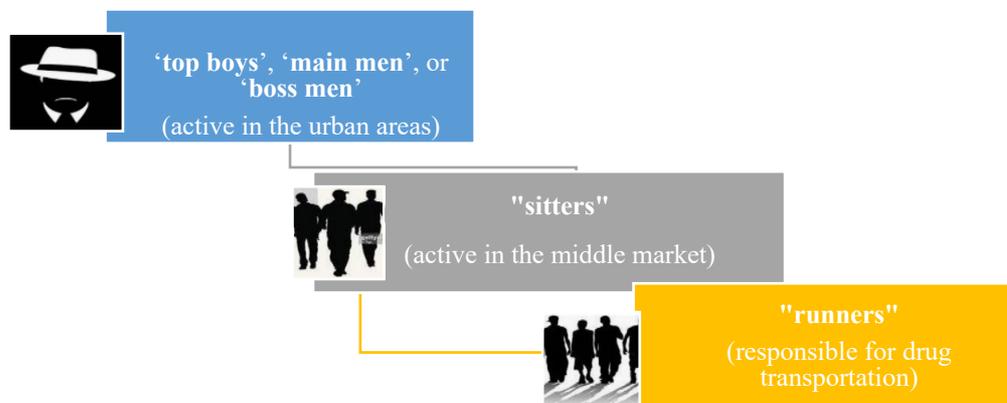


Figure 22: County lines hierarchy

### Where do they operate?

Drug dealers from larger urban hubs, travel to smaller county or coastal towns (‘**satellite markets**’) to sell class A drugs (mostly crack cocaine and heroin)<sup>286</sup>, but also cannabis. Local customers communicate with dealers in larger urban areas via mobile phones. The dealers who are higher up in the hierarchy of a drug

<sup>279</sup> National County Lines Coordination Centre (NCLCC) (2021). *NCLCC County Lines Strategic Assessment 2020/2021*.

<sup>280</sup> Havard, T., Densley, J. A., Whittaker, A. & Wills, J. (2021). *Street gangs and coercive control: The gendered exploitation of young women and girls in county lines*. In: *Criminology & Criminal Justice*, 1–17. Available at: DOI: 10.1177/17488958211051513.

<sup>281</sup> Following the Serious Crime Act 2015, an OCG is considered a group of three or more people whose purpose (or one of its purposes) is the carrying on of criminal activities (Havard, 2022). According to the NCA there were 4,772 OCGs operating in the UK in April 2020 (Havard, 2022).

<sup>282</sup> Ibid.

<sup>283</sup> Coomber, R., & Moyle, L. (2017). *The Changing Shape of Street-Level Heroin and Crack Supply in England: Commuting, Holidaying and Cuckooing Drug Dealers Across ‘County Lines’*. In: *The British Journal of Criminology*, 58(6), 1323–1342.

<sup>284</sup> National Crime Agency (NCA) (2016). *County Lines Gang Violence, Exploitation & Drug Supply 2016*. In: 0346-CAD National Briefing Report

<sup>285</sup> National County Lines Coordination Centre (NCLCC) (2021). *NCLCC County Lines Strategic Assessment 2020/2021*

<sup>286</sup> National Crime Agency (NCA) (2016). *County Lines Gang Violence, Exploitation & Drug Supply 2016*. In: 0346-CAD National Briefing Report; Moyle, L. (2019). *Situating Vulnerability and Exploitation in Street-Level Drug Markets: Cuckooing, Commuting, and the “County Lines” Drug Supply Model*. In: *Journal of Drug Issues*, 49(4), 739–755; Havard, T. (2022). *Serious youth violence: County lines drug dealing and the Government response*. In: House of Commons Library. Number 9264. February 2022

gang<sup>287</sup> will then relay customers' orders to the dealers in the provincial areas. By expanding into smaller locations, the aim is to increase profits and avoid or reduce attention from the police in their own area.<sup>288</sup> Although larger English cities such as London, Manchester, Birmingham, and Liverpool have always functioned as the suppliers of drugs to rural areas, the County Lines model demonstrates a radical change from earlier drug dealing methods.

Currently, the largest hubs for County Lines in the UK are London, Merseyside, and the West Midlands (see Figure 23, Blue indicates the Metropolitan Police for Greater London, yellow indicates the West Midlands Police, and red indicates the Merseyside Police<sup>289</sup>).<sup>290</sup> 80% of the known lines in 2021 exported from just those three areas.<sup>291</sup> County Lines can often be prevalent in areas with high unemployment due to the decline of heavy industry and manufacturing such as the former coal and steel communities in Northern England.

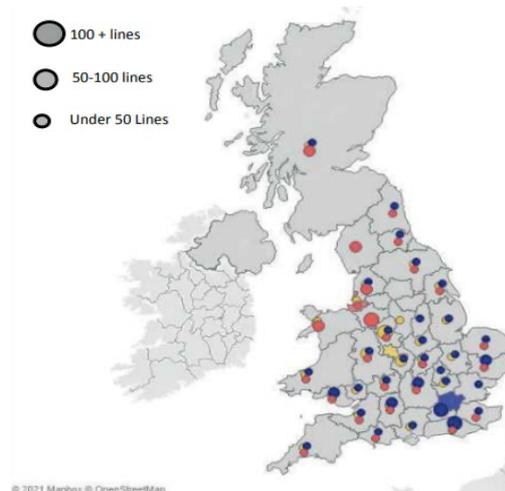


Figure 23: Top 3 exporting forces against County Lines.

### How do they operate?

Traditionally, importers of drugs (generally located in larger urban hubs) would sell their products to distributors in towns at some distance from theirs.<sup>292</sup> These distributors in the middle market would then sell the drugs to local wholesales, who would get the drugs to the customer via local retail sellers (often so-called 'user-dealers' who finance their own drug use by selling drugs to others). Bypassing the middle market in such a way offers several advantages for gangs in larger city hubs:

- ✚ Firstly, inner-city markets are perceived to be saturated – whereas rural markets can grow, promising higher profits,<sup>293</sup>
- ✚ Secondly, the urban sellers are often unknown to local police forces – an anonymity which allows them to sell more;

<sup>287</sup> The Policing and Crime Act 2009, defines gang-related drug dealing activity as “the unlawful production, supply, importation or exportation of a controlled drug, or (...) of a psychoactive substance” (UK Legislation, 2009: S. 7) and “something is “gang-related” if it occurs in the course of, or is otherwise related to, the activities of a group that—(a) consists of at least three people, and (b) has one or more characteristics that enable its members to be identified by others as a group” (UK Legislation, 2009: S. 5).

<sup>288</sup> Stone, N. (2018). *Child Criminal Exploitation: 'County Lines', Trafficking and Cuckooing*. In: Youth Justice, 18(3), 285–293.

<sup>289</sup> National County Lines Coordination Centre (NCLCC) (2021). *NCLCC County Lines Strategic Assessment 2020/2021*, in Havard, T. (2022). *Serious youth violence: County lines drug dealing and the Government response*. In: House of Commons Library. Number 9264. February 2022.

<sup>290</sup> Swann, S. (2022). *County lines: Inside the complex battle against drug gangs exploiting children*. BBC. June 2022.

<sup>291</sup> Havard, T. (2022). *Serious youth violence: County lines drug dealing and the Government response*. In: House of Commons Library. Number 9264. February 2022.

<sup>292</sup> Coomber, R., & Moyle, L. (2017). *The Changing Shape of Street-Level Heroin and Crack Supply in England: Commuting, Holidaying and Cuckooing Drug Dealers Across 'County Lines'*. In: The British Journal of Criminology, 58(6), 1323–1342.

<sup>293</sup> Jaensch, J., & South, N. (2018). *Drug gang activity and policing responses in an English seaside town: 'County Lines', 'cuckooing' and community impacts*.

Thirdly, local gangs are often no match for wealthier and larger urban gangs – allowing these criminal organisations the perspective of a monopoly position.

To transport drugs from importer to customer, urban gangs must bridge large distances. Several practices have developed in relation to this challenge:

‘**Commuting**’: dealers travel from the urban area to the rural markets at dawn, deal during the day and make their way back home to the city in the evening.<sup>294</sup>

‘**Holidaying**’: dealers remain in the rural town for a night or a few days. Gangs often make use of bed and breakfasts or lodging for short stays.<sup>295</sup>

‘**Cuckooing**’: Gangs have found ways to extend their stay in the rural areas semi-permanently.<sup>296</sup> They employ different techniques to gain access to accommodations of locals, using the premise as the seat for their local dealing operations.



“...Technology is the central organising feature of County Lines business model,” said Sheldon Thomas, a consultant on gang behaviour through his organisation Gangsline.<sup>297</sup>

Although technology has progressed, County Lines gangs still use burner phones to send others to those running drugs and to communicate with customers.<sup>298</sup> The usage of technology within County Lines has several purposes: revenue generation, recruitment, and control as well as manipulation. To facilitate drug deals, gangs use dedicated mobile phone lines or “deal lines”. The deal line includes the address book for the dependent drug users, from where they send out texts for advertising, first time user offers or free offers, to build a network in the importing location. Moreover, social media platforms are increasingly used to advertise illicit drugs, especially on Snapchat, Instagram, and Facebook. OCGs use (constantly changing) emojis on social media platforms as code for drug, violence, and sexual activities, Figure 24 shows some examples.

 buying cocaine
 buying an eighth of an ounce
purity of drugs

Figure 24: Examples of codes used by gangs in social media communication

### Who are the County Lines victims?

**Children** are considered to make up most victims groomed into County Lines, although **vulnerable adults** are affected as well. There is “no particular type of person” gangs are looking for. At its core, exploiters are interested in children and young adults who will not stand out and can service the demand of sending information and drugs out. **Child criminal exploitation** often occurs without the child’s immediate recognition, with the child believing that they are in control of the situation.

**Women and girls, in particular, are also used as a money mule and to transport and hide drugs.** They also have a different experience when it comes to different forms of exploitation. At its core, young women involved in County Lines are considered to suffer more from sexual exploitation and abuse. Girls are mainly considered a ‘commodity’. A common phrase to describe this phenomenon is ‘**gift girls**’: girls are recruited and sent out on lines to satisfy the boys and men in the trap houses. This might be the case if the boys and

<sup>294</sup> Hales, G., & Hobbs, D. (2009). *Drug markets in the community: a London borough case study*. In: Trends in Organized Crime, 13(1), 13–30.

<sup>295</sup> Coomber, R., & Moyle, L. (2017). *The Changing Shape of Street-Level Heroin and Crack Supply in England: Commuting, Holidaying and Cuckooing Drug Dealers Across ‘County Lines.’* In: *The British Journal of Criminology*, 58(6), 1323–1342.

<sup>296</sup> Butera, J. A. (2013). *Cuckooing: Home Takeovers of Vulnerable Tenants*. Crime Prevention Ottawa: Ottawa.

<sup>297</sup> Kelly, A. (2019). ‘County lines’ drug gangs tracking children via social media. The Guardian. February 2019.

<sup>298</sup> Caluori, J. & Mooney, B. (2022). *Running out of credit: Mobile phone tech and the birth of county lines*. Crest. April 2022.

young men have been performing well in the trap house. In this case, those controlling the supply will bring in a gift girl for them as a ‘reward’. Young women who had been targeted by lover boys, in particular, will be ‘offered’ to gang members to be sexually exploited and abused. There has also been reports of “*sexual exploitation as part of an initiation ceremony known as ‘sexing- in’, which can involve multiple organised crime group members*”<sup>299</sup>

#### Example of sexual exploitation as part of County Lines

The Home Office<sup>300</sup> reported of the case of a vulnerable girl or woman who had been used by a London gang to sexually service gang members. Gang members attempted to kidnap her at least twice after the victim had accrued drug debts. To pay off the debt through prostitution the victim has presumably been trafficked to London.

The understanding of which factors make a person particularly vulnerable to recruitment and grooming, has changed massively over the past years and its illustrated in the table available in the **Annex 7** of the Manual.

### How are the County Lines victims groomed/recruited?



*“Grooming is when someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and abuse them. Children and young people who are groomed can be sexually abused, exploited or trafficked”<sup>301</sup>*

Children and young adults are groomed and recruited into County Lines through various ways. Groomers can be any gender or age<sup>302</sup>. Crucially, gangs will make sure that contact or a relationship is established prior to the official recruitment. Maintaining such relationships facilitates the exploitation and manipulation of the young person. Connected to the various vulnerabilities of a young person, there are multiple pull factors to consider. The prospect of earning substantial amounts of money outside of mainstream employment is an influential factor as well as a perceived increase in status, notoriety amongst the peer group, and enabling the purchase of material possessions that children or young adults would be usually unable to afford e.g., designer clothing and trainers. Exploiters will mainly pull children in by promising them money and clothes. Additionally, recruiting gang members offer children some sort of ‘friendship’. They might appear as an older brother-like figure. The focus is to try to make a disenfranchised young person feel like they are part of something. Gang members will exploit a young person’s need for being loved or wanted, feeling part of some sort of organisation. Being part of a gang can be seen to offer a sense of belonging for young people. Due to lacking a feeling of belonging, children may be susceptible to a group they can tie themselves to.



*Children groomed and recruited into County Lines gangs often do not consider themselves to be victims. They often also do not realise that they have been groomed to get involved in criminality.*

At its core, children are either approached **(1) physically (in person)** or **(2) through social media platforms**.



**Physically (in person)** – Recruitment mainly takes place through existing peer networks. Rather than being a stranger, children will often know the person recruiting them. Children are often drawn into those gangs by friends and within friendship groups. Adults who had been exploited as a child and who are still involved in criminal gangs will now recruit and exploit other young people (**‘peer on peer abuse’**). In some cases, children will be recruited through family members such as siblings who are already involved

<sup>299</sup> Havard, T. (2022). *Serious youth violence: County lines drug dealing and the Government response*. In: House of Commons Library. Number 9264. February 2022.

<sup>300</sup> Home Office (2018 a). *Criminal Exploitation of children and vulnerable adults: County Lines guidance*. September 2018.

<sup>301</sup> National Society for the Prevention of Cruelty to Children (NSPCC) (n.d.). *Grooming*

<sup>302</sup> The Children’s Society, Victim Support, the National Police Chiefs’ Council (NPCC) (2018). *Children and young people trafficked for the purpose of criminal exploitation in relation to country lines: A toolkit for professionals*.

with a County Lines gang.<sup>303</sup> In general, gangs may target and approach children at schools and further as well as higher educational institutions, special educational needs schools, places for alternative provision outside of mainstream education, foster homes, and homeless shelters. There have been cases where exploiters forced children that were living in a secure children's home to recruit others from within that home to pay an accumulated debt. Additionally, exploiters may drive around a community where young people are known to be committing antisocial behaviour while hanging around on the streets.



**Social media platforms** – Diverse social media platforms are increasingly used to make initial contact with children and young adults to groom and recruit them into County Lines drug trafficking gangs. This trend has been only increased during COVID-19 restrictions as more young people spent time online. **'Online grooming'** is the act of developing a relationship with a child to enable their abuse and exploitation both online and offline. Social media offers a way to infiltrate friendship groups, build rapport, befriend children, and influence their behaviour. Facebook is used the most to groom young people followed by Instagram and WhatsApp. Additional apps used include Snapchat, TikTok as well as online gaming platforms<sup>304</sup> Snapchat is particularly attractive as messages are set up to vanish after a short period of time.

- Social media has helped **gang members glamorising their lifestyle online to attract and recruit new members**<sup>305</sup>. While drug gangs have been using music videos uploaded to YouTube for a long time to promote their lifestyle, gang members – who are often considered 'local celebrities' in their area – have become social media influencers on Instagram and Snapchat. They interact with vulnerable young people (by liking or commenting on their posts online) to make them feel special and singled out. Being involved in drug gangs may also offer children something to brag about to their friends.
- One strategy of gang members is to lure young people in by vaguely **advertising for a job to 'get some money'**<sup>306</sup> Through geo mapping/geo fencing on social media platforms such as Snapchat, exploiters can identify and message a huge number of children who are living in a particular area of interest and who might want to 'earn money'. Due to the COVID-19 pandemic, gangs have shifted their focus more on recruiting children and young adults in drug market importing locations (rather than relying on young people from urban centres moving drugs in small quantities on trains to the importing locations). Recruiting gang members will, firstly, do research (e.g., on the potential demand, customers, costs, profits, etc.) on a new area where they want to set up a line. Subsequently, exploiters will consider the demographic of the target area and select children via social media accordingly;
- County Lines perpetrators are grooming young people and encourage them to refer their friends as potential drug runners. This is considered a form of extended peer-influence, so called **'mate exploitation'**, facilitated through social media platforms.
- Another phenomenon is called **'lover boys'** – also widely known in sexual exploitation – where vulnerable young women and girls are being targeted, creating a false impression of a romantic relationship<sup>307</sup>.

<sup>303</sup> Ibid.

<sup>304</sup> CrimeStoppers (2021). *2020/2021 Impact Report*.

<sup>305</sup> Kelly, A. (2019). *'County lines' drug gangs tracking children via social media*.

<sup>306</sup> Caluori, J. & Mooney, B. (2022). *Running out of credit: Mobile phone tech and the birth of county lines*. Crest. April 2022.

<sup>307</sup> Havard, T. (2022). *Serious youth violence: County lines drug dealing and the Government response*. In: House of Commons Library. Number 9264. February 2022

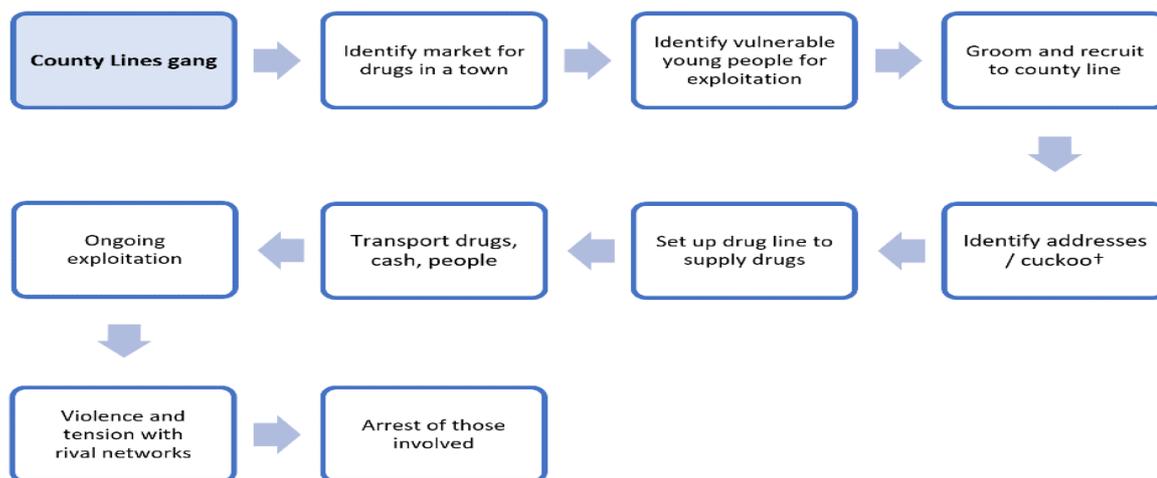


Figure 25: Flowchart showing how County Lines operations work<sup>308</sup>

## 2. Cuckooing

The practice of Cuckooing is understood as the result of transformations drug supply chains have been undergoing in recent years.<sup>309</sup> While drug dealers taking over a person's property to store or distribute drugs appears to be the most common form of Cuckooing, the purposes of Cuckooing can be to use a property to take drugs, for sex work, as a place to live, and/or to financially abuse the tenant.<sup>310</sup> 'The term 'cuckoo' in this context refers to the cuckoo bird's practice of taking over nests of other birds'<sup>311</sup>. Cuckooing is considered particularly exploitative because it especially targets vulnerable people.

Cuckooed properties can be distinguished from '**crack houses**' by the operational function; other than a crack house which merely serve as a warehouse for drugs, a cuckooed accommodation becomes a central office where a local market is being managed.

### Who are the perpetrators?

**Organised Criminal Groups and members of the County Line gangs.**

### Where do the perpetrators operate?

**At all places in UK where County lines or other organised criminal groups are active**, including urban areas, local and rural communities. It is common for the drug dealers or other criminals to have access to several cuckooed addresses at once, and to move quickly between them to evade detection.

### How do perpetrators operate?

There are different forms of Cuckooing – following different forms of grooming and coercion:

- ✚ One of the most clear-cut forms of Cuckooing is labelled '**parasitic nest invading**'.<sup>312</sup> In this case, the tenant of a cuckooed accommodation did not want the gang members to enter the accommodation. A **predominant method of gaining access is through violence and intimidation**;
- ✚ **Debt bondage**- when victims are offered drugs to lure them into creating a debt, that must be paid off by allowing the dealers to manage their local operations from the victim's home;

<sup>308</sup> Public Health England (2021). *Guidance. County Lines exploitation: applying All Our Health*. February 2021.

<sup>309</sup> Spicer, J., Moyle, L., & Coomber, R. (2019). *The variable and evolving nature of 'cuckooing' as a form of criminal exploitation in street level drug markets*.

<sup>310</sup> Oxford City Council (n.d.). *Cuckooing*.

<sup>311</sup> Butera, J. A. (2013). *Cuckooing: Home Takeovers of Vulnerable Tenants*. Crime Prevention Ottawa: Ottawa.

<sup>312</sup> Spicer, J., Moyle, L., & Coomber, R. (2019). *The variable and evolving nature of 'cuckooing' as a form of criminal exploitation in street level drug markets*.

-  **Mate Crime** - when a person or group of people befriend a disabled person with the sole purpose to exploit, humiliate or take control of their assets.<sup>313</sup>. The disabled person often won't think that they are being exploited by the other person, instead, the perpetrators are considered friends and potential intimate partners. Gang members will often befriend the victims by spending time with them, giving them the impression that they are taking an interest in them, and ultimately, that they are their 'friend'. Young people involved in the gang will sometimes be used to act as spotters to target such vulnerable individuals. The victims are often not identified by frontline responders, with warning signs often being misidentified. Even if someone consents at first, the cuckooed individual can often grow uncomfortable with the arrangement and gang members can become increasingly violent and demanding. People who have allowed dealers to stay for a while have trouble getting them to leave the property. They might become homeless if they were to leave on their own accord;
-  **'Quasi-cuckooing'** - Different to parasitic nest invading, there is a certain level of consent from the cuckooed person. Sometimes the legitimate tenants of a property see – or are promised<sup>314</sup> – a certain benefit when they allow dealers to use their premise. For instance, allowing some people to work in one's house in exchange for drugs might seem a fair deal to people who are heavily addicted<sup>315</sup>;
-  **'Coupling'** - Employing this technique, male members of drug gangs engage in sexual relationships with women who are renting a place, to get access to their apartments, and to, step-by-step, use their accommodation as a dealing base. This form of Cuckooing often remains under the radar because people in (what they perceive to be) intimate relationships are rarely aware of the exploitative dimensions<sup>316</sup>;
-  **'Local cuckooing'** - Independent from the County Lines model, local dealers – both in rural and urban areas – have started to gain access to premises of other locals, attempting to use those as a base for their dealing operations.

### Who are the Cuckooing victims?

It has become clear from several studies and reports that gangs involved in Cuckooing specifically target vulnerable people.<sup>317</sup> Key vulnerabilities include **deprivation, low educational attainment, living alone, suffering from loneliness and isolation, and living in communities faced with socioeconomic hardship**.

Thus, victims of Cuckooing are often:

-  people with substance addiction (such as alcoholism or drug addiction);
-  the elderly people;
-  people suffering from mental or physical health problems;
-  female sex workers;
-  Children;
-  Single mothers;
-  people living in poverty;
-  people who have experienced homelessness;
-  households, such as a middle-class couples living near County Lines hubs;
-  middle class university students, particularly if they are recreational drug users (this group profile is then pressured by gangs into using their bank accounts to launder money);

<sup>313</sup> Macdonald, S. J., Donovan, C., Clayton, S., Husband, M. (2022). *Becoming cuckooed: conceptualising the relationship between disability, home takeovers and criminal exploitation*. In: Disability & Society.

<sup>314</sup> Spicer, J., Moyle, L., & Coomber, R. (2019). *The variable and evolving nature of 'cuckooing' as a form of criminal exploitation in street level drug markets*.

<sup>315</sup> Moyle, L. (2019). *Situating Vulnerability and Exploitation in Street-Level Drug Markets: Cuckooing, Commuting, and the "County Lines" Drug Supply Model*. In: Journal of Drug Issues, 49(4), 739–755

<sup>316</sup> Spicer, J., Moyle, L., & Coomber, R. (2019). *The variable and evolving nature of 'cuckooing' as a form of criminal exploitation in street level drug markets*

<sup>317</sup> Butera, J. A. (2013). *Cuckooing: Home Takeovers of Vulnerable Tenants*. Crime Prevention Ottawa: Ottawa.

-  People with disabilities, who struggle with social isolation (as they have very little control over where they will be housed by the authorities);
-  adults with learning disabilities (as they are often housed in deprived areas affected by poverty);
-  disabled adults who are also substance users and might have engaged in some forms of criminality within the community in the past.<sup>318</sup>

Cuckooing involves complex relationships and different forms exploitation. There may be, at times, a fine line between ‘consent’ and ‘non-consent’<sup>319</sup>. Because of their vulnerabilities, the tenants may be tempted to accept arrangements which (are perceived to) offer some benefits. Oftentimes, the legitimate tenant completely loses control over the situation which might result in them becoming homeless. Others might become entrapped in their home with the dealers refusing to allow them to leave or speak to friends, family, or welfare services for prolonged periods of time<sup>320</sup>.

### 3. How to recognise potential victim of County Lines and Cuckooing?

The possible trafficking victim/case in the context of **County Lines and Cuckooing** can be recognised by spotting so-called **indicators of trafficking in human beings**. Indicators are signs and signals that act as signposts drawing the attention of the frontline responders to a specific situation – or to investigate further.



**Indicators are important tools for frontline responders responsible for early/first-level identification.** To spot indicators of County Lines and Cuckooing, the frontline responders need awareness of the topic and must know what to look out for, even when they are not actively searching for indicators.

Indicators should guide frontline responders (law enforcement agencies, victim assistance organisations etc.) to identify possible situations of THB in the context of County Lines and Cuckooing and whether a child/adult should be referred for further identification as victim of trafficking by the competent authorities. Indicators are not intended to provide a conclusive decision on whether a case is trafficking or not.



**Indicators often are non-conclusive, and a number of them are hidden. If a situation of trafficking is suspected, frontline responders are required to report their suspicions to the first point of notification (NRM of Home Office) for further investigation and identification.**

In the UK, many charities, NGOs, police forces, and government departments (e.g., Home Office, NCA, The Safeguarding Network, NSPCC, Crimestoppers, etc.) provide lists of potential signs online to indicate if a person is involved in County Lines activities. One such list by the Home Office is provided in Figure 26 as an example.

<sup>318</sup> Macdonald, S. J., Donovan, C., Clayton, S., Husband, M. (2022). *Becoming cuckooed: conceptualising the relationship between disability, home takeovers and criminal exploitation*

<sup>319</sup> Robinson, G., McLean, R., & Densley, J. (2018). *Working County Lines: Child Criminal Exploitation and Illicit Drug Dealing in Glasgow and Merseyside*. In: *International Journal of Offender Therapy and Comparative Criminology*, 63(5), 694–711. Moyle, L. (2019). *Situating Vulnerability and Exploitation in Street-Level Drug Markets: Cuckooing, Commuting, and the “County Lines” Drug Supply Model*. In: *Journal of Drug Issues*, 49(4), 739–755.

<sup>320</sup> Spicer, J., Moyle, L., & Coomber, R. (2019). *The variable and evolving nature of ‘cuckooing’ as a form of criminal exploitation in street level drug markets*



Figure 26: Home Office graphic showing the kind of signals that may be shown by someone involved in County Lines activity<sup>321</sup>

## List of indicators of THB in County Lines and Cuckooing

An extensive set of indicators is provided in the Table 14. The indicators were developed based on research analyses conducted in UK on County Lines and Cuckooing phenomena for the purposes of elaborating this Manual (six interviews with frontline responders and stakeholders working on preventing and understanding County Lines drug trafficking and Cuckooing in the UK. The list of indicators was further expanded upon the existing indicators on County Lines cases for children available in the following link: [Modern Slavery: Statutory Guidance for England and Wales \(under 49 of the Modern Slavery Act 2015\) and Non-Statutory Guidance for Scotland and Northern Ireland.](#)<sup>322</sup>

The below indicators are divided into three elements: the Act, the Means, and the Purpose – working along the definition of THB. For each of these three elements, indicators are further divided into **visible (physical), non-verbal (behaviour), and verbal (communicated) indicators**. Verbal indicators are signs detected through a conversation and may also include questions to ask a person suspected of having fallen victim to County Lines and THB. While non-verbal indicators are signs in the behaviour, visible indicators may be physically observed, including the environment the inspector looks at, the physical condition of the person as well as the presence of records and documents. Some of the indicators will also apply to other elements of trafficking and may, thus, appear multiple times in the list. In some cases, there are no indicators for either visible (physical), non-verbal (behaviour), or verbal (communicated) indicators. These instances are indicated with N/A (not applicable).

The list of indicators is not exhaustive and in no particular order. **Some indicators are more specific** (e.g., referring to a specific scenario such as after an arrest), **while others might be more general**.



Crucially, a single indicator by itself will not necessarily point to a person being involved in County Lines/Cuckooing and being a victim of THB. Rather, a combination of multiple indicators from each element increases the likelihood of the individual being exploited (as well as trafficked) by County Lines gangs.

<sup>321</sup> Public Health England (2021). *Guidance. County Lines exploitation: applying All Our Health*. February 2021.

<sup>322</sup> Home Office (2022 b). *Modern Slavery: Statutory Guidance for England and Wales (under 49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland. Version 2.10*.

In addition, the wider context of the individual needs to be always taken into account (including vulnerabilities of the individual). To aid identification of potential victims, frontline responders are advised to work closely with other relevant actors from the housing sector, public health, education (such as teachers), and the wider community.

The frontline responders should use the available lists of THB indicators as a helpful tool in their daily work:

- a. **before and during the field work when they might get in touch with vulnerable people or potential victims of County Lines/Cuckooing**, to serve as a reminder what to look for and which questions to ask, when in doubt);
- b. **when** referring a potential trafficking case for further investigation and identification.



The frontline responders **must study the indicator list in detail** and be aware of the cross-over with law violations.

**Think carefully:**

- ✓ *Where and within what framework might you spot indicators for a potential situation of trafficking during your daily work (public transportation, rural communities, during interviews with socially vulnerable families etc.)?*
- ✓ *Are there any verbal, non-verbal and physical indicators that might lead to discovering potential trafficking victim/case?*

Table 14: Indicators of THB in County Lines and Cuckooing.

Indicators of Action	
A person is missing frequently from home for short and/or long periods	
Verbal (communicated)	<ul style="list-style-type: none"> <li>The individual is not giving an explanation as to why they are absent from home or care and where they have been/are going;</li> <li>They are unwilling to explain their whereabouts;</li> <li>Parents don't know where their child is.</li> </ul> <p><b><u>Questions that might be asked by the first responders:</u></b></p> <ul style="list-style-type: none"> <li>Where did you go?</li> <li>Where are you right now? How did you get to this location?</li> <li>How did you pay for the train/bus Where did you stay?</li> <li>How did you pay for the accommodation?</li> <li>Who were you with?</li> </ul>
Non-verbal (behaviour)	N/A
Visible (physical)	<ul style="list-style-type: none"> <li>The individual is persistently and frequently going missing from school, placement, care, or home;</li> <li>The individual has never been missing before and suddenly goes missing;</li> <li>The individual is away for a night or two;</li> <li>The individual is staying out late;</li> <li>The individual is seen travelling to unusual locations;</li> <li>The individual is found in areas they have no obvious connection with, including seaside or market towns. May often be found out of the home area/in other areas;</li> <li>The individual appears to be unfamiliar with the community or where they are;</li> <li>Seeing a lone child from outside of the area;</li> <li>They have unexplained bus or train tickets to different cities;</li> <li>They have keys/hotel cards for unknown places;</li> <li>They have more than one mobile phone.</li> <li>There are reports of the individual being taken to parties, people's houses, unknown areas, hotels, nightclubs, takeaways, or out of the area by unknown adults;</li> <li>The individual is found to have been abducted;</li> <li>There have been multiple NRM referrals for incidents in the same location.</li> </ul>
A person is found to be staying in unsafe accommodations	
Verbal (communicated)	N/A

Non-verbal (behaviour)	N/A
Visible (physical)	<ul style="list-style-type: none"> <li>The individual is found living in squalid conditions;</li> <li>The individual is found living at the same address as a drug user;</li> <li>The individual looks malnourished;</li> <li>The individual is found to have been imprisoned.</li> </ul>
Lack of engagement in school and/or change in school attendance	
Verbal (communicated)	N/A
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>Children may act out at school/behave poorly (to get excluded from school).</li> </ul>
Visible (physical)	<ul style="list-style-type: none"> <li>Significant unexpected decline in school results/performance;</li> <li>Truancy, exclusion, disengagement from school;</li> <li>Poor attendance at school;</li> <li>The individual has dropped out of school.</li> </ul>
<b>Indicators of Means</b>	
Suddenly having unexplained money and/or owning unexplained and unaffordable items	
Verbal (communicated)	<ul style="list-style-type: none"> <li>Can't explain how they paid for the items/can't account for them.</li> </ul> <p><b><u>Questions that might be asked by the first responders:</u></b></p> <ul style="list-style-type: none"> <li>How did you pay for these items?</li> <li>How did you get them?</li> </ul>
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>Increased interest in making money</li> </ul>
Visible (physical)	<ul style="list-style-type: none"> <li>Suddenly having unexplained (significant) amounts of money, new clothes (e.g., new trainers and branded clothing), electronic devices, jewellery, mobile phones;</li> <li>Getting haircuts;</li> <li>The individual might post drug related wealth on social media platforms (e.g., suddenly post with a stack of £20 notes or designer clothes or expensive items).</li> </ul>
Receiving a significant amount of phone calls and/or texts (an indicator for control over the individual)	
Verbal (communicated)	<p><b><u>Questions that might be asked by the first responders:</u></b></p> <ul style="list-style-type: none"> <li>Who are you speaking to on the phone?</li> <li>Who is texting you?</li> <li>Do your parents know them?</li> </ul>
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>The individual is being secretive about who they are speaking to.</li> </ul>
Visible (physical)	<ul style="list-style-type: none"> <li>The individual owns multiple mobile phone handsets, phones, tablets, or SIM cards;</li> <li>The individual receives an excessive (constant) number of texts and/or phone calls;</li> <li>The individual receives an excessive number of texts or phone calls at all hours of the day;</li> <li>The individual leaves the room to take calls and receive calls from somebody older.</li> </ul>
Having relationships with unusual individuals or groups	
Verbal (communicated)	<p><b><u>Questions that might be asked by the first responders:</u></b></p> <ul style="list-style-type: none"> <li>How do you know the people you associate with?</li> <li>Are they part of your family, do your parents know them?</li> <li>Do you have any relation to the adults in the car with you?<sup>323</sup></li> </ul>
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>Associating with or being interested in gang culture.</li> </ul>
Visible (physical)	<ul style="list-style-type: none"> <li>Having relationships with controlling and/or older individuals or groups;</li> <li>Meeting unfamiliar adults;</li> <li>Young people seen in different cars/taxis driven by unknown adults;</li> <li>Seen entering or leaving vehicles/cars with unknown adults.</li> </ul>
Decline in wellbeing (mental and physical health)	
Verbal (communicated)	<ul style="list-style-type: none"> <li>The individual can't explain their injuries.</li> </ul>
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>Significant, noticeable, and often sudden changes in personality, behaviours, moods, and emotional well-being;</li> <li>Becoming withdrawn or alternatively having unexplained outbursts which are out of character (e.g., increasingly stressed, unsettled, secretive, anxious, angry, aggressive, hostile, scared, depressed, controlling);</li> <li>The individual doesn't want to go to specific areas without explanation;</li> </ul>

<sup>323</sup> Recommended to call the parents to verify whether the parents actually know the people who are with the child (GB04).

	<ul style="list-style-type: none"> <li>• Fear of reprisal from gang members or violence from young people or adults.</li> </ul>
Visible (physical)	<ul style="list-style-type: none"> <li>• Decline in physical wellbeing;</li> <li>• The individual looks malnourished;</li> <li>• The individual is suspected to being a victim of physical assault;</li> <li>• The individual has unexplained injuries/bruises<sup>324</sup>;</li> <li>• The individual has started to self-harm- having self-harm injuries (cuts, etc.);</li> <li>• Agencies are unable to engage with the child or young person;</li> <li>• Repeated STIs and/or pregnancy (which can indicate CSA/E being a feature of the exploitation).</li> </ul>
The person is isolated from their usual peers	
Verbal (communicated)	N/A
Non-verbal (behaviour):	<ul style="list-style-type: none"> <li>• The individual is becoming secretive about their actions.</li> </ul>
Visible (physical)	<ul style="list-style-type: none"> <li>• The individual is isolated from their normal peer group or social networks;</li> <li>• Increase in disconnection between existing supportive friends, structures, or family (their support mechanisms);</li> <li>• Some of the children they associate with sometimes go or have been missing;</li> <li>• Increase of referrals to agencies for other known peers.</li> </ul>
Change in behaviour towards parents/siblings	
Verbal (communicated)	<ul style="list-style-type: none"> <li>• Parents express concerns.</li> </ul>
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>• Children (especially boys) are abusive to their parents, particularly their mothers<sup>325</sup>;</li> <li>• Their behaviour changes towards their siblings; they may be cruel to their siblings.</li> </ul>
Visible (physical)	N/A
The person is using drugs and/or drinking alcohol	
Verbal (communicated)	<p><b><u>Questions that might be asked by the first responders:</u></b></p> <ul style="list-style-type: none"> <li>○ Do you smoke cannabis?</li> <li>○ Do you smoke cannabis daily?</li> <li>○ Do you drink alcohol? How often do you drink alcohol?<sup>326</sup></li> </ul>
Non-verbal (behaviour):	N/A
Visible (physical):	<ul style="list-style-type: none"> <li>• Started using drugs (e.g., smoking cannabis) and/or alcohol;</li> <li>• Girls might rather drink alcohol.</li> </ul>
External actors appear to be controlling their actions/behaviour	
Verbal (communicated)	<ul style="list-style-type: none"> <li>• The individual is told what to say during police interviews (e.g., immediately pleading guilty)<sup>327</sup>;</li> <li>• During police interviews (e.g., after an arrest) they use language that a child would usually not use (e.g., “It’s my right”, “I’ve got rights”);</li> <li>• They start to challenge the interviewer (e.g., with the questioned individual saying “how many statutory sessions do I have to undertake?”).</li> </ul> <p><b><u>Questions that might be asked by the first responders:</u></b></p> <ul style="list-style-type: none"> <li>○ What do you mean by what you just said? Where did you get this information from?</li> <li>○ What do you think this phrase/term you just used means?<sup>328</sup></li> </ul>
Non-verbal (behaviour)	N/A
Visible (physical)	<ul style="list-style-type: none"> <li>• Their solicitor is connected to a County Lines gang/an OCG;</li> <li>• Disclosure of a sexual or physical assault, followed by withdrawal of the allegation.</li> </ul>
<b>Indicators of Purpose</b>	
Sudden change in use of language (using phrases/terms in relation to drug dealing and/or violence)	
Verbal (communicated)	<ul style="list-style-type: none"> <li>• Saying ‘running a line’, ‘going OT/out there’, ‘going country’, and ‘going cunch’ – referring to going out of town to deliver drugs or money;</li> </ul>

<sup>324</sup> E.g., exploiters may take them to a hospital outside their city to ensure the injuries are not recorded in their home city. When questioned at the hospital a child may say that they are visiting their aunt or uncle and that someone beat them up on the street. They will give a false name and address; potentially a cuckooed address.

<sup>325</sup> The individual may think that their mother can't protect them (as often told by their exploiter). They might feel that the exploiter is more protective of them than their own mother.

<sup>326</sup> The child will have access to drugs through the exploiter and/or money due to criminal activities.

<sup>327</sup> This shows that they are still controlled even after an arrest.

<sup>328</sup> They might not answer/are unable to answer as it was an adult/exploiter who told them to use these phrases/terms.

	<ul style="list-style-type: none"> <li>Saying 'trapping' – referring to the act of selling drugs or moving drugs from one town to another</li> <li>*Linked to this are the terms 'trap house', 'trap line/deal line', and 'drug debt'. 'Bando' is similar to 'trap house'. A cuckooed address can also be referred to as 'spot'.</li> <li>Use of sexualised language;</li> <li>Saying 'OBS/OPPO' – referring to rivalling gang in the neighbourhood (their opposition);</li> <li>Saying 'plugging' – referring to concealing drugs for transporting (usually inserted into the rectum or vagina);</li> <li>Saying 'shotter' – referring to a drug dealer;</li> <li>Saying 'G' – referring to a gram of illegal drugs; 'Q' means a quarter of an ounce of drugs<sup>329</sup>.</li> </ul>
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>Associating with or being interested in gang culture.</li> </ul>
Visible (physical)	N/A
Receiving a significant amount of phone calls and/or texts (an indicator for criminal activity).	
Verbal (communicated)	<p><b><u>Questions that might be asked by the first responders:</u></b></p> <ul style="list-style-type: none"> <li>Who are you speaking to on the phone?</li> <li>Who is texting you?</li> <li>Do your parents know them?</li> </ul>
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>The individual is being secretive about who they are speaking to.</li> </ul>
Visible (physical)	<ul style="list-style-type: none"> <li>The individual owns multiple mobile phone handsets, phones, tablets, or SIM cards;</li> <li>The individual receives an excessive (constant) number of texts and/or phone calls;</li> <li>The individual receives an excessive number of texts or phone calls at all hours of the day;</li> <li>The individual leaves the room to take calls and receive calls from somebody older.</li> </ul>
Suddenly having unexplained money and/or owning unexplained and unaffordable items (as payment for criminal activities)	
Verbal (communicated)	<ul style="list-style-type: none"> <li>Can't explain how they paid for the items/can't account for them.</li> </ul> <p><b><u>Questions that might be asked by the first responders:</u></b></p> <ul style="list-style-type: none"> <li>How did you pay for these items?</li> <li>How did you get them?</li> </ul>
Non-verbal (behaviour)	<ul style="list-style-type: none"> <li>Increased interest in making money.</li> </ul>
Visible (physical)	<ul style="list-style-type: none"> <li>Suddenly having unexplained (significant) amounts of money, new clothes (e.g., new trainers and branded clothing), electronic devices, jewellery, or mobile phones;</li> <li>Getting new haircuts (without parents giving them money for it);</li> <li>The individual might post drug related wealth on social media platforms (e.g., suddenly post with a stack of £20 notes or designer clothes or expensive items);</li> <li>An individual that is in custody suddenly changes their clothing and wears popular brands<sup>330</sup>.</li> </ul>
The person is found with suspicious items or committing crimes linked to County Lines/criminal activities	
Verbal (communicated)	N/A
Non-verbal (behaviour)	N/A
Visible (physical)	<ul style="list-style-type: none"> <li>The individual is found carrying weapons;</li> <li>The individual is found with Vaseline which is used to aid drug plugging;</li> <li>The individual is found with drugs inside rectum or vagina;</li> <li>A young person is caught stealing cars and/or caught/seen driving erratically;</li> <li>The individual returns home with new/different rucksacks, boxes, or packages.</li> </ul>

### Case reporting and identification in UK



If you have spotted indicators of THB in County Lines and Cuckooing in UK, please report the case to the competent authorities. Those could be the police, Crime Commissioners, local authorities, National Health Service (NHS), UK's free Modern Slavery Helpline, or the emergency numbers

<sup>329</sup> The Children's Society (2020 b) have put together a complete dictionary of slang terms for further reference.

<sup>330</sup> Which will be paid from an exploiter from the outside to increase dept.

listed below. When it is easier, you may also report the case to a trusted, specialised NGO that will contact the authorities. You may also call the available helplines in UK.

The case reporting and the identification process of victims of County Lines and Cuckooing in the country is explained in the forthcoming paragraphs.

### i. When there is suspicion on modern slavery

The public can report suspected cases of modern slavery, including victims of County Lines and Cuckooing (e.g., if they believe that they have encountered a potential victim or want to report a suspicion) by using the **UK's free Modern Slavery Helpline**, operated by the UK's modern slavery charity Unseen.<sup>331</sup> Unseen works with partners such as NGOs, the police, Police and Crime Commissioners, local authorities, and the NHS to raise awareness about the helpline<sup>332</sup> Apart from calling the Modern Slavery Helpline, the public can call the police or dial the UK's emergency numbers: 999 or 112; Crimestoppers on 0800 555 111 or Childline on 0800 1111.<sup>333</sup>

### ii. Identification and referral of victims

**An individual is not able to self-refer to the National Referral Mechanism. Only the so-called 'First Responder' organisations are authorised to refer the potential victims of modern slavery to the NRM.** While Scotland and North Ireland have different cohorts, in 2022, the list of first responder organisations in England and in Wales includes 18 statutory and non-statutory organisations, responsible for:

-  identifying victims of modern slavery (including recognising indicators of modern slavery);
-  collecting information to understand what has happened to the suspected victim;
-  referring victims into the NRM using a provided online form;
-  serving as point of contact for the Competent Authority<sup>334</sup>

**UK's first responder organisations in 2022:** Police forces, certain parts of the Home Office, UK Visas and Immigration, Border Force, Immigration Enforcement, NCA, local authorities, GLAA, Salvation Army, Migrant Help, Medaille Trust, Kalayaan, Barnardo's, Unseen, NSPCC (Child Trafficking Advice Centre), BAWSO, New Pathways, and Refugee Council.<sup>335</sup>



If the suspected victim is a child (under 18 years), no consent from the child needs to be given to submit a referral. However, children must be safeguarded as a first step before referring them into the NRM process. In addition to an NRM referral, first responders are also encouraged to refer a child to an ICTG service using an online form.<sup>336</sup>



Adults, on the other hand, must give their informed consent to be referred to the NRM. For this, first responders need to explain to the individual what the NRM is, what support they can access through it, and, lastly, what the outcomes of this process could be. Since 2015, "specified public authorities are required to notify the Home Office about any potential victims of modern slavery they encounter in England and Wales" Thus, if an adult does not consent to being referred through the NRM, a so-called Duty of Notify referral (DtN) must be completed. This is possible through the same online process as for the NRM referral. In general, the NRM online process contains a single online form (that will change depending on information entered)<sup>337</sup>. Comprehensive information on identification and referral of the potential trafficking cases in UK are available in the following documents:

<sup>331</sup> National Crime Agency (NCA) (n.d. c). *Modern slavery and human trafficking*

<sup>332</sup> Modern Slavery Helpline (2017). *Frequently asked Questions. Modern Slavery Helpline and Resource Centre*. February 2017.

<sup>333</sup> National Crime Agency (NCA) (n.d. a). *County Lines*

<sup>334</sup> HM Government (2022). *Guidance: National referral mechanism guidance: adult (England and Wales)*. May 2022.

<sup>335</sup> HM Government (2022). *Guidance: National referral mechanism guidance: adult (England and Wales)*. May 2022.

<sup>336</sup> Home Office (2022 b). *Modern Slavery: Statutory Guidance for England and Wales (under 49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland. Version 2.10.*

<sup>337</sup> Ibid.

- + [Guidance: National referral mechanism guidance: adult \(England and Wales\)](#); briefly outlining the referral process, first responder organisations, the key components as well as indicators of modern slavery, how access to support works, the role of ICTGs, and how to refer modern slavery victims to the police<sup>338</sup>.
- + [Modern Slavery: Statutory Guidance for England and Wales \(under 49 of the Modern Slavery Act 2015\) and Non-Statutory Guidance for Scotland and Northern Ireland](#).<sup>339</sup> The Statutory Guidelines list comprehensive indicators of modern slavery, including general and child-specific indicators, which are presented in the **Annex 7** of this Manual.<sup>340</sup>

**iii. Assessment of the case and reasonable grounds decision**

Once a referral has been made through the NRM, the Home Office/Competent Authority aims to provide a Reasonable Grounds (RG) decision (meaning the decision from the Competent Authority that someone is definitely a victim of modern slavery) within 5 working days. After a positive RG decision, they can access support covering safe accommodation, financial support, free legal representation for immigration (if meeting the eligibility criteria), independent emotional as well as practical help, and access to the UK’s National Health Service (NHS). In England and Wales the Salvation Army (an international charity headquartered in London) delivers support for victims along with a number of additional subcontractors.<sup>341</sup> The Competent Authority should make a Conclusive Grounds (CG) decision, which should be followed by a Recovery Needs Assessment. However, if an individual receives a negative RG or CG decision, there is no right of appeal.<sup>342</sup>

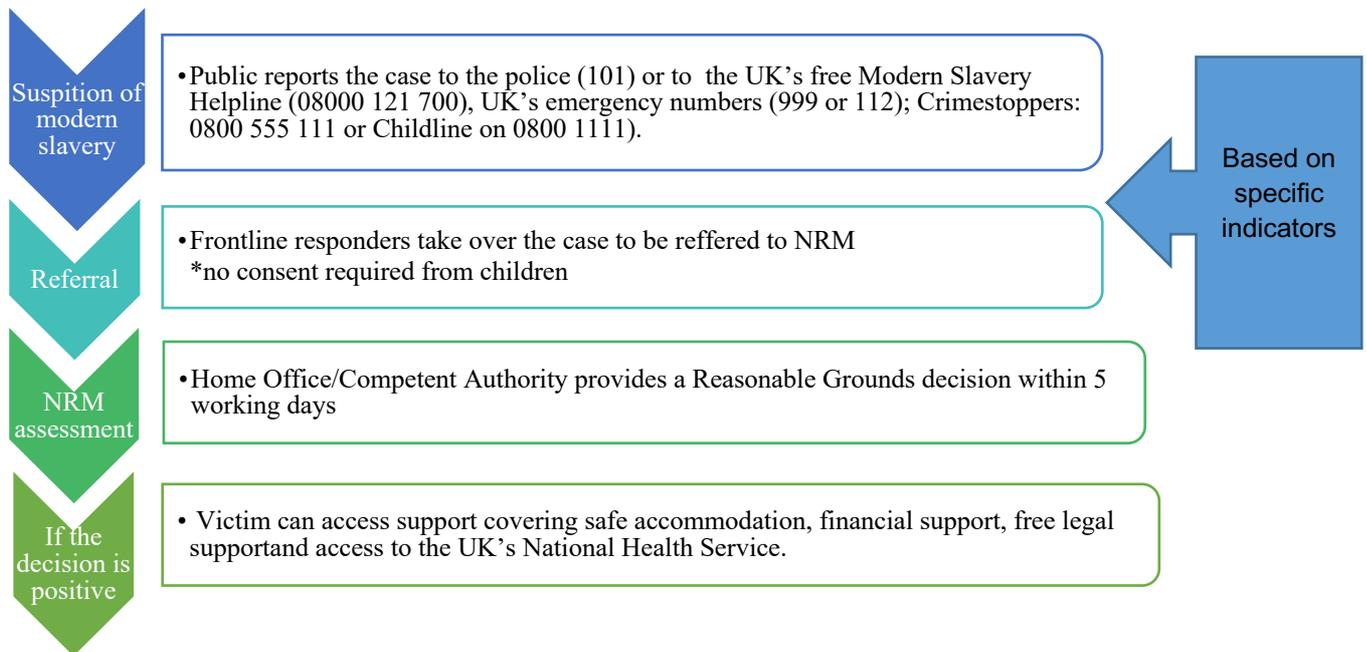


Figure 27: Process of identification and referral of victims to NRM

<sup>338</sup> HM Government (2022). *Guidance: National referral mechanism guidance: adult (England and Wales)*. May 2022.

<sup>339</sup> Home Office (2022 b). *Modern Slavery: Statutory Guidance for England and Wales (under 49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland. Version 2.10*.

<sup>340</sup> For instance, Unseen, CrimeStoppers UK, The Salvation Army.

<sup>341</sup> Ibid.

<sup>342</sup> Kalayaan (n.d.). *Victims of Trafficking and Modern Slavery*.

## ANNEX 1 – Trafficking in Human Beings

### Internationally Available Indicators

International organisations have developed sets of general indicators to support frontline responders to be able to detect possible trafficking victims/cases in their daily work. The indicators developed by United Nations Office on Drugs and Crime (UNODC), International Labour Organisation (ILO) and International Organisation for Migration (IOM), elaborated in Tables 15, 16 and 17, are clustered by type of exploitation and can be resourceful to any practitioners working directly on those issues or indirectly who could have contact with a possible victim in those contexts.

Table 15: UNODC human trafficking indicators.

GENERAL INDICATORS	
People who have been trafficked may:	
	Believe that they must work against their will
	Be unable to leave their work environment
	Show signs that their movements are being controlled
	Feel that they cannot leave
	Show fear or anxiety
	Be subjected to violence or threats of violence against themselves or against their family members and loved ones
	Suffer injuries that appear to be the result of an assault
	Suffer injuries or impairments typical of certain jobs or control measures
	Suffer injuries that appear to be the result of the application of control measures
	Be distrustful of the authorities
	Be threatened with being handed over to the authorities
	Be afraid of revealing their immigration status
	Not be in possession of their passports or other travel or identity documents, as those documents are being held by someone else
	Have false identity or travel documents
	Be found in or connected to a type of location likely to be used for exploiting people
	Be unfamiliar with the local language
	Not know their home or work address
	Allow others to speak for them when addressed directly
	Act as if they were instructed by someone else
	Be forced to work under certain conditions
	Be disciplined through punishment
	Be unable to negotiate working conditions
	Receive little or no payment
	Have no access to their earnings
	Work excessively long hours over long periods
	Not have any days off
	Live in poor or substandard accommodations
	Have no access to medical care
	Have limited or no social interaction
	Have limited contact with their families or with people outside of their immediate environment

-  Be unable to communicate freely with others
-  Be under the perception that they are bonded by debt
-  Be in a situation of dependence
-  Come from a place known to be a source of human trafficking
-  Have had the fees for their transport to the country of destination paid for by facilitators, whom they must payback by working or providing services in the destination
-  Have acted on the basis of false promises

### SEXUAL EXPLOITATION

People who have been trafficked for the purpose of sexual exploitation may:

-  Be of any age, although the age may vary according to the location and the market
-  Move from one brothel to the next or work in various locations
-  Be escorted whenever they go to and return from work and other outside activities
-  Have tattoos or other marks indicating “ownership” by their exploiters
-  Work long hours or have few if any days off
-  Sleep where they work
-  Live or travel in a group, sometimes with other women who do not speak the same language
-  Have very few items of clothing
-  Have clothes that are mostly the kind typically worn for doing sex work
-  Only know how to say sex-related words in the local language or in the language of the client group
-  Have no cash of their own
-  Be unable to show an identity document

The following might also indicate that children have been trafficked:

-  There is evidence that suspected victims have had unprotected and/or violent sex.
-  There is evidence that suspected victims cannot refuse unprotected and/or violent sex.
-  There is evidence that a person has been bought and sold.
-  There is evidence that groups of women are under the control of others.
-  Advertisements are placed for brothels or similar places offering the services of women of a particular ethnicity or nationality.
-  It is reported that sex workers provide services to a clientele of a particular ethnicity or nationality.
-  It is reported by clients that sex workers do not smile.

### DOMESTIC SERVITUDE

People who have been trafficked for the purpose of domestic servitude may:

-  Live with a family
-  Not eat with the rest of the family
-  Have no private space
-  Sleep in a shared or inappropriate space
-  Be reported missing by their employer even though they are still living in their employer's house
-  Never or rarely leave the house for social reasons
-  Never leave the house without their employer
-  Be given only leftovers to eat
-  Be subjected to insults, abuse, threats or violence

## BEGGING AND PETTY CRIME

People who have been trafficked for the purpose of begging or committing petty crimes may:

- ✚ Be children, elderly persons or disabled migrants who tend to beg in public places and on public transport
- ✚ Be children carrying and/or selling illicit drugs
- ✚ Have physical impairments that appear to be the result of mutilation
- ✚ Be children of the same nationality or ethnicity who move in large groups with only a few adults
- ✚ Be unaccompanied children who have been “found” by an adult of the same nationality or ethnicity
- ✚ Move in groups while travelling on public transport: for example, they may walk up and down the length of trains
- ✚ Participate in the activities of organized criminal gangs
- ✚ Be part of large groups of children who have the same adult guardian
- ✚ Be punished if they do not collect or steal enough
- ✚ Live with members of their gang
- ✚ Travel with members of their gang to the country of destination
- ✚ Live, as gang members, with adults who are not their parents
- ✚ Move daily in large groups and over considerable distances
- ✚ The following might also indicate that people have been trafficked for begging or for committing petty crimes:
- ✚ New forms of gang-related crime appear.
- ✚ There is evidence that the group of suspected victims has moved, over a period of time, through a number of countries.
- ✚ There is evidence that suspected victims have been involved in begging or in committing petty crimes in another country.

## LABOUR EXPLOITATION

People who have been trafficked for the purpose of labour exploitation are typically made to work in sectors such as the following: agriculture, construction, entertainment, service industry and manufacturing (in sweatshops).

People who have been trafficked for labour exploitation may:

- ✚ Live in groups in the same place where they work and leave those premises infrequently, if at all
- ✚ Live in degraded, unsuitable places, such as in agricultural or industrial buildings
- ✚ Not be dressed adequately for the work they do: for example, they may lack protective equipment or warm clothing
- ✚ Be given only leftovers to eat
- ✚ Have no access to their earnings
- ✚ Have no labour contract
- ✚ Work excessively long hours
- ✚ Depend on their employer for a number of services, including work, transportation and accommodation
- ✚ Have no choice of accommodation
- ✚ Never leave the work premises without their employer
- ✚ Be unable to move freely
- ✚ Be subject to security measures designed to keep them on the work premises
- ✚ Be disciplined through fines
- ✚ Be subjected to insults, abuse, threats or violence
- ✚ A lack basic training and professional licences
- ✚ The following might also indicate that people have been trafficked for labour exploitation:
- ✚ Notices have been posted in languages other than the local language.

-  There are no health and safety notices.
-  The employer or manager is unable to show the documents required for employing workers from other countries.
-  The employer or manager is unable to show records of wages paid to workers.
-  The health and safety equipment is of poor quality or is missing.
-  Equipment is designed or has been modified so that it can be operated by children.
-  There is evidence that labour laws are being breached.
-  There is evidence that workers must pay for tools, food or accommodation or that those costs are being deducted from their wages.

## CHILD TRAFFICKING

Children who have been trafficked may:

-  Have no access to their parents or guardians
-  Look intimidated and behave in a way that does not correspond with behaviour typical of children their age
-  Have no friends of their own age outside of work
-  Have no access to education
-  Have no time for playing
-  Live apart from other children and in substandard accommodations
-  Eat apart from other members of the "family"
-  Be given only leftovers to eat
-  Be engaged in work that is not suitable for children
-  Travel unaccompanied by adults
-  Travel in groups with persons who are not relatives
-  The following might also indicate that children have been trafficked:
-  The presence of child-sized clothing typically worn for doing manual or sex work
-  The presence of toys, beds and children's clothing in inappropriate places such as brothels and factories
-  The claim made by an adult that he or she has "found" an unaccompanied child
-  The finding of unaccompanied children carrying telephone numbers for calling taxis
-  The discovery of cases involving illegal adoption

### ILO INDICATORS OF HUMAN TRAFFICKING<sup>343</sup>

*"Each indicator is qualified as either strong, medium or weak. However, a single indicator can be strong for children and at the same time be medium for adults, or strong for sex exploitation and weak for labour exploitation. For each potential victim, each of the six dimensions of the trafficking definition is assessed independently from the others. The result of the assessment is positive if the dimension is present for the potential victim, negative if not. In order to be assessed as positive, a dimension must include at least:*

- *Two strong indicators, or*
- *One strong indicator and one medium or weak indicator, or*
- *Three medium indicators, or*
- *Two medium indicators and one weak indicator.*<sup>344</sup>

<sup>343</sup> Extracted from: ILO (2009). *Operational indicators of trafficking in human beings.*

<sup>344</sup> Ibid.

Table 16: ILO human trafficking indicators.

ADULTS IN LABOUR EXPLOITATION	
Indicators of Deceptive Recruitment	<p><u>Strong Indicator – Deceived about...</u></p> <ul style="list-style-type: none"> <li>• The nature of the job, location or employer</li> </ul> <p><u>Medium Indicators – Deceived about...</u></p> <ul style="list-style-type: none"> <li>• Conditions of work</li> <li>• Content or legality of work contract</li> <li>• Family reunification</li> <li>• Housing and living conditions</li> <li>• Legal documentation or obtaining legal migration status</li> <li>• Travel and recruitment conditions</li> <li>• Wages/earnings</li> <li>• Through promises of marriage or adoption</li> </ul> <p><u>Weak Indicator – Deceived about...</u></p> <ul style="list-style-type: none"> <li>• Access to education opportunities</li> </ul>
Indicators of Coercive Recruitment	<p><u>Strong Indicator</u></p> <ul style="list-style-type: none"> <li>• Violence on victims</li> </ul> <p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Abduction, forced marriage, forced adoption or selling of victim</li> <li>• Confiscation of documents</li> <li>• Debt bondage, Isolation, confinement or surveillance</li> <li>• Threat of denunciation to authorities</li> <li>• Threats of violence against victim</li> <li>• Threats to inform family, community or public</li> <li>• Violence on family (threats or effective)</li> <li>• Withholding of money</li> </ul>
Indicators of Recruitment by Abuse of Vulnerability	<p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Abuse of difficult family situation</li> <li>• Abuse of illegal status</li> <li>• Abuse of lack of education (language)</li> <li>• Abuse of lack of information</li> <li>• Control of exploiters</li> <li>• Economic reasons</li> <li>• False information about law, attitude of authorities</li> <li>• False information about successful migration</li> <li>• Family situation</li> <li>• Personal situation</li> <li>• Psychological and emotional dependency</li> <li>• Relationship with authorities/legal status</li> </ul> <p><u>Weak Indicators</u></p> <ul style="list-style-type: none"> <li>• Abuse of cultural/religious beliefs</li> <li>• General context</li> <li>• Difficulties in the past</li> <li>• Difficulty to organise the travel</li> </ul>
Indicators of Exploitation	<p><u>Strong Indicator</u></p> <ul style="list-style-type: none"> <li>• Excessive working days or hours</li> </ul> <p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Bad living conditions</li> </ul>

	<ul style="list-style-type: none"> <li>• Hazardous work</li> <li>• Low or no salary</li> <li>• No respect of labour laws or contract signed</li> <li>• No social protection (contract, social insurance, etc.)</li> <li>• Very bad working conditions</li> <li>• Wage manipulation</li> </ul> <p><u>Weak Indicator</u></p> <ul style="list-style-type: none"> <li>• No access to education</li> </ul>
<p><b>Indicators of Coercion at Destination</b></p>	<p><u>Strong Indicators</u></p> <ul style="list-style-type: none"> <li>• Confiscation of documents</li> <li>• Debt bondage</li> <li>• Isolation, confinement or surveillance</li> <li>• Violence on victims</li> </ul> <p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Forced into illicit/criminal activities</li> <li>• Forced tasks or clients</li> <li>• Forced to act against peers</li> <li>• Forced to lie to authorities, family, etc.</li> <li>• Threat of denunciation to authorities</li> <li>• Threat to impose even worse working conditions</li> <li>• Threats of violence against victim</li> <li>• Under strong influence</li> <li>• Violence on family (threats or effective)</li> <li>• Withholding of wages</li> </ul> <p><u>Weak Indicator</u></p> <ul style="list-style-type: none"> <li>• Threats to inform family, community or public</li> </ul>
<p><b>Indicators of Abuse of Vulnerability at Destination</b></p>	<p><u>Medium Indicators</u></p> <p>Dependency on exploiters          Difficulty to live in an unknown area          Economic reasons          Family situation          Relationship with authorities/legal status</p> <p><u>Weak Indicators</u></p> <p>Difficulties in the past          Personal characteristics</p>
<p><b>CHILDREN IN LABOUR EXPLOITATION</b></p>	
<p><b>Indicators of Deceptive Recruitment</b></p>	<p><u>Strong Indicator – Deceived about...</u></p> <ul style="list-style-type: none"> <li>• Access to education opportunities</li> <li>• The nature of the job, location or employer</li> </ul> <p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Conditions of work</li> <li>• Content or legality of work contract</li> <li>• Family reunification</li> <li>• Housing and living conditions</li> <li>• Legal documentation or obtaining legal migration status</li> <li>• Travel and recruitment conditions</li> <li>• Wages/earnings</li> <li>• Through promises of marriage or adoption</li> </ul>

<b>Indicators of Coercive Recruitment</b>	<p><u>Strong Indicators</u></p> <ul style="list-style-type: none"> <li>• Abduction, forced marriage, forced adoption or selling of victim</li> <li>• Debt bondage</li> <li>• Threats of violence against victim</li> <li>• Violence on victims</li> </ul> <p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Confiscation of documents</li> <li>• Isolation, confinement or surveillance</li> <li>• Threat of denunciation to authorities</li> <li>• Threats to inform family, community or public</li> <li>• Violence on family (threats or effective)</li> <li>• Withholding of money</li> </ul>
<b>Indicators of Recruitment by Abuse of Vulnerability</b>	<p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Abuse of cultural/religious beliefs</li> <li>• Abuse of difficult family situation</li> <li>• Abuse of illegal status</li> <li>• Abuse of lack of education (language)</li> <li>• Abuse of lack of information</li> <li>• Control of exploiters</li> <li>• Difficulties in the past</li> <li>• Difficulty to organise the travel</li> <li>• Economic reasons</li> <li>• False information about successful migration</li> <li>• Family situation</li> <li>• General context</li> <li>• Personal situation</li> <li>• Psychological and emotional dependency</li> <li>• Relationship with authorities/legal status</li> </ul>
<b>Indicators of Exploitation</b>	<p><u>Strong Indicators</u></p> <ul style="list-style-type: none"> <li>• Excessive working days or hours</li> </ul> <p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Bad living conditions</li> <li>• Hazardous work</li> <li>• Low or no salary</li> <li>• No access to education</li> <li>• No respect of labour laws or contract signed</li> <li>• Very bad working conditions</li> <li>• Wage manipulation</li> </ul>
<b>Indicators of Coercion at Destination</b>	<p><u>Strong Indicators</u></p> <ul style="list-style-type: none"> <li>• Confiscation of documents</li> <li>• Debt bondage</li> <li>• Forced into illicit/criminal activities</li> <li>• Forced tasks or clients</li> <li>• Isolation, confinement or surveillance</li> <li>• Threats of violence against victim</li> <li>• Under strong influence</li> <li>• Violence on victims</li> </ul> <p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Forced to act against peers</li> <li>• Forced to lie to authorities, family, etc.</li> <li>• Threat of denunciation to authorities</li> </ul>

	<ul style="list-style-type: none"> <li>• Threat to impose even worse working conditions</li> <li>• Threats to inform family, community or public</li> <li>• Violence on family (threats or effective)</li> <li>• Withholding of wages</li> </ul>
<p><b>Indicators of Abuse of Vulnerability at destination</b></p>	<p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Dependency on exploiters</li> <li>• Difficulties in the past</li> <li>• Difficulty to live in an unknown area</li> <li>• Economic reasons</li> <li>• Family situation</li> <li>• Personal characteristics</li> <li>• Relationship with authorities/legal status</li> </ul>
<p><b>ADULTS IN SEXUAL EXPLOITATION</b></p>	
<p><b>Indicators of Deceptive Recruitment</b></p>	<p><u>Strong Indicator – Deceived about...</u></p> <ul style="list-style-type: none"> <li>• The nature of the job or location</li> </ul> <p><u>Medium Indicators – Deceived about...</u></p> <ul style="list-style-type: none"> <li>• Conditions of prostitution</li> <li>• Content or legality of work contract</li> <li>• Family reunification</li> <li>• Housing and living conditions</li> <li>• Legal documentation or obtaining legal migration status</li> <li>• Travel and recruitment conditions</li> <li>• Wages/earnings</li> <li>• Through promises of marriage or adoption</li> </ul> <p><u>Weak Indicator – Deceived about...</u></p> <ul style="list-style-type: none"> <li>• Access to education opportunities</li> </ul>
<p><b>Indicators of Coercive Recruitment</b></p>	<p><u>Strong Indicators</u></p> <ul style="list-style-type: none"> <li>• Abduction, forced marriage, or selling of victim</li> <li>• Debt bondage</li> <li>• Threats of violence against victim</li> <li>• Violence on victims</li> </ul> <p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Confiscation of documents</li> <li>• Isolation, confinement or surveillance</li> <li>• Threat of denunciation to authorities</li> <li>• Threats to inform family, community or public</li> <li>• Violence on family (threats or effective)</li> <li>• Withholding of money</li> </ul>
<p><b>Indicators of Recruitment by Abuse of Vulnerability</b></p>	<p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Abuse of difficult family situation</li> <li>• Abuse of illegal status</li> <li>• Abuse of lack of education (language)</li> <li>• Abuse of lack of information</li> <li>• Control of exploiters</li> <li>• Difficulties in the past</li> <li>• Difficulty to organise the travel</li> <li>• Economic reasons</li> <li>• False information about law, attitude of authorities</li> <li>• False information about successful migration</li> <li>• Family situation</li> </ul>

	<ul style="list-style-type: none"> <li>• General context</li> <li>• Personal situation</li> <li>• Psychological and emotional dependency</li> <li>• Relationship with authorities/legal status</li> </ul> <p><u>Weak Indicator</u></p> <ul style="list-style-type: none"> <li>• Abuse of cultural/religious beliefs</li> </ul>
<p><b>Indicators of Exploitation</b></p>	<p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Bad living conditions</li> <li>• Excessive working days or hours</li> <li>• Hazardous work</li> <li>• Low or no salary</li> <li>• No respect of labour laws or contract signed</li> <li>• No social protection (contract, social insurance, etc.)</li> <li>• Very bad working conditions</li> <li>• Wage manipulation</li> </ul>
<p><b>Indicators of Coercion at Destination</b></p>	<p><u>Strong Indicators</u></p> <ul style="list-style-type: none"> <li>• Confiscation of documents</li> <li>• Debt bondage</li> <li>• Forced tasks or clients</li> <li>• Isolation, confinement or surveillance</li> <li>• Threats of violence against victim</li> <li>• Violence on victims</li> </ul> <p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Forced into illicit/criminal activities</li> <li>• Forced to act against peers</li> <li>• Forced to lie to authorities, family, etc.</li> <li>• Threat of denunciation to authorities</li> <li>• Threat to impose even worse working conditions</li> <li>• Threats to inform family, community or public</li> <li>• Under strong influence</li> <li>• Violence on family (threats or effective)</li> <li>• Withholding of wages</li> </ul>
<p><b>Indicators of Abuse of Vulnerability at Destination</b></p>	<p><u>Medium Indicators</u></p> <p>Dependency on exploiters          Difficulty to live in an unknown area          Economic reasons          Family situation          Personal characteristics          Relationship with authorities/legal status</p> <p><u>Weak Indicator</u></p> <p>Difficulties in the past</p>
<p><b>CHILDREN IN SEXUAL EXPLOITATION</b></p>	
<p><b>Indicators of Deceptive Recruitment</b></p>	<p><u>Strong Indicator – Deceived about...</u></p> <ul style="list-style-type: none"> <li>• The nature of the job or location</li> </ul> <p><u>Medium Indicators – Deceived about...</u></p> <ul style="list-style-type: none"> <li>• Access to education opportunities</li> <li>• Conditions of prostitution</li> <li>• Content or legality of work contract</li> </ul>

	<ul style="list-style-type: none"> <li>• Family reunification</li> <li>• Housing and living conditions</li> <li>• Legal documentation or obtaining legal migration status</li> <li>• Travel and recruitment conditions</li> <li>• Wages/earnings</li> <li>• Through promises of marriage or adoption</li> </ul>
<p><b>Indicators of Coercive Recruitment</b></p>	<p><u>Strong Indicators</u></p> <ul style="list-style-type: none"> <li>• Abduction, forced marriage, forced adoption or selling of victim</li> <li>• Debt bondage</li> <li>• Isolation, confinement or surveillance</li> <li>• Threats of violence against victim</li> <li>• Violence on victims</li> </ul> <p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Confiscation of documents</li> <li>• Threat of denunciation to authorities</li> <li>• Threats to inform family, community or public</li> <li>• Violence on family (threats or effective)</li> <li>• Withholding of money</li> </ul>
<p><b>Indicators of Recruitment by Abuse of Vulnerability</b></p>	<p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Abuse of cultural/religious beliefs</li> <li>• Abuse of difficult family situation</li> <li>• Abuse of illegal status</li> <li>• Abuse of lack of education (language)</li> <li>• Abuse of lack of information</li> <li>• Control of exploiters</li> <li>• Difficulties in the past</li> <li>• Difficulty to organise the travel</li> <li>• Economic reasons</li> <li>• False information about law, attitude of authorities</li> <li>• False information about successful migration</li> <li>• Family situation</li> <li>• General context</li> <li>• Personal situation</li> <li>• Psychological and emotional dependency</li> <li>• Relationship with authorities/legal status</li> </ul>
<p><b>Indicators of Exploitation</b></p>	<p><u>Strong Indicator</u></p> <ul style="list-style-type: none"> <li>• Hazardous work</li> </ul> <p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Bad living conditions</li> <li>• Excessive working days or hours</li> <li>• Low or no salary</li> <li>• No social protection (contract, social insurance, etc.)</li> <li>• Very bad working conditions</li> <li>• Wage manipulation</li> </ul>
<p><b>Indicators of Coercion at Destination</b></p>	<p><u>Strong Indicators</u></p> <ul style="list-style-type: none"> <li>• Confiscation of documents</li> <li>• Debt bondage</li> <li>• Forced into illicit/criminal activities</li> <li>• Forced tasks or clients</li> <li>• Isolation, confinement or surveillance</li> <li>• Threats of violence against victim</li> <li>• Under strong influence</li> </ul>

	<ul style="list-style-type: none"> <li>• Violence on victims</li> </ul> <p><u>Medium Indicators</u></p> <ul style="list-style-type: none"> <li>• Forced to act against peers</li> <li>• Forced to lie to authorities, family, etc.</li> <li>• Threat of denunciation to authorities</li> <li>• Threat to impose even worse working conditions</li> <li>• Threats to inform family, community or public</li> <li>• Violence on family (threats or effective)</li> <li>• Withholding of wages</li> </ul>
<p>Indicators of Abuse of Vulnerability at destination</p>	<p><u>Strong Indicator</u> Dependency on exploiters</p> <p><u>Medium Indicators</u> Difficulties in the past Difficulty to live in an unknown area Economic reasons Family situation Personal characteristics Relationship with authorities/legal status</p>

Table 17: IOM common signs or indicators of THB<sup>345</sup>

SEXUAL EXPLOITATION	
	<p>Victims of sexual exploitation...</p> <ul style="list-style-type: none"> <li>• Are of varied age and gender</li> <li>• Work as prostitutes or escorts in massage parlours</li> <li>• Cannot refuse unprotected or violent sex</li> <li>• Have a pimp or madam</li> <li>• Dress inappropriately for the venue or weather/clothing is associated with sex work</li> <li>• Show signs of physical or substance abuse</li> <li>• Are malnourished</li> <li>• Have tattoos or other marks of ownership</li> <li>• Work long hours/have no days off and sleep where they work</li> <li>• Live or travel in groups</li> <li>• Have no access or control over the money they make</li> </ul>
LABOUR EXPLOITATION	
	<p>Victims of labour exploitation...</p> <ul style="list-style-type: none"> <li>• Are hired on false promise or job</li> <li>• Are in debt bondage situation with the employer</li> <li>• Live with multiple people in a cramped environment</li> <li>• Work in sectors commonly associated with trafficking</li> <li>• Have no access to basic services, such as food, appropriate clothing, health and hygiene materials</li> <li>• Have no access or control over resources</li> </ul>

<sup>345</sup> Extracted from: IOM (2020). *Trafficking in Persons: Victim Identification and Assistance – Training Guide*. .

-  Work excessive hours/no days off
-  Have controlled movement and unable to leave freely
-  Are subjected to verbal or physical abuse, violence and threats from the employer

### DOMESTIC SERVITUDE

Victims of domestic servitude...

-  Live with a family, but do not eat with them or are given leftover food to eat
-  Sleep in shared places or inappropriate locations, such as a storeroom, kitchen or children's room
-  Are unable to move freely and have restricted communication with family or loved ones
-  Are subjected to verbal and physical abuse, insults and threats
-  Are subjected to sexual abuse or violence while in the home

### PETTY CRIME

Victims of petty crimes, begging and peddling...

-  Are children, elderly persons or disabled or migrants begging in public spaces
-  Are children selling or carrying illegal drugs
-  Have physical impairment that appear to be the result of mutilation
-  Are children or a number of elderly moving in groups
-  Are accompanied by a minder
-  Are punished or abused if they return without certain amount or items
-  Are consistently present in a particular location and time

## ANNEX 2 – General CSA/E

### Table of definitions<sup>346</sup>

The Act – Recruitment and/or Grooming	
Perpetrators/Offenders	<b>Perpetrator:</b> The Palermo Protocol uses the term “offender” in the context of criminal proceedings and “perpetrators” in situations prior to arrest or investigation.
Customers/Johns (CSE)	<b>Customers/Johns:</b> Persons who pay to sexually abuse children for their own gratification are frequently referred to as “customers” or “clients”, or sometimes as “Johns”.
Facilitators/intermediaries (CSE)	<b>Facilitator/intermediary:</b> individual who facilitates or aids and abets the (sometimes commercial) contact sexual offense against the child. The facilitator may be, but is not necessarily, a person who receives some kind of benefit for the sexual exploitation of a child (i.e., a taxi driver, a hotel receptionist, a family member), or anyone putting an abuser in contact with a child for exploitation, whether she or he is paid for this “service” or not. It can also include the private sector in the domain of ICTs and financial services.
Grooming <sup>347</sup>	It is a method used by offenders that involves building trust with a child and the adults around a child in an effort to gain access to and time alone with the child. Offenders may use threats and physical force to sexually assault or abuse a child. More common, though, are subtle approaches designed to build relationships with families.
Recruitment	Recruitment occurs in the place of origin and usually in a grooming process. Those in care, young carers, children not in full-time education, going missing regularly, family breakdown, domestic violence, family involvement in sexual exploitation, parents with high levels of vulnerabilities (drug or alcohol misuse, mental health issues, experience of physical abuse and emotional deprivation, experience of CSA), being bullied in school, children in residential care, those involved in the criminal justice system, young people with learning disabilities, and those who misuse drugs or alcohol.
Transportation (only for CSE)	Due to the risks and challenges associated with transporting victims across borders, domestic youth are preferred. It is important to distinguish between international and domestic sex trafficking due to the nuanced differences in the process of exploitation. Comparatively, domestic sex traffickers more often utilize interpersonal relationships and domestic violence to entrap their target, while international traffickers rely upon kidnapping, parents’ selling their children, and offering false promises of jobs abroad.
The Means – Control	
Threat/ Use of Force or other Form of Coercion	When the perpetrator uses force, threat, or another form of physical, moral, or psychological coercion in order to obtain the consent of the abused child to the transportation and/or exploitation. Consent obtained in this manner is called invalidated consent.
Abuse of Power or of a Position of Vulnerability	When the perpetrator uses their power (for example, in a hierarchical relationship in all the cases relating to a child) or the position of vulnerability of the child to be abused or exploited. emotional blackmail or the threat of exposing a child’s embarrassing secret to the public, mostly on the internet.
Fraud/ Deception	When the perpetrator uses fraudulent means, such as false employment contracts for a modelling or acting career, or makes deceptive promises like a scholarship or opportunity to study. Promise of travel, travel visas that are difficult or expensive, false elopement, or immigration to another country; false friendships, false marriage proposals, in order to obtain the consent of the progenitors to the transportation from the child to be abused or exploited. Via debt bondage, rendering service as payment for a family’s debt, and the outright purchase of a child from the child’s parent or guardian.
Giving or Receiving of Payments or Benefits to Achieve the Consent of a Person Having Control Over Another Person	When the perpetrator pays or receives benefits for convincing the progenitors of the child or a person with control over him by means of an advance payment.

<sup>346</sup> Most definitions compiled from ECPAT (2016). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. Available at: <https://ecpat.org/wp-content/uploads/2021/05/Terminology-guidelines-396922-EN-1.pdf>.

<sup>347</sup> U.S. Dep’t of Justice, National Sex Offender Public Website, SMART Program. “Get Answers about Sexual Abuse and Associated Risks: Common Questions.” Available also at: [www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-34/november-2015/understanding-sexual-grooming-in-child-abuse-cases/](http://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-34/november-2015/understanding-sexual-grooming-in-child-abuse-cases/).

Forms of Child Sexual Abuse <sup>348</sup>	
Incest	Refers to the sexual activity between two people who are very closely related in a family. While some domestic legal systems require blood ties for a sexual activity to constitute incest, others have broadened the notion to include family members who are not blood relatives. It is sometimes defined as “the crime of having sexual intercourse with a parent, child, sibling, or grandchild”.
Rape of a child	Rape is the crime of forcing someone (in this case a child) to have sex against her or his will, and it often involves the use of physical force or violence.
Child sexual molestation	Molestation refers to the act of touching or attacking someone, especially a child, in a sexual way. The term “molestation” is widely used in family law contexts, where it usually relates to spousal or parental relations (e.g., “non-molestation clauses” in the context of matrimonial proceedings, spousal separation, or domestic violence in common law countries).
Sexual touching of children	Mainly refers to the act of touching the private parts of a child’s body and/or making the child touch her or his own private parts for the purpose of one’s own sexual arousal or gratification. Sexual touching often marks, along with sexual comments, the beginning of a gradually increasing process of sexual abuse of the child by an adult or by another child. For that reason, it may represent a crucial stage of intervention to avoid further and more serious sexual abuse of the child.
Sexual harassment of a child	Article 40 of the Istanbul Convention defines “sexual harassment” as any unwanted verbal, nonverbal, or physical behaviour of a sexual nature that violates the dignity of a person. This is especially true when it creates an environment that is intimidating, hostile, degrading, humiliating, or offensive.
Online child sexual abuse	Online sexual abuse can be any form of sexual abuse of children that has a link to the online environment. Thus, online sexual abuse can take the form of, for instance, sexual molestation and/or harassment through social media or other online channels. CSA also takes on an online dimension when, for instance, acts of sexual abuse are photographed or video- or audio-recorded and then uploaded and made available online, whether for personal use or for sharing with others.
Institutional child sexual abuse	<i>is used to distinguish child sexual abuse in an institutional context from that occurring in the family or other settings. It can take place in a wide variety of settings where individuals are in a position of power and trust in relation to children.</i> <sup>349</sup>
Forms of Child Sexual Exploitation <sup>350</sup>	
Sexual exploitation	A child is a victim of sexual exploitation when she or he takes part in a sexual activity in exchange for something (e.g., gain or benefit, or even the promise of such) from a third party, the perpetrator, or the child herself or himself. The term “exploitation” refers to the unfair use of something or someone for one’s own advantage or benefit, which includes both monetary and non-monetary exchanges.
Online child sexual exploitation	CSA/E increasingly takes place in or through the internet. The line between child sexual exploitation online and offline is often blurred, and, with the rapid evolution of ICTs, CSE with some online component is becoming increasingly common. The term “online child sexual exploitation” refers to the use of the Internet as a means to exploit children sexually. Indeed, the terms “ICT-facilitated” and “cyber-enabled” CSE are sometimes used as alternatives to define

<sup>348</sup> Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse Adopted by the Interagency Working Group in Luxembourg, 28 January 2016. Available:

[https://www.ohchr.org/sites/default/files/TerminologyGuidelines\\_en.pdf](https://www.ohchr.org/sites/default/files/TerminologyGuidelines_en.pdf)

<sup>349</sup> Available at: <https://www.csacentre.org.uk/resources/key-messages/institutional-csa/>

<sup>350</sup> It is important to note that in this part may not include other forms of child exploitation and sale of child (not directly related to sexual activities) specified by Doc. E/CN.4/1993/67, 12 January 1993. Sale of child with the purpose of: child forced labour, child labour exploitation, domestic servitude, forced/servile/early marriage (included by Doc. A/HRC/25/48, 23 December 2013, Paragraphs 26–27), sale of children’s organs; illegal adoption, criminal activities, exploitation of begging, exploitation in armed conflict “child soldiers” and “disappearances, abductions and kidnappings of children”. “Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse” (2016). Adopted by the Interagency Working Group in Luxembourg, 28 January 2016. Available: [https://www.ohchr.org/sites/default/files/TerminologyGuidelines\\_en.pdf](https://www.ohchr.org/sites/default/files/TerminologyGuidelines_en.pdf)

	these practices. While the term “online child sexual exploitation” can be used as an umbrella term to indicate such forms of sexual exploitation that have an online component or a relation to the Internet.
Exploitation of children in/for prostitution	Is frequently referred to as “child prostitution”, both in legal instruments adopted in the 21 <sup>st</sup> century and in mass media. Consists of a child performing a sexual act in exchange for (a promise of) something of value (money, objects, shelter, food, drugs, etc.). It is not necessarily the child who receives the object of exchange, but often a third person. It is not necessary that an object of exchange is actually given; the mere promise of an exchange suffices, even if it is never fulfilled.
Children in (a situation of) prostitution	This term indicates that the child is living in an environment of prostitution without being sexually exploited. For instance, the parents of the child or other members of the family may be involved in prostitution, either as prostitutes or as pimps. The term would then be used to describe a child who is at risk of being used in prostitution, but not necessarily a child who is already being used in prostitution.
Sexting/Sextortion	The most common form of self-generated sexually explicit content involving children is often done by and among consenting adolescents who derive pleasure from the experience, but there are also many forms of “unwanted sexting”. This refers to the non-consensual aspects of the activity, such as sharing or receiving unwanted sexually explicit photos, videos, or messages, for instance, by known or unknown persons trying to make contact with, put pressure on, or groom the child.
Sextortion	Sextortion is a form of sexual bullying where a child is pressured to send a picture, which is then distributed to a peer network without their consent. It also involves the interception of personal data (i.e. malware), even if the person has not forwarded his or her own personal content in the first place. Predators will demand sexual favours, money, or other benefits from the child under the threat of sharing their self-generated content.

#### OTHER FORMS OF CHILDREN EXPLOITATION: PURPOSES OF THE ACT

Forced Labour/ Labour Exploitation	“A work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (ILO Convention no. 29, 1930).
Domestic Servitude/ Slavery child <sup>351</sup>	To subject a child to labour exploitation or excessive working hours, or to degrading working conditions, in the domestic sphere. Slavery is far from limited to sexual violence and can include forced labour and trafficking for other than sexual purposes.
Sale of children <sup>352</sup>	The transfer of parental authority over and/or physical custody of a child to another on a more or less permanent basis in exchange for financial or other reward or consideration, as when a child is ‘rented’ out.
Forced/Early/Temporarily Marriage	“Forced marriage” is when a party does not validly consent to a marriage, while “early marriage” is when a party has not yet reached the minimum legal age for marriage. “Temporary marriage” refers to short-term contract marriages that often serve as an excuse to cover up or condone sexual exploitation or abuse <sup>353</sup> .
Removal of Organs	Removing child’s organs, without the valid consent of their relatives.
Illegal Adoption	Exploitation of a child by transferring him or her to another person without observing the legal formalities for an adoption process.

<sup>351</sup> CSA/E also occurs in forms that do not meet the constitutive elements of forced labour or slavery.

<sup>352</sup> Doc. E/CN.4/1999/71, 29 January 1999, Paragraph 33. Additionally, as noted by the UNICEF Implementation Handbook for the OPSC, “most acts that meet the definition of sale also meet the definition of trafficking, but there are some situations of sale that are not trafficking and vice versa.” The sale of a child becomes trafficking when an element of movement is involved: “Moving a child out of his or her social environment is a key element of the concept of trafficking because this is thought to increase the vulnerability of the victim.” Importantly, such movement does not necessarily involve the crossing of a border, and an act can amount trafficking even “when it occurs in the victim’s own home village, town or city”. “Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse” (2016). Adopted by the Interagency Working Group in Luxembourg, 28 January 2016.

[https://www.ohchr.org/sites/default/files/TerminologyGuidelines\\_en.pdf](https://www.ohchr.org/sites/default/files/TerminologyGuidelines_en.pdf)

<sup>353</sup> For more information on Islamic temporary marriages, see: <http://www.gatestoneinstitute.org/3748/uk-islamic-temporary-marriages> and <http://www.dailynewsegypt.com/2012/12/25/a-business-deal-called-marriage/>

<b>Criminal Activities</b>	Exploitation of a child, forcing them to engage in criminal activities such as transporting narcotics from one place to another, petty theft, etc.
<b>Exploitation of Child Begging</b>	The exploitation of begging, whereby begging indicates classic begging (a child asks a stranger for money, due to their poverty or for the benefit of religious institutions or charities); auxiliary begging activities (sale of token items whose price is not in accordance with their value; or offering small services (washing and parking cars, helping with shopping, and playing musical instruments on the streets) <sup>354</sup> .
<b>Exploitation in Armed Conflict</b>	According to the Optional Protocol on the Involvement of Children in Armed Conflict, “armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years” (Art. 4). <sup>355</sup> Any violation of this article may constitute child soldiering.

The list is not exhaustive and other forms of exploitation may be identified during the identification process.

### List of General indicators for CSA/E

The checklist below is not exhaustive but is designed to promote awareness of potential CSA/E indicators. In addition, there are other CSA/E indicators in the previous part of THB, concretely in Table 16 regarding ILO indicators. In **applying the indicators**, frontline responders must look for a combination of signs that suggest trafficking may be taking place. A single indicator may not be a conclusive sign that trafficking is taking place. Rather, a suspicion of trafficking and decision to report the case should be reached by spotting an initial indicator, and then pro-actively looking for other relevant indicators to strengthen the case for reporting.

The frontline responders should use the available lists indicators as a helpful tool in their daily work:

- before and during the field work when they might get in touch with vulnerable people or potential trafficking victims**, to serve as a reminder what to look for and which questions to ask, when in doubt);
- when writing a special report** referring a potential trafficking case for further investigation and identification.

<b>COMMON INDICATORS OF SEXUAL ABUSE AND EXPLOITATION ACCORDING TO AGE</b>			
	<b>INFANTS &amp; TODDLERS AGE 0-5</b>	<b>YOUNGER CHILDREN AGE 6-9</b>	<b>ADOLESCENTS AGE 10-18</b>
<b>EMOTIONS</b>	<ul style="list-style-type: none"> <li>• Crying, whimpering, screaming more than usual.</li> </ul>	<ul style="list-style-type: none"> <li>• Is quieter or more distant than usual cries for no obvious reason.</li> <li>• Starts to wet the bed or soil their pants.</li> <li>• Asks questions like ‘Do people have to keep secrets?’</li> <li>• Is aggressive or seems angry for no obvious reason.</li> <li>• Says their head or tummy hurts and there doesn’t seem to be a physical cause.</li> </ul>	<ul style="list-style-type: none"> <li>• Is aggressive or seems angry for no apparent reason.</li> <li>• Has headaches or stomach aches for which there doesn’t seem to be a physical cause.</li> <li>• Becomes angry or upset when a particular person or place is mentioned.</li> <li>• Has trouble developing or maintaining relationships.</li> <li>• Cries for no obvious reason.</li> <li>• Has nightmares.</li> </ul>

<sup>354</sup> Healy & Rogoz (2012). *Report for the Study on a Typology and Policy Responses to Child Begging in Europe*. Vienna: ICMPD, project funded by the European Commission.

<sup>355</sup> Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000. States Parties to the Protocol also commit to ensuring that any voluntary recruitment of a child (under 18 years) into national armed forces is “genuinely voluntary” and “carried out with the informed consent of the person's parents or legal guardian,” and that the child is “fully informed of the duties involved in such military service” and provides “reliable proof of age prior to acceptance into national military service” (Art. 3).

		<ul style="list-style-type: none"> <li>• Starts having nightmares.</li> <li>• Fear of particular people, places or activities, or of being attacked.</li> <li>• Anxiety.</li> <li>• Is spending more time on their own than usual.</li> </ul>	<ul style="list-style-type: none"> <li>• Has low self-esteem.</li> <li>• Is confused about their sexual identity.</li> <li>• Suicidal thoughts or tendencies.</li> <li>• Anxiety.</li> <li>• Is spending more time on their own than usual.</li> </ul>
BEHAVIOUR	<ul style="list-style-type: none"> <li>• Clinging or unusually attaching themselves to caregivers.</li> <li>• Refusing to leave “safe” places.</li> <li>• Losing the ability to converse, losing bladder control and other development regression.</li> <li>• Displaying knowledge or interest in sexual acts inappropriate to their age.</li> </ul>	<ul style="list-style-type: none"> <li>• Isn’t interested in playing, or is avoiding particular places or people.</li> <li>• Is showing problematic sexual behaviour.</li> <li>• Is having problems sleeping.</li> <li>• Is doing less well at school.</li> <li>• Behaving like a baby.</li> </ul>	<ul style="list-style-type: none"> <li>• Is dressing differently.</li> <li>• Has clothing, shoes, bags, jewellery or electronics from an unknown source.</li> <li>• Is showing problematic sexual behaviour, including getting involved in risky sexual behaviour.</li> <li>• Starts to have problems with alcohol or other drugs.</li> <li>• Is driving erratically.</li> <li>• Is cutting themselves or self-harming in other ways.</li> <li>• Spends a lot of time online and is secretive about online communications.</li> <li>• Is eating more, or less.</li> <li>• Has problems sleeping.</li> <li>• Displaying anger or expressing difficulties with peer relationships, fighting with people, disobeying or disrespecting authority.</li> </ul>
PHYSICAL	<ul style="list-style-type: none"> <li>• Swelling or redness in the genital area.</li> <li>• Pain when going to the toilet.</li> <li>• Difficulty walking or sitting.</li> <li>• Bruises on soft parts of their body, like buttocks or thighs.</li> <li>• Symptoms of a urinary tract infection.</li> <li>• Symptoms of a sexually transmitted infection, like discharge from the penis or vagina.</li> </ul>	<ul style="list-style-type: none"> <li>• Swelling or redness in the genital area.</li> <li>• Pain when going to the toilet.</li> <li>• Difficulty walking or sitting.</li> <li>• Bruises on soft parts of their body, like buttocks or thighs.</li> <li>• Symptoms of a urinary tract infection, like burning while going to the toilet.</li> <li>• Symptoms of a sexually transmitted infection, like discharge from the penis or vagina.</li> <li>• Touching their privates parts a lot.</li> </ul>	<ul style="list-style-type: none"> <li>• Swelling or redness in the genital area.</li> <li>• Pain when going to the toilet.</li> <li>• Difficulty walking or sitting.</li> <li>• Bruises on soft parts of their body, like buttocks or thighs.</li> <li>• Symptoms of a urinary tract infection, like burning while going to the toilet.</li> <li>• Symptoms of a sexually transmitted infection, like discharge from the penis or vagina.</li> <li>• Missing a period.</li> </ul>
		<ul style="list-style-type: none"> <li>• Avoiding family and friend or generally keeping to themselves.</li> <li>• Is doing less well at school.</li> <li>• Is avoiding particular people or places, like a friend’s house or a sports group, or activities or events that previously enjoyed.</li> </ul>	<ul style="list-style-type: none"> <li>• Has changed friendship groups.</li> <li>• Is avoiding particular people or places, like a friend’s house or a sports group, or activities or events that previously enjoyed.</li> <li>• Gang membership or association.</li> <li>• Phone calls or letters from adults outside the usual range of social contacts;</li> </ul>

<b>SOCIAL LIFE AND SCHOOL</b>			<ul style="list-style-type: none"> <li>• Adults loitering outside the child’s usual place of residence.</li> <li>• Accepting money, gifts, mobile phone credit, drugs or alcohol.</li> <li>• Possession of large amounts of money, acquisition of expensive clothes, mobile phones or other possessions without plausible explanation.</li> <li>• Having multiple mobile phones / SIM cards.</li> <li>• Being seen in known hotspot areas.</li> <li>• Involvement in criminal offending and repeat criminal offending.</li> <li>• Entering or leaving vehicles driven by unknown adults.</li> </ul>
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Some CSA/E cases, especially those that do not occur within the family ties, involve grooming. Grooming refers to the techniques commonly used by adults outside of the immediate social circle of the child to attract, entice, and to lure them into the abusive and/or exploitative situation. The checklist below consists of specific indicators that signal that an adult is potentially grooming a child. The first category, Principal Behaviours, may be considered stronger indicators than the second one, ‘Other Suspicious Behaviours’. This means that while both are relevant, special focus should be given to searching for the indicators of the first category.

<b>COMMON GROOMING BEHAVIOURS<sup>356</sup></b>	
<b>PRINCIPAL BEHAVIOURS</b>	<ul style="list-style-type: none"> <li>• An adult seems overly interested in a child.</li> <li>• An adult frequently initiates or creates opportunities to be alone with a child (or multiple children).</li> <li>• An adult becomes fixated on a child.</li> <li>• An adult gives special privileges to a child (e.g., rides to and from practices, etc.).</li> <li>• An adult befriends a family and shows more interest in building a relationship with the child than with the adults.</li> <li>• An adult displays favouritism towards one child within a family.</li> <li>• An adult finds opportunity to buy a child gifts.</li> <li>• An adult caters to the interests of the child, so a child or the parent may initiate contact with the offender.</li> <li>• An adult who displays age and gender preferences.</li> </ul>

<sup>356</sup> Pollack, Daniel & Andrea MacIver, Andrea. “Understanding Sexual Grooming in Child Abuse Cases”. American Bar Association. November 01, 2015. [www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-34/november-2015/understanding-sexual-grooming-in-child-abuse-cases/](http://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-34/november-2015/understanding-sexual-grooming-in-child-abuse-cases/).

<b>OTHER SUSPICIOUS BEHAVIOURS</b>	<ul style="list-style-type: none"><li>• Bathing a child.</li><li>• Walking in on a child changing.</li><li>• Deliberately walking in on a child toileting.</li><li>• Asking a child to watch the adult toileting.</li><li>• Tickling and “accidentally” touching genitalia.</li><li>• Activities that involve removing clothes (massage, swimming).</li><li>• Wrestling in underwear.</li><li>• Playing games that include touching genitalia (playing doctor).</li><li>• Telling a child sexually explicit jokes.</li><li>• Teasing a child about breast and genital development.</li><li>• Discussing sexually explicit information under the guise of education.</li><li>• Showing the child sexually explicit images.</li><li>• Taking pictures of children in underwear, bathing suits, dance wear, etc.</li></ul>
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## ANNEX 3 – Bangladesh (CSA/E and THB)

### Sub-Part A: General THB and CSA/E

#### Vulnerabilities to THB and CSA/E in Bangladesh

Bangladeshi nationals residing in the country or working abroad, as well as people of other nationalities who reside in the country, are at risk of trafficking. Both children and adults are affected of this crime. The effects of the COVID-19 pandemic resulted in increased vulnerability for a wider segment of the Bangladeshi society.<sup>357</sup> The vulnerability factors, combined with several other socio-economic, environmental, cultural, family and individual situations are described in Table 18 listing the categories of people vulnerable to trafficking, exploitation and other forms of abuse. Table 18 was developed by the authors of the Manual according to the specifics of the phenomena described in the case study.

Table 18: Categories of people vulnerable to trafficking, exploitation and other forms of abuse

Socio-economic factors	Vulnerable individuals/groups
<p><b>Poverty/Economic needs</b></p> <p>Poverty and economic needs are the most significant factors of vulnerabilities in Bangladesh. Issues such as disempowerment, social exclusion and economic vulnerability marginalize entire groups of people and make them particularly vulnerable to being trafficked. Many people living in rural areas remain in poverty, with limited economic opportunities. Poverty and lack of prospects for income generation may lead people to accept risky employment opportunities. Traffickers use deceptive schemes in the recruitment stage so that job offers appear as viable solutions to alleviate conditions of economic need. Economic opportunities are also unequal between rural and urban areas of Bangladesh. Many seek employment in larger cities and industry hubs within the country.</p>	<ul style="list-style-type: none"> <li> Poor and marginalized Bangladeshi nationals</li> <li> People who lost jobs due to the pandemic</li> <li> Poorly educated and unemployed youth and students</li> <li> People attempting to reach other countries through irregular migration</li> <li> Homeless people</li> <li> People living in deprived and poor areas (with a lack of employment opportunities)</li> <li> Children of poor families or living in deprived and poor areas who are forced to work and contribute to the family budget</li> <li> Adults and children from low socio-economic backgrounds</li> <li> Individuals and families with financial problems</li> <li> Workers who seek employment outside the country, both by irregular and regular means</li> <li> Adults and children working in the shrimp and fish processing industries, aluminium, tea, garment factories, brick kilns, dry fish production, and shipbreaking</li> </ul>
<p><b>Discrimination, social norms and harmful traditions and rights</b></p> <p>Often in combination with economic need, these interrelated factors create multiple layers of vulnerability for certain people on the basis of ethnic-linguistic background, age or gender. Many Rohingya people have sought refuge in Bangladesh from Myanmar. They are socially marginalized and mainly reside in Cox's Bazar District. There is no national law regulating the refugee status of the Rohingya, so they remain stateless and have limited access to protection and basic human needs. Hijra people in Bangladesh (gender-nonconforming people found across South Asian countries) are also largely stigmatised</p>	<ul style="list-style-type: none"> <li> Rohingya people (especially women and girls) residing in the refugee camps in Cox's Bazar district</li> <li> Hijra community in Bangladesh</li> <li> Young women and girls from socially vulnerable families, forced to be married at young age</li> <li> Children of poor families</li> </ul>

<sup>357</sup> US Department of State (2022). *2021 Trafficking in Persons Report: Bangladesh*.

<p>and marginalised, experiencing violence and limited protection in terms of ensuring their rights.</p> <p>Beyond marginalization and discrimination of certain groups, harmful traditional practices also present risk factors of trafficking. For instance, child marriages are common in Bangladesh. In 2020, UNICEF reported that around half of young women aged to 20-24 years old in Bangladesh were married before the age of 18. <sup>358</sup></p>	
<p><b>Contextual factors</b></p>	<p><b>Vulnerable individuals/groups</b></p>
<p><b>Displacement crisis</b></p> <p>Forced displacement weakens or destroys protection mechanisms, such as family and community support structures, while at the same time often leaving people without documentation, regular status and access to education and livelihood opportunities. The complex humanitarian crisis in neighbouring Myanmar has made Bangladesh an important host country for displaced population groups fleeing persecution and armed violence. The risk of trafficking for refugees is prevalent not only during the journey to safety, but also while living in refugee camps, because of marginalization, overcrowding, economic and food insecurity, disruptions to family structures and a lack of protection. Traffickers exploit these vulnerabilities by offering money and promises of a better future during the recruitment stage while later keeping refugees in a scheme of exploitation (including violence, excessive use of coercive force and systematic rape) by threatening to report them to authorities.</p>	<ul style="list-style-type: none"> <li> Rohingya people in Bangladesh, especially those residing in the refugee camps in Cox’s Bazar district</li> <li> Seasonal Workers recruited from northwest districts for destinations in India</li> </ul>
<p><b>Social and economic migration</b></p> <p>Migration caused by social turmoil and economic crises have left many adults and children in Bangladesh vulnerable to trafficking. Many children leave the country unaccompanied.</p> <p>There are many migrant workers who leave the country seeking for employment abroad. However, challenging administrative procedures to apply for visas and work permits push many intending emigrants towards informal recruitment agents, some of whom have connections with traffickers. Studies underline the risks tied to the official labour emigration system. Traffickers are taking advantage of the system to deceive victims into travelling abroad under the pretence of more favourable conditions.</p>	<ul style="list-style-type: none"> <li> Workers who seek employment outside the country, both by irregular and regular means</li> <li> Women migrant workers in domestic sector</li> <li> Migrants and unaccompanied migrant children en route to Europe, to the countries of the Gulf Cooperation Council (GCC) in the Middle East and to other regions</li> <li> Migrant children accompanied by an adult who is not their relative or legal guardian</li> </ul>
<p>Complicity of officials in human trafficking, trafficking-related corruption and impunity for traffickers</p>	<ul style="list-style-type: none"> <li> Women and children living in registered and unregistered brothels</li> </ul>

<sup>358</sup> UNICEF (2020) *Ending Child Marriage: A Profile of Progress in Bangladesh*, UNICEF, New YorkUn.org, 2022.

<p>These factors are serious concerns in Bangladesh, continuing to inhibit law enforcement actions. There are reports on police charging bribes in the registered brothel to ignore abuse within the establishments, to forego checking for the required documentation that each individual was older than 18, and to procure fraudulent documents for girls as young as 10 years old. According to the 2022 US TIP Report, some labour attachés, local politicians, judges, and police requested bribes from victims and their families to pursue cases.<sup>359</sup> Politicians were accused of facilitating labour exploitation of Bangladeshi workers abroad. Observers alleged some officials from district employment and manpower offices allegedly facilitated human trafficking, and some traffickers in rural areas had political connections that enabled them to operate with impunity.</p>	<ul style="list-style-type: none"> <li> Workers who seek employment outside the country, both by irregular and regular means</li> <li> Victims of child marriage and gender-based violence</li> </ul>
<p>Environmental factors</p>	<p>Vulnerable individuals/groups</p>
<p><b>Climate crisis</b></p> <p>Climate change is another emerging root cause. Traffickers target victims affected by environmental disasters such as floods and droughts which erode livelihoods and heighten levels of vulnerability. Tropical cyclones, storm surges, river and coastal flooding, landslides and droughts hit Bangladesh on a regular basis. Climate-related events lead to loss of life, homes and land, displacing many either temporarily or permanently and utterly destroying livelihoods<sup>360</sup>.</p>	<ul style="list-style-type: none"> <li> People affected by natural disasters and climate change</li> <li> People living in Coastal districts in Bangladesh, with most displaced persons from Satkhira, Khulna and Bagerhat.</li> </ul>
<p><b>Technological development and advancement</b></p> <p>Human traffickers who trick people with fake job offers and promises and then exploit them for profit are taking advantage of online technologies for every step of their criminal activities. Victims, especially children, are being targeted and recruited via social media and online platforms (Facebook, Tik-Tok) where personal information and details of people’s locations are readily available.</p>	<ul style="list-style-type: none"> <li> Children from both urban and rural areas in Bangladesh originating from socially vulnerable families</li> <li> Children deprived from school</li> <li> Workers who seek employment outside the country, both by irregular and regular means</li> </ul>
<p>Family-related factors</p>	<p>Vulnerable individuals/groups</p>
<p><b>Deprivation of parental care/abusive family interactions</b></p> <p>Family interactions are crucial in the physical, social, and emotional development of children. The family is a venue for different learnings that help define, shape, and nurture children's physical and emotional well-being. Abusive relationships within the family in the childhood or absence of parental care cause children to be more vulnerable to grooming and adults vulnerable to exploitation.</p>	<ul style="list-style-type: none"> <li> Children in the care system, orphans</li> <li> Children that grew up in the registered or unregistered brothels in Bangladesh</li> <li> Children and people who have experienced family abuse and gender-based violence</li> <li> Children/individuals who have lost their family</li> <li> Girls forced into early marriages</li> </ul>

<sup>359</sup> US Department of State (2022). *2021 Trafficking in Persons Report: Bangladesh*.

<sup>360</sup> Displacement Solutions (2012), *Climate Change in Bangladesh: The Need for Urgent Housing, Land and Property Rights Solutions*. Geneva, Switzerland.

Individual Factors	Vulnerable individuals/groups
<p><b>Age, gender, disability, ethnicity, belonging to a minority group, or sexual orientation</b></p> <p>These personal characteristics should not be understood as a vulnerability in itself, but it may become a vulnerability factor when it interacts with other personal and situational factors, therefore increasing the risk of being trafficked.</p>	<ul style="list-style-type: none"> <li> Young men and women</li> <li> Pregnant women</li> <li> People with health issues</li> <li> People with disabilities</li> <li> LGBT people</li> <li> Children/individuals with drug and alcohol dependency issues</li> <li> Children deprived from parental care and education</li> <li> Homeless people (or individuals who are at risk of becoming homeless)</li> <li> People considered 'illegal immigrants' or with insecure immigration status (Rohingya, members of Hirja community)</li> </ul>

There are specific vulnerability factors that are relevant for the sector-specific studies elaborated in this Manual: (a) **child sexual exploitation in the sex industry** and (b) **labour exploitation of migrant women domestic workers**. Based on the research conducted, they are elaborated by the authors of the Manual in Tables 19 and 20.

Table 19: Vulnerability factors to child sexual abuse and exploitation.

Vulnerability factors to child sexual abuse and exploitation	
<b>Age</b>	Traffickers are interested in children because they are considered to be relatively easy to control and manipulation. Children as young as 10, especially girls, have been reported to have been sexually exploited in Bangladesh. According to the NGOs, the younger girls are more vulnerable, as they attract more clients. Moreover, the lack of effective birth registration can facilitate child marriage and over-reporting of age, which leads to the sexual exploitation of children.
<b>Gender</b>	Both boys and girls are sexually exploited in Bangladesh. Girls in Bangladesh are believed to be at greater risk of sexual abuse and exploitation. Boys are vulnerable as well, who are often either unidentified or overrepresented due to the social norms/roles and perceptions related to their gender.
<b>Socio-economic status</b>	A low-socioeconomic status, economic vulnerability, and living in poverty are further crucial factors putting children at risk in Bangladesh. Poverty remains a major influential factor for the degraded situation of children. Over half of them live below the national poverty line (60% below 1 USD per day). Many children have to work to help their families survive. These socio-economic realities have made child labour widely accepted and common as many families rely on the income generated by their children for survival. Thus, children are denied their rights to education, leisure, and play. Employers often prefer children over adults due to the prospect of cheaper, more compliant, and obedient workers <sup>361</sup> and child sexual exploitation cases are common in these circumstances. Children are exposed to situations that make them vulnerable to sexual exploitation, abuse, and violence. <sup>362</sup>
<b>Displacement</b>	Multiple NGOs and humanitarian officials assess Rohingyas' statelessness, living in refugee camps and inability to receive formal schooling and other basic rights as great vulnerability of child sexual exploitation.
<b>Family context</b>	Children who lack capable guardians as well as a positive relationship with a protective and nurturing adult or who have lived or are currently living in unstable home environments are considered particularly vulnerable. This includes children who have experienced neglect,

<sup>361</sup> Amin, S., Quayes, M. and Rives, J.,(2004). *Poverty and Other Determinants of Child Labor in Bangladesh*. Southern Economic Journal, [online] 70(4)

<sup>362</sup> Brown, G.(2015). *Child Labor & Educational Disadvantage – Breaking the Link, Building Opportunity*. [ebook] London: Office of the UN Special Envoy for Global Education.

	<p>physical and/or sexual abuse, or were forced to early marriages. Furthermore, parental substance misuse, parental mental ill health, or criminal activity factors into this. Additionally, parents who have learning difficulties such as literacy problems or numeracy problems may affect the vulnerability of a child. The child might be growing up in a single-family household (such as children living in brothels with their mothers). Many of the young girls exploited in brothels are 'second-generation', born to a sex worker and an unknown client.</p>
<b>Housing</b>	<p>The housing situation of a children is also a risk factor, notably, if they are homeless or have an insecure accommodation status or are (or have previously been) in care, particularly with interrupted care histories. Orphans and other ostracized groups of children, especially girls, are especially vulnerable to sexual exploitation.</p> <p>Other factors could be if the family has poor housing or frequently has to change accommodation. It is estimated that there are more than 600,000 street children living in Bangladesh, 75% of them living in Dhaka city. Often separated from their families, many of these children migrate to the cities in search of a livelihood. Deprived of their basic rights to health, food and education, street children are particularly susceptible to manipulation, drug addiction, abuse, and exploitation, including commercial sexual exploitation.</p> <p>Isolated or impoverished regions are also more attractive to traffickers because it is both harder for parents to seek law enforcement but also easier to sell the idea of "lucrative jobs" to impoverished parents.<sup>363</sup> The promise of traffickers for increased social status in another region clearly function as key pull factors and are used to facilitate recruitment into child sexual exploitation.</p>
<b>Health</b>	<p>A young person is considered to be more at risk if they suffer from mental health problems or have substance misuse issues, have a physical disability or developmental disorders. Having a learning disability and special educational needs increase risks to child sexual exploitation. Common undiagnosed disabilities and behaviour disorders are particularly relevant, as cognitive impairment may affect a children's ability to concentrate and achieve well at school.</p> <p>Many children who have experienced, or are experiencing, sexual abuse, exploitation or trafficking is susceptible to drug and substance abuse as a form of escape. These children are vulnerable to HIV/AIDS and other sexually transmitted infections. Reintegration into mainstream community is another issue that cuts across child sexual abuse, exploitation and trafficking. Many child survivors of these practices require psychosocial counselling and life skills training.</p> <p>In brothels, children are exposed to unsafe sex. It has psychological impact on the children as they also suffer from extreme sense of isolation and sexual traumas, such as repeated and violent sex equal to rape. They suffer physical abuse, exposed to drug abuse and pornography. In addition, the girls undergo hormone treatment to make them look like grown-up women.</p>
<b>Education</b>	<p>Children who are excluded from school are especially vulnerable and a prime target for sexual exploitation. Bangladesh has one of the highest rates of illiteracy in the world, and children, especially girls, often drop out of primary school.</p>
<b>Cultural norms</b>	<p>Social acceptance of child marriage creates the rationale of young girls as sex partners and their presence in the sex industry.</p>
<b>Complicity of officials</b>	<p>Besides the allegations of authorities sexually exploiting children in that the authority exploit children in government shelters, there are reports on police charging bribes in the registered brothels to ignore abuses and child exploitation and to procure fraudulent documents for girls as young as 10 years old. The authorities generally ignore the minimum age of 18, often circumvented by false statements of age, for legal female prostitution; the government rarely prosecutes procurers of children.<sup>364</sup></p>
<b>Environmental factors</b>	<p>Children displaced as a result of natural disasters such as floods are highly susceptible to commercial sexual exploitation.<sup>365</sup></p>

<sup>363</sup> UNICEF, n.d. Child Sexual Abuse, Exploitation and Trafficking in Bangladesh. [ebook] UNICEF.

<sup>364</sup>U.S. Department of State, (2009). Human Rights Report: Bangladesh.

<sup>365</sup> ECPAT International (2006). Global monitoring report on the status of action against commercial sexual exploitation of children. [online] Bangkok: ECPAT International.

<b>Stigma</b>	Sexual abuse and the exploitation of children and adolescents is a significant issue but remains largely under-reported due to the stigma attached to the victims of such offences. There is a tendency in Bangladesh to blame victims rather than accuse perpetrators, and the cultural preference is to cover up the problem rather than taking the risk by seeking access to justice or identifying the perpetrators. Stigma can be extreme, sometimes resulting in social exclusion leaving no other option for a child then to survive in the sexual exploitation chains.
<b>COVID-19 pandemic</b>	Particularly due to lockdowns, children have spent more time online and were absent from schools (removing the positive influence of teachers). Thus, they are more likely to be exposed to grooming efforts online without some sort of supervision.

Table 20: Vulnerability factors to trafficking for labour exploitation of migrant women domestic workers.

<b>Vulnerability factors to trafficking for labour exploitation of migrant women domestic workers</b>	
<b>Gender</b>	The issue of gender is relevant to vulnerability, with women experiencing higher rates of modern slavery in domestic work.
<b>Family situation</b>	Domestic violence and different kinds of abuses within the family circle drives the decision of women to migrate in another country. This is also valid for divorced and abandoned women who have limited opportunities to work in Bangladesh.
<b>Socio-economic status</b>	A low-socioeconomic status, economic vulnerability, and living in poverty are further crucial factors putting women at risk in Bangladesh. This is particularly relevant for the women living in the rural areas of the country, who have no income. These regions are more attractive for traffickers because it is easier to sell the ideas of "domestic work jobs" and additional income to families and women.
<b>Housing</b>	The housing situation is also a risk factor, notably, if the family has poor housing or frequently has to change accommodation, or if people are homeless or have an insecure accommodation status.
<b>Education</b>	Women who are uneducated and unskilled are especially vulnerable and a prime target for trafficking for labour exploitation.
<b>Lack of access in knowledge/information on the migration and legal processes</b>	Women migrants lack knowledge of migration processes and depend on the information they receive from middlemen working at grassroots level. They are the ones who run higher risk of exploitation because they are poorly informed. They have limited access to networks, information or resources, women migrants frequently need to look to third party sources for providing information, support and help. At the rural areas, from where most of the women migrate, reliable information is not readily available through official channels. In such circumstances, potential women migrants rely on local sub-agents or middlemen usually their neighbours, friends and relatives who are able to leverage their superior control of resources to exploit migrant workers with relatively low cost and risk. Moreover, very few recruitment agencies in the migration sector are conscious of migrant women domestic worker's vulnerabilities.
<b>Irregular status in the destination country</b>	Women with irregular status in the destination country, or those who are undocumented, are at a higher risk to be trafficked. Additionally, migrants whose visas are tied to a specific "employer" under kafala system are also at higher risk of trafficking exploitation. Women migrants become aware of the risky situations they are compelled into; however, the situation is already beyond their control.
<b>Gender discrimination in the destination countries</b>	In most of the destination countries, women migrant domestic workers are excluded from the protection of the labour laws. Gender and work specific discrimination against

	women migrants can be a major cause of their vulnerability to trafficking, exploitation and other related abuses.
<b>Cultural norms</b>	Families usually pay dowry for the marriages for their children, which is significant burden to the family budget. Therefore, many women decide to migrate abroad to "earn" are repay the debts for these costs.
<b>Environmental factors</b>	Women and families displaced as a result of natural disasters such as floods have no other opportunities then to migrate abroad. Thus, they put themselves at high risk of trafficking and exploitation prior the travel, during the transit and upon the arrival in the destination countries.
<b>Stigma</b>	Trafficking for labour exploitation among women migrant domestic workers is a significant issue but remains largely under-reported due to the stigma attached to the victims of such offences (violence, sexual exploitation, etc.). There is a tendency in Bangladesh to blame victims rather than accuse perpetrators, and the cultural preference is to cover up the problem rather than taking the risk by seeking access to justice or identifying the perpetrators. Stigma can be extreme, sometimes resulting in social exclusion of a women who returned in Bangladesh after trafficking and exploitation experience abroad.

## Sub-Part B: Specific CSA/E

### Legal, policy and institutional framework in Bangladesh relevant for CSA/E

Bangladesh is one of the first countries that is signatory of the *UN Convention on the Rights of the Child*<sup>366</sup> (1990), ratifying it in 1991, and of the *ILO Convention on the Worst Forms of Child Labour, 1999 (No.182)*<sup>367</sup> on 12 March 2001.

Commercial sexual exploitation is addressed through legislative and policy framework in Bangladesh. Some of the relevant laws and policies, despite the enactment of the Prevention and Suppression of Human Trafficking Act (2012) cover various dimensions of the CSA/E issues:

-  **The Children Act, 2013 (amended in 2018)**, defines children below the age of 18 years of age. It is a landmark in child protection in Bangladesh as it seeks to set systems and standards for institutions in case management, process, review and reporting. The Children's Act foresees penalties for allowing a child to be in a brothel; penalties for leading or encouraging a child to seduction, inducing a child to prostitution, or causing or encouraging anyone other than her husband to have sexual intercourse with her; penalties for exploitation of a child, specifically where those entrusted with custody or care of a child etc.;
-  **The Penal Code, Act No XLV 1860**, prohibits a range of offences related to CSE, such as kidnapping or abducting a child for the purpose of, amongst others, slavery, or lust, or disposing of such a person to put them in danger of those crimes, inducing a girl to go from any place or do any act with intent that such girl may be, or knowing it is likely she will be, forced or seduced to illicit intercourse, selling, letting or disposing of a child (under 18 years of age) for the purpose of prostitution, illicit intercourse, or for any unlawful and immoral purpose, buying, hiring, or obtaining possession of a child for the purpose of prostitution, illicit intercourse or for any unlawful and immoral purpose etc.;
-  **The Pornography Control Act (2012)**, enacted to prevent depreciation of the social and moral values with special focus on the women and children. Definition of pornography includes production and dissemination of video documentary, audio-visual materials, graphics, books, periodicals, sculpture, cartoon, leaflet and imaginary statue using uncivil dialogue and picture, body movement, naked dance,

<sup>366</sup> UN Commission on Human Rights (1990), *Convention on the Rights of the Child.*, 7 March 1990, E/CN.4/RES/1990/74

<sup>367</sup> International Labour Organization (ILO) (1999), *Worst Forms of Child Labour Convention, C182*, 17 June 1999, C182.

etc., which may create sexual appeal;

✚ **National Children Policy (2011)**, provides specific planning for undertaking programmes for implementing child rights such as ensuring safe birth and overall growth of children; alleviation of child poverty; child health; pre-primary education; education; recreation etc.;

✚ **National Plan of Action for Prevention and Suppression of Human Trafficking 2018-2022 (NAP)** includes programmes, projects and strategies of combating all forms of internal and international human trafficking. NAP, among other priorities, foresees elimination of harmful practices against children including child labour and child marriage and reduction of sexual violence against women and children;

Child rights issues are usually cross-cutting and multi-sectoral in nature which requires action from a multiple number of government and non-government actors and agencies. While the **Ministry of Women and Children Affairs (MOWCA)** coordinate all issues related to children, safety and protection of children are ensured and enforced by the law enforcing agencies and by the courts. On the other hand, social needs of the children including health and education services, as well as social safety nets and social protection services are provided by different ministries of the government. Hence, there are a large number of government ministries, departments, and agencies involved in implementing policies for child rights and wellbeing, such as **Ministry of Social Welfare, Ministry of Health and Family Welfare, Ministry of Home Affairs, Ministry of Education, Ministry of Labour and Employment, Ministry of Finance, Ministry of Law, Justice and Parliamentary Affairs etc.** Besides the government agencies, private sector and the civil society organizations (CSOs) as well as the non-government organizations (NGOs) in Bangladesh are active in protecting the rights and ensuring welfare of children throughout Bangladesh.<sup>368</sup>

### Sub-Part C: Specific THB

#### Trafficking in Human Beings statistics and forms of trafficking and exploitation in Bangladesh

The authorities in Bangladesh detect girls, boys, men, and women across the country as victims of trafficking. There is limited statistics on the cases, mostly referring to the repatriated victims. There is incomplete data on detected victims by districts, but there is some data on repatriated victims from abroad. According to the 2022 National Study on Trafficking in Persons in Bangladesh, in 2020, trafficking cases were identified in most of the administrative divisions, with Khulna, Dhaka, Chittagong and Sylhet with the highest numbers.<sup>369</sup> Although there are no precise statistical data on trafficking cases, the majority of victims are detected and reported in poorer areas of the country (Figure 28).

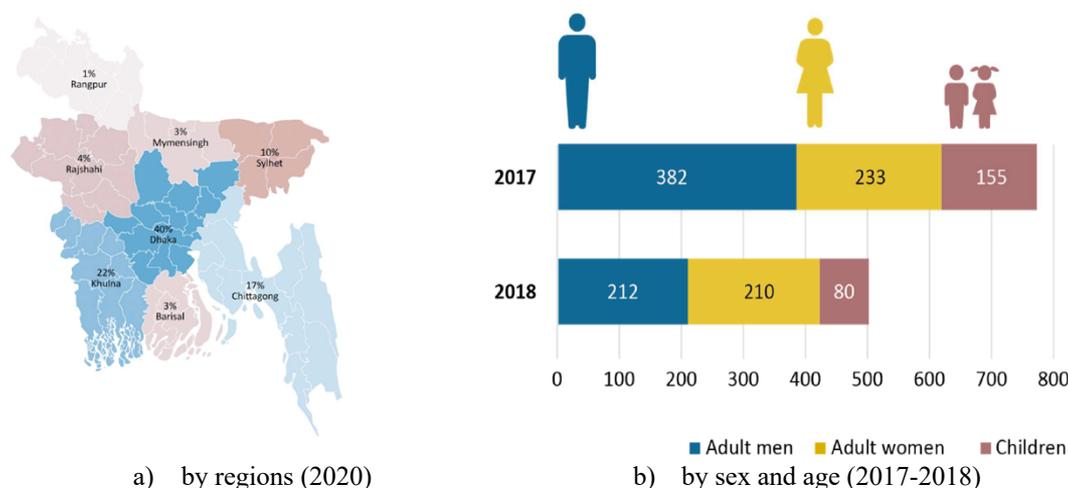


Figure 28: Number of Detected Victims of Trafficking in Persons<sup>370</sup>

<sup>368</sup> RAPID & UNICEF (2020) *Policy Brief: The situation of children in Bangladesh*.

<sup>369</sup> Ibid.

<sup>370</sup> Source: Bangladesh Police, submitted to the Global Report on Trafficking in Persons 2020, as cited in UNODC (2022). *First National Study on Trafficking in Persons in Bangladesh*. Vienna.

Higher numbers of cases per 100,000 people have been filed in certain districts, generally concentrated along the border areas and around some of the major urban centres.

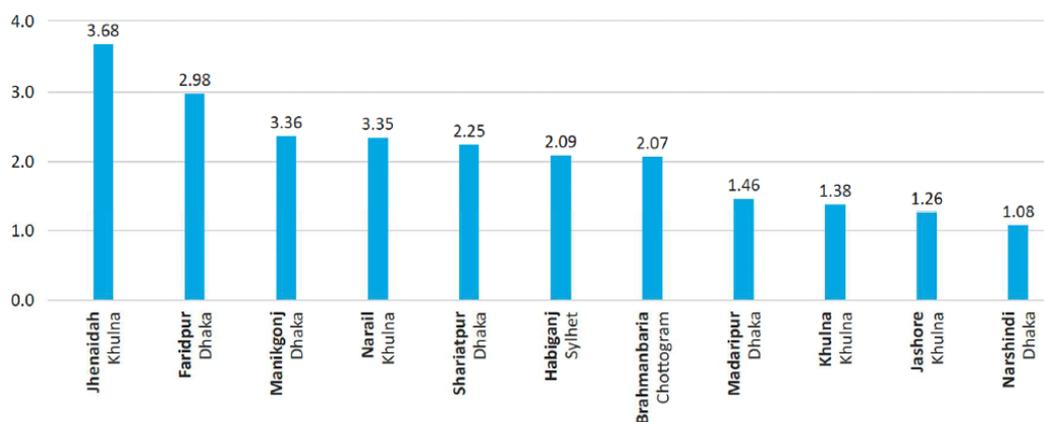


Figure 29: Number of filed cases by 100,000 population, top districts, 2020<sup>371</sup>

According to data from the Global Report on Trafficking in Persons 2020<sup>372</sup>, Bangladeshi victims are mostly affected by **labour and sexual exploitation**, both domestically and abroad. Several other forms of exploitation, specific for men, women and children, are also identified:

- + **Women are mostly trafficked for sexual or labour exploitation** in the country and abroad. They might be also sexually exploited in connection with **forced labour or domestic servitude**, as well as for **forced/false marriages**;
- + **Men are mostly trafficked for forced labour** abroad and are exploited in the construction and agriculture sectors. Men are also trafficked domestically for forced labour in the ship-breaking industry. In migration context, there are examples of people exploited for **extortion for ransom**. Trafficking for **removal of organs** is also common form of trafficking;
- + Both **boys and girls** are trafficked for forced labour, particularly **bonded labour**. Some are exploited in connection with cargo loading, operating fixed bag nets, sorting and drying fish. Girls are mostly trafficked for **sexual exploitation** at street level or in brothels that are hidden in informal setups, private homes or at hotels.<sup>373</sup> Girls are also coerced into **fraudulent marriages with the purpose of trapping them in sexual exploitation**.<sup>374</sup> Boys are victims of sexual abuse and sexual exploitation as well. Other forms affecting children include **trafficking for forced criminality or exploitative begging**.

<sup>371</sup> Source: UNODC Elaboration of Data from the Ministry of Law, Justice and Parliamentary Affairs and Population Statistics from the World Bank, as cited in UNODC (2022). *First National Study on Trafficking in Persons in Bangladesh*. Vienna.

<sup>372</sup> UNODC, *Global Report on Trafficking in Persons 2020* (United Nations publication), Sales No. E. 20.

<sup>373</sup> Bagley C. at all (2017), “Commercialised sexual exploitation of children, adolescents and women: Health and social structure in Bangladesh”. *Advance in Applied Sociology*, vol. 7, No.4 (2017), pp. 137–150.

<sup>374</sup> UNODC (2022). *First National Study on Trafficking in Persons in Bangladesh*. Vienna.

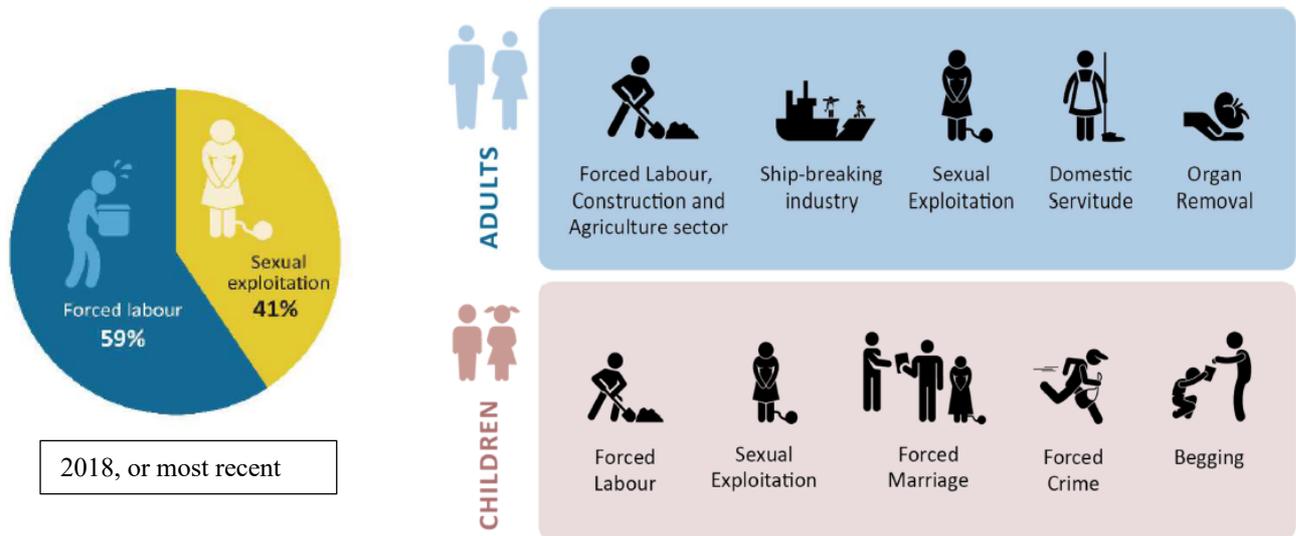


Figure 30: Most common forms of exploitation in Bangladesh<sup>375</sup>

## Anti-Trafficking Legal and Policy Framework in Bangladesh

Bangladesh has ratified most major international conventions addressing trafficking in human beings, sexual exploitation of children, forced labour and is party to additional international and regional frameworks.

The government acceded to the **United Nations Convention against Transnational Organized Crime (UNTOC)** in July 2011, and in September 2019, acceded to the **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**, supplementing the UNTOC (**Palermo Protocol**).

Further, Bangladesh is a party to the **UN Convention on the Rights of Migrant Workers and Their Families**, has adopted the **Overseas Employment and Migrants Act** in 2013 (OEMA 2013) and has ratified **ILO core conventions on forced labour** (No. 29 and No. 105). In January 2022, the government ratified **ILO Protocol of 2014 to the Forced Labour Convention (1930)**, as part of its efforts to declare domestic and export-oriented sectors free of child and forced labour. In March 2022, the government submitted its ratification for the **International Labour Organization's Minimum Age Convention, 1973 (No.138)**, which requires establishing a minimum age for employment and represented a further step to eliminate child labour.

The country has also adopted anti-trafficking national legislation. According to the 2022 UNODC Study<sup>376</sup>, a comprehensive national response to THB in Bangladesh is provided through the criminal justice system, further assisted by social programs and services focusing on victim protection and recovery. The criminal justice response to trafficking in Bangladesh is anchored in national legislation in two central instruments:

✚ **The Constitution of Bangladesh**<sup>377</sup> provides the mandate by which all trafficking laws are authorized. Article 14 confers upon the state the responsibility “to emancipate the toiling masses, the peasants and workers and backward sections of the people from all forms of exploitation”. Second, Article 34 provides that “all forms of forced labour are prohibited, and any contravention of this provision shall be an offence punishable in accordance with the law”. Articles 27 and 31 provide that victims of trafficking are entitled to legal protection. These articles set out the legal basis for the prevention and prosecution of the crime along with the protection of victims of trafficking in persons.

<sup>375</sup>Bangladesh Police, submitted to the Global Report on Trafficking in Persons 2020, as cited in UNODC (2022). *First National Study on Trafficking in Persons in Bangladesh*. Vienna

<sup>376</sup> UNODC (2022). *First National Study on Trafficking in Persons in Bangladesh*. Vienna.

<sup>377</sup> *Constitution of the People's Republic of Bangladesh* [Bangladesh], 4 November 1972.

 **The 2012 Prevention and Suppression of Human Trafficking Act (PSHTA)** was enacted to prevent and suppress human trafficking, including children, and ensuring protection and rights of the victims of human trafficking. The Act clearly **defines human trafficking** which means:

*"...selling or buying, recruiting or receiving, deporting or transferring, sending or confining or harbouring either inside or outside of Bangladesh of any person for the purpose of sexual exploitation or oppression, labour exploitation or any other form of exploitation or oppression by means of: (a) threat or use of force; or (b) deception, or abuse of his or her socio-economic or environmental or other types of vulnerability; or (c) giving or receiving money or benefit to procure the consent of a person having control over him or her.*

*...If the victim of trafficking is a child, it shall be irrelevant whether any of the means of committing the offence mentioned above is used or not."<sup>378</sup>*

The Act criminalizes all forms of human trafficking, covers both internal and transnational trafficking, and allows remedies for victims of trafficking, provides deterrence to this heinous crime, mainly through providing effective prosecution of the offences and a protective regime for safeguarding and rehabilitating the victims.

The term **‘forced labour’** has been indicated as a purpose not as an act to constitute the offence of human trafficking. Forced labour as an offence has been penalized under Section 9 of the PSHTA which states: *“if any person unlawfully forces any other person to work against his will or compels to provide labour or service or holds in debt-bondage or to exact from the person any work or service by using force or other means of pressure he shall be punished with imprisonment up to 12 years along with fine”<sup>379</sup>*

Section 2 (3) of PSHTA defines **“debt bondage”** as *“the condition arising from a pledge of a person of his personal service or labour as security for a debt actually owed or unlawfully claimed to be owed by that person, but value of the service or labour is not deemed to be paid the debt, or the service or labour is unlimited.* Thus, “forced labour” and “debt bondage” under the Act are separately identified as two separate consequences of human trafficking.

In terms of legal process, the PSHTA provides for **protection of victim-witnesses at different stages**. This involves victims being provided with identity protection, given government protection in the form of secured travel to and from legal proceedings, and protected residence, and they may be provided financial assistance. **For child victims, special provisions include the use of law enforcement officers trained in the wellbeing of children and other “best interests” practices.** Under these provisions, agencies have an obligation to ensure victims are neither convicted nor punished.

### **Relevant government and non-government actors and their roles**

A variety of actors are responsible for the provision of the anti-trafficking response in Bangladesh. While some actors are directly involved in the official national criminal justice response, initiating and processing prosecutions and convictions, other actors, especially within the wider civil society sector, provide support and assistance to identified victims.<sup>380</sup>

#### **Law Enforcement Authorities**

State actors include ministries and their subordinate authorities such as law enforcement institutions, involved with the full justice chain tasked with identification of cases, investigation, prosecution and conviction.

According to the 2022 UNODC Study<sup>381</sup>, police authorities fall under the purview of the **Ministry of Home Affairs (MHA)** and judges and prosecutors falls under the **Ministry of Law, Justice and Parliamentary**

<sup>378</sup> Legislative and Parliamentary Affairs Division, GoB,(2012). *The Prevention and Suppression of Human Trafficking Act*. Ministry of Law, Justice and Parliamentary Affairs, GoB.

<sup>379</sup> Ibid.

<sup>380</sup> UNODC (2022). *First National Study on Trafficking in Persons in Bangladesh*. Vienna.

<sup>381</sup> UNODC (2022). *First National Study on Trafficking in Persons in Bangladesh*. Vienna

**Affairs.**<sup>382</sup> Other supportive functions such as the provision of public information, awareness raising, and coordination of international labour movements and migration are also involved in the execution of national responses. **Law enforcement** operations are supported by intelligence gathering, monitoring of trends, and analysis of ongoing patterns of operations of traffickers. Several authorities are tasked with information gathering which is actively used in investigations. Information provided by the **National Anti-Human Trafficking Authority** (a government-wide supervisory body on combating trafficking) is used in support of fielding anti-trafficking operations carried out by the police. Several authorities are tasked with conducting investigative operations to provide evidence used to prosecute perpetrators. The **Criminal Investigation Department (CID)** and the **Trafficking in Human Beings Squad** use different strategies for conducting their operations involving forensic evidence and information technology. Investigations are carried out proactively and reactively. Different authorities have the responsibility for carrying out operations, while others also involve victim identification and rescue. In particular, the **Border Guard of Bangladesh** and the **Coast Guard of Bangladesh** are tasked with the identification of victims in both land and sea border areas. Both agencies report on ongoing trafficking activity and occasionally launch rescue operations.

### **International and National Non-State Actors**

The non-state actors involved in anti-trafficking efforts in Bangladesh vary greatly. Organizations provide different services, especially to victims of trafficking in persons. Services may include financial support, vocational training or legal aid. Other NGOs provide shelter options or various forms of accommodation for victims of trafficking in persons. While some NGOs are based in urban centres, other NGOs work in rural areas where they may also engage in awareness-raising, campaigning and similar activities. One of the primary activities of the civil society actors in Bangladesh is to provide victims with protection and rehabilitation. NGOs are engaged in the provision of shelter as well as rehabilitation programmes focusing on vocational training, psychosocial support, care and financial aid. Yet other NGOs are tasked with the provision of legal aid to victims of trafficking. Activities involve legal support, gathering evidence and financing court proceedings. Legal aid also involves education and awareness raising on the rights of the victims to empower and encourage them to file complaints. The role of non-state actors as part of the national response to trafficking in persons is expansive and is designed to focus on the needs of victims. Activities of civil society actors include a series of functions that are necessary for a sustainable justice chain.

The Bangladeshi government supports several other task forces and committees to monitor progress on anti-human trafficking and to harmonize anti-trafficking efforts between government agencies, NGOs, and international organizations.<sup>383</sup> These include the **National Coordination Committee to Combat Human Trafficking**, **Committee to Monitor the National Plan of Action for Combatting Human Trafficking**, and the **Vigilance Task Force (VTF)**. The **Rescue, Recovery, Repatriation, and Reintegration (RRRI) Task Force** primarily focuses on trafficking cases involving women and children and coordinated with Indian counterparts. The government supports **counter trafficking committees (CTCs) at district, sub-district, and union levels** to facilitate coordination between local governments and civil society to combat human trafficking.

The infographic of Figure 31 provides an overview of the main anti-trafficking actors in the country and their responsibilities.

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<sup>382</sup> Ibid.

<sup>383</sup> US Department of State (2022). *2021 Trafficking in Persons Report: Bangladesh*.



Figure 31: Responsible anti-trafficking actors in Bangladesh<sup>384</sup>

### Bangladeshi legal and institutional framework related to migrant workers

Bangladesh ratified UN Conventions related to migration, namely: *International Convention of the Protection of Rights of All Migrant Workers and Members of the Families* (1990, ratified in 2011); *Convention in Transnational Organized Crime* (2000, ratified in 2011); *Convention to Eliminate All Forms of Discrimination Against Women* (1979) and *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women* (2000). The country is active participant in the regional and global processes on migration government and has signed numerous bilateral labour mobility agreements for regulated labour migration.

Bangladesh has a broad legal, institutional and policy framework of referring to protection of migrants and aiming to establish safe migration channels. Table 21 provides chronological development of migration laws and institutions regulating labour migration from Bangladesh.

Table 21: Chronological development of migration laws and institutions regulating labour migration in Bangladesh.

1976	Establishment of Bureau of Manpower, Employment and Training (BMET)
1982	A new Emigration Ordinance replaced the 1922 Emigration Act
1990	Establishment of Welfare Fund for Migrant Workers
1998	Signature of the UN’s International Convention on Protection of Rights of All Migrant Workers and Members of Their Families and ratified in 2011
2001	Creation of the Ministry of Expatriates' Welfare and Overseas Employment (EWOE)
2002	Recruiting Agents Conduct and License Rules Wage Earners Welfare Fund Rules The Immigration Rules

<sup>384</sup> UNODC (2022). *First National Study on Trafficking in Persons in Bangladesh*. Vienna.

2003	Government relaxes restrictions on female labour migration
2006	Overseas Employment Policy
2010	Establishment of Migrant Welfare Bank (Probashi Kallyan Bank)
2011	Ratification of the 1990 UN Convention on Migrant Workers and Members of their Families
2011	National Skills Development Policy
2012	Enactment of Prevention and Suppression of Human Trafficking Act (PSHTA)
2013	Enactment of the Overseas Employment and Migrants Act
2015	The Government of Bangladesh approved 7th Five Year Plan (FYP) (2016-2021)
2015	Approved Domestic Worker Protection and Welfare Policy Guideline provided by High Court Division, Dhaka
2016	Expatriates Welfare and Overseas Employment Policy
2017	Overseas Employment and Migrants Management Rules
2018	Wage Earners Welfare Board Act, 2018

Among the legal and policy framework, beyond the enactment of *Prevention and Suppression of Human Trafficking Act (PSHTA)* in 2012, the following provisions are relevant:

-  **The Emigration Ordinance (1982)** elaborates licensing and monitoring mechanisms of recruiting agencies, provides punishment of individuals and private recruiting agencies involved in deceitful practices, regulates recruitment and placement of migrant workers from Bangladesh and creates welfare fund for migrant workers;
-  **The Overseas Employment and Migration Act (2013)** promotes opportunities for overseas employment and to establish a safe and fair system of migration, ensures rights and welfare of migrant workers and members of their families, requires registration of migrant workers and protection of their interests including women domestic workers. This act also endorsed migrants and their families the rights to lodge criminal cases against and deception and civil cases for seeking compensation and provides various penalties such as sending migrant workers overseas in an unlawful manner, for charging unlawful amounts of fees, using unfair means for collecting demand note, visa or work permit or trading in such documents, etc.;
-  **The Overseas Employment and Migrants Management Rules (2017)** details the potential migrant workers' registration process, provides specific activities and responsibilities of BMET, delegated power to government to appoint adequate labour welfare officers and other staff to implement activities of labour welfare wings, delivers procedures to resolve complaints by labour welfare wings, specifies the procedures to get training and advice, conducts *shalishes* (village arbitration) etc.

The following institutional framework is relevant in the context of labour migration:

-  **The Ministry of Expatriates' Welfare and Overseas Employment** is the main focal ministry that provides information, partnerships and facilitations for all matters related to overseas Bangladeshis and overseas employment. There are four Departments under the Ministry: Bureau of Manpower,

Employment and Training (BMET); Wage Earners' Welfare Board (WEWB); Bangladesh Overseas Employment and Services Limited (BOESL); and Probashi Kallyan Bank.

- ✚ The Bangladeshi Government offers safe migration information through numerous district employment and manpower offices and training centres. **BOESL**, as a government-run recruiting agency, organises district-level job fairs to increase awareness of ethical recruitment and safe migration methods among potential migrants, ensure fair and professional competition in the migration sector; to select the right person for the right job to valued foreign employer; ensure safe and low cost migration; and realizes service charge from the selected workers as no loss, less profit basis.
- ✚ The 42 **District Employment and Manpower Office (DEMO)** and the three **Technical Training Centres** provide pre-departure training for migrant workers on topics such as labour rights, labour laws, and access to overseas assistance.
- ✚ The government enables BMET-certified pre-departure orientation sessions available online for migrant workers. **BMET** also provides Bangladeshi workers with Smart cards, Biometric registration, and immigration clearance. The Bureau explores the opportunities for Bangladeshi labour force outside the country.
- ✚ **WEWB** ensures welfare services to the migrant workers and the family members at home and abroad, such as pre-departure briefings to outgoing workers; guiding the migrants during departure and arrival through “Probashi Kallyan Help Desk” at the 3 international airports; providing legal assistance; providing Smart card; maintaining database etc.
- ✚ **Probashi Kallyan Bank** is a state-owned specialized financial institution to provide financial services to Bangladeshi migrants.
- ✚ **Wage Earners' Welfare Fund (WEWF)** is a single trust fund pooled from the mandatory membership contributions of migrant workers, investment and interest income on these funds, and income from other sources. The WEWF's main purpose is to ensure the welfare of migrant workers by financing various activities.
- ✚ The **Bangladesh United Nations Network on Migration (BDUNNM)** ensures coordinated, effective and timely support to the government for implementation of the **National Action Plan (NAP) for Global Compact for Migration (GCM)**. Two **Technical Working Groups on Labour Migration and Counter Trafficking in Persons** are established with the participation of UN Agencies, CSO/NGOs and academic institutions to supplement the BDUNNM objectives.
- ✚ **National Labour Migration Forum**, comprised of civil society organizations, provides a wide range of services which include awareness building, pre-decision orientation, pre-departure training, encouraging migrants to submit complaints and seeking redress of such complaints, supporting cheated migrants to secure compensation, filing cases in courts against fraudulence practices of recruiting agencies, campaigning to bring stranded workers back home, providing skills development and training.
- ✚ **Bangladesh Association of International Recruiting Agencies (BAIRA)** is one of the largest trade bodies in Bangladesh with a view to catering the needs of the licensed recruiting agencies who are engaging themselves in promoting manpower market abroad and deploy a good number of unemployed Bangladeshi manpower in various foreign countries after imparting the necessary training. BAIRA has about 1000 Government Approved Recruiting Agents as its member. However, many workers assume debt to pay high recruitment fees, imposed legally by recruitment agencies belonging to BAIRA which places workers at risk of debt-based coercion.<sup>385</sup>
- ✚ The major destination countries of Bangladeshi migrants are Middle Eastern countries followed by Asian and European countries. Of the Middle Eastern countries, Saudi Arabia is the most preferred for labour migration followed by Jordan, Oman and Lebanon. Other countries are Singapore, Malaysia, Indonesia, Japan, Hong Kong of China, Sub-Saharan countries and European countries. Women are mostly interested

<sup>385</sup> US Department of State (2022). *2021 Trafficking in Persons Report: Bangladesh*.

to go to Saudi Arabia, Qatar, Oman, Lebanon, and other Middle Eastern countries. Those who have acquired some level of education are more interested in going to countries in Europe and North America. Currently, Jordan and Ethiopia are preferred for women labour migration due to the scope of employment in Ready Made Garment (RMG) sector.

## ANNEX 4: Colombia

### International, Regional, and National Legal Framework

**Internationally**, Colombia has ratified the Convention on the Elimination of All Forms of Discrimination against Women, through Law 051 of 1981; the Convention on the Rights of the Child, through Law 12 of 1991, and its option protocol on sale, prostitution and pornography, through Law 765 of 2002; the United Nations Convention against Transnational Organized Crime, in 2004, together with its additional protocol on the prevention, suppression, and punishment of trafficking in persons (the Palermo Protocol), in 2003; and the Convention 182 of ILO on the Prohibition of the Worst Forms of Child Labor and Immediate Action for its Elimination, in 2005.

Colombia has also recognised the Rome Statute of the International Criminal Court; as well as signing the Declaration and Program of Action, First World Congress against the Commercial Sexual Exploitation of Children; the Yokohama World Commitment, Second World Congress against the Commercial Sexual Exploitation of Children, and the Declaration of Rio de Janeiro and the Call for the Adoption of Measures to Prevent and Stop the Sexual Exploitation of Children and Adolescents.

**Regionally**, Colombia has ratified the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women (Belém do Pará Convention) in 1996, and the Inter-American Convention on International Trafficking in Children, both in 2000.

**Nationally**, Colombia has enacted the following laws relevant to the topic:

- ✚ The Constitution of Colombia (1991), in its Articles 44 and 45, provides the fundamental rights of children, as well as the protection against abuse and exploitation, such as "physical or moral violence, kidnapping, sale, sexual abuse, labour or economic exploitation and risky jobs", among others. Article 44 also criminalises child sexual exploitation material and sexual tourism involving children.
- ✚ Law 679 of 2001 has issued a statute to prevent and counteract exploitation, pornography, and sexual tourism in children.
- ✚ Law 1146 of 2007 has established regulations for the prevention of sexual violence and comprehensive care for sexually abused children and adolescents. More specifically, it provides for educational and health procedures to prevent and treat victims in the public system.
- ✚ Law 1257 of 2008 provides for the rights of women victims to be free from all forms and manifestations of violence based on their gender. Though this law is not specific for CSA/E, it encompasses gender-based violence and abuse, including against girls.
- ✚ Law 1336 of 2009, updating the *Law 679 of 2001*, contains provisions to combat exploitation, child sexual exploitation material and sexual tourism in children and adolescents. It contains 28 articles that delegate particular tasks and roles to various bodies at the national level of government in order to prevent the CSA/E.
- ✚ Law 1329 of 2009 has modified the Penal Code to criminalise pimping of children, art. 213-A, the demand for Commercial Sexual Exploitation of a child, art. 217-A, and article 219-A seeks monitoring of the various means of communication that offer sexual activities with children.
- ✚ Law 1622 of 2013, known as the Youth Citizenship Statute, provides in Article 8 for measures of prevention, protection, promotion, and safeguards of the rights of the youth. It includes measure No. 6 to "Design, implement and monitor programmes of prevention and protection of trafficking in young people."
- ✚ Law 1620 of 2013 has created the National System of School Coexistence and Training for the Exercise of Human Rights, Education for Sexuality and the Prevention and Mitigation of School Violence.
- ✚ The Penal Code also includes various articles directly or indirectly combatting CSA/E. Chapter IV of Title IV criminalises sexual exploitation; Article 213 prohibits recruitment to prostitution, and 213-A

specifically bans pimping of children; Article 214 regulates and limits prostitution, Article 217 penalises the encouragement of child prostitution, and Article 217-A punishes the demand for commercial sexual exploitation of children; Article 218 bans pornography with children; Article 219 sets out penalties against sex tourism involving children, with 219-A combating the use of media to offer sexual services with children; Lastly, Article 188-C criminalises child trafficking for any purpose.

- ✚ Resolution 3840 of 2009, which foresees the fight against child sexual exploitation in the context of travel and tourism, is another policy that governs the prevention and identification of CSA/E in Colombia. The purpose of this decree is to establish a code of conduct that all companies in the tourism sector and their employees must follow.

## Relevant governmental and non-governmental actors and their roles

The Colombian Code on Children and Adolescents specifies the various governmental entities that play a role in the protection of children and adolescents who are victims of CSA/E. Below you will find a comprehensive list and their functions:

- ✚ **The National Family Welfare System (SNBF)** is the set of agents, coordination, and articulation institutions that implement the comprehensive protection of children, adolescents, and families at the national, departmental, district, and municipal levels.
- ✚ **The Colombian Family Welfare Institute (ICBF)** is the public institution that focuses on the prevention and protection of early infancy, childhood, and adolescence, as well as the well-being of families, paying special attention to those whose rights are threatened, disregarded, or violated<sup>386</sup>.
- ✚ **The Family Ombudsman** acts under the Colombian Family Welfare Institute in a multidisciplinary fashion. It is in charge of preventing, safeguarding and restoring the rights of children who suffered violations. The Family Defenders, within the Ombudsman, will have interdisciplinary technical teams made up of at least one psychologist, a social worker, and a nutritionist. The reports issued by any of the members of the technical team will have the character of an expert opinion (Law 1098 of 2006) during an investigation or in court.
- ✚ **Family Police Stations** are district, municipal, or inter-municipal law enforcement agencies of an administrative and interdisciplinary nature, which are part of the National Family Welfare System, whose mission is to prevent, safeguard, and restore the rights of family members violated by situations of abuse and others established by law (Law 1098 of 2006).
- ✚ **The National Police – Unit for Children and Adolescents** is an entity within the National Family Welfare System. Its mission is to guarantee the comprehensive protection of children and adolescents within the framework of the powers and functions assigned by law. These functions include, among others, a) designing and executing programmes and campaigns for education and prevention of abuse and exploitation; b) carrying out surveillance in places of recreation and sports and other public spaces where children and adolescents are usually present; c) Carrying out surveillance in order to control and prevent children from entering places of entertainment intended for the consumption of alcoholic beverages and cigarettes; d) Carrying out surveillance tasks in order to control and prevent the entry of children to places where sexual exploitation usually takes place.
- ✚ **The Public Prosecution Service** is composed of the General Prosecutor's Office, the Ombudsman's Office, and the district and municipal ombudsmen, and it is in charge of a) promoting, disclosing, protecting, and defending the human rights of children; b) promoting children's education on the exercise of their rights; c) processing petitions and complaints related to threats or violations of the rights of children and advocate for a timely, effective solution to the issue; and d) making observations and recommendations to the authorities and private entities in case of threat or violation of the human rights of children.

<sup>386</sup> Extracted from: [www.icbf.gov.co/instituto](http://www.icbf.gov.co/instituto).

Additionally, there are other institutional actors with functions in relation to the protection of children:

-  **Zonal (Reference) Centres**, according to Article 19 of Resolution 2859 of 2013, are the authorities in charge of organising and executing the Public Family Welfare Service within their jurisdiction, as well as implementing local protection programmes. Comprehensive childhood and adolescent protection programmes, as well as family and community well-being promotion, are among the services provided.
-  **The Immediate Response Unit (URI, in Spanish)** is a citizen care and service mechanism inside the General Prosecutor’s Office that is available 24 hours a day, seven days a week, with the goal of providing permanent response to reports of any child rights violations.

Similarly, the General Prosecutor’s Office has other specialised centres for domestic and sexual violence. **The Comprehensive Care and Research Centre against Intrafamily Violence (CAVIF, in Spanish)** and the **Care Centre for Victims of Sexual Violence (CAIVAS, in Spanish)** within a context of respect for human rights, give prompt and effective services to victims and those involved in crimes against personal freedom, integrity, and sexual dignity; human trafficking; and domestic abuse. To avoid re-victimisation, all their services follow a victim-centred approach. The CAIVAS and CAVIF actively administer and participate in measures aimed at promoting rights and preventing their violation, so that the activities they carry out work not only with the victims, but also with their family members.

## Vulnerability Factors

Enabling Sociocultural Factors	
<b>Culture based on violence and lack of recognition of the rights of children and adolescents</b>	CSA/E assumes adult superiority over children. It is a type of systematic violence that mistreats and submits children to the power of others, neglecting or minimising their character and dignity. CSA/E exemplifies a long-running social trend: denying children and teens' legal and moral position in society.
<b>Eroticization of the infant body</b>	The Colombian Plan of Action for the Eradication of the Sexual Exploitation of Boys, Girls and Adolescents 2006-2011 stated that: “The body of children and adolescents has become part of commercial information and communication strategies. The repetitive presentation of sexualised images of children and adolescents in the media promotes social tolerance and increases the chances of sexual use of children and adolescents (p. 195)”.
<b>Technological development and advancement</b>	Internet and satellite telephony have made CSA/E more covert and harder to investigate and help victims. Production, distribution, and storage of child sexual abuse materials are another example; global networks of paedophiles sharing pornography with children and adolescents via the Internet.
<b>Myths or false beliefs about CSA/E</b>	Myths usually place the blame for CSA/E on the children, obscuring those who are genuinely responsible.
<b>Poverty</b>	Poverty as a risk factor is not the reason for the existence of CSA/E alone; it is a component that, when combined with others, opens the door to this type of violation. In underprivileged communities, illiteracy and a lack of job skills are widespread. Because of these conditions, recruiting children for the sex industry is more common in urban slums and destitute rural areas.
<b>Migration and displacement</b>	Migration and displacement caused by political and social turmoil, economic crises, and illegal armed groups or military operations have left many children and adolescents vulnerable to CSE in the region (ICBF et al., 2006). Migration and displacement uproot children. Leaving one's home without time to prepare and adjust has a big impact. When children go to other places, they are often alone. Because of their situation, they are easy targets for rights violations, especially those that involve exploitation, such as child sexual exploitation (CSE).
<b>Consumerism</b>	Children, especially teenagers, can be induced to activities such as prostitution to obtain the means for a lifestyle that their family cannot provide them.
<b>Discrimination and prejudice about sexual orientation</b>	Many adolescents find that homosexual prostitution is the only way to express their sexuality. When society and families reject their sexual orientation, marginalisation and sexual exploitation increase (ICBF et al, 2006, p. 196 - 197).

<b>School dropout</b>	Illiteracy, poor schooling, desertion or expulsion from school owing to financial constraints, poor performance, and maltreatment of teachers and family members are all key drivers of sexual exploitation (ICBF et al, 2006, p.197).
<b>Family-related Enabling Factors</b>	
<b>Abusive relationships</b>	Family interactions are crucial in the physical, social, and emotional development of children. As a result, the family is a venue for different learnings that help define, shape, and nurture children's physical and emotional well-being. Abusive relationships within the family cause children to be more vulnerable to grooming.
<b>Household overcrowding</b>	The inequitable distribution, use, and enjoyment of physical space in economically disadvantaged families foster aggressions against the individuality of children in full development; it also facilitates the exposure of children to sexual activity between adults, as well as the possibility of being victims of sexual harassment and abuse. When children are exposed to sexual encounters, they develop misunderstandings about sex and sexuality.
<b>Parental absence and violence</b>	Many sexually abused children do not have a parent or do not know them. In other circumstances, replacement parents do not adopt, or perform inadequately, the parental function. Parental absence and violence also encourage children to flee their homes, leaving them alone and exposed to abuse and exploitation.
<b>Abandonment</b>	Abandonment is a frequent theme in the experiences of CSE victims, as is family violence, often surrounded by drug and alcohol use. Abandonment and maltreatment instil mixed feelings of love and contempt for parents, resulting in guilt and hostility. Self-blame and self-aggression are typically linked to a self-destructive conduct. (Renacer Foundation, 2022)
<b>Individual Enabling Factors</b>	
<b>Early sexual experiences</b>	Insofar as the subjective sense of enjoyment, freedom, and affection that sexual encounters represent is muddled, sexual immaturity is an enabling factor. As a result, children may become involved in exploitative or abusive sexual situations.
<b>Low self-esteem and approval seeking</b>	“Low self-esteem makes them vulnerable to manipulation, or to getting involved in actions that threaten their integrity” (Renacer, 2022).
<b>Naivety / lack of education</b>	Children may become victims of CSA/E because they are unaware of the hazards and risks, or because they place too much faith in persons who appear to be friends or potential benefactors. To lessen children's susceptibility, there is a need to increase education and recognition of types of sexual assault against them (ICBF et al., 2006).

## List of hazardous activities for children and adolescents<sup>387</sup>

The harmful practices against children and adolescents are those that...	
	Expose children to noise for more than 8 hours a day or noise that goes on and off for more than 75 decibels.
	Involve the use of tools, machinery, or equipment that exposes children to vibrations in the whole body or its segments, or the assignment of places or workstations close to sources that generate vibration.
	Develop in extreme thermal environments (hot or cold) in closed or open environments, with heat sources such as ovens or boilers, or by working in cold rooms or similar.
	Associated with contact or handling of radioactive substances, industrial paint, luminescent paint and substances that involve exposure to radiation.

<sup>387</sup> Resolution 1796 of 2018. Available at: [www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=77190&dt=S](http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=77190&dt=S).

In which children are exposed to ionising radiation generated by proximity to sources that emit X-rays, gamma or beta rays, and non-ionizing ultraviolet radiation; exposure to electricity due to proximity to generating sources such as hydrogen lamps, gas lamps, flash, welding arcs, tungsten and halogen lamps, incandescent lamps, and radio communication stations, among others.
Take place with unnatural or artificial lighting or poor ventilation, in accordance with national standards.
Involve high or low barometric pressures, such as those found deep underwater or in air travel.
Are used in the metalworking, paper, and wood industries; electric circular and band saws; guillotines; grinding and mixing machines; meat processing machines; meat grinders.
Involve direct contact with animals that generate a high risk to the health and safety of those under 18 years of age.
Involve direct contact with infected individuals, illness caused by bacteria or viruses, or exposure to biological hazards.
Involve direct contact with decomposing animal waste (glands, viscera, blood, hair, feathers, excrement, etc.), secretions of both animals and humans, or any other substance that implies a risk of infection or biological risks.
Are related to human or animal suffering.
Are in environments where there is detachment of mineral particles, grain particles (rice, wheat, sorghum, rye, barley, soybeans, among others) and vegetables (cane, cotton, wood), and permanent contact with cotton, linen, and thread, as well as the dry bagasse of the sugarcane stalks.
Involve chemicals present in solid substances such as carbon monoxide, sulphur dioxide, nitrogen oxides and their derivatives, chlorine and its derivatives, ammonia, cyanide, lead, mercury (organic and inorganic compounds); arsenic and its toxic compounds, asbestos, benzenes and their homologues, coal, phosphorous and its compounds, hydrocarbons and their halogen derivatives.
Related to contact or handling of phytosanitary products, fertilizers, herbicides, insecticides, fungicides, solvents, sterilisers, disinfectants, chemical reagents, drugs, organic and inorganic solvents, among others.
Develop in environments with toxic, explosive atmospheres or with oxygen deficiency or oxygen concentrations as a consequence of oxidation or gasification.
Involve jobs that encourage or promote the habit of alcohol consumption in those under the age of 18 due to their activity, whether in manufacturing or distribution (clubs, bars, casinos, and gambling houses open during the day or at night).
Involve driving and maintaining motor vehicles; operating cranes, forklifts, or elevators.
Work that is performed in places with the presence of locative risks such as defective surfaces, stairs or ramps in poor condition, defective roofs or in poor condition, structural problems; work in confined spaces; positions close to high piles without pallets, loads or stacks leaning against walls; on land that, due to its conformation or topography, may present imminent risks of landslides or landslides.
Involve heights of more than one metre and fifty centimetres (1.5 m).

Related to the production, transportation, processing, storage, handling, or loading of explosives, flammable liquids, or gases.
Involve operation or contact with the electrical systems of the machines and the systems that generate electrical power (such as electrical connections, control panels, and power transmitters).
Involve changes of transmission belts, oil, lubrication, and other work close to heavy or high-speed transmissions.
Because of their nature and condition, they pose a high risk to one's physical, psychological, and moral health.
Require standing up all day, require forced postures such as flexion of the spine, arms above shoulder level, squatting, rotations and inclinations of the trunk, among others. Repetitive movements of arms and legs with a maximum repetition limit of ten (10) cycles per minute.
The following is applicable to adolescents aged 16 to 18: The weight limit for intermittent lifting (interrupted frequency) is 15 kg for men and 8 kg for women; the weight limit for continuous lifting (continuous frequency) is 12 kg for men and 6 kg for women. Manual transport is limited as follows: Adolescents 16 and under 18 years of age: 20 kilos; male adolescents up to 16 years of age: 15 kilos; female adolescents up to 16 years of age: 8 kilos. Adolescents between the ages of 16 and less than 18 years old: 500 kg; male adolescents up to the age of 16 years old: 300 kg; female adolescents up to the age of 16 years old: 200 kg. For transport by hand truck: adolescents between 16 and less than 18 years of age: 20 kg.
Are associated and/or related to industrial fishing.
Require working in mines, quarries, underground work, and excavations. In confined spaces that do not have adequate lighting or ventilation, dedicated to drilling, excavation, or extraction of substances. A confined space is defined as any space with limited entry and exit openings and unfavourable natural ventilation, which can accumulate toxic or flammable contaminants or has an oxygen-deficient atmosphere, and which is not designed for continuous occupation by a person.
Involve direct construction or civil engineering, such as prefabricated structure assembly and disassembly, structural transformations, renovation, repair, maintenance, site preparation, excavations, and demolitions. And those activities in which they perform, such as moulders, welders, sheet metal workers, boilermakers, assemblers of metal structures, blacksmiths, toolmakers.
Involve work involving periodic cross-border transit; and private transportation as a driver or family chauffeur; cab driver or mototaxi driver. Similarly, avoid activities that involve moving money and other valuables.
Involve hunting; defence services; bodyguard; jail warden; weapon handling or manipulation activities; surveillance or supervision.
In which the safety of other people or property is the responsibility of a child under 18 years of age. It includes, among other things, taking care of children, sick people, people with disabilities, or being a babysitter.
Involve contact, handling, storage, and transport of products, substances, or objects of a toxic nature, waste, spills, waste (oxidants, fuels, gases, flammable substances, radioactive substances, infectious substances, irritants, and/or corrosives).
In the context of domestic work in the home that exceeds 15 hours per week. Domestic work in third-party homes.

## **Sexual exploitation of children in the tourism sector affecting children in a migration context in some national Departments<sup>388</sup>**

### **North Santander Department**

North Santander has other relevant peculiarities in addition to the strong migratory influx. One such characteristic is the strong presence of illegal armed groups fighting for control of local territories. Furthermore, unaccompanied and irregularly travelling children are frequent in the area, making them vulnerable to criminal groups. This means that the criminal groups often recruit migrant children in the region for commercial sexual exploitation in areas such as tourism, drug trafficking, and other forms of exploitation, through the promise of work and life opportunities. One of the activities to which they are tied is that of *mosquitos*, which entails monitoring and notifying superiors in these criminal structures about developments in trafficking, sale of psychoactive substances, commercial sexual exploitation, etc.

### **CSE in North Santander**

Within particular areas of the territory, those criminal groups traffic drugs, organise pimping, and wield authority through coercion. It has been discovered that there are references of women pimps who approach girls through social networks such as Facebook and WhatsApp, deceive and manipulate them with financial offers, and lead children to be sexually exploited based on their social and emotional vulnerability. It is usual to sell "virgin" girls for a range of prices that could reach one million pesos (approximately 250 USD). In some communities, exploiters and pimps recruit children in schools. Often, the school system fails to identify indicators of abuse and exploitation.

Similarly, there are prostitution zones in the municipalities of Cúcuta and Villa del Rosario, where children and adolescents are recruited to be sexually exploited. The so-called "red zones" or "tolerance zones" are home to children aged 14 to 17, mostly of Venezuelan origin, who live in houses where they pay 5,000 pesos (1.25 USD) per night or, in certain circumstances, combine together and pay rent for apartments in the city's outskirts. Due to the current risk, girls and boys who are in the same vulnerable circumstance group together, building protective and supportive bonds against street threats. However, criminal groups have grown to economically control those areas.

Exploiters identified by the authorities are mostly men between the ages of 30 and 65, of Colombian origin, who in some cases refer to being merchants, university students, criminal organisation leaders, pensioners, passenger or cargo transporters, among others. Similarly, taxi drivers operate as mediators and/or facilitators of commercial sexual exploitation, as they constantly roam the area, picking up and dropping off perpetrators and victims. Furthermore, extortion mechanisms connected with commercial sexual exploitation occurrences are observed. Children and teenagers are under pressure from criminal armed groups who control the area and charge them for accommodation.

People in the region are also subjected to discrimination based on their nationality, sexual orientation, or gender identity. Only the presence of Venezuelan women and girls in situations of commercial sexual exploitation can be identified in particular areas, whereas only transgender people have been observed to be exploited in some other areas. It is critical to note the increase in contact established through social networks or digital media, as technology has been used by exploiters to easily and safely access their victims through various applications such as Facebook, WhatsApp, Instagram, and other apps to groom and recruit victims even in poor communities.

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<sup>388</sup> The information below was collected through unpublished research of Renacer Foundation, unless referenced otherwise in the text.

## **La Guajira Department**

Riohacha (the capital city of Guajira), for example, has one of the highest unemployment rates in the country. According to the National Department of Statistics, the local unemployment rate was 15.3% in the January-March 2019 quarter, while the national average was 11.1%. Similarly, the migratory surge worsens these issues by increasing demand for assistance, not only for humanitarian aid but also for public services and employment. On the other side, many migrants' irregular status aggravates the problems because, while being irregular in the country is not a crime, accessing basic services such as health, education, or employment requires regular documents. As in the case of Norte de Santander, there is evidence that women and girls were sexually abused when travelling from Venezuela to Colombia, on the paths, by carriers, or by Wayuu indigenous groups (in the case of Guajira) involved in illegal land appropriation.

### **CSE in La Guajira**

It has been noted that indigenous children and adolescents frequently join adults in the selling of handicrafts throughout the day, even until late at night, in the municipality of Rioacha. This circumstance increases their risk of accidents and mistreatment from bystanders, among other things. These girls and boys have constant and recurring contact with unknown adults during the sale, which increases chances of grooming. The growing migrant movement has increased the number of adults and children who rely on street trade for a living.

At night, especially on weekends, sexual exploitation of women and children is observed in areas such as "El Malecón". Abusive sexual encounters, particularly those perpetrated by Colombian men, occur in hotels, private homes, rented rooms, or inside vehicles. Pimps from Colombia and Venezuela manage and keep women and children under their control. They also serve as an intermediary between the exploiters and the victims. Fundación Renacer has found people (mainly adult women, girls, boys, and adolescents) ranging in age from 7 to 50 years old in various territories where sexual exploitation is prevalent. Many of the victims have also been subjected to physical and verbal abuse at the hands of pimps and exploiters. Wayuu boys, girls, and adolescents, Colombian and Venezuelan, are at great risk of sexual exploitation in the old market, in the restaurant sector. Migrant Wayuu mothers can be spotted roaming the neighbourhood with their underage daughters, looking for contact with men from the area who abuse and exploit the girls and boys in exchange for petty money.

Other potential CSE/A and trafficking hotspots include public parks, the pier, motels, service stations (gas stations) on the route leading to Santa Marta, and the "Movistar" junction on Calle 15 and Carrera 10. Sexual exploitation coexists with drug usage and trafficking in many of these locations, which are controlled by rising gangs made up of Venezuelans and Colombians who resort to theft and extortion.

## **Arauca Department**

Arauca City is the capital of the Department of Arauca and is located on the southern bank of the Arauca River; it borders Venezuela to the north and is connected to the neighbouring country via the José Antonio Páez International Bridge. The city has a high level of bilateral commerce and direct economic relations with the Republic of Venezuela. For years, the territory has suffered the consequences of an armed conflict that continues to this day, permanently maintaining and disputing "invisible borders" through the presence of front-line members of the National Liberation Army (ELN) guerrilla group who demarcate areas where illegal fuel trade, sale of psychoactive substances (SPA), and human trafficking, among other illicit activities, take place. Furthermore, there is a comeback of dissident groups from Colombia's now-defunct revolutionary armed forces (FARC). At the same time, the economic crisis caused by border closures and the broad migratory crisis is visible, complicating the existing social concerns.

Migrants are exploited through begging, forced labour on farms, for criminal activity through the trade and sale of psychoactive substances, and commercial sexual exploitation in the case of children and adolescents.

## **CSE in Arauca**

Commercial sexual exploitation of children takes place throughout the urban area of the municipality of Managua. In general, the child victims are found in their homes, in community spaces, being contacted by exploiters/abusers who travel through the area (tourism sector). In the Los Guires area, teenage girls are often seen in the stalls and billiards (places for selling liquor on the riverbank).

Additionally, there are websites containing photos and direct offers for sexual services, along with contact telephone numbers, which are directly from the girls or women or their pimps. The dynamics of prostitution and sexual exploitation identified in Arauca affect disproportionately the Venezuelan population living in the area. When investigating the cases, they show to be almost entirely involving Venezuelan women and children.

## **Cartagena de Indias Department**

The main economic activity in Cartagena is tourism, as it is a popular destination for both Colombians and foreigners due to its privileged cultural, architectural, and historical features, which have been recognised by UNESCO as a Historical and Cultural Heritage of Humanity. Cartagena has some of the highest rates of sexual exploitation, prostitution, and pimping involving children, especially in the tourism sector. According to Family Welfare figures, in 2021, there were 660 cases for restoration of rights of children who had been formally found victims of sexual abuse, including 26 victims of commercial sexual exploitation (Infobae, 2022). In this sense, a sub-registry of information is once again visible, since Fundación Renacer has documented over 200 incidents of children used for sexual exploitation in the city<sup>389</sup>. The Clock Tower, the avenue, the forest, the Amparo service station, and the tourist beaches of the city and surrounding islands have been identified as areas of exploitation of women and children, where the dynamics of exploitation and the presence of groups or networks of pimps are most pronounced. Similarly, the use of catalogues and webcam that permit access and communication with sexually exploited children have been strengthened<sup>390</sup>.

According to Fundación Renacer, four groups are most vulnerable: 1) impoverished girls from Cartagena's outskirts; 2) girls brought from the countryside to be exploited; 3) Venezuelan migrant girls and women who arrive in the city with promises of work and end up being subjected to exploiting networks; and 4) members of the LGTBIQ+ community who are frequently discriminated against, including by public authorities<sup>391</sup>. In certain locations, there exist illegal armed groups that regulate and supervise child trafficking. Transnational alliances have reinforced the hegemony and control of self-defence groups throughout the Colombian Caribbean, particularly in the migratory environment and among vulnerable Venezuelan populations. Structures like "the Aragua train" have been identified as a criminal organisation that recruits victims<sup>392</sup>. Cartagena is a destination and transit point for victims who are primarily utilised in community and tourist contexts.

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<sup>389</sup> Fitzgerald, M. F. (2022b). "En Cartagena, la inoperancia de las autoridades permite la explotación sexual de menores". *Cambio Colombia*.

<sup>390</sup> Ibid.

<sup>391</sup> Ibid.

<sup>392</sup> Ibid.

## ANNEX 5 – Spain (THB)

### **General THB statistics and information in Spain**

Thirty-eight follow-up proceedings were initiated for the exercise of prostitution in flats and houses: 14 in brothels, 4 in flats and clubs, 5 in street situations, and the rest are unspecified<sup>393</sup>. In addition, in 2021, 81 victims of trafficking for the purpose of labour exploitation (26 women and 55 men) from 9 countries (Algeria, Colombia, Honduras, Morocco, Nicaragua, Paraguay, Peru, Romania, and Senegal) were identified. 22 women and 26 men were investigated, with more than half of them belonging to criminal organisations or groups (1 Colombian, 1 Chinese, 1 Nicaraguan, 1 Moroccan, 1 Spanish, and 2 Romanian). The means of recruitment, transfer, and dominance are similar to those used in sex trafficking. Agriculture (9 investigation proceedings), care for the elderly and domestic work (6 investigation proceedings each), and construction (1 investigation proceeding) are the most common places where people find work<sup>394</sup>.

In 2021, nine follow-up proceedings were opened for trafficking for the purpose of criminal activities, involving 54 victims (29 men, 3 women, and the rest are unknown), of different nationalities (8 Algeria, 10 Colombia, 16 China, 9 Romania, 6 Vietnam, and 5 unknown), with 9 of them being children (7 girls and 2 boys). In 2021, 82 people were under investigation, all of them involved in different organisations or criminal groups (countries of origin: 1 Argentina, 19 Colombia, 24 China, 1 Spain, 1 India, 2 United Kingdom, 20 Romania, and 1 Venezuela). Most of these follow-up actions (5 in total) are aimed at investigating the alleged exploitation of people in the cultivation of marijuana in sheds and premises (indoor cultivation), where the victims live in subhuman conditions, mostly Chinese and Vietnamese citizens, although an organisation of Albanians who enslaved their compatriots in the activity described above has also been dismantled. The rest of the proceedings refer to crimes against property, especially petty theft (3 investigation proceedings). Finally, it is worth mentioning an investigation, the object of the subsequent investigation proceedings, carried out against an organisation mainly made up of Colombian citizens, dedicated to bringing people of the same nationality to Spain by means of deception, to force them, once here, to pay the debt acquired through the transport and distribution of narcotic substances (36 investigated, 10 victims identified, and it is estimated that another 90 possibly more could have been passive subjects of the aforementioned network)<sup>395</sup>.

For forced marriage or servitude, four follow-up proceedings have been opened, five victims have been identified, all of them children of Romanian nationality and Roma ethnicity, and 13 people have been investigated, 7 men and 6 women of the same nationality. These cases are classified as trafficking for the aforementioned purpose and, subsidiarily, as trafficking for servitude, given that marriage celebrated by the Romany rite is not recognised as such in Spanish law<sup>396</sup>.

During 2021, the Public Prosecutor's Office filed 48 indictments: 37 for trafficking for sexual exploitation, 1 for trafficking for begging, 4 for trafficking for labour exploitation, 3 for trafficking for illicit activities, 1 for trafficking for sexual exploitation, criminal conduct, and begging, and 2 for trafficking for sexual and labour exploitation<sup>397</sup>.

Moreover, the data published by the Ministry of the Interior, specifically in the *Balance Estadístico 2017/2021 sobre Trata y Explotación de Seres Humanos en España*<sup>398</sup>, elaborated by the *Centro de Inteligencia contra el terrorismo y el Crimen Organizado* (CITCO), reflect that, in 2021, 1,056 victims of trafficking networks and

<sup>393</sup> General Prosecutor's Office (2022). *Memoria del Ministerio Fiscal de 2022*.

<sup>394</sup> Ibid.

<sup>395</sup> Ibid.

<sup>396</sup> Ibid.

<sup>397</sup> Ibid.

<sup>398</sup> Available at: [www.interior.gob.es/opencms/pdf/prensa/balances-e-informes/2021/Balance-Ministerio-TSH-2017-2021.pdf](http://www.interior.gob.es/opencms/pdf/prensa/balances-e-informes/2021/Balance-Ministerio-TSH-2017-2021.pdf). Available at: <https://www.interior.gob.es/opencms/pdf/prensa/balances-e-informes/2021/Balance-Ministerio-TSH-2017-2021.pdf>.

crimes of sexual or labour exploitation were released in Spain. In addition, two girls were also released from trafficking with the purpose of forcing them to marry. Concerning the total number of victims, the report indicates that 187 were extorted by human trafficking networks that brought them into Spain to profit from their sexual or labour exploitation, while 869 are victims subjected to such processes, though it is not confirmed that they arrived in this situation as a result of the actions of a trafficking network<sup>399</sup>.

In police terms, in 2021, 226 operations were carried out by the State Security Forces and Corps, 74 of which were directly linked to trafficking and 152 to sexual and labour exploitation. In this sense, 663 people were arrested, and 64 criminal organisations were dismantled<sup>400</sup>.

In addition, when it comes to traffickers, there are networks of traffickers led by Spaniards and Chinese that dominate the prostitution market in large cities such as Madrid and Barcelona, as well as in cities such as Seville, Cordoba, Granada, and Gerona. Among the nationalities of the people trafficked for the purpose of sexual exploitation (mostly foreigners), those from China, Nigeria, and Romania stand out. Criminal networks mainly control the trafficking of victims to the receiving country (Spain) with promises of work and economic opportunities in sectors such as agriculture, construction, domestic work, and shoe manufacturing<sup>401</sup>.

## **Spanish legal and policy frameworks against THB in Spain**

### Penal Code: THB

#### Article 177a:

1. Anyone who, either on Spanish territory, or from Spain, in transit or bound for Spain, using violence, intimidation or deception, or abusing a situation of superiority, need or vulnerability of the national or foreign victim, or by giving or receiving payments or benefits to achieve the consent of the person who has control over the victim, recruits, transports, transfers, harbours, or receives, including the exchange or receipt of goods or services, shall be sentenced to five to eight years' imprisonment for the crime of human trafficking, including the exchange or receipt of goods or services, or by giving or receiving payments or benefits to achieve the consent of the person who has control over the victim, captures, transports, transfers, harbours or receives them, including the exchange or transfer of control over such persons, for any of the following purposes:

- (a) The imposition of forced labour or services, slavery or practices similar to slavery, servitude or begging.
- (b) Sexual exploitation, including pornography.
- (c) exploitation for the purpose of criminal activity.
- (d) the removal of their bodily organs.
- (e) The celebration of forced marriages.

A situation of need or vulnerability exists when the person concerned has no real or acceptable alternative but to submit to the abuse.

When the victim of trafficking in human beings is a child, the penalty of special disqualification from any profession, trade or activity, whether paid or unpaid, which involves regular and direct contact with children, shall be imposed for a period of between six and twenty years in excess of the duration of the custodial sentence imposed.

2. Even if none of the means set out in the preceding paragraph are used, any of the actions referred to in the preceding paragraph shall be considered trafficking in human beings when carried out with respect to children for the purpose of exploitation.

3. The consent of a victim of trafficking in human beings shall be irrelevant where any of the means referred to in paragraph 1 of this Article have been used.

4. The penalty which is higher in degree than that provided for in the first paragraph of this Article shall be imposed when:

- (a) the life or physical or mental integrity of the persons who are the object of the offence has been endangered;
  - (b) the victim is particularly vulnerable because of illness, pregnancy, disability or personal situation, or is a child.
- If there is more than one circumstance, the penalty shall be imposed in the upper half of the sentence.

5. The penalty higher in degree than that provided for in paragraph 1 of this article and absolute disqualification of six to twelve years shall be imposed on those who carry out the acts taking advantage of their status as an authority, agent thereof or public official. If any of the circumstances provided for in paragraph 4 of this Article are also present, the penalties shall be imposed in the upper half of the sentence.

<sup>399</sup> Ministry of the Interior (2022b). *Balance Estadístico 2017/2021 sobre Trata y Explotación de Seres Humanos en España*.

<sup>400</sup> Ibid.

<sup>401</sup> Available at: <http://ocindex.net/country/spain>. Global Initiative Against Transnational Organized Crime (2022). *Global Organized Crime: Spain*.

6. The penalty higher in degree than that provided for in paragraph 1 of this Article and special disqualification for profession, trade, industry or commerce shall be imposed for the duration of the sentence, when the offender belongs to an organisation or association of more than two persons, even of a temporary nature, which engages in such activities. If any of the circumstances provided for in paragraph 4 of this Article apply, the penalties shall be imposed in the upper half of the sentence. If the circumstance provided for in paragraph 5 of this Article is met, the penalties provided for in this Article shall be imposed in the upper half.
- In the case of the heads, administrators or managers of such organisations or associations, the penalty shall be applied to the upper half of the sentence, which may be increased to the next higher degree. In any case, the penalty shall be increased to the next higher degree if any of the circumstances provided for in paragraph 4 or the circumstance provided for in paragraph 5 of this Article apply.
7. Where, in accordance with the provisions of Article 31a, a legal person is liable for the offences referred to in this Article, it shall be liable to a fine of three to five times the amount of the benefit obtained. In accordance with the rules laid down in Article 66a, the judges and courts may also impose the penalties set out in Article 33(7)(b) to (g).
8. Provocation, conspiracy and proposal to commit the offence of trafficking in human beings shall be punishable by a penalty one or two degrees less than that of the corresponding offence.
9. In any case, the penalties provided for in this article shall be imposed without prejudice to those applicable, where appropriate, for the offence of Article 318 bis of this Code and other offences actually committed, including those constituting the corresponding exploitation.
10. Convictions by foreign judges or courts for offences of the same nature as those provided for in this Article shall produce the effects of recidivism, unless the criminal record has been or may be cancelled under Spanish law.
11. Without prejudice to the application of the general rules of this Code, the victim of trafficking in human beings shall be exempted from punishment for criminal offences committed in the situation of exploitation suffered, provided that his or her participation in such offences was a direct consequence of the situation of violence, intimidation, deception or abuse to which he or she was subjected and that there is adequate proportionality between that situation and the criminal act committed.

In the area of protection of THB victims and plans to combat THB, Spain has enacted:

<p><b>Organic Law 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration.</b></p>	<ul style="list-style-type: none"> <li> Provides immigrants with rights for rehabilitation, recovery, and reflection periods (90 days).</li> <li> Ensures all necessary protection services to immigrant victims of trafficking.</li> <li> Allows for legal, temporary residency in the country with financial support, if necessary.</li> <li> Foresees special rights and procedures for children.</li> <li> Enables immigrant victims to work, in some cases.</li> <li> Establishes personal situation assessments for protection and extension of status in the country.</li> </ul> <p>Entire law's text available on: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2000-544">https://www.boe.es/buscar/act.php?id=BOE-A-2000-544</a></p>
<p><b>Royal Decree 557/2011, of 20 April, approving the Regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, following its reform by Organic Law 2/2009.</b></p>	<ul style="list-style-type: none"> <li> Adds to the Organic Law 4/2000 that it <b>shall also apply to potential victims of trafficking in human beings who are nationals of a Member State of the European Union</b> or who are included in the subjective scope of application of the Community system for aliens.</li> <li> Regulates the procedures for temporary residence and work in exceptional circumstances for foreign nationals who are victims of trafficking in human beings.</li> <li> Establishes the coordination proceedings among the national stakeholders.</li> <li> Creates the specific procedures for the identification on potential non-EU victims.</li> <li> Describes the procedures for the period of reinstatement and reflection.</li> <li> Clarifies the exemption from liability of the potential victim and its possible suspension</li> <li> Enacts the exact proceedings to authorize residence and work permits, and their possible suspension.</li> <li> Describes the process of assisted return to the country of origin, when applicable.</li> </ul>

	<p> Establishes the public network of migration centres, within the Ministry of Labour and Immigration, to support immigrants.</p> <p>Entire Royal Decree's text available on:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2011-7703">https://www.boe.es/buscar/act.php?id=BOE-A-2011-7703</a></p>
<p>Law 4/2015, of 17 April, on the Statute of the Victims of Crime</p>	<p> Establishes the rules for the <u>individual assessment of victims to determine their special protection needs.</u></p> <p> This assessment shall take particular account of the following:</p> <p>a) The personal characteristics and circumstances of the victim and in particular:</p> <ol style="list-style-type: none"> <li>1. If the victim is a person with a disability or if there is a relationship of dependency between the victim and the alleged perpetrator of the offence.</li> <li>2. If the victims are children or victims in need of special protection or with special vulnerability factors.</li> </ol> <p>(b) the nature of the offence and the seriousness of the harm caused to the victim, as well as the risk of repetition of the offence. For these purposes, the protection needs of victims of the following offences shall be specially assessed:</p> <ol style="list-style-type: none"> <li>1. Terrorist offences.</li> <li>2. Offences committed by a criminal organisation.</li> <li>3. Offences committed against a spouse or a person who is or has been linked to the perpetrator by an analogous relationship of affection, even without cohabitation, or against their own descendants, ascendants or siblings by nature, adoption or affinity, or those of the spouse or cohabiting partner.</li> <li>4. Offences against sexual freedom or indemnity.</li> <li><b>5. Crimes of trafficking in human beings.</b></li> <li>6. Crimes of enforced disappearance.</li> <li>7. Offences committed for racist, anti-Semitic or other reasons relating to ideology, religion or beliefs, family situation, membership of an ethnic group, race or nation, national origin, sex, sexual orientation or identity, illness or disability.</li> </ol> <p>(c) the circumstances of the offence, in particular in the case of violent offences.</p> <ol style="list-style-type: none"> <li>3. Throughout the criminal proceedings, the adoption of protection measures for child victims shall take into account their personal situation, immediate needs, age, gender, disability and level of maturity, and shall fully respect their physical, mental and moral integrity.</li> <li>4. In the case of victims of an offence against sexual freedom, the measures set out in Article 25(1)(a), (b), (c) and (d) shall apply in any case.</li> </ol> <p>Entire law's text available on:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2015-4606">https://www.boe.es/buscar/act.php?id=BOE-A-2015-4606</a></p>
<p>Royal Decree 1109/2015, of 11 December, implementing Law 4/2015, of 27 April, on the Statute of the Victims of Crime.</p>	<p>Clarifies, regulates, and provides for the exact procedures to implement the Law 4/2015.</p> <p>Entire law's text available on:  <a href="https://www.boe.es/buscar/doc.php?id=BOE-A-2015-14263">https://www.boe.es/buscar/doc.php?id=BOE-A-2015-14263</a></p>
<p>Organic Law 8/2021, of 4 June, on the comprehensive protection for children and</p>	<p><b>Intervention in cases of sexual exploitation and trafficking of children' subject to protection measures.</b></p> <p>The protocols referred to in the previous article shall contain specific actions for prevention, early detection and intervention in possible cases of abuse, sexual exploitation and trafficking in human beings whose victims are children subject to protective measures and who reside in residential centres under their responsibility. The gender perspective, as well as the necessary coordination measures with the Public Prosecutor's Office, the Security Forces and Bodies and the rest of the social agents involved, will be taken into account in the elaboration of these actions.</p>

adolescents against violence	<p>CHAPTER II Negative certification from the Central Registry of Sex Offenders and Trafficking in Human Beings</p> <p>Entire law's text available on: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2021-9347">https://www.boe.es/buscar/act.php?id=BOE-A-2021-9347</a></p>
Law 1/1996 of 10 January 1996 on free legal aid.	<p>The right to free legal aid for victims of THB trafficking is recognised.</p> <p>Entire law's text available on: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1996-750">https://www.boe.es/buscar/act.php?id=BOE-A-1996-750</a></p>
Inter-institutional Coordination Protocols (national and regional)	<p><u><a href="#">Framework Protocol on the Protection of Victims of Human Trafficking</a></u></p> <p>Entire Protocol's text available on: <a href="https://violenciagenero.igualdad.gob.es/va/otrasFormas/trata/normativaProtocolo/marco/docs/protocoloTrata.pdf">violenciagenero.igualdad.gob.es/va/otrasFormas/trata/normativaProtocolo/marco/docs/protocoloTrata.pdf</a></p> <ul style="list-style-type: none"> <li> Protocol of Galicia for institutional action on the adoption of measures for the prevention, investigation and treatment of women victims of trafficking for the purpose of sexual exploitation.</li> <li> Catalonia Protocol for the Protection of Victims of Trafficking in Human Beings.</li> <li> Extremadura Protocol against trafficking in human beings for the purpose of sexual exploitation</li> <li> Protocol of the Government of Navarre for coordination and action with women and girls who are victims of trafficking for the purpose of sexual exploitation</li> <li> Protocol for the protection of victims of human trafficking in the Community of Madrid.</li> </ul> <p>Website with all the above-mentioned Protocols available at: <a href="https://violenciagenero.igualdad.gob.es/va/otrasFormas/trata/normativaProtocolo/marco/home.htm">violenciagenero.igualdad.gob.es/va/otrasFormas/trata/normativaProtocolo/marco/home.htm</a></p>
Order INT/28/2013, of 18 January, which develops the organisational structure and functions of the Central and Peripheral Services of the General Directorate of the Police.	<p>It founded the General Commissariat for Aliens and Borders, its functions and composition.</p> <p>Available in: <a href="https://www.boe.es/buscar/doc.php?id=BOE-A-2013-662">https://www.boe.es/buscar/doc.php?id=BOE-A-2013-662</a></p>
National Strategic Plan against Trafficking and Exploitation of Human Beings 2021-2023	<p>The document establishes five priority objectives and sixteen lines of action that affect both public institutions and the third sector and whose aim is to enable a multidisciplinary and comprehensive approach to this serious and highly complex criminal phenomenon.</p> <p>Entire Strategic Plan's text available on: <a href="https://www.interior.gob.es/opencms/pdf/prensa/balances-e-informes/2021/220112_Plan_nacional_THB_PENTRA_FINAL_2021_2023.pdf">https://www.interior.gob.es/opencms/pdf/prensa/balances-e-informes/2021/220112_Plan_nacional_THB_PENTRA_FINAL_2021_2023.pdf</a></p>
National Action Plan against Forced Labour: Compulsory labour relations and other forced human activities	<p>Resolution of 20 December 2021, of the Secretary of State for Employment and Social Economy, publishing the Agreement of the Council of Ministers of 10 December 2021.</p> <p>Entire Strategic Plan's text available on: <a href="https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-21340">https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-21340</a></p>
Protocol of the Sub directorate General for the Integration of Immigrants for the	

<p>detection of and action in possible cases of trafficking in human beings for the purpose of sexual exploitation.</p>	<p>It is aimed at professionals from the migration centres attached to the current State Secretariat for Migration, as well as centres managed by NGOs subsidising it, with the aim of promoting the coordinated and homogeneous intervention of these professionals, in order to favour the detection of possible victims of human trafficking and the referral to the appropriate assistance and protection resources.</p>
<p>Resolution of 7 July 2022, of the Secretary of State for Equality and against Gender Violence, which publishes the Agreement of the Sectorial Conference on Equality of 27 May 2022, regarding the administrative accreditation of the status of victim of human trafficking and/or sexual exploitation and its Annexes I and III.</p>	<p>The target scope of this agreement is limited to trafficking for the purpose of sexual exploitation, which includes exploitation of prostitution, sexual servitude, or other types of sexual services, including pornographic acts or the production of pornographic material, by a third party, or mixed trafficking, i.e., trafficking for any other purpose, such as labour exploitation, but which includes some manifestation of sexual violence. Where reference is made to trafficking, it shall always be understood to mean trafficking for the aforementioned purpose.</p> <p>This is a different administrative procedure from that provided for in the Framework Protocol and the laws envisaged for that purpose.</p> <p>Entire Resolution’s text available on:  <a href="https://www.boe.es/diario_boe/txt.php?id=BOE-A-2022-11630">https://www.boe.es/diario_boe/txt.php?id=BOE-A-2022-11630</a></p>
<p>Instruction 6/2016, of the Secretary of State for Security, on actions of the state security forces and bodies in the fight against trafficking in human beings and in collaboration with organisations and entities with accredited experience in assisting victims.</p>	<p>It is established that the National Police and the Civil Guard will establish the figure of the social interlocutor in human trafficking, with the goal of not only having a new tool to prevent and combat this type of crime, but also favouring coordination of the actions of the State Security Forces and Corps with the various bodies and social entities that deal with victim assistance and recovery.</p> <p>Entire Instruction’s text available on:  <a href="https://rm.coe.int/esp-2-eval-report-annex-1-thb-comprehensive-plan-2015-2018/1680790618">https://rm.coe.int/esp-2-eval-report-annex-1-thb-comprehensive-plan-2015-2018/1680790618</a></p>

### **Relevant government and non-government actors and their roles**

Government actors	Roles
<p><b>Public Prosecutor's Office. Office of the Public Prosecutor for Aliens</b></p>	<p>The prosecution of the crimes of trafficking in human beings and forced sex work, the crime of migrant smuggling and, to the extent that they continue to be initiated, the cases for crimes under art. 313-1 of the Criminal Code. In particular, the Alien Prosecutors are entrusted with the control of the application of art. 59 of the LE, channelling all the letters sent by the Prosecutor's Office to the governmental authority for this purpose, an activity which is part of the obligatory protection of the victims when they are foreigners.</p> <p>In the area of Unaccompanied Foreign Children, intervention in age determination and repatriation proceedings. This work requires close coordination with the Children's Prosecutors, one of whose functions is the protection of children.</p> <p>More information available at:  <a href="https://www.fiscal.es/web/fiscal/-/extranjeria">https://www.fiscal.es/web/fiscal/-/extranjeria</a></p>

<p><b>Central Unit for Illegal Immigration Networks and Documentary Falsifications of the General Commissariat for Aliens and Borders (National Police).</b></p>	<p>Its main role is the detection and identification of THB victims. It is responsible for the investigation of criminal activities, both national and transnational, related to human trafficking, human smuggling, illegal immigration, and false documentation in this area, as well as related crimes; it carries out the operational coordination and technical support of the territorial Brigades and Units; the collection, analysis, exploitation, monitoring, dissemination, and exchange, both to national and international organisations, of information related to irregular immigration, human trafficking, and any other aspect related to foreigners and human trafficking; and it performs the functions of intelligence and planning of police information on foreigners. It functions as the National Central Office in this respect in relation to other bodies or entities that currently exist or that may be established.</p> <p>This unit is made up of the Central Brigade for Documentary Forgery and the Central Brigade against Trafficking in Human Beings. The Central Brigade against Trafficking in Human Beings is responsible for functions relating to the investigation and fight against criminal networks and organisations dedicated to human trafficking, illegal immigration, labour exploitation and illicit labour trafficking, trafficking in human beings, or exploitation in prostitution; directing and coordinating actions that affect more than one brigade or territorial peripheral police unit or that, due to their importance, require it; as well as collaborating with other national or international judicial, fiscal, police, or administrative authorities in these functions; participating in the forums and working groups that are established within the different institutions of the European Union; and other bilateral or multilateral relations of an international nature.</p> <p>More information available at:  <a href="http://www.policia.es/es/tupolicia_conocenos_estructura_dao_cgextranjeriayfronteras.php">www.policia.es/es/tupolicia_conocenos_estructura_dao_cgextranjeriayfronteras.php</a></p>
<p><b>Labour and Social Security Inspectorate</b></p>	<p>Monitoring and enforcing compliance with laws, regulations, and the content of agreements and collective bargaining agreements.</p> <p>More information available at:  <a href="http://www.mites.gob.es/itss/web/">www.mites.gob.es/itss/web/</a></p>
<p><b>Ministry of Equality. Secretary of State for Equality and against Gender Violence.</b></p>	<p>The Secretary of State is responsible for proposing and implementing the government's policy on equality and policies aimed at making equality between women and men real and effective and eradicating all forms of discrimination.</p> <p>The proposal of standards and measures to combat trafficking in women for the purpose of sexual exploitation, as well as their coordination, monitoring, and evaluation.</p> <p>More information available at:  <a href="https://mpr.sede.gob.es/pagina/index/directorio/secretaria_estado_igualdad">https://mpr.sede.gob.es/pagina/index/directorio/secretaria_estado_igualdad</a></p>
<p><b>Centre for Intelligence against Terrorism and Organised Crime (CITCO)</b></p>	<p>It coordinates the Permanent Working Group with the participation of representatives of the constitutional bodies and ministerial agencies involved, which will draw up the appropriate monitoring and evaluation reports in accordance with the Strategic Plan against Trafficking and Exploitation of Human Beings 2021/2023.</p>
<p><b>Social Partner at national level against THB</b></p>	<p>Created by Instruction 6/2016 of the Secretary of State for Security, Ministry of the Interior, it coordinates and cooperates with the various territorial social partners, who are experts appointed by the National Police and Guardia Civil units.</p> <p>These intermediaries will be in charge of fostering collaboration between organisations and social entities with experience in THB, ensuring the exchange of information, trends, statistics, and promoting the respective protocols.</p> <p>More information available at:  <a href="http://www.juntadeandalucia.es/iamfiles/PLANCOVID19/instruccion_%2062016.pdf">www.juntadeandalucia.es/iamfiles/PLANCOVID19/instruccion_%2062016.pdf</a></p>

<b>Victim Assistance Offices</b>	<p>The general objective of the Victims' Assistance Offices is to provide comprehensive, coordinated, and specialised assistance to victims as a result of crime and to respond to specific needs in the legal, psychological, and social spheres. VAOs are established and run under the authority of the regional and local governments.</p> <p>Example: Offices for Victims of Violent Crimes of the Community of Madrid: <a href="http://www.comunidad.madrid/servicios/justicia/oficinas-atencion-victimas-delito">www.comunidad.madrid/servicios/justicia/oficinas-atencion-victimas-delito</a></p>
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## **Victim interview guidelines**

*Who conducts the interview?* Staff with specific training in the identification of victims of THB, from the NFSC with competences in the investigation of these crimes. To be taken into account before and during the interview:

1. Comfortable and safe context taking into account: gender difference between interviewers and victim, administrative situation in case of foreign victims, fear, language, cultural differences, circumstances, among others.
2. Emotional state of the victim: the interview should not be conducted if the victim is anxious or distressed, is excessively hostile or aggressive, is in an environment where privacy cannot be guaranteed or requires medical assistance.
3. Separation of the victim from alleged traffickers and their possible collaborators.
4. Have the interview conducted by a person of the same sex as the victim.
5. The interview should be conducted in an appropriate place that ensures privacy, confidentiality and avoids interruptions.
6. If necessary, interpreter support will be provided.
7. Prior to the interview, the interviewer shall clearly and accurately inform the victim about the identification process, ensuring that the victim understands the content and purpose of the interview, including the right not to answer questions or to terminate the interview at any time.
8. The questions should be as open-ended as possible, avoiding the use of simple closed questionnaires that favour a yes or no answer, and in any case, try to get the victim to provide information spontaneously, which can then be qualified if necessary. The interviewer must be aware that he/she is dealing with a person who may have been subjected to extreme situations.
9. Information shall be collected on the victim's personal situation, his or her family situation, the coverage of her basic needs (accommodation, maintenance, medical assistance, legal assistance), her concerns regarding her safety or that of the people around her and the existence of situations of abuse or threat towards her or her family.
10. The motives that led to the victim will be investigated, the victim will be asked about his or her income and profession, how many dependents he or she had, what his or her family situation was.
11. With regard to information on recruitment, means and forms of exploitation, the following aspects will be investigated:
  - a. If the person has been deceived, coerced and/or abused for the purpose of exploitation.
  - b. What was the job offered and what the person actually does?
  - c. Whether the person can move from one place to another or from one job to another if he or she wishes. Whether the person is free to make telephone calls or receive correspondence and whether he or she have a mobile phone.

- d. What kind of work the person does and what the salary, working hours and working conditions are?
  - e. If the person has any debts or commitments to those who recruited him or her, or to the people he or she works for.
  - f. If the person receives money and can dispose of it.
  - g. If the person has identification documents and know where they are.
  - h. If the person is afraid of something, has been threatened or someone in his or her family has been threatened.
  - i. If the person has ever suffered psychological, physical or sexual violence (insults, aggression, threats, religious rituals, confinement or forced drug use).
12. In the case of foreign, EU or third country nationals, specific enquiries shall be made:
- a. Their administrative situation in Spain.
  - b. The reasons for migration: reasons for leaving their country of origin, job expectations and offers, and whether they had tried before.
  - c. The circumstances of the journey: means of transport, route (transit countries and borders crossed), type of documentation used during the journey, initial contact, knowledge of the people who brought him or her to Spain (their address or that of her family in her country of origin). Whether you were given instructions, money or detailed information about how the journey would take place, how many people were travelling and under what circumstances, and whether you were accompanied by anyone.
  - d. Once in our country: whether anyone was waiting for him or her, whether she had to go somewhere specific, where she spent the first few days, how many places she went before arriving at the place where we detected her, how and when she felt that things were not as she had assumed or had been promised.
  - e. The trajectory from its arrival in Spain to the present day.
  - f. Their expectations and plans for the future: ideas about the possibility of staying in Spain or returning to their country of origin.

It is important to detect the methods of control that have been used and to which the interviewee is subjected, with the aim of reducing the control's effectiveness and being able to remove the victim from the exploitative situation as easily as possible. The interviewee may be asked to describe what she does from the moment she gets up until the end of her working day. An attempt should be made to record all the control methods used, such as the address, names, and dates, which will be fundamental for the subsequent investigation.

13. The interviewer will collect the victim's perception of her situation, the extent to which she understands what happened or will happen, her legal situation, her rights and the resources available if she wishes to give up her current activity.

### **Lists of Publicly Available Indicators**

In 2011, Spain adopted the **Framework Protocol for the Protection of Victims of Human Trafficking**<sup>402</sup>, in which the Ministries of Justice, the Interior, Employment and Social Security and Health, Social Services and Equality, the General Prosecutor's Office, and the Council of the Judiciary make part. This Protocol points out the different phases through which a possible victim of trafficking goes through from the moment of detection, indicates the actions to be carried out in each phase and identifies the public administrations involved, establishing the coordination mechanisms between them and their relationship with other organizations with accredited experience in assisting victims. In other words, the Protocol is the Spanish national referral mechanism to identify and protect victims of trafficking, and it includes a general list of indicators of trafficking in its Annex 2.

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<sup>402</sup> Available at : <https://violenciagenero.igualdad.gob.es/va/otrasFormas/trata/normativaProtocolo/marco/home.htm>

General Indicators	
<b>Recruitment phase (Act)</b>	<ul style="list-style-type: none"> <li> Place of recruitment: country or population known for previous trafficking cases.</li> <li> Low socio-cultural and economic status, with children in country of origin.</li> <li> Recruiters have a track-record in trafficking people.</li> <li> False information about travel, living and working conditions.</li> <li> The costs and/or interest charged by the collector are excessive, usually paid in the form of debt.</li> <li> Abduction or relationship or friendship that encouraged them to migrate the migration.</li> </ul>
<b>Transport, transfer, reception and reception phase (Means)</b>	<ul style="list-style-type: none"> <li> A lack of identification documents (especially passport) and immigration documents (visa, residence permit, etc.).</li> <li> Fake or forged documents.</li> <li> Routes usually followed by victims of trafficking.</li> <li> Accompanied by a person who helped them cross border controls or gave them instructions to do so.</li> <li> Inability to move to another place or leave the job.</li> <li> Rotations in different clubs/workplaces from time to time.</li> <li> Isolation from relatives or people from their place of origin.</li> <li> Inability to communicate freely with friends or family.</li> <li> Social isolation: limiting contact with people outside the traffickers or establishing measures to monitor all contact.</li> <li> Inability or difficulty in communicating in the language of the country they are in, particularly if they are already staying there for a long period of time.</li> <li> Having resided in accommodations on boats (immigration boats called patera).</li> <li> False information on working conditions, debt repayment, etc.</li> </ul>
<b>Operational phase (Purpose)</b>	<ul style="list-style-type: none"> <li> Restriction of freedom of movement.</li> <li> Debt bondage and other forms of servitude.</li> <li> Signing of false contracts hiding the exploitation.</li> <li> Social isolation</li> <li> Suffering psychological, physical or sexual abuse (insults, assaults, threats, religious rituals, confinement or forced drug use, food deprivation) to intimidate, degrade or frighten them and prevent escape attempts.</li> <li> Engaging in prostitution/working even when ill and, in the case of women, when menstruating.</li> <li> Absence or scarcity of money, with no control over it, as it is controlled by the trafficker or pimp.</li> </ul>
Working Conditions Indicators	
<b>Work contract and tasks</b>	<ul style="list-style-type: none"> <li> A lack of written employment contract or contract accepting conditions of exploitation.</li> <li> Signing a contract in a language not understandable by the worker.</li> <li> The working conditions agreed upon at recruitment are not respected, or the employer has forced the worker to sign another contract upon commencing the job.</li> <li> Performing tasks that violate the workers' rights, not agreed upon in recruitment, and threatening them if they refuse.</li> <li> Being able to be penalised economically by the employer in an abusive or unreasonable way, such as for using too much raw material to perform the tasks, excessive wear and tear of tools, etc.</li> <li> False self-employment. Pretending to be self-employed.</li> <li> Pretending to be a shareholder in a company of which they know neither the number of shares or holdings they have, nor the price they paid for them.</li> <li> Being an employee of a third or fourth-tier subcontractor.</li> <li> Having to work alternately in different locations.</li> </ul>

	<ul style="list-style-type: none"> <li> The worker has been dismissed without just cause, without notice and/or without severance pay.</li> <li> The worker has had medical examinations, pregnancy tests, forced abortions, or been forcibly given contraceptives.</li> </ul>
<b>Working schedule</b>	<ul style="list-style-type: none"> <li> Notable breaches of working hours, breaks, holidays, etc.</li> <li> Excessive and/or unpaid overtime work.</li> </ul>
<b>Salary and compensations</b>	<ul style="list-style-type: none"> <li> Not being paid or not having a salary.</li> <li> In-kind compensations (accommodation, food, etc.) disproportionately high compared to cash payment.</li> <li> Insufficient salary to repay the acquired debt. The potential victim will take a long time to pay off the debt.</li> <li> The salary received by the indebted worker does not allow them to reasonably cover his food, health, or clothing needs for the duration of the debt repayment period.</li> <li> Calculate wages in a manner other than that laid down in the laws or collective agreements.</li> <li> Deception of the worker with regard to the amount of salary.</li> <li> Illegal deductions from their salary.</li> <li> Withholding part of wages to pay for materials, hand tools, personal protective equipment, work clothes, or exorbitant amounts for food or accommodation.</li> <li> Withholding a percentage of wages for payment to a third party.</li> <li> Salary not received on a regular basis, but irregularly.</li> <li> Salary received in cash, without proof of payment. No payment is documented.</li> </ul>
<b>Health and safety conditions</b>	<ul style="list-style-type: none"> <li> Failure to take workers to emergency services when needed.</li> <li> Unsafe workplace conditions.</li> <li> Dangerous work or tasks carried out at risk to their life or health.</li> <li> Unsafe work equipment; unsuitable work clothes.</li> <li> A lack of personal protective equipment.</li> <li> A lack of preventive training and information on occupational hazards, such as the lack of notices or signs at the workplace.</li> <li> Foreigners have not been informed of the risks in a language they know.</li> <li> Working in unhealthy environments.</li> <li> Working in basements.</li> <li> No access to first aid.</li> <li> No toilets, no drinking water, no heating, no electricity.</li> <li> Working and eating in the same place.</li> </ul>
<b>Environmental</b>	<ul style="list-style-type: none"> <li> Extreme security measures are observed at the facility, including barred windows, secured doors, isolated location, electronic surveillance, etc. Alleged victims are never seen leaving these facilities unless they are "escorted".</li> <li> The workers live in the same workplace or are transported under surveillance, live in unsanitary conditions, share rooms with a high number of people and the rent, if any, is excessive.</li> <li> Victims are kept under surveillance in public, especially when they go for medical consultations or to a clinic or hospital for treatment. In addition, a representative from the employer acts as a translator.</li> </ul>

## Indicators of trafficking for the purpose of sexual exploitation in Spain

In addition to the general indicators above, which are more geared toward trafficking for labour exploitation, the **General Council of the Judiciary**<sup>403</sup> has developed indicators to detect sexual exploitation (trafficking or otherwise). Some indicators are similar or identical for both types of exploitation, as they tend to happen often in the process of trafficking. The indicators that repeat themselves in various forms of exploitation are the ones considered strong indicators.

Since different types of exploitation can be found in the same environment, the indicators listed in Table 22 may be used as a complement and/or supplement to the general indicators described above.

Table 22: Indicators of trafficking for the purpose of sexual exploitation in Spain.

Indicators of Acts	
<b>Recruitment</b>	<ul style="list-style-type: none"> <li> The person did not know where they were going to work.</li> <li> The person paid fees in the job contracting phase.</li> <li> The person does not have an employment contract, the terms and conditions of the employment contract are unclear or the employment contract is written in a language that the person does not understand.</li> </ul>
<b>Transport and transfer</b>	<ul style="list-style-type: none"> <li> The person did not organise their own transport or did not know the route of the journey from the place of origin to the place of destination.</li> <li> The person seems to be afraid of the man or woman accompanying them.</li> <li> A third party returns the passport to the person just before crossing the border.</li> <li> People travelling in groups do not seem to know each other.</li> </ul>
<b>Accommodation and reception</b>	<ul style="list-style-type: none"> <li> The person lives and sleeps at the workplace.</li> <li> Sleeping areas are overcrowded and conditions are unsanitary, basic hygiene facilities are lacking, privacy rights are limited or non-existent.</li> <li> The person has limited freedom of movement in the place where they live.</li> </ul>
Indicators of Means	
<b>Threats</b>	<ul style="list-style-type: none"> <li> The person shows fear and anxiety, especially in the presence of the supervisor, the person in charge or the men or women accompanying him or her during transport, transfer or border crossing.</li> <li> The Person makes statements that are incoherent or indicate indoctrination.</li> <li> Men or women accompanying the Person show aggression towards the Person.</li> </ul>
<b>Use of force</b>	<ul style="list-style-type: none"> <li> The person has visible injuries (e.g., bruises, scars, cuts, mouth and teeth wounds, cigarette burns).</li> <li> The person shows signs of anxiety or fear (e.g., sweating, trembling, difficulty answering questions directly, avoids eye contact for reasons unrelated to their culture).</li> <li> The person frequently goes to the emergency room for injuries, STDs, miscarriage, etc.</li> </ul>
<b>Restriction of movement</b>	<ul style="list-style-type: none"> <li> The person lives and works in the same place.</li> <li> There are control mechanisms in the place of prostitution, such as video surveillance, signs warning people not to leave, inaccessible or barred windows, locked doors, etc.</li> <li> The pimp (or the person in charge of the place of entertainment) moves the person from one place to another without the person's consent.</li> </ul>
<b>Isolation</b>	<ul style="list-style-type: none"> <li> The person does not know where they are and does not know their address.</li> </ul>

<sup>403</sup> Available at: [www.poderjudicial.es/cgpj/es/Temas/Igualdad-de-Genero/Guias--estadisticas--estudios-e-informes/Guias/Guia-de-criterios-de-actuacion-judicial-frente-a-la-trata-de-seres-humanos](http://www.poderjudicial.es/cgpj/es/Temas/Igualdad-de-Genero/Guias--estadisticas--estudios-e-informes/Guias/Guia-de-criterios-de-actuacion-judicial-frente-a-la-trata-de-seres-humanos).

	<ul style="list-style-type: none"> <li> The place where sexual services are offered is in a remote area that is difficult to access.</li> <li> The person has no or limited access to communications (e.g., telephone, mail, Internet).</li> <li> The pimp/employer insists on answering questions on behalf of the person and/or translating all conversations.</li> </ul>
<b>Document retention</b>	<ul style="list-style-type: none"> <li> The person is not in possession of or does not have access to their identity documents (passport, identity card, visa, work or residence permit) or other personal effects of value (return ticket) and cannot access them on request.</li> <li> Other prostitutes (or workers) are in the same situation, without access to their identity documents.</li> <li> The identity documents appear to be counterfeit.</li> </ul>
<b>Wage withholding</b>	<ul style="list-style-type: none"> <li> The person must hand over all the money they get from clients to their supervisor.</li> <li> The employer cannot produce an employment contract or evidence that wages have been paid, or the employment documents and wage records have been altered.</li> <li> Payments are irregular and/or frequently delayed.</li> <li> The person does not know how much they earn.</li> </ul>
<b>Deception</b>	<ul style="list-style-type: none"> <li> The person did not know that they would have to provide sexual services.</li> <li> The actual terms and conditions of work are different from those promised verbally or in writing.</li> <li> The person signed a new employment contract when they arrived at work.</li> </ul>
<b>Abuse of vulnerability</b>	<ul style="list-style-type: none"> <li> The person is in an irregular administrative situation and does not have a work or residence permit.</li> <li> The person belongs to a group that has been discriminated against or does not enjoy equal rights in society (e.g., on the basis of sex, refugee/asylum status, ethnicity, disability, orphan status, or being part of a cultural or religious minority group).</li> <li> The person has limited education and/or is illiterate or does not know the local language.</li> <li> The person is in a situation of multiple dependency (e.g., dependent on the employer for accommodation, food and work for family members or other benefits).</li> <li> The person is emotionally and financially linked to the employer/contractor (e.g., due to a romantic or family relationship).</li> <li> The person refers to religious or cultural beliefs with fear.</li> </ul>
<b>Debt bondage</b>	<ul style="list-style-type: none"> <li> The person must pay an excessive price for recruitment, transport, accommodation, food, tools or safety equipment that is deducted directly from their salary.</li> <li> The conditions for the repayment of wage advances are unclear or manipulated.</li> <li> The person must work to repay a debt actually incurred or inherited.</li> <li> The parents are paid to let the child go.</li> <li> The parents receive payment in exchange for their child leaving with strangers.</li> </ul>

## ANNEX 6 – Spain (CSA/E)

### Spanish legal Framework against CSA/E

Article 12 of the Spanish Constitution recognises the age of majority at eighteen years of age. The LO *Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil*<sup>404</sup>, provide for the rights enjoyed by children based on their best interests. Taking into account the Convention on the Rights of the Child (CRC), children are defined as all human beings from birth to 18 years of age.

Starting from a general framework, LO 8/2021 on the comprehensive protection of children and adolescents against violence<sup>405</sup>, is the normative reference in the protection of children and adolescents. This law seeks to promote the rights of children and adolescents in accordance with the Convention on the Rights of the Child, based on human dignity, physical and psychological integrity, through the prevention of all forms of violence.

According to its preamble, LO 8/2021 proposes a comprehensive approach to combating violence against children and adolescents, emphasising prevention as well as socialisation and education among children, their families, and civil society, and providing measures for protection, early identification, assistance, reintegration of violated rights, and victim recovery, inspired by comprehensive models of care related to good practices to avoid secondary victimisation. In short, as stated in Article 1 of LO 8/2021, the objective of this law is to guarantee the fundamental rights of children and adolescents, including their physical, psychological, psychic, and moral integrity, against any form of violence, ensuring the free development of their personalities.

Regarding the concept of violence, Article 1.2 states that *"For the purposes of this law, violence is understood as any action, omission, or negligent treatment that deprives children of their rights and well-being or threatens or interferes with their orderly physical, psychological, or social development, regardless of its form and means of commission, including that carried out through information and communication technologies, especially digital violence"*. In any case, violence shall be understood as "exploitation, including sexual violence, corruption, child sexual exploitation material, prostitution, sexual harassment, cyber-bullying, trafficking in human beings for any purpose, forced marriage, child marriage, unsolicited access to pornography, sexual extortion, and the public dissemination of private data..." (LO 8/2021, Art. 1.2). As we can see, ICTs are part of the means of exercising violence against children and adolescents; likewise, as an important point in this work, following the literal meaning of the norm, we will refer to CSA/E, which is exercised against children and adolescents as a form of violence.

For its part, LO 10/2022, of September 6, on the comprehensive guarantee of sexual freedom<sup>406</sup>, in addition to reforming the Criminal Code, provides in Title IV *"the right to comprehensive, specialized, and accessible assistance"*, where a special section for the protection of children who are victims of violence is indicated. The law will establish a "basis for the implementation in Spain of the Anglo-Saxon Children's House or Scandinavian Barnahus model. This model places the child victim of sexual violence at the centre of the intervention, which requires the joint and coordinated participation, in a specific place, adapted and appropriate to their needs, of all the professionals involved in the care and justice route." (LO 10/2022, Preamble III). It also provides for a series of measures aimed at the recognition and protection of child victims.

Article 3.1 of LO 10/2022 defines sexual violence as "any act of a sexual nature that is not consensual or that conditions the free development of sexual life in any public or private sphere, including the digital sphere..." In any case, the crimes provided for in Title VIII of Book II of Organic Law 10/1995, of November 23, 1995,

<sup>404</sup> Available at: [www.boe.es/buscar/act.php?id=BOE-A-1996-1069](http://www.boe.es/buscar/act.php?id=BOE-A-1996-1069).

<sup>405</sup> Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia, published in BOE núm. 134, de 5 de junio de 2021. Available at: [www.boe.es/buscar/doc.php?id=BOE-A-2021-9347](http://www.boe.es/buscar/doc.php?id=BOE-A-2021-9347).

<sup>406</sup> Ley Orgánica 10/2022, de 6 de septiembre, de garantía integral de la libertad sexual (Organic Law 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom). Available at: [www.boe.es/buscar/act.php?id=BOE-A-2022-14630](http://www.boe.es/buscar/act.php?id=BOE-A-2022-14630).

of the Criminal Code—female genital mutilation, forced marriage, harassment with a sexual connotation, and trafficking for the purpose of sexual exploitation—are considered sexual violence. **Special attention was given to sexual violence committed in the digital sphere in the law**, including the dissemination of acts of sexual violence, **non-consensual pornography**, and **child sexual abuse and exploitation material** in any case, and sexual extortion through technological means.

According to LO 10/2022, which reforms the Penal Code on sexual offences, the provisions relevant to CSA/E in the revised Code are:

Penal Code: CSA	
<p><b>Sexual assaults on persons over sixteen years of age</b></p>	<p><u>Article 178</u></p> <p>1. Anyone who performs any act that infringes on the sexual freedom of another person without that person's consent shall be punished by imprisonment for a term of one to four years as a perpetrator of sexual assault. Consent shall be deemed to exist only when it has been freely expressed by acts which, in view of the circumstances of the case, clearly express the will of the person.</p> <p>2. For the purposes of the previous section, acts of sexual aggression are considered in any case to be acts of sexual content that are carried out using violence, intimidation or abuse of a situation of superiority or vulnerability of the victim, as well as those that are carried out on persons who are sensory deprived or whose mental situation is abused and those that are carried out when the victim's will be annulled for any reason whatsoever.</p> <p>3. The sentencing body, reasoning it in the sentence, and provided that the circumstances of Article 180 are not met, may impose a prison sentence in its lower half or a fine of eighteen to twenty-four months, taking into account the child nature of the act and the personal circumstances of the offender.</p> <p><u>Article 179</u></p> <p>When the sexual assault consists of carnal access by vaginal, anal or oral means, or the introduction of bodily members or objects by either of the first two means, the offender shall be punished as a rape offender by imprisonment for a term of four to twelve years.</p> <p><u>Article 180</u></p> <p>1. The above conducts shall be punishable by a prison sentence of two to eight years for assaults under Article 178.1 and seven to fifteen years for assaults under Article 179 when any of the following circumstances are present, unless they have been taken into consideration to determine that the elements of the offences defined in Articles 178 or 179 are present:</p> <ol style="list-style-type: none"> <li>1. <sup>a</sup> When the acts are committed by the joint action of two or more persons.</li> <li>2. <sup>a</sup> When the sexual aggression is preceded or accompanied by extremely serious violence or acts of a particularly degrading or humiliating nature.</li> <li>3. <sup>a</sup> When the acts are committed against a person who is in a situation of special vulnerability due to age, illness, disability or any other circumstance, except for the provisions of Article 181.</li> <li>4.<sup>a</sup> When the victim is or has been a wife or a woman who is or has been linked by an analogous relationship of affectivity, even without cohabitation.</li> <li>5. <sup>a</sup> When, in order to commit the offence, the person responsible has taken advantage of a situation of cohabitation or kinship, as an ascendant, or sibling, by nature or adoption, or related, or of a relationship of superiority with respect to the victim.</li> <li>6. <sup>a</sup> When the person responsible makes use of weapons or other equally dangerous means liable to cause death or any of the injuries provided for in Articles 149 and 150 of this Code, without prejudice to the provisions of Article 194 bis.</li> <li>7. <sup>a</sup> When, in order to commit these acts, the perpetrator has overridden the victim's will by supplying him/her with drugs, medicines or any other natural or chemical substance suitable for this purpose.</li> </ol> <p>2. If two or more of the above circumstances are present, the penalties provided for in paragraph 1 of this Article shall be imposed in the upper half.</p>

	<p>3. In all the cases provided for in this chapter, when the guilty party has taken advantage of his or her status as an authority, agent or public official, the penalty of absolute disqualification of six to twelve years shall also be imposed.</p>
<p style="text-align: center;"><u>Sexual assaults on children under the age of sixteen years</u></p>	<p><u>Article 181</u></p> <p>1. Whoever performs acts of a sexual nature with a child under the age of sixteen years shall be punished with imprisonment for a term of two to six years.</p> <p>For these purposes, acts of a sexual nature are considered to include those performed by the child with a third party or on himself/herself at the request of the perpetrator.</p> <p>2. If any of the forms of sexual aggression described in Article 178 are involved in the conduct of the previous section, a prison sentence of between five and ten years shall be imposed.</p> <p>In these cases, in view of the child nature of the act and taking into account all the concurrent circumstances, including the personal circumstances of the offender, a prison sentence of a lesser degree may be imposed, except when violence or intimidation is involved or when the circumstances mentioned in Article 181.4 are present.</p> <p>3. When the sexual act consists of carnal access by vaginal, anal or oral means, or the introduction of bodily members or objects by either of the first two means, the offender shall be punished by imprisonment for a term of six to twelve years in cases of paragraph 1, and by imprisonment for a term of ten to fifteen years in cases of paragraph 2.</p> <p>4. The conducts foreseen in the previous paragraphs shall be punished with the corresponding prison sentence in the upper half of the sentence when any of the following circumstances apply:</p> <ul style="list-style-type: none"> <li>a) When the acts are committed by two or more persons acting jointly.</li> <li>(b) where the sexual assault is preceded or accompanied by extremely serious violence or acts of a particularly degrading or humiliating nature.</li> <li>c) When the acts are committed against a person who is in a situation of special vulnerability due to age, illness, disability or any other circumstance, and, in any case, when the person is under four years of age.</li> <li>d) When the victim is or has been the perpetrator's partner, even if they do not live together.</li> <li>e) When, in order to commit the offence, the perpetrator has taken advantage of a situation of cohabitation or a relationship of superiority or kinship, by virtue of being an ascendant, or a sibling, by nature or adoption, or related, with the victim.</li> <li>f) When the person responsible makes use of weapons or other equally dangerous means, likely to cause death or any of the injuries provided for in Articles 149 and 150 of this Code, without prejudice to the provisions of Article 194 bis.</li> <li>g) When for the commission of these acts the perpetrator has overridden the will of the victim by supplying him/her with drugs, medicines or any other natural or chemical substance suitable for this purpose.</li> <li>(h) where the offence has been committed within an organisation or criminal group engaged in such activities.</li> </ul> <p>5. In all the cases provided for in this article, when the guilty party has taken advantage of his or her status as an authority, agent or public official, the penalty of absolute disqualification of six to twelve years shall also be imposed.</p> <p><u>Article 182</u></p> <p>1. Whoever, for sexual purposes, causes a child under sixteen years of age to witness acts of a sexual nature, even if the perpetrator does not participate in them, shall be punished by imprisonment for a term of six months to two years.</p> <p>2. If the acts of a sexual nature witnessed by the person under sixteen years of age constitute a crime against sexual freedom, the penalty shall be imprisonment for a term of one to three years.</p> <p><u>Article 183</u></p> <p>1. Anyone who, through the Internet, telephone or any other information and communication technology, contacts a child under the age of sixteen and proposes to arrange a</p>

meeting with him/her in order to commit any of the offences described in Articles 181 and 189, provided that such a proposal is accompanied by material acts aimed at approaching him/her, shall be punished with one to three years' imprisonment or a fine of twelve to twenty-four months, without prejudice to the penalties corresponding to the offences committed, as the case may be. The penalties shall be imposed in their upper half when the approach is obtained by means of coercion, intimidation or deception.

2. Anyone who, by means of the Internet, telephone or any other information and communication technology, contacts a child under the age of sixteen and performs acts aimed at duping him or her into providing pornographic material or showing pornographic images in which a child is depicted or appears, shall be punished by imprisonment for a term of six months to two years.

#### Penal Code: CSE

#### Offences concerning prostitution and sexual exploitation and corruption of children under 18 years of age

##### Article 188

1. Anyone who induces, promotes, favours or facilitates the prostitution of a child or a disabled person in need of special protection, or profits therefrom, or otherwise exploits a child or a disabled person for these purposes, shall be punished by imprisonment for a term of two to five years and a fine of twelve to twenty-four months.

If the victim is under sixteen years of age, the penalty shall be imprisonment for a term of four to eight years and a fine of twelve to twenty-four months.

2. If the acts described in the previous paragraph were committed with violence or intimidation, in addition to the penalties of a fine, a prison sentence of five to ten years shall be imposed if the victim is under sixteen years of age, and a prison sentence of four to six years in other cases.

3. Sentences higher in degree than those provided for in the previous paragraphs shall be imposed, in their respective cases, when any of the following circumstances apply:

a) When the victim is in a situation of special vulnerability due to age, illness, disability or any other circumstance.

b) When, in order to commit the offence, the perpetrator has taken advantage of a situation of cohabitation or a relationship of superiority or kinship, being an ascendant, or sibling, by nature or adoption, or related, with the victim.

c) When, in order to commit the offence, the perpetrator has taken advantage of his or her status as an authority, agent of the authority or public official. In this case, a penalty of absolute disqualification of six to twelve years shall also be imposed.

(d) where the offender has intentionally or through gross negligence endangered the life or health of the victim.

e) When the acts have been committed by the joint action of two or more persons.

(f) where the offender belongs to an organisation or association, even of a temporary nature, which engages in such activities.

4. Whoever solicits, accepts or obtains, in exchange for remuneration or promise, sexual intercourse with a child or a disabled person in need of special protection, shall be punished by one to four years' imprisonment. If the child has not attained the age of sixteen years, the penalty shall be imprisonment for a term of two to six years.

5. The penalties indicated shall be imposed in their respective cases without prejudice to those corresponding to offences against sexual freedom or indemnity committed against children and persons with disabilities in need of special protection.

##### Article 189

1. Shall be punished by imprisonment for a term of one to five years:

(a) whoever recruits or uses children or disabled persons in need of special protection for the purpose of or in exhibitionist or pornographic performances, whether public or private, or for the production of any kind of pornographic material, whatever its medium, or finances or profits from any of these activities.

(b) whoever produces, sells, distributes, exhibits, offers or facilitates the production, sale, dissemination or exhibition by any means whatsoever of child pornography or the production of which has been used by persons with disabilities in need of special protection, or possesses it for these purposes, even if the material originates from abroad or is unknown.

For the purposes of this Title, child pornography is considered to be child pornography or pornography in the production of which persons with disabilities in need of special protection have been used:

(a) Any material that visually depicts a child or a person with a disability in need of special protection engaging in real or simulated sexually explicit conduct.

(b) any depiction of the sexual organs of a child or person with disabilities in need of special protection for primarily sexual purposes.

(c) any material that visually depicts a person appearing to be a child engaged in real or simulated sexually explicit conduct, or any depiction of the sexual organs of a person appearing to be a child, for primarily sexual purposes, unless the person appearing to be a child is found to be in fact eighteen years of age or older at the time the images were obtained.

(d) realistic images of a child engaged in sexually explicit conduct or realistic images of a child's sexual organs, primarily for sexual purposes.

Those who carry out the acts provided for in paragraph 1 of this article shall be punished with a prison sentence of between five and nine years when any of the following circumstances apply:

(a) Where children under the age of sixteen years are used.

(b) where the facts are of a particularly degrading or humiliating nature, where physical or sexual violence is used to obtain the pornographic material or where scenes of physical or sexual violence are depicted.

(c) When children who are in a situation of special vulnerability due to illness, disability or any other circumstance are used.

(d) When the offender has endangered, intentionally or through gross negligence, the life or health of the victim.

(e) where the pornographic material was of notorious importance.

(f) where the offender belongs to an organisation or association, even of a temporary nature, which engages in such activities.

(g) When the person responsible is an ascendant, guardian, tutor, curator, tutor, teacher or any other person in charge, de facto, even temporarily, or de jure, of the child or disabled person in need of special protection, or is any person who lives with him or her or any other person who has acted in abuse of his or her recognised position of trust or authority.

(h) where there is an aggravating circumstance of recidivism.

3. If the acts referred to in point (a) of the first subparagraph of paragraph 1 have been committed with violence or intimidation, the penalty shall be imposed that is higher in degree than those provided for in the previous paragraphs.

4. Whoever knowingly attends exhibitionist or pornographic performances involving children or disabled persons in need of special protection, shall be punished with six months to two years' imprisonment.

5. Whoever acquires or possesses child pornography for his own use or in the production of which disabled persons in need of special protection have been used, shall be punished with three months to one year of imprisonment or with a fine of six months to two years.

The same penalty shall be imposed on anyone who knowingly accesses child pornography or the production of which has used persons with disabilities in need of special protection, by means of information and communication technologies.

6. Anyone who has under their authority, guardianship, custody or foster care a child or a disabled person in need of special protection and who, with knowledge of their state of prostitution or corruption, does not do what is possible to prevent their continuation in such a state, or does not go to the competent authority for the same purpose if they lack the means for the custody of the child or disabled person in need of special protection, shall be punished with a prison sentence of three to six months or a fine of six to twelve months.

7. The Public Prosecutor's Office shall promote the relevant actions with the aim of depriving the person who engages in any of the conducts described in the previous section of parental authority, guardianship, custody or foster care, as the case may be, of parental authority, guardianship, custody or foster care.

8. Judges and courts shall order the adoption of the necessary measures for the removal of websites or Internet applications that contain or disseminate child pornography or in the creation of which persons with disabilities in need of special protection have been used or, where appropriate, to block access to them for Internet users in Spanish territory.

These measures may be ordered on a precautionary basis at the request of the Public Prosecutor's Office.

## **Relevant government and non-government actors and their roles**

These are the actors relevant to **combating the issue of sexual abuse and exploitation of children on the Internet and otherwise, which offer support and help to victims and their families**. It is necessary to be aware of these services so that any adult or child can count on them when faced with situations of abuse, risk, or possible questions on these issues. The main actors are:

- **Governmental Institutions:** the national, regional, and local governments all have a role in the fight against CSA/E, although the distribution of powers in the digital sphere falls on the State and, to the extent of the distribution of powers, to the Autonomous Communities (through the autonomous data protection agencies or the regional cybersecurity agencies). Their main function is the development of public policies, in accordance with their competences, in terms of resources to combat CSA/E, online or otherwise.
- The **Juvenile Prosecutor's Office** ([www.fiscal.es/web/fiscal/-/menores](http://www.fiscal.es/web/fiscal/-/menores)) and the **Spanish Data Protection Agency** have a platform for requesting the removal of sexual or violent contents.
- **Police authorities:** State Security Forces and Corps, in the case of Spain both the Guardia Civil and the National Police, have teams specialising in the fight against the sexual abuse and exploitation of children, as well as the care of victims. Their main function is the investigation and identification of instances of online CSA/E.
- **Internet Safety Centres:** The European Network for a *Better Internet for Kids* are, among other functions, in charge of developing awareness and training programmes for the protection of children on the Internet, as well as operating helplines and reporting lines in this field. At the national level, the *Instituto Nacional de Ciberseguridad*, INCIBE and Safer Internet Centre for Kids, Safer Internet for Kids stand out.
- **Helplines:** these are entities whose function is focused on guidance and help with specific issues. They can provide different means of contact, such as telephone helplines, via the Internet, or in person. The main one is INCIBE's Cybersecurity Helpline.
- **Reporting hotlines:** entities that facilitate the reporting of child sexual abuse content on the Internet, as well as other information that may be useful for the care of children and adolescents in a situation of abuse. CASI Hotline is a primary example.
- **Victims' associations and specialised entities:** offering care, guidance and support programmes for the recovery of victims, development of social awareness campaigns, etc.
  - o Federation of Associations for the Prevention of Child Abuse (FAPMI);
  - o Fundación ANAR (Ayuda a Niños y Adolescentes en Riesgo);
  - o Plataforma de Organizaciones de Infancia, an organisation that brings together more than 50 regional, national and international children's organisations specialising in children's issues<sup>407</sup>.
  - o The National Center for Missing & Exploited Children (NCMEC).
- **Technological initiatives:** whose mission is to improve the automatic detection of child sexual abuse material on the Internet to facilitate its blocking and removal from the Internet, the identification of victims for care, and the identification of perpetrators for prosecution and treatment.
  - o Screen Friends: [www.pantallasamigas.net](http://www.pantallasamigas.net)
  - o *International Society for the Prevention of Child Abuse and Neglect* (ISPCAN)<sup>408</sup>.
  - o *The Code* (promotion and management of the Code of Conduct for the Prevention of CSE in Tourism and Travel) also online<sup>409</sup>.
  - o Council of Europe's "One in Five" campaign for the prevention of sexual violence against children.

<sup>407</sup> Available at: [plataformadeinfancia.org/content/miembros](http://plataformadeinfancia.org/content/miembros).

<sup>408</sup> Available at: [www.ispcan.org](http://www.ispcan.org).

<sup>409</sup> Available at: [www.ecpat-spain.org/code.asp](http://www.ecpat-spain.org/code.asp).

## Child Abuse Notification Sheet

### SEXUAL ABUSE (involvement of children in sexual activities to satisfy the needs of an adult)

-  Manifestations of sexual abuse (Children who report having been subjected to sexual abuse: touching, propositions, sexual acts...).
-  Abdominal pains or bleeding from genitalia (presenting with non-specific abdominal pains, complaining of discomfort/bleeding in the genital-anal area without apparent cause).
-  Torn, stained or bloodstained clothing (shows signs of sexual assault)
-  Use of age-inappropriate vocabulary (Use of age-inappropriate sexual expressions)
-  Age-inappropriate sexual behaviour (Displays strange, sophisticated or unusual sexual knowledge. Shows excessive preoccupation with sex. Engages in sexual play that is unusual for his or her age. Engages in seductive behaviour with adults of the opposite sex.)
-  Compulsive or public masturbation (Engages in inappropriate sexual behaviour with oneself in public/compulsive)
-  Child prostitution (making sexual contact in exchange for money/gifts or coercion/threats)
-  Use of children in public entertainment of an exhibitionist or pornographic nature (Use of children in entertainment activities of an obscene or lewd nature)
-  Images of child pornography, possession of pornography or exhibition of pornography to children (Handles pornographic material. Child pornography via the Internet).

The civil servant will fill out the form and categorise each of the circumstances above at the following levels:

- L (mild): circumstances requiring follow-up;
- M (moderate): needs support or assistance from social services, health, education, etc.;
- G (severe): requires urgent intervention by social services.

Copies of the notification sheets (at police headquarters) should be remitted as follows:

- A copy for the general child's file.
- A copy for social intervention, addressed to the primary care social services in the ordinary action procedure and to the competent entity for the protection of children in the urgent action procedure.
- A copy for the Autonomous Community's child abuse data registration centre, for statistical purposes.

The normal notification process will be carried out directly or through the social services of the work area in which the professional who performed the detection performs his or her activity to the basic or primary care (municipal) social services. Specialised services with competence in Child Protection in those cases that require urgent measures.

The urgent notification process will be carried out before the Duty Judge in those cases regulated by the Law in which communication is required through a Report of Injuries or in those circumstances in which it is not possible to contact the Social Services with competence in matters of protection of the Autonomous Community. In the event of having to resort to the Duty Court, this can be done directly or by means of a complaint to the State Security Forces and Bodies; Family Assistance Service (SAF) of the National Police; Women and Children Attention Team (EMUME) of the Civil Guard.

Child Protection Services, at the notification stage, will have the following objectives:

- To attend to any person, professional, or institution wishing to report a possible situation of risk or lack of protection for a person under 18 years of age.

- Collect relevant information in order to: identify the persons related to the case (child or adolescent, family, aggressor, informant, etc.); know what the reported situation is and the essential particularities linked to it; make an initial assessment of the severity; and determine the process to be followed.
- Determine whether the case is one with a risk or a lack of child protection.
- Determine whether the case should be referred to the social services network.
- Determine whether the issue is of a different nature and whether it requires the assistance of other professionals or a different service.

In educational institutions, schools should have internal circuits specifying the responsibility and role of each level (teacher, tutor, management team, guidance team, etc.), as well as establishing channels of communication with the other areas involved. This internal circuit should clearly state who is responsible for forwarding the notification sheets to social services. If the child is in danger, the Public Prosecutor's Office, the Examining Magistrate's Court and the Children' Protection Service of the Autonomous Community will be notified, as well as, where appropriate, the service for women victims of gender violence of the corresponding Autonomous Community. The school will collaborate with social services or other bodies in charge and will offer its support to the parents or legal representative, as the case may be. In the case of mild, moderate, or severe abuse, the school will collaborate throughout this process.

In the health sector, victims of abuse should receive priority and urgent health care. Health services have a dual role in cases of child maltreatment. In addition to their work of detection, which is carried out in primary care centres, hospitals, etc., they will have a diagnostic function, which is fundamental to discerning between suspicion and certainty. If the child is in danger, the Public Prosecutor's Office, the Examining Magistrate's Court and the Children' Protection Service of the Autonomous Community will be notified, as well as, if necessary, the service for women victims of gender violence in the corresponding Autonomous Community. In cases of suspicion or certainty of sexual abuse or serious child abuse, the hospital will ensure that the child or adolescent is not discharged until their safety is guaranteed.

At the police level, in cases of child abuse or exposure to gender-based violence, they will act in coordination with the appropriate authorities. The first police actions should guarantee the immediate protection of the child and ensure the collection of evidence. Following that, reports on the findings of their investigations must be forwarded to the appropriate authorities. All necessary actions shall be taken to guarantee the dignity and physical and moral integrity of the victim, both at the scene of the crime and during transfers to hospitals and care centres or, where appropriate, to the victim's home. Among other measures, when it is necessary to take a statement from the child, this shall be carried out by the professionals of the specialised units.

In the judicial sphere, it is foreseen at any stage of the criminal proceedings, taking into account the best interests of the child.

### **Practices and mechanisms available in Spain to identify CSA/E cases**

INCIBE's 4NSEEK Project<sup>410</sup> has developed **tools, practices, and methods** that can help you detect cases of CSA/E, especially online:

- 
**Locating child sexual abuse or exploitation content:** Although the accidental discovery of CSA/E on the internet is complicated, as such content is often hidden from the public web by being located on what is called the *deep web*<sup>411</sup>, if an internet user detects the content or receives a hint on where to find it or how to contact a community or distributor, they have a responsibility to report and remove it.

<sup>410</sup> The manual involved: National Institute of Cybersecurity (INCIBE), Portuguese Victim Support Association (APAV), Civil Guard (EMUME Central - Technical Judicial Police Unit), National Police Force, Malta Police, EUROPOL - European Cybercrime Centre (EC3), UNICEF Spain, Federation of Associations for the Prevention of Child Abuse (FAPMI), ECPAT Spain and EU KIDS ONLINE, a leading research group in the study of children and new media at the University of the Basque Country.

<sup>411</sup> INCIBE - IS4K: Protecting children from inappropriate content on the Deep Web. [www.is4k.es/blog/protege-los-menores-de-contenidos-inadecuados-en-la-deep-web-o-internet-profunda](http://www.is4k.es/blog/protege-los-menores-de-contenidos-inadecuados-en-la-deep-web-o-internet-profunda).

- It is worth noting that digital platforms are aware of the problem and have established strict policies and reporting and whistleblowing procedures against child sexual abuse and exploitation content.
- Another possible situation is receiving a contact proposal from an adult with clear sexual intentions when using a social network, video game, or any other online platform. In these cases, it is important to reflect on the possibility that the sender may be trying to target underage users.
- In any of these cases, public involvement is essential to improving online security.
- It is necessary to report the profile, content, or website and to encourage children to cooperate in this aspect as well. Every report counts and can prevent some children from continuing to be sexually abused.
- If you find an advertisement, web page, or image of a sexual nature in which the protagonists are children, you should contact the State Security Forces and Bodies or report it to the national hotline. There are reporting channels for this type of content that promote the confidentiality of the whistleblower.

 **Guidelines at the family level:** In cases where a child is suspected of being a possible victim of sexual abuse or exploitation through the Internet, it is essential to know how to react in order to avoid further consequences, ensure the child's safety, and try to resolve the situation.

- Show unconditional support and listen to their side of the story.
- Gathering evidence. In a possible case of sexual abuse or exploitation of a child, it is essential that a report be made. Therefore, it will be necessary to ask the victim to provide as many details as possible so that the police authorities can verify the abuse and locate the offender. The original messages should be kept, and it is advisable to take screenshots. Although this may be unpleasant, it is a very useful step in the investigation. Obviously, for security reasons, evidence, images, and videos should be stored very carefully, and no one else should have access to the material.
- Seek professional attention. Sexual abuse of children is a serious and complex problem, which is why it is recommended that you seek professional counselling. It is very important to remember that it is never the child's fault, only that of the abuser, either directly or through the sexualisation of his or her image. The unwavering support of their friends can be crucial in conveying the situation and overcoming it.

 **Guidelines for educators and professionals:** teachers, health, leisure, sports, and leisure sector staff.

- Inclusion of specific cross-cutting training. Children need to learn how to use technology responsibly and safely. It is very beneficial for their overall development to incorporate cybersecurity and media literacy training into school curricula. Supporting children in developing their critical thinking skills will help them be better prepared to distinguish between information and facts and to detect and manage false approaches, lies, false claims, etc. It is advisable to show children, from their first contact with the Internet, how they can deal with associated problems, without fear or embarrassment by asking for help.
- Develop awareness-raising activities. The educational environment is an ideal learning space to carry out awareness-raising sessions and dynamics on the problem of sexual abuse and exploitation of children, as well as to work on risk reduction in the usual practices of their digital routine, showing them ways to maintain control. Among other topics, work can be done on sexuality and healthy relationships, respect and the values of coexistence, or learning to say no to unwanted, dubious, or uncomfortable requests. It is necessary for children to be aware of the possible medium- or long-term consequences of participating in practices such as sexting and leaving their privacy and intimacy in the hands of other people. Respect for others is essential in order to prevent children from requesting

or demanding intimate content from other children. Storing or sharing intimate images or videos of a child is a criminal offence.

- Promote collaboration and support among peers. When faced with a possible problem of abuse, the first to suspect or know about the situation are usually the child's closest circle of friends and peers. Therefore, it is important to make them see the importance of supporting the victim, listening to him or her, and helping him or her ask for help from an adult or seek professional help.
- Creation of a support network at the school level. Establishing a mediation system at the school level is a challenge; however, it can have important benefits in terms of improving coexistence, providing support among children themselves, and facilitating the early detection and resolution of conflicts, including situations related to child sexual abuse and exploitation, such as the non-consensual dissemination of intimate images of a child among peers. Appointing a team of mediators and mentioning the specific members of the educational team to whom they can turn can help the child have more confidence in the system and make possible abusive situations known.

#### Other forms of action:

- Maintain an appropriate attitude whenever you become aware of a situation involving abuse. A problem such as this cannot be ignored; it is unavoidable to react, and it must be done in a particularly careful and respectful way to protect the victim and their privacy, without judging or blaming. In order to facilitate the process for the professionals in charge, it is positive that these problems are included as a preventive measure in the action protocols of educational centres, childcare services, or any other service in direct contact with children.
- Support the child and provide a safe and trusted space. Children are very vulnerable in these situations, and fear may prevent them from reacting. Most do not know that they are victims of crime and may feel ashamed or guilty. Reminding them that they have a circle of support and that it is possible to solve the problem can motivate them to talk about their experience and report the abuse. Contacting specialists and bringing it to the attention of the family or legal guardians, where this is not counterproductive. Due to the complex nature of the problem, the guidance of specialised professional services should be sought, both at the level of the educational administration and, depending on the case, in the fields of health and social services, as well as by contacting the Security Forces and Corps or the Public Prosecutor's Office for Children to receive guidance and proceed with the report.
- Every situation of sexual abuse or exploitation of children on the Internet puts the safety not only of that child but of many others at serious risk.
- Reacting appropriately and quickly can reduce the consequences for the child, and prevent further abuse.

## ANNEX 7 – United Kingdom

### Vulnerabilities to modern slavery, including THB, in UK

The Home Office’s guidance on modern slavery<sup>412</sup> (2022 b) lists individuals or groups that may be particularly susceptible to modern slavery, including THB. Accordingly, British nationals, as well as people with different nationalities who reside in UK are at risk and both children and adults are affected. In general, all children are considered to be at risk of modern slavery in UK.

The vulnerability factors, combined with several other socio-economic, family and individual situations are described in Table 23 listing the categories of people vulnerable to modern slavery, including THB in UK. The authors of the Manual created Table 23 based on the conducted desk and field research.

Table 23: Categories of people vulnerable to modern slavery, including THB in UK.

Social, economic and health factors	Vulnerable individuals/groups <sup>413</sup>
<p>Poverty</p> <p>Poverty as a risk factor is not the reason for human trafficking alone; it is a component that, when combined with others increases the vulnerabilities of individuals and groups to modern slavery, including THB.</p>	<ul style="list-style-type: none"> <li> Young men and women (as well as pregnant women)</li> <li> Homeless people (or individuals who are at risk of becoming homeless)</li> <li> People in deprived and poor areas (with a lack of employment opportunities)</li> <li> Adults and children from low socio- economic backgrounds</li> <li> Individuals with financial problems (particularly who have debt)</li> <li> Young women and girls predominantly from Albania, Bulgaria, and Romania, including ethnic Roma who seek work in UK</li> <li> Adults and children working in agriculture, cannabis cultivation, construction, food processing, factories, domestic service, nail salons, food services, the hospitality industry, car washes, food supply industry, warehousing, fishing boats etc.</li> </ul>
<p>Socio-economic and health difficulties</p> <p>Human traffickers prey on people who are poor, isolated and weak. Issues such as disempowerment, social exclusion and economic vulnerability marginalize entire groups of people and make them particularly vulnerable to being trafficked.</p>	<ul style="list-style-type: none"> <li> Orphans</li> <li> Children in the care system</li> <li> Children excluded from education</li> <li> Individuals with drug and alcohol dependency issues</li> <li> People with criminal records</li> <li> People who speak no/very little English and/or are illiterate</li> <li> People with limited support networks (including individuals that have lost their family)</li> <li> Older people who experience loneliness and financial hardship</li> <li> Former victims of modern slavery (including people who don’t consent to enter the NRM)</li> <li> People who have experienced abuse</li> <li> Individuals with underlying health factors (e.g., disabilities, learning difficulties, communication difficulties, chronic developmental or mental health disorders)</li> </ul>
<p>Migration and displacement</p> <p>Migration and displacement caused by political and social turmoil and economic crises have left many adults and children vulnerable to modern slavery. When children go to other</p>	<ul style="list-style-type: none"> <li> Overseas migrants</li> <li> Overseas domestic workers</li> <li> Unaccompanied migrant children</li> <li> Children accompanied by an adult who is not their relative or legal guardian</li> </ul>

<sup>412</sup> Home Office (2022 b). *Modern Slavery: Statutory Guidance for England and Wales (under 49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland. Version 2.10.*

<sup>413</sup> Ibid.

<p>places, they are often alone. Once in UK, people have difficulties to adjust to the new context. The unsolved legal status is additional difficulty. Because of these situations, people are easy targets for rights violations, such as sexual or criminal exploitation.</p>	<ul style="list-style-type: none"> <li> Internally displaced children</li> <li> People considered ‘illegal immigrants’ or with insecure immigration status</li> <li> European Economic Area (EEA) citizens who had not gained legal status in the UK</li> <li> Ukrainian refugees, predominantly women and children who are fleeing the invasion of Ukraine</li> </ul>
<p>Technological development and advancement</p> <p>Human traffickers who trick people with fake job offers and promises and then exploit them for profit are taking advantage of online technologies for every step of their criminal activities. Gangs force children to act as drug couriers from larger cities into rural areas across the UK. Victims are being targeted and recruited via social media and online platforms where personal information and details of people’s locations are readily available.</p>	<ul style="list-style-type: none"> <li> Children from both urban and rural areas in UK originating from socially vulnerable families</li> <li> Children deprived from school</li> <li> Children in the care system in UK</li> <li> Young men and women British citizens</li> <li> Women and girls, predominantly from Eastern Europe with unsolved legal status in UK</li> <li> Adults from low educational and socio- economic backgrounds who seek job in UK</li> </ul>
<p><b>Family-related factors</b></p>	<p><b>Vulnerable individuals/groups</b></p>
<p>Deprivation of parental care/ abusive family interactions</p> <p>Family interactions are crucial in the physical, social, and emotional development. The family is a venue for different learnings that help define, shape, and nurture children's physical and emotional well-being. Abusive relationships within the family in the childhood or absence of parental care cause children to be more vulnerable to grooming and adults vulnerable to exploitation.</p>	<ul style="list-style-type: none"> <li> Children in the care system in UK</li> <li> Children and people who have experienced family abuse</li> <li> Children/individuals that have lost their family</li> <li> Children/individuals who have experienced abuse</li> </ul>
<p>Economically disadvantaged families</p> <p>Endemic rural poverty and lack of job opportunities, especially when combined with information gaps, can lead poor families to hand off (consciously or unconsciously) their children to traffickers in the hope of improving their life chances. Many victims, especially children, are most victims are trafficked by family members, relatives and trusted friends.</p>	<ul style="list-style-type: none"> <li> Families with financial problems (particularly who have debts)</li> <li> Children in deprived and poor areas who are forced to work and contribute to the family budget</li> <li> Adults and children that work in agriculture, cannabis cultivation, construction, food processing, factories, domestic service, nail salons, food services, the hospitality industry, car washes, food supply industry, warehousing, fishing boats etc.</li> </ul>
<p><b>Individual Factors</b></p>	<p><b>Vulnerable individuals/groups</b></p>
<p>Age, gender, disability, ethnicity, belonging to a minority group, or sexual orientation</p> <p>These personal characteristics should not be understood as a vulnerability in themselves, but they may become a vulnerability factor when they interact</p>	<ul style="list-style-type: none"> <li> Young men and women</li> <li> Pregnant women</li> <li> People with health issues</li> <li> People with disabilities</li> <li> LGBTQIAP+ people</li> <li> Children deprived from parental care and education</li> <li> Homeless people (or individuals who are at risk of becoming homeless)</li> </ul>

<p>with other personal and situational factors, therefore increasing the risk of being trafficked.</p>	<ul style="list-style-type: none"> <li> People considered ‘illegal immigrants’ or with insecure immigration status</li> <li> Older people who experience loneliness and financial hardship</li> <li> People who speak no/very little English and/or are illiterate</li> </ul>
<p>Low self-esteem and approval seeking, naivety Low self-esteem makes people and children vulnerable to manipulation, or to getting involved in actions that threaten their integrity. Adults and children may become victims of modern slavery and trafficking for labour, sexual and criminal exploitation because they are unaware of the hazards and risks, or because they place too much faith in persons who appear to be friends or potential benefactors.</p>	<ul style="list-style-type: none"> <li> Children in the care system in UK</li> <li> Children and people who have experienced family abuse</li> <li> Children/individuals that have lost their family</li> <li> Children/individuals who have experienced abuse</li> <li> Children/individuals from low socio-economic background</li> <li> Children/individuals with drug and alcohol dependency issues</li> <li> Individuals with financial problems (particularly who have debt)</li> </ul>

The specific vulnerability factors to County Lines and Cuckooing phenomena are elaborated in the Table 24. The authors of the Manual created Table 24 based on the conducted desk and field research.

Table 24: Vulnerability factors to County Lines and Cuckooing phenomena.

<b>County Lines and Cuckooing vulnerability factors</b>	
<p><b>Age</b></p>	<p>Gangs are interested in children because they are considered to be relatively easy to control and inexpensive. Children can’t legally earn money up to the age of 16 in the UK, children are already more vulnerable. On average, young people who are exploited through County Lines activity, are between 15 and 16 years old. However, children as young as 12 have been reported to have been exploited within County Lines.</p>
<p><b>Gender</b></p>	<p>Most victims of County Lines are man and boys.<sup>414</sup> According to the NCA, 13% of people involved in County Lines are women. Women recruited into County Lines may have additional needs, learning disabilities, alcohol, or drug problems, have been in the care system, have run away from home, have previously been trafficked, or may have already been involved in the sex industry (or were forced into it by OCGs). Local councils in the UK have warned that girls and young women are being increasingly recruited into County Lines. Targeting girls is attractive to gangs as they are considered to be less suspicious and less likely to be targeted by law enforcement compared to boys and young men.</p>
<p><b>Socioeconomic status</b></p>	<p>A low-socioeconomic status, economic vulnerability, and living in poverty are further crucial factors putting somebody at risk. Poverty is one of the biggest risk factors. A child’s vulnerability is affected if the parents have significant money issues and/or are unemployed. Lot of children see the poverty and misery their parents are stuck in and will want to help by contributing into the family budget. Children from professional middle class families are also being targeted, including children attending private schools or universities in wealthy cities or towns. Since this is not expected or widely known to take place, exploiters are able to conceal their actions more easily.</p>
<p><b>Ethnicity/nationality</b></p>	<p>There is an existing stereotype of young black boys and young men being primarily involved with County Lines. However, this might rather be due to an over focus of policing in London where a higher proportion of Black communities resides. According to the Home Office (2020), white British children are often being targeted as they are perceived to be more likely to evade police detection.</p>
<p><b>Family context</b></p>	<p>Children who lack capable guardians as well as a positive relationship with a protective and nurturing adult or who have lived or are currently living in unstable home environments are</p>

<sup>414</sup> Ibid.

	considered particularly vulnerable. Gangs target young people with an unstable and dysfunctional home life. This includes children who have experienced neglect, physical and/or sexual abuse. Furthermore, parental substance misuse, parental mental ill health, or criminal activity factor into this. Additionally, parents who have learning difficulties such as literacy problems or numeracy problems may affect the vulnerability of a child. There might be no present male role model in the family and/or the child might be growing up in a single-family household (such as a household with an absent father) – or the parents have simply ‘lost control’ of their child. Neglect through the family also takes place in well-off families; a child may be left alone a lot for days and without any money while the parents are traveling around the world.
<b>Housing</b>	The housing situation of a child and young person is also a risk factor, notably, if they are homeless or have an insecure accommodation status or are (or have previously been) in care, particularly with interrupted care histories. Especially girls as well as asylum seekers living in care homes may be vulnerable. Other factors could be if the family has poor housing or frequently has to change accommodation. In many cases gangs are simply recruiting children that match the common demographic of an area where a new County Line will be set up – where a child lives affects vulnerability as well. Living in high population density areas as well as locations that are known to be hot beds of gang involvement might also make a child more vulnerable. Money and the promise of increased social status clearly function as key pull factors and are used to facilitate recruitment.
<b>Health &amp; Education</b>	A young person is more at risk if they suffer from mental health problems or have substance misuse issues, have a physical disability or developmental disorders. Girls that suffer from bulimia and anorexia might be also more vulnerable. Having a learning disability and special educational increase risks further. Common undiagnosed disabilities and behaviour disorders including Autism, ADHD, or Oppositional Defiant Disorder (ODD) are particularly relevant, as cognitive impairment may affect a child’s ability to concentrate and achieve well at school. In fact, gangs often target children who are in special needs schools. Children who are excluded from school are especially vulnerable and a prime target for exploitation.
<b>Peer relationships</b>	Children who are looking for peer relationships (including young people who have just moved to a new area) may be more responsive to grooming. On the other hand, having connections with people that are already involved in gangs presents a risk as well.
<b>Criminal record</b>	Having a criminal history can increase vulnerability. A young person may already be involved in (or on the fringes of) low-level criminality. Moreover, they might know gang members or are close to gang members through involvement of siblings. On the other hand, gang members also seek out children and young adults who have not been convicted before and are therefore more likely to evade police notice.
<b>COVID-19 pandemic</b>	Particularly due to lockdowns, children have spent more time online and were absent from schools (removing the positive influence of teachers). Thus, they are more likely to be exposed to grooming efforts online without some sort of supervision.

### Anti-Trafficking Legal and Policy Framework in UK

**The Modern Slavery Act 2015** consolidates existing offences of human trafficking and slavery. The Act criminalises slavery, servitude, forced or compulsory labour as well as human trafficking. It also provides a legal framework for penalties and sentencing. More precisely, a modern slavery offence is defined in the Act as follows:

*“A person commits an offence if:*

*(a) the person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude, or*

*(b) the person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour”.*

The Act is accompanied by supporting documents, such as a **statutory guidance** for public authorities, first responder organisations, and organisations involved in tackling modern slavery,<sup>415</sup> who must refer a potential victim (child or consenting adult) into the **National Referral Mechanism (NRM)**, or must notify the Home Office (if the adult does not consent). As children and vulnerable adults are unable to give informed consent, they constitute a victim of modern slavery even if there has been no element of coercion.<sup>416</sup> The **NRM**, established in 2009, is a multi-agency process by which the UK identifies and supports potential survivors of modern slavery by connecting them with appropriate support<sup>417</sup>. The NRM is also the UK’s mechanism for the government to collect data about victims.

The UK’s response to modern slavery, including THB, focuses on five areas<sup>418</sup>, described in Table 25.

Table 25: UK’s response to modern slavery by areas.

Priority	Measures
Law enforcement and operational response	Uplifting operational activity, policing response, increasing prosecutions, recovering asset and tackling labour exploitation.
Prevention	Funding a five-year Modern Slavery Policy and Evidence Centre focused on better understanding and tackling human trafficking, including research to inform future policies.  Initiative to create a Modern Slavery Prevention Fund that will focus on “targeted prevention interventions to help build the evidence base around preventing modern slavery”.
Transparency in supply chains	Introducing financial penalties for organisations that do not publish modern slavery annual statements, and thus, fail to meet their statutory duties.
Victim support and identification	Specialist support and advocacy services for victims of modern slavery, including tools and resources to first responders such as an e-learning module focused on safeguarding child victims.
International engagement and upstream prevention	Multiple anti-trafficking programmes under the Modern Slavery Fund to cover rehabilitation and reintegration services in the countries of origin, outreach to at-risk communities, as well as training for first responders on how to apply a victim-centred approach.

### Relevant government and non-government actors and their roles

A great number of UK government and non-government actors are working in the field of modern slavery, particularly THB. The list below includes selected key players in the UK<sup>419</sup>.

 **The Home Office/Competent Authority.** Since 2019, the UK’s Home Office is responsible for all areas concerning the NRM; referrals, decision making, and data collection. The entities forming the Competent Authority are the decision makers in the NRM and sit within the Home Office. These are either the **Single Competent Authority (SCA)** or the **Immigration Enforcement Competent Authority (IECA)**. Both are responsible for different cohorts being referred through the NRM.<sup>420</sup> In addition, the **Modern Slavery**

<sup>415</sup> Home Office (2022 b). *Modern Slavery: Statutory Guidance for England and Wales (under 49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland. Version 2.10*

<sup>416</sup> Home Office (2017). *Modern Slavery Awareness & Victims Identification Guidance*.

<sup>417</sup> HM Government (2022). *Guidance: National referral mechanism guidance: adult (England and Wales)*. May 2022.

<sup>418</sup> HM Government (2021 b). *2021 UK Annual Report on Modern Slavery*. October 2021. Modern Slavery Unit: London.

<sup>419</sup> For an extensive list see the UK government’s *2021 UK Annual Report on Modern Slavery* (HM Government, 2021 b).

<sup>420</sup> Home Office (2022 b). *Modern Slavery: Statutory Guidance for England and Wales (under 49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland. Version 2.10*.

**Unit** also sits within the UK's Home Office and has overall responsibility for modern slavery policy in England and Wales.

- ✚ **The National Crime Agency (NCA).** The NCA is the UK's national law enforcement agency, leading their own investigations into modern slavery. Insights and tactics are shared by collaborating with police forces, **regional organised crime units (ROCU)** as well as international law enforcement. One element of preventing modern slavery and human trafficking is running communications campaigns within the UK as well as in countries where most people that are trafficked into the UK come from – with the aim to raise awareness about how to spot signs of modern slavery and to educate potential victims about the risks.
- ✚ **Crown Prosecution Service (CPS).** The CPS is “*the principal prosecuting authority in England and Wales, acting independently in criminal cases investigated by the police and others.*”<sup>421</sup> Referrals for suspected trafficking victims are also managed at the CPS.
- ✚ **The Independent Anti-Slavery Commissioner (IASC).** The role of the IASC has been created under the Modern Slavery Act. “*The Commissioner has a UK-wide remit to encourage good practice in the prevention, detection, investigation and prosecution of modern slavery offences and the identification of victims*”<sup>422</sup> The IASC's *Strategic Plan 2019-2021* identified four priority areas: Improving victim care and support; Supporting law enforcement and prosecution; Focusing on prevention; and Getting value from research and innovation.<sup>423</sup>
- ✚ **Independent Child Trafficking Guardians (ICTGs).** ICTGs are an “*independent source of advice for trafficked children, somebody who can speak up on their behalf.*”<sup>424</sup> ICTGs are available in about two-thirds of local authorities in both England and Wales. The service is commissioned by the Home Office and then delivered by **Barnardo's**, one of the first responder organisations who are also responsible for recruiting the ICTGs.<sup>425</sup>
- ✚ **Police forces** (or other authorities such as the **Gangmasters & Labour Abuse Authority; GLAA**). Both may investigate and may be able to bring a prosecution against perpetrators.<sup>426</sup> Police forces in England and Wales identify large numbers of modern slavery victims.
- ✚ **Other public authorities** – Other relevant public authorities include Prisons and Immigration removal centres, Prosecutorial Services and Courts, Healthcare organisations/providers, Education (schools and colleges), and the wider civil services.<sup>427</sup>

## THB Indicators in UK

In order to identify a potential victim of modern slavery, frontline staff who might encounter a potential victim should be familiar with the indicators set out in the [Modern Slavery: Statutory Guidance for England and Wales \(under 49 of the Modern Slavery Act 2015\) and Non-Statutory Guidance for Scotland and Northern Ireland](#).<sup>428</sup> These include:

- ✚ general Indicators of modern slavery;
- ✚ specific indicators for different forms of exploitation
- ✚ child-trafficking indicators.

According to the Guidance, “*first responders need to know and understand the signs which may indicate a person is a victim of modern slavery in order to decide whether to refer a case to the National Referral*

<sup>421</sup> Office for National Statistics (2022). *Child victims of modern slavery in the UK: March 2022*.

<sup>422</sup> Independent Anti-Slavery Commissioner (n.d.). *The Independent Anti-Slavery Commissioner*.

<sup>423</sup> HM Government (2022). *Guidance: National referral mechanism guidance: adult (England and Wales)*. May 2022.

<sup>424</sup> Ibid.

<sup>425</sup> North Yorkshire Safeguarding Children Partnership (n.d.). *Independent Child Trafficking Guardianship Service*.

<sup>426</sup> Home Office (2017). *Modern Slavery Awareness & Victims Identification Guidance*.

<sup>427</sup> Home Office (2022 b). *Modern Slavery: Statutory Guidance for England and Wales (under 49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland. Version 2.10*.

<sup>428</sup> Home Office (2022 b). *Modern Slavery: Statutory Guidance for England and Wales (under 49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland. Version 2.10*.

*Mechanism (NRM). A First Responder's decision as to whether to refer a potential victim into the NRM is a decision of professional judgment based on the evidence available to them. First Responders should consider the presence of any indicators of modern slavery, including for example the non-verbal presentation of the victim, what the victim says, situational and environmental factors and objective evidence regarding known patterns of modern slavery. Not all indicators of modern slavery will be present in all situations.*<sup>429</sup>

For a variety of reasons, potential victims of modern slavery may also be reluctant to come forward with information and not recognise themselves as having been trafficked. In some cases, First Responders may find it helpful to consult with other professionals before making a decision on whether to refer someone into the NRM. Tables 25 and 26 outline the THB indicators available in the Statutory Guidance, aimed to support the first responders to detect potential THB cases in their daily work.

Table 26: General Indicators of modern slavery.

General Indicators of modern slavery <sup>430</sup>
<p>Victims may:</p> <ul style="list-style-type: none"> <li>• Believe that they must work against their will</li> <li>• Be unable to leave their work environment or home environment</li> <li>• Show signs that their movements are being controlled</li> <li>• Feel that they cannot leave</li> <li>• Show fear or anxiety</li> <li>• Be subjected to violence or threats of violence against themselves or against their family members and loved ones</li> <li>• Suffer injuries that appear to be the result of an assault</li> <li>• Have false identity or travel documents (or none at all)</li> <li>• Be found in or connected to a type of location likely to be used for exploiting people</li> <li>• Be unfamiliar with the local language</li> <li>• Not know their home or work address</li> <li>• Allow others to speak for them when addressed directly</li> <li>• Act as if they were instructed by someone else</li> <li>• Be forced, threatened or deceived into working in poor conditions</li> <li>• Be disciplined through punishment</li> <li>• Suffer injuries or impairments typical of certain jobs or control measures</li> <li>• Suffer injuries that appear to be the result of the application of control measures</li> <li>• Be distrustful of the authorities</li> <li>• Be threatened with being handed over to the authorities</li> <li>• Be afraid of revealing their immigration status</li> <li>• Not be in possession of their passports or other travel or identity documents, as those documents are being held by someone else</li> <li>• Come from a place known to be a source of human trafficking</li> <li>• Have had the fees for their transport to the country of destination paid for by facilitators, whom they must pay back by working or providing services in the destination</li> <li>• Be unable to negotiate working conditions</li> <li>• Receive little or no payment</li> <li>• Have no access to their earnings</li> <li>• Work excessively long hours over long periods</li> <li>• Not have any days off</li> <li>• Live in poor or substandard accommodations</li> </ul>

<sup>429</sup> Ibid, p.35-36

<sup>430</sup> Home Office (2022 b). *Modern Slavery: Statutory Guidance for England and Wales (under 49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland. Version 2.10*

- Have no access to medical care
- Have limited or no social interaction
- Have limited contact with their families or with people outside of their immediate environment
- Be unable to communicate freely with others
- Be under the perception that they are bonded by debt
- Be in a situation of dependence
- Have acted on the basis of false promise

Table 27: Indicators of sexual exploitation.

Indicators of sexual exploitation	
<p>Victims may:</p> <ul style="list-style-type: none"> <li>• Be of any gender and age although the age may vary according to the location and the market</li> <li>• Move from one brothel to the next or work in various locations</li> <li>• Be escorted whenever they go to and return from work and other outside activities</li> <li>• Have tattoos or other marks indicating “ownership” by their exploiters</li> <li>• Work long hours or have few if any days off</li> <li>• Sleep where they work</li> <li>• Live or travel in a group, sometimes with other people who do not speak the same language</li> <li>• Have very few items of clothing</li> <li>• Have clothes that are mostly the kind typically worn for prostitution</li> <li>• Only know how to say sex-related words in the local language or in the language of the client group</li> <li>• Have no cash of their own</li> <li>• Be unable to show an identity document</li> <li>• There is evidence that suspected victims have had unprotected and/or violent sex.</li> <li>• There is evidence that suspected victims cannot refuse unprotected and/or violent sex.</li> <li>• There is evidence that a person has been bought and sold.</li> <li>• There is evidence that groups of women are under the control of others.</li> <li>• Advertisements are placed for brothels or similar places offering the services of women of a particular ethnicity or nationality.</li> <li>• It is reported that sex workers provide services to a clientele of a particular ethnicity or nationality.</li> <li>• It is reported by clients that sex workers do not smile, or appear fearful and/or mistreated.</li> </ul>	
Sexual health indicators	Maternity indicators
<ul style="list-style-type: none"> <li>• Sexually transmitted diseases, including blood borne viruses such as HIV or Hepatitis B or C;</li> <li>• Injuries of a sexual nature – including injuries to genitals (male and female), anus or breasts</li> <li>• Gynaecological symptoms – such as urinary or vaginal infections, pelvic inflammation or pain or irregular bleeding, fistulae</li> <li>• Anogenital symptoms – such as anal fissures, fistulae, damage to genitals, persistent infection.</li> <li>• Possibility of increased incidence of some genital neoplasia due to lack of screening e.g., cervical screening and/or genital wart infection</li> <li>• Infertility – due to infections/untreated infections (sexual, secondary to Female Genital Mutilation (FGM) or other causes), multiple miscarriages and/or terminations</li> </ul>	<ul style="list-style-type: none"> <li>• Concealed pregnancy</li> <li>• Infrequent, or failure to attend appointments</li> <li>• Self-referral to hospital</li> <li>• Reluctance to accept a home visit</li> <li>• Poor opportunity to prepare for the impending birth of baby physically, mentally and practically</li> <li>• Lack of attachment to the unborn infant</li> <li>• No antenatal care or poor antenatal care</li> <li>• Alcohol or drug misuse in pregnancy</li> <li>• Miscarriages or ectopic pregnancies</li> <li>• Teenage or child pregnancy</li> <li>• Frequent attendances to triage</li> <li>• Frequent calls to helpline, for example, NHS 111 or 99</li> </ul>
Indicators of child sexual exploitation	
<ul style="list-style-type: none"> <li>• Acquisition of money, clothes, mobile phones etc. without plausible explanation</li> <li>• Gang-association and/or isolation from peers/social networks</li> <li>• Exclusion or unexplained absences from school, college or work</li> <li>• Leaving home/care without explanation and persistently going missing or returning late</li> <li>• Excessive receipt of texts/phone calls</li> </ul>	

<ul style="list-style-type: none"> <li>• Returning home under the influence of drugs/alcohol</li> <li>• Inappropriate sexualised behaviour for age/sexually transmitted infections</li> <li>• Evidence of/suspicions of physical or sexual assault</li> <li>• Relationships with controlling or significantly older individuals or groups</li> <li>• Multiple callers (unknown adults or peers)</li> <li>• Frequenting areas known for sex work</li> <li>• Concerning use of internet or other social media</li> <li>• Increasing secretiveness around behaviours</li> <li>• Self-harm or significant changes in emotional well-being</li> </ul>
Indicators of Forced Labour
<ul style="list-style-type: none"> <li>• Live in groups in the same place where they work and leave those premises infrequently, if at all</li> <li>• Live in degraded, unsuitable places, such as in agricultural or industrial buildings</li> <li>• Be subject to security measures designed to keep them on the work premises</li> <li>• Be disciplined through fines</li> <li>• Be subjected to insults, abuse, threats or violence</li> <li>• Not be dressed adequately for the work they do: for example, they may lack protective equipment or warm clothing</li> <li>• Be given only leftovers to eat</li> <li>• Have no access to their earnings</li> <li>• Have no labour contract</li> <li>• Work excessively long hours</li> <li>• Depend on their employer for a number of services, including work, transportation and accommodation</li> <li>• Have no choice of accommodation</li> <li>• Never leave the work premises without their employer</li> <li>• Be unable to move freely</li> <li>• Equipment is designed or has been modified so that it can be operated by children</li> <li>• There is evidence that labour laws are being breached.</li> <li>• Lack basic training and professional licences</li> </ul> <p>*The following might also indicate that people have been trafficked for labour exploitation</p> <ul style="list-style-type: none"> <li>• Notices have been posted in languages other than the local language</li> <li>• There are no health and safety notices</li> <li>• The employer or manager is unable to show the documents required for employing workers from other countries</li> <li>• The employer or manager is unable to show records of wages paid to workers</li> <li>• The health and safety equipment is of poor quality or is missing</li> <li>• There is evidence that workers must pay for tools, food or accommodation or that those costs are being deducted from their wages.</li> </ul>
Indicators of Domestic Servitude
<ul style="list-style-type: none"> <li>• Live with a family</li> <li>• Not eat with the rest of the family</li> <li>• Have no private space</li> <li>• Sleep in a shared or inappropriate space</li> <li>• Be reported missing by their employer even though they are still living in their employer's house</li> <li>• Never or rarely leave the house for social reasons</li> <li>• Never leave the house without their employer</li> <li>• Be given only leftovers to eat</li> <li>• Be subjected to insults, abuse, threats or violence</li> </ul>
Indicators of Trafficking for Criminal Exploitation
<ul style="list-style-type: none"> <li>• Be children, elderly persons or disabled migrants who tend to beg in public places and on public transport</li> <li>• Be carrying and/or selling illicit drugs</li> <li>• Have physical impairments that appear to be the result of mutilation</li> <li>• Be children of the same nationality or ethnicity who move in large groups with only a few adult</li> <li>• Be unaccompanied children who have been “found” by an adult of the same nationality or ethnicity</li> <li>• Move in groups while travelling on public transport: for example, they may walk up and down the length of trains</li> <li>• Participate in the activities of organised criminal gangs</li> <li>• Be part of large groups of children who have the same adult guardian</li> <li>• Be punished if they do not collect or steal enough</li> <li>• Live with members of their gang</li> <li>• Travel with members of their gang to the country of destination</li> <li>• Live, as gang members, with adults who are not their parents</li> </ul>

- Move daily in large groups and/or over considerable distance
- Be forced to commit benefit fraud

\*The following might also indicate that people have been trafficked for begging or for committing petty crimes:

- New forms of gang-related crime appear
- There is evidence that the group of suspected victims has moved, over a period of time, through a number of countries
- There is evidence that suspected victims have been involved in begging or in committing petty crimes in another country

#### Child-specific indicators

\*They may be citizen or migrant children. Some children arrive in the UK accompanied by adults who are either not related to them or in circumstances which raise child protection concerns. For example, there may be:

- no evidence of parental permission for the child to travel to the UK or stay with the adult
- little or no evidence of any pre-existing relationship with the adult or even an absence of any knowledge of the accompanying adult
- evidence of unsatisfactory accommodation arranged in the UK

\* Children who are victims of human trafficking or modern slavery may not show any obvious signs of distress or imminent harm. Child victims may find it particularly hard to disclose and are often reluctant to give information. This may be because their stories are made up by their trafficker or exploiter, or the traffickers may have given them inaccurate information about the role of authorities, and they may have had bad experiences with corrupt authorities during their journey if trafficked. As a result, they may relate their experiences in an inconsistent way or with obvious errors.

\* Children under 18 travelling unaccompanied by adults or with an adult who is not their parent should not be assumed to be victims of modern slavery just based on this factor alone as their situation may be perfectly legitimate or unrelated to modern slavery. Frontline staff should make additional enquiries as appropriate which might establish whether or not any indicators of modern slavery are present.

\*Children may be victims of child sexual exploitation, and/or child criminal exploitation including county lines. Children may have further vulnerabilities as severely abusive situations and neglect can significantly impact growth and development. Similarly, developmental conditions such as Foetal Alcohol Spectrum Disorders, may increase vulnerability. As with adults, children may seem unaware that their situation is exploitative, harmful or abnormal.

\*Children may display any of the indicators above.

In addition, the following child-specific indicators should be considered:

- History of underage sexual activity, pregnancy and substance abuse, or behave in an overconfident or oversexualised way
- History of abuse and subsequent involvement with the care system and/or with law enforcement
- History of educational difficulty or lack of access to education
- No access to their parents or guardians (although children may be living with their parents or guardians and still be exploited)
- Look intimidated
- The presence of child-sized clothing typically worn for doing manual work or forced sex work
- Behave in a way that does not correspond with behaviour typical of children their age
- Have no friends of their own age
- Have no access to education
- Have no time for playing
- Live apart from other children and in substandard accommodation
- Eat apart from other members of the "family"
- Be given only leftovers to eat
- Be engaged in work that is not suitable for children
- Travel unaccompanied by adults
- Travel in groups with persons who are not relatives
- The presence of toys, beds and children's clothing in inappropriate places such as brothels and factories
- The claim made by an adult that he or she has "found" an unaccompanied child
- The finding of unaccompanied children carrying telephone numbers for calling taxis
- The discovery of cases involving illegal adoption

The [\*Guidance: National referral mechanism guidance: adult \(England and Wales\)\*](#) further outlines the referral process, first responder organisations, the key components as well as indicators of modern slavery, how access to support works, and how to refer modern slavery victims to the police<sup>431</sup>.

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<sup>431</sup> HM Government (2022). *Guidance: National referral mechanism guidance: adult (England and Wales)*. May 2022.

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**Interview Codes**

<b>Code</b>	<b>Name / Type of Organisation</b>
<b>Bangladesh</b>	
BD01	NGO working on child rights issues
BD02	Legal expert on women migration issues
<b>Colombia</b>	
CO01	District Institute of Tourism of Bogotá
<b>Spain</b>	
ES01	National Police Force in Spain, Central Brigade on Trafficking in Human Beings
ES02	Galicia Supreme Police Headquarters
ES03	ASPASI (NGO)
ES04	STOP HATERS (NGO)
ES05	Women's Link Worldwide (NGO)
<b>United Kingdom</b>	
GB01	University Research Center
GB02	Housing Consultancy Services in England and Wales
GB03	City Council representative
GB04	Organisation working on youth justice, part of a City Council
GB05	Law enforcement representative
GB06	Police representative