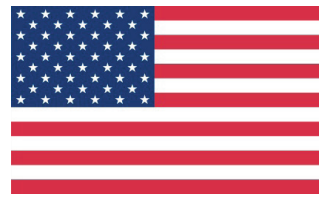


Standard Operating Procedures to Combat Human Trafficking in Ghana

with an Emphasis on Child Trafficking



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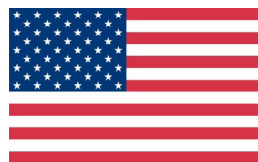
Standard Operating Procedures to Combat Human Trafficking in Ghana

with an Emphasis on Child Trafficking

OCTOBER 2017



International Organization for Migration (IOM)
The UN Migration Agency





FOREWORD

WHEREAS, Human trafficking has a devastating impact on the lives of victims, their well-being and security is disregarded by the traffickers who profit off their exploitation. Some victims of trafficking are killed or injured. Others face separation from their families or recruitment into criminal networks. Far too many suffer sexual violence or other forms of exploitation and abuse. Most suffer severe mental trauma which can take years to recover from. The Government of Ghana is committed to ensuring victims of trafficking receive the care they require, traffickers are held criminally accountable for their crimes, and taking action to prevent future trafficking.

AND WHEREAS FURTHER, Over the past 15 years, we have taken significant steps towards restoring justice to victims of trafficking. We passed the Human Trafficking Act in 2005, amended it in 2009, and promulgated Regulations in 2015. Our efforts are currently guided by the National Plan of Action to Combat Human Trafficking which was developed in 2017. With this important legislation and policy in place, the framework to protect victims and punish perpetrators exists in Ghana today.

AND WHEREAS FURTHER, To succeed in this fight and fully implement our existing law and policy, we must coordinate our respective efforts to combat human trafficking. Guided by law and international good practices, these Standard Operating Procedures (SOPs) provide national standards for combatting human trafficking and coordinating support to victims. The development of these SOPs was achieved through the framework of the Child Protection Compact Partnership, a bilateral agreement between the United States of America and the Republic of Ghana, and guided by key stakeholder inputs at the national, regional and district levels, and with participation of both government and non-governmental agencies.

AND WHEREAS FURTHER, These inter-agency standard operating procedures have the potential to transform the quality and rigour of our work to protect victims of trafficking and to prosecute perpetrators. By implementing and promoting these standards, we will strengthen our anti-human trafficking response and ensure the best interests of the victim are prioritized.

NOW THEREFORE, We fully support these SOPs, and call on all national stakeholders combatting human trafficking in Ghana to recognize and fully implement it.

Signed on 25 October, 2017



Hon. Otika Afisa-Djaba
Minister of Gender
Children and Social Protection



Hon. Ignatius Baffour Awuah
Minister of Employment
and Labour Relations



Hon. Ambrose Dery
Minister of the Interior



Hon. Gloria Akuffo
Attorney General

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ACRONYMS AND ABBREVIATIONS¹

AGD	Attorney General's Department
AHTU	Anti-Human Trafficking Unit (Ghana Police Service)
CCPC	Community Child Protection Committee
CID	Criminal Investigations Department
CLU	Child Labour Unit
CPC	Child Protection Compact
CSO	Civil Society Organization
DSW	Department of Social Welfare ²
DCPC	District Child Protection Committee
DOVVSU	Domestic Violence and Victim Support Unit
GIS	Ghana Immigration Service
GPS	Ghana Police Service
GRA/CD	Ghana Revenue Authority/Customs Division ³
HIV/AIDS	Human immunodeficiency virus/ Acquired immunodeficiency syndrome
HTMB	Human Trafficking Management Board
HTS	Human Trafficking Secretariat

¹ These acronyms and abbreviations are subject to change due to mergers and/or divisions among ministries, departments and agencies.

² At the district level, community development and the Department of Social Welfare (DSW) are merged together under the Ministry of Gender, Children and Social Protection (MGCSPP).

³ Previously known as the Customs Excise and Preventive Service (CEPS).

ILO	International Labour Organization
IOM	International Organization for Migration
J/TiP	Office to Monitor and Combat Trafficking in Persons (United States)
MFARI	Ministry of Foreign Affairs and Regional Integration
MGCSP	Ministry of Gender, Children and Social Protection
MELR/LD	Ministry of Employment and Labour Relations/ Labour Department
MINTER	Ministry of the Interior
MMDA	Municipal, Metropolitan, District Assembly
NGO	Non-governmental Organization
SOP	Standard Operating Procedure
TiP	Trafficking in Persons
TWC	Technical Working Committee
UNICEF	United Nations Children's Fund
VoT	Victim of Trafficking

GLOSSARY

Abuse of a position of vulnerability: Abuse of a position of vulnerability occurs when an individual's personal, situational or circumstantial vulnerability is intentionally used or otherwise taken advantage of to recruit, transport, transfer, harbour or receive that person for the purpose of exploiting him/her, such that the person believes that submitting to the will of the abuser is the only real or acceptable option available to him/her, and that belief is reasonable in light of the victim's situation. *(Also refer to the special chapter on review of trafficking in persons law.)*

Child: A person below the age of 18 years.

Child labour: Any work performed by a child which is detrimental to his/her health, education, and physical, mental, spiritual, moral or social development.⁴ In Ghana, child labour is "exploitative of a child if it deprives the child of its health, education or development."⁵ According to the 1998 Children's Act, no child is permitted to work between 8 p.m. and 6 a.m. At the age of 13, a child is permitted to engage in "light work" (i.e. not harmful to health and does not impact school attendance). At age 15, a child is permitted to work under adult supervision, but not in hazardous sectors. Hazardous sectors include any work at sea; mining and quarrying; portage of heavy loads; manufacturing industries where chemicals are produced or used; work in places where machines are used; and work in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behaviour.

Coercion: A threat of serious injury to or physical restraint against a person; a scheme, a plan or pattern intended to cause a person to believe that failure to perform an act will result in serious injury to or physical restraint of a person.⁶ In the majority of the known trafficking-in-persons modus operandi, traffickers are compelled to engage in the coercive offences such as physical, sexual and psychological abuse for the reason that if the victims were not coerced, intimidated and supervised to varying degrees, they would walk away from their exploitation at the first opportunity. Coercion and supervision are usually essential elements of the trafficking modus operandi.

4 1989 Convention on the Rights of the Child, Article 32.

5 1998 Children's Act (Act 560), part 5, section 87, paragraph 2.

6 2005 Human Trafficking Act (Act 694), amended, Article 42.

Commercial sex: The exchange of money or goods for sexual services. It involves a person in prostitution and a client, and it frequently involves a third party. A sex worker is a person who works in the sex industry, especially a prostitute. If a child, person under 18, is involved in commercial sex, he/she is a sex trafficking victim.⁷

Debt bondage: Sometimes used as a mechanism to control and coerce victims of trafficking in persons. In this situation, a person who is in debt facilitates the trafficking of another person to set off the debt, whether in part or full, or the debtor would render the victim, without the victim's reasonable consent, to be at the service of the creditor or the creditor's agents until the debt is paid.⁸

Exploitation: The act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one's own benefit.⁹ A core component of trafficking in persons: "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".¹⁰ Traffickers exploit their victims for the sole purpose of personal gain, often either to make large amounts of money from their exploitation or to obtain free services or labour. Under Ghanaian law, exploitation includes, at a minimum, induced prostitution and other forms of sexual violence, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.¹¹

Forced child labour: Sometimes referred to as child labour trafficking, forced child labour is a form of trafficking in persons the purpose of which is to subject children to forced labour. Any person who engages in recruiting, harbouring, transporting, providing or obtaining a child for the purpose of forced labour commits this crime. Forced child labour includes situations in which the child is in the custody of someone other than an immediate family member who requires the child to perform work that financially benefits that person, as well as situations in which a parent provides a child to others who subject the child to forced labour in which the child does not have the option of leaving the employment. Children subjected to forced labour are usually inadequately cared for and not allowed to attend school and are often abused.

7 *Oxford English Dictionary*, second edition (1989).

8 2015 Human Trafficking Legislative Instrument 2219 (L.I. 2219), Article 25.

9 *Black's Law Dictionary*.

10 2000 UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Article 3.

11 2005 Human Trafficking Act (Act 694), amended, Article 1.

Forced marriage: A marriage that is not voluntary. According to the 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages: “Marriage shall be entered into only with the free and full consent of the intending spouses.” Forced marriage is recognized as a practice similar to slavery when: “a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group”; “the husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise”; or “a woman on the death of her husband is liable to be inherited by another person”.¹² Forced child marriage is prohibited under the 1998 Children’s Act (Act 560), which states that: “No person shall force a child a) to be betrothed, b) to be subject of a dowry transaction or c) to be married.”¹³

Human rights: Liberties and benefits which, by accepted contemporary values, all human beings should be able to claim “as of right” in the society in which they live. These rights are contained in the International Bill of Rights – comprising the 1948 Universal Declaration of Human Rights; the 1966 International Covenant on Economic, Social and Cultural Rights; and the 1966 International Covenant on Civil and Political Rights – and have been developed by other treaties from this core (e.g. the 1979 Convention on the Elimination of All Forms of Discrimination against Women, and the International Convention on the Elimination of All Forms of Racial Discrimination).¹⁴

Immigration officer: A person who is a staff of Ghana Immigration Service.

Informed consent: An agreement to do something or to allow something to happen, made with complete knowledge of all relevant facts, such as the risks involved or any available alternatives. In the medical field, for example, a patient may give informed consent to medical treatment only after the health-care professional has disclosed all possible risks involved in accepting or rejecting the treatment.¹⁵

¹² Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, Article 1(c).

¹³ 1998 Children’s Act, Article 14.

¹⁴ See www.unhchr.ch/udhr/index.htm

¹⁵ See www.nolo.com/

Kidnapping: Unlawful forcible abduction or detention of an individual or group of individuals, usually accomplished for the purpose of extorting economic or political benefit from the victim of the kidnapping or from a third party.¹⁶ In Ghana, a person is guilty of kidnapping when he/she: a) unlawfully imprisons any person and takes him/her out of the jurisdiction of the Court without his/her consent; b) unlawfully imprisons any person within the jurisdiction of the Court, in such a manner as to prevent him/her from applying to a Court for his/her release or from making known to any other person the place where he/she is imprisoned, or in such a manner as to prevent any person entitled to have access to him/her from discovering the place where he/she is imprisoned.¹⁷

Non-governmental organization: An organization that is neither a part of a government nor a conventional for-profit business. This category includes faith-based organizations, civil society organizations and international organizations.

Police officer: A person who is a staff of the Ghana Police Service, Ghana Immigration Service or Ghana Revenue Authority/Customs Division (GRA/CD).¹⁸

Prostitution: The practice of engaging in sexual activity in exchange for payment in money or other valuables.¹⁹

Sexual exploitation: In the context of trafficking, sexual exploitation takes many forms, including prostitution, pornography, exotic dancing, sex tourism, forced marriage, child sacrifice, and child brides. Victims can be men, women or children. A person's initial consent to participate in prostitution should not be legally determinative: if they are thereafter held in service through psychological manipulation or physical force, they are trafficking victims and should receive benefits outlined in the Palermo Protocol and applicable domestic laws. Furthermore, a child's participation in sexual exploitation is never voluntary and therefore a child victim of sexual exploitation is a trafficking victim. In Ghana, sexual exploitation is defined as including the participation of a person in prostitution or other sexual acts,

16 M. Feinrider, "Kidnapping", in *Encyclopedia of Public International Law*, No. 8.

17 1960 Criminal Offences Act (Act 29), Article 90.

18 2005 Human Trafficking Act (Act 694); A "police officer" is an officer from another "security service," such as the Police, Ghana Revenue Authority/Customs Division, Ghana Immigration Service and the Bureau of National Investigation. The 2015 L.I. 2219 adds: "For the purpose of these Regulations, the personnel of the security services are enforcement officers and may exercise the powers of enforcement in accordance with the law."

19 Encyclopedia Britannica Online; see www.britannica.com

or the production of pornographic material as a result of being subjected to threat, force, intimidation or other forms of coercion or any other practice in terms of which that person's participation is not voluntary.²⁰

Slavery: A condition whereby a person exercises actual or seeming right of ownership over another, giving rise to the control of that person.²¹ Slavery is identified by an element of ownership or control over another's life, coercion and the restriction of movement, and the fact that someone is not free to leave or to change employer (e.g. traditional chattel slavery, bonded labour, serfdom, forced labour and slavery for ritual or religious purposes).²²

Human smuggling: The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.²³

Human trafficking: According to the 2005 Human Trafficking Act:

1. Human trafficking means the recruitment, transportation, transfer, harbouring, trading or receipt of persons for the purpose of exploitation within and across national borders by: a) the use of threats, force or other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability; or b) giving or receiving payments and benefits to achieve consent.
2. Exploitation shall include, at the minimum, induced prostitution and other forms of sexual exploitation, forced labour or services, salary or practices similar to slavery, servitude or the removal of organs.
3. Placement for sale, bonded placement, temporary placement, placement as service where exploitation by someone else is the motivation factor shall also constitute trafficking.
4. Where children are trafficked, the consent of the child, parents or guardian of the child cannot be used as defence in prosecution under the 2005 Human Trafficking Act, regardless of whether or not there is evidence of abuse of power, fraud or deception on the part of the trafficker or whether the vulnerability of the child was taken advantage of.²⁴

20 2015 L.I. 2219, Regulation 25.

21 Ibid.

22 See www.unhcr.ch/html/menu3/b/f2sc.htm

23 2000 UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Article 3.

24 2009 Human Trafficking Amendment Act (Act 784).

Social worker: A person who is a staff of the Department of Social Welfare or a person representing a non-governmental organization trained in providing social services.

Next friend: A person who intervenes to assist a child in a legal action. A child may be assisted by a next friend to file a complaint to the Police. The victim may also make a statement to the Police in the presence of a next friend.²⁵

Victim of trafficking: Any person who has been recruited, harboured, transported, provided or obtained for compelled labour or commercial acts through the use of force, fraud, or coercion. Compelled service has a number of manifestations, including involuntary servitude, slavery or practices similar to slavery, debt bondage, and forced labour. People may be considered trafficking victims regardless of whether they were born into a state of servitude, were exploited in their hometown, were transported to the exploitative situation, previously consented to work for a trafficker, or participated in a crime as a direct result of being subjected to trafficking.²⁶ When a child (younger than 18 years of age) is recruited, enticed, harboured, transported, provided, obtained, patronized, solicited, or maintained for the purpose of exploitation, that child is a victim of trafficking.

Worst forms of child labour: All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; for work, which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.²⁷

25 2005 Human Trafficking Act (Act 694), sections 9.2 and 11.2.

26 US Department of State, *Trafficking in Persons Report June 2016* (Washington, D.C., 2016).

27 2009 National Plan of Action for the Elimination of the Worst Forms of Child Labour.

PREFACE

In June 2015, the Government of the United States of America and the Government of Ghana agreed to a five-year Child Protection Compact (CPC) Partnership focused on combating child trafficking in Ghana. The goals and objectives of the CPC are as follows:

United States–Ghana Child Protection Compact²⁸

Goals

1. The establishment of a more holistic approach to significantly reducing child trafficking that is characterized by greater efficiency and improved coordination of activities to eradicate child trafficking; and
2. Enhanced and more effective efforts to prevent child trafficking, prosecute and convict child traffickers, and improve the quality of protection services for child victims.

Objectives

1. Provision of comprehensive, gender sensitive, trauma-informed care and case management services with appropriate community integration and follow up for an increased number of child trafficking victims;
2. An increased number of successful investigations and prosecutions of perpetrators of forced child labor and child sex trafficking;
3. Improved interagency coordination of anti-trafficking efforts;
4. Increased public awareness of the nature of child trafficking, its devastating impact on children, and the importance of prevention;
5. Establishment and operation of a systematic referral mechanism with protocols for timely interagency response to suspected cases of child trafficking;
6. Establishment and implementation of procedures for pro-active identification and removal of children from trafficking situations, including children in forced child labor in the fishing industry;
7. Implementation of mechanisms for data collection designed to monitor indicators of anti-trafficking programme outcomes supported through this Partnership and which can be sustained to track key government interventions, such as the number of investigations, prosecutions, and convictions in child trafficking cases and the numbers of child trafficking victims identified and who receive services; and
8. Development of livelihood-creation opportunities for families of victims.

²⁸ Child Protection Compact Partnership between the Government of the United States of America and the Government of the Republic of Ghana. Available from www.state.gov/documents/organization/245530.pdf

To achieve the objectives of the CPC, the Government of Ghana has partnered with the International Organization for Migration (IOM) and Free the Slaves (FTS) to effectively combat child trafficking. The CPC Technical Working Committee (TWC), chaired by the Human Trafficking Secretariat within the Ministry of Gender, Children and Social Protection (MGCSP) of Ghana, was established to coordinate activities, including the development of these standard operating procedures (SOPs).

INTRODUCTION

This standard operating procedure (SOP) manual is intended as a guide for all stakeholders and relevant persons responsible for combating human trafficking in Ghana, with an emphasis on child trafficking. It aims to improve the efficiency of all stakeholders to protect victims of human trafficking within Ghana, especially children. With so many actors involved in responding to human trafficking in Ghana, the Government recognizes the value of a standardized and harmonized response. No single stakeholder can effectively combat human trafficking, but a coordinated response is only possible when clear and coordinated procedures, such as what this manual presents, are adopted by all stakeholders.

This SOP guide consists of chapters on identification and screening protocols, systematic investigation of cases of child trafficking, and providing comprehensive, gender-sensitive and trauma-informed assistance. This document aligns with national legislation on trafficking in persons (TIP), including the 2005 Human Trafficking Act (Act 694), the 2009 Human Trafficking Amendment Act (Act 784) and the 2015 Human Trafficking Legislative Instrument 2219 (L.I. 2219). It was drafted, reviewed and approved by national stakeholders. Although contextualized to Ghana, it is framed by international standards, best practices and guiding principles.²⁹

Audience

Strong coordination among stakeholders is essential to effectively combat human trafficking. The scope of these SOPs reflects the fact that while it is necessary for stakeholders to know their own roles and responsibilities, it is equally important for all of them to understand the entire process: victim identification, screening, comprehensive direct assistance, investigation and prosecution. This comprehensive understanding of the process allows for

²⁹ These include: the Recommended Principles and Guidelines on Human Rights and Human Trafficking, developed by the Office of the High Commissioner for Human Rights (OHCHR); *The IOM Handbook on Direct Assistance for Victims of Trafficking*, developed by the International Organization for Migration (IOM); and *Caring for Trafficked Persons: Guidance for Health Providers*, a handbook developed jointly by the United Nations Global Initiative to Fight Trafficking in Persons, the Gender Violence and Health Centre of the London School of Hygiene and Tropical Medicine, and IOM. Other relevant guidelines are presented in the following: *WHO Ethical and Safety Recommendations for Interviewing Trafficked Women*; *UNICEF Guidelines on the Protection of Child Victims of Trafficking*; the IOM Data Protection Guidelines; and *Guidelines for the Collection of Data on Trafficking in Human Beings, Including Comparable Indicators* (2009), jointly developed by IOM and the Federal Ministry of the Interior of the Government of Austria.

coordination along established referral pathways and according to operational procedures. Therefore, the audience for these SOPs includes all national government and non-government stakeholders, including social workers, shelter staff, police investigators, prosecutors, immigration officials and lawyers.

Structure

Chapter 1: Identification and Screening Protocols

This chapter presents protocols to successfully identify and screen potential victims of trafficking (VoTs), especially children, ensuring effective status determination and referral for assistance. It aims for non-victimization of victims, ensuring appropriate protection is provided to victims and witnesses, and clear referral pathways are available to law enforcement officials and social workers. The Preliminary Screening and Referral Form (Form 1) enables the primary responder to identify the various types of special needs of a victim and plan timely intervention strategies to ensure that the quality of care enhances the victim's quality of life.

Chapter 2: Direct Assistance

This chapter provides national stakeholders, especially social workers within the Department of Social Welfare (DSW) and non-governmental organizations (NGOs), guidelines on providing comprehensive direct assistance to victims of TiP, especially children. The chapter identifies key stakeholders and outlines minimum standards of assistance, particularly provided at specialized shelters. In addition, the chapter covers rehabilitation of victims, as well as the return and reintegration aspect. Readers are introduced to the Placement and Risk Assessment Form (Form 3), which assists social workers in assessing family and community conditions prior to return.

Special Chapter: Trafficking in Persons Law Review

This special chapter of the SOP sets out the law on TiP. It examines the relevant legislation within two dimensions: international law and domestic law. The chapter enables the reader to compare and contrast the strengths and weaknesses of the international benchmark definition of TiP with that of Ghanaian law. In addition, a sound understanding of the law is practically important in the context of investigating transnational TiP cases when the practitioner will have to know what constitutes TiP crime in the other country or countries that may be implicated in the case.

Chapter 3: Investigation

When a potential victim of trafficking (VoT) is identified and referred to the police, police officers are duty-bound to take a statement, provide immediate assistance (when necessary) and begin an investigation. Chapter 3 provides law enforcement officials – including staff at Ghana Immigration Service (GIS), Ghana Police Service (GPS) and the Attorney General's Department (AGD) – with practical tools necessary to conduct victim-centred investigations of TiP cases.

Chapter 4: Prosecution

A prosecutor is obliged to ensure that the basic principles of fair and impartial trial procedures are observed. These fundamental procedural rules are recognized by law and place a heavy burden on the prosecutor to prove the case with credible evidence and beyond reasonable doubt. Chapter 4 contains practical, step-by-step directions and guidance for criminal justice practitioners whose day-to-day responsibilities include prosecuting TiP perpetrators.

Chapter 5: Referral and Case Monitoring Framework

This chapter provides standardized monitoring and referral guidelines for key TiP stakeholders, including the GPS, the GIS, the AGD, the MGCSP, and the Ministry of Employment and Labour Relations/Labour Department (MELR/LD). It offers more detail on each agency's specific role during the assistance and referral process, and explains how to fill out case monitoring forms. It also outlines a comprehensive referral mechanism as a unique and rights-based process that ensures assistance to VoTs.

Background

According to the US Department of State's 2017 *Trafficking in Persons Report*, Ghana is a source, transit and destination country for men, women, and children subjected to forced labour and sex trafficking. Internal trafficking, especially of children, is more prevalent than trafficking of foreign migrants. Ghanaian boys and girls are subjected to forced labour within the country in fishing, domestic service, street hawking, begging, portering, gold mining and agriculture. Ghanaian girls, and to a lesser extent boys, are subjected to prostitution within Ghana. Child prostitution is prevalent in the Volta region and is growing in the oil-producing Western region. Ghanaian women and children are recruited and transported to other African countries, the Middle East, Europe, and the United States for forced labour and forced prostitution.

Research on internal trafficking of children has identified notable trends. One 2016 study conducted in 20 communities in the Volta and Central regions of Ghana confirms that trafficking in children is widespread among certain communities. The study identified a prevalence of 35.2 per cent of children living under slavery and slavery-like conditions.³⁰ Half of these children were confirmed to be trafficked and working in the fishing industry, and another 27 per cent worked in domestic servitude.³¹ Sadly, 19 per cent of children in the study worked without getting paid and were out of school.³²

These findings confirm earlier studies conducted in 2013 and 2015. In the south of the Volta Lake, 56.7 per cent of children working on the lake in the fishing industry were identified as trafficked into forced labour. The majority of these children are boys (99.3%) and girls are also recruited for other fishing-related tasks off the waters. Thus, the roles of the children in the fishing industry are influenced by gender – boys go fishing, while girls process (drying, salting or frying) and market the product. The majority of the children are aged below 10 years, yet they are put to physically tasking and often hazardous roles in the industry, a situation that is tantamount to the worst forms of child labour. Sexual exploitation also occurs, although data is less reliable given the reluctance of victims and communities to provide information. However, key informants in both destination and source communities estimated the scale of sexual violence against girls in the fishing industry as at least 40 per cent.³³

Some Ghanaian children, the majority of whom are girls but not excluding boys, are subjected to sexual exploitation. Sexual exploitation of children has been identified in the Volta region and is a growing problem in the Western region owing to the influx of people into the oil-producing towns in the region.³⁴ Within the fishing communities, children are controlled or forced to remain working through coercion including violence with limited access to food; older boys may be given sexual rewards and marriage to girls who have also been trafficked. In addition, girls are sometimes forced into marriage by their parents or guardians, often without consent.³⁵

30 Nordic Consulting Group A/S and JMK Consulting Ltd., *Growing Up Free* baseline study report (February 2017).

31 Ibid.

32 Ibid.

33 International Justice Mission, 2016.

34 US Department of State, *Trafficking in Persons Report June 2016*.

35 Nordic Consulting and JMK Consulting, *Growing Up Free* baseline study report.

For example, *Trokosi* is the practice of forcing virgins to be “married” to religious leaders for ritual servitude to atone for the sins of a family member. This type of enslavement, especially among children, could be human trafficking and is still practised in the Volta region.³⁶ The migration of girls and young women from northern Ghana to the south in search of a better life has increased the number of people working as head porters commonly known as *kayaye* in Accra. These *kayaye* are also at risk of exploitation for prostitution and other forms of labour. Girls who get pregnant either from sexual exploitation or survival sex (trading sex for basic needs like shelter or food) are pushed into forced marriages.³⁷ There are indications that some communities in the Volta region serve as both source and destination communities and children are used for fishing, farming, and herding of livestock.

Many of the source communities from which children are recruited for trafficking within the Volta and Central regions of Ghana are the least developed, with up to one in four individuals living below the national poverty rate.³⁸ Children are trafficked with the consent of their parents or guardians who enter into contractual agreements with perpetrators for their exploitation, which were frequently between the trafficker and the child’s parent/guardian. Community members rarely receive government assistance and are often not empowered to combat trafficking. The rescue of child VoTs as far as these study communities are concerned have not yielded much since poverty remains engrained and support promised to families following rescue has mostly been unmet.³⁹ With this in mind, the need for direct assistance to child VoTs goes beyond the individual child to the family and community.

Transnational human trafficking is also growing. Ghanaian men, women and children are recruited for trafficking to other African countries such as Burkina Faso, Côte d’Ivoire, Gabon, the Gambia, Nigeria and Togo. Others are recruited to the United States, the Middle East, and Europe for forced labour and sex trafficking. An increased number of young Ghanaian women are recruited to the Middle East with the promise of domestic or hospitality jobs or educational opportunities. Some trafficking victims who return reported having been deceived, overworked, starved, abused, molested and/or forced into prostitution.

36 D.Y. Dzansi and P. Biga, “Trokosi’ – slave of a fetish: An empirical study”, *Studies of Tribes and Tribals*, 12(1):1–8 (2014).

37 Nordic Consulting and JMK Consulting, *Growing Up Free* baseline study report.

38 Ibid.

39 Ibid.

Although victims of human trafficking are usually women and children, some Ghanaian men have also been recruited under false pretences to the Middle East and subjected to forced labour in domestic services and to forced prostitution. Some women and girls voluntarily migrating from Viet Nam, China and neighbouring West African countries have been subjected to sex trafficking in Ghana. Some West African citizens have ended up as forced labourers in the Ghanaian agriculture sector or as domestic servants. The country has also been identified to be a transit point for West Africans recruited for trafficking to Europe, especially Italy and Germany where they are subjected to prostitution.⁴⁰

Methodology

IOM initiated the development of these SOPs by reviewing similar operating procedures in Ghana, as well as international guidelines, including IOM tools. For example, in February 2012, the Child Labour Unit (CLU) of the MELR/LD developed the Standard Operating Procedures and Guidelines for Addressing the Worst Forms of Child Labour in Ghana (hereinafter referred to as the CLU SOPs).⁴¹ The development of these SOPs was achieved within the framework of the Child Protection Compact (CPC) Partnership between the Government of the United States and the Government of Ghana.

In February 2016, the CPC Technical Working Committee (TWC) established the Subcommittee on SOPs to lead the development and coordination of SOPs to combat child trafficking in Ghana. The Subcommittee consists of CPC focal points from GIS, GPS, Human Trafficking Secretariat (HTS), Free the Slaves (FTS), the Ministry of the Interior (MINTER) and the DSW. The Subcommittee on SOPs met bimonthly and drafted the contents of each chapter of the SOPs before presenting the guide to the CPC TWC for review and validation. The SOPs were also presented to the Human Trafficking Management Board (HTMB) in June 2016.

In March 2017, IOM organized a final validation meeting with representation from government including the Anti-Human Smuggling and Trafficking in Person (AHSTIP) Unit (under the GIS), the Anti-Human Trafficking Unit (AHTU) (under the GPS), the DSW, MINTER and the CLU. Non-governmental partners, including FTS, the International

40 US Department of State, *Trafficking in Persons Report June 2016*.

41 Information from Sylvia Hinson-Ekong, consultant from Future Resource Development.

Justice Mission, Don Bosco Shelter and Right to Be Free, also contributed to the review and validation processes. Following the final validation meeting and endorsement, the SOPs were launched by the Honourable Minister of Gender, Children and Social Protection in Accra.

Legal Framework

The Government of Ghana enacted its own national legislation in 2005, known as the Human Trafficking Act (Act 694), making TiP a criminal offence with perpetrators liable to at least five years of imprisonment. In July 2009, the Parliament enacted the Human Trafficking Amendment Act (Act 784), including several updated sections. In December 2015, the Parliament enacted L.I. 2219 titled Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations, 2015. These three laws constitute the legal framework for combating TiP in Ghana and exist together with the 1998 Children's Act (Act 560), the 1960 Criminal Act (Act 29) and the 1960 Criminal Procedure Act (Act 30). Additional analysis and explanation can be found in the special chapter "Trafficking in Persons Law Review".

Definition of Human Trafficking

Human trafficking is defined in the 2009 Human Trafficking Amendment Act as:

the recruitment, transportation, transfer, harbouring, trading or receipt of persons within and across national borders for the purpose of exploitation⁴² by:

- a. the use of threats, force or other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability, or
- b. giving or receiving payments and benefits to achieve consent

As further defined in L.I. 2219, "purpose of exploitation" means "the use of a trafficked person for prostitution, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs." Act 694 indicates that activities "where exploitation by someone else is the motivating factor shall also constitute trafficking." Simply put,

⁴² The term "for the purpose for exploitation" was not originally included in the 2005 Act; however, it was added to the definition with the 2009 amendment.

trafficking is when someone stands to gain from someone else's exploitation. The actual act of exploitation need not have occurred to be considered trafficking; simply, motivation or intent to exploit for gain must be present.

Act 694 specifies that when children are trafficked, "the consent of the child, parents or guardian of the child cannot be used as a defence in prosecution under this Act," meaning that for children, the consent of the child, parent or guardian does not justify the exploitation. For children, trafficking is defined by the action (i.e. recruit, transfer, harbour or receipt) and purpose (i.e. sexual exploitation or forced labour).

The national legislation is aligned with international normative framework. The *Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children* (Palermo Protocol) defines trafficking in persons as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.⁴³

43 Article 3, Palermo Protocol.

Identification and Screening Protocols

1

CHAPTER I

IDENTIFICATION AND SCREENING PROTOCOLS

Trafficking in human beings constitutes a serious infringement of human rights. Identifying trafficked persons is vital to ensuring victims are granted access to comprehensive protection and support services. *Identification* is the process of determining the status of a person as a VoT, and *screening* is the process by which trained social workers learn more about the victims of trafficking (VoTs) and their medium- and long-term needs.

If a victim is not identified as such, he/she could be left without appropriate support in order to recover from the trafficking ordeal and this is to the detriment of the trafficked victim. A vital first step to providing victim protection, therefore, is determining whether an individual is in fact a victim of human trafficking. Furthermore, without access to protection and support services, trafficked persons might not have sufficient confidence and security to cooperate with law enforcement officials in criminal investigations. Without evidence and testimony from trafficked persons, it is difficult to prosecute traffickers.

I.1. Key roles

I.1.1. Victim

Anyone can be a VoT – men, women, boys and girls. Victims are denied their rights and often have to live without enough food, clothing, health care and shelter. Many work without being paid. Victims are treated unfairly and suffer physical and emotional pain. Child victims often do not go to school and will likely struggle to succeed in life without an education.

The victim plays a central role during the identification and screening process. A victim can provide critical information to social workers or law enforcement officials used for purposes of protection, prevention and prosecution. To successfully cooperate with a victim, it is important to recognize their basic human rights, including the right to information, confidentiality, protection and non-discrimination. If the victim is a child, authorities, parents, next friends and guardians must act in the best interest of the child and respect the views of the child.

A VoT may have a mindset of fear, distrust, denial and conflicting loyalties. VoTs are often fearful of being jailed and may distrust authority figures, particularly law enforcement and government officials. Similarly, traffickers may convince trafficking victims that the police will jail the victims if they file a complaint. Traffickers may also manipulate a victim's emotions and grow close to the victim. VoTs often fear that if they escape their exploitation and investigations against their traffickers are initiated, something bad will happen to someone they love, either their own friends or families or, possibly, the trafficker.

1.1.2. Law enforcement

Law enforcement agencies – such as Ghana Police Service (GPS), Ghana Immigration Service (GIS) and Ghana Revenue Authority/Customs Division (formerly known as the Customs Excise and Preventive Service (CEPS)) – are key partners in the identification and referral of victims and the prevention of trafficking through proactive deterrence. Law enforcers also have a prominent role in conducting evidence-based investigations, identifying suspects and making arrests. Law enforcement officials will receive tip-offs and complaints from victims and witnesses, and are initially responsible to take a statement, provide safety and medical referrals when necessary, and register the case.⁴⁴ Law enforcement officials are also responsible for leading rescue operations, arresting perpetrators and pursuing convictions.

1.1.3. Social worker

According to the 1998 Children's Act, the main roles of a social worker are to: 1) counsel and help the child and his or her family; 2) take reasonable steps to ensure that the child is not subjected to harm; and 3) hold regular reviews to plan for the future of the child.⁴⁵ A social worker, therefore, is responsible for protecting the rights of victims and acting in their best interest. Social workers will be in contact and engage with victims throughout the identification and screening process, from initial rescue, all stages of direct assistance, and even investigation and prosecution.

44 Act 694, section 11.1.

45 1998 Children's Act (Act 560), paragraph 22.

Experts in social work recommend an approach that empowers the victims, viewing victims as “persons with assets and potentialities, as resources rather than carriers and/or sources of pathology”.⁴⁶ This is based on the belief that the victim is best able to understand and solve his/her problems. From this perspective, the long-term duty of the social worker is focused on helping the victim to rebuild his/her self-esteem and self-confidence, build on his/her own personal resources, and help the person to see that he/she is in control of his/her life and capable of making his/her own decisions. The social worker also has a role in crisis intervention, guiding the victim through immediate options and, if necessary, initiating the referral process.

Key role: Social worker

Social workers function as enablers, coordinators/advocates and teachers for their victims.

- ✓ As an **enabler**, the social worker assists the victim in identifying needs, defining goals, recognizing his/her own strengths, and helping him/her to find solutions to problems and ways to achieve his/her goals.
- ✓ As a **coordinator/advocate**, the social worker assists the victim in identifying available resources, helps the victim evaluate the available resources, and then facilitates contact with or refers to other services or agencies.
- ✓ As a **teacher**, the social worker develops the skills and information base of the victim so that the victim is better able to make informed decisions, resolve his/her problems or achieve his/her goals.

A helping relationship is different from a personal relationship. A helping relationship is a professional one and should have clear direction and purpose. Unlike personal relationships with a friend or family member, helping relationships are developed between trained authorities in order to assist in rehabilitating and reintegrating VoTs. A successful social worker would demonstrate sympathy, warmth and genuineness in his/her approach to victims.

⁴⁶ IOM, *The IOM Handbook on Direct Assistance for Victims of Trafficking* (Geneva, 2007).

1.2. Identification

A person with “reasonable grounds to believe that another person is a trafficked person” shall report that belief to the police.⁴⁷ Trained and authorized professionals may also conduct outreach but should inform the police of any human trafficking cases.

A child should be assisted to file a complaint to the police. A member of the victim’s family, a guardian, next friend or any person with knowledge can file a complaint about trafficking on behalf of the child. Importantly, the identity of the person who filed the complaint to the police shall be kept confidential.⁴⁸ The police must also provide witnesses appropriate protection, including access to information, medical assistance and shelter.⁴⁹ A social worker is responsible for coordinating care orders for children when necessary.

Care orders

When a child needs to travel with a social worker, the latter must obtain a police extract first. The police extract expires seven days from the date of issue.

The 1998 Children’s Act outlines conditions and steps for obtaining care orders for children.

- ✓ If a police officer and a social worker determine that a child has been abused or is in need of immediate care and protection, the officer may move the child to a safe place.
- ✓ Within the period of seven days, the social worker must bring the child before a family tribunal to consider the care order request.
- ✓ If issued by the family tribunal, a care order shall transfer the parental rights to the ministry responsible for children and social welfare.

The maximum duration of a care order is three years, or until the child turns 18.

⁴⁷ L.I. 2219, section 9.2.

⁴⁸ Ibid., section 9.4.

⁴⁹ Act 694, section 10.1.

1.2.1. Who can identify?

Any person with information about TiP should notify the police, and may share the information too with an immigration officer, a customs officer, a social welfare worker, a health-care provider, a teacher, a district labour officer, a worker from a civil society organization (CSO), an embassy or consulate staff or a community leader. This person of authority should file a complaint with the police immediately if not done so already.⁵⁰ The victim must also be informed by the person of authority of their requirement to contact law enforcement. The notification to the police is meant for the provision of protective services should the victim wish to avail him-/herself of the assistance available. Finally, a victim's access to protection must be provided regardless of his/her level of cooperation with the police.

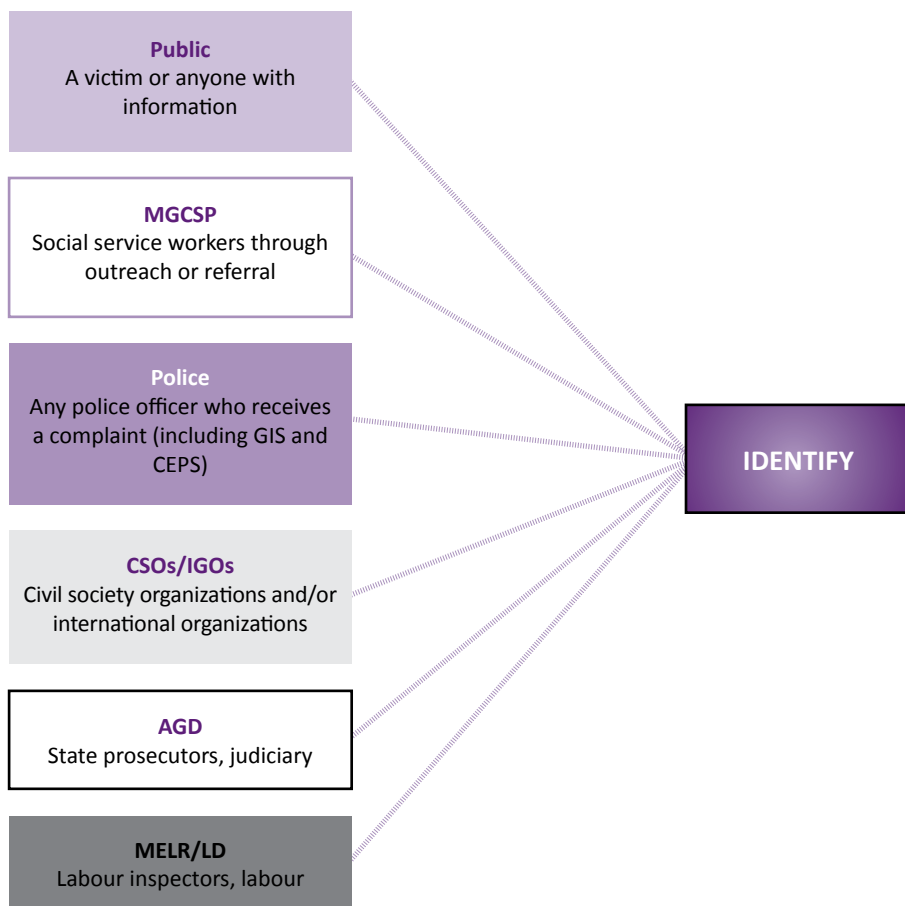
Those who **manage public transportation services** (i.e. bus terminals, lorry stations, ships) and operate public vehicles or airplanes must take reasonable steps to obtain the travel details of each passenger. Any suspicious circumstances (i.e. a large group of children travelling with one adult) should be reported to the police immediately for further investigation, and to a social worker for victim assistance.⁵¹

A police officer who receives a complaint – or otherwise identifies a potential VoT – should take all statements of victims and/or witnesses and record the complaint in detail. The officer should also inform the victim of his/her rights and refer for medical treatment and a safe shelter, when necessary. Furthermore, the police officer should ensure a social worker has been notified. If the victim is a child, the officer should take a statement in the presence of a parent, next friend or legal guardian. As stated in the 2005 Human Trafficking Act: “A police officer who fails to respond to a request for assistance shall, on a report filed by the complainant to a superior officer, be subject to Police Service disciplinary procedure.”⁵²

⁵⁰ Ibid., section 9.3.

⁵¹ L.I. 2219, section 7.

⁵² Act 694, section 10.2.

Figure 1.1: Who can identify?

1.2.2. Outreach

Outreach among communities can lead to the identification of VoTs. Outreach involves building trust, providing information and establishing positive relations among community members. Outreach strategies vary and differ based on specific communities and circumstances. Some outreach strategies – such as community sensitization, awareness durbars, food provision and sports activities – involve actively targeting certain groups identified as vulnerable to human trafficking. Other outreach strategies, like hotlines, are more passive approaches to outreach.

Outreach checklist

- ✓ Approach the child in an environment where he/she is most comfortable. The point of first contact should be in a public place, where the social worker or outreach team is not completely alone with the victim. This gives the sense that the victim is in control, and also may help ensure his/her safety.
- ✓ Do not make commitments that cannot be delivered. Victims are likely to have unrealistic expectations when first approached. These may include constant food supply, accommodation, education and family support. Initial engagement with potential victims should remain within the services that can be provided.
- ✓ After initial contact has been made with a victim, a one-on-one approach may be useful in ensuring privacy and also protecting the victim from speaking against the potential traffickers who are harbouring him/her. For the protection of the victim, gender-matched social workers are preferred.
- ✓ After a child is rescued, the minor must have consent from a parent, next friend or legal guardian to receive assistance. A strategy to gain the trust of parents or guardians of minors is to educate the parents or guardians about the right of each child to basic care like health/medical assistance, education or shelter. Parents or legal guardians acting in the best interest of the child will likely consent to assistance.
- ✓ If a child is with the trafficker and there is no parent or guardian to get consent from, it is best to try to identify local community members, law enforcement, social workers or trusted organizations that can facilitate an interaction with the child.
- ✓ It may be difficult to approach potential victims under the assumption that they are trafficked because whether the child is subjected to exploitation may or may not be immediately evident. Therefore, make no assumptions, pass no judgement, apply child-friendly approaches and treat minors as children with agency.

Even though outreach and identification may be successful, some victims may eventually return to a life of exploitation. Victims may be forced to return to exploitative conditions by traffickers, or they may choose to return to a trafficking situation on their own. This choice could be related to the psychological trauma they experienced as victims. In these scenarios, it is

important to give victims as many opportunities and chances to break free from exploitation as needed.

Overall, acute and informed observation is the most critical tool to identify victims. Depending on the role or function, different reinforcing strategies may be used to actively identify child VoTs. For example, Community Child Protection Committees (CCPCs) can search for children working in exploitative conditions within their own communities. Also, community labour officers can search for child workers in both formal and informal sectors, including farms, fishing communities, quarries, mines, construction sites, garbage dumps and plantations. In addition, NGOs implementing projects on child protection or in communities can assist by screening for potential child VoTs; law enforcement officers can search suspected fishing communities; or community leaders can meet to share information and coordinate action, including the development of community referral pathways and informants for responding to the various needs of child VoTs once identified.

1.2.3. Initial indications of human trafficking

Indicators are signs of potential human trafficking. There are several indicators of trafficking, some of which are obvious and visible signs expressed by the victims. For example, the victims could openly express the belief that they have been working against their will. Other indicators are less obvious and are not revealed until further investigation.

Initial identification of indicators is important to determine if a victim has been trafficked or if the officer suspects circumstances of human trafficking. The presence or absence of initial indicators should not mean that trafficking has been established or discounted. It should be noted that *the indicators that follow are intended to assist in the overall assessment process, are generalizations and that exceptions exist in relation to all of them*. All indicators should be considered cumulatively as none will provide the answer on its own.

Initial indicators⁵³

- ✓ **Age:** The older the individual is, generally, the less likely it is that the case involves trafficking. When sexual exploitation is the purpose for human trafficking, a trafficker will normally traffic young victims as there is high client demand. Young people are also targeted for labour exploitation because the older a person is, the less productive they may be in conditions of arduous labour. Minors are particularly vulnerable to human trafficking because they can be exploited in a variety of ways – in the sex industry, illegal labour markets, as domestic “slaves” and for their organs.
- ✓ **Last location:** The location where the victim was immediately prior to coming to the notice of law enforcement officials will always be significant. For example, last location may be a mine, quarry, lakeside or farm.
- ✓ **Context/Circumstances:** The circumstances leading to the referral are important. As much information as possible should be obtained from the referee, including circumstances of removal. In cases where the victim is brought to the attention of law enforcement officials by a referring agency, information from the referring agency should be considered in the screening process.
- ✓ **Travel:** If a person is travelling under suspicious circumstances, he/she could be a victim of trafficking; for example, minors with no relations to the adult who is travelling with them, or a group of vulnerable categories with one individual in charge of the whole group.
- ✓ **Signs or evidence of abuse and/or neglect:** Any signs of physical injury to the individual can be an indicator of trafficking. Victims are subjected to abuse by their traffickers and clients. A child victim may be neglected when compared to, for example, a fisherman’s own child.

53 IOM Handbook on Direct Assistance, section 2.2.

1.3. Rescue

Rescue of victims is an important component of a comprehensive strategy to counter trafficking. A rescue is any intervention made to remove a victim from an exploitative situation and end a trafficking situation. Potential VoTs must be rescued as soon as they have been identified, especially if they are children and/or in immediate danger. If it is necessary to rescue a potential VoT, the police should be notified immediately. A rescue operation will be coordinated by police officials, social welfare workers, and relevant authorities at the national, regional and district levels. Authorities from any security service may participate in rescuing a VoT from exploitative circumstances, but the GPS should lead rescue operations.

If a victim or witness contacts the police and files a complaint – either directly or through a guardian – a rescue operation will be conducted. The primary objective of the rescue operation is to end the exploitation of the victim and initiate the assistance process. If there is an immediate threat to the life of a potential victim, immediate intervention is required. In the event there is no immediate threat to a potential victim, the police can also conduct surveillance following identification, which may yield necessary evidence to impact underlying trafficking networks or behaviour.

Importantly, although the responsibilities of each actor are clear, every stakeholder is still called to play a role during each stage of response. For example, during the investigation and conviction, the police may need support from the CSOs that have rescued the victim. Similarly, access to government assistance may depend on police report or prosecutor order. Partnership is a critical component to a successful response to human trafficking. Coordination and cooperation will benefit all stakeholders.

Ensuring coordinated rescue operations

Depending on the situation, rescuing a VoT can be a dangerous and complex operation. Successful operations rely on smooth coordination and effective communication between all stakeholders before, during and after the operation. Especially when conducting operations involving children, the Human Trafficking Secretariat of the MGCSP and the DSW should be notified to coordinate and provide preliminary screening for any evidence of exploitation. For an effective rescue operation that puts the needs of the potential victim first, any person or group planning to rescue a child, regardless of whether he/she is suspected to be a VoT, must coordinate as follows:

- ✓ Inform all relevant partners on a need-to-know basis, including the District Crime Officer, the district social worker and community leaders in the area where the rescue operation will be conducted.
- ✓ The Regional Commanding Officer coordinates regional support while the district social worker arranges with a shelter where the rescued victim can stay temporarily.
- ✓ If possible, coordinate and conduct a joint training before the rescue for all participating law enforcement and other personnel involved in the rescue to review child- and victim-centred rescue procedure (Annex 3: Victim-centred Rescue Procedure). Training should include realistic simulations to ensure operational capacity of relevant personnel.
- ✓ Police should inform the DSW *before* the rescue operation, even if the victim will not be referred to a government shelter. This is important so the trained DSW staff can be adequately prepared to address any immediate assistance needs of the victim, especially medical assistance for young children and adolescent youth.
- ✓ Inform the Human Trafficking Secretariat of the MGCSP.

Following a successful rescue operation, it is critical to separate the potential victim(s) and perpetrator(s) in different rooms to ensure no threats are made to the potential victim(s) by the trafficker(s).

I.4. Immediate assistance

All potential human trafficking cases must be referred to the police and the DSW for immediate assistance and preliminary screening. The police will provide immediate safety and medical referral.⁵⁴ The police and the DSW will conduct an initial interview using the Preliminary Screening and Referral Form (Form 1) and determine if the person is a VoT or a witness, and refer the victim for further assistance. Preliminary interviews with VoTs and any evidence should provide enough reliable information to make a determination based on the criteria outlined in section 8 of the 2015 Human Trafficking Legislative Instrument 2219 (L.I. 2219). Trafficked victims, especially children, are vulnerable and should be treated as such. A trained social worker should interview the potential victim in a trauma-sensitive manner.

I.4.1. Determination

When determining the status of a person as a victim of human trafficking, law enforcement must consider all the circumstances of the particular case. An investigating law enforcement official must coordinate with social workers to review the criteria identified in section 8 of L.I. 2219:

1. Whether the person is **in an exploitative situation** through one or more of the following means:⁵⁵
 - Violence, force, coercion, intimidation or threats;
 - Threats of violence against the family members or friends of the person;
 - Threats of witchcraft or superstitious repercussions;
 - Forcing the person to use drugs or causing the person to be addicted to drugs;
 - Photographing or video-recording a person for the purpose of blackmailing the person;
 - Forcing the person to witness the beating, rape or murder of any other persons as a demonstration of what will happen to the person if the person fails to obey; or

54 L.I. 2219, section 13.

55 The element “means” does not need to be proven if the victim is a child.

- Threatening the person with arrest by the police for being in the country illegally or for an offence committed as a direct result of the trafficking.
2. Whether the **movement** of the person is restricted or confined through one or more of the following means:
 - Keeping the person under surveillance;
 - Not allowing a person to leave the premises unless accompanied by a guard or keeping the person behind closed doors, under constant guard or surveillance.
 3. Whether the person suffers from one or more of the following **health conditions**:
 - Signs of rape or other forms of sexual exploitation;⁵⁶
 - Emotional distress or manifestations of trauma;
 - Bruises, burns, broken limbs and other signs of physical abuse;
 - Forced abortion;
 - Untreated illness or infection; or
 - Malnutrition or poor personal hygiene.
 4. Whether the passport, identity or other **document has been destroyed or withheld** by another person or whether a person is in possession of a fraudulent passport, identity document or other travel document;
 5. Whether evidence exists that a person has been **forced to lie** to his/her family or friends about his/her safety, welfare and whereabouts;
 6. Whether a person has been subjected to **debt bondage**;
 7. Whether a person has been **forced to work** while earning a small amount or not earning any income at all; or whether a person has been forced to do work that is different from that which was originally promised to that person.

⁵⁶ The past sexual behaviour of a trafficked person is irrelevant and inadmissible for the purpose of providing that the trafficked person was engaged in the sexual behaviour or to prove the sexual predisposition of the trafficked person.

1.4.2. The interview process

Interviews are likely to be a challenging task for law enforcement officials or social workers who may be confronted with individuals who were able to survive and flee from their trafficking situation, as most of the time these victims are very circumspect and suspicious of everybody and very careful about sharing information. During a screening interview, it is common for trafficked persons to react to the interviewer in a traumatized, hostile, suspicious, aggressive or defensive manner. It may be very difficult in the initial interview to obtain enough information to determine conclusively if the person is in fact a VoT.

The victim may not feel able or be willing to be interviewed and answer questions that relate to traumatic or painful events. Such inability or reticence may have many causes. Memory loss may be particularly acute in the time around the “initial trauma” or the period when the individual first became aware of the danger he/she was in, which, of course, is also the period that officials and others want to know more about. However, pressing for details that the person either cannot or does not want to recall, or asking about events or periods that the person may have blocked out, may increase his/her anxiety and impede the interviewer’s ability to obtain information on other subjects.

If a victim shows acute signs of anxiety, the interview should be suspended or terminated until it is possible to continue. The interview may be an emotional process, which the interviewer should accommodate, but the expression of emotions alone may not necessarily imply that there is sufficient distress to terminate an interview. Whenever there are reasons to believe that the person being interviewed is suffering from acute trauma, an interview should be arranged if possible and the assistance of a psychologist should be sought before proceeding further. With consent from the victim, or his/her parent or guardian, contact the MGCSP to request the consultation of a trained trauma psychologist.

Recognizing and mitigating risks during the interview process⁵⁷

Each phase of the interview process can pose risks to a victim. Risks should be recognized and assessed, and appropriate measures should be taken before, during and after the interview. Social workers should be prepared with questions and a strategy for the interview, but they should also be aware that unexpected events can occur during the course of an interview, and these changes may pose physical or psychological risks to a victim.

- 1. Establishing the time and place for the interview:** Particularly when a victim in a trafficking setting is meeting with an outsider, he/she may be watched, followed or overheard. Interviews should be conducted in a secure and private setting, not in places where persons pass by or where random interruptions may occur before and throughout the interview.
- 2. Conducting the interview:** Interviewers who approach a victim with preconceived ideas or emotions will miss important information and overlook the unique nature of each victim's experience. It is important for social workers to watch for clues indicating the victim no longer feels at ease or wishes to terminate the interview. If the victim feels unsafe or privacy is interrupted, social workers should be prepared to change the subject of the conversation or close the meeting.
- 3. Closing the interview:** After discussing their experience, some victims will feel relieved to have talked about it, while others will feel worse about themselves, their situation and their future. It is important not to leave a victim feeling ashamed and hopeless. Whenever possible, interviews should end in a positive manner. The social worker may remind the victim of how well he/she coped in such difficult circumstances, perhaps using specific examples from the narrative.

The approach of the interviewer should be to show understanding and to explain that the objective of the interview is to identify the most effective way to assist and protect the victim, and that this can be done only if the social worker has relevant information from the victim. The objective of the screening process is to decide whether an individual has in fact been trafficked and the questions are designed to assist in that process. Everything should be done to put the individual at ease.

57 IOM Handbook on Direct Assistance.

The initial interview will depend on the interviewer's assessment of the situation, considering the potential victim's condition and responsiveness. The use of a structured format may not put the trafficking victim at ease and should be avoided if possible. Rather, the social worker should begin by asking open-ended questions, and then targeted questions to complete the Preliminary Screening Form. Ultimately, the social worker should decide which questions are most relevant in relation to each particular case and adapt the interview accordingly.

Given the importance of the screening and interview process, it is essential that the person being interviewed actually understands what is being said. If there is any doubt as to the ability of the individual to understand the context and detail of the interview, an interpreter should be included to assist wherever possible. In addition to the social worker, interpreters are expected to uphold confidentiality and sign an agreement to that effect (Annex 2).

1.4.3. Age verification

If the victim appears to be a child (below 18 years old) he/she should be referred to a shelter that is appropriate for minors, meaning the staff in the shelter are trained to address the unique needs of child VoTs and the facilities offer a child-friendly environment. If there is doubt about the victim's age, the presumption is that the victim is a child. In all cases, a comprehensive medical examination will be conducted by a certified health-care professional.

1.4.4. Child-friendly approach to interviews

It must be emphasized again that a child-friendly approach should be taken when interviewing and identifying potential VoTs. Successful interviews with child VoTs require training, experience and patience; they are best conducted by social workers. Given their role in identifying and screening potential VoTs, law enforcement officials should know how to conduct a safe and child-friendly interview.

Guidelines for interviewing children

The following considerations are recommended when interviewing children:

- ✓ When possible, staff trained in the special needs and rights of children should interview potential victims. When appropriate, children should be interviewed by interviewers of the same sex.
- ✓ Create an interview space that is private and age appropriate, possibly containing toys, books or games. This may not always be possible due to resource constraints, but due efforts must be made.
- ✓ Sit at eye level with the child; smile and speak gently. Greet the child and introduce yourself, your role and what the interview is about.
- ✓ Establish rapport by talking about or doing things that are not related to the trafficking experience (discuss things the child is familiar with).
- ✓ Keep the atmosphere simple and informal.
- ✓ Use mother-tongue and child-friendly language.
- ✓ Explain things in a manner that the child can understand. Questions should be adapted depending on the age and mental capacity of the child.
- ✓ Begin with open-ended questions, allowing the child to give his/her own account. Avoid leading questions.
- ✓ Do not pursue and press for details where there are signs that the child has told everything that he/she knows. Keep in mind that children may leave information out, or may give an answer that they believe the interviewer wishes to hear.
- ✓ Conduct interviews with children in the presence of a parent or guardian, unless the parents of the victim were complicit in the trafficking and no guardian has been appointed.
- ✓ End the interview in a way that reassures the child that he/she has done well and that the interviewer will be available if he/she needs to talk again.

1.5. Special considerations for child victims of trafficking

This section addresses issues that require special attention or procedure when assisting trafficked persons and especially children. It aims to highlight particular vulnerabilities and special needs related to assisting VoTs, including memory, mental health, growth, sexual violence and reproductive health.

1.5.1. Memory

It is common for individuals, especially children, who have experienced trafficking-related trauma to be unable to recall details of events, including names, dates and locations. If a child VoT cannot remember or changes the account of events, this does not mean that the child is lying or being uncooperative. It is essential to show patience in relation to memory problems and not to discourage the child from adding to or altering his/her initial account of events and details of his/her experience later, as memories may return.

1.5.2. Mental health

The psychological reactions of trafficked persons depend on a variety of factors, including the individual's personal history, past events, and, in most cases, stress associated with fear and uncertainty about the future. It is important to take into account that trafficked persons may have experienced traumatic or abusive experiences prior to being trafficked. These events compound the stress factors encountered during trafficking and impact the reintegration phase. In addition, victims may have anxieties even after being rescued, such as uncertainty about how their families will react when they return.

While every individual will respond differently to a trafficking experience, some common reactions may include both psychosomatic and psychological reactions. Psychosomatic reactions are physical manifestations of trauma, including aches, pains, trembling, sweating, insomnia, loss of appetite and increasingly risky behaviour, including smoking, drug use or unprotected sex. Psychological reactions may include a sense of hopelessness and despair, suicidal preoccupation, explosive and extremely uninhibited anger without apparent reason, or alteration in their relationships with others, including isolation and withdrawal, and persistent distrust.

Mental health support strategies

Mental health support strategies come in many forms and can evolve overtime. To be effective, support strategies should be adapted to an individual's short-, medium- and long-term needs. Approaches to support victims with mental health concerns should not only focus on past experiences and related memories but should also help the individual to advance confidently towards a healthy and promising future. Effective responses to mental trauma include the following common features:

- ✓ Avoid blaming the victim;
- ✓ Create a supportive environment;
- ✓ Recognize abuses as criminal victimization;
- ✓ Provide information about traumatic reactions;
- ✓ Show expectation that symptoms will improve.

1.5.3. Child growth

Child growth refers to the level of development of physical, cognitive, language, social–emotional, temperament, or fine and gross motor skills. Abuse and chronic stress affects a child physically and hinders learning, growth, and psychological development. Children who are trafficked are subjected to dangerous environments, and this type of chronic abuse and stress can cause children and adolescents to develop a personality that is suited for survival, but that is ill adapted to cope in normal, non-threatening situations.

According to the World Health Organization, children who are abused often feel compelled to form relationships and develop trust with caretakers who are dangerous. Children whose trust is abused are likely to have difficulty to develop autonomy and intimacy. The development effects of abuse can be characterized in terms of loss of attachment, reduced self-esteem and fewer social relationships. There may be problems of highly sexualized or highly aggressive behaviour, substance (ab)use, self-injury, or other dysfunctional ways of dealing with stress and anxiety.

1.5.4. Sexual violence

Victims may be sexually abused before and during the trafficking experience, even when the main purpose is labour exploitation (e.g. girls in domestic work). Sexual abuse, especially among children, results in significant immediate and long-term adverse health consequences, including sexually transmitted infections, injuries to genitals, future sexual risk-taking and substance abuse, difficulty developing healthy sexual relationships, depression and suicide. Sexual abuse impacts how children, particularly pre-adolescents and adolescents, perceive their body, their worth and their relationships with others.

There are obstacles to disclosure of sexual abuse, such as feelings of guilt, belief in one's own complicity, need to protect the abuser, warnings by the abuser against disclosure, and fear of rejection and retaliation. Discussions about sexual abuse are best carried out by professionals trained in the particular techniques to be used in speaking with victims about sexual abuse. In settings where experienced practitioners are not readily available, these discussions should be approached carefully by an individual whom the child trusts and has established a strong rapport with the child.

1.5.5. Sexual and reproductive health

Trafficking in women and young girls has serious implications for sexual and reproductive health. Harm to the reproductive and sexual health of women and young girls who have been trafficked generally results from sexual abuse. Sexual and reproductive ill health has social, psychological and physical implications, each of which must be treated professionally and with due care. Women and girls who are trafficked and sexually abused are often exposed to sexually transmitted infections including HIV. Boys and men, however, can also be sexually abused and require testing. Testing for detection of such infections should be offered **on a voluntary basis** and accompanied where appropriate by pre- and post-test counselling. In addition, pregnancy checks should be conducted as necessary. Both testing and reporting of results should be carried out promptly and confidentially.

Information for female victims of trafficking

Health practitioners should provide women or adolescents (where applicable) with the necessary information in a language they can understand:

- ✓ Sexual health, safe sexual behaviour and contraception;
- ✓ Sexually transmitted infections, symptoms and potential long-term risks;
- ✓ Reproductive health, prenatal and antenatal care;
- ✓ HIV/AIDS, including pre- and post-test counselling information.

One of the **most common concerns** among women and girl victims of sexual exploitation is infertility. It is important to clarify myths and realities regarding infertility in addition to carrying out necessary medical procedures related to infections or injuries.

Health practitioners must respect the personal decisions of individuals in their care, assisting them with prenatal, obstetric and postnatal support. The services must be offered at all stages of the trafficking process. Trafficked women or adolescents who are pregnant should be treated with sensitivity and in a non-judgemental way. Necessary examinations and care should not be delayed, and pregnant women or adolescents should receive appropriate and adequate counselling, care and follow-up assistance.

There are many misconceptions about HIV and AIDS that compromise health care and cause undue distress on behalf of the patient. Because trafficked persons have a higher risk of exposure to HIV, it is important for all care providers to be informed about the biological, psychological and social implications of HIV/AIDS.

Children's social position puts them at higher risk of being raped and sexually abused, which in turn may make them vulnerable to HIV infection. Sexually exploited children are also at risk of acquiring HIV especially when they have repeated and/or untreated sexually transmitted infections. Children should be offered pre- and post-test HIV counselling appropriate to their age by individuals trained to work with children. As for adults, all HIV testing must be voluntary and accompanied by appropriate informed consent procedure.

It is now possible to dramatically reduce the risk of transmission of HIV from mother to child by treating the mother before delivery. In all cases where a pregnant woman or a young girl tests positive for HIV, health practitioners must ensure that she is offered such treatment. In practice, this may mean that if a woman or a young girl is to be returned to a location where there is little possibility of a safe delivery, health-care professionals should investigate other options to ensure that she can give birth in a location where she and the baby will receive appropriate treatment.

1.6. Assistance screening

After the preliminary interview to determine if the child is a trafficking victim, the police officer will refer the victim to a government shelter or a private service provider for further screening and comprehensive direct assistance.⁵⁸ Shortly following reception, trained and professional social workers will conduct an interview using the Secondary Screening Form (Assistance) (Form 2) to identify the immediate and long-term needs for each confirmed victim, and prescribe the services to be provided to the victim. The screening process includes a set of questions focusing on the complete story and attempts to match victim needs to a viable service provider. Information collected during assistance may be shared with police officials conducting investigations only with informed consent from the victim or – if a child – parent, next friend or guardian. Additional information can be found in chapter 2.

⁵⁸ Services vary by location, and some private service providers have eligibility requirements and may not be equipped to serve all victims (e.g. by age and gender).

Direct Assistance

2

CHAPTER 2

DIRECT ASSISTANCE

This chapter focuses on direct assistance, specifically, key roles, minimum standards of assistance, rehabilitation, return and reintegration. The chapter aims at building the capacity of all assistance providers in Ghana, especially social workers at the DSW. By applying the operating procedure outlined in this chapter, social workers will be better equipped to provide comprehensive and holistic assistance to VoTs, particularly children.

Direct assistance to child VoTs occurs in two stages: transitional assistance and comprehensive long-term assistance, which includes the reintegration period. During the transitional assistance phase, victims are provided assistance to meet their basic needs, including shelter, legal counsel, education, medical care, security and food in the location of a shelter. A shelter is required to provide assistance to VoTs during which time family tracing and community assessment should take place. Upon return and reintegration, comprehensive services are provided to victims by district social welfare officers. Best practices related to the sustainability of care and stabilization of the family and community should be undertaken during the reintegration period.

2.1. Key roles

Good practice recommends that the service providers who identified the VoT should also provide, in their role and capacity, assistance to this victim. However, organizations and agencies that rescue victims may not necessarily have the capacity to provide all the needed transitional and long-term services. Such organizations or agencies that rescue VoTs must endeavour to identify and refer victims to another agency, such as the DSW, or to CSOs that have the capacity to provide the necessary services.

National actors that have a role in providing direct assistance to VoTs include:

- **Law enforcement officers:** From the moment a victim is identified, law enforcement must provide safety and protection, in coordination with social workers. Law enforcement officers must refer the victims for immediate health assistance, if necessary, and coordinate further transitional assistance like shelter, medical and psychosocial support. Victims should be separated from the suspects. During the course of an investigation, law enforcement may also provide physical protection to victims or witnesses.

- **Social workers:** Social workers provide transitional assistance to the victims. While victims are in a shelter, social workers provide and monitor psychosocial support that includes counselling and medical assistance for the victim. They conduct family tracing and assess the victims and their families to determine reintegration options. Social workers further ensure the smooth return of VoTs and monitor progress in the community until they ascertain the victims' proper integration. Victims of cross-border trafficking may be assisted by social workers to acquire necessary documentation to regularize their stay or return to their home country. All such assistance is achieved by collaborating with other stakeholders or service providers.
- **Health practitioners:** Health practitioners conduct medical visits with victims who may be asked to undertake medical investigations or procedures for diagnostic purposes. They may undertake medical interventions where a disease has been diagnosed. Health practitioners may also provide psychological and mental therapies for diagnosed disorders.
- **Legal aid agents:** A legal aid agent is a government official who provides legal assistance to the most vulnerable populations in the prosecution and defence of their rights under the Constitution of Ghana. Under the 1997 Legal Aid Scheme Act (Act 542), the Legal Aid Scheme was empowered with the mandate to ensure that access to justice extends to the vulnerable who would otherwise be excluded from the formal justice delivery system. By applying a victim-centred approach, the Legal Aid Agent has the role to ensure informed victim, family, and witness participation during the investigation and prosecution phase.
- **Officials from civil society organizations/NGOs:** The Government is responsible for providing direct assistance to VoTs, but CSOs/NGOs play a supplementary role to government efforts by conducting outreach in communities, raising awareness, and providing psychosocial assistance, medical support, life skills training, legal assistance, rescue and other emergency assistance. Some CSOs/NGOs conduct family tracing and home visits, provide transitional shelter, and facilitate reintegration and follow-up thereafter. Some NGOs also conduct capacity-building activities for government officials, such as training.
- **Officials from international organizations:** International organizations, among other things, support host governments by building national capacity, strengthening policy, and facilitating strategic interventions on a variety of global issues, including human rights, development and

migration. In Ghana, an international organization official could assist in supporting direct assistance in coordination with national CSOs/NGOs at the national, regional and district levels. For Ghanaian citizens trafficked beyond the border of Ghana, an international organization official could coordinate assistance.

2.2. Guiding principles for providing direct assistance

With TiP cases involving children, the rights of a child, as outlined in the 1998 Children's Act (Act 560), are: welfare principle (best interests); non-discrimination principle; right to name and nationality; right to grow up with parents; right to education and well-being; right to social activity; right of opinion, protection from exploitative labour, and protection from torture and degrading treatment; and right to refuse marriage. The following fundamental principles echo the rights outlined in Act 560; they were established by the international community to ensure that anyone assisting a VoT can achieve the same standard of service provision, even if in sensitive cases and/or cases involving children.

Do no harm.

Given the extreme risks associated with trafficking, the fragile state of many of the victims and the real potential for increased trauma, the significance of this basic rule cannot be overstated. It is the ethical responsibility of every social worker, police officer, health practitioner and service provider to assess the potential for harm of any proposed action and, if there is any reason to believe that carrying out an interview or conducting an examination or procedure will cause the individual to be worse off than before, it should not be undertaken at that time. Persons working with VoTs should treat each individual and situation as though the potential for harm is significant until there is evidence to the contrary.

Provide individualized treatment and care.

While acknowledging that trafficking victims share some common experiences and circumstances, service providers should recognize and respect the individuality of victims and, to the extent possible, provide personalized care and assistance. Throughout the assistance process, staff should strive to provide protection, assistance, and support appropriate to the needs and circumstances of the individual victim.

Provide continuing and comprehensive care.

When providing services to VoTs, a holistic approach is important in aiding in the recovery of survivors, thereby offering a comprehensive continuum of care in accordance with the physical, psychological and social state of the victims for as long as needed.

Ensure informed consent is given.

During the assistance process, victims are frequently required to give their consent so that certain decisions can be taken, and the expression “full and informed consent” is often used. The following guidelines should be followed to ensure “informed consent”:

- All assistance provided by anyone should proceed on the basis of the full and informed consent by the victim, or his/her parent or guardian;
- From the initial contact with the trafficking victim until the successful social return and reintegration, it is important for the service provider to explain each and every relevant action, policy, and procedure in a way the victim (or parent/guardian if a child) can understand and before he/she is asked to consent;
- Throughout certain stages of the assistance process, it will be necessary for the victim, parent or guardian to provide such consent in writing;
- If the staff cannot communicate with the victim in a language the victim understands, every possible effort must be made to get the assistance of a trained interpreter for oral and written communication.

Encourage self-determination and participation.

Government officials, especially social workers and law enforcement officials, should recognize the right and need of victims to make their own choices and decisions, and encourage them to participate in decision-making, as much as possible. By working in collaboration with victims, government officials should aim to restore the autonomy of victims and to enable them to make decisions and take actions that affect them. Such collaboration will help victims regain control over decisions affecting their lives and increase confidence to determine the next course of action.

Avoid discrimination.

Service providers must provide the best possible assistance to VoTs without discrimination on the basis of, for instance, gender, age, nationality, disability, colour, social class, race, religion, sexual orientation, language, political beliefs or status.

Ensure and respect confidentiality.

Confidentiality of personal data must be respected and applied at all stages of data collection and data processing, and should be guaranteed in writing (Annex 2: Confidentiality Agreement).

2.3. Minimum standards of care

Human trafficking victims encounter many experiences of an abusive nature, which have many negative effects on their life and well-being. An assistance screening must be conducted to determine the areas of need for assistance. Although direct assistance for victims must be individualized, most would typically need medical and short-term housing assistance. Minimum standards of care for each type of assistance are discussed in the following subsections.

2.3.1. Shelter

Provision of a temporary shelter or safe accommodation is standard for victims who cannot or do not wish to be immediately returned to their family or community, are unable to support themselves or have no residential accommodation. A victim should be accommodated for a minimum period of three months. In some cases, the victim may be in the transitional accommodation for over three months. For example, a victim may remain in the transitional shelter for over three months if family tracing has not been successful.

The DSW has two shelters in Accra – a shelter for abused children in Osu and one for child VoTs in Medina. While these shelters currently lack infrastructure and staffing capacity to support the needs of child trafficking victims, they may have capacity with additional infrastructure and capacity-building assistance. CSOs/NGOs also run shelters to accommodate victims during direct assistance, facilitate return to their families or communities, and monitor the reintegration process. It is important not to place VoTs in mixed population shelters because they have special needs. For the list of NGOs working on trafficking cases in Ghana, refer to Annex 4.

Key service checklist: Transitional shelters

Government- and CSO-/NGO-managed transitional shelters should:

- ✓ Provide separate accommodation for girls and boys in the shelter. Children under five years of age may be housed with girls regardless of sex.
- ✓ Ensure that the female and male dormitories are separate, safe and secure, and have access to adequate water and sanitation.
- ✓ Provide three nutritionally balanced meals on a daily basis to victims and special nutritional feeding to victims with diseases that require specialized diets.
- ✓ Provide recreational facilities and basic material needs for victims.
- ✓ Ensure that victims residing at the shelter are consistently monitored to know their whereabouts and ensure their protection.
- ✓ Regularly conduct security and risk assessments for victims to ensure their safety and monitor any changes in their security situation.
- ✓ Put in place temporary security measures when required to ensure the safety of victims and will work closely with the police to protect victims especially when their safety and/or security has been threatened.
- ✓ Monitor all visits to victims by parents or guardians and shall not permit parents or relatives to remove the children from the premises of the shelter without the written authorization of the DSW.

2.3.2. Medical care

Most victims may experience particular health problems due to the ill treatment and exploitation they experienced during the trafficking period. Studies have shown a higher rate of both physical and mental health problems among children who have been trafficked.⁵⁹ Health problems may include: physical injury like bruising, wounds and abrasions; infections that may be contagious (i.e. directly spreading from one person to the other, like tuberculosis), water-borne diseases or sexually transmitted

⁵⁹ N. Stanley et al., "The health needs and healthcare experiences of young people trafficked into the UK", *Child Abuse and Neglect*, 59:100–110 (2016).

infections, including HIV/AIDS; reproductive health (pregnancy); and mental or psychological ill health, such as trauma, stress, depression, anxiety, post-traumatic stress disorder (PTSD), self-injurious behaviour and suicidal thoughts, among others.

A victim's physical and mental well-being is paramount and must be assessed for intervention as soon as practicable. A medical check-up is relevant for both victims who look obviously ill and those who seem healthy. A medical check-up is conducted as soon as possible during the service provider's care for the following reasons:

- It is a means to intervene for all life-threatening medical conditions.
- It provides a baseline of the victims' physical and mental health status/history at the time they came under the care provider's supervision.
- With explicit and informed consent, initial medical check-up documentation may serve to support legal processes.
- Initial check-ups help determine the need and length of preventive measures to be taken, curative treatment, rehabilitative and therapeutic treatment.
- It serves to protect the service provider and other residents of the shelter from contracting contagious diseases.

It is important that all medical procedures (tests and interventions) and treatments are instituted or administered with the consent of the victim. Informed consent and voluntary participation principles are essential in the provision of medical services. Informed consent can be waived only under the circumstance of a life-threatening emergency or where the victim is incapable of giving consent due to a compromised state of consciousness or mental status.

Collaboration with the Ghana Health Service facility within the catchment area of the shelter could facilitate medical care of the victim. Service providers must also register the victims into the National Health Insurance Scheme (NHIS). This would facilitate medical care in the shelter at less cost and would be essential for the victims during their reintegration. They would have access to health care without paying out of pocket. Service providers must have effective collaboration with the NHIS authority within their catchment areas to expedite the registration of the victims into the scheme.

Key service checklist: Medical services

For medical services, government- and CSO-/NGO-managed transitional shelters should:

- ✓ Ensure that before or on arrival at the transitional accommodation facility or within a reasonable time thereafter, victims undergo an immediate and comprehensive medical examination of physical and psychological needs with a registered medical centre or a registered medical practitioner.
- ✓ Enable victims at the transitional accommodation facility to undergo medical examinations as they transition from one stage to another through registration, rehabilitation and reintegration processes.
- ✓ Ensure that case workers are assigned to accompany victims to medical examinations and that case workers, in coordination with medical centre staff or medical practitioners, shall prepare treatment plans or follow-up schedules that shall be adhered to for victims where necessary.
- ✓ Ensure that victims at the transitional accommodation facility have access to health services and facilities as often as required including but not limited to general and specialized illnesses, dental ailments, specialized treatment for victims with HIV/AIDS or major surgery.

2.3.3. Psychosocial support

The mental health impact of human trafficking is often entrenched and has long-lasting effects. The mental health impact is often overlooked, however, because it is not visible. Many victims have experienced traumatic or abusive experiences before they were trafficked, in the process of being trafficked and while they are in the trafficked state. Such experiences may be traumatic and may affect the mental well-being of victims.⁶⁰ Notwithstanding this, it is important not to assume that all victims have psychological trauma.

Psychosocial intervention strategies and assistance programmes for VoTs must be based on an understanding of the psychologically painful experience of the victims and their resiliency to enable a focus on assisting them to

⁶⁰ N. Stanley et al, "The health needs and healthcare experiences of young people trafficked into the UK".

recover fully while re-establishing a normal life. Psychosocial support may include general counselling and trauma-focused therapy. Counselling should only be provided by appropriately trained (professional) personnel. Counsellors and psychologists specifically trained to work with children should be engaged to do so. This means that the victims must be referred to the appropriate professional.

Key service checklist: Psychosocial counselling

For psychosocial counselling, government- and CSO-/NGO-managed transitional shelters should:

- ✓ Provide counselling services to victims throughout their residency at the accommodation facility if required.
- ✓ Ensure that counselling is provided by appropriately trained personnel.
- ✓ Ensure that each VoT has a counselling file which shall be used to record and monitor the victim's progress and shall assess and determine whether a VoT has special assistance needs which shall be addressed and recorded by the social worker.
- ✓ Provide an interpreter for the victims who require an interpreter during counselling sessions and medical visits. The presence of an interpreter during counselling sessions and the details of the interpreter shall be recorded.

2.3.4. Education and vocational training

A victim may have no education or may have dropped out of school or training during or before being trafficked, leaving him/her disadvantaged in gaining a meaningful future or career. Some may never have had education. It is important to assess and establish the educational level of the victim. Assisting the victims in completing their interrupted education or training should be considered a priority whenever possible.

A good educational or vocational history and needs assessment should be conducted. For children and adults who may want to pursue education, a social worker may assist in conducting such a needs assessment to determine their educational achievement levels or how much skills they

have. This would inform at what level of education they should start in the educational system. Placing a child, for example, in a grade 1 class simply because he/she is six years old could make his/her life miserable and make him/her lose interest in school.

Short one-on-one or small group educational programmes to bridge the gap and help children catch up with their peers before they are enrolled in regular or mainstream schools are useful to reduce the dropout rate among the victims. It is important to cooperate with the Ghana Education Service (GES) at the national level, School Management Committees (SMCs), Parent–Teacher Associations (PTAs), the Association of Head Teachers (AHT) and District Education Offices (DEOs) to facilitate reenrolment of victim(s) into the education system. This cooperation is particularly important for children, and adults can be enrolled in adult literacy classes.

Where education is a favourable option, the victim should be enrolled in an educational facility located in the vicinity of the victim's place of residence as part of the reintegration plan for VoTs. It is important that school fees are not charged to the victim, which may be a financial burden for the victim or his/her household and thus deter continued education. Some adolescents and adults may not be comfortable re/entering into the formal education system. They may prefer vocational or livelihood training instead. This process must begin with career guidance and counselling. Informed decision-making is relevant in the choice of vocation to increase the likelihood that they would see through their vocational training to the end. Making choices for the victims without their involvement may mean they may be enrolled in a training that they have no interest in. This increases the likelihood of dropping out.

Collaboration with local businesses with varied skill demands within the reintegration community would facilitate apprenticeship training for the victims. Some CSOs/NGOs, educational institutions, religious groups, charitable organizations or government partners may have the capacity to give vocational training. Vocational training is an important element to include in a reintegration plan since it helps to ensure the sustainability of reintegration by increasing the victims' chances of gainful employment, as well as increasing their confidence and general life skills.

Service providers should assist victims, depending on their age, to set up realistic employment goals corresponding to their abilities, skills, educational levels and the available employment opportunities in the location. Efforts should then be made to provide the vocational training necessary to realize such goals. Vocational training should aim at imparting the necessary skills to find employment and should be offered on a case-by-case basis, taking into account the victim's age and in accordance with a comprehensive reintegration assessment. It is important to locate schools and vocational training institutions as well as reputable artisans who give training in the reintegration communities to collaborate and cooperate with the institutions to give the necessary assistance.

Key service checklist: Education and vocational training

For education and vocational training, government- and CSO-/NGO-managed transitional shelters should:

- ✓ Ensure that the victim receives basic education based on the Government of Ghana's national curriculum for primary education and depending on the victim's capacity. The basic education provided by the MGCSP should be structured to facilitate the entry or re-entry into the formal education system of the victim.
- ✓ Ensure that victims are transferred into the formal education system or vocational training programme appropriate to their educational development.
- ✓ Monitor the educational progress of the victims during their period of stay in the transitional accommodation facility and address any learning difficulties experienced by the victims and assess the measures taken to address such learning difficulties.
- ✓ Assist victims with insertion or reinsertion into the formal education system or the vocational training programme in their communities of return or origin.

2.3.5. Legal assistance

VoTs need access to justice and advocacy to make sure their human rights are upheld. Victims may have limited knowledge or understanding of the law and could be unaware that they can and should seek justice, or how to seek justice even if they wanted to. Others may simply be too traumatized or too frightened of traffickers to prioritize legal pursuits. Some victims may simply have no trust in the legal system.

As such, they often require legal assistance. Human trafficking is a crime against the State and also a violation of the individual victim's human rights. Legal assistance is necessary in both criminal and civil proceedings. A victim should not be charged for legal assistance or court fees. Cooperation and collaboration with organizations such as the Legal Aid Scheme, the International Federation of Women Lawyers (FIDA) Ghana, the Legal Assistance Network Ghana, and the Commission on Human Rights and Administrative Justice (CHRAJ) could provide the necessary legal assistance for the victims.

VoTs should be informed of the legal processes, including civil and criminal proceedings, as soon as possible. They should be given information about the laws, the risks and benefits of cooperating with law enforcement agencies, their role as witnesses, and the possibility of protection during investigation and trial. To uphold their rights and respect their self-determination, however, care must be taken not to link cooperation with law enforcement, with the assistance they receive and vice versa. Doing so or implying this would be tantamount to blackmail.

Victims must be informed of their rights, obligations, and the possibility of filing criminal and civil suits against the traffickers to seek appropriate compensation for harm, injury and damages suffered during trafficking. Victims testifying against traffickers might require additional counselling and support prior to, during and after their testimony. This is because legal processes may be tortuous and may expose the victims to their traffickers, racking up negative emotions associated with the trafficking experience. This may even trigger post-traumatic symptoms. Service providers should arrange for special counselling sessions to address these issues.

Care should also be taken to ensure that victim-friendly services are available to the victims throughout the legal process to avoid retraumatization and to ensure effective cooperation and participation of the victims throughout the process. Children are more likely to be particularly intimidated by the regular court set-up and judicial workers. The need for a child-friendly legal procedure is paramount.

Consideration must be given to the safety of the victims and their families at all times and law enforcement agencies must take direct responsibility for this protection. The success of such safety measures would depend on stakeholders such as the investigators and social workers conducting continuous risk assessment and management to ensure the safety of the victims or their families throughout the legal process.

Service providers involved in assisting victims during the legal process are encouraged to cooperate with law enforcement agencies and share any information in relation to the cases and possible threats to the victims. Notwithstanding this, information should still be shared on a need-to-know basis and service providers should not feel obliged to reveal any information to law enforcement agents who may not use the right channels or may use coercion or other unethical methods to solicit information.

2.4. Reintegration Assistance

The aim of the reintegration process is to ensure safe, dignified and sustainable reinsertion of a VoT back into society and a normalized life. Accordingly, the reintegration assistance to VoTs can include a full range of services, from family and community consultations to extended medical and psychological care, basic material support, school reinsertion and vocational training. All assistance will be provided directly by the relevant service providers facilitating the victims' reintegration, or by subcontracting services from another agency as described in the referral process.

For reintegration to be successful, careful planning and intensive work with the victims and their families is required. The responsibility for determining the appropriateness of reintegration and preparing both the victims and their families to reunite, as well as the responsibility for providing continued support and follow-up to the victims to prevent re-trafficking, must lie with a singular case worker who would act as the coordinator between all other service providers. It is the task of the case worker to not only work with the individual victim but also to holistically work with other stakeholders, such

as the family, schools, the community and policymakers, to achieve effective reintegration and support.⁶¹ The case worker will receive high-quality oversight by the manager, who ensures that the case worker is addressing the case in a timely and appropriate manner.

The case work approach to the reintegration process is best practice. This involves assigning a case worker to a victim and his/her family, who provides individualized support/assistance tailored to meet the victim's specific needs. The same case worker plans, documents and guards the case file of the victim. The case worker, where possible, must be of the same sex as the victim, although for children, a mother figure may be acceptable for either sex in Ghanaian culture.

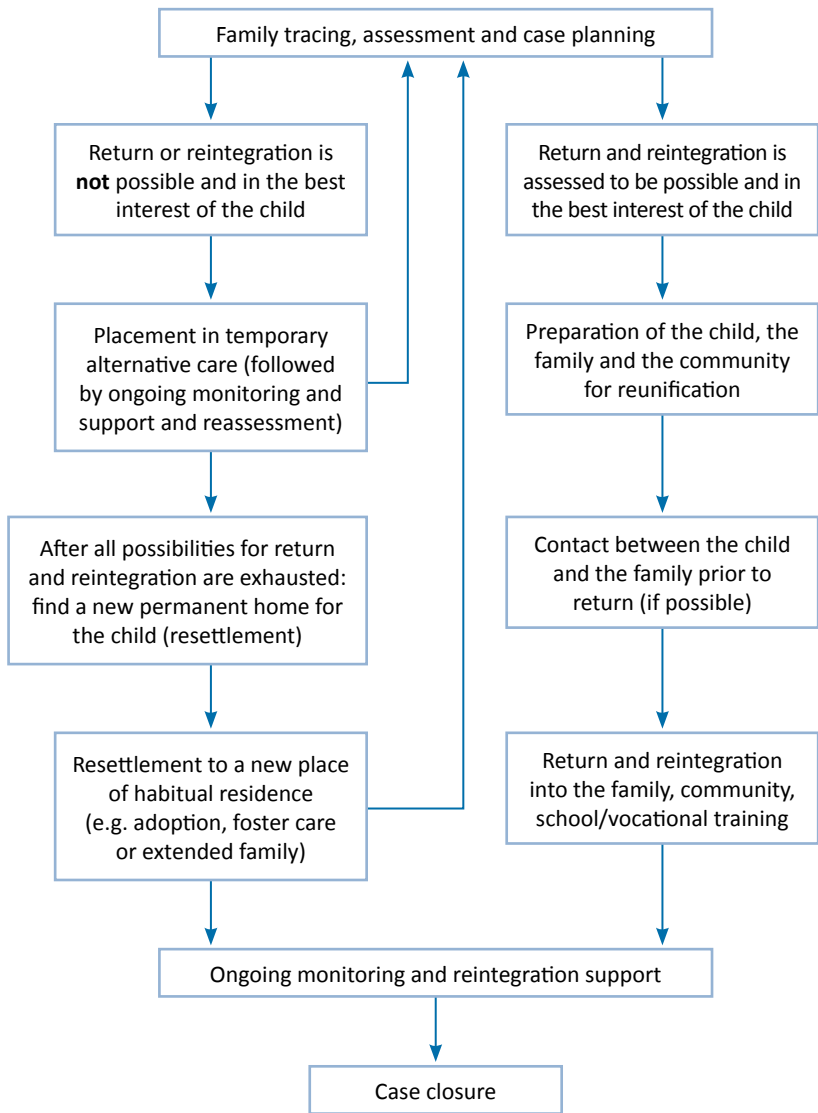
Documentation of the assistance process is important because it provides essential details on the background of the victim, the forms of assessments and assistance received, and the various interventions implemented. This makes referral to another agency or the takeover of the case by another case worker easier, and, in the event that another provider has to intervene in the management of the case, they are well informed by the case documentation.

The case worker does not automatically have to provide all necessary services or support to the victim and his/her family, but at a minimum the case worker must provide information about their rights and make informed referrals to other providers. In some cases, it may be detected that family reunification may not be in the best interest of the victim. Continuous reassessment is necessary at every stage to make the appropriate decisions.

Where it is determined that reunification of the victim with his/her family is not in the victim's best interest, alternative temporary care, such as foster care, supervised independent living or extended stay in the transitional shelter (depending on the age of the victim), can be considered. Ultimately, if reintegration is ruled out, a more permanent arrangement may have to be made, such as adoption for children.

61 Inter-agency Group on Children's Reintegration, *Guidelines on Children's Reintegration* (2016). Available from www.familyforeverychild.org/wp-content/uploads/2016/08/RG_Digital_DC.pdf

Figure 2.1: Case management of the steps in the reintegration process⁶²



62 Adapted from *Guidelines on Children's Reintegration*.

2.4.1. Family tracing

Family tracing is an essential activity for all VoTs, especially children. Family tracing is a process that involves an investigation of a victim's family unit for the purpose of family reunification and determining whether there is a safe place for the victim to return and reintegrate to, whether the victim would be welcomed back and be safe in this new environment. This process also includes identifying any risks of retrafficking in relation to the family or the community.

Family tracing is undertaken after the victim is screened and deemed eligible for assistance and before the Placement and Risk Assessment Form is completed. Typically, a social worker begins the family tracing process by asking the victim for the location of his/her family members, especially the victim's parents. The social worker may be able to determine a telephone/mobile number of a family member from the victim prior to initiating family tracing.

Ideally, the process of family tracing is combined with community assessment (described in subsection 2.4.3). For family tracing to be complete, a social worker (or colleague) will travel to the village and home of the family of the victim and interview the family members. The documentation for family tracing is provided in the Placement and Risk Assessment Form and involves a determination of the household structure of the family, any issues of child custody, an acknowledgement that the victim wishes to return to these family members, an assessment of safety concerns, and family assets and employment. From this information, the social worker may determine that the family is suitable to receive the child or unsuitable to receive the child.

It is worth noting that many child victims were likely sent (or trafficked) by these very family members so careful assessment must be made as to whether there are intentions to return the child to trafficking situations or be exploited in other forms prior to initiating the reintegration/resettlement activities. Parents and guardians and other family members serve as primary facilitators for recruitment of children into fishing on the Volta Lake, for example. Thus, in making a decision in the best interest of the child, all competing interests must be properly evaluated.

If no family member is deemed suitable to receive the child (particularly the parents) as a result of the family tracing process, an alternative solution must be determined. When a suitable alternative (e.g. extended family, foster parent) has been identified, the process of family placement and risk assessment must be repeated to ensure the same high standard is present prior to returning the victim. *In all cases, reintegration and resettlement must be in the best interest of the victim and safe for the victim.*

Key service checklist: Family tracing

When possible, government- and CSO-/NGO-managed transitional shelters should:

- ✓ Trace the parents and/or other biological relatives of the victim and facilitate communication between the victim and his/her family, including monitored visits in the presence of a case worker as often as necessary until the victim is reunited with his/her family and/or relatives in the community of origin or is resettled.
- ✓ Conduct previsits to a victim's community of origin to assess the family situation, domestic conditions, socioeconomic status of the family, and safety and security of the victim upon return. Provide the victim with information on the outcomes of such previsits at his/her level of understanding.

2.4.2. Family assessment

The family, once traced, must be assessed to determine the suitability of receiving the child and the vulnerabilities that the child potentially faces when reunited with his/her family. It is important to treat the family with respect and dignity and not as criminals even though they may have been accused of facilitating the trafficking. The essence of family assessment is to determine the strengths and weaknesses in the immediate and extended families.

Areas of family assessment

The following are some of the areas to address during family assessment:

- Risk factors that affect the safety and well-being of the child;
- Resilience and strength of all accessible family members including siblings;
- Perception of the reason for the child having been trafficked;
- Readiness and capacity for change;
- Ability to care for the child;
- Economic status.

Involvement of other children in the household in the family assessment process is vital, especially in detecting any forms of abuse in the household. Case workers must be able to pick up on non-verbal cues that may indicate domestic violence. In certain instances, the family may indicate their lack of readiness to receive the child. The principle of informed consent exists with the family as well as the children, and therefore the family must not be forced to take a child if they do not feel prepared or able to care for the child.

2.4.3. Community assessment

Community assessment is also a process that is typically done at the same time as family tracing. To carry this out, a social worker travels to the community where the victim is expected to be returned/resettled to *before the victim is to move there*. Again, community assessment is documented in the Placement and Risk Assessment Form. When social workers visit the community, they should discuss with local leaders the safety concerns in the community, including whether trafficking is accepted by local leaders, meaning the child could be at risk of re-trafficking by someone other than the family. Case workers should also assess access to fundamental infrastructure including health facilities and education, and inform local law enforcement of the plans to return a victim to the community.

When community assessment is completed, the results must be documented in the Placement and Risk Assessment Form. If the community is deemed acceptable by the social worker, the district, subcounty, and village are recorded in the Placement and Risk Assessment Form. If the community is not deemed appropriate, another alternative must be found (e.g. the resettlement option), and this must be documented as well. The final destination of the child must be investigated by the social worker and documented *prior to the movement of the child*.

2.4.4. Reintegration plan

Building on the data collected during the Placement and Risk Assessment Form, a comprehensive reintegration plan can be developed. In developing a reintegration plan, it is important that the case workers help the victims to set realistic goals suited not only to personal needs, skills and qualifications, but also to the opportunities available in the community in which reintegration will take place, in accordance with the reintegration assessment. Furthermore, the reintegration plan must be based on actual services that the service provider and/or its partners can provide. Social workers must coordinate with district officials and local leaders in the host communities

for an effective reintegration process that ensures the provision of services and facilitates the safety of the child and acceptance into the community of origin to which the child is returning.

Planning must take cognizance of the fact that all children and family have strengths and, when given appropriate support, would be able to make informed decisions in the best interest of the child. Involving both parties in the decision-making process engenders better outcomes in the long term. Such participation may be done through family conferencing where both parties hold discussions with the case worker facilitating the discussions. This however may not be possible in all cases and therefore may require a series of meetings usually face-to-face but where impossible, by telephone. Note must be taken that plans are not fixed and may be reviewed intermittently depending on many factors.⁶³

Livelihood Empowerment Against Poverty programme⁶⁴

Livelihood Empowerment Against Poverty (LEAP) is a social cash-transfer programme that provides cash and health insurance to the extremely poor households across the country. Its main aim is to alleviate short-term poverty and encourage long-term human capital development.

In 2008, LEAP was launched as the flagship programme of the National Social Protection Strategy (NSPS). Largely funded by the Government of Ghana and supported by the World Bank and the United Kingdom Department for International Development, LEAP is currently administered by the MGCSP and managed by the DSW. It also receives technical support from UNICEF's social protection unit.

In recent years, the Government adopted a number of initiatives, including the launch of the NSPS in 2007. This represented the Government of Ghana's vision of creating an all-inclusive society through the provision of sustainable mechanisms for the protection of persons living in situations of extreme poverty, vulnerability and exclusion.

Three main components were designed to tackle extreme poverty in the country, the establishment of a new social grant scheme to provide basic and secure income for the most vulnerable households, better poverty targeting of existing social protection programmes and a package of complementary inputs for the beneficiaries of social protection programmes. These brought about the introduction of LEAP.

63 *Guidelines on Children's Reintegration.*

64 For more information, see <http://leap.gov.gh/>

Management of expectations from the child and the family is important in the planning stage. Before returning home, children may expect the same level of attention and direct assistance they received while in the transitional shelter, such as regular counselling sessions or nutritional feeding. Similarly, the family may expect unreasonable assistance from the case worker. These expectations have to be managed and no promises should be made to either party to ensure that such considerations are factored into planning.

Management of expectations from the child and the family is important in the planning stage. Before returning home, children may expect the same level of attention and direct assistance they received while in the transitional shelter, such as regular counselling sessions or nutritional feeding. Similarly, the family may expect unreasonable assistance from the case worker. These expectations have to be managed and no promises should be made to either party to ensure that such considerations are factored into planning.

The planning process can be done through family conferencing. This entails informal meetings between the immediate and extended family members, significant officials like the chiefs and elders, and the service providers, facilitated by a coordinator. The coordinator prepares all parties over the period of about five to eight weeks by meeting independently with each party and sharing information before the family conference. This gives the family time to deliberate on issues before they finally present their plans at the conference. During the family conference, the coordinator would ensure the family reintegration plan sufficiently meets the best interests of the child.

2.4.5. Mechanisms for the provision of reintegration assistance

Direct assistance to VoTs may include a broad range of services – from shelter, medical and psychological care to social and legal counselling and vocational training. Some assistance may be provided directly by the receiving service delivery organization. However, for practical reasons, many services may need to be provided by other organizations or by the Government. In some cases, one organization may not have the ability to provide all services or the organization may not have a presence in the victim's place of residence and must therefore refer the victim to other organizations for assistance. Similarly, follow-up treatment and monitoring will need to be handled by an organization with a presence near the victim's place of residence.

2.4.6. Initial support by the receiving service provider

Such support may include transport and arrival assistance, short-term housing, and help with various other social, legal and economic needs of the victim. The receiving service provider should make every effort to take steps to encourage sustainable reintegration programmes, and should aim at helping the victim to achieve a normalized life and self-reliance. Extended reintegration assistance to promote this sustainable self-reliance may be provided by either non-governmental or government support structure.

2.4.7. Reintegration assistance to minors

On their return home, child VoTs can face severe health problems and economic hardship because of the harsh economic conditions, lack of professional and practical skills, depression and other psychological problems, and social stigmatization. The vast majority of minors referred for assistance suffer from a wide range of psychological and physical traumas that need to be identified and treated. Health issues facing minors are particularly complex. Reintegration assistance can be given where a trafficked minor, regardless of status, expresses a wish or agrees freely with the recommendation of a legal guardian to access various reintegration assistance options directly or indirectly, through service providers. The economic circumstances of the family also affect the minor's chances for successful reintegration. Assistance, including economic support and counselling, may need to be provided not only to the victim but also to the family.

Key service checklist: Reintegration

Before providing reintegration assistance to a child VoT, the following steps should be taken:

- ✓ Ensure the best interests of the child are met (as outlined in the Convention on the Rights of the Child) by all stakeholders throughout the reintegration process.
- ✓ Obtain and document consent for reintegration from the victim, the parent or the legal guardian.
- ✓ Provide the child and/or the guardian with sufficient information about the reintegration process, what to expect and general counselling.
- ✓ Coordinate reintegration with district local governments and communities.
- ✓ Work closely with and seek the advice of appropriate specialized agencies.
- ✓ Ensure assistance to family through counselling, linkages to government social protection services (i.e. LEAP, access to credit, youth/adult employment), and linkages to NGOs in area for livelihood support.

2.5. Assisted return

Assisting with the voluntary return of trafficked minors is a complex and sensitive issue. Service providers must acknowledge and be aware of the cultural context of the victim and the community of origin. It is important to note that ethnic, social and linguistic factors are part of the reintegration process that begins with the voluntary decision to return to a community of origin.

In the event that a victim with a legal guardian decides to return to his/her community of origin, service providers are required to conduct family tracing and community assessment to ensure the child's safety and security and to safeguard the child against re-trafficking and/or vulnerability to exploitation. In the voluntary return of children to communities of origin, any provision of assistance by service providers must be coordinated with the Municipal, Metropolitan, District Assembly (MMDA), which must be informed of voluntary returns, the DSW and the GPS.

Return assistance by service providers applies where a trafficked minor expresses the wish or agrees freely with the recommendation of a legal guardian to be assisted to return home and a risk assessment confirms that it is safe for the child to return.

Key service checklist: Return for children

When assisting unaccompanied minors to return to their communities of origin, or resettle in a third community, the following must be ensured:

- ✓ Best interest of the child has to be the paramount consideration for all parties during the whole process.
- ✓ Participation of the child should be encouraged and the right of the child to express his/ her views freely must be upheld.
- ✓ The consent of the parent or legal guardian must be obtained.
- ✓ Carry out tracing of the family (so long as family tracing does not jeopardize the best interests of the child or the rights of the family members being traced).
- ✓ Provide the child and/or the guardian with sufficient information about the return process, what to expect and general counselling.
- ✓ Conduct family assessment to determine the availability of family support (consent and ability of the family to care for the child) or an appropriate care provider.
- ✓ The MMDA and local leaders should be notified and returns should be coordinated.
- ✓ If necessary, coordinate with teachers.
- ✓ Where there is suspicion of family-related trafficking, all due consideration must be given to such an eventuality, and family assessment must always be made.

2.5.1. Contact between child and family

Children rescued from trafficking may be separated from their families for many years, having had no direct contact with their families. It is therefore important that contact is established slowly and carefully as there may be animosity between the two parties.

The child's needs must dictate the speed at which reunification occurs and should not be rushed when either party is not ready. The initial contact should be made remotely through telephone, video messaging (where available), letter or email. This helps break down emotional barriers as pictures and stories may be shared at this stage to reignite the relationship.

Following the remote contact, short face-to-face meetings between families and children are arranged and conducted under the supervision of a case worker. Where feasible, the parent or guardian must travel to see the child. This serves as commitment from the family to show that they are willing to have the child back home even if the travel is funded by an agency. Where safety issues are a concern, such as the fear of the child being abducted once his/her location is known, then the short visit must be at a neutral location.

It is important to note that not all parents/guardians may be readily accepting of their children. It is not expedient to use the law to enforce their acceptance of their children. The negative impact of such rejection must however be explained to the parents/guardians. Contingency plans or alternate reintegration plans can be considered if parents/guardians refuse to take their children back. Some parents/guardians may show hesitation because they do not feel equipped to parent their children. Here parental training can empower parents/guardians to take their children in.

2.5.2. Reunification with family

When all preparatory steps have been taken and the child has been introduced to the family and the relationship is reestablished, reunification is initiated. Care is formally passed from the agency to the parents/guardians. The choice of location where "handing over" the child is done depends on the consensus from all parties. This can be emotionally distressing for all parties including other residents of the transitional shelter. Ceremonies may be held to symbolically undertake the transitioning to give opportunity for the child to say good bye to his/her friends in the transitional home while a welcome ceremony could help the child feel welcomed to his/her new home.

It is necessary to sign written documents that indicate the parent/guardian's formal consent to care for the child. Where the child would be transferred to another jurisdiction for reunification, the case file is transferred to another service provider to carry out the process. As part of the reunification process, some children may have packages that include enrolment in school, material support (where included), and finalizing all support arrangements made for the child and family.

2.6. Resettlement assistance

Although reintegration into the household and the community of origin is the preferred option for the majority of victims, a social worker may find after the process of family tracing and community assessment that this is not desirable for either the victim or the family. In many cases of child trafficking, families have voluntarily sent children to be exploited in order to ease the familial burden or to send money back home. During the process of family tracing, social workers must determine whether there is a risk that the child would be returned to trafficking if they are to return home, and assess the conditions at home. All of this should be documented in the Placement and Risk Assessment Form.

If the decision is made that returning to the community of origin (reintegration) is not the best option when considering the best interests of the child, resettlement may be considered. Social workers planning on resettlement are then responsible for not only identifying a suitable resettlement location and repeating the community assessment (to determine the level of the victim's safety, the victim's willingness to resettle and the community's willingness to host a victim) but also for repeating the family tracing process if guardianship will be established with a new family unit.

Resettlement is understood as the provision and facilitation of a new place of habitual residence for the victim, and if appropriate and necessary, with the victim's extended family members. Alternative resettlement strategies may also include fit person, sponsor for the child, supervised group living, foster care or adoption. Such services also include the material assistance of items necessary to support resettlement (e.g. beddings and personal care items). All of the previously described mechanisms for ensuring the best interests of the child and the provision of services and follow-up for reintegration are also required for victims who will be resettled.

Resettlement may be a more challenging process for victims than reintegration. As such, specific concerns to resettlement relate to the ability of the victim (and if applicable, his/her family unit) to integrate socially, economically and politically. Social workers should perform routine follow-ups for such victims in order to determine whether the victim and family unit not only feel safe and accepted in the new community but also have the means available to them to sustainably support income-generating activities and the pursuit of education. The indicators of reintegration in the Follow-up Indicators (Form 4) should be performed routinely in order to determine whether or not the needs of the child are being met.

2.7. Follow-up and counselling

After their return and throughout the reintegration process, regular contact should be maintained with victims for both security and monitoring purposes to ensure their effective reintegration. Service providers should not only provide direct assistance to victims and families but also prepare and implement the reintegration plan and conduct the reintegration assessment.

Counselling sessions following reintegration or resettlement, or follow-up sessions, are an important component of reintegration. For a social worker, it is a chance to ensure that everything is still continuing along the right path and check on the progress made so far, a chance to confirm that the returned victims are in fact integrating within their communities and assess if intervention with regard to the prior identified special needs has been carried out or if there is a need for further victim referral. For the children, follow-up sessions reinforce the belief that the social workers are interested in them and their successful reintegration.

Contact between social workers and victims will be maintained through regular and face-to-face counselling sessions. Follow-up sessions will be conducted with each victim that has returned or resettled for a period of at least **one year and will be conducted once a month at minimum**. Each follow-up session will be documented by the social worker through the Follow-up Indicators (Form 4) and the Consultation Note (Form 5), with the purpose of recording and identifying key reintegration indicators for each victim.

Counselling guidelines

Below are some guidelines for follow-up counselling sessions:

- ✓ Follow-up sessions are better done face-to-face (i.e. the social worker visits the victim) so as to facilitate better interaction with the victim.
- ✓ Counselling should only be provided by appropriately trained personnel; social workers trained to work with children should receive further training in human trafficking.
- ✓ Social workers should prepare adequately for sessions with trafficked victims, which include viewing the victim case file before each counselling session, consulting with other social workers or shelter staff regarding the victim's progress, and providing special assistance needs.
- ✓ In cases where a VoT has been referred for follow-up services, the receiving party should make every effort to communicate the status and well-being of the person concerned to the referring organization.
- ✓ After counselling, the social workers should support the victims as they implement their plans of action in order to help them reach their intended goals. Support may include teaching, training, or providing time and resources.

2.7.1. Follow-up indicators

Follow-up indicators are recorded after each consultation with a victim. They provide a simple way to assess not only what services are being provided to the victim but also the extent to which the victim is safe and integrating into the community. Whereas the Consultation Note provides for a broad assessment of the victim's progress (and form the basis for any changes to a victim's plan), the Follow-up Indicators Form is a brief and **quantitative assessment** of the victim's progress.

2.7.2. Assessing integration: Child and adolescent needs and strengths–mental health

The most substantial component of the Follow-up Indicators is the Child and Adolescent Needs and Strengths–Mental Health (CANS-MH) questionnaire. This is an open domain and validated instrument developed to guide service

delivery for children and adolescents with mental, emotional and behavioural health needs. As the CANS-MH manual instructs:

It is a tool developed to assist in the management and planning of services to children and adolescents and their families with the primary objectives of permanency, safety, and improved quality of life. The CANS is designed for use at two levels – for the individual child and family and for the system of care. The CANS provides a structured assessment of children along a set of dimensions relevant to service planning and decision-making. Also, the CANS provides information regarding the service needs of the child and his/her family for use during system planning and/or quality assurance monitoring.⁶⁵

The CANS-MH serves to both identify the future needs of the victim and the strengths-based terms for the care manager and the family as well as to point out services gaps in instances where the victim is already under care. Therefore, the CANS-MH is applied initially in the Placement and Risk Assessment Form to serve as a baseline and is repeated at each consultation in order to assess progress.

The CANS-MH is **not an interview form**; rather, it is based on the clinical assessment of a victim by a trained social/case worker. This means that the social worker must be in regular communication with the victim and his/her family in order to make informed decisions and determine the victim's personal situation as well as in the family and in school. The ratings for each item are based on what is "actionable", and in general, the higher the rating (between 0 and 3), the greater the problem. The ratings for needs and strengths are described in the table that follows.

The CANS was developed based on communication theory. There are six key principles that should be considered when completing the CANS tool:

1. It is an item-level tool. Items are included because they might have a direct impact on the service planning process.

65 J.S. Lyons, *Child and Adolescent Needs and Strengths: An Information Integration Tool for Children and Adolescents with Mental Health Challenges* (Chicago, Illinois, Praed Foundation, 1999). Available from www.magellanprovider.com/media/11838/cans-mhmanual.pdf

2. The levels of each item translate immediately into action levels. There are different action implications for needs and strengths; therefore:

Score	Action level for needs	Action level for strengths
0	No need for action	<i>A centerpiece strength</i> (the focus of a strength-based plan)
1	A need for <i>watchful waiting</i> to see whether action is needed in the future	<i>A useful strength</i> – which may be included in a strength-based plan
2	<i>A need for action</i>	<i>An identified strength</i> which may be developed to be useful
3	A need for either <i>immediate or intensive action</i>	<i>No strength has been identified</i>

3. It is about the child not about the service. All ratings are done with an understanding that a service context might be masking a need. You rate the need not the fact that the service is masking it.
4. Always consider cultural and developmental contexts before establishing the action levels.
5. It is about the “what” not about the “why”. Although several items have some cause-and-effect thinking, most of the CANS items are entirely descriptive. For example, school attendance is a need whether the child is truant or expelled. It does not matter why they are not going to school to rate that need.
6. There is a 30-day window for ratings unless otherwise specified, but this is just to keep the ratings fresh. You can use the action levels to trump the time.⁶⁶

CHILD AND ADOLESCENT NEEDS AND STRENGTHS–MENTAL HEALTH DIMENSION SUMMARY

Following is a summary of the dimensions of the CANS-MH tool. Unless otherwise specified, each rating is based on the progress of the child for the last 30 days. Each of the dimensions is rated on a 4-point scale after routine service contact or following review of case files. The basic design is that “0” reflects no evidence, a rating of “1” reflects a mild degree of the dimension, a rating of “2” reflects a moderate degree, and a rating of “3” reflects a severe or profound degree of the dimension. Another way to conceptualize these

⁶⁶ Ibid., p. 4.

ratings is that “0” indicates no need for action or intervention, “1” indicates a need for watchful waiting to see whether action is warranted, “2” indicates a need for action, and “3” indicates a need for either immediate or intensive action. In order to maximize the ease of use and interpretation, please note that the last cluster of dimensions – caregiver needs and strengths – is rated in the opposite logical manner to maintain consistency across the measure. Thus, in all cases, a low rating is positive.⁶⁷

- **Child health and safety:** This section helps assess the safety and health needs of the child. If the victim receives a high rating in this section, there is a high need for action because this means the child is extremely unsafe or unhealthy. Measuring indicators like substance abuse, danger to self, danger to others, health and abuse (physical, emotional and sexual) captures the overall health needs of the victim. Measuring indicators like depression and worry, problem with authority, fear of separation, running away, neglect, exploitation and crime/bad behaviour captures the overall safety of the victim.
- **Child daily functioning:** This section looks at the needs of the child in relation to daily functions. High ratings from these measurements indicate an immediate need for action addressing basic social skills like interacting with other people, cognitive ability and involvement in school. *Stability of relationships* refers to the permanence and durability of the child’s relationships with others.
- **Child strengths:** This section highlights the strengths of the victim and helps the social worker to develop a strength-based plan for the victim. It measures family strength, spiritual and religious feelings, talents and interest, level of participation in the community, ability to overcome challenges and be resilient, and overall hope or optimism for the future.
- **Caregiver needs and strengths:** This section identifies various needs and strengths of the child’s primary caretaker, including the parent(s), legal guardian or legal caretaker. Measurements include physical/behavioural health (referring to any mental or physical health challenges faced by the caregiver); the caregiver’s ability to supervise, monitor and discipline the child; the caregiver’s active involvement in the victim’s reintegration efforts, both within the family and the community; the caregiver’s overall knowledge and organization; the caregiver’s financial and social resources; and the family unit’s overall stability.

67 Ibid, p. 6.

2.7.3. Extended reintegration support

Extended support for victims is necessary for their effective reintegration. If children are returned directly to their families, extended reintegration support should be provided in coordination with the DSW, community development officers and a receiving service delivery organization. The DSW case worker and/or the community development officer can coordinate appropriate services for the victim, providing services directly or referring to one or more local NGOs.

Ensuring safe reintegration

Activities for ensuring safe and humane reintegration of victims into society include, but are not limited to, the following:

- ✓ **Health/Medical services:** These activities involve the provision of comprehensive medical care for victims, including primary care check-ups, disease follow-up and treatment, provision of acute services (emergencies, accidents, etc.) and specialized services provided by mental health specialists.
- ✓ **Nutritional feeding:** *Nutrition* is a broad term referring to processes involved in eating, digestion, and utilization of food by the body for growth and development, reproduction, physical activity and maintenance of health.⁶⁸ Activities relating to nutritional feeding encompass prevention of undernutrition through regular feeding and the correction of undernutrition including acute malnutrition and micronutrient deficiencies using targeted interventions.
- ✓ **Education:** This consists of basic primary education as well as skills training.
- ✓ **Counselling/Psychological assistance for victims:** These activities encompass both focused and non-specialized support services, including: basic mental health care and counselling by trained social workers and counsellors; and psychological first aid after acute exposure to traumatic events, with a focus on active listening and ensuring further harm prevention and mitigation.
- ✓ **Legal services:** These are services provided by an accredited legal counsel including the procurement of legal care orders, resolution of domestic affairs (e.g. adoption to foster families) and representation of victims with respect to the criminal aspects of trafficking/prosecution of traffickers.

⁶⁸ *Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response* (Geneva, The Sphere Project, 2011), p. 145. Available from www.sphereproject.org/resources/download-publications/?search=1&keywords=&language=English&category=22

- ✓ **Family/Community counselling:** Counselling for the victims' families and communities assisting with the process of resettlement/return/reintegration pertains to livelihood strategies, health-seeking behaviours, child care, family planning and conflict resolution.

2.8. Case closure

The entire direct assistance process (transitional and long-term) must eventually come to an end when the goals have been met. Closing a case can be emotionally tasking for the child, the family and the case worker who may have formed a close attachment to the child. But it is important for closure to occur to prevent dependency. A case can be closed only when the case worker is confident that the child's safety and well-being are secure.

Closing a case

Where the most recent objectives agreed upon are met and adequate progress has been made, then the case can be closed. To end the case:

- ✓ All monitoring documentation must be reviewed.
- ✓ A progress review with both the child and the family with a reintegration plan is the measurement for the achievement of goals.
- ✓ A consultation with other service providers, such as health workers and teachers, must be made to ensure that review aligns with their perspective of the child's and the family's progress.
- ✓ A careful assessment of potential risks to the child must be conducted.

The closure period spans a time frame so that the child does not feel abruptly abandoned. The child and the family must be informed and prepared for the closure in a sensitive manner. All documentation on the case is retained by the case worker in the event that the case needs to be reopened. If the case worker leaves his/her position, he/she will hand over the case files to the new case worker assigned with coordinating and providing assistance. Appropriate measures should be taken to ensure that all case information, especially personal information pertaining to a victim or a witness, should be protected and confidentially stored. For example, paper files should be stored in a locked file cabinet and electronic files must be password protected.

Trafficking in Persons Law Review

**Special
Chapter**

SPECIAL CHAPTER

TRAFFICKING IN PERSONS

LAW REVIEW

This special chapter of the SOP sets out the law on TiP. It examines the relevant legislation within two dimensions: international law and domestic law.

The reason for this is two-fold:

1. It enables the reader to contrast and compare the strengths and weaknesses of the international benchmark definition of TiP with that of Ghanaian law.
2. A sound understanding is practically important in the context of investigating transnational TiP cases when the practitioner will have to know what constitutes TiP crime in the other country or countries that may be implicated in the case.

A. International law

A.1. International legal definition of trafficking in persons

The international benchmark definition of TiP appears in Article 3 (in the General Provisions section) of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the Convention against Transnational Organized Crime (commonly referred to as the Palermo Protocol).

Article 3(a) states:

“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.

Article 3(b) states:

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

Article 3(c) states:

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set for in subparagraph (a) of this article.

Article 3(d) states:

“Child” shall mean any person under eighteen years of age.

A.2. Analytical framework

To substantiate the full offence under this definition in respect of TiP involving adult victims, the practitioner must prove three interlinked and interdependent elements, each of which comprises a range of specified components:

Element	Component
Activity (<i>what the trafficker does</i>)	Recruits, transfers, transports, harbours or receives a person.
Means (<i>how the trafficker does it</i>)	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.
Purpose (<i>why the trafficker does it</i>)	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.

Key points to note

Article 3(a)

In the definition of TiP in the Article, the practitioner must be able to establish that the trafficker committed one of the acts, by one of the means, for one of the defined exploitative purposes.

It is important to note that:

- At least one of the components of each of the three elements has to be present for the full offence of trafficking in respect of adult victims to be established.
- Notwithstanding the fact that with most TiP *modus operandi*, the traffickers utilize multiple acts and means, under the law it is only necessary to prove one of the components within each of the three elements.
- The international definition encompasses adults and children, is gender neutral and does not mention borders. Thus, the crime can be committed both within countries and transnationally.

In strict legal terms, it is not necessary to prove that the exploitation actually occurred, only that the trafficker intended to exploit the victim in one of the defined ways at the time he/she applied one of the components of the two elements of activity and means.

For example, if a trafficker sits in a café and recruits (*activity component – recruitment*) a young woman by promising her well-paid work as a waitress (*means component – deception*) intending at that time to actually exploit her as a prostitute (*purpose component – prostitution*), then the offence is legally complete at that point.

It should be noted that this legal test is very unlikely to arise in practical reality because there will be little prospect of identifying evidence to establish what the trafficker's purpose was at the time he/she practised the activity and means.

Article 3(b)

Under Article 3(b), provided that at least one of the components under the means element is established in respect of TiP involving **adult** victims, then the **consent** of the victim shall be **irrelevant**.

In this context, “irrelevant” should be taken to mean that the consent of the adult victim becomes irrelevant in terms of adjudicating the guilt or innocence of the accused trafficker.

The irrelevance of consent is a crucial issue because with the majority of the current modus operandi associated with TiP, the victims have expressed verbal consent to the deceptive proposals of the traffickers and defence lawyers will often try to use this expression of consent as a strategy to secure the acquittal of the traffickers.

Legally, this strategy fails at two levels: (a) Article 3(b) specifically rules out the use of the consent strategy where any of the means have been used by the trafficker; and (b) any expressed consent is defective because it has not been given on the basis of free and *fully informed* agreement to a proposal.

Article 3(c)

The legal test is different in respect of child victims. Article 3(c) removes the requirement to prove the “means” element if the victim is under the age of 18 years. Therefore, in respect of child victims, the practitioner is only required to prove one component of the activity element for the purpose of exploiting the child in one of the defined forms of exploitation.

A.3. Means: Abuse of a position of vulnerability

The list of components that constitute the means element of the three-element test comprises a range of well-established concepts (e.g. threat, use of force, deception) and, as such, the components should not be legally problematical in terms of establishing probative evidence with which to prove them, with one exception, that is, the component of abuse of a position of vulnerability.

A good understanding of what this concept represents and what the legal test consists of is important for the investigator and the prosecutor because it increasingly appears in the modus operandi of traffickers.

The concept of the abuse of a position of vulnerability is not specifically defined anywhere in the text of the Palermo Protocol. The latest guidance from the United Nations Office of Drugs and Crime (the legal custodian of

the Palermo Protocol) to assist practitioners to interpret this component states the following:

Abuse of a position of vulnerability occurs when an individual's personal, situational or circumstantial vulnerability is intentionally used or otherwise taken advantage of, to recruit, transport, transfer, harbour or receive that person for the purpose of exploiting him or her, such that the person believes that submitting to the will of the abuser is the only real or acceptable option available to him or her, and that belief is reasonable in light of the victim's situation. In determining whether the victim's belief that he or she has no real or acceptable option is reasonable, the personal characteristics and circumstances of the victim should be taken into account.

There is no explicit definition or list of what constitutes "vulnerability". In general terms, it can be taken to be physical and/or mental vulnerability through, for instance, disability, age, discrimination, isolation or poverty, but practitioners will have to develop a case-by-case analytical approach to those cases that arise in which this component is at issue.

However, in all cases, irrespective of what personal, situational or circumstantial may be determined to constitute "vulnerability", the practitioner must remember that the use of this component to establish the second element of means constitutes a four-part legal test and that all four parts need to be present. The sequence of proof is as follows:

Prove:

1. The position of *vulnerability* itself: disability, age, discrimination, poverty;
2. That the accused person *knew* of the victim's position of vulnerability;
3. That the accused person *abused* that vulnerability;
4. That the abuse was inflicted for the *purpose* of exploitation in one of the defined ways.

Purpose: Removal of organs

Practitioners need to note that it is important to distinguish between two separate forms of crime relating to the removal of human organs. In the context of TiP, the focus is upon the trafficking of a person (the donor) for the removal of his/her organ that is then transplanted into the body of another person (the recipient) for profit – at the end of which process both the donor and recipient remain alive.

The form of TiP crime associated with the removal of human organs is both legally and practically separate from the related form of crime that is commonly referred to as “organ harvesting”. This second form of organ-related crime entails the removal of a range of organs from the cadavers of deceased persons and there is no involvement of a live donor.

B. Domestic law

Ghana’s 2005 Human Trafficking Act (Act 694) was amended in **2009 (Act 784)**. They are supplemented by **Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations (Legislative Instrument 2219)** promulgated in November 2015 by the MGCSP, pursuant to Section 41 (TiP regulations) of the Human Trafficking Act.

Ghanaian domestic legislation very closely follows the definitions contained in the Palermo Protocol and the same three-stage **activity–means–purpose** elements of proof test should be applied to Sections 1(1) and (2) of the 2005 Human Trafficking Act in exactly the same way as it is to Article 3(a) of the Palermo Protocol.

However, there are a number of differences between the two legal texts and these are highlighted in the next section.

B.I. 2005 Human Trafficking Act (Act 694)

Domestic definition

Using the three-element proof test, this is the definition human trafficking in Section 1(1) and (2) of the 2005 Human Trafficking Act:

Element	Component
Activity (<i>what the trafficker does</i>)	Recruits, transfers, transports, harbours trades or receives a person within and across national borders .
Means (<i>how the trafficker does it</i>)	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.

Purpose*(why the trafficker does it)*

For the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the **induced** 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.

Activity – use of the term “trades”: This term is additional to those used in the Palermo Protocol and it is not expressly defined in Section 42 of the Act or Section 25 of L.I. 2219.

The concept of “trading”, in its normal dictionary interpretation, connotes the activity of buying and selling of human beings and, in this context, the term is analogous to the exploitative purpose of slavery or slavery-like practices.

It also links to the offence described under Section 1(3) of the Act relating to the placement for sale, bonded placement, temporary placement and placement as service where exploitation by someone else is the motivating factor shall also constitute trafficking.

Activity – use of the term “within and across the borders”: This term does not appear in the Palermo Protocol but it mirrors it to the extent that TiP offences can be committed both domestically and transnationally.

Purpose – use of the term “induced prostitution”: The term “induced” is not present in Article 3 of the Palermo Protocol, nor is it specifically defined in domestic law. It should not prove problematical in legal terms. The most relevant guidance on how to interpret the term comes from Article 25 of L.I. 2219, which defines sexual exploitation as being:

Participation of a person in prostitution or other sexual acts or the production of pornographic material as a result of being subjected to threat, force, intimidation or other forms of coercion, or any other practice in terms of which that person’s participation is not voluntary.

The key phrase here is “any other practice in terms of which that person’s participation is not voluntary”. The preceding term “threat, force and other forms of coercion” is already present in the Section 1 definition of “means”, but the term “any other practice” that has the effect of resulting in involuntary prostitution (e.g. “without free and fully informed consent”) must, on any analysis, encompass any form of inducement, be it persuasive, deceptive or coercive.

Sections 1(3) and (4) of the 2005 Human Trafficking Law

Section 1 of the 2005 has two important subsections as follows:

Section 1(3) states that:

Placement for sale, bonded placement, temporary placement, placement as service where exploitation by someone else is the motivating factor shall also constitute trafficking.

The term “sale” is straightforward and can be interpreted in accordance with its normal usage.

This subsection specifically broadens the definition and creates an additional concept of the placement of a person as an additional offence to be added to the primary offence set out in subsections (1) and (2) of Section 1.

The terms of this additional concept do not follow the activity–means–purpose structure; this subsection appears to only require **activity** (*placement*) and **purpose** (*motivating factor*) to establish the offence. No reference is made to the means by which the trafficker commits this additional offence.

Section 42 of the Act provides specific direction as to how “placement” is to be interpreted:

- “Bonded placement” includes placement by a trafficker of a person for exploitative purposes with a promise of subsequent payment to the trafficker for the placement of the trafficked person by the user of the trafficked person and the placement of a trafficked person to offset a debt already owed by the trafficker or another person.
- “Temporary placement” means the transfer of a trafficked person for limited period for exploitative purposes.
- “Placement as a service” means the placement of a person by a trafficker for exploitative purposes where the service of that person is not remunerated.

It is important to note two points here in respect of the interpretation of placement:

1. There can be two purposes to placement for the person who places the victim: to secure payment(s) for that person or to offset that person's preexisting debts or those of a third person.
2. The definition involves criminal acts by at least two different actors: the person that places the victim and the person that uses that victim.

Section 1(4) addresses the issue of consent in relation to children and states that:

Where children are trafficked, the consent of the child, parents or guardian of the child cannot be used as a defence in prosecution under this Act, regardless of whether or not there is evidence of abuse of power, fraud or deception on the part of the trafficker or whether the vulnerability of the child was taken advantage of.

The terminology of subsection 4 gives rise to two crucial issues: (a) the elements that have to be established in respect of child victims; and (b) the issue of consent.

B.2. Means: Child victims

With regard to the elements that have to be established in cases of child victims, Article 3(c) of the Palermo Protocol is unequivocal: the law only requires the elements of activity and purpose to be established; the means by which these were achieved are not necessary. This is not specifically asserted in the 2005 Human Trafficking Act.

Section 1(4) states that where children are trafficked, consent of the child or his/her parents or guardians cannot be used as a defence even if there is no evidence of abuse of power, fraud or deception, or that the vulnerability of the child was taken advantage of.

The clear implication of the words “even if there is no evidence” of any of the specified means must be that Ghanaian law does not require the establishment of the element of means in respect of child victims; if it were otherwise, the use of the term would be illogical and redundant.

Provided that this interpretation is correct, it means that the domestic law is in compliance with the international definition in respect of the requirement to prove only the elements of activity and purpose in respect of child victims.

Good practice note

Irrespective of the ambiguity around the issue of whether or not it is legally necessary or not to establish the use of one or more of the defined means in TiP cases involving children, it is essential that practitioners adopt an approach in which the evidential accounts of victims, regardless of whether they are children or adults, describe in full detail what actually happened to them, and why, and the means used by their traffickers.

B.3. Consent: Child and adult victims

Domestic law is similarly less clear than the international definition on the vital issue of consent. Article 3(b) of the Palermo Protocol states that consent is irrelevant when any of the means specified in Article 3(a) have been used. This direction applies only in the context of cases involving adult victims because Article 3(c) completely removes the need to establish the element of means in any case involving child victims.

The difficulty in interpretation arises because: (a) the 2005 Human Trafficking Act does not include a specific section or subsection setting out the status of consent in respect of adult victims; and (b) the direction that exists on consent under Section 1(4) is ambiguous and open to different interpretations.

On the one hand, it is possible to take the position that, because the terminology specifically excludes consent in respect of children, the effect is to mean that it is a live issue in relation to adult victims.

Alternatively, because the terminology of Section 1(4) clearly excludes consent even when there is no evidence of means, the implication of this linkage is that consent is excluded when there is evidence of the use of the means.

If the correct interpretation is that consent is relevant in cases involving adult victims, it means that Ghanaian domestic law is in direct opposition to the international standard on this crucial point.

It is difficult to conceive that it would have been the intention of Ghana to seek to bring domestic criminal law into compliance with the international definition and yet diverge from it in such a critically important context.

On the contrary, it is far more logical and persuasive to interpret the effect of Section 1(4) as being to reflect the Palermo Protocol in making consent irrelevant in cases where any of the means has been used in respect of adult victims.

C. Trafficking in person offences under the 2005 Human Trafficking Act

Section 1 of the Act provides the definition, whereas Sections 2–4 and 6 describe the prohibited offences as follows:

Section 2(1) states:

A person shall not traffic another person within the meaning of section 1 or act as an intermediary for the trafficking of a person.

Section 2(3) states:

For purposes of this section, an intermediary is someone who participates in or is concerned with any aspect of trafficking under this Act who may or may not be known to the family of the trafficked person.

Section 2(4) states:

To be concerned with an aspect of trafficking in this Act means:

- (a) to send to, take to, consent to the taking to or to receive at any place any person for the purposes of trafficking, or;
- (b) to enter into an agreement whether written or oral, to subject any party to the agreement or subject any other person to trafficking.

Section 3(1), which indicates the prohibition of providing a person to another person for trafficking purposes, states:

A person who provides another person for purposes of trafficking commits an offence even where the person is a parent.

As is the case with the offence of sale or placement under Section 1(3), the terms of the offences under Sections 2 and 3 do not follow the activity–means–purpose analytical structure; the “means” are not described by which a person acts as an *intermediary* or *provides* a person for the purpose of trafficking and the assumption must be that proof of the activity and purpose would be sufficient for the offences to be established.

Section 6(1), which explains one’s duty to inform the authorities about trafficking cases, states:

A person with information about trafficking:

- (a) Shall inform the police, or;
- (b) May inform
 - i. the Commission of Human Rights and Administrative Justice,
 - ii. the Department of Social Welfare,
 - iii. the Legal Aid Board, or
 - iv. a reputable Civil Society Organization.

This additional offence is not commonly found in most domestic laws on TiP. Potentially, it is of significant utility to the practitioner, especially in relation to those peripheral suspects within typical trafficking chains where the available evidence may not be sufficient to justify charging them with any of the substantive offences listed above, but which would properly allow a prosecution of this lower-level offence.

The key tests will be how the courts interpret the word “information” and the extent to which it would be necessary for the practitioner to show that the accused knew of the information and that the content of it was sufficient enough to ensure that a reasonable person should have realized that it was related to trafficking.

D. Human trafficking prohibition (protection and reintegration of trafficked persons) regulations (Legislative Instrument 2219)

The regulations contained in L.I. 2219 expand on parts of the 2005 Human Trafficking Act and introduce additional offences. Therefore, it is critical for the practitioner to analyse all allegations of TiP in the context of both legal texts.

In the context of TiP offences, the key regulations are as follows:

Regulation 2(1) – organized criminal group

This regulation brings the first reference to an organized criminal group, which is defined by Regulation 25 as being “a structured group of two or more persons acting in concert with the aim of committing a serious offence”. A serious offence constitutes an offence in which the maximum penalty is death and the minimum penalty is imprisonment for a period of not less than five years.

Given that, in terms of *modus operandi*, it is virtually impossible for an individual suspect to commit the TiP offence on his/her own, this regulation creating the additional offence of two or more persons acting in concert will be most relevant for practitioners when building cases. Moreover, the specific offences listed under Sections 2, 3 and 4 of the 2005 Human Trafficking Act all attract a minimum penalty of five years’ imprisonment and therefore meet the definition of a serious offence.

Regulation 2(3) – aiding and abetting an organized criminal group

This relevance of an organized criminal group is further reinforced by the terms of Regulation 2(3), which makes it an offence for *a person to aid and abet an organized criminal group*.

Regulation 2(4) – facilitation

This regulation makes it an offence for *a person or an organized criminal group to facilitate the continued presence of a trafficked person in a receiving country in order to obtain financial, material or other benefit*.

Clearly, the relevant tests will be to show that the accused person or group facilitated the victim’s continued presence in the receiving country and that the purpose was one of gain.

Based upon current knowledge of the TiP *modus operandi*, it is also important to note that the perpetrators may not necessarily be located only in the receiving country. On the contrary, those suspects that carried out the initial recruitment and transfer in the country of origin may play a key role in maintaining the presence of the victim in the country of destination.

Regulation 2(6) – aiding and abetting facilitation

The criminal platform is strengthened by making it an offence for *a person to aid and abet an activity of an organized criminal group to commit the offence of facilitation under Regulation 2(4)*.

Regulation 2(7) – definition of “facilitation”

The regulation states that facilitation includes the *production, provision or procurement of false travel or identity documents in respect of the trafficked person or any other conduct that secures the presence of the trafficked person in unlawful custody*.

The first part of this definition is straightforward; the second part is problematical because the practitioner will need to establish not only the details of the alleged conduct but also that it *secured* the presence of the victim in *unlawful custody*.

Regulation 2(9) – trafficking of children

The regulation states that *a parent, guardian or any other person who has parental responsibilities and rights in respect of a child shall not traffic or permit or facilitate the trafficking of the child*.

Based upon the interpretative analysis set out in respect of Section 1(4) of the 2005 Human Trafficking Act, the practitioner would need to prove the elements of activity and purpose in at least one of three areas: traffic, permit or facilitate the trafficking of the child. The means by which any of these three acts were carried out would need to be established.

Regulation 2(11) – trafficking of children

The offence at Regulation 2(9) is expanded and additionally penalized in circumstances in which *a parent or guardian who has been previously convicted of child trafficking aids and abets the trafficking of a child*.

Regulation 2(12) – trafficking of physically disabled or mentally disordered persons

This regulation states that *a guardian or any other person with responsibilities and rights in respect of a person with a physical disability or mental disorder shall not traffic or permit the trafficking of the disabled or disordered person*. Trafficking of these individuals is a criminal offence according to this regulation.

Self-evidently, the practitioner, in addition to the elements of proof for TiP, will need to evidentially establish the nature of the disability or disorder under this regulatory offence.

Regulation 2(14) – corrupt practice by a public officer

The offence states that *any public officer shall not use the office or authority of that public office to further any offence under these regulations.*

This offence is of high significance due to the extensive existence of corruption among public officials across the world within the context of TiP.

Regulation 2(16) – use of premises for TiP

The offence states that *a person shall not manage an institution or premises used for the accommodation, including a hostel or hotel for the purpose of TiP, on behalf of an organized criminal group.*

Again, this offence is highly relevant because the modus operandi of TiP clearly shows that traffickers have to use some form of premises where they can accommodate their victims. The test here will be for the practitioner to establish that the accused person acted in a managerial role in respect of the premises concerned and that this was carried out on behalf of an organized criminal group (i.e. two or more persons acting in concert to commit a serious offence).

Regulation 2(18) – liability of employers

This regulation extends liability for the conduct of employees in respect of TiP offences to their employers in circumstances in which it is shown that the conduct of the employee was within the scope, authority or consent of the employer.

Regulation 3 – facilitation of TiP

Regulation 3 radically expands the definition of facilitation that appears in Regulation 2(7) and describes a wide-ranging set of activities, as follows:

- (a) Transporting or facilitating transportation for the purposes of TiP;
- (b) Being in charge of a conveyance that facilitates TiP;
- (c) Leasing, subletting or allowing a room, building or premises to be used for the purpose of harbouring a trafficked person;

- (d) Harbours, concealing or providing safe haven to a person who has committed any of the offences described under the Act or Regulations;
- (e) Counsel, procure, incite or solicit the commission of any offence under the Act or Regulations;
- (f) Advertising by multiple means that suggests or alludes to TiP;
- (g) Introducing a person for marriage for the purpose of acquiring, buying, offering for sale or trading a person for the purposes of TiP exploitation;
- (h) Offering or contracting a real or simulated marriage for the purpose of acquiring, buying, offering for sale or trading a person for the purposes of TiP exploitation;
- (i) Assist in the conduct of misrepresentation or fraud for the purpose of procuring, facilitating or acquiring clearances and necessary exit documents from government agencies for the purpose of TiP.

As can be seen, this regulation encompasses a broad range of activities that a perpetrator can commit for the purpose of TiP. It is also important to note that the penalties predicated for offences under this regulation are the same as those applicable for a conviction for TiP under the 2005 Human Trafficking Act.

Regulation 4 – use of trafficked persons

Regulation 4 criminalizes the use of services of a trafficked person. It states that:

A person shall not:

- (a) seek to benefit financially or otherwise from the services of a trafficked person, or
- (b) use or facilitate the usage of the services of a trafficked person by any other person.

Regulation 5 – destruction of documents

The following conduct is criminalized under this regulation:

A person shall not:

- (a) destroy
- (b) confiscate
- (c) possess
- (d) conceal
- (e) tamper

with the actual or purported identity document, passport or other travel document of a trafficked person in furtherance of trafficking in persons.

This regulation is highly relevant because the confiscation of identity and/or travel documents of trafficked victims is such a consistent feature of the modus operandi of the crime. The key test of proof for the practitioner will be to establish that the activity of destruction was undertaken in *furtherance* of TiP.

Summary: TiP offences under domestic legislation

The following points should be noted:

- In summary, the 2005 Human Trafficking Act and the 2015 L.I. 2219 regulations, when taken together, comprehensively criminalize a very wide range of trafficking activities that are characteristic of the modus operandi.
- The fundamental approach of establishing the three elements of activity, means and purpose remain applicable in relation to the headline definition of TiP contained in Section 1(2) and (3) of the 2005 Human Trafficking Act.
- The rest of the offences described under the Act, and those created under the L.I. 2219 regulations, do not follow this framework and more commonly comprise activity and purpose, with no specific reference to the means used in respect of the offences.
- To be fully effective, it will be crucial for investigators and prosecutors to analyse all of the facts disclosed in any allegation of TiP to ensure that all of the offences that are identified under both the Act and the Legislative Instrument are rigorously investigated and prosecuted.
- Under the terminology of both texts, it is not clear whether it is strictly necessary to prove knowledge on the part of the perpetrator of the trafficking purpose within which the criminal conduct is carried out. Although knowledge is not expressly required in the plain meaning of the provisions, evidence of knowledge is necessary to establish criminal intent. Otherwise, innocent conduct may be unfairly criminalized.
- Evidence of knowledge of the trafficking purpose need not be explicit and rarely is. It can be shown through circumstantial proof. However, some evidence showing that the accused knew, or should have known, of the trafficking context should be required as a matter of fundamental fairness.

D.I. Trafficking-related offences

Global analysis of the *modus operandi* of trafficking confirms the fact that it is virtually impossible in reality (and extraordinarily rare in practice) for the offence of TiP to be committed on its own, in isolation from a range of other offences that are characteristic of TiP.

The following is a list of the most common offences that are related to trafficking and it is important to understand that the majority of them are all usually separately criminalized within the Penal Code or the Criminal Code:

- Physical, sexual and psychological violence, up to and including homicide;
- Abduction;
- Threats to kill;
- Unlawful imprisonment or deprivation of freedom of movement;
- Slavery (*interpretative definition set out in Regulation 25 of L.I. 2219*);
- Debt bondage (*interpretative definition set out in Regulation 25 of L.I. 2219*);
- Servitude (*interpretative definition set out in Regulation 25 of L.I. 2219*);
- Forced marriage;
- Illegal adoption;
- Facilitation of illegal immigration;
- Creation of and membership in organized criminal structures or groups;
- Production, use, and possession of forged and or fraudulent identity and travel documents;
- Money laundering;
- Bribery and corruption of public officials.

It should also be noted that, in the majority of the known TiP *modus operandi*, traffickers are *compelled* to engage in coercive offences such as physical, sexual, and psychological abuse for the simple reason that coercion and supervision are non-negotiable essentials of the *modus operandi* because if the victims were not coerced, intimidated and supervised to varying degrees, they would walk away from their exploitation at the first opportunity.

The vital task for the practitioner is to ensure that the investigative and prosecutorial activity uncovers and substantiates as many of these TiP-related crimes as possible and that each one that is capable of proof is added to the indictment at trial.

D.2. Other key features of domestic legislation

Before concluding the first part this SOP manual, in the context of fair and effective judicial disposal of TiP cases in Ghana, the following sections of the 2005 Human Trafficking Act are highly relevant and should be highlighted:

Jurisdiction – Section 8

Section 8 states the following:

A person is liable to be tried and punished in Ghana for trafficking if the person does an act, which if done within the jurisdiction of the courts in this country, would have constituted the offence of trafficking.

The effect of the terminology of this section is to make the TiP offences extraterritorial in nature. That is to say that any person, whether a Ghanaian national or not, can be brought to justice in the courts of Ghana for TiP offences, irrespective of where in the world those offences were committed, provided that the conduct complained of constitutes the TiP offence as defined under Ghanaian law.

This transnational dimension recurs within the terms of the L.I. 2219 as follows:

Regulation 1(1) states that the scope of application of the regulations applies where:

- (a) Ghana is the country of destination or where the exploitation takes place in Ghana; or
- (b) The receiving country is a foreign country but where the trafficking process starts in Ghana or transits in Ghana.

Both of these provisions reflect the often-transnational character of TiP and mean that the law enables the practitioner to still take action concerning transnational trafficking gangs that traffic into, out of and through Ghana in respect of both the offences under the 2005 Human Trafficking Act and L.I. 2219.

Compensation – Section 19

Section 19 states:

- 19(1): A person convicted of the offence of trafficking shall be ordered by the court to pay compensation to the victim of the trafficking.
- 19(2): A person who causes injury to a person in pursuit of trafficking shall be ordered by the court to pay compensation to the injured person.
- 19(3): The payment of compensation shall be in addition to any other punishment.

Criminal charges and civil claim for damages – Section 39

Section 39 states:

The institution of a criminal charge arising from acts of trafficking is in addition to and does not affect the rights of a victim to pursue a civil claim for damages.

Confiscation of property – Section 40

Section 40 states:

- 40(1): Where there is evidence that movable or immovable property has been acquired by a trafficker as a result of gains from human trafficking activity, the court shall order the confiscation of the property.
- 40(2): The court may make an order that it considers appropriate in connection with the confiscated property and may direct that the proceeds of the confiscated property be paid into the Fund.

The significance of Sections 19, 39 and 40 is the fact that the first two provisions offer the possibility of criminal and civil court remedies for victims in relation to compensation for both unpaid wages and for personal injury, whereas the third one provides a legal capacity to confiscate the proceeds of the crime and make these funds available to the Human Trafficking Fund to resource a range of counter-trafficking initiatives.

Investigation

3

CHAPTER 3

INVESTIGATION

The purpose of this chapter is to provide investigators and prosecutors with current good practice guidance to enable them to more effectively contribute to achieving the following two criminal justice objectives:

- To provide victims of TiP with access to justice;
- To reduce the current level of impunity enjoyed by their exploiters.

It is strongly recommended that investigators and prosecutors develop a sound knowledge of the whole SOP and not confine themselves only to that part that specifically focuses on their roles.

The more that investigators and prosecutors are able to understand the similarities and differences in the methodologies that each apply to their roles in handling of TiP cases, and the diverse challenges and constraints within which each discipline operates, the better both sides will be able to see each other's perspective, which will result in more effective collaboration between the two forms of practice.

It is also important for the reader to note that the practical guidance contained in this SOP handbook is to be promptly applied from the point at which the legal duty to open a TiP investigation first arises (either as a result of an individual being identified as a VoT or as a result of an allegation of TiP being made), and then be applied throughout the lifetime of the investigation, prosecution and trial process.

In all cases involving TiP offences against children, the reader must also be sure to comply with the directions contained in the GPS *Standard Operating Procedures for Child-friendly Policing: Procedures for Investigations Involving Child Victims and/or Witnesses*.

The starting point of this part of the SOP chapter is the point at which an individual has been positively identified as a VoT, thereby triggering the requirement for a criminal investigation into the alleged trafficking offences.

This part of the SOP sets out sequential and globally accepted good practice guidance to enable the investigator to effectively manage the investigation from inception to conclusion in a way that fully and safely supports the identified individual through the transition from identified victim to that of cooperating victim-witness within the criminal justice system.

3.1. Legal duty

Before considering practical guidance on how to effectively investigate TiP cases, investigators must first be fully aware of the duties placed upon them by the law. The 2005 Human Trafficking Act states the following:

Article 10: Police assistance

- (1): A police officer shall respond to a request by any person for assistance from trafficking and shall offer protection in a case of alleged trafficking, even where the person reporting is not the victim of the trafficking.
- (2): A police officer who fails to respond to a request for assistance shall, on a report filed by the complainant to a superior officer, be subject to Police Service disciplinary procedure.

Article 11: Receipt of complaint by police

- (1): Where a police officer receives a complaint, the officer shall:
 - (a) take a statement from the parties and witnesses,
 - (b) record the complaint in detail and provide a copy of the written report to the victim,
 - (c) assist the victim to obtain medical treatment where necessary,
 - (d) assist the victim to a place of safety if the victim expresses concern about safety, and
 - (e) inform the victim of his or her rights and any basic material support which may be available to assist the victim.
- (2): A police officer shall take a statement from a child in the presence of a next friend or a guardian.

The crucial significance of Articles 10 and 11 for police officers to note is the fact that responding to an allegation of or a request for assistance in a case of TiP is a *legal duty* and not a situation in which an officer has the power to exercise discretionary judgement. It is also important to be aware that this duty applies even in cases where the allegation of request for assistance

comes not from the alleged victim but from a third party. Moreover, by law, any officer that fails in his/her duty in this situation renders him-/herself liable for disciplinary proceedings as a consequence of such a failure.

3.2. Fundamental investigative principles

All of the good practice advice that is contained in this SOP chapter is set within the context of the following fundamental and overarching principles within which all TiP investigations are to be conducted.

- All TiP investigative actions should adhere to a victim-centred, human rights-based approach.
- Identified trafficking victims should be treated as victims of serious crime and must not be subjected to revictimization or criminalization.
- Access to all forms of available assistance is to be provided to all identified VoTs, irrespective of whether or not they agree to cooperate with criminal justice practitioners; access to help must never be made dependent on agreement to cooperate.
- The safety of the victims and their families and loved ones shall be the primary consideration at all times for investigators.
- Investigators have a clear duty to conduct a continuous process of risk assessment in respect of the safety and welfare of victims and their families at every stage of the investigation and the judicial process and beyond.
- Investigators, together with social workers, have a clear humanitarian and legal duty to be open and honest at all times with trafficked victims so that they are made fully aware of the issues, responsibilities, and potential consequences and risks attached to any decision that they may be called upon to make.
- Investigators, together with social workers, have a clear duty to ensure that victims are made fully aware of their rights and obligations and of all available support measures that exist to help them overcome their ordeal and that the victims are enabled to establish initial contact with assistance providers.
- The principle of full and informed consent in writing in a language that the victim can fully understand is to be applied in relation to each occasion that a proposed course of action requires the victim's consent.

- In all cases involving TiP offences against children, the following principle will apply: in accordance with the 1992 Constitution (Article 28), the 1998 Children's Act (Act 560), and the Convention on the Rights of the Child (Article 3), every child has the right to have his/her best interest given primary consideration when decisions are made that may affect the child. If a decision must be taken in relation to a child, the best interest of the child shall be the paramount consideration of the police.

3.3. Risk assessment

As soon as the requirement to initiate a TiP investigation arises, the first priority for the investigator will be to conduct a risk assessment in respect of the available information disclosed in the allegation.

Identifying, assessing and managing risk is one of the most complex tasks that the investigator will have to undertake. There will not be any straightforward risk assessment decisions; in many cases, the investigator will be left with no other choice but to follow the least worst risk management option.

The only way to address the challenge is on a case-by-case basis because every case will present diverse problems and there is no one-size-fits-all formula that can be relied upon. However, within this constraint, investigators should comply with the following set of principles and processes.

3.3.1. The principles

The principles underpinning the risk assessment process are as follows:

- Investigators have a clear humanitarian and often legal duty of care to the victims of trafficking crime.
- A critical part of fulfilling this duty is to conduct a risk assessment in relation to identified victims and other existing or potential victims.
- The risk assessment should be carried out as soon as possible after an identified trafficking victim has come to notice and then become a continuing process.

3.3.2. The process

Categories of victim

The risk assessment procedure should always be applied sequentially to the three following categories of victims:

1. Identified victims that have come to notice and are the subject of the risk assessment;
2. Any other victims that are still under the control and exploitation of traffickers;
3. Any other potential victims that may be on the brink of being trafficked and exploited.

Four critical questions

Investigators conducting the assessment should pose the following sequential series of four questions:

1. What is the level of risk posed to the identified victim(s)?
2. Are there other victims that are still being exploited – if so, what is the level of risk posed to them?
3. Are there other potential victims that are about to be trafficked – if so, what is the level of risk posed to them?
4. Is the level of risk posed to any of the three categories of victim above so high that it demands some form of immediate intervention?

Two types of risk

The investigator must bear in mind that the risk needs to be identified and assessed within the following two contexts:

- The existing level of risk posed to the safety and welfare of the victims and their loved ones;
- Any new or additional levels of risk that may arise as a result of what action the investigator decides to take in reaction to the allegation.

Definition of risk

In the context of trafficking crime, risk refers to:

- The existence of a threat to the security or safety of:
 - Victims, suspects, police officers, other individuals or property; or
- A threat to the accuracy or reliability of the:
 - Security and admissibility of evidence (i.e. any item that may confirm or disprove the commission of the crime);
 - Ethical application of Ghanaian criminal law and criminal code procedures;
 - Ethical application of the GPS organizational policy and procedures.

Definition of risk assessment

Risk assessment is defined as a four-stage assessment process based upon the facts and circumstances known at the time that the risk assessment and management process is conducted.

3.3.3. The four-stage risk assessment process

Stage I – identification and assessment of existing areas of risk

Every given set of circumstances will identify elements of existing risk and the first task, based upon the facts and circumstances that are known at the time, is to identify and assess these risks. This first stage should focus on the following:

- Who is at risk?
- What is the risk?
- What are the consequences if the identified risk occurs?
- What is the level of the identified risk?

Who may be at risk?

- Individuals that may be at risk can be any individual identified by the available facts and/or circumstances of the case, the three categories of victims identified above and their loved ones, care providers, investigators, other law enforcement officers, suspects and any other individual that may be at risk due to the circumstances of the case.

What is the risk and what are the consequences?

It is impossible to provide a comprehensive list of all the possible risks that may arise as the circumstances of each case will always be different to some degree and pose new problems. The same point applies to any attempt to accurately predict the possible consequences. Ultimately, the assessment and management of these issues must rely on the professional experience and judgement of the investigator.

The most serious area of danger arises from the risk of violent reprisals being carried out by the traffickers or their associates against the victims, their families or loved ones, and this risk must always take the highest priority in the assessment and management process. The consequences of such an occurrence include the real possibility of serious injury and even fatality and must never be underestimated.

What are the levels of risk?

Assessment of the level of risk is subdivided into three categories:

- **Low** – not considered likely to occur;
- **Medium** – the risk is more likely to occur than not;
- **High** – the risk is highly likely to occur.

As with the whole of this process, assessing the level of any given risk relies upon the professional judgement of the investigator conducting the assessment, based on all of the available information.

But it is also a vital component of the continuity of the process of risk assessment that investigators appreciate that risk levels, just like investigations, are subject to rapid change and, therefore, must be kept under continuous review.

Stage 2 – identification of appropriate response

Having identified and assessed the nature and level of existing risk in any given case, the second step in the process is, based upon the known circumstances of the case and the assessment of the existing risks, to decide what course of action will be necessary to address them.

Some form of police response will be required and the outcome of the vast majority of assessments of identified existing risk will be that some form of police action must be planned and carried out.

The critical question to be posed at this point in the process is: Is the assessed level of identified risk so high as to demand an immediate police intervention?

This question is critical because the answer to it will determine the options that are open to the investigator.

Stage 3 – Review, identification, and assessment of any increase in the existing risk or the creation of new areas of risk as a result of the proposed course of action

Having identified and assessed the areas of existing risk in any given case and identified the appropriate course of police action to address the existing risks, the next steps are to:

- Ensure that all available information has been obtained from all possible sources;
- If additional information is obtained, review and update the original risk assessment and pose the following questions:
 - Does the proposed course of action increase the existing identified levels of risk?
 - Does the proposed course of action create new areas of risk?

Assessing whether the proposed course of action increases the existing identified levels of risk or creates new areas of risk is the critical part of stage 3.

In many cases, the risks generated by how police react to any existing trafficking situation are often greater than the risks that already exist within the circumstances of the case.

Stage 4 – Decision-making and risk management

- If the planned action involves any increase in the identified existing risks, or creates new areas of risk, then the original risk assessment should be reviewed and adjusted to take account of the increased or new areas of risk.
- Based on this latest review of the assessment of the existing risks and any additional risks created by the proposed course of action, the next question to be posed is:
 - Does the need to take the action outweigh the levels of risk identified with it?

- If the answer is yes, then the action should be implemented as soon as it is practicable to do so.
- If the answer is no, then the original proposed course of action should be suspended and a new action plan modified to take account of the increased or new risks should be prepared and subjected to a new risk assessment process.

3.3.4. Timing

Two specific rules can be set down here concerning the timing of the process:

- The risk assessment should be carried out as soon as possible after the need to initiate a TiP investigation arises.
- Thereafter, the risk assessment should become a continuous process.

Continuous review of the process is essential but must also remain flexible and be approached on a case-by-case basis, according to circumstances. Two points should be considered:

- Following the initial assessment, the risk assessment should be reviewed at each developmental stage of the investigation, for example, immediately prior to any arrest operation or when the fact of the victim's cooperation is about to be disclosed to the trafficker's legal team.
- Irrespective of any developmental stages as set out above, it is recommended as a matter of good practice that the risk assessment be reviewed and updated on a weekly basis. It may be necessary to increase the frequency, even to daily reviews, in cases where the suspects pose a particularly grave risk or the victim is especially vulnerable for any other reason.

3.3.5. Documentation

It is of critical importance that a comprehensive documentary record is made of the risk assessment process in order to ensure full accountability and to provide the investigator with a detailed record with which to defend him-/herself if any party should call his/her professionalism into question.

At a minimum, the documentary record should include:

- A detailed summary of the information that was available to the investigator at the time the risk assessment process was conducted;
- A specific summary of the risk assessment factors that were identified and of the steps put in place to manage them;
- A specific and full record of the decisions made by the investigator;
- A summary of the thought process that informed those decisions;
- The signature of the investigator responsible for the process and the date and time when the record was signed by the investigator.

The following additional points should also be carefully considered:

- The risk assessment records will contain highly sensitive information such as true identities and locations of the victims and/or their families and therefore must be kept in conditions of the utmost security.
- Access to them should be strictly limited to a need-to-know basis and a full access record should be maintained.
- The records should be regularly scrutinized and reviewed by a designated supervisor who should date and countersign them to indicate that this has been carried out.
- For obvious reasons of safety, it is essential that the contents of the records are kept legally and procedurally confidential.

3.4. Securing the cooperation of victims as witnesses

Having processed the risk assessment, it will become the task of the investigator to attempt to secure the fully informed consent of the victim to cooperate as a witness and to make an evidential statement and, where necessary, provide oral testimony in criminal proceedings.

This is an extremely sensitive and difficult task for two principal reasons:

- There are a number of complex core concerns that habitually impede victims from agreeing to cooperate as witnesses.
- Notwithstanding the fact that the investigator knows that the prospect of successful investigation and prosecution will depend very heavily on the victim's agreement to cooperate, he/she must remain completely neutral and not attempt to influence the victim's decision one way or the other.

3.4.1. Obstacles to cooperation

Each case is different and there are numerous, varied and recurring core concerns as to why victims are characteristically reluctant to cooperate with investigators. The principal ones are as follows:

- **Personal safety and that of loved ones.** Victims are normally in fear of their traffickers who use and threaten violence against them and their families or loved ones.
- **Status as possible offenders.** Victims may be anxious as to whether they are to be prosecuted in respect of any offences they may have committed as a result of being trafficked and will be worried as to the consequences of disclosing any offences.
- **Status as possible illegal migrants.** Foreign victims will worry about whether or not they are legally entitled to be in Ghana and whether they would be allowed to remain or would face repatriation or deportation.
- **Fear of exposure and stigmatization.** Victims, particularly in sex trafficking cases, suffer genuine anxiety concerning the risk of disclosure to their families, the public or the media of their exploitation.
- **Fear of being in the physical presence of their traffickers.** Many victims will suffer severe traumatizing abuse that leaves them with an acute fear of being in the physical presence of their traffickers. Any possibility of seeing or being seen by their traffickers during any stage of the criminal justice process, especially while testifying, will cause extreme anxiety to many victims.
- **Fear that family members will be prosecuted.** For those who have been trafficked by their parents or other family members, they know that their parents and/or other family members will be prosecuted, especially if the parent is the head of household.

3.4.2. Overcoming the obstacles

Key points to remember

A decision by a victim to cooperate as a witness is a momentous one that must never be underestimated by the investigator. The reality for victims of agreeing to cooperate is that the level of risk to them will inevitably increase and that the potential demands of the criminal justice system are such that they are likely to have engaged with extremely stressful procedures such as identification parades and court testimony which will likely involve rigorous and hostile questioning in the courtroom.

For these reasons, it is essential that the investigator is completely open and honest at all times with victims and does not attempt to unduly influence their decision to cooperate one way or the other. The key objective is to give victims all of the relevant information concerning their role, rights and responsibilities as victim-witnesses, and then let them consent to or refuse the cooperation request, based upon full information on all aspects of it. Victims must also be informed that choosing not to serve as witnesses does not prevent them from accessing and receiving protection services.

The issue of the extent to which the investigator may properly and fairly try to persuade victims to cooperate is an extremely sensitive one. There is a fine balance that must be struck between informing the victims of salient and true factors while at the same time avoiding unduly influencing them into making a decision that does not fully reflect their wishes and which may later cause them to withdraw their cooperation.

When seeking the cooperation of victims, it can be acceptable for the investigator to make the following points:

- Traffickers should be brought to justice for their actions.
- Victims have a very important role to play as witnesses in protecting others like them from being trafficked in the future.
- The case will not depend solely on their evidence and that there will be other supporting evidence.
- Victims will receive protection under Ghanaian law.

Initial meeting

(Note: The practice guidance that follows will usually occur during the first meeting that takes place between the investigator and the victim. This subsection must be read in conjunction with Annex 6: The PEACE Interview Model (see “Explain phase key points: Criminal justice information, rules and consent”).)

The investigator and the social worker will meet with the victim in order to provide all of the requisite information, and this will take some time. The following points should be considered:

- Where possible, the meeting should take place in conditions of privacy, preferably at a neutral venue.

- If the victim counsellor or the social worker is available, he/she should be allowed to accompany the victim throughout in order to advise and assist the victim.
- If the full identity of the victim is not known at the time of the meeting, the investigator should not press for it to be disclosed at this stage.
- Victims must be given time to consider and decide. Even in cases where victims immediately state that they wish to cooperate, as a measure of good practice, they should be advised to take some time to consider their decision carefully and consult with their counsellor (if present and available) should they wish to do so.
- This is especially relevant in any case in which there are grounds to believe that the victim may be traumatized because one of the impacts of the trauma is to impede the ability of the victim to coherently process information and make an informed judgement.

3.5. Specific information points on the requirements of the criminal justice system

Specific information should be provided in relation to the core concerns of victims, namely, physical safety, victim status as an offender, residency status, fear of exposure and stigmatization, fear of being in the presence of the trafficker and other vital information points for the victims.

3.5.1. Physical safety

Victims will need assurances as to their own safety and that of their loved ones, if relevant. **Section 10(1)** of the 2005 Human Trafficking Act states that the police will offer protection to VoTs and **Section 15(1)** creates a duty on the State to provide victims with basic material support. **Regulations 13 and 15** of L.I. 2219 strengthen this duty of provision of basic care.

It is important not to minimize any identified risks to victim's security. Any explanation as to the availability of witness protection measures must be factual and realistic – potential witnesses must not be left with a false impression as to the level of available security measures. If the reality is that physical protection and shelter care is not possible at all because the resources are not in place, or is not available where the victim is located, then that is the truth that must be told.

3.5.2. Victim status as an offender

Victims will need to know whether they are to be prosecuted in relation to any offence they may have committed as a direct consequence of their status as VoTs. International standards state that identified VoTs should not be detained, charged or prosecuted for such crime, but no such provision exists currently in Ghanaian law. As a matter of good practice, investigators and prosecutors should follow the international standards and assure victims that they will not face prosecution for offences resulting directly as a consequence of having been trafficked. If this situation does arise, it is important to ensure that the disclosure of the offence(s) and the manner and basis upon which the decision has been made not to prosecute is fully and transparently documented.

3.5.3. Status – temporary residency

All victims should be provided with temporary residency.

In the case of foreign victims that are being asked to cooperate, they will require reassurance and clarification as to their immediate and medium-term status in Ghana. This issue is addressed under **Section 34** of the 2005 Human Trafficking Act, which allows a victim who is unlawfully staying in Ghana to remain throughout the criminal justice process. Moreover, the section makes provision for foreign victims to be allowed to remain in the country after the legal process has been concluded if it is in their best interests, or to be supported through until repatriation if that is determined as the best outcome.

3.5.4. Fear of exposure and stigmatization

Victims will require information on any available legal provisions that can guarantee confidentiality for them and address their fear of exposure and stigmatization. **Section 38** of the 2005 Human Trafficking Act makes it an offence for a person to publish a report of TiP proceedings that may reveal the identity of the trafficked person without the leave of the court. Victims must be informed of this provision because the fact that their involvement in the case cannot be reported outside of the court in a way that will disclose their identity will be of great importance and reassurance to them.

3.5.5. Fear of being in the presence of the trafficker

Any part of the criminal justice process that may entail victims seeing or being seen by their abusers will be of acute concern to victims because this is the element that causes them the highest level of stress. This will be the most detailed part of the briefing to the victims and should cover two key dimensions: investigative procedures and testimony conditions.

The victims should be told that, depending on the circumstances of the case, they might be required to:

- Attend any identification parade procedures; if so, whether these will be conducted on a face-to-face basis or through the use of a one-way mirror or other form of identification system;
- Attend any other investigative procedures that may involve being in the presence of their traffickers, such as one-to-one confrontations;
- Testify during preliminary and/or full trial hearings; if so, whether they may have to face their traffickers in the courtroom or whether or not they can give the evidence from behind a screen, or via a video link or whether there is any provision for the traffickers to be removed from the courtroom while the evidence is given by the victims.

3.5.6. Final information points for victims

Before asking victims to decide whether or not they are prepared to cooperate and in order to ensure scrupulous fairness to them, investigators should cover the following points:

- Ensure that victims have understood all parts of the explanation and been given an opportunity to seek clarification on any point.
- Ensure that victims understand the following points:
 - That being victim-witnesses is a challenging task that will require commitment and courage;
 - That their engagement in the criminal justice process is very unlikely to be quick and may take a substantial amount of time to complete;
 - That, notwithstanding the law on confidentiality of their identity, the traffickers that have exploited them, if prosecuted, will know that they have cooperated with the investigation and are acting as victim-witnesses;

- That they must be sure that they are able to carry out their role in the investigative and testimony procedures that have been explained to them.

While it may seem to the reader that these points are somewhat negative and could hardly be described as encouraging the victim to cooperate, they are essential in order to ensure that it is only those victims that are capable of fulfilling the role of victim-witnesses that elect to do so. The reality of TiP cases is the fact that, because of the risk factors involved, unless the victims are able to manage the whole justice process from start to finish, it is better and safer for them not to initiate the process in the first place.

3.6. Impact of trauma on victim-witnesses

(Note: Further guidance on the impact and management of trauma within an interview is set out in section “Engage and explain” in Annex 6.)

Before moving on to consider practical tips on interviewing victims, it is first necessary to examine the issue of the trauma that VoTs often suffer from and the consequences that arise from it that investigators must be aware of to enable them to ensure that victims are managed safely.

3.6.1. What is post-traumatic stress disorder?

In simple terms, the condition occurs when victims live through an experience or series of experiences that cause such significant stress that they are unable to comprehend the nature of it or process what has happened to them.

For the victims that suffer the abusive and traumatic experience, the extremity of it is not only beyond their ability to rationalize and accept that it has happened to them, but it can often lead to their denial of it, which is a psychological condition known as “dissociation”.

Dissociation not only impairs the ability of victims to react to the abusive experience but may also trigger a number of other symptoms:

- Victims may “de-personalize” the abusive experience and come to regard it as having happened to another person.
- Victims may suffer from an altered sense of time and impairment of memory.

- Victims may react to the abuse in an astonishingly indifferent or apathetic manner that reflects the fact that they may not be able to realize that the abuse was inflicted upon them.
- Victims may suffer from fragmentation of perception, feeling, consciousness and memory.

Another core symptom of trauma is the occurrence of “flashbacks”, where victims may feel that the abuse is actually happening to them all over again. Flashbacks often occur as a result of the inability of the victim to process the experience. These can be triggered by single elements such as a particular smell, a specific noise or sound, a particular feel or tactile sensation, or pictures.

In a typical trafficking situation, the abuse does not consist of a single incident of extreme violence or abuse, but comprises systematic violence or abuse over a period of time. The consequence of this is that the victims have time to adapt their behaviour in order to reduce the risk of further incidences of abuse. These forms of adapted behaviour are usually referred to as “survival strategies”. There are three main survival strategies:

- **Avoidance.** Victims will do everything within their power to avoid further violence or abuse. Victims may become docile and completely obedient to the instructions of the trafficker or, in the case of trafficked sex workers, engage in prostitution with what may appear to be enthusiasm and a degree of pleasure.
- **Identification with the trafficker.** Some victims come to identify with the traffickers. This strategy occurs when victims feel that it is critical to their chances of survival to ensure that their behaviour gains the approval of their traffickers. In order to survive, victims will try to put themselves in the position of the traffickers, to adopt his/her views and to feel and think as he/she does. Experienced traffickers will also try to promote this type of behaviour.

Such traumatized trafficked victims may repeatedly refuse to cooperate when they first encounter law enforcement officers or will robotically repeat the story that the traffickers have provided them with because they believe that this will win their approval. This identification process is even stronger if the traffickers occasionally pretend to care for the victims. This combination of coercive control interspersed with episodes of apparent affection adds to the confusion and loss of orientation on the part of the victims.

- **Numbing.** Many victims are so involved in identification with their traffickers that they become alienated from their own emotions and thoughts and lose their own identity of self. They become numb and are reduced to mere existence. Extremely high levels of apathy or indifference displayed by many victims are characteristic of this strategy.

3.6.2. Key practice point for investigators: Risk of suicide and explosive anger

Practitioners should remain aware of two important risk areas when dealing with trafficked victims that may be suffering from trauma. The two risks are:

- Suicide attempts
- Explosive, unpredictable anger

Both risk areas arise because some traumatized victims may be unable to confront and deal with the reality of what they have endured. The risk of suicide occurs because victims, being unable to live with the memories of what happened to them, decide to resolve their situation by trying to take their own lives. The explosive, unpredictable anger, which can manifest itself in attempts at self-harm, harm to others or damage to immediate surroundings, arises from a similar root cause but does not reach the stage of attempts at suicide.

In both cases, these risks are at their highest in the immediate period following the victim's escape or rescue from the exploitative situation, and for this reason, practitioners must ensure that victims are not left alone and unsupervised at any stage during the immediate period following their removal from the exploitative situation.

3.7. Evidential interviewing of victim-witnesses

This subsection sets out good practice guidance in relation to how to prepare and conduct evidential interviews with those victims that consented to cooperate. (*Refer to the interview section in Direct Assistance.*)

Before examining the practical guidance in detail, it is necessary first to identify the objectives of the evidential interview and to consider the scale and complexity of the task facing the interviewer.

3.7.1. Overall interview goals

- Treat victim-witnesses sensitively and professionally. Fully respect their human rights.
- Observe the “do no harm” principle and conduct the interview process in a way that ensures that it does not cause any further harm to the victim-witness (*refer to section 2.2.: Guiding principles for providing direct assistance*).
- Create the optimum conditions in which to minimize the inevitable stress that the interview process will inevitably entail and within which victim-witnesses can provide their evidence in a fully supported way.
- Provide victim-witnesses with a fair and equal opportunity to gain access to justice by allowing them to give their side of the story.

3.7.2. Four evidential objectives of the interview

The aim of the guidance set out below is to help the interviewer to record a coherent and extremely detailed history from the victim-witnesses so as to attain the following four objectives:

1. Establish the **full facts** of the criminal case *in order to prove the elements of the crime*.
2. Use the factual detail to **corroborate** the victim’s story.
3. Use the corroboration to establish the **credibility and truthfulness** of the victim’s account.
4. Use the evidence **to identify, arrest and successfully prosecute** the trafficker.

Evidential objectives 1, 3 and 4 would be common to all victim-witness interviews for any type of crime. In specific relation to trafficking interviews, objective 3 is critical to the success of the case because trafficked victims do not often make coherent and compelling witnesses when they testify and, without extensive and high-quality corroboration, their credibility and honesty is very vulnerable to attack by defence lawyers during criminal proceedings.

The key point to note here is the interdependent linkage between facts, corroboration and credibility: if the interviewer does not secure as much factual detail as possible from the victim, the investigation team will not be

able to secure independent, third-party corroborative evidence and, without this, the prosecutor is unlikely to be able to sufficiently establish and protect the credibility and honesty of the victim at trial.

3.7.3. Scale of the challenge

Based on current knowledge, it is justifiable to assert that the evidential interview of a victim of TiP is likely to be the most challenging form of interview that investigators will have to undertake. There are two elements to this: the victim and the evidential content.

Challenge of the victim

During the initial phases of the interview:

- Victim-witnesses are likely to be distrustful, fearful, skeptical, suspicious of and possibly even hostile to the interviewer.
- If the victim is also suffering from trauma, the extent of these reactions will be increased.
- Being required to speak in evidential detail about events that are both intensely personal and painful may involve a significant risk of further trauma that will be harder for the interviewer to manage.
- If the victim-witness is a child, all of the above factors significantly increase.
- The victims have sworn an oath that prevents them from talking with investigators until they are sure the oath has been broken.

The evidential content

The modus operandi of trafficking crime creates a combination of evidential challenges that rarely occur in other forms of crime. The interviewer will be required to establish evidential facts across a very wide and multi-faceted case history that will include the following:

- **Extended time frame.** In many trafficking cases, the evidential time frame of the crime may extend to weeks, months or even years.
- **Multiple crimes.** Trafficking is rarely committed in isolation and most cases will involve the multiple commission of a range of crimes such as rape, physical assault, unlawful imprisonment and illegal border crossing among others.

- **Multiple jurisdictions.** These multiple crimes may have been committed in a number of different countries and criminal justice jurisdictions.
- **Multiple victims.** The case history will also usually involve a number of other victims, each of whom is also a potential witness to the account of the victim that is being interviewed.
- **Multiple suspects.** The case history will also usually involve a number of suspected offenders that may be located across a number of countries.
- **Multiple crime scenes.** The case history may also include a number of crime scenes, some of which may be located in different countries.

For the Ghanaian interviewer, the challenge is in fact even greater because the terminology of both the 2005 Act and the Legislative Instrument creates even wider areas of elements of proof that the interviewer will need to cover in interview if the job is to be done professionally. In addition to securing evidence within the activity–means–purpose framework of the multiple dimensions listed above, evidence covering the requisite elements of proof around the following additional concepts will also be critically important:

1. Placements;
2. Intermediaries;
3. Multiple methods of facilitation;
4. Organized criminal structures;
5. Whether the abuse resulted in grievous bodily harm to any victim;
6. Whether any of the victims were suffering from physical disability or mental disorder;
7. Destruction, confiscation of identity or travel documents, etc.

3.7.4. Managing the challenge

Having highlighted the scale of the task, the next topic is guidance on how to manage it. The good practice for the management of interviews that is fully explained below is based upon the PEACE interview model that is being applied in many countries.

The acronym stands for the following:

- **P** – planning and preparation
- **E** – engage and explain
- **A** – account and clarification
- **C** – closure
- **E** – evaluation

The five-stage model is a flexible one that is designed for application to all forms of interviews, irrespective of the nature of the crime, the age or sex of the individual, or whether the interview is of a victim, a witness or a suspect. In the countries where practitioners apply it, the model is proven to be effective in managing the challenge of interviewing adult and child VoTs. *(For more information on the PEACE model, please refer to Annex 6.)*

3.8. Corroboration of the account

(Note: For more information, please refer to section 4.5.)

3.8.1. Objectives of corroboration

The evaluation phase of the PEACE model will identify the key evidential areas that can be developed to corroborate the account of the victim-witness and thereby reinforce his/her credibility as a witness of truth.

The objectives of corroboration are as follows:

- Obtain as much independent, third-party corroborative evidence as possible in respect of every factual incident disclosed by the victim-witness.
- Use the evidence to establish the credibility of the victim-witness.
- Prove that the victim-witness has told the truth during the course of the interview(s).

The most effective and practical way of doing this is to review each line of the transcript of the interview(s) and to highlight each and every fact that may be capable of being corroborated by independent means, and then to allocate each highlighted fact for further investigation to secure the corroborative material.

3.8.2. Forensic medical examination

This involves two types of forensic examination:

- Any forensic examples such as blood, semen, body fluids, cellular material and so on to corroborate any allegation of recent physical or sexual assault;
- Any medical evidence to corroborate allegations of historic physical or sexual assault or psychological harm.

Examination of forensic samples

The majority of allegations made by trafficked victims of sexual and/or physical assault tend to be of a historic nature, which means there will often be little or no prospect of being able to retrieve forensic samples and therefore the issue of forensic examination will not arise.

However, this should not be assumed and investigators should keep in mind that current expert medical advice states that, for example, semen traces may be recoverable for up to 72 hours and it may be possible to identify seminal fluid for up to six days after the assault.

Whether there is any need for an immediate forensic sexual examination can often be a difficult decision for investigators for the following reasons:

- Victims rarely disclose details of personal physical or sexual abuse in the initial interviews, which means that it is likely that by the time any disclosure is made any samples will have evaporated or degraded beyond retrieval.
- Forensic sexual examinations in sex trafficking cases may be pointless if the victim-witness has engaged in daily prostitution activities since the date of the alleged sexual abuse.
- The forensic examination of the sexual organs of a victim-witness is always going to be an extremely stressful ordeal, no matter how sensitively the procedure is conducted.

Risk of cross-contamination

In any case where it is known from the beginning that allegations of recent sexual or physical assault are involved, great care must be taken to avoid any risk of cross-contamination of any forensic examples.

In such cases:

- The victim and the suspect should not be conveyed in the same police vehicle or be taken to or detained at the same venue.
- The victim-witness and the suspect must not be examined in the same room.
- The officers who have been in contact with the victim-witness should not also come into contact with the suspect.
- Any exhibits taken from the victim-witness and the suspect must be kept strictly separated.

Medical corroboration – non-forensic examination

This type of examination, which does not encompass retrieval of forensic samples, should always be considered in any case in which there is any allegation or evidence of physical, sexual or psychological abuse that can be medically corroborated.

Medical confirmation of allegations concerning injuries such as fractures, bruises, scars, burns and bite marks will always provide strong corroboration, and it should be remembered that medical procedures involving examination with ultraviolet lights and photography can adduce corroborative evidence of injuries that may be weeks or months old.

Medical examination – choice and consent

Two important points should be addressed:

- The victim-witness must consent to the examination and the consent should be recorded in writing.
- If female and male medical examiners are available, the victim-witness should be allowed to express a preference of gender of the examiner.

Medical corroboration – extended examination for harm to health

In TiP cases, investigators and prosecutors should additionally determine whether or not there is any evidence to show that victims have suffered long-term damage to their health as a direct consequence of the maltreatment inflicted upon them by their abusers.

As a result of the treatment they are forced to endure, it is not uncommon for victims to become afflicted with a wide range of life-altering illnesses, such as respiratory problems, loss of or damage to vision, loss of reproductive capacity, skin diseases, HIV/AIDS and complex sexually transmitted infections, and renal failure – which *occur as a direct, attributable and culpable consequence of their maltreatment over extended periods of time.*

This issue is additionally relevant in the Ghanaian context because **Regulation 2(8)** of L.I. 2219 permits heavier sanctions for those convicted of TiP where it can be proven that the victims have suffered grievous bodily harm.

Therefore, in all cases, practitioners should assess the evidence to determine whether or not there are any indications that the victims have suffered serious harm to their health as a result of the actions of the traffickers and, if such signs are present, ensure that expert medical examination is undertaken to establish this issue in evidence.

Corroboration – evidence of physical injuries

If the victim-witness received treatment for injuries at the time of the abuse, the doctors and nurses who treated them should be identified and statements from them should be obtained. The relevant medical records should be secured. (It will normally be necessary for the victim to provide his/her written consent for the medical records to be made available and for the doctor to provide evidence of his/her diagnosis and treatment.)

3.8.3. Descriptive and photographic exhibiting

During the evidential interviews, the victim-witness should provide a great deal of descriptive detail concerning suspects, premises and vehicles, and these should be photographed and/or video-filmed as a corroborative record of the accuracy of the detail given in the interviews.

3.8.4. Documentary corroboration

The task for the investigator in this category is to analyse the account given by the victim and then identify the possible sources of documentary evidence that may be available to show that what the victim has said is true.

The possibilities will vary on a case-by-case basis, but the following is a non-exhaustive list of the main types of documentary corroboration:

- Identity or travel documents;
- Visa applications forms;
- Sponsorship letters;
- Boarding passes;
- Baggage labels;
- Employment contracts;
- Wage slips or written record of earnings;
- Hotel or guesthouse receipts and registers;
- Tickets issued by police officers due to traffic violations or other encounters with the police authorities;
- Hospital or clinic records;
- Money transfer slips;
- Diaries;
- Written phone numbers;
- Letters, text messages or other communications on social media;
- Cell phone records, including mobile money.

Inquiries may be necessary with any of the following agencies within Ghana and each of the countries featured in the victim-witness account. There are many case examples in which good corroborative evidence has been secured as a result of identifying prior contact that the victims and/or the suspects had with a wide range of entities, such as the following:

Ghana

- GPS and GIS databases;
- Domestic Violence and Victim Support Unit;
- Ministry of Chieftaincy and Tribal Affairs;
- MGCSP;
- DSW;
- NGO records;
- MFARI;
- MELR/LD;
- CLU;

- District Assemblies;
- District Child Protection Committees (DCPCs) and CCPCs;
- Health authorities, hospitals and clinics;
- Airline, coach, bus, rail and ferry companies;
- Travel agencies.

Other entities involved in the account

- All other law enforcement agencies, ranging from organized crime squads, immigration and border police, vice squads down to local patrol units (in many cases, it is the local police that have the best-quality corroborative evidence);
- International police agencies such as Interpol;
- Foreign ministries concerned with access to visa officials and consular officers;
- Internal ministry officials dealing with residency issues and permits;
- State benefit agencies dealing with social security, housing benefits and other similar issues;
- Health authorities, clinics, hospitals;
- Local authorities;
- Labour ministries in respect of work permits;
- Airline, coach, rail and ferry companies in each of the countries;
- Travel agencies;
- Victim-support agencies that may have communicated with the victims.

3.9. Physical protection and safety of victim-witnesses

The overall responsibility for the safety of victim-witnesses and, where applicable, their families or other loved ones, rests with the law enforcement agency at all times. The police must, therefore, identify and implement measures to ensure the safety and welfare of victims.

It remains the responsibility of the law enforcement agency to ensure that all security and safety measures taken in respect of victim-witnesses are viable and commensurate with the assessed level of risk posed to the victims.

However, case-based experience from around the world highlights the reality that the investigation also needs to play a role in ensuring the victim's

welfare, as well as safety. This fact is unhelpful because investigators do not have the training, skills or resources to engage in welfare provision, but, unfortunately, this is the current reality. Practitioners should note the following points:

- Managing safety and welfare concerns of victim-witnesses is a challenging task that demands a great deal of time, patience and resources.
- These demands will begin from the point of agreement to cooperate through until and beyond the trial process.
- Current operational experience shows that unless the investigator is prepared to meet these demands, it is unlikely that the victim-witness will continue to cooperate or attend and testify at the trial.

The relevant sections of Ghanaian laws on protection of victim-witnesses are as follows:

- **Section 15(1)** of the 2005 Human Trafficking Act and **Regulation 13(1)** of L.I. 2219 indicate that the responsibility for providing temporary basic material support for care and protection rest with the State.
- **Regulation 15** of L.I. 2219 establishes centres for VoTs and **Regulation 15(2) and (3)** of the same legislative instrument specifically places the responsibility for securing the safety of child and adult VoTs on the State. Moreover, **Regulation 15(8)** states that the Social Welfare Officer at the Centre bears the responsibility for conducting a risk assessment concerning the safety and life of victims at the time of admission.

Physical protection of victim-witnesses

Protection of victim-witnesses is not just an issue of physical safety but should be looked in two aspects:

- **Physical witness protection.** This involves measures taken to ensure the safety of victim-witnesses.
- **Judicial witness protection.** This includes measures taken under the law to maintain the confidentiality of the victims' identity and to assist them through the trial process.

There are two key practical duties of practitioners in regard to protection measures:

- Victim-witnesses must not be deceived about protection and must not be promised protective measures that cannot be delivered; only offer what can be practically provided.
- From the point at which the victims are being initially informed as to what would be required of them if they agreed to cooperate and from then onwards, investigators must be completely open, honest and realistic with victim-witnesses on this issue.

Practical steps in providing physical protection

The current reality in Ghana is that there are insufficient resources to enable practitioners to fulfil the duties placed upon them by the law. Therefore, the task of the investigator is to provide the best support measures possible with what is available. The following practical guidance should be considered:

- In each appropriate case, conduct an initial risk assessment with the Social Welfare Officer allocated to the victim.
- Conduct a basic security assessment in respect of the place at which the victim is going to reside.
- Give the victim basic security advice on how to contribute to ensuring his/her own safety, such as not divulging his/her address or any contact numbers, being cautious with communication with other parties, and avoiding areas where suspected traffickers and/or their associates may congregate.
- Immediately report any suspicious incidents concerning the victim's safety to one of the members of the investigation team.
- If practically possible, maintain some form of programmatic contact with the victim, preferably on at least a monthly basis and in person, to ensure that they are safe and that their welfare needs are being attended to.
- Maintain a documentary record of the above actions within the investigation file.

3.10. Arrest and rescue operations

The purpose of this subsection is to set out specific tips for consideration when investigators are executing arrest and rescue operations. (*Refer to earlier the section on rescue and Annex 3.*)

3.10.1. Powers

Police officers have the following arrest powers under the 2005 Human Trafficking Act:

Section 12(1)

A police officer may arrest a person for trafficking with a warrant issued in pursuance of this Act.

Section 12(2)

A police officer may arrest a person for trafficking without a warrant where:

- (a) an act of trafficking is committed in the presence of the officer,
- (b) the police officer is obstructed by the person in the execution of police duties, or
- (c) the person has escaped or attempts to escape from lawful custody.

Section 12(3)

A police officer may arrest without warrant upon reasonable grounds of suspicion where a person:

- (a) has committed an offence of trafficking,
- (b) is about to commit an offence of trafficking and there is no other way to prevent the commission of an offence, or
- (c) is willfully obstructing the police officer in the execution of police duties.

Investigators should also note that TiP is a 24-hour, 7-days-a-week crime. A trafficker does not work on a 9 a.m. to 5 p.m. pattern, and trafficking is a continuous process.

3.10.2. Conducting the operation

The following general best practice tips are set out for consideration:

Arrest teams

- The arresting officers are likely to have to deal with two categories of individuals – the *suspects* and the *victims*.
- The arrest teams should be divided into two sections – one to deal with the victims and another to arrest and process the suspects.
- If the case is one of sexual exploitation and the arrests take place within the sex premises when they are open for business, the officers are also likely to face a third category – the *clients*.
- Where this possibility exists, it will also make sense to deploy a third team of officers to take charge of the clients and remove them from the scene.

Filming the initial phase of the operation

It is difficult to overstate the evidential importance of an initial entry and arrest video – it sets the scene better than any written report can ever do. Clearly, the higher quality of the camera equipment, the better quality of the film, but even a digital film record or a photograph taken on a standard cell phone will still provide relevant imagery that may be admissible in evidence at trial. Consider the following points:

- The opening phases of the operation, such as the immediate entry to venues and the arrest of suspects, should be video- and audio-recorded as they occur.
- The overall objective is to secure a film record of the environment in which the victims are kept and the reaction of the suspects and the victims at the time of the entry to the premises. The film is likely to become an invaluable piece of evidence.

- The film serves a number of purposes, including the following:
 - It provides a record of the correct behaviour of the officers.
 - It provides a record of the exact conversation used by the suspects and the victims during the arrest itself.
 - It provides a record of the nature and conditions of the premises that the victims were exploited in.
- Where such equipment is to be deployed, it is vital to make sure that all of the officers who are to be deployed on the operation are made aware of this fact.

Managing the victims

The following points should be noted:

- Victims are likely to be frightened and confused by the entry of the arrest team.
- They may react in a hostile and panic-stricken manner.
- If they are available, and as soon as it is safe to do so, the victim-support agency personnel should be allowed access to the victims so that they can communicate with them, but support personnel should not be allowed into the crime scene for this purpose.
- If the victims are of foreign origin, an interpreter, if available and present, should be tasked to convey similar messages of reassurance and support to the victims.
- The victims should be removed from the crime scene as soon as possible, as this will restrict the traffickers' opportunity to intimidate them, either visually or verbally.
- If the victims are foreign nationals, they may be liable to apprehension for illegal entry and employment.
- Provided that the foreign victims are not placed in detention, charged or prosecuted for these offences, it may be preferable to initially arrest them in order to control the situation and to facilitate their immediate removal from the scene.
- At this stage, all victims whether foreign or not, are potentially invaluable witnesses and they should be treated with full sensitivity and care.
- Wherever possible, the victims (whether under temporary apprehension or not) should not be placed in the same vehicles or taken to the same police facilities as the suspects.

- Trafficked victims of any age or sex should never be placed in detention.
- At all times, the victims should be kept separate from the traffickers.
- Female victims should be kept separate from male victims.
- Child victims should only be kept in conditions suitable for children and should be separated from adult victims.

Managing the crime scene

Depending upon the size and nature of the arrest and search venues, the following key points should always be addressed:

- A secure perimeter should be established, and access and egress must be controlled by designated officers on the team to secure the safety of suspects and victims therein and to preserve and prevent the loss of any evidential items from the crime scene.
- The officers designated to this task should:
 - Impose the access and egress route into the scene;
 - Ensure that a record of the date and time at which the scene was secured is kept;
 - Record the details of all persons (police and others) that enter or leave the crime scene and the time at which they do so.

3.1.1. Search and seizure phase

The importance of getting the search and seizure phase right cannot be overstated; it is not an exaggeration to say that the case may be won or lost at this stage. Investigators should ensure to search every address and vehicle that has been evidentially linked with the commission of the crime and/or linked with each of the suspects who have been targeted for arrest.

3.1.1.1. Methodology of the search

Prior to making the crime-scene film record, the search team should prepare a rough sketch plan of each room within each location and indicate the main features of each room. Each room or defined area should then be numbered in the sketch plan.

Each room within each location should then be video-filmed or still-photographed before any item is moved or disturbed. The official making the film or taking the photographs should ensure that the sequence of the film/photograph follows the number of each room as shown in the sketch plan and that the room number is recorded onto the film or onto the photographs. This prevents any subsequent confusion as to which film/photograph relates to which area in the crime scene.

This film will be particularly important in respect of any location of exploitation or abuse and can help to corroborate the account of any victim-witness and provide a clear indication of the nature and conditions under which the victims have been exploited.

Where available, this video or photographic recording should be done by a specialist police photographer. If one is not available, it can be carried out by one of the search team members but notes of the type of camera and film used should be kept.

The film or photographs should be taken in a systematic way in which the whole location is first filmed on a walk-through basis whereby the images are taken to provide an overall impression of the venue. After this has been completed, each individual room should be filmed or photographed from a sequence of angles that divide the room into a series of sequential segments.

3.11.2. Extent of seizures

The golden rules for the extent of the seizure are as follows:

- Seize everything at each location that may constitute evidence.
- If in doubt, seized items can always be given back later.
- If left behind first time, the item may not still be there by the time its evidential significance has been realized.

As a minimum, the following categories of property should be seized if found:

- Cash, credit cards, cheque books and any other documentation relating to financial transactions of any description, irrespective of how small the amounts are;
- Any form of documentation relating to payments made by victims to traffickers, such as daily payment books, handwritten lists of payments, money transfer forms and others;

- Any identification and travel documents, tickets, coupons, receipts, boarding cards, luggage tags or any documentation relating to them;
- Any passports or other travel documents and visas, including any sponsorship letters, language school enrolment forms and any form of documentation relating to the issue of them;
- Any documentation relating to renting or leasing of venues of recruitment, exploitation, “safe houses”, other linked addresses, together with documentation relating to the method of payment;
- Any documentation relating to the recruitment process, such as copy advertising, appointment books, letters to language schools, embassy visa sections and so on;
- All forms of communication and information technology equipment, such as computers, mobile telephones, facsimile machines, personal organizers and others;
- Any documentation relating to the daily management of the exploitation, such as advertising material, daily worksheets, production sheets;
- Any documentation relating to the “product” of the exploitation – for example, purchases of textiles for garment sweatshops, purchase or rental of production machines, tools, wholesale and retail purchases and sales, bulk materials such as textiles, finished garments, fishing or mining equipment and tools, agricultural produce and so on;
- In sex trafficking cases, any articles relating to the provision of prostitution, such as uniforms, sex aids, large quantities of condoms, pornography, sexual services “menus” and price lists, among others;
- Any item that may have been used as an instrument of abuse, such as items that may have been used to physically or sexually assault, restrain or imprison victims, such as clubs, whips, ropes, handcuffs and padlocks, to name a few. It is also important to keep in mind less obvious possibilities as weapons of assault. Case histories have disclosed the use of such unlikely weapons of assault as coat hangers, ashtrays, sticks and others.

3.12. Interviewing suspects

As previously stated, one of the strengths of the PEACE interview model is its flexibility. Furthermore, the model serves as the framework for the preparation and conduct of an interview with a suspect in the same way as it does for the interview with a victim-witness.

Under Ghanaian law, investigators will only have a maximum of **48 hours** to prepare and interview suspects. A number of challenges will arise at this stage, including the following:

- The number of suspects to be interviewed;
- The number of interviewers available to conduct them;
- The number of alleged offences to be examined;
- The time frame of the crime to be covered;
- The complexity of the evidential issues that will need to be examined.

Each of these factors will present major challenges for the preparation of the interviews and the planning will need contingencies to deal with each of them.

3.12.1. Pre-interview analysis and points-of-proof checklists

It is essential that, prior to beginning the suspect interview, the selected interview team allocate sufficient time to review all of the available evidence gathered by the investigation. The tasks of the interviewing officers are as follows:

- Analyse the strengths and weaknesses of the evidence;
- Identify any possible defences to the allegations;
- Compare the analysis of the available evidential material against the required elements of proof of each the offences about which the suspect is to be interviewed;
- Prepare an interview strategy to reinforce the strengths and overcome the weaknesses;
- Identify the key elements of proof of each relevant offence;
- List the main evidential points that have already been secured in relation to each element;
- Note down the key areas of questioning required to fully explore each of the elements of proof.

3.12.2. Phase 1 – allegation and history

In the first phase, the suspect should firstly be given an outline of the detail of the allegations being made against him/her. In this phase, the suspect should be asked the following:

- To provide a general response;
- To agree or disagree whether he/she knows any named victims;
- To describe his/her association with them.

The questioning should then move on to:

- General points of the allegation and the modus operandi of this specific case;
- Specific detail on the suspect's association with the victim;
 - How they met;
 - Where and when;
 - Movement and transportation;
 - Association with the victim at specific addresses and venues of exploitation;
 - Details of any physical relationship;
 - Details of any financial or employer–employee relationship and so on.

Before closing this phase, the interviewer should:

- Review the available evidence against the suspect;
- Seek the suspect's agreement or disagreement to the specific points contained in the evidence;
- Put each specific allegation in the evidence to give the suspect a clear opportunity to either admit or deny involvement in the crime.

3.12.3. Phase 2 – additional specific questioning

Where time allows, it is tactically advisable to take a break in the questioning between phase 1 and phase 2. This will allow the interview team to:

- Review the suspect's conduct and demeanour;
- Make any necessary adjustments to the interviewer's questioning style;

- Review his/her answers and compare them against:
 - Specific evidential points disclosed by the witnesses;
 - Specific seized evidential exhibits that can be used in the second phase to particularly rebut his/her earlier answers.
- Use the comparison to show the prior answers to have been untruthful.

This second phase should change the interview approach from general matters to one of specific questioning about specific events based upon evidential exhibits in the possession of the interviewer. These items should be shown to the suspect, and he/she should be invited to comment upon them. When they illustrate that the answers given earlier during phase 1 of the process were false, the fact should be highlighted and the suspect must be asked to explain why he/she has been untruthful.

3.13. Post-arrest phase

3.13.1. Judicial victim-witness protection

There are two main areas of concern in relation to judicial protection: the confidentiality of the victim's identity and the conditions under which he/she will testify if required to do so. Investigators should never lose sight of the extent to which these issues intimidate victim-witnesses. The prospect of having to enter a courtroom and testify will usually be the single biggest stress factor for the victims who have to testify as witnesses.

- **Confidentiality of identity.** Ghanaian law protects the identity of the victim through the provisions of **Section 38(1)** of the 2005 Human Trafficking Act, which prohibits any person from reporting TiP criminal proceedings in a way that would identify the victim without leave of the trial court.
- **Testimony.** The law makes no specific testimony provision for adult victim-witnesses. There are several options by which a victim may testify and it is important to remember that the prospect of standing in a witness box in a courtroom in full view of the accused abusers represents the worst possible option for the victim.

The main testimony options are as follows:

- Testimony in open court in the presence of the accused person(s), the media and the public;
- Testimony from behind a screen whereby the witness is not visible to the accused or others;
- Testimony “in camera” or “in chambers” whereby the public and the media are excluded but whereby the victim is still in the presence of the accused person(s);
- Testimony where the accused (but not the defence advocate) is removed from the court;
- Testimony by video link, either from a room in the courthouse or from another location.

Depending on the technical capacity of the court facilities where the trial takes place, the investigator and the prosecutor should seek the permission of the court to adopt whichever of the above options is viable and removes or best reduces the need for the victim to testify while being seen by the accused person(s).

In cases where sexual exploitation may be involved, a further measure of judicial protection for trafficked victims is provided by **Regulation 4(3)** of L.I. 2219, which states that the past sexual behaviour of a trafficked person is irrelevant and inadmissible to prove that the trafficked person was engaged in other sexual conduct or to prove the sexual predisposition of the trafficked person.

3.13.2. The trial process

(Note: See also subsection 4.7.1 – make the victim comfortable – in chapter 4.)

Practical support measures

In addition to judicial protection measures according to law, investigators can apply several practical good practice steps to reduce as far as possible the inevitable high level of stress that victim-witnesses will experience on the day(s) that they are required to attend court to testify.

Pretrial court visits

If victim-witnesses are required to attend a court trial to testify, they should be given the opportunity of visiting the court prior to the trial so that they can familiarize themselves with the surroundings. This should take place in the days leading up to the day of trial and during a period of the day when the court is closed.

The whole testimony procedure should be described to them in detail, including information such as where the victim-witness will be located, where the judge and lawyers will sit, where the defendant will be, the location of the public gallery and others.

Escorts to court buildings

If victim-witnesses are required to visit a court building for any hearing, they should be accompanied at all times by one of the investigation team members and never be placed in a situation within the building where they can see, be seen by, or be left alone with the defendants or any of their family members or associates.

The best way of insuring against this is for officers to be assigned to collect victim-witnesses from a designated address each day, or other pre-agreed rendezvous point, and to accompany them to the building and remain with them throughout the procedure or hearing. The same officers should then accompany them home at the end of each day.

Waiting in a court building to testify places the greatest stress on victim-witnesses and needs to be managed if possible. Where it is possible to do so within the constraints of security, and by prior agreement with the prosecutor, the assigned officers should take victim-witnesses to a safe venue such as a quiet café or a police station near to the building or court and stay with them, so that they can be made readily available to appear in court and give their testimony when the court requires them, without having to undergo the strain of sitting and waiting in the building itself.

Entry system and privacy

If victim-witnesses are required to attend a court hearing, prior arrangements should be made where possible with the building supervisors or court administrators to allow them to enter the building other than by the public entrance and for them to have access to a private room during periods when they are waiting to begin or resume any procedure or testimony.

3.13.3. Post-trial responsibilities

The investigator's duty to victim-witnesses does not end with their testimony. At the conclusion of the trial process, there is a tendency for the needs and ongoing risks to victim-witnesses to be forgotten, and this must be avoided at all costs. For victim-witnesses who have testified against their exploiters, the risks will almost certainly have increased.

Post-trial risk assessment

The risks posed to victim-witnesses during the post-trial phase should always be included as an integral part of the initial and continuous risk assessment process, and should be reviewed immediately prior to their testimony.

Post-trial steps

When circumstances and the level of risk justify, it will be necessary to extend the security provisions beyond the immediate post-trial phase in order to enhance the safety of victim-witnesses.

The issue should also be discussed in full with the victim-witnesses and any victim support agency staff who have provided support for them during the process, as they may be in a position to assist with the relocation and reintegration process.

Clearly, in such circumstances and at such times, victim-witnesses are likely to want to be with their families, and immediate repatriation and reintegration may provide the best means of protecting and supporting them.

Conversely, they may be at greater risk from their families in cases where, for example, it was the family members who sold them to begin with or if the family is of Muslim faith and the victim has engaged in prostitution, or if there is clear evidence that the traffickers know where the family resides.

Moreover, if the associates of the traffickers are capable of severe reprisals, it may not be appropriate to locate victim-witnesses with their relatives at this time without placing both at risk.

Repatriation of foreign victims

At the conclusion of the criminal proceedings, foreign nationals who have also been victim-witnesses should only return or be returned to their countries of origin in two circumstances:

1. They express the wish to go home, irrespective of the risk assessment.
2. It has been assessed as safe for them to be returned home.

Section 34(1) of the 2005 Human Trafficking Act is relevant in this context in respect of foreign illegal immigrants who have been allowed to remain in Ghana for the duration of the criminal proceedings. Subsections 2 and 3 state:

34(2): If it is in the best interest of the trafficked person, the trafficked person may be allowed to remain in this country after the legal process with the approval of the Minister of Interior and the person shall stay in a shelter provided by the Ministry where the person shall receive basic material support until resettled in this country.

34(3): A trafficked person may be repatriated to the country of origin of the trafficked person upon the conviction of a trafficker and shall stay in a reception centre provided by the Ministry where basic material support shall be provided until the repatriation.

3.14. Child victims of trafficking

(Notes:

- *The contents of this section of the manual must be read in conjunction with the GPS Standard Operating Procedures for Child-friendly Policing: Procedures for Investigations Involving Child Victims and/or Witnesses.*
- *All of the guidance issues discussed in this section are in addition to the good practice advice that appears elsewhere in this manual.)*

The “golden rules” to be applied when dealing with child VoTs are:

- The best interests of the child shall remain the paramount consideration at all times.
- All cases involving child victims are sensitive and require very special levels of care.
- As soon as a child is identified as a VoT, the first duty of the practitioner is to arrange for the immediate removal of the child to a place of safety.
- The DSW must be notified of the situation without delay.
- The safety and needs of child victims will always take priority over the needs of the investigation.
- No child victim is to be left alone while in the care and protection of law enforcement officers.
- TiP cases involving child victims will be handled by specialist officers from the AHTU of the GPS. If they are not available, then specialists from the Domestic Violence and Victim Support Unit (DOVVSU), also under the GPS, will take over the case. If neither AHTU specialists nor DOVVSU officers are able to take over the case, local officers from the Criminal Investigations Department (CID) of the GPS will deal with the case under the supervision of the AHTU.

3.14.1. Evidential interviews with child victims

Specific issues arise in relation to evidential interviews with children. Investigators must always keep in mind that **Section 11(2)** of the 2005 Human Trafficking Act requires the presence of a next friend or a guardian at the interview, and this legal condition must be strictly observed. If neither a next friend nor a guardian is available, then a parent, an adult relative or other independent adult will need to play this role to ensure that the child’s rights and welfare are properly respected. If none is available, the investigator must immediately notify the DSW so that a Social Welfare Officer can be assigned to the role. Moreover, in addition to the consent of the child (if appropriate), the consent of the parent or guardian of the child will be required before any evidential interview can take place.

This raises the issue of the child's participation in the assessment process and his/her consent to the interview, and this will depend upon the developmental age of the child. Too often, there is a tendency not to consult with or seek the views of the child during the process; this must be avoided where the child's cognitive abilities are such that they can and should play a role in the process. Where children have a sufficient understanding of their situation and the developmental skills to enable them to process the options and express their preferences, then they should be consulted as to their views and asked to provide their consent to the interview.

If the child victim-witness does not possess the level of understanding to warrant consultation, consent to the interview will have to be obtained from the parent, other adult family member or a guardian. In this context, two particular problems may arise:

- First, the parent or other adult family member may be implicated in the allegation and should not therefore be approached for consent or be allowed to take part in the interview process. To exclude the parents or other adult family members is a serious step and should only occur where the interview team has reasonable grounds to suspect that they are complicit to some degree in the commission of the crime. If this is the case, alternative arrangements for adult consent and presence will have to be made, if need be, through the Social Welfare Officer.
- Second, if the child victim is a foreign national, then parents or other adult relatives are highly unlikely to be present; in such cases, the Social Welfare Officer should act in the guardian role for the child.

Please refer to Annex 6 for more information on the PEACE model for children.

3.14.2. Child protection and welfare

The best practice points made in section 3.9 (physical protection and safety of victim-witnesses) on this subject are fully applicable to children. The following additional points should be noted.

Physical protection and welfare

Two additional key points should be noted:

- Witness protection and welfare measures for children can only be effectively provided through a partnership with victim-support agencies.
- Some form of partnership cooperation will be required to address the health, welfare, cultural and educational needs of the child.

The situation is complicated by the need to balance security needs against welfare needs, and the key issue will be whether or not the child can be safely reintegrated with his/her family. The simplest equation will be the one in which the child is to remain in the care of victim-support agencies through until the trial and beyond. This will not occur often.

The more likely situation is that the welfare interests of the child will require some form of family reintegration, which means that the risk assessment must include the family members, their location and the circumstances.

Ghanaian law recognizes this reality in **Section 37** of the 2005 Human Trafficking Act, which states:

37(1): Where there is a need for care and protection for a child victim of trafficking, the court dealing with an offence committed under this Act, may refer matters concerned with temporary custody of the trafficked child to a Family Tribunal.

37(2): A matter connected with trafficking that relates to a child and the rights of the child shall be referred to a Family Tribunal under the Children's Act, 1998 (Act 560).

The prompt involvement of the Social Welfare Officer and oversight of either the DCPC or the CCPC should always be sought.

3.14.3. Judicial witness protection

Confidentiality

The same legal entitlement to confidentiality of identity that applies under **Section 38(1)** of the 2005 Human Trafficking Act to adults under Ghanaian law equally applies to child victims.

Testimony

All currently available case experience shows that testimony via a video link is the fairest method for children to give their evidence to the courts. By removing the need for the child to tell his/her story to the court through the alternative of video link (whether the link is from another small, private room within the court building or from a separate venue away from the court building altogether), the significant stress that the child will inevitably have to endure can be eliminated. Where this option is viable, the practitioner should always seek the permission of the court to allow the testimony of the child to be given via video link.

If video is not a realistic possibility, the practitioner should alternatively seek the permission of the trial judge for the court to sit “in camera” (i.e. in private, with the removal of the public and the media) for the duration of the testimony of the child. However, this option will still require the child to give his/her evidence in the presence of the accused person(s) and all of the practical support measures presented in section 3.13.2, especially the pretrial court visit, should be applied wherever possible.

Prosecution

4

CHAPTER 4

PROSECUTION

The prosecutor is obliged to ensure the basic principles of fair and impartial trial procedures are observed. These fundamental procedural rules are recognized by law and place a heavy burden on the prosecutor to prove the case with credible evidence and beyond reasonable doubt.

4.1. Elements of the offence

Prosecuting a human trafficking case is no different from prosecuting any other crime. A prosecutor must understand the applicable law to determine the elements of the crime. For human trafficking, the elements of the crime are identified in the 2005 Human Trafficking Act. All the elements of a crime must be proven with credible facts to establish violation of that law.

An investigator first prepares a charge sheet and brief facts, based on available evidence. The Regional Crime Officer reviews the docket to approve the charges and determine whether further advice is needed before referring the case to the Regional Police prosecutor (JUPOL) to present in the Circuit Court.

If further advice is needed, the docket is referred to the Regional State Attorney for advice. In these cases, it is only after the advice is received from the State Attorney that the case will be brought for trial. The forum for the trial should be determined by the prosecuting officer. The JUPOL presents the case to the judge and leads evidence against the accused, including calling witnesses. As an alternative, the police can take the evidence to the State Attorney for advice and file a complaint with the High Court.

4.2. Analysing the basic facts

Once the basic facts of the crime have been identified in collaboration with the investigator, the prosecutor must review the evidence collected during the investigation to determine if it is sufficient to satisfy each element of the crime. If evidence on any element is lacking, then it is the ethical duty of the prosecutor not to charge that crime, even if there is an abundance of evidence on the remaining elements.

Determining whether the facts are sufficient to establish the elements of an offence is a matter of analysis and judgement.

Often, the facts are clear and the decision is easy. However, sometimes it is not clear whether the facts are enough to prove one or more elements of the crime. Additional investigation may be required. ***The prosecutor and the investigator must work together to identify gaps in the evidence and develop a strategy to find the necessary evidence to strengthen weak points in the proof of any of the elements of the crime.***

Ultimately, however, the prosecutor must be guided by his/her ethical requirements to be fair to the accused and to the victim. The prosecutor should always apply the nationally recognized standard of proof in criminal cases. That standard requires that reasonable doubts about guilt must be resolved in favour of the accused. The proof on each element of the offence must be sufficient to overcome reasonable doubts. If the evidence on any element is weak enough to create a reasonable doubt about that element, then the prosecutor must not proceed with that charge unless and until additional evidence is found to resolve that doubt.

4.3. Theory of proof

Theory of proof refers to the plan for proving the case at trial: the evidence that will be used at trial to establish the elements of the offence charged. This plan is based on analysing the elements of the offence and the sufficiency of the evidence available. Each case will have a different theory of proof, because every case involves a unique set of facts.

TiP prosecutions tend to involve similar issues and challenges that remain constant from case to case irrespective of differences in factual details. A prosecutor can approach any TiP case with a clear plan for proving the crime in trial.

Basic elements for successful human trafficking prosecution

- ✓ Secure truthful cooperation with the victim.
- ✓ Identify and develop corroboration of the victim's account.
- ✓ Anticipate and effectively respond to the defence.
- ✓ Deliver an effective and persuasive closing and opening statements to the court.

4.4. Cooperation

In a human trafficking case, the victim is usually the only witness who can give a full account of the trafficking crime, including how he/she was recruited and exploited. Other witnesses (including police officers, neighbours and medical personnel) only know one part of the story.

The victim is the most important part of a trafficking prosecution. The victim is the narrator of the story and the victim's testimony will cover each element of the crime. The victim should volunteer to cooperate at every stage of the investigation and prosecution: during the initial police interviews, when a formal statement is taken and when the time to testify at trial comes.

VoTs are often reluctant to cooperate with investigators and prosecutors, and this makes securing the truthful cooperation of the victim throughout the investigation and at trial one of the most challenging aspects of a trafficking prosecution. There are many reasons for this reluctance – fear, trauma, shame, confusion and lack of trust in the judicial system.

4.5. Corroboration

(Note: See also chapter 3, section 3.8 – corroboration of the account.)

It is rare to find one piece of evidence that supports every aspect of the victim's account. Corroborative evidence is useful if it supports any part of the victim's account, even a small detail of that account. If corroborative evidence establishes that the victim is telling the truth about part of his/her account, it will strengthen the victim's credibility and his/her account in its entirety is more likely to be believed. Therefore, corroborative evidence is important for two reasons: to satisfy the fundamental requirements of a fair trial and to give credibility to the victim.

Fair trial and credibility: Three fundamental principles

There are three fundamental principles of a fair trial that make it essential for the prosecutor to produce as much corroborative evidence as possible:

1. **Burden of proof:** The prosecutor has the burden of proof and must prove the case.
2. **Presumption of innocence:** The accused is presumed to be innocent until proven guilty beyond reasonable doubt.
3. **Standard of proof:** The standard of proof concerns how much evidence has to be adduced in order to be successful. In a criminal case, the prosecution must prove its case beyond reasonable doubt. If the evidence fails to establish any element of the crime charged beyond reasonable doubt, then the judge must find the accused not guilty.

The prosecutor must present persuasive evidence of guilt and must tell a convincing and truthful story through victim or witness statements and corroborating evidence. The victim's testimony alone may not be enough to carry this burden, even if the victim is a persuasive witness. The prosecutor will need corroborating evidence in support of the victim in order to secure a conviction.

Types of corroborative evidence

- ✓ **Documents:** tickets, receipts, passports, logbooks, notes, letters;
- ✓ **Physical evidence:** weapons, locks, fences, condoms;
- ✓ **Medical evidence:** medical doctor or hospital reports, photographs of injuries;
- ✓ **Expert witness:** medical doctor, psychiatrist, cultural specialist, behavioural scientist;
- ✓ **Eyewitness:** neighbours, passers-by, accomplices or co-conspirators;
- ✓ **Outcry witness:** anyone to whom the victim complains;
- ✓ **CSOs:** CSOs that support rescue operations;
- ✓ **First responders:** front-line officers (i.e. border agents and investigators);
- ✓ **Other victims.**

4.6. Response to the defence

One of the roles of the prosecutor is to take pieces of evidence and weave them together through witnesses and evidence into a coherent and persuasive account of the truth. However, the accused may have a different version of the incident that he/she claims is the truth. The prosecutor must anticipate the defence and be prepared to effectively respond to it in court. Failure to do so could result in the court doubting the prosecution's evidence on one or more of the elements of the charge, resulting in a not guilty verdict.

It is impossible to anticipate every possible defence in a trafficking case. However, certain types of defence are frequently used. Some defences seek to negate one or more of the elements of the crime of trafficking, either *act*, *means* or *purpose*. Other defences attack the victim's credibility as a person who cannot be believed. Other defences play on the emotions of the judge.

Techniques to prepare for the defence case at trial

- ✓ Assuring that the evidence has been disclosed to the defence according to law;
- ✓ Analysing the prosecution's evidence to determine the weaknesses in the case;
- ✓ Anticipating the defences that will likely be used by the defence in court based on those weaknesses;
- ✓ Devising a strategy to respond to those likely defences, including securing sufficient corroborating evidence, preparing the victim to respond to questions and developing questions to ask the accused on cross-examination.

4.7. Managing the victim-witness before the trial

If the victim/witness cooperates and agrees to testify at the trial, the prosecutor's responsibility is not over. The prosecutor must not think that the victim/witness is able to go to court unprepared and tell his/her story. The victim will need the help of the prosecutor to prepare.

Preparing the victim for trial

Preparing the victim to give evidence at trial means getting the victim ready to answer questions from the judge, the prosecutor and the defence lawyer. In preparing the victim to testify in court, the prosecutor must ensure the following:

- ✓ Make the victim comfortable.
- ✓ Anticipate the questions the judge will likely ask the victim.
- ✓ Review those likely questions with the victim.
- ✓ Prepare the list of questions you intend to ask the victim.
- ✓ Review with the victim the questions you will ask him/her.
- ✓ Anticipate the questions the defence lawyer will likely ask the victim.
- ✓ Review those likely questions with the victim.

4.7.1. Make the victim comfortable

(Note: See also chapter 3 (investigation), subsection 3.13.2 (the trial process)).

To put the victim in the best position possible to tell his/her story in court truthfully, coherently and persuasively, the prosecutor must make the victim comfortable, both with the court and with his/her testimony.

Most trafficking victims are unfamiliar with how courts and trials work. For them, the judicial system is something to be feared and avoided at all costs. This fear is even greater in victims who come from other countries and who have no experience with or understanding of local laws and procedures and who do not even speak the local language.

A good prosecutor does not want the victim to be afraid, because fear interferes with a person's ability to think and communicate clearly. A frightened victim does not make a good witness. The prosecutor must deal with the victim's fear and neutralize it as much as possible. This is best done by giving the victim as much information as possible about the trial and court procedures. The more the victim knows about how the trial will work, the less fearful he/she will be.

Informing the victim or witness

To help the victim feel comfortable about testifying, the prosecutor should do the following:

- ✓ Explain the trial process in detail to the victim. This means telling the victim who the main players are in court and describing their roles at the trial.
- ✓ Explain the purpose of the trial, how the evidence will be taken, who will ask questions and in what order, how long the trial will take, and who will decide the issue of guilt or innocence.
- ✓ If possible, show the victim the courtroom in advance of trial. Simply becoming familiar with the physical setup of the courtroom can do much to calm a victim's fears.
- ✓ Familiarize the victim with the procedure for taking an oath or making an affirmation. The prosecutor should explain the purpose for the oath and why it is important. It is important to remind the victim that his/her only role at the trial is simply to answer all questions truthfully. The victim should be told how the oath or affirmation is administered, what words will be used and what he/she is expected to say.
- ✓ Show the victim where he/she will wait before being called to testify and describe the process of how he/she will be called into the courtroom to testify.
- ✓ Explain the testimonial protections in place for the trial and show the victim how they will work in the courtroom. If screens will be used to shield the victim from the defendant and the rest of the courtroom, for example, the victim should understand where he/she should stand or sit in relation to the screen. If the victim will be testifying from a remote location via video link, he/she should understand precisely how this will work and whether his/her face and/or voice will be electronically masked.

If the victim/witness knows the mechanical details of the courtroom and feels comfortable about what to expect at the trial, he/she will feel more confident about appearing at court and will be in a better position to concentrate on his/her testimony.

4.7.2. Anticipate questions

In Ghana, it is the prosecutor's responsibility to call the victim to testify and to question the victim. To properly prepare the victim to respond to the questions from the court, the prosecutor must be able to anticipate the questions that the court will likely ask the victim. The judge does not see the victim's statement to the police unless it is tendered in court. If the statement is tendered, the court will likely use the victim's prior statements to the police as a basis for questioning the victim. In preparing the victim to respond to the court's anticipated questions, the prosecutor must do several things as outlined in subsections 4.7.3–4.7.9.

4.7.3. Know the evidence

The prosecutor must first be very familiar with the case docket, in particular, with all prior statements given by the victim. The prosecutor should note any differences between those statements, because the judge may be particularly interested in exploring any inconsistencies in the victim's accounts if the victim's statement is tendered in court. The prosecutor should analyse the physical evidence and testimony from other witnesses in the case to see how that evidence either corroborates or conflicts with the victim's account. The accused lawyer may focus on conflicts between what the victim says and what the other evidence suggests. The defence may request for copies of the victim's statements from the prosecution, but it is not a requirement under Ghanaian law to give the defence copies of witness statements.

4.7.4. Review prior statements

The prosecutor must review with the victim each of the victim's prior statements. This can be a laborious and time-consuming process, but it is essential that this review be done thoroughly and completely because there is often a significant delay between the investigation and the trial. The victim, before trial, may not recall with precision what he/she may have said weeks or months earlier to investigators. It is the prosecutor's job to assist the victim to remember.

The best way to refresh the victim's recollection is to have the victim read over his/her prior statements carefully. If the victim does not understand the language of the court or is illiterate and cannot read, the prosecutor must arrange to have the statements read to the victim orally and verbatim, using an interpreter if necessary.

4.7.5. Assess the victim's reaction to the statements during the pre-trial conference

After the victim has had an opportunity to review each prior statement, the prosecutor must assess whether the victim agrees or not with these accounts in whole or in part. The prosecutor should ask the victim whether there is anything in the report that he/she does not recall or does not think accurately reflects the truth.

If the victim agrees with everything in the statement, it is prudent to test this assertion by asking the victim a series of open-ended questions designed to get the victim to retell his/her story from beginning to end. As the victim responds to the questions, note any differences between what he/she says in response to the questions and what the victim said in prior statements. Question the victim about those differences to determine the reasons for any inconsistencies.

Potential inconsistency: Failure to recall details

It will sometimes happen that the victim will simply not be able to recall a fact or detail in the earlier statements. This is not surprising, since the statements were given closer in time to the event, and human beings tend to forget details that took place a long time ago, especially if the event is painful and unpleasant. The prosecutor may try to refresh the victim's recollection by allowing the victim to review other evidence that might trigger a memory.

Potential inconsistency: Discrepancies between statements

Where the victim has given multiple statements during the investigation, there are bound to be differences in detail from statement to statement. The prosecutor should note any significant inconsistencies with the victim and ask the victim to provide explanations for them. Minor differences in an account should not be fatal to the victim's credibility provided those inconsistencies can be explained.

Under no circumstances should the prosecutor, in any way, coach the victim by suggesting that the victim say that he/she remembers something that he/she does not recall. In the end, the failure to remember a detail or two in a long and complicated fact pattern is not serious and can be explained as a natural consequence of time.

Potential inconsistency: Admitted lies

In reviewing the prior statements with the victim, the victim may admit that certain details in the statement are inaccurate. For example, the victim may admit that his/her claim in the prior statement that he/she did not know one of the accused is wrong; that, in fact, he/she knew the accused very well. Last-minute admissions like this can be very problematic because it indicates that the victim lied, at least in part, to the police or the investigating judge.

Assessing inconsistencies

If there is an inconsistency, the prosecutor must do a damage assessment.

- ✓ How serious is the inconsistency?
- ✓ Can the inconsistency be explained adequately so that the credibility of the victim is not fatally undermined?
- ✓ Is there sufficient corroboration to support the basic account of the victim?

The case should not be automatically abandoned simply because the victim is caught in a lie during the pretrial preparation process. If the victim can provide a good explanation for why he/or she did not tell the truth at first, the credibility of the victim and the viability of the case may not be seriously damaged.

4.7.6. Address inconsistencies between the victim's statement and the evidence in the case

The prosecutor must deal with any inconsistencies between the victim's account and other evidence in the case. For example, the victim may have said that the traffickers put the victim in a room and locked the door from the outside so that the victim could not get out. The investigation, however, uncovered no such lock.

Such discrepancies must be acknowledged and in some way explained by the victim. The victim may clarify that by noting that he/she never said there was a lock on the door, only that he/she assumed there was a lock on the door. The victim might further explain that after several months, when the traffickers began to trust the victim, they let the victim move about more freely. Perhaps the traffickers removed the lock after they felt they could trust the victim. In preparing the victim to testify, the prosecutor must not ignore these problems, but instead confront the victim with them and seek a reasonable explanation from him/her.

4.7.7. Assess the victim's explanation for any inconsistencies

Once the prosecutor receives the explanation from the victim regarding any inconsistencies or misstatements, the prosecutor must assess the reasonableness of the explanation. If the explanation is not believable and the inconsistency is with respect to an important fact in the case, then the prosecutor may have to consider whether it is prudent to use this witness at trial. If that witness is crucial to the case, then a decision has to be made about whether it is appropriate to continue with the prosecution.

In assessing the reasonableness of the explanation, the prosecutor should consult the other evidence in the case and ask whether that evidence supports the victim's explanation. For example, if the other evidence in the case demonstrates that the traffickers allowed the victim more freedom of movement overtime, the victim's explanation about the locked door in the scenario mentioned in subsection 4.7.6 may be plausible. If the existing evidence neither supports nor undermines the victim's explanation, additional investigation may be appropriate. Using the door lock example once more, it may be useful to take another, closer look at the door to see if there is any physical evidence, such as screw marks or indentations in the wood, indicating that a lock was, at one time, affixed to the door frame.

4.7.8. Give final advice

The prosecutor should advise the victim about how to listen, respond and look in court. Because the victim is the key witness for the prosecution in most trafficking cases, the prosecutor should advise the victim about how to dress for court. Dress for either a man or a woman should be conservative and modest. The victim should be counselled to wear what he/or she would wear to an important function. It is important for the victim to show respect for the court in how he/she looks.

The victim should be counselled to listen carefully to the questions asked in court and not to answer before fully understanding and considering each question. If the victim does not understand the question, he/she should not answer but instead politely ask for clarification by requesting that the question be repeated or that it be explained. Most importantly, the victim should understand that his/her role in court is as a witness to the events that he/she heard or saw and that the obligation of the witness is simply to tell the truth.

4.8. Managing the victim-witness during the trial

Ghana has a “common law” system, meaning the prosecutor takes the lead role in questioning the victim-witness. In preparing to the question the victim-witness, the prosecutor should make certain the judge has: (a) a clear idea of what happened to the victim; and (b) been given reasonable explanations for any inconsistencies or unresolved problems in the evidence.

Additional considerations when the victim/witness is a child

Child victims and witnesses of trafficking require special support during the trial to prevent additional hardships as a result of their participation in the criminal justice process, and in order to ensure that their best interests and dignity are respected. Law enforcement authorities, prosecutors, judges and magistrates should apply child-friendly practices, including the following:

- ✓ Ensure child witnesses are able to provide evidence safely, and make efforts to reduce the secondary trauma that children can face in a courtroom or in the presence of traffickers.
- ✓ Make the children feel comfortable by including interview rooms designed for children, or modified courtrooms to protect their identity.
- ✓ If appropriate, use recessing during a child’s testimony. Also, ensure hearings are scheduled at times of day appropriate to the age and maturity of the child.
- ✓ An on-call system should be established to ensure child victims and witnesses only have to go to court when necessary.
- ✓ Appropriate measures should be taken to exclude the public and the media from courtroom proceedings when a child is giving testimony.

4.8.1. Prosecutor's questions

The prosecutor should prepare a list of questions to ask the victim as the primary questioner. The list of questions should cover chronologically and in detail the significant events of the crime as well as the problem areas of the case, directing the victim to provide explanations for any inconsistencies or unresolved questions.

In this way, the prosecutor will have an outline of the victim's testimony and all the topics that must be addressed by the victim during the trial. To the extent that the victim, in response to the judge's questions, fails to be clear on any of the topics included in the prosecutor's list of questions, the prosecutor will be able to quickly identify the omissions by referring to the list of questions. The prosecutor can then follow up with the victim with appropriate questions on those specific topics.

4.8.2. Types of questions

There are two types of questions used during a trial: direct and cross-examination questions. Direct questions are open ended and do not suggest the answers to the witness. A direct question allows the witness flexibility to respond freely in his/her own words. Cross-examination questions, on the other hand, contain the answers in the questions themselves. A cross-examination question is designed to be answered with a simple yes/no response.

For example, the prosecutor could ask a witness: "Where did you go that night?" (This is a direct question because the witness is free to answer in any manner he/she wishes.) Or the prosecutor could ask that same question, but in a different way: "You went back to the hotel that night, didn't you?" (This is a cross-examination question because the witness is limited to answering yes or no.)

When questioning victims, prosecutors should ask direct questions and are not allowed to ask a leading form of the question. This is because the prosecutor wants the victim to freely explain what happened in his/her own words. Asking the victim questions that suggest the answer deprives the victim of the ability to tell the story in his/her own way. The victim is merely responding to the prosecutor with yes or no answers. This undercuts the victim's credibility, because it looks as if the prosecutor is controlling the testimony and does not trust the victim to tell the truth.

4.8.3. Developing a plan

The aim of the prosecutor during the trial is to present the evidence as persuasively as possible to the judge. The prosecutor should have a specific plan to accomplish this goal. First, the prosecutor must develop the testimony in chronological form, then expand upon the fundamental facts in such a way as to make the evidence of the victim/witness not only credible but also persuasive, and to introduce aids to understanding when appropriate, including photos, sketch plans or other visual aids.

4.9. Examination-in-chief

In conducting the examination-in-chief of the victim, the prosecutor should have a set series of questions prepared in advance and ask the victim those questions. This approach is designed to make sure that all of the important information from the victim gets into evidence. This kind of preparation helps the prosecutor to ensure that the victim addresses all the issues in the case. Having a pre-prepared list of questions will assist the prosecutor in identifying areas that were missed and on which the prosecutor must focus during follow-up questioning.

The prosecutor must remember to prove all the required elements of the crime charged in order to win the case. Therefore, it is a good idea to develop the victim's testimony around those crucial facts that prove the elements of the crime. According to the 2005 Human Trafficking Act, this means planning the direct examination around the elements of *act*, *means* and *purpose*. The prosecutor should use specific questions to bring out the details of each of the elements of the crime. This can be done as the victim comes to them in the narrative or, alternatively, after the victim has been allowed to complete the narrative.

The prosecutor should highlight for the judge what is important in that testimony. By using specific and detailed questions to help the victim focus on the facts that must be proven to establish a violation of the crime charged, the prosecutor effectively and persuasively presents the case to the judge.

For example, when the victim reaches the part in his/her testimony where the accused recruited and transported the victim (the first element), the prosecutor may ask the victim questions designed to bring out details of that event, thus highlighting it and emphasizing it to the judge. Each case, of course, is unique and the questions asked will depend on the specific facts of that case.

As an illustration of the technique, some questions about the recruitment might include:

- Where were you when the accused came into the house?
- Was the accused with anyone else?
- Where were you when you saw the accused and her associate in the house?
- What were you doing at that moment?
- Were your parents in the house then?
- Where were they?
- What did the accused say to you when she came into the house and saw you?
- How did you respond?
- Did your parents say or do anything?
- Please describe what your parents did or said at that moment.
- Did you want to go with the accused?
- Why?/Why not?

When the victim reaches the part in his/her testimony where the accused transported the victim, the prosecutor may ask the victim questions including:

- Where did the accused take you?
- How did you get there?
- How long did it take?
- Was the accused in the car with you the whole time?
- Did you stop along the way?
- When you arrived at the house, who escorted you into the house?
- What did you see when you first entered?
- Was anyone else inside when you arrived?
- How many people were there?
- Who was in charge?
- How do you know?
- Where in the house did they tell you to go?
- What was that room like?
- Could you open the window?
- Did you try to open the door to that room?
- What happened when you tried to open the window and the door?

When the victim reaches the part in his/her narration where the accused used threat, force, abduction, fraud, deception, abuse of power or payment (the element of *means*), the prosecutor may ask the victim questions including:

- You said that the accused struck you several times when you refused to go with her. Let's talk about the first hit. Where on your body did she strike you the first time?
- Did she use her hands or a weapon of some kind?
- When she hit you the first time, did she use a fist or an open hand?
- Describe what you felt when the accused punched you that first time.
- How did you react to that first punch?
- What, if anything, did the accused say or do in response?
- Now let's talk about the second hit.

When the victim reaches the part in his/her narration where the victim was exploited (the element of *purpose*), the prosecutor may ask the victim questions including:

- What happened when you arrived at the lake?
- Who else was at the lake?
- What did your work entail?
- How long were your working hours?
- What would happen if you were too tired to work?
- How often did you see others threatened and beaten?
- Who would deliver the punishment?
- Describe how the beatings were administered?
- What did the workers do while the punishment was administered?
- Were you ever threatened?
- What were the threats?
- Did you believe those threats?
- Why?
- Were you ever beaten?
- Describe the first time you were beaten.
- Describe the second time you were beaten.
- Did you get paid?
- How often?
- How much was kept out of your paycheck?
- Why?
- Where did you sleep?
- Describe the room you slept in.
- Was it heated?

- Was a stove provided?
- What happened when it rained?
- How much did the accused charge you to live there?
- How many times a day were you allowed to eat?
- How much food was provided for each meal?
- How much did the accused charge you for that food?
- Did you want to stay there?
- Why didn't you leave?

This line of questioning highlights both the elements of means and exploitation. It is often the case that force or coercive techniques are used to control victims during the exploitation phase.

4.10. Questioning skills

For further discussion on child-friendly interview techniques, please refer to chapter 1, subsection 1.4.2. Also, refer to Annex 6.

4.10.1. Be flexible

Each question the prosecutor asks the witness must have an objective. Consider the example of a witness who is asked to describe what he/she observed on a table in a room. The crucial item the prosecutor wants the witness to describe is a gun. But the witness forgets:

Q: What did you see?

A: I saw some papers and a pen and a manila folder and a glass.

Q: Anything else?

A: I don't think so. [Or, no.]

The answer, "I don't think so," is not what the prosecutor expected to hear. The prosecutor could prompt the witness' memory of the gun by using a leading question such as: "You saw a gun on the table, didn't you?" But this form of question really undermines the victim's credibility. It looks as if the prosecutor is planting that memory in the victim and the victim is simply agreeing with the prosecutor's assertion. Instead, the prosecutor must find another way to get this evidence out without using a leading question. The prosecutor could continue the inquiry above with the following line of questioning:

Q: Did someone arrive later?

A: Yes.

Q: In a uniform?

A: Yes.

Q: Who was that?

A: Police Office Mensah.

Q: Did he take some items into his possession?

A: Yes.

Q: Do you remember any particular item that attracted his attention?

A: Oh yes, there was a gun on the table, I forgot that.

This example shows that the main objective for the line of questioning was that there was a gun on the table when the witness was in the room. The additional direct questions enabled the witness to recall and describe the gun in the answer.

Points to remember when questioning

- ✓ Listen to the answers attentively. An answer may be unexpected, but a good prosecutor must be ready to be flexible and ask appropriate clarifying questions.
- ✓ Ensure that the victim understands the question.
- ✓ When recounting conversations, the victim should use, if possible, the words that were used at the relevant time.
- ✓ Be certain to allow the victim to provide explanations for any significant inconsistency in prior statements or discrepancy with other evidence in the case.
- ✓ Take notes during the hearing.
- ✓ Use visual aids and documentary evidence where possible (e.g. photographs, police reports, maps).

4.10.2. Open questions and narrow questions

Assume you want to establish, without using a leading question, that the witness was punched once in the face by the defendant and once in the chest by the defendant. This is a very important fact in the case and you want to emphasize it in the testimony.

To make sure that the victim focuses on the details of an incident, a good approach is to start with open questions and gradually make them narrow:

Q: And then did he do something? (Open)

A: Yes, he hit me.

Q: Once or more than once? (Narrow)

A: Twice.

Q: Let me ask you about the first blow. Was it with a hand or with some other object? (Narrower)

A: With his hand.

Q: Was it open or closed? (Narrower)

A: It was closed.

Q: Where did he hit you? (Narrower)

A: In the face.

Q: Let's deal with the second blow. Was it with the hand or some other object? (Narrower)

By starting with the "hit" and then asking detailed questions about that "hit" (how often, how hard, open or closed fist), the questioner allows the victim to methodically explain the violent incident in detail. The incident is thus highlighted and does not get lost in the other less important details of the case.

4.10.3. Plain language

Lawyers often use complex language and fail to realize that a question is useless if the witness cannot understand it. Try to use words of one or two syllables, which are familiar to all non-lawyers and also witnesses. Long sentences can also confuse the witness. Do not ask a question if it is so long that the witness cannot remember the beginning when you get to the end. Questions should be short, clear, simple and easy to understand.

Do not ask the witness a compound question, that is, a question that asks for two or more pieces of information in a single question. For example, "How

many hours did you work that night and what did the Master do when you tried to escape?” This is likely to confuse the victim and result in a disjointed answer. The better approach is to break up the question into separate, smaller questions:

Q: How many hours did you work that night?

A: Five.

Q: What time did you wake up?

A: Midnight.

Q: What did Noah say to you before he left?

A: He asked me to leave with him. He said he would take me to a shelter.

Q: What did you do in response to his request?

A: I agreed and began to swim to shore with him.

Q: What did the Master do when you tried to leave?

By separating out the compound question into smaller questions, each one dealing with single facts, the prosecutor is able to bring out important details that would otherwise get lost and go unnoticed.

4.10.4. Links and prompts

Link questions encourage the victim to go on with the story. The most useful link in the narrative is the question “and what happened then?” This open-ended question allows the victim to continue to tell the story in his/her own words with no direction from the prosecutor.

Prompts are questions that relate back to conferences with the witness beforehand. For example, you may have agreed with the witness that one of the danger points in the testimony was the likelihood of forgetting to mention the passports. You may have arranged with the witness that immediately after the witness has mentioned the wad of cash on the table you will ask the question “Did you see anything else as well as the cash?” That is the cue for the witness to recall the passports.

4.10.5. Pacing

Keep the pace of the questions slow enough for the witness to be able to give thorough and adequate answers. But vary the pace for dramatic effect. A long silence before or after an important question can emphasize the answer.

4.10.6. Interpreter

The court will appoint an interpreter upon request by either the prosecution or the defence for trial. Examination-in-chief is more difficult when an interpreter is being used. The time required to question the victim will take longer and the pace will be slower. When working with an interpreter, it is especially important to be careful with the language to use. Use simple and direct questions and make sure the interpreter understands that he/she is to translate everything said word for word. The interpreter must not summarize the statements or engage in side conversations with the witness.

Be sensitive to the possibility that the interpreter may be connected in some way to a party in the case. A biased interpreter can undermine the prosecution's case by purposefully misinterpreting questions and answers or by disclosing confidential information compromising the privacy and security of the victim or even threatening or intimidating the victim. The prosecutor should have the police check the background of the interpreter to assure that the interpreter is independent and unbiased. The interpreter needed in a particular case is often appointed by the court. It is not the responsibility of the parties in the trial to appoint interpreters for the court.

Guidelines for working with an interpreter in court

- ✓ Address questions to the witness and not to the interpreter. When the question is being interpreted, look at the witness not the interpreter. Your conversation is with the witness, not the interpreter.
- ✓ The seating arrangement is important. Assure that you are facing the victim and that the interpreter is not in a position to interfere with your relationship with the victim.
- ✓ Ask simple questions and avoid compound questions.
- ✓ Avoid jargon and slang.
- ✓ Make sure the interpreter knows that his/her job is to translate accurately, nothing more. There should be no side discussions with the witness and the interpreter must translate everything said word for word.

4.1.1. Cross-examination

At the end of the evidence-in-chief, the defence has the right to question the witnesses of the prosecution. Good defence lawyers are particularly skilled at questioning the witnesses to cast doubt on the prosecution's case. It is prudent to anticipate that defendants in high-profile trafficking cases will have the resources to hire the most skilled defence lawyers.

It is important for the prosecutor to understand how a defence lawyer can question the witness to elicit evidence that favours the defendant and undermines the witness' credibility. The prosecutor should take precautionary measures to protect the victim so that the victim's evidence survives the defence lawyer's questioning.

4.1.1.1. Role of the defence lawyer

The job of the defence lawyer is to protect his/her client, the trafficker, from conviction and jail. A defence lawyer will do what it takes, within the law, to convince the judge to acquit his/her client. A good defence lawyer understands that the most important witness in a trafficking case is the victim. The defence lawyer knows that if he/she can discredit the victim, the case is likely to fall apart and the judge will find the trafficker not guilty. Therefore, a good defence lawyer will be prepared to aggressively question the victim in a trafficking case in the hope of undermining the victim's credibility and persuading the judge that the victim is not a trustworthy, believable witness.

4.1.1.2. Theory of cross-examination

Cross-examination is meant to test the credibility of witness' story and also to put across the story of the defence. A prosecutor must prove all the elements of the offence charged to win the case.

Cross-examination uses questions that contain the answer to test the credibility of a witness. Defence lawyers will try to cross-examine the victim; that is, ask the victim questions that contain or suggest the answer in the question itself. This is a leading or cross-examination question.

Here are three examples of cross-examination questions:

- You wanted to go with my client, didn't you?
- My client never held a gun to your head, did he?
- Isn't it true that you didn't complain to the prosecutor that you were a victim of trafficking until my client told you that he wouldn't marry you?

The above questions are not really questions at all. They are statements of presumed fact:

- You wanted to go with my client.
- My client never held a gun to your head.
- You didn't complain until he told you he would not marry you.

The theory behind cross-examination as a tool to test the credibility of the witness is this: if the witness is really telling the truth, he/she will be strong enough to resist the “false” suggestions from the questioner. But for all the reasons discussed, TiP victims are often not equipped to resist such aggressive questioning. It is up to the prosecutor to make sure the victim is ready.

4.11.3. Anticipating the defence strategy

In preparing the victim to confront a skilled defence lawyer, the prosecutor must first be able to anticipate how the defence lawyer is likely to attack the case. This means being able to think like a defence lawyer. In defending against a prosecution, a defence lawyer will generally try to attack either the evidence or the victim. If possible, he/she will try to do both.

Attacking the evidence

The defence lawyer attacks the evidence by first analysing the elements of the crime charged. The defence lawyer knows that if he/she can create doubt about any one element, the judge must find the accused not guilty.

For example, suppose a trafficking prosecution is brought under a law that requires proof of coercion. The defence may focus on that element in questioning the victim by noting that there are no injuries on the victim's body; that the victim never went to the hospital for treatment; that when the victim was rescued, photographs of the victim were taken and those

photos show no bruising or other evidence of physical trauma. The defence lawyer might ask:

Q: You testified that my client hit you in the face before you left the lake?

A: Yes.

Q: The police photographed you after you left the lake, didn't they?

A: Yes.

Q: This is the photograph they took, isn't it? (*Shows the victim a photograph.*)

A: Yes it is.

Q: There is no bruising on your face, is there?

A: No.

Q: There is no swelling on your face, is there?

A: No.

Q: There is no blood on your face, is there?

A: No.

Q: My client never struck you in the face, did he?

A: I'm not sure now.

Attacking the victim

By attacking the victim's credibility, the defence lawyer hopes to demonstrate that the victim is not worthy of belief and that his/her testimony should not be given serious consideration. If the defence can plant doubt about the victim's honesty and reliability, then the most important witness for the prosecution is compromised and the chances of acquittal are greatly improved.

For example, assume that a victim in a trafficking case was interviewed three times during the course of the investigation. In each interview, the victim gave more detail as he/she grew to trust the police and the prosecutor. The defence lawyer will try to exploit the differences in the interviews to suggest that the victim lied to the police and is making up an account that is not true.

The defence lawyer might go over each prior statement with the victim, pointing out the inconsistencies and getting the victim to admit that the statement in fact is not the truth. The defence lawyer might then conclude with cross-examination questions, such as:

Q: So, when you told the police that you were running away from an abusive father, that was not the truth, was it?

A: No, it wasn't.

Q: You lied to the police, didn't you?

A: Yes.

After answering yes/no to a question, the witness has every right to offer any explanation necessary to clarify the answer at that point. Re-examination is not meant for further explanation by the witness.

Another defence tactic is to directly attack the victim by pointing out that the victim committed crimes. This is especially used in trafficking cases where the victim may have been illegally smuggled into the country and forced to engage in other illegal activities.

Attacking both the evidence and the victim

The defence lawyer may try to attack both the victim and the evidence simultaneously. For example, in a trafficking case involving allegations of sexual servitude, the defence may accuse the victim of being a prostitute and, therefore, a criminal not worthy of belief. At the same time, the defence lawyer may attack the evidence indicating that the victim was forced to be a prostitute:

Q: You worked in a brothel, didn't you?

A: Yes.

Q: You sold your body for money, didn't you?

A: I suppose.

Q: Isn't that what prostitutes do?

A: I guess so.

Q: You were a prostitute, weren't you?

A: Not willingly.

Q: In fact, no one held a gun to your head while you had sex with those men, did they?

A: No.

Q: You weren't chained or restrained in any way, were you?

A: No.

Q: In fact, you left the brothel every Sunday, didn't you?

A: Yes.

Q: And you always returned on Mondays, didn't you?

A: Yes.

Q: In fact, there was a police station just around the corner from the brothel, wasn't there?

A: Yes.

Q: In all the many months you worked at the brothel, you never once went to that police station to ask for help, did you?

A: No.

The first three questions above try to get the victim to define him-/herself not as a victim but as a prostitute. The following questions attempt to get the victim to admit that he/she willingly engaged in prostitution. This admission increases the victim's culpability as a prostitute while at the same time undermines evidence of coercion, a critical element that the prosecution must prove in many trafficking crimes.

4.12. Preparing the victim for cross-examination

Once the prosecutor has a good idea of what topics the defence lawyer is likely to focus on in cross-examining the victim, the prosecutor can begin to prepare the victim. That preparation should involve the following tasks:

- Explain the role of the defence lawyer;
- Explain the role of the victim;
- Prepare the victim on how to respond to questions generally;
- Prepare the victim on how to respond to the questions from the defence lawyer;
- Prepare the victim on how to answer follow-up questions.

4.12.1. Explaining the role of the defence lawyer

The prosecutor should first explain to the victim what role the defence lawyer will play at the trial. The prosecutor should make clear that the defence lawyer's job is to protect her/his client – the trafficker. That means that the defence lawyer will try to undermine or throw doubt upon the victim's testimony. The victim should understand that the defence lawyer is not the victim's ally or friend in court. The victim should understand that the defence lawyer has a job to do. The defence lawyer may be aggressive or even seem angry at times. The victim should know that the defence lawyer is not angry towards the victim. The lawyer is only trying to change the victim's testimony to help her/his client. The victim should always be polite and respectful in addressing the defence lawyer.

4.12.2. Explaining the role of the victim

The victim should be told that his/her job is first and foremost to tell the truth. The victim should not be concerned about the outcome of the case or the effect his/her testimony may have on the case. The victim's role is not to make sure that the accused is convicted. The victim's function is simply to tell the truth.

The victim must also understand that he/she, like any witness in a trial, will provide evidence by answering questions from the defence lawyer as well as from the judge and the prosecutor. The victim should always respond to questions, no matter who asks them, with the truth. The prosecutor should remind the victim of the oath that will be administered and explain the purpose of the oath. The prosecutor should make clear that to answer any question untruthfully is a violation of that oath.

4.12.3. Preparing the victim on how to respond to questions generally

In responding to questions from the defence lawyer, as from the judge or the prosecutor, the victim should listen very carefully to each question before answering. If the victim does not understand the question, it is permissible for him/her to say so and to ask for the question to be repeated or explained. The victim cannot tell the truth unless he/she understands the question.

If the victim does not know the answer to a question, the victim must say so. The victim should not invent a response just to please the questioner. Nor should the victim embellish or exaggerate an answer in an attempt to help either side. This would be wrong, as the victim has taken an oath to tell nothing but the truth.

4.12.4. Preparing the victim on how to respond to the questions from the defence lawyer

The prosecutor should explain to the victim that the defence lawyer is allowed to ask leading questions of the victim. The prosecutor should explain to the victim what a cross-examination question is and to provide examples.

The prosecutor should tell the victim that it is perfectly appropriate to disagree with the defence lawyer. Nothing bad will happen if the victim disagrees, but that this should be done politely. The prosecutor must remind the victim that agreeing with a false question from the defence is wrong, because the victim must always tell the truth.

The victim should understand that disagreeing with a correct statement from the defence lawyer is also wrong. Victims sometimes believe that under no circumstances are they to agree with any proposition put by a cross-examiner. An attitude that “the cross-examiner will get nothing from me” is bound to be damaging to the credibility of the witness and the case. The victim is to listen carefully and to respond politely but always truthfully.

The victim should be advised to answer questions from the defence in the most succinct and appropriate way possible. It is crucial that a witness be warned of the dangers of volunteering anything.

The witness must be made to understand that if the cross-examining lawyer fails to explore a crucial part of the evidence, then it is not up to the witness to thrust it upon the cross-examiner. The victim must understand that any information provided by the victim in an answer to a defence question can be used by the defence lawyer to conduct additional cross-examination which may do damage to the victim’s credibility. Therefore, the victim should think about why the questions are asked, and resist giving the defence anything more than what is asked.

This may be frustrating for the victim, especially since a good cross-examiner always tries to prevent the victim from explaining an answer. He/She just wants the victim to answer “yes” or “no”. But the victim must understand that he/she will have an opportunity to explain an answer. The prosecutor must explain that he/she will be allowed to ask follow-up questions after the defence lawyer is finished, and the prosecutor will ask the victim to provide any additional explanation needed. The victim should be made to see that it is much better for that explanation to be given to the prosecutor than to the defence lawyer, as any explanation to the defence lawyer will inevitably lead to additional leading questions from the defence lawyer attempting to cast doubt on the credibility of the explanation.

4.12.5. Preparing the victim on how to answer re-examination questions

After the defence lawyer concludes his/her cross-examination, the court will call on the prosecutor to re-examine the witness. Re-examination is meant to clear up any ambiguity that might have resulted in the answers from the witness. It is not meant to fill in gaps in the story of the prosecution. Consider the following exchange:

Q: In all the many months you worked on the lake, you never once went to the police station to ask for help, did you?

A: No.

(The victim had no opportunity to explain why he/she did not go to the police. The defence lawyer did not ask him/her that question and the victim wisely did not volunteer that information. The prosecutor can ask that obvious and important follow-up question.)

Q: You told the defence lawyer just you did not go to the police. Please tell the judge why you did not go to the police.

A: The traffickers told me that the police were working for them and that if I went to the police they would just return me to the lake and I would be beaten.

The only reason to ask the victim additional follow-up questions is to clarify facts, correct misimpressions or allow the victim to explain his/her answers. If the defence lawyer’s questioning was ineffective and failed to undermine the victim’s credibility or raise doubts that needed clarification, the prosecutor should not ask the victim any follow-up questions.

Only conduct follow-up examination when it is absolutely necessary to do so because the court will not allow questions that are not meant to re-examine the witness.

Witness preparation checklist for questioning during cross-examination

- ✓ Tell the victim that once you have completed the examination-in-chief, the defence lawyer will question the victim. The witness should be told the areas where you think there will be a challenge to the evidence given by the witness during pre-trial conference.
- ✓ Explain to the victim what cross-examination questions are and how defence lawyers may use them.
- ✓ Tell the victim that when answering questions in cross-examination, if the question is capable of a “yes” or a “no” answer, then such an answer should be given. If the question is not answerable by “yes” or “no”, then the witness should be told to give an explanation.
- ✓ Tell the victim that he/she must disagree with the defence lawyer if the question contains a wrong or inaccurate statement. The victim should disagree firmly but politely.
- ✓ Tell the victim not to volunteer any additional, unnecessary information in response to a question in cross-examination.
- ✓ Remind the victim of his/her obligation to tell the truth.
- ✓ Tell the victim to remain relaxed and calm in cross-examination. The victim should be told that some defence lawyers deliberately attempt to aggravate or irritate witnesses and that the victim should resist any temptation to lose his/her calm demeanour in those circumstances.
- ✓ Remind the victim that after the defence lawyer concludes the cross-examination, the prosecutor may be allowed to ask follow-up questions. At this time, the prosecutor will be able to ask the victim to provide any additional explanation to complete answers given to the defence lawyer.

4.13. Defence of the accused

After closing of the prosecution's case, if a prima facie case has been made against the accused person, the court will ask the accused to open his defence or may give the defence an opportunity to make a submission of no case. If the accused opens his/her defence on oath in the witness box, he/she will be cross-examined by the prosecution.

In anticipating the defence, the prosecutor should decide how he/she is going to question the defendant if the defendant testifies at the trial. The prosecutor should carefully consider what he/she wants to accomplish and how to achieve those goals. The prosecutor should have a plan on what questions he/she will ask and in what order. This will, of course, be influenced by the latitude given to the prosecutor by the judge to question the accused.

The goals of cross-examining the accused are as follows:

- **Elicit favourable testimony.**

In most cases, the accused will agree with at least some facts that are helpful to the prosecutor's case. For example, the accused may deny trafficking the victim, but may agree that he/she knows the victim and knows that the victim is poor and is in need of a good job. These facts may be useful to show a connection between the accused and the victim and the knowledge of the victim's vulnerability. The prosecutor should make a list of all of the facts to which the accused must agree and which are useful to the prosecution. Then, through the use of leading questions, get the accused to agree to those facts.

(Note: There must be no doubt that the accused will admit these facts, either because the accused has admitted these facts on prior occasions or because the evidence is so clear regarding those facts that the accused will have no choice but to admit them. If in spite of this, the accused refuses to agree, then the prosecutor should just put it to the accused.)

- **Discredit unfavourable testimony.**

The purpose of discrediting unfavourable testimony is to demonstrate to the judge that the evidence of the accused should not be believed. This can be done through the following ways: prior inconsistent statements; contradictory facts; prior convictions; and motive.

- *Prior inconsistent statements*

Where an accused gives contradictory accounts about a fact or a series of facts, this can be powerful evidence that the accused is not telling the truth. For example, if the accused denies any knowledge of the victim but then in a later interview admits being an old family friend, such inconsistency undercuts the credibility of the accused and suggests that he/she is trying to hide something.

In questioning the accused about prior inconsistent statements, the prosecutor should first establish that the accused made the first statement on the particular fact in issue knowingly and willingly, then establish that the accused made the second, contradictory statement about that same fact knowingly and willingly. Always use closed, focused (leading) questions.

The prosecutor has two main objectives in questioning the accused:

- To elicit favourable testimony helpful to the prosecution;
- To discredit unfavourable testimony harmful to the prosecution.

- *Contradictory facts*

These are facts inconsistent with innocence. For example, attempts to flee from the police or influence testimony of witnesses or destroy incriminating evidence are not acts normally committed by an innocent person. These are conduct of a guilty person trying to avoid responsibility for a crime. The prosecutor should bring out this evidence through other witnesses, such as the police who arrested the accused or the victim whom the accused tried to influence. On cross-examination, the prosecutor can use closed, focused (leading) questions to get the accused to admit the facts he/she cannot reasonably deny.

This line of questioning does not try to get the accused to admit that he/she shredded the documents. The accused will simply deny that he/she did so, offering some innocent explanation for being at the shredder when the police entered the office. Recognizing this, the prosecutor did the next best thing by leading the accused to admit the circumstantial evidence pointing to guilty conduct.

- *Motive*

Motive refers to the purpose for which an accused acts. In trafficking cases, the motive for the crime is greed. In questioning the accused on financial matters, it is important to keep the questioning focused. The basic point to emphasize is that the accused lived a lavish lifestyle but had no legitimate income to support that lifestyle.

Questioning on this point is easy because it is difficult for the accused to deny documents with his/her name on them. The object of the questioning then is to get the accused to acknowledge the relevant documents that establish big spending and no income.

For example, the prosecutor or judge may show the accused a series of receipts for big-ticket items and simply ask the accused to acknowledge his/her name on the receipt and the cost of the item reflected on the receipt. As the amounts accumulate, this can be powerful evidence of greed and motive.

The documents used to question the accused must be directly relevant to these two key points. Do not go through every document with the accused. This will be time consuming and confusing. Be careful not to ask the accused about documents that are ambiguous or unclear on their face.

4.13.1. Rules for asking questions during cross-examination

Rule 1: Ask closed, focused (leading) questions.

This type of question is one that suggests the answer. For example:

- You went upstairs, didn't you?
- The factory boss was present, wasn't she?

This type of question is so important because it requires the witness to answer "yes" or "no". It does not give the witness the opportunity to put his/her own opinion or spin on the answer. It does not allow the witness to explain or qualify.

A further reason why such questions are so important is that they give the questioner an opportunity to put his/her version of events to the witness.

Rule 2: Never ask the witness to explain.

The purpose of cross-examination is to get the witness to agree to a series of facts in the order you present them. Any explanation offered by the witness will merely allow him/her to repeat his/her evidence. If your questioning has been successful in showing motive, inconsistency or any other factor undermining the witness' credibility, there is nothing to gain by allowing the witness to explain it all away.

Rule 3: Never ask the "why" question.

A question starting with the word "why" is neither a closed nor a focused (leading) question. The answer to an open-ended "why" question is unpredictable and rarely good for the questioner.

Rule 4: Ask short questions.

If there are a number of matters that have to be put to the witness, break each issue up into separate smaller questions. If there is more than one idea in a question, the witness cannot simply answer with "yes" or "no". The rule is: one question, one idea, one answer.

Rule 5: Never ask the witnesses to repeat his/her evidence.

This is a waste of time and repeats what has already been said.

Rule 6: Never ask a question if you do not already know the answer.

If you do, the chances are you are not going to like the answer. Nor will you be in a position to respond to it effectively. You do not cross-examine the witness because you are curious about the answers. The cross-examiner knows what he/she wants the witness to say and constructs a series of questions designed to get to that result. Do not succumb to the temptation of curiosity. Stick to your plan.

Rule 7: Listen to the answer.

Make sure the witness answers the precise question you are asking. The answer should either be "yes" or "no". If the witness avoids the question or tries to explain, be polite but firm: "I'm sorry, sir/madam, but please respond to my question, did you or did you not go the victim's house on the night of April 1?"

The witness' demeanour when answering may be significant, so watch the witness for blushing, tears, laughter, shame and other facial signals.

Rule 8: Do not ask for conclusions.

Do not expect that the accused will admit guilt. He/She will not. So there is no reason to ask the accused if he/she trafficked the victim. He/She will simply deny it and repeat the defence story.

Here is another, less obvious, example: "The victim didn't know that you were deceiving him, did he?" You are asking for a conclusion about someone else's mind. It is also two questions in one (i.e. what the victim knew and whether the accused was deceiving the victim). What you could ask instead are precise questions about what exactly the accused told the victim.

Do not ask for opinions. For example: "You were standing close to the shredder, weren't you?" In this question, you are allowing the accused to apply his/her own standard about what "closeness" means. To one person it may mean 1 or 2 metres, whereas to another person it may mean 20 metres.

Asking questions that require the witnesses to give opinions or apply their own standard is a frequent fault in cross-examination.

Rule 9: Structure your questions.

It is better to deal with each topic before you move on to the next one. Within each topic, you must plan a sequence of questions that the witness must agree to. Once these preliminary facts are established, the witness is committed to a position that he/she did not foresee and cannot reverse. The final questions should drive home the bigger point that the prosecutor is making.

For example, in a matter involving a prior inconsistent statement under oath, the questioner should ask a series of narrow questions to establish that when the accused made that prior statement, he/she:

- Was being careful;
- Was aware of how important it was to be truthful;
- Intended the hearer of the prior statement to act upon it;
- Knew that it was to be used in legal proceedings;

- Knew it would affect the decision which the hearer would make about the witness; and
- Knew that the statement was on oath and understood the importance of the oath.

It is only when all of those items have been covered that the questioner suggests to the witness that:

- The statement was incorrect;
- The witness knew it was incorrect; and therefore
- The witness did not tell the truth under oath.

From the sequence set out above, it is difficult at the end for the witness to say he/she made a mistake.

Rule 10: Do not argue.

Most of the battles with witnesses arise out of a breach of some of the rules set out above.

Rule 11: Preparation is essential.

The sequence of questions must be planned carefully. Do not be afraid to prepare carefully. Cross-examination cannot be done by inspiration in court.

Common faults during cross-examination

- ✓ Lack of preparation;
- ✓ Repeating evidence that is adverse to the case;
- ✓ Asking open-ended questions instead of cross-examination questions;
- ✓ Unnecessary questions;
- ✓ Lengthy questions;
- ✓ More than one question;
- ✓ Asking for conclusions and opinions;
- ✓ Arguments and debate with the witness;
- ✓ Abuse of the witness.

4.14. Closing address in trafficking in persons cases

The closing statement is crucial as it is the final opportunity for the prosecution to address the court before a verdict is rendered. Police prosecutors do not present a closing address to court; however, most State prosecutors make the closing address after the trial, when a date is set by the court. The prosecutor's purpose in delivering the closing statement is to:

- Assist the judge on issues of law and fact; and
- Persuade the judge of the prosecution's case; that is, to find the accused guilty of the crime charged.

The ultimate goal of the prosecutor is to make it easy for the judge to conclude that the accused is guilty of the crime charged.

4.14.1. Preparation of the closing statement

The prosecutor should prepare the closing statement as early as possible. The preferred approach is to compose a draft of the closing argument well before the trial begins.

The advantage of preparing the closing submission so early is that it forces the prosecutor to think about:

- The elements;
- Possible defences;
- The theory of the case;
- The undisputed evidence;
- The evidence that is in dispute.

A well-prepared closing statement is an indispensable trial tool for the prosecutor. It shows the prosecutor the theme of the case, the arguments that should be made to the judge, the evidence that must be produced, the elements of the crime that must be satisfied and the defences that can be anticipated. Of course, as the trial proceeds, the draft of the closing argument may have to be revised to reflect any unexpected changes in proof or defence claims. The discipline of formulating the closing statement before the trial starts makes the prosecutor much better prepared to try a successful case.

4.14.2. Method of persuasion

The best method to assist the judge to reach a decision that the accused is guilty is to:

- Clearly set forth the elements of the crime charged;
- Show how the evidence establishes each element.

The closing statement is centred on this analytical structure. This is the minimum that a prosecutor must do in the closing statement to the court. A truly persuasive closing statement also deals with defence arguments and evidence and engages the judge on an emotional level.

4.14.3. Structure of the closing statement

A persuasive closing statement can be organized along the following outline:

State the theory of the case.

The theory of the case is the essential story of what happened in the case. The theory is how you would describe the case in one or two sentences to a friend or relative. The closing statement should begin with this theory, reminding the judge of the essence of the case.

Summarize the evidence.

Here the prosecutor provides a brief summary of the evidence in the case supporting the theme. Do not go into a detailed witness-by-witness analysis of the evidence at this stage. That can be time consuming and boring. The judge may lose patience and stop you from continuing. The better practice is to review the highlights of the evidence retelling the story succinctly and in chronological order.

The purpose of this summary is to piece together the facts from the evidence in a simple and dramatic way to remind the judge of the basic storyline of the case. Only the most significant parts of the story are repeated here. No details are included which would disrupt the narrative flow. The delivery is in chronological order, from first incident to last, because this is the most logical way to tell a story.

Finally, the delivery is straightforward and direct. No technical legal terms are used. This is because the prosecutor's purpose here is to tell the story of what happened to the victim, not to deal with technical legal or factual issues.

At the end of this section of the closing argument, the judge should be convinced that the accused is not a good and trustworthy person. It is now the prosecutor's job to show the judge how easy it is to find the accused guilty of the crime charged.

State the law.

The prosecutor reminds the court of the crime charged in the case and lists the elements that must be proved to establish guilt under that charge. After summarizing the evidence, the prosecutor should clearly state the elements of the offence.

Analyse the facts.

Here the prosecutor analyses the evidence in the case, but not in chronological order. That was already done in the overview section of the argument. Now, the prosecutor's goal is to show the judge how the evidence satisfies all the elements of the charge. To do this effectively, the prosecutor must analyse the evidence in terms of the elements. This means addressing each element in turn and marshalling all the evidence that tends to prove that element.

Some elements may not be in dispute. The accused may admit the evidence that satisfies the element or the evidence is so clear that the element is not in dispute. In this case, the prosecutor should tell the court there is no dispute on that element and that the court may conclude that that element has been proven.

Where an element is in dispute, the prosecutor must carefully show the judge how the evidence satisfies that element. In preparing this part of the argument, the prosecutor should list every fact proven in the case that tends to establish the disputed element. Any evidence adduced during the trial can be used to support this argument. Testimony from the victim, expert witnesses, documents and photographs, even testimony from the accused may be used. For example, the prosecutor might take the following approach:

This analysis focuses exclusively on the evidence in support of the prosecution's case. There is no mention of any defence claims. This part of the argument is designed to convince the court that the evidence for each element is sufficient for a conviction. Discussing the defence claims at this point would be confusing and would be a distraction from the clarity of the argument. The prosecutor should deal with any defences raised by the accused, but not during this part of the closing. It is crucial that the prosecutor clearly identifies what evidence has been presented to demonstrate each element of the offence and prove the guilt of the accused.

Refute defence claims.

By the time the prosecutor states the theme of the case, tells the story of the case and analyses the evidence in terms of the elements of the crime charged, there should be no doubt in the judge's mind that the accused is guilty as charged. But the prosecutor should do one more thing before concluding the argument: deal with any claims raised by the defence during the trial.

The prosecutor should summarize each defence as briefly as possible and then quickly show how that defence is not worthy of credit. In doing this, it is important that the prosecutor not appear defensive or worried about the defence. The prosecutor should treat the defence as insignificant and not go into too much detail or spend too much time on this task.

The prosecutor structures the response by:

- Characterizing the defence in a negative or even sarcastic way. The prosecutor should use restraint here and not go too far or risk being seen as unfair. But a touch of sarcasm can be effective in signaling righteous contempt for an absurd defence that does not deserve serious consideration.
- Briefly reviewing the evidence, noting the weight of the evidence contradicting the defence and the absence of evidence in support of the defence. There is no need to do an extensive evidentiary analysis here. That has already been done in the previous section of the closing argument. Moreover, the prosecutor does not want to give the impression that the defence is a serious concern requiring extensive discussion.

- Telling the court that the defence is without any merit and should not be taken seriously.

Do not be shy. Clearly and bluntly tell the court that the defence is without any merit and should be dismissed without hesitation.

Conclude.

The conclusion should be short and to the point, urging the court to find the accused guilty as charged because the evidence establishes every element of the crime. If the case is closed and the outcome uncertain, the prosecutor might consider injecting some emotion, reminding the court about the victim's ordeal and emphasizing the defendant's callous indifference to that suffering.

Referral and Case Monitoring Framework

5

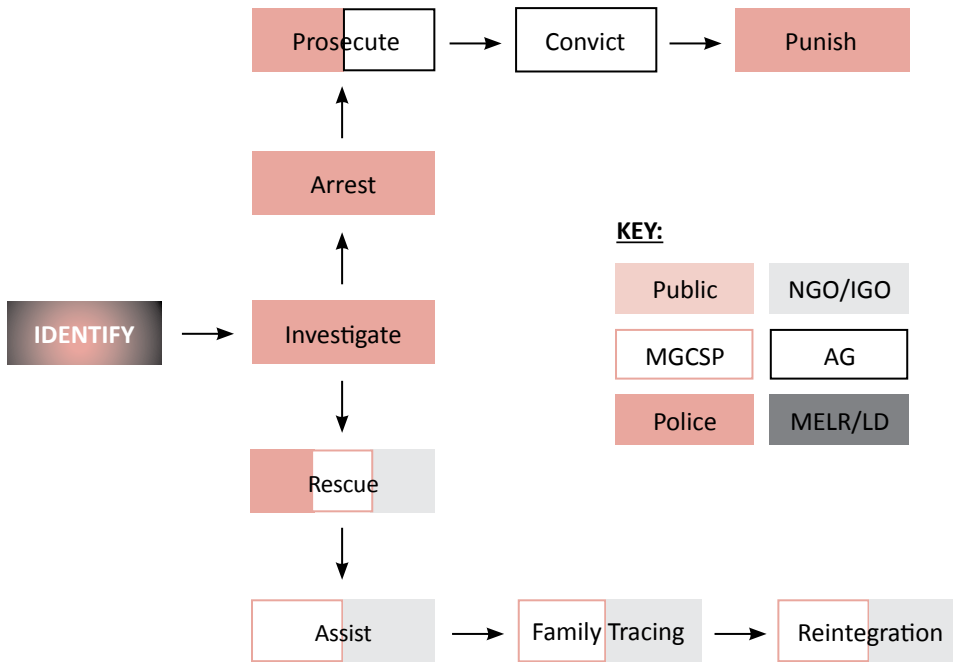
CHAPTER 5

REFERRAL AND CASE MONITORING FRAMEWORK

This chapter provides more detail on each agency's role during the referral process, and explains how to fill out case monitoring forms. It outlines a referral mechanism as a unique and rights-based process that ensures comprehensive assistance to VoTs. The process begins with initial determination of a person as a VoT, and continues through immediate assistance, return and reintegration. This chapter and the accompanying forms also provide the framework for a rights-based monitoring approach. Collecting information from the victims on their experience is an important way to increase knowledge and understand trafficking trends and patterns at the district, regional and national levels. As discussed, increased data collection also calls for a robust data protection plan.

5.1. Referral stakeholders

Child trafficking is a complex issue and must be addressed holistically. The Government of Ghana, specifically the HTS within MGCSP, leads in the overall coordination of government organizations and NGOs carrying out activities to fight human trafficking. There are several key ministries, departments and agencies within the Government of Ghana with important roles and functions in protecting child VoTs. As Figure 5.1 illustrates, stakeholders vary depending on the stage of response. For instance, anyone can identify a potential VoT, but only the Police can conduct investigations.

Figure 5.1: Referral stakeholders

5.1.1. Ministry of Gender, Children and Social Protection

The MGCS is responsible for the welfare of children in Ghana. According to the 2005 Human Trafficking Act, the MGCS is mandated to lead national efforts to combat child trafficking. In addition, the Act establishes the HTS, which serves as the overall coordinating body for the TiP policy and as the secretariat to the HTMB. In addition, the DSW under the MGCS is mandated to provide temporary and basic material support for the care and protection of a rescued VoT and should ensure the provision of counselling services to assist with the victim's rehabilitation and reintegration.

Human Trafficking Management Board and Human Trafficking Secretariat

The HTMB and the HTS were established by the 2005 Human Trafficking Act (Act 694). The HTMB is composed of broad representation of government agencies and NGOs. The 15 core members of the HTMB are as follows:

Ministry	Level
Ministry of Gender, Children and Social Protection	Minister* or Deputy Minister
Human Trafficking Secretariat	Director of Secretariat
Department of Social Welfare	Director of Social Welfare
Ghana Police Service	One representative
Ghana Immigration Service	One representative
Ministry of Employment and Labour Relations/Labour Department	Deputy Chief Labour Officer
Customs, Excise and Preventive Service	One representative
National Security Coordinating Council	One representative
Ministry of Local Government	Deputy Director
Ministry of Interior	Deputy Director
Ministry of Health	Deputy Director
Ministry of Education	Deputy Director
Attorney General's Department	Principal State Attorney
Private sector	One representative
Ghana Journalists Association	One representative

**Chair*

According to the Human Trafficking Act, the HTMB will have an advisory role on policy formulation related to the Human Trafficking Act and regulations. In addition, the HTMB will coordinate the implementation of a national action plan, coordinate prevention initiatives, build partnerships between national stakeholders, promote the comprehensive assistance for VoTs, conduct research on national/regional human trafficking trends and address any matter concerning TiP.⁶⁹

69 Act 694, section 30.

The HTS is responsible for record-keeping and coordination. In addition, the HTS has the following functions:

- ✓ Coordinate meetings of the HTMB;
- ✓ Coordinate with stakeholders to discuss national and international TiP trends, activities, challenges, opportunities and lessons learned in the fight against TiP;
- ✓ Organize training programmes for key partners;
- ✓ Collaborate with partners to develop messages and conduct advocacy campaigns;
- ✓ Identify resources for victim protection assistance and effective implementation of counter-human trafficking activities;
- ✓ Implement the national action plan;
- ✓ Maintain a human trafficking database and generate annual reports;
- ✓ Provide accurate, evidence-based information on TiP to the public;
- ✓ Advocate expedited investigations and prosecutions for cases of human trafficking, especially child trafficking.

5.1.2. Ministry of the Interior

The MINTER is responsible for all internal security issues in Ghana and oversees agencies including the GPS and the GIS. The MINTER develops policies on security and monitors the general security situation in Ghana, making it an incredibly important stakeholder and duty bearer to effectively combat human trafficking in the country.

The GPS has a pivotal role in the national response to TiP, particularly when identifying potential VoTs as well as investigating and prosecuting TiP cases. For example, if a complaint that may potentially involve human trafficking victims is filed with the GPS, the agency must respond by initiating an investigation. An investigation could include surveillance, rescue operations, interviews with victims and witnesses, opening of a casefile, victim referrals to specialized shelters, arrests of suspects, and collection and analysis of evidence.

The CID, under the GPS, is responsible for conducting human trafficking investigations. A successful GPS investigation contributes to the prosecution of offenders under the 2005 Human Trafficking Act. Under the CID is the AHTU, which was established in 2008 to deal specifically with human trafficking investigations in Ghana. In addition, the AHTU coordinates rescue

operations with relevant stakeholders to remove victims from exploitative conditions, including children.

Within the GPS, the DOVVSU is another unit focused on victim-centred investigations for the vulnerable members of society. The DOVVSU has specialized staff and units at the regional and district levels, so DOVVSU officers are often first responders.

The GIS is on the front line of identifying potential VoTs, especially those victims, or potential victims, of transnational human trafficking. Under the 2005 Human Trafficking Act, GIS officials are responsible for identifying potential VoTs and conducting rescue operations, preliminary screenings, referrals, repatriation, investigations, arrests and prosecutions. The GIS established the AHSTIP Unit in 2011. The Unit currently has satellite offices in all the major border posts to identify victims and begin the initial screening for cases of suspected trafficking and smuggling. These cases are then referred to the AHSTIP for further investigation and prosecutions, in coordination with the AGD.

5.1.3. Attorney General's Department

The AGD has been instrumental in drafting all relevant laws on the prosecution of TiP perpetrators, prevention of TiP and protection of child VoTs. These laws include the 1998 Children's Act (Act 560), the 2005 Human Trafficking Act (Act 694), the 2009 Human Trafficking Amendment Act (Act 784) and the 2015 Human Trafficking Legislative Instrument (L.I. 2219). The AGD provides interpretation of TiP-relevant laws and guidance on national TiP policy decisions. In addition, the AGD provides the police with advice on specific dockets and also prosecutes TiP cases.

5.1.4. Ministry of Employment and Labour Relations/ Labour Department

Among other things, the MELR/LD is responsible for combatting child labour. The MELR/LD has the general responsibility of ensuring that worst forms of child labour are eliminated from every sector in Ghana. According to the International Labour Organization (ILO),⁷⁰ human trafficking is considered one of the worst forms of child labour. The MELR/LD also leads the inter-agency coordination of efforts in this sector.

⁷⁰ ILO Convention 182.

The LD offers services to promote employment opportunities, protect workers and promote welfare. The LD oversees the CLU, which is the Secretariat of the National Steering Committee on Child Labour. The CLU was established as a result of the memorandum of understanding (MoU) signed between the Government of Ghana and the ILO in 2002. The CLU is responsible for the effective implementation of the MoU, including monitoring and investigating child labour in Ghana, particularly the worst forms of child labour. The Labour Inspectorate Division of the LD ensures the inspection of all government and private sector workplaces.

**Ministry of Employment and Labour Relations/Labour Department:
Key stakeholder in the identification of victims of trafficking**

The responsibilities of the MELR/LD relevant to the identification and screening of child victims of human trafficking include:

- ✓ Inspecting formal and informal business places, including marketplaces;
- ✓ Identifying the use of children below 15 years old in workplaces and ensuring their immediate withdrawal from these;
- ✓ Ensuring that children who are 15–17 years old are not subjected to hazardous labour;
- ✓ Charging and causing the arrest of any employer who breaks the law as outlined in the Children’s Act, the Human Trafficking Act and the Labour Act;
- ✓ Coordinating child trafficking cases with relevant government ministries, departments and agencies;
- ✓ Registering and monitoring all employment agencies that recruit and send labour migrants abroad.

5.1.5. Ministry of Local Government and Rural Development

The Ministry of Local Government and Rural Development (MLGRD) is responsible for developing policies and monitoring them to ensure full development of districts and communities. Furthermore, one of its functions is developing and managing budgets to cover all development projects at the community level. The Ministry is also tasked with developing and implementing the national action plan to combat human trafficking in the country at the district and community levels.

All government policies, programmes and legislation are implemented by District Assemblies (DAs), which are responsible for the effective implementation of the national action plan on human trafficking and enforcement of the laws, particularly the Children's Act and the Human Trafficking Act. DAs are an important link between national policy decisions and community implementation. DAs should be alerted prior to any rescue operation conducted in a district.

In some communities, CCPCs have been established to provide proactive monitoring of children within a community and to raise awareness about human trafficking. Members of CCPCs could include a representative of the Traditional Council, a Queen Mother, religious leaders, an assembly member, a teacher, a youth group or a children's representative. CCPCs have an important role in identification of potential victims, and function to facilitate immediate referral to appropriate authorities, such as the GPS and/or the DSW.

5.1.6. Non-governmental organizations

NGOs are non-profit organizations dedicated to a variety of social, political and economic issues. In Ghana, NGOs work with VoTs, often providing an array of services. Extensive NGO networks at the district and community levels make NGOs important stakeholders in the identification and screening of potential child VoTs.

5.1.7. International organizations

International Organization for Migration

IOM is an intergovernmental organization established in 1951. IOM is committed to the principle that humane and orderly migration benefits migrations and society. IOM has been working in the field of counter-trafficking in persons since 1994 and has implemented some 50 projects in 85 countries, providing assistance to over 70,000 VoTs. The primary aims of IOM in this area are to prevent TiP and to protect the victims while offering them options of sustainable integration, reintegration, and/or safe and voluntary return to their home countries. IOM protection and assistance generally includes safe shelter, legal, medical and psychological support, and the options of voluntary return to the country of origin, as well as reception and reintegration upon arrival.⁷¹

71 www.iom.int/counter-trafficking

INTERPOL

INTERPOL is the world's largest international police organization, with 190 member countries. Its role is to enable police around the world to work together to fight crime. In Ghana, members of the GPS have training in and access to INTERPOL tools and services, including suspect databases and secure communication channels. INTERPOL can have a role during the investigation of transnational trafficking cases by providing relevant information, such as criminal network analysis, to the AHTU.

UNICEF

UNICEF actively advocates children's rights and provides technical, material, and financial support to improve access to and the quality of basic social services. UNICEF works in five strategic focus areas: young-child survival and development; basic education and gender equality; HIV/AIDS and children; child protection; and policy, advocacy, partnership and participation. Under its child protection mandate, UNICEF works with governments and other partners to develop comprehensive child protection systems.

International Labour Organization

Counter-trafficking policy and action is central to the spirit of the ILO. The preamble of the ILO Charter specifically refers to a duty to protect "the interests of workers employed in countries other than their own" and identifies a goal of social justice, humanity and permanent peace. The ILO has the potential to address trafficking at the international, national, provincial and local levels.

5.2. Victim-centred approach

The aim of establishing referral procedures during the identification and screening process is to encourage cooperation and coordination between stakeholders at all levels of operation – community, district, regional and national. It is also to allow actors to fulfil their obligation to protect and promote the human rights of VoTs. The basic aim is to ensure children are effectively identified, rescued, and assisted in a victim-centred and child-friendly manner through the harmonized efforts of all relevant stakeholders.

As reflected in the Preliminary Screening and Referral Form (Form 1) and the Secondary Screening Form (Assistance) (Form 2), a set of core indicators and variables underpin the victim-centred referral process. The indicators fall under three broad categories – the profile of the VoT, the trafficking process (act, means, purpose) and the needs-based response. These are the primary indicators used to monitor the overall impact, but variables are contextually specific to the issue of domestic trafficking in Ghana, and particularly sensitive to the needs of children with a focus on unaccompanied minors.

Screening indicators will provide insight into the background of the VoT; the elements of process, coercion and exploitation; and the current living situation of the victims. This data is available from Forms 1 and 2. Screening data will be supplemented by investigative data from the social worker through the process of family tracing and community investigation; this data is captured in the Placement and Risk Assessment Form (Form 3). In addition, the placement assessment will establish the baseline for follow-up of the victim through the casework cycle.

The Follow-up Indicators (Form 4) demonstrate the “response to the victim”, whether through material assistance, programmatic involvement or other forms of case management. Qualitative and quantitative information is collected (with Forms 4 and 5) to allow for a longitudinal assessment of the return and reintegration process. Both forms incorporate the Child and Adolescent Needs and Strengths–Mental Health (CANS-MH) model of assessing child reintegration, a proven tool for action-oriented monitoring.

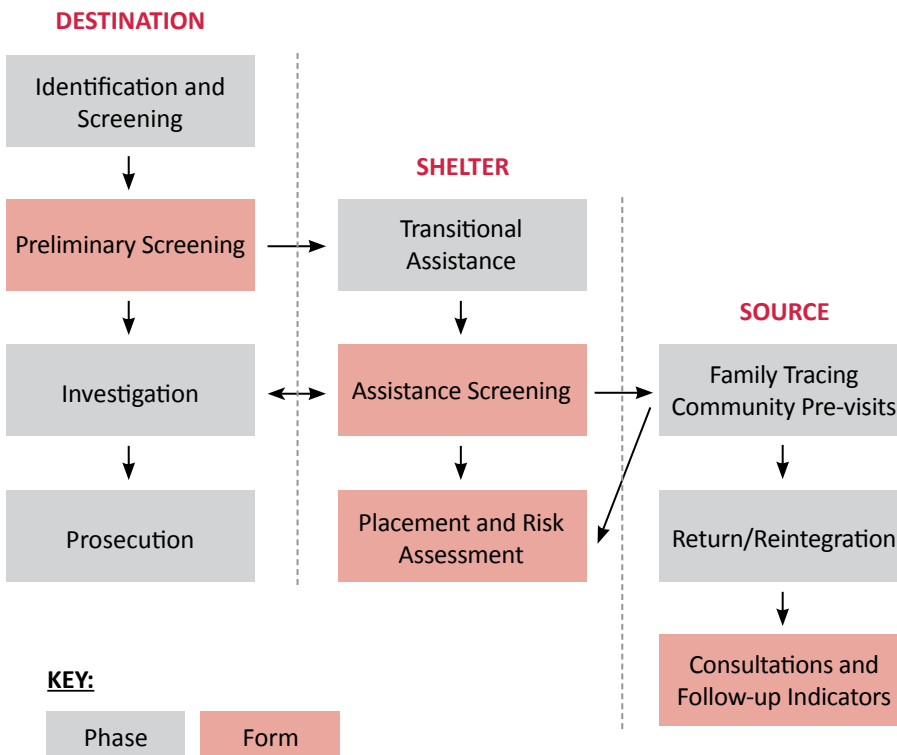
5.2.1. Providing information before referral

The victims – or their parents/guardians – should be made fully aware of the necessity to provide confidential information only concerning the crime and the perpetrators to law enforcement. VoTs also have to be informed of the legal options to seek compensation for the crimes committed. Furthermore, the court process and procedures, the necessity of testimony for the proceedings and the potential consequences of providing testimony should be communicated to the victims. Finally, they need to be notified of the steps being taken to guarantee personal safety of themselves and their family members. This information should be provided to the victims in a language that they understand.

5.3. Process

Victim-centred referral and monitoring is integrated throughout the assistance process. Data is collected through a series of forms that record information relevant to the assistance process. For example, information collected with the Preliminary Screening and Referral Form can be used to determine the immediate needs of a victim and facilitate immediate referral to a transitional shelter. After ensuring temporary protection, the social worker is to complete the Secondary Screening Form (Assistance) and develop an assistance plan. The Placement and Risk Assessment Form informs the family tracing, return, and reintegration process, and will include information collected at the temporary shelter as well as from the household to which the victim will return. After the return of the victim, he/she will be monitored by social workers to ensure successful and sustainable reintegration. This information will be collected in the Follow-up Indicators and the Consultation Note.

Figure 5.2: Child trafficking referral and monitoring flow chart



While initial identification can be done by any civilian or government official, the GPS is mandated to take a statement and conduct immediate referral for assistance. The Preliminary Screening Form should be used as the template for recording and reporting information obtained during the collection of the initial statement from a victim or witness. When possible, this statement should be collected in the presence of a social worker.

After initial referral to a temporary shelter, the social worker – using appropriate tools – will monitor the victim on a routine basis throughout the assistance process. During family tracing, for example, the social worker should use the Placement and Risk Assessment Form. During reintegration, the social worker will monitor the progress of the victim through monthly consultation sessions recorded in consultation forms and these will be used to determine the victim's coping strategies. Data is recorded from the consultations on paper. Like all data, consultation notes should be stored in a secure location.

5.4. Forms

When taken together, the five forms discussed in this section compose a referral mechanism and case monitoring framework for Ghana. Each form has a specific role and individual function, and is also part of a larger system to ensure victims receive informed and needs-based assistance throughout the identification, assistance and reintegration processes. Filling out the forms will be challenging at times, especially in cases of extreme trauma and/or if the victim is a child. While it is important to collect information from a victim/witness, the *how* and *when* are equally important. For further guidance on how and when to conduct effective victim interviews, please consult subsection 1.4.2 in chapter 1 and Annex 6.

5.4.1. Preliminary Screening and Referral (Form 1)

The Preliminary Screening and Referral Form (Form 1) should be used by all social workers and law enforcement officers when determining the status of potential VoTs and their assistance needs. The victim will be asked to provide basic demographic details, such as age, sex and nationality. The victim will also be asked to share information about his/her trafficking situation. The purpose of these questions is to ensure that all relevant elements of trafficking are evident (act, means and purpose for adult; and act and purpose for minors). This initial information collected from the victim will assist the interviewer to make an evidence-based determination of the status of the interviewee as a VoT. Form 1 should be completed before the victim arrives at the temporary shelter.

Informed consent

Before commencing any interview, informed consent must be obtained from the respondent. If the victim is a child, an adult must provide it on his/her behalf.

“Consent” is a key concept and can be defined as “any free, voluntary and informed decision that is expressed or implied and which is given for a specified purpose.”⁷² For consent to be unambiguous, the procedure for obtaining and providing consent must leave no doubt as the person’s intention. The notion of consent is founded on the idea that the individual has ownership of his/her personal data and should be in control of how it is used.

Interview information

If an interpreter is present, he/she must sign and submit a confidentiality agreement.

Registration data

“Age” is a required field. Anyone below the age of 18 years is considered a child. If the age is unknown, the interviewer should make a best estimate and indicate that the age is estimated. This section also identifies recent locations of inhabitation. To complete this section, questions to ask include:

- What is your name?
- When were you born?
- Where were you born? Is this also your place of origin (i.e. hometown)?
- Where are you staying now?
- **Where were you staying before?**

The answer provided for the question “Where were you staying before” indicates the location where the interviewee was living under the most recent conditions of exploitation. For example, this place could be a fishing village, street or quarry. **This location is represented throughout the Form by three asterisks (**).**

Narrative component

This section tries to get the big picture of how the victims ended up where they are. It should get a sense of both how and why they left their homes. Use open-ended questions to find out this information, and record with as much detail as possible. To complete this section, questions to ask include:

- Why did you leave your home?
- How did you leave your home?
- Were you in other places as well on the way? Where/What type of places?

Act

The questions in this section establish any evidence of recruitment, transportation, transfer, receipt or harbouring for the purpose of exploitation. Names and contact information provided in this section are crucial and should be included in referrals to stakeholders, including law enforcement for investigations and social welfare officers for family tracing. To complete this part of the Form, questions to ask include:

- How old were you when you arrived here (***)?
- How long ago did you leave your home?
- How long have you been here (***)?
- In your place of origin, who recruited you, or approached you/your parents?
- Were you abducted?
- What kind of transportation was used?
- Who arranged for your transportation?
- Who travelled with you?
- Who received you when you arrived here (***)?
- Who were you staying with while here (***)?
- Were you able to freely leave there (***)?
- Did you transfer locations or were you moved?

Means

The questions in this section establish coercion, deception, fraud or any other mechanism used to traffic the victim. Although “means” is not a legally required element for child trafficking, it is a relevant part of understanding the victim’s experience and therefore should not be excluded. For instance, if a child had been told he/she would be doing a certain activity or receiving a certain service or compensation and he/she did not, that is evidence of deception or fraud. Questions to ask to complete this section include:

- What were you (or your parents) told you were coming here (***) for?
- What were you told (if anything) you would receive if you came here (***)?
- Why did you agree to come here (***)?
- What means were used to recruit or transport you here (***)?

Purpose

The purpose of human trafficking is always exploitation. This section is arguably the most important because it determines whether a child is exploited. Exploitation manifests in a variety of ways, from sex to organ harvesting. Even if the victim has not been exploited at the time of the interview, if the intention to exploit is present, he/she is a VoT. Questions to ask include:

- What type of activities have you been doing since you arrived here (***)?
- What means were used to make you stay and work here (***)?

Investigation

This section should be completed with the clear understanding that law enforcement agencies will use the information to conduct a criminal investigation. Only provide the suspect’s information if you have a high confidence in the information provided about the trafficker. Any information included in this section should be assumed to be shared with law enforcement agencies to initiate criminal investigations.

Referral

This section identifies agencies for referral and is based on the preliminary assessment of the immediate needs of each victim. Referral agencies could include a combination of government agencies and NGOs, and will likely include transitional shelters and medical services at a minimum.

5.4.2. Secondary Screening Form (Assistance) (Form 2)

The Secondary Screening Form (Assistance) (Form 2) is completed by the social worker after the victim has received immediate assistance. The purpose of secondary screening is to gain a more in-depth understanding of the context and risks related to medium- and long-term assistance.

Socioeconomic assessment

This section captures additional details about the victim's family and household situation. The data collected will inform the family tracing process with names and contact information. Questions to ask include:

- Where does your family live now?
- Who lived with you before you came here? (In place of origin)
- How many other children lived with you while you were in (**)?
- Were you married before you came here?
- How often are you in contact with your parent/guardian?
- When was the last time you were in contact with a family member?
- What kind of work did your father do before you moved here?
- What kind of work did your mother do before you moved here?
- What sorts of material things did your family have where you came from? (In place of origin)
- Was there violence in your home before you left?
- Was there violence in your community before you left?
- Did you feel safe in your community before you left?

Retrafficking

In this context, the term “retrafficking” means that the victim has experienced multiple cycles of trafficking from his/her household to (**). Questions to ask include:

- Have you returned home since you came to this place (**)?
- How old were you when you first came here (**)?
- What was the reason you returned home? Why did you decide to leave again?

Current conditions

This section is divided into four broad areas, namely, safety, health, education, and living and working conditions. Questions to ask include:

- Did you feel safe in the place when you were living there (***)?
- Do you feel safe where you are right now?
- Do you feel safe to return to where you are from?
- Are you afraid of the police?
- Are you concerned that the trafficker knows where you are now?
- Are you concerned that the trafficker will be able to reach you after you return?
- Are you concerned that someone at home will retraffic you?
- Do you have any health concerns, signs or symptoms?

5.4.3. Placement and Risk Assessment Form (Form 3)

It is not possible to complete the Placement and Risk Assessment Form (Form 3) without having completed Forms 1 and 2. Form 3 is completed in coordination with the social workers located at the temporary shelter and in the community. In addition, Form 3 must be completed before the return and reintegration process is conducted.

Family tracing and reconciliation

Family tracing is a process undertaken before this assessment is completed. This section of the Form provides documentation of the results of the family tracing. Questions to ask include:

- Has family tracing taken place?
- Who currently lives at the child's home?
- Are there currently issues of child custody that may affect placement?
- Has the child's family expressed desire to have the child return home?
- Are there any safety concerns at the child's home?
- What is the primary livelihood of the male/female heads of household?
- What assets does the family have?

Community assessment

Based on the results of the family tracing, a primary household for return and reintegration will be identified. Like the family tracing, the community where the child is to be returned must also be investigated. These processes are typically conducted at the same time. Questions to ask include:

- Has an assessment of the community been done?
- What health facilities are there in the community?
- What are the safety concerns in the community?

Victim needs assessment

This section is completed based on the judgement of the social worker and the information collected both from the child and the child's community or destination of return and reintegration. Questions to ask include:

- How much education has the child completed?
- Does the child wish to continue education and schooling?
- Does the child wish to pursue full-time education during the school year?
- Are there tuition or other fees that are required from the [programme]?
- Does the child have any vocation or livelihood skills or training?
- Does the victim desire any vocation skills training or livelihood training?
- Based on the family or guardian identified, are there shelter needs for the child?
- Will the child require food support after return/resettlement?
- Will the child require any non-food item support after return/resettlement?
- Does the child have any health conditions?
- Are there indications that child has mental problems that may cause risks during travel, reception or reintegration?

Risk assessment

Risks are assessed by measuring the likelihood of something occurring against the severity of the outcome. Even when unavoidable, risks can be managed and mitigated. Precautions, safeguards and feasible alternatives should be incorporated into the assessment. Similar to the Preliminary Screening and Referral Form, any contact details provided in this section may be shared

with law enforcement officers for the purpose of investigation. Questions to ask include:

- Are there any indications of ongoing contact with traffickers that would increase the risks associated with the child's return and reintegration?
- Are there indications of immediate or extended family, friend or other associates involved in trafficking?
- Was the child trafficked by an organized crime group?
- Was the child persuaded, encouraged, or deceived by friends or neighbours?
- Are there any indicators that the traffickers know the current location of the child?
- Are there any indicators that the traffickers know the victim is being assisted?
- Is there any indication that the traffickers know the location of the child's family or loved ones?

Involvement of law enforcement

If there has been involvement by law enforcement, this issue should be discussed with the child directly. Questions include:

- Has there been contact with any law enforcement agencies?
- If the child has cooperated, to what degree?
- If the child has cooperated, are the traffickers aware of this fact?
- Have the Police taken, or do they plan to take, action against the trafficker?
- Has a criminal case been opened or a criminal investigation begun?
- Have any suspects been arrested to date?
- If any suspect was released on bail, are their current whereabouts known?
- Does the child wish to cooperate with law enforcement authorities?

Placement and referral

Based on all the information collected in previous sections, the social worker summarizes the overall placement and referral assessment. Questions include:

- Has a suitable family member, guardian or caretaker been identified?
- Has an appropriate community been identified for return and reintegration?
- Does the child need additional assistance?
- Is the child at risk of being re trafficked?

Assessing integration: Child and Adolescent Needs and Strengths–Mental Health

The most substantial component of placement and risk assessment is the Child and Adolescent Needs and Strengths–Mental Health (CANS-MH) questionnaire. This is a validated instrument developed in child populations in order to guide service delivery for children and adolescents with mental, emotional and behavioural health needs. As the manual instructs:

It is a tool developed to assist in the management and planning of services to children and adolescents and their families with the primary objectives of permanency, safety, and improved quality of life. The CANS is designed for use at two levels – for the individual child and family and for the system of care. The CANS provides a structured assessment of children along a set of dimensions relevant to service planning and decision-making. Also, the CANS provides information regarding the child and family’s service needs for use during system planning and/or quality assurance monitoring.⁷³

The CANS-MH model serves both to identify future needs of the victim and the strengths-based terms for the care manager and the family, as well as to point out services gaps in victims who are already under care. Therefore, **the CANS-MH is applied initially in the *Placement and Risk Assessment Form* to serve as a baseline**, and is repeated at each consultation in order to assess progress.

The CANS-MH is **not an interview form**; rather, it is based on the clinical assessment of a victim by a trained social/case worker. This means that social workers must be in regular communication with the victims and their families in order to make informed decisions and determine the victims’ personal situations as well as their conditions in the family and at school. The ratings for each item are based on what is “actionable”, and in general, the higher the rating (between 0 and 3), the greater the problem. The ratings for needs and strengths are described in the table that follows.

73 J.S. Lyons, *Child and Adolescent Needs and Strengths*.

The CANS-MH was developed based on communication theory. There are six key principles of the CANS-MH that should be considered when completing:

1. It is an item-level tool. Items are included because they might have a direct impact on the service planning process.
2. The levels of each item translate immediately into action levels. There are different action implications for needs and strengths, therefore:

Score	Action level for needs	Action level for strengths
0	No need for action	<i>A centerpiece strength</i> (the focus of a strength-based plan)
1	A need for <i>watchful waiting</i> to see whether action is needed in the future	<i>A useful strength</i> – which may be included in a strength-based plan
2	<i>A need for action</i>	<i>An identified strength</i> which may be developed to be useful
3	A need for either <i>immediate</i> or <i>intensive action</i>	<i>No strength has been identified</i>

3. The CANS-MH focuses on the child and the service. All ratings are done with an understanding that a service context might be masking a need. You rate the need not the fact that the service is masking it.
4. Always consider cultural and developmental contexts before establishing the action levels.
5. The CANS-MH focuses on the “what” and the “why”. Although several items have some cause-and-effect thinking, most of the items in the CANS-MH tool are entirely descriptive. For example, school attendance is a need whether the child is truant or expelled. It does not matter why the child is not going to school to rate that need.
6. There is a 30-day window for ratings unless otherwise specified, but this is just to keep the ratings fresh.⁷⁴

74 Ibid., p. 4.

CANS-MH Dimension Summary

Following is a summary of the dimensions of the CANS-MH. Unless otherwise specified, each rating is based on the progress of the child for the last 30 days. Each of the dimensions is rated on a 4-point scale after routine service contact or following review of case files. The basic design is that “0” reflects no evidence, a rating of “1” reflects a mild degree of the dimension, a rating of “2” reflects a moderate degree and a rating of “3” reflects a severe or profound degree of the dimension. Another way to conceptualize these ratings is that “0” indicates no need for action or intervention, “1” indicates a need for watchful waiting to see whether action is warranted, “2” indicates a need for action, and a “3” indicates the need for either immediate or intensive action. In order to maximize the ease of use and interpretation, please note that the last two clusters of dimensions – caregiver capacity and strengths – are rated in the opposite logical manner to maintain consistency across the measure. Thus, in all cases, a low rating is positive.⁷⁵

- ✓ **Child health and safety:** This section helps assess the safety of the child and the health of the child. If victims receive high ratings in this section, there is a high need for action because the child is extremely unsafe or unhealthy. Measuring indicators like substance abuse, danger to self, danger to others, health, and abuse (physical, emotional, and sexual) captures the overall health needs of the victim. Measuring indicators like depression and worry, problem with authority, fear of separation, running away, neglect, exploitation and crime/bad behaviour captures the overall safety of the victim.
- ✓ **Child daily functioning:** This section looks at the needs of a child in relation to daily functions. High ratings from these measurements indicate an immediate need for action addressing basic social skills like interacting with other people, cognitive ability and involvement in school. Stability of relationships refers to the permanence and durability of the child’s relationships.
- ✓ **Child strengths:** This section highlights strengths of victims and helps social workers to develop a strength-based plan for each victim. It measures family strength, spiritual and religious feelings, talents and interest, level of participation in the community, the ability to overcome challenges and be resilient, and overall hope or optimism for the future.

75 Ibid., p. 6.

- ✓ **Caregiver needs and strengths:** This section identifies various needs and strengths of the child's primary caretaker, including the parent(s), legal guardian or legal caretaker. The measurements include physical/behavioural health (referring to any mental or physical health challenges faced by the caregiver); the ability for the caregiver to supervise, monitor and discipline the child; the caregiver's active involvement in the victim's reintegration efforts, both within the family and community; the overall knowledge and organization of the caregiver; the caregiver's financial and social resources; and the overall stability of the family unit.

5.4.4. Follow-up Indicators (Form 4)

Follow-up indicators should be monitored after each consultation, that is, a minimum of once per month. Social workers in communities of return will be responsible for completing this Form and ensuring data is shared and stored appropriately.

Access to basic services

This section identifies the child's access to services like shelter, food, potable water, toilet and medical treatment. For example, the social worker will establish the general pattern of meals for the child and find out if the child feels like he/she is getting enough food to eat. Questions to ask include:

- Does the child have a place to sleep every night?
- Does the child have to pay to live there? How much does the child have to pay?
- Does the child sleep inside or outside?
- Does the child have food every day?
- How many meals does the child have per day?
- Does the child feel like they have enough food to eat?
- Does the child have access to clean drinking water?
- Does the child have access to a toilet?
- Does the child have access to medical treatment?

Access to education

This section determines if the child is enrolled and attending school on a regular basis. If not, this is an opportunity to identify barriers to the child's education. Questions include:

- Is the child currently enrolled in school?
- How often does the child go to school?
- What barriers, if any, are there to the child being able to go to school regularly?

Risk/safety assessment

After speaking with both the parent/guardian and the child, the social worker should assess all safety concerns that exist for the child. Social workers must also be fully aware of or involved in any action by law enforcement agencies. Questions include:

- Does the child wish to leave home?
- Does the child's family wish for the client to leave home?
- Does the child display any signs of domestic abuse or violence?
- Has there been any criminal investigation?

Services being provided

This component monitors reintegration activities and services provided. For each service, social workers will determine if it was identified during the placement and risk assessment, if the service is still being offered to the victim or family, and what the level of satisfaction is with the particular service.

5.4.5. Consultation Note (Form 5)

The Consultation Note is used to provide documentation of a consultation session and a structured way of collecting and recording information. It is also not an interview form; rather, the information should be collected organically using open-ended questions.

Coping

This section asks “How is the victim settling (after return/reintegration or waiting for placement), and what type of problems and coping strategies are they using?” It is meant to understand the general issues the victim is facing and to provide an open-ended way to initiate the consultation and determine what challenges (and success) the victim is facing.

Family problems

Rather than ask “What kind of problems is your family facing,” consider asking “How is your family?” or “How is everything at home?” Information here can give insights into the safety of the child.

Social problems

You may want to ask open-ended questions about whether the victim is playing with friends or fitting in at school or in the community. Explore these themes without implying that they are being discriminated or stigmatized.

Health problems

You may wish to also find out information from the beneficiary’s health provider or doctor, particularly if there are known health problems. If the beneficiary has not seen a doctor since return and reintegration, find out why.

Mental health problems

This is a very delicate section. You should not ask victims directly if they feel “traumatized” or “depressed”. If you are worried about the victim from the rest of your consultation, you may wish to ask questions like “Do you ever feel sad?”

New special needs

Identify any new events in the child's life that needs to be addressed (i.e. death of a caregiver, disease, pregnancy, etc.)

School/Work

Whether the child is in school or not is documented in Follow-up Indicators. In this section, you should document how the child is doing in school or work and what types of problems or successes he/she is facing.

Hopes and strengths

This section should be used to gain a deeper understanding of the children, and help the social worker know what motivates them and what types of interventions might be helpful to give them hope to succeed.

Safety and security

Documentation in this section should include whether the child believes that his/her family or guardians are planning on retrafficking him/her.

5.5. Data protection

Protecting personal data of victims, like name or date of birth, is paramount. Data protection must be prioritized at all stages of the data processing cycle, from development and implementation, to evaluation and reporting. Any staff involved in the data collection process will receive training in data protection. Training should include domestic and international laws pertaining to data security, raising awareness about data security risks associated with trafficking, fostering greater capability in the use of data security measures and instilling a “culture of data security” among staff and partners.

Personal data should not be disclosed without prior knowledge of the victim and informed written consent by the victim, parent or guardian. The only exceptions are situations where the limited release of non-personal, case-based data is necessary to enable law enforcement agencies to secure the safety of other victims still under the control of traffickers, or of those who are at risk of being trafficked. The “need to know” principle should be observed in all cases.

Authorities must ensure that all sensitive data is shared only with colleagues who need to be informed of personal information. All information about the victim must be handled with regard for their right to confidentiality and privacy. From the first meeting with the victim to the end of the assistance process, partners must be able to assure that all personal information is kept confidential and responsibly managed.

5.5.1. Data security

There are clear risks with collecting and protecting data associated with trafficked persons. Personal data must be kept secure, both technically and organizationally, and should be protected by reasonable and appropriate measures against unauthorized modification, tampering, unlawful destruction, accidental loss, improper disclosure or undue transfer.

Data risks and precautions

Risk	Precaution
Loss or theft of paper documents with confidential information	Lock file cabinets; create encrypted database; use data for aggregate statistical analysis
Loss or theft of electronic devices (e.g. smartphone, tablet, laptop)	Use encryption and/or passwords; limit devices
Revelation of data in conversations during social interactions	Practice awareness and caution

Data security must be considered paramount throughout the entire response to human trafficking in Ghana. To eliminate the risk of collecting, storing, and disseminating personal or incriminating information, stakeholders must have a strict accordance to agreed standards for data protection.

5.5.2. Data sharing

One expected outcome of the referral mechanism is the increased sharing of information among response agencies and stakeholders, including both government and non-governmental organizations. However, due to

the sensitive nature of the data collected during the assistance process, and the specific vulnerability of victims, safeguards must be in place to ensure – above all else – that the victims’ identities are protected. Personal data is accessible to law enforcement and social workers to facilitate the management of cases, but when victim data is shared, unique identifiers should not necessarily be made available to the receiving party. Such a mechanism ensures that personal identifiers are only shared on a need-to-know basis.

There are clear risks with disseminating data associated with trafficked persons, especially with issues related to ongoing investigations and prosecutions. It is likely that most clients will be reluctant to contact authorities due to fear and mistrust. Still, before contacting law enforcement authorities and providing personal information, it is crucial for social workers to make certain it is what the client wants. This includes discussing the potential benefits and risks of contacting an official and what different authorities may be able to provide.

Trafficking in persons data in the media

The media is an important national stakeholder in raising awareness about human trafficking, but it must also play a role in protecting victims and their personal information. The media is encouraged to do the following:

- ✓ DO publish national trends.
- ✓ DO NOT publish any identifying information about the victim (i.e. name, age, home address) or information sensitive to the investigation of the case.

5.6. Data quality

Data needs integrity, reliability, and validity to accurately measure the phenomenon of trafficking and child labour. Ensuring data quality in relation to trafficking poses unique challenges because gaining a complete understanding of the phenomenon requires the collection of data over an extended amount of time and from multiple sources of information. To mitigate these challenges, ensure data quality by collecting accurate data from multiple sources and over an extended amount of time.

5.6.1. Integrity

Data that is collected, analysed and reported should have mechanisms in place to reduce the possibility that it is manipulated. Data integrity can be compromised in a number of ways, including human errors when data is entered, errors that occur when data is transmitted from one computer to another, software bugs or viruses, and hardware malfunctions.

There are several ways to minimize risks to data integrity. One way is by backing up data regularly. A database should be backed up on a regular basis to avoid losing data. Also, controlling access to data through security mechanisms is another way to minimize risks to data integrity. Access to data should be based on a need-to-know assessment of a role.

5.6.2. Cleaning

Data cleaning is the act of detecting and correcting (or removing) corrupt or inaccurate records from a data set. It is an essential quality control mechanism. It differs from data validation in that it is performed at regular intervals during data processing and on select batches of data.

The process of data cleaning will involve removing typographical errors or validating and correcting values against a known list of entities. An example of data cleaning is a consistency check which, at the minimum, ensures that fields have valid or consistent values and that those non-applicable fields do not have values.

5.6.3. Reliability

Collecting reliable data will depend on clear and consistent data collection processes and analysis methods over time. Progress towards objectives should reflect real changes rather than variations in data collection methods. Monitoring systems should adopt several mechanisms to ensure reliability in data, including data input checks for completion during the collection process, training in expectations of data quality and pilot tests for data collection tools.

- **Input check:** This mainly entails checks for completeness of forms. For example, if we have a number field to be filled in, only numbers will appear on the screen. Input checks are done at the time when social workers are entering data on the form. Also, the system will have fields that will be required to be filled for a form to be considered desirably complete.
- **Training:** Officials should be trained on how the system works and on how to interpret the different questions in different forms. This will help ensure that questions and responses are understood the same way by the different officials and thus standardize the type of information collected. This training will also help clarify which questions are binary fields (yes/no questions) and which ones are multiple-response questions (those for which multiple answers can be provided).
- **Testing:** The forms are tested at the Madina shelter. Each victim will have two different social workers administering the form (one from IOM and another from the DSW). Results from the two different social workers of each client are compared so as to ensure consistency and accuracy of information provided. This will also ensure that question interpretation is uniform across all social workers.

5.6.4. Accuracy

Accuracy is required throughout the life cycle of data processing and is checked at the collection, transmission, storage and sharing phases. A 10 per cent quality control check on the completed forms should be conducted at regular intervals by the supervisor. Forms that do not meet the desired data standards are passed back to the social workers with recommendations on what needs to be done. To ensure accuracy during data collection, it is important to assure victims that their personal data will be treated with the utmost care and confidentiality and to explain to them the potential consequences of providing false information.

5.6.5. Verification

Another important step to ensure data quality during the life cycle is by verifying the data. Each month, an IOM staff conducts field verification of 1 per cent of all forms. Verification can be done by social workers, statisticians, analysts or anyone with access to the data. Some verification methods may be conducted by the social worker, like asking the same question in multiple different ways during an interview, or by statisticians and analysts, like comparing data over an extended amount of time.

5.6.6. Training

Data protection training is conducted for all stages of the data processing cycle, from project development and implementation, to evaluation and reporting. Social workers involved in the data collection process receive detailed training in data protection principles. Training includes outlining domestic and international laws pertaining to data security; raising awareness about data security risks associated with trafficking; fostering greater capability in the use of data security measures; explaining access levels, controls and encryption tools; and instilling a “culture of data security”.

FORM I

PRELIMINARY SCREENING AND REFERRAL

INFORMED CONSENT

Has the individual's full and informed consent been obtained to conduct the interview based on information provided regarding the purpose of the Preliminary Screening Form, the role of the interviewer, the voluntary nature of the interview and the intended use of information provided by the individual?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If the individual is a minor, has the consent of the parent(s)/guardian(s) been obtained, or is this child an unaccompanied minor from whom a parent or guardian acting in the best interest of the child cannot safely be obtained?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Section A: Interview information

A1. Location of interview:	A2. Date (DD/MM/YYYY):
A3. Name of interviewer:	A4. Language of interview:
A5. Interpreter present: <input type="checkbox"/> Yes <input type="checkbox"/> No	A6. Name of interpreter:
A7. Information obtained from: A7.1. <input type="checkbox"/> Child (17 or younger) A7.2. <input type="checkbox"/> Adult (18 or older) A7.3. <input type="checkbox"/> Mother A7.4. <input type="checkbox"/> Father	A7.5. <input type="checkbox"/> Other relative (specify): _____ A7.6. <input type="checkbox"/> Guardian (specify): _____ A7.7. <input type="checkbox"/> Witness (specify): _____

Section B: Registration data

B1. First (Given) name(s):	B2. Last (Family) name(s):	B3. Other name(s):
B4. Date of birth (DD/MM/YYYY): <input type="checkbox"/> <i>Unknown</i>		B5. Age (in years): <input type="checkbox"/> <i>Estimated</i>
B6. Sex: <input type="checkbox"/> M <input type="checkbox"/> F		B7. Citizenship:
B8. Where was the victim just before coming into contact with you? (***) ¹		
B8.1. Country:		
B8.2. Region:		
B8.3. District:		
B8.4. Town/Community:		
B9. Number of days in current location (**):		
B10. Place of birth:		B11. Place of origin: (<input type="checkbox"/> Also place of birth)
B10.1. Country:		B11.1. Country:
B10.2. Region:		B11.2. Region:
B10.3. District:		B11.3. District:
B10.4. Town/Community:		B11.4. Community:

1 This question aims to clarify where the child was living under the most recent conditions of exploitation. This could be in a fishing community, the streets or their own home. Detailed information is critical. The answer to this question will be referred to several times later in this form, as represented by three asterisks (***)

Section C: Narrative component

C1. Why did you leave your home?

C2. How did you get here (***)?

C3. Were you in other places as well on the way, and what were they?

Section D: Act (Recruitment, transportation, transfer, receipt or harbouring)

D1. How old were you when you arrived here (***)? ____ year(s)

D2. How long ago did you leave your home? ____ month(s) ____ day(s)²

D3. How long have you been here (in this place)? ____ month(s) ____ day(s)

D4. In your place of origin, who recruited you, or approached your parents to get you to come here (***)?

- D4.1. ☐ Family member
 D4.2. ☐ Family friend
 D4.3. ☐ Stranger
 D4.4. ☐ Company
 D4.5. ☐ Nobody
 D4.6. ☐ Don't know

Name:

Contact:

D5. Were you abducted?

- D5.1. ☐ Yes
 D5.2. ☐ No
 D5.3. ☐ Don't know

Name:

Contact:

² A child may not be able to state in months/years. In such circumstances, the interviewer should ask in other terms like significant milestones (i.e. national holidays or seasonal changes).

<p>D6. What kind of transportation was used?</p>	<p>D6.1. <input type="checkbox"/> Bus D6.2. <input type="checkbox"/> Car D6.3. <input type="checkbox"/> Travelled on foot D6.4. <input type="checkbox"/> Travelled by train D6.5. <input type="checkbox"/> Travelled by boat D6.6. <input type="checkbox"/> Travelled by plane D6.7. <input type="checkbox"/> Travelled by bicycle D6.8. <input type="checkbox"/> Don't know</p>	
<p>D7. Do you know who organized or paid for your transportation?</p> <p><i>(Check one box only.)</i></p>	<p>D7.1. <input type="checkbox"/> Parent/Guardian D7.2. <input type="checkbox"/> Family member D7.3. <input type="checkbox"/> Family friend D7.4. <input type="checkbox"/> Stranger D7.5. <input type="checkbox"/> Company D7.6. <input type="checkbox"/> I paid for it myself D7.7. <input type="checkbox"/> Don't know</p>	<p>Name:</p> <p>Contact:</p>
<p>D8. Who travelled with you?</p>	<p>D8.1. <input type="checkbox"/> Sibling(s) D8.2. <input type="checkbox"/> Other children D8.3. <input type="checkbox"/> Spouse or partner D8.4. <input type="checkbox"/> Parent(s)/Guardian(s) D8.5. <input type="checkbox"/> Recruiter/Transporter D8.6. <input type="checkbox"/> Other adult(s) D8.7. <input type="checkbox"/> I was alone D8.8. <input type="checkbox"/> Don't know</p>	<p>Name(s):</p> <p>Contact(s):</p>
<p>D9. Who has been taking care of you here (***)?</p>	<p>D9.1. <input type="checkbox"/> Parent/Guardian D9.2. <input type="checkbox"/> Other relative D9.3. <input type="checkbox"/> Family friend D9.4. <input type="checkbox"/> Stranger D9.5. <input type="checkbox"/> Company D9.6. <input type="checkbox"/> Nobody D9.7. <input type="checkbox"/> Don't know</p>	<p>Name:</p> <p>Contact:</p>
<p>D10. Were you able to freely leave (***)?</p>	<p>D10.1. <input type="checkbox"/> Yes – I could leave if I wanted. D10.2. <input type="checkbox"/> No – They kept me there. D10.3. <input type="checkbox"/> No – I was unable because I didn't have resources.</p>	
<p>D11. Assessment: Is there evidence of act (including recruitment, transportation, transfer, receipt or harbouring)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		

Section E: Means (Coercion, deception or fraud)

E1. What were you (or your parents) told you were coming here (***) for?

- E1.1. ☐ Education/Schooling
 E1.2. ☐ Fishing
 E1.3. ☐ Agriculture/Farm work
 E1.4. ☐ To visit family/friends
 E1.5. ☐ Domestic work
 E1.6. ☐ Factory work
 E1.7. ☐ Restaurant/Hotel work
 E1.8. ☐ Prostitution

- E1.9. ☐ Childcare/Babysitting
 E1.10. ☐ Sweeping
 E1.11. ☐ Criminal activity
 E1.12. ☐ Scrap metal collection
 E1.13. ☐ Begging
 E1.14. ☐ Other (specify): _____
 E1.15. ☐ No reason/Don't know

E2. Is this activity what you ended up doing? ☐ Yes ☐ No ☐ N.A.

E3. What were you told (if anything) you would receive if you came here (***)?
(Multiple responses allowed)

- E3.1. ☐ Education/Schooling
 E3.2. ☐ Free housing/food
 E3.3. ☐ Other benefits (specify):

- E3.4. ☐ Medical care
 E3.5. ☐ Money/Salary
 E3.6. ☐ If money, estimated wages
 (cedi/week): _____

E3.7. If YES to any of the above, were they provided? ☐ Yes ☐ No

E4. Why did you agree to come here (***)?

- E4.1. ☐ I was not given a choice
 E4.2. ☐ Poverty at home
 E4.3. ☐ Food shortage at home
 E4.4. ☐ Orphaned/Ran away
 E4.5. ☐ Home or community is
 unsafe/violent

- E4.6. ☐ Followed family
 E4.7. ☐ To earn money for myself
 E4.8. ☐ To earn money for my family
 back home
 E4.9. ☐ Other (specify):

E5. Were any of the following means used to recruit, transport or keep you here (***)? *(Select all that apply.)*

- E5.1. ☐ Abduction
- E5.2. ☐ Physical abuse
- E5.3. ☐ Threats to you
- E5.4. ☐ Psychological abuse
- E5.5. ☐ Threats to family
- E5.6. ☐ False promises/Deception
- E5.7. ☐ Sexual abuse
- E5.8. ☐ Threat of action by law enforcement
- E5.9. ☐ Given drugs or alcohol
- E5.10. ☐ Denied freedom of movement/Locked up

- E5.11. ☐ Money or wages withheld/taken away
- E5.12. ☐ Identification documents withheld/taken
- E5.13. ☐ Denied medical treatment
- E5.14. ☐ Debt bondage, or told that you "owe"
- E5.15. ☐ None of the above (no coercion)
- E5.16. ☐ Other (specify):

E6. **Assessment:** Is there evidence of deception, fraud or coercion? ☐ Yes ☐ No

Section F: Purpose (Exploitation)

F1. What type of work have you been doing since you arrived here (***)?
(Multiple responses allowed)

- F1.1. ☐ Begging
- F1.2. ☐ Garbage/Scrap collection
- F1.3. ☐ Domestic work
- F1.4. ☐ Pickpocketing or petty theft
- F1.5. ☐ Fishing
- F1.6. ☐ Debt bondage³
- F1.7. ☐ Prostitution/Pornography⁴

- F1.8. ☐ Mining
- F1.9. ☐ Forced marriage
- F1.10. ☐ Scavenging for food
- F1.11. ☐ Childcare
- F1.12. ☐ Factory work
- F1.13. ☐ Restaurant work
- F1.14. ☐ Other (specify):

³ A person is under control of another person as security payment for a debt when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied towards liquidation of the debt.

⁴ Any of these activities constitute exploitation.

<p>F2. What means were used to make you stay and work here (***) (either used or a real threat)?</p>	
<p>F2.1. <input type="checkbox"/> Physical abuse</p> <p>F2.2. <input type="checkbox"/> Involuntary separation from your family</p> <p>F2.3. <input type="checkbox"/> Threats to you</p> <p>F2.4. <input type="checkbox"/> Threat of action by law enforcement</p> <p>F2.5. <input type="checkbox"/> Threats to family</p> <p>F2.6. <input type="checkbox"/> False promises/Deception</p> <p>F2.7. <input type="checkbox"/> Sexual abuse</p> <p>F2.8. <input type="checkbox"/> Debt bondage, or told that you "owe"</p> <p>F2.9. <input type="checkbox"/> Given drugs or alcohol</p>	<p>F2.10. <input type="checkbox"/> Denied freedom of movement/Locked up</p> <p>F2.11. <input type="checkbox"/> Money or wages withheld/taken away</p> <p>F2.12. <input type="checkbox"/> Identification documents withheld/taken</p> <p>F2.13. <input type="checkbox"/> Denied medical treatment</p> <p>F2.14. <input type="checkbox"/> Psychological abuse</p> <p>F2.15. <input type="checkbox"/> Other (specify): _____</p> <p>F2.16. <input type="checkbox"/> No, the work I was doing was voluntary</p>
<p>F3. Assessment: Is the child a victim of exploitation? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, what type of exploitation (MANDATORY – Multiple response):</p>	
<p>F3.1. <input type="checkbox"/> Sexual (i.e. prostitution, sex tourism, pornography or use of a person for intercourse)</p> <p>F3.2. <input type="checkbox"/> Forced marriage</p> <p>F3.3. <input type="checkbox"/> Child marriage</p> <p>F3.4. <input type="checkbox"/> Forced labour (any work/ service under the threat of penalty not done voluntarily)</p> <p>F3.5. <input type="checkbox"/> Use of child in armed conflict</p>	<p>F2.6. <input type="checkbox"/> Slavery, servitude or similar practices (power of "ownership" over a person is applied)</p> <p>F2.7. <input type="checkbox"/> Use of person in illegal activities</p> <p>F2.8. <input type="checkbox"/> Debt bondage</p> <p>F2.9. <input type="checkbox"/> Human sacrifice</p> <p>F2.10. <input type="checkbox"/> Removal of organs</p> <p>F2.11. <input type="checkbox"/> Other (specify): _____</p>
<p>Section G: Investigation</p>	
<p>G1. Assessment: Any person(s) involved in this case that should be investigated. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

If YES, please provide the following information for each suspect (MANDATORY):

G1.1.
Suspect

G1.1.1. Gender: ☐ Male ☐ Female

G1.1.2. Approximate age: ☐ Teenager (13–17)
☐ Young adult (18–30)
☐ Older adult (>30)

G1.1.3. First name: _____

G1.1.4. Last name: _____

G1.1.5. Relation to victim: _____

G1.1.6. Telephone: _____

G1.1.7. Address: _____

G1.1.8. Suspected role: _____

G1.2.
Suspect

G1.2.1. Gender: ☐ Male ☐ Female

G1.2.2. Approximate age: ☐ Teenager (13–17)
☐ Young adult (18–30)
☐ Older adult (>30)

G1.2.3. First name: _____

G1.2.4. Last name: _____

G1.2.5. Relation to victim: _____

G1.2.6. Telephone: _____

G1.2.7. Address: _____

G1.2.8. Suspected role: _____

G1.3.
Suspect

G1.3.1. Gender: ☐ Male ☐ Female

G1.3.2. Approximate age: ☐ Teenager (13–17)
☐ Young adult (18–30)
☐ Older adult (>30)

G1.3.3. First name: _____

G1.3.4. Last name: _____

G1.3.5. Relation to victim: _____

G1.3.6. Telephone: _____

G1.3.7. Address: _____

G1.3.8. Suspected role: _____

Section H: Referral

H1. Will you refer this victim to another agency for further assistance?

☐ Yes ☐ No

If YES, please provide the following information for each referral agency (MANDATORY):

<p>H1.1. Referral agency:</p>	<p>H1.1.1. Type(s) of assistance:</p> <table border="0"> <tbody> <tr> <td><input type="checkbox"/> Transitional shelter</td> <td><input type="checkbox"/> Legal services</td> </tr> <tr> <td><input type="checkbox"/> Health/Medical services</td> <td><input type="checkbox"/> Family tracing</td> </tr> <tr> <td><input type="checkbox"/> Nutritional feeding</td> <td><input type="checkbox"/> Family counselling</td> </tr> <tr> <td><input type="checkbox"/> Education</td> <td><input type="checkbox"/> Long-term housing</td> </tr> <tr> <td><input type="checkbox"/> Psychological counselling</td> <td><input type="checkbox"/> Reintegration</td> </tr> </tbody> </table> <p>H1.1.2. Name of focal point: _____</p> <p>H1.1.3. Address: _____</p> <p>H1.1.4. Phone number: _____</p>	<input type="checkbox"/> Transitional shelter	<input type="checkbox"/> Legal services	<input type="checkbox"/> Health/Medical services	<input type="checkbox"/> Family tracing	<input type="checkbox"/> Nutritional feeding	<input type="checkbox"/> Family counselling	<input type="checkbox"/> Education	<input type="checkbox"/> Long-term housing	<input type="checkbox"/> Psychological counselling	<input type="checkbox"/> Reintegration
<input type="checkbox"/> Transitional shelter	<input type="checkbox"/> Legal services										
<input type="checkbox"/> Health/Medical services	<input type="checkbox"/> Family tracing										
<input type="checkbox"/> Nutritional feeding	<input type="checkbox"/> Family counselling										
<input type="checkbox"/> Education	<input type="checkbox"/> Long-term housing										
<input type="checkbox"/> Psychological counselling	<input type="checkbox"/> Reintegration										
<p>H1.2. Referral agency:</p>	<p>H1.2.1. Type(s) of assistance:</p> <table border="0"> <tbody> <tr> <td><input type="checkbox"/> Transitional shelter</td> <td><input type="checkbox"/> Legal services</td> </tr> <tr> <td><input type="checkbox"/> Health/Medical services</td> <td><input type="checkbox"/> Family tracing</td> </tr> <tr> <td><input type="checkbox"/> Nutritional feeding</td> <td><input type="checkbox"/> Family counselling</td> </tr> <tr> <td><input type="checkbox"/> Education</td> <td><input type="checkbox"/> Long-term housing</td> </tr> <tr> <td><input type="checkbox"/> Psychological counselling</td> <td><input type="checkbox"/> Reintegration</td> </tr> </tbody> </table> <p>H1.2.2. Name of focal point: _____</p> <p>H1.2.3. Address: _____</p> <p>H1.2.4. Phone number: _____</p>	<input type="checkbox"/> Transitional shelter	<input type="checkbox"/> Legal services	<input type="checkbox"/> Health/Medical services	<input type="checkbox"/> Family tracing	<input type="checkbox"/> Nutritional feeding	<input type="checkbox"/> Family counselling	<input type="checkbox"/> Education	<input type="checkbox"/> Long-term housing	<input type="checkbox"/> Psychological counselling	<input type="checkbox"/> Reintegration
<input type="checkbox"/> Transitional shelter	<input type="checkbox"/> Legal services										
<input type="checkbox"/> Health/Medical services	<input type="checkbox"/> Family tracing										
<input type="checkbox"/> Nutritional feeding	<input type="checkbox"/> Family counselling										
<input type="checkbox"/> Education	<input type="checkbox"/> Long-term housing										
<input type="checkbox"/> Psychological counselling	<input type="checkbox"/> Reintegration										
<p>H1.3. Referral agency:</p>	<p>H1.3.1. Type(s) of assistance:</p> <table border="0"> <tbody> <tr> <td><input type="checkbox"/> Transitional shelter</td> <td><input type="checkbox"/> Legal services</td> </tr> <tr> <td><input type="checkbox"/> Health/Medical services</td> <td><input type="checkbox"/> Family tracing</td> </tr> <tr> <td><input type="checkbox"/> Nutritional feeding</td> <td><input type="checkbox"/> Family counselling</td> </tr> <tr> <td><input type="checkbox"/> Education</td> <td><input type="checkbox"/> Long-term housing</td> </tr> <tr> <td><input type="checkbox"/> Psychological counselling</td> <td><input type="checkbox"/> Reintegration</td> </tr> </tbody> </table> <p>H1.3.2. Name of focal point: _____</p> <p>H1.3.3. Address: _____</p> <p>H1.3.4. Phone number: _____</p>	<input type="checkbox"/> Transitional shelter	<input type="checkbox"/> Legal services	<input type="checkbox"/> Health/Medical services	<input type="checkbox"/> Family tracing	<input type="checkbox"/> Nutritional feeding	<input type="checkbox"/> Family counselling	<input type="checkbox"/> Education	<input type="checkbox"/> Long-term housing	<input type="checkbox"/> Psychological counselling	<input type="checkbox"/> Reintegration
<input type="checkbox"/> Transitional shelter	<input type="checkbox"/> Legal services										
<input type="checkbox"/> Health/Medical services	<input type="checkbox"/> Family tracing										
<input type="checkbox"/> Nutritional feeding	<input type="checkbox"/> Family counselling										
<input type="checkbox"/> Education	<input type="checkbox"/> Long-term housing										
<input type="checkbox"/> Psychological counselling	<input type="checkbox"/> Reintegration										

FORM 2

SECONDARY SCREENING FORM (ASSISTANCE)

INFORMED CONSENT

Has the individual's full and informed consent been obtained to conduct the interview based on information provided regarding the purpose of the Secondary Screening Form, the role of the interviewer, the voluntary nature of the interview and the intended use of information provided by the individual?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If the individual is a minor, has the consent of the parent(s)/ guardian(s) been obtained, or is this child an unaccompanied minor from whom a parent or guardian acting in the best interest of the child cannot safely be obtained?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Section A: Interview information

A1. Location of interview:	A2. Date (DD/MM/YYYY):
A3. Name of interviewer:	A4. Language of interview:
A5. Interpreter present: <input type="checkbox"/> Yes <input type="checkbox"/> No	A6. Name of interpreter:
A7. Information obtained from: A7.1. <input type="checkbox"/> Child (17 or younger) A7.2. <input type="checkbox"/> Adult (18 or older) A7.3. <input type="checkbox"/> Mother A7.4. <input type="checkbox"/> Father	A7.5. <input type="checkbox"/> Other relative (specify): _____ A7.6. <input type="checkbox"/> Guardian (specify): _____ A7.7. <input type="checkbox"/> Witness (specify): _____

Section B: Registration data

B1. Given name(s):	B2. Family name(s):	B3. Other name(s):
B4. Date of birth (DD/MM/YYYY): <input type="checkbox"/> <i>Unknown</i>		B5. Age (in years): <input type="checkbox"/> <i>Estimated</i>
B6. Sex: <input type="checkbox"/> M <input type="checkbox"/> F		B7. Citizenship:
B8. Where was the victim just before coming into contact with this organization? (***) ¹		
B8.1. Country:		
B8.2. Region:		
B8.3. District:		
B8.4. Town/community:		
B9. Number of days in current location:		
B10. Place of birth:		B11. Place of origin: (<input type="checkbox"/> Also place of birth)
B10.1. Country:		B11.1. Country:
B10.2. Region:		B11.2. Region:
B10.3. District:		B11.3. District:
B10.4. Town/community:		B11.4. Community:

¹ This question aims to clarify where the child was living under the most recent conditions of exploitation. This could be in a fishing community, the streets or their own home. Detailed information is critical. The answer to this question will be referred to several times later in this form, as represented by three asterisks (***)

Section C: Socioeconomic assessment

C1. Where does your family live now?	Living in (***)	Currently living in place of origin	Currently living elsewhere	Name	Contact
1. Mother	C1.1.1. <input type="checkbox"/>	C1.1.2. <input type="checkbox"/>	C1.1.3. <input type="checkbox"/>		
2. Father	C1.2.1. <input type="checkbox"/>	C1.2.2. <input type="checkbox"/>	C1.2.3. <input type="checkbox"/>		
3. Stepmother	C1.3.1. <input type="checkbox"/>	C1.3.2. <input type="checkbox"/>	C1.3.3. <input type="checkbox"/>		
4. Stepfather	C1.4.1. <input type="checkbox"/>	C1.4.2. <input type="checkbox"/>	C1.4.3. <input type="checkbox"/>		
5. Male sibling(s)	C1.5.1. ____ (#)	C1.5.2. ____ (#)	C1.5.3. ____ (#)		
6. Female sibling(s)	C1.6.1. ____ (#)	C1.6.2. ____ (#)	C1.6.3. ____ (#)		
7. Aunt(s)	C1.7.1. ____ (#)	C1.7.2. ____ (#)	C1.7.3. ____ (#)		
8. Uncle(s)	C1.8.1. ____ (#)	C1.8.2. ____ (#)	C1.8.3. ____ (#)		
9. Grandparent(s)	C1.9.1. ____ (#)	C1.9.2. ____ (#)	C1.9.3. ____ (#)		
10. Children	C1.10.1. ____ (#)	C1.10.2. ____ (#)	C1.10.3. ____ (#)	Age(s) of children (separate by comma):	

C2. What was your role in the family (in your place of origin) just before you arrived here?

☐ Head of household
 ☐ Guardian
☐ Spouse (no children)
 ☐ Other child
☐ Oldest child
 ☐ Other (specify): _____

C3. Who lived with you (in your place of origin) before you came here?

C3.1. ☐ Mother
 C3.6. ☐ Guardian (unrelated)
 C3.2. ☐ Father
 C3.7. ☐ Spouse
 C3.3. ☐ Sibling(s) C3.3.1 (#:)
 C3.8. ☐ Grandparent(s) C3.8.1 (#:)
 C3.4. ☐ Aunt(s) C3.4.1 (#:)
 C3.9. ☐ Cousin(s) C3.9.1 (#:)
 C3.5. ☐ Uncle(s) C3.5.1 (#:)
 C3.10. ☐ Your children C3.10.1 (#:)
 Total household size C3.11 (#:)

C4. Were you married before you came here? ☐ Yes ☐ No

C5. Are you currently married? ☐ Yes ☐ No

C6. How often are you in contact with your parent/guardian?

☐ Daily ☐ Weekly ☐ Monthly ☐ Rarely/Never

C6.1. Explain:

C7. When was the last time you were in contact with a family member?

(May have to help with milestones) Approximately ____ days ago

☐ N.A. (Never in touch)

C8. What kind of work did your father do before you moved here?

(Check one box only.)

- | | |
|---|--|
| <input type="checkbox"/> Unemployed | <input type="checkbox"/> Office |
| <input type="checkbox"/> Farming/Fishing | <input type="checkbox"/> Government |
| <input type="checkbox"/> Tending cattle | <input type="checkbox"/> Driver/Transportation |
| <input type="checkbox"/> Working in a shop/
restaurant | <input type="checkbox"/> Handicrafts/Beading |
| <input type="checkbox"/> Construction/
Carpentry/Masonry | <input type="checkbox"/> Brewing |
| <input type="checkbox"/> Mining/Marble extraction | <input type="checkbox"/> Other |
| | <input type="checkbox"/> Don't know |
| | <input type="checkbox"/> N.A. (No father) |

C9. What kind of work did your mother do before you moved here?

(Check one box only.)

- | | |
|---|--|
| <input type="checkbox"/> Unemployed | <input type="checkbox"/> Office |
| <input type="checkbox"/> Farming/Fishing | <input type="checkbox"/> Government |
| <input type="checkbox"/> Tending cattle | <input type="checkbox"/> Driver/Transportation |
| <input type="checkbox"/> Working in a shop/
restaurant | <input type="checkbox"/> Handicrafts/Beading |
| <input type="checkbox"/> Construction/
Carpentry/Masonry | <input type="checkbox"/> Brewing |
| <input type="checkbox"/> Mining/Marble extraction | <input type="checkbox"/> Other |
| | <input type="checkbox"/> Don't know |
| | <input type="checkbox"/> N.A. (No mother) |

C10. What sorts of things did your family have where you came from (in your place of origin)?

C10.1. ☐ Livestock

C10.7. ☐ Table

C10.2. ☐ Owned land/plantation

C10.8. ☐ Television

C10.3. ☐ Bicycle

C10.9. ☐ Generator

C10.4. ☐ Radio

C10.10. ☐ Mattress

C10.5. ☐ Tin roof

C10.11. ☐ Mobile phone

C10.6. ☐ Stove

C10.12. ☐ Other (specify): _____

C11. Was there violence in your home before you left? ☐ Yes ☐ No
If YES, specify:

C12. Was there violence in your community before you left? ☐ Yes ☐ No
If YES, specify:

C13. Did you feel safe in your community before you left? ☐ Yes ☐ No
If NO, specify:

Section D: Narrative component

D1. Why did you leave your home?

D2. How did you get to (***)?

D3. On the way there (***), did you stop in other places as well? What were they?

Section E: Act (Recruitment, transportation, transfer, receipt or harbouring)

E1. How old were you when you arrived there (***)? _____ year(s)

E2. How long ago did you leave your home? _____ month(s) _____ day(s)²

E3. How long have you been there (***)? _____ month(s) _____ day(s)

E4. In your place of origin, who recruited you or approached your parents to get you to come to (***)?

E4.1. ☐ Family memberE4.2. ☐ Family friendE4.3. ☐ StrangerE4.4. ☐ CompanyE4.5. ☐ NobodyE4.6. ☐ Don't know

Name:

Contact:

E5. Were you abducted?

E5.1. ☐ YesE5.2. ☐ NoE5.3. ☐ Don't know

Name:

Contact:

E6. What kind of transportation was used?

E6.1. ☐ BusE6.2. ☐ CarE6.3. ☐ Travelled on footE6.4. ☐ Travelled by trainE6.5. ☐ Travelled by boatE6.6. ☐ Travelled by planeE6.7. ☐ Travelled by bicycleE6.8. ☐ Don't knowE7. Do you know who organized or paid for your transportation? (*Check one box only.*)E7.1. ☐ Parent/GuardianE7.2. ☐ Family memberE7.3. ☐ Family friendE7.4. ☐ StrangerE7.5. ☐ CompanyE7.6. ☐ I paid for it myselfE7.7. ☐ Don't know

Name:

Contact:

2 A child may not be able to state in months/years. In such circumstances, the interviewer should ask in other terms like significant milestones (i.e. national holidays or seasonal changes).

<p>E8. Who travelled with you?</p> <p>E8.1. <input type="checkbox"/> Sibling(s)</p> <p>E8.2. <input type="checkbox"/> Other children</p> <p>E8.3. <input type="checkbox"/> Spouse or partner</p> <p>E8.4. <input type="checkbox"/> Parent(s)/Guardian(s)</p> <p>E8.5. <input type="checkbox"/> Recruiter/Transporter</p> <p>E8.6. <input type="checkbox"/> Other adults</p> <p>E8.7. <input type="checkbox"/> I was alone</p> <p>E8.8. <input type="checkbox"/> Don't know</p>	<p>Name(s):</p> <p>Contact(s):</p>
<p>E9. Who has been taking care of you there (***)?</p> <p>E9.1. <input type="checkbox"/> Parent/Guardian</p> <p>E9.2. <input type="checkbox"/> Other relative</p> <p>E9.3. <input type="checkbox"/> Family friend</p> <p>E9.4. <input type="checkbox"/> Stranger</p> <p>E9.5. <input type="checkbox"/> Company</p> <p>E9.6. <input type="checkbox"/> Nobody</p> <p>E9.7. <input type="checkbox"/> Don't know</p>	<p>Name:</p> <p>Contact:</p>
<p>E10. Were you able to freely leave there (***)?</p> <p>E10.1. <input type="checkbox"/> Yes – I could leave if I wanted.</p> <p>E10.2. <input type="checkbox"/> No – They kept me there.</p> <p>E10.3. <input type="checkbox"/> No – I was unable because I didn't have money or transportation.</p>	
<p>E11. Assessment: Is there evidence of act (including recruitment, transportation, transfer, receipt or harbouring)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

Section F: Means (Coercion, deception or fraud)

<p>F1. What were you (or your parents) told you were coming there (***) for?</p> <p>F1.1. <input type="checkbox"/> Education/Schooling</p> <p>F1.2. <input type="checkbox"/> To visit family/friends</p> <p>F1.3. <input type="checkbox"/> Agriculture/Farm work</p> <p>F1.4. <input type="checkbox"/> Begging</p> <p>F1.5. <input type="checkbox"/> Domestic work</p> <p>F1.6. <input type="checkbox"/> Factory work</p> <p>F1.7. <input type="checkbox"/> Restaurant/Hotel work</p> <p>F1.8. <input type="checkbox"/> Prostitution</p>		<p>F1.9. <input type="checkbox"/> Childcare/Babysitting</p> <p>F1.10. <input type="checkbox"/> Sweeping</p> <p>F1.11. <input type="checkbox"/> Criminal activity</p> <p>F1.12. <input type="checkbox"/> Scrap metal collection</p> <p>F1.13. <input type="checkbox"/> Washing cars</p> <p>F1.14. <input type="checkbox"/> Other (specify): _____</p> <p>F1.15. <input type="checkbox"/> No reason/Don't know</p>
<p>F2. Is this activity what you ended up doing? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N.A.</p>		

F3. What were you told (if anything) you would receive if you came there (***)?
(Multiple responses allowed)

F3.1. ☐ Education/Schooling

F3.4. ☐ Medical care

F3.2. ☐ Free housing/food

F3.5. ☐ Money/Salary

F3.3. ☐ Other benefits (specify): _____

F3.6. If money, estimated wages (cedi/week): _____

F3.7. If YES to any of the above, were they provided? ☐ Yes ☐ No

F4. Why did you agree to come there (***)?

F4.1. ☐ I was not given a choice

F4.6. ☐ Followed family

F4.2. ☐ Poverty at home

F4.7. ☐ To earn money for myself

F4.3. ☐ Food shortage at home

F4.8. ☐ To earn money for my

F4.4. ☐ Orphaned/Ran away

family back home

F4.5. ☐ Home or community

F4.9. ☐ Other (specify): _____

is unsafe/violent

F5. Were any of the following means used to recruit, transport or keep you there (***)? (Select all that apply.)

F5.1. ☐ Abduction

F5.2. ☐ Physical abuse

F5.3. ☐ Threats to you

F5.4. ☐ Psychological abuse

F5.5. ☐ Threats to family

F5.6. ☐ False promises/Deception

F5.7. ☐ Sexual abuse

F5.8. ☐ Threat of action by police or law enforcement

F5.9. ☐ Given drugs or alcohol

F5.10. ☐ Denied freedom of movement/Locked up

F5.11. ☐ Money or wages withheld/taken away

F5.12. ☐ Identification documents withheld/taken away

F5.13. ☐ Denied medical treatment

F5.14. ☐ Debt bondage, or told that you "owe"

F5.15. ☐ None of the above (no coercion)

F5.16. ☐ Other (specify): _____

F6. **Assessment:** Is there evidence of deception, fraud or coercion?

☐ Yes ☐ No

Section G: Purpose (Exploitation)

G1. What type of work have you been doing since you arrived there (***)?

(Multiple responses allowed)

- G1.1. ☐ Begging
- G1.2. ☐ Garbage/scrap collection
- G1.3. ☐ Domestic work
- G1.4. ☐ Pickpocketing or petty theft
- G1.5. ☐ Fishing
- G1.6. ☐ Debt bondage³
- G1.7. ☐ Prostitution/Pornography⁴
- G1.8. ☐ Mining
- G1.9. ☐ Forced marriage
- G1.10. ☐ Scavenging for food
- G1.11. ☐ Childcare
- G1.12. ☐ Factory work
- G1.13. ☐ Restaurant work
- G1.14. ☐ Other (specify): _____

G2. What means were used to make you stay and work there (***)?

(Multiple responses allowed)

- G2.1. ☐ Physical abuse
- G2.2. ☐ Involuntary separation from your family
- G2.3. ☐ Threats to you
- G2.4. ☐ Threat of action by law enforcement
- G2.5. ☐ Threats to family
- G2.6. ☐ False promises/Deception
- G2.7. ☐ Sexual abuse
- G2.8. ☐ Debt bondage, or told that you “owe”
- G2.9. ☐ Given drugs or alcohol
- G2.10. ☐ Denied freedom of movement/locked up
- G2.11. ☐ Money or wages withheld/taken away
- G2.12. ☐ Identification documents withheld/taken away
- G2.13. ☐ Denied medical treatment
- G2.14. ☐ Psychological abuse
- G2.15. ☐ Other (specify): _____
- G2.16. ☐ No, the work I was doing was voluntary

3 A person is under control of another person as security payment for a debt when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied towards liquidation of the debt.

4 Any of these activities constitute exploitation.

- G4. Assessment:** Is the respondent a victim of exploitation? ☐ Yes ☐ No
 If YES, what type of exploitation (*MANDATORY – Multiple responses allowed*):
- G4.1. ☐ Sexual (i.e. prostitution, sex tourism, pornography or use of a person for intercourse)
- G4.2. ☐ Forced marriage
- G4.3. ☐ Child marriage
- G4.4. ☐ Forced labour (any work/service under the threat of penalty which is not done voluntarily)
- G4.5. ☐ Use of child in armed conflict
- G4.6. ☐ Slavery, servitude or similar practices (power of “ownership” over a person is applied)
- G4.7. ☐ Use of person in illegal activities
- G4.8. ☐ Debt bondage
- G4.9. ☐ Human sacrifice
- G4.10. ☐ Removal of organs
- G4.11. ☐ Other (specify): _____

Section H: Retrafficking

H1. Have you returned home since you came to this place? ☐ Yes ☐ No

H2. How old were you when you first came here? _____ year(s)

H3. What was the PRIMARY reason you returned home? (*Select one only.*)

- H3.1. ☐ To give money to my family
- H3.2. ☐ I was homesick
- H3.3. ☐ I escaped from the conditions where I was
- H3.4. ☐ My family asked me to return
- H3.5. ☐ Rescued by police
- H3.6. ☐ An NGO/IO resettled me
- H3.7. ☐ I returned for school
- H3.8. ☐ Other (specify): _____
- H3.9. ☐ N.A.

H4. The LAST time you returned home, how long did you spend there?
 _____ day(s) ☐ N.A.

H5. Why did you decide to leave home again?

- H5.1. ☐ I was not given a choice
 H5.2. ☐ Poverty at home
 H5.3. ☐ Food shortage at home
 H5.4. ☐ Orphaned/Ran away/Disowned
 H5.5. ☐ I could not find my family
 H5.6. ☐ Home or community is unsafe/violent
 H5.7. ☐ Followed family
 H5.8. ☐ To earn money for myself
 H5.9. ☐ To earn money for my family back home
 H5.10. ☐ N.A.

H6. **Assessment:** Is there evidence of retrafficcking? ☐ Yes ☐ No

H6.1. If YES, how many times has the child been retrafficcked? _____

Section I: Assessment of current conditions

Safety

<p>I1. Did you feel safe in the place where you were living there? (After migration/trafficking)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If NO, why? I1.1. <input type="checkbox"/> Fear that someone will hurt you I1.2. <input type="checkbox"/> Fear that you will be reported to police I1.3. <input type="checkbox"/> Fear that you will never see your family I1.4. <input type="checkbox"/> Don't know, or none of the above</p>
<p>I2. Do you feel safe where you are right now?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If NO, why? I2.1. <input type="checkbox"/> Fear that you will be taken back I2.2. <input type="checkbox"/> Fear that you will be abducted I2.3. <input type="checkbox"/> Fear that someone will hurt you I2.4. <input type="checkbox"/> Fear that you will be reported to police I2.5. <input type="checkbox"/> Scared of strangers in this place I2.6. <input type="checkbox"/> Don't know, or none of the above</p>

<p>I3. Do you feel safe to return to where you are from?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>If NO, why?</p> <p>I3.1. <input type="checkbox"/> Fear that you will be re trafficked</p> <p>I3.2. <input type="checkbox"/> Fear that someone at home will hurt you</p> <p>I3.3. <input type="checkbox"/> Fear of violence in the community</p> <p>I3.4. <input type="checkbox"/> Fear of not having enough money/ food</p> <p>I3.5. <input type="checkbox"/> Don't know, or none of the above</p>
<p>I4. Are you afraid of the police?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>If YES, why?</p> <p>I4.1. <input type="checkbox"/> They will hurt me</p> <p>I4.2. <input type="checkbox"/> They will send me somewhere against my will</p> <p>I4.3. <input type="checkbox"/> They will arrest me</p> <p>I4.4. <input type="checkbox"/> Don't know, or none of the above</p>
<p>I5. Are you concerned that the trafficker knows where you are now?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N.A.</p>	<p>If YES, why?</p> <p>I5.1. <input type="checkbox"/> The trafficker has contacted you</p> <p>I5.2. <input type="checkbox"/> The trafficker has contacted someone you know</p>
<p>I6. Are you concerned that the trafficker will be able to reach you when you return home?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N.A.</p>	<p>If YES, why?</p> <p>I6.1. <input type="checkbox"/> He/She is a friend of the family</p> <p>I6.2. <input type="checkbox"/> He/She is a family member</p> <p>I6.3. <input type="checkbox"/> He/She lives in the community</p> <p>I6.4. <input type="checkbox"/> My parents will want me to return</p> <p>I6.5. <input type="checkbox"/> Don't know, or none of the above</p>
<p>I7. Are you concerned that someone at home will re traffic you?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N.A.</p>	
<p>I8. Assessment: Are there security concerns for this child?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		

I9. Health: Does the child have any of the following signs/symptoms:

- | | |
|--|--|
| I9.1. <input type="checkbox"/> Cough | I9.8. <input type="checkbox"/> Physical deformity |
| I9.2. <input type="checkbox"/> Appears malnourished | I9.9. <input type="checkbox"/> Fever |
| I9.3. <input type="checkbox"/> Swollen face or belly | I9.10. <input type="checkbox"/> Skin infection |
| I9.4. <input type="checkbox"/> Bruises | I9.11. <input type="checkbox"/> Crying frequently |
| I9.5. <input type="checkbox"/> Yellow eyes/Jaundice | I9.12. <input type="checkbox"/> Appears withdrawn |
| I9.6. <input type="checkbox"/> Cuts | I9.13. <input type="checkbox"/> Urinary incontinence |
| I9.7. <input type="checkbox"/> Broken bones | I9.14. <input type="checkbox"/> Frequent nightmares |

I10. Education:

I10.1. When you were in (**), how often did you attend school?

(Check one box only.)

- ☐ Every day
- ☐ More than half of the time (3–4 times/week)
- ☐ A few days a week (2–3 times/week)
- ☐ About once a week
- ☐ I go to school at home, but not here
- ☐ Almost never/Never

I10.2. What is the highest grade of education you have completed?

- | | |
|------------------------------|------------------------------|
| <input type="checkbox"/> P.1 | <input type="checkbox"/> S.1 |
| <input type="checkbox"/> P.2 | <input type="checkbox"/> S.2 |
| <input type="checkbox"/> P.3 | <input type="checkbox"/> S.3 |
| <input type="checkbox"/> P.4 | <input type="checkbox"/> S.4 |
| <input type="checkbox"/> P.5 | <input type="checkbox"/> S.5 |
| <input type="checkbox"/> P.6 | <input type="checkbox"/> S.6 |
| <input type="checkbox"/> P.7 | |

I10.3. If you do not go to school regularly, would you like to?

(Check one box only.) ☐ Yes ☐ No ☐ Does not apply

I10.4. If you do not go to school regularly, why don't you?

(Check one box only.)

- ☐ I have to work and make money
- ☐ I am not allowed to
- ☐ I am allowed to go, but I can't afford the fees
- ☐ I do not want to go
- ☐ I was kicked out of school
- ☐ Does not apply

I11. Living and working conditions in ():**

I11.1. Did you have a place to sleep every night?

☐ Yes ☐ No

I11.2. If you were paying for yourself, how much did you have to pay to live there? ☐ (Free) ____ cedi/per night ☐ N.A.

I11.3. Did you sleep outside or inside?

☐ Outside ☐ Inside

I11.4. Did you eat every day?

☐ Yes ☐ No

I11.5. How many meals did you eat a day?

☐ 0 ☐ 1 ☐ 2 ☐ 3

I11.6. Was the food there (**) better than at home?

☐ Better there (+1) ☐ The same (0) ☐ Better at home (-1) ☐ Don't know

I11.7. Did you feel like you have enough food to eat?

☐ Yes ☐ No

I11.8. Did you have access to drinking water?

☐ Yes ☐ No

I11.9. Did you have access to a toilet?

☐ Yes ☐ No

I11.10. Did you have access to medical treatment?

☐ Yes ☐ No ☐ Don't know

I11.11. How many hours did you work a day?

____ hours/day ☐ N.A. (not working)

I11.12. How much money did you make a day?

____ cedi/day ☐ N.A. (not working)

I11.13. How much money did you have to give away to other people a day?
(Does not include remittances) ____ cedi/day ☐ N.A. (not working)

I11.14. Had anyone ever hurt you while you were working?

☐ Yes ☐ No ☐ N.A. (not working)

I11.15. Can you take a day off from work if you wanted (i.e. due to illness, tiredness or to attend school)?

☐ Yes ☐ No ☐ N.A. (not working)

Section J: Referral		
<p>J1. Will you refer this victim to another agency for further assistance? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, please provide the following information for each referral agency (MANDATORY):</p>		
J1.1. Referral agency:	<p>J1.1.1. Type(s) of assistance:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Transitional shelter <input type="checkbox"/> Health/Medical services <input type="checkbox"/> Nutritional feeding <input type="checkbox"/> Education <input type="checkbox"/> Psychological counselling <input type="checkbox"/> Legal services <input type="checkbox"/> Family tracing <input type="checkbox"/> Family counselling <input type="checkbox"/> Long-term housing <input type="checkbox"/> Reintegration 	<p>J1.1.2. Name of focal point:</p> <p>J1.1.3. Address:</p> <p>J1.1.4. Phone number:</p>
J1.2. Referral agency:	<p>J1.2.1. Type(s) of assistance:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Transitional shelter <input type="checkbox"/> Health/Medical services <input type="checkbox"/> Nutritional feeding <input type="checkbox"/> Education <input type="checkbox"/> Psychological counselling <input type="checkbox"/> Legal services <input type="checkbox"/> Family tracing <input type="checkbox"/> Family counselling <input type="checkbox"/> Long-term housing <input type="checkbox"/> Reintegration 	<p>J1.2.2. Name of focal point:</p> <p>J1.2.3. Address:</p> <p>J1.2.4. Phone number:</p>
J1.3. Referral agency:	<p>J1.3.1. Type(s) of assistance:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Transitional shelter <input type="checkbox"/> Health/Medical services <input type="checkbox"/> Nutritional feeding <input type="checkbox"/> Education <input type="checkbox"/> Psychological counselling <input type="checkbox"/> Legal services <input type="checkbox"/> Family tracing <input type="checkbox"/> Family counselling <input type="checkbox"/> Long-term housing <input type="checkbox"/> Reintegration 	<p>J1.3.2. Name of focal point:</p> <p>J1.3.3. Address:</p> <p>J1.3.4. Phone number:</p>

Section K: Investigation

K1. Assessment: Any person(s) involved in this case that should be investigated?

☐ Yes ☐ No

If YES, please provide the following information for each referral agency (MANDATORY):

K1.1. Suspect	K1.1.1. Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female K1.1.2. Approximate age: <input type="checkbox"/> Teenager (13–17) <input type="checkbox"/> Young adult (18–30) <input type="checkbox"/> Older adult (>30)	K1.1.3. First name: K1.1.4. Last name: K1.1.5. Relation to victim:	K1.1.6. Telephone: K1.1.7. Address: K1.1.8. Suspected role:
K1.2. Suspect	K1.2.1. Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female K1.2.2. Approximate age: <input type="checkbox"/> Teenager (13–17) <input type="checkbox"/> Young adult (18–30) <input type="checkbox"/> Older adult (>30)	K1.2.3. First name: K1.2.4. Last name: K1.2.5. Relation to victim:	K1.2.6. Telephone: K1.2.7. Address: K1.2.8. Suspected role:
K1.3. Suspect	K1.3.1. Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female K1.3.2. Approximate age: <input type="checkbox"/> Teenager (13–17) <input type="checkbox"/> Young adult (18–30) <input type="checkbox"/> Older adult (>30)	K1.3.3. First name: K1.3.4. Last name: K1.3.5. Relation to victim:	K1.3.6. Telephone: K1.3.7. Address: K1.3.8. Suspected role:

FORM 3

PLACEMENT AND RISK ASSESSMENT

This form is to be completed after identification and screening has taken place, and after family tracing and an investigation of the victim's community has been done. The data should be based on the social worker's assessment by integrating the data from the victim, the victim's family and the victim's community.

Victim ID:	Interviewer name:
------------	-------------------

Section A: Family tracing and reconciliation

Has family tracing been undertaken? ☐ Yes ☐ No

Who currently lives at the victim's home (in the place of origin)?

- | | |
|--|---|
| <input type="checkbox"/> Mother | <input type="checkbox"/> Spouse |
| <input type="checkbox"/> Father | <input type="checkbox"/> Grandparents ____ (#) |
| <input type="checkbox"/> Stepmother | <input type="checkbox"/> Cousins ____ (#) |
| <input type="checkbox"/> Stepfather | <input type="checkbox"/> Victim's children ____ (#) |
| <input type="checkbox"/> Cousins ____ (#) | <input type="checkbox"/> Other |
| <input type="checkbox"/> Aunts/Uncles ____ (#) | Calculate total household size: ____ (#) |

Is there a family history of domestic disputes? ☐ Yes ☐ No

Has the victim's family expressed a desire to have the victim return home?

☐ Yes ☐ No

Has the victim expressed a desire to return to this home? ☐ Yes ☐ No

Are any of the following safety concerns present at the victim's home?

- ☐ Domestic violence/Abuse
- ☐ Known active violence in the community
- ☐ Sexual abuse
- ☐ No, there are no safety concerns
- ☐ Other

What is the primary livelihood of the male head of household?

- | | |
|---|---|
| <input type="checkbox"/> Unemployed | <input type="checkbox"/> Government |
| <input type="checkbox"/> Fishing | <input type="checkbox"/> Driver/Transportation |
| <input type="checkbox"/> Tending cattle | <input type="checkbox"/> Handicrafts/Beading |
| <input type="checkbox"/> Working in a shop/restaurant | <input type="checkbox"/> Farming |
| <input type="checkbox"/> Construction/Carpentry/Masonry | <input type="checkbox"/> Other |
| <input type="checkbox"/> Mining/Marble extraction | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> Office | <input type="checkbox"/> N.A. (no male household) |

What is the primary livelihood of the female head of household?

- | | |
|---|---|
| <input type="checkbox"/> Unemployed | <input type="checkbox"/> Government |
| <input type="checkbox"/> Fishing | <input type="checkbox"/> Driver/Transportation |
| <input type="checkbox"/> Tending cattle | <input type="checkbox"/> Handicrafts/Beading |
| <input type="checkbox"/> Working in a shop/restaurant | <input type="checkbox"/> Farming |
| <input type="checkbox"/> Construction/Carpentry/Masonry | <input type="checkbox"/> Other |
| <input type="checkbox"/> Mining/Marble extraction | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> Office | <input type="checkbox"/> N.A. (no male household) |

What assets does the family have?

- | | |
|--|--|
| <input type="checkbox"/> Shop | <input type="checkbox"/> Livestock |
| <input type="checkbox"/> Owns land | <input type="checkbox"/> Electricity |
| <input type="checkbox"/> Rents land | <input type="checkbox"/> Toilet or latrine |
| <input type="checkbox"/> Restaurant | <input type="checkbox"/> Tin roof |
| <input type="checkbox"/> Clean water | <input type="checkbox"/> Fishing boat |
| <input type="checkbox"/> Cultivated land | <input type="checkbox"/> Bicycle |
| <input type="checkbox"/> Radio | <input type="checkbox"/> Stove |
| <input type="checkbox"/> Generator | <input type="checkbox"/> Mobile phone |

If the family does not want the child to return, the child does not want to return, the family cannot be traced, or there are risks associated with return:

Has another guardian or caretaker been identified? ☐ Yes ☐ No

If YES: What is the relationship to the victim?

- | | |
|---|---|
| <input type="checkbox"/> Aunt/Uncle | <input type="checkbox"/> Religious leader |
| <input type="checkbox"/> Teacher | <input type="checkbox"/> Government agency |
| <input type="checkbox"/> Family friend | <input type="checkbox"/> Non-government agency |
| <input type="checkbox"/> Foster home | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Other community member | |

If YES: Has the guardian or caretaker (above) been screened for posing a risk to the child? ☐ Yes

☐ No – *Proceed to investigation of guardian/caretaker*

If YES: Are there any risks identified with this individual or agency taking care of this child? ☐ Yes (specify): _____

☐ No

Social worker assessment:

A family member or guardian/caretaker has been identified. ☐ Yes ☐ No

The relationship to the victim is:

☐ Mother

☐ Father

☐ Sibling

☐ Spouse

☐ Grandparent

☐ Cousin

☐ Aunt/Uncle

☐ Teacher

☐ Family Friend

☐ Other community member

☐ Religious leader

☐ Government agency

☐ Non-governmental agency

☐ Foster home

☐ Other

Specify contact details:

Name:

Phone:

Location:

Section B: Community assessment

Fill in this section based on the placement decision made above.

Has an assessment of the community been done?

☐ Yes ☐ No – *Proceed to investigation of guardian/caretaker*

What facilities are there in the community?

☐ School

☐ Medical clinic

☐ Clean water

☐ Accessible by road

☐ Church or religious group

Are there any of the following safety concerns in the community?

- ☐ General insecurity
- ☐ Known traffickers
- ☐ Clean water
- ☐ Accessible by road
- ☐ Other (specify): _____

Social worker assessment:

An appropriate community has been identified for settlement. ☐ Yes ☐ No

- ☐ Victim's place of origin (home)
- ☐ The victim will remain in current location
- ☐ Reintegration into original community but in a different home
- ☐ Adoption by another family
- ☐ Resettlement with an identified caregiver

District:

Village:

Section C: Victim needs assessment

How much education has the victim completed? Grade: _____

Does the victim wish to continue education and schooling? ☐ Yes ☐ No

Does the victim wish to pursue full-time education during the school year? ☐ Yes ☐ No

Are there tuition or other fees (for books, uniforms, transportation, etc.) that are required from the programme? ☐ Yes (____cedi/month) ☐ No

Does the victim have any vocational or livelihood skill or training?

- | | |
|--|---|
| <input type="checkbox"/> Farming | <input type="checkbox"/> Sewing |
| <input type="checkbox"/> Fishing | <input type="checkbox"/> Beading |
| <input type="checkbox"/> Masonry | <input type="checkbox"/> Technology/IT |
| <input type="checkbox"/> Woodwork | <input type="checkbox"/> Teaching |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Shop/Restaurant | <input type="checkbox"/> None |

Does the victim desire any vocational skills training or livelihood training?

- | | |
|--|---|
| <input type="checkbox"/> Farming | <input type="checkbox"/> Sewing |
| <input type="checkbox"/> Fishing | <input type="checkbox"/> Beading |
| <input type="checkbox"/> Masonry | <input type="checkbox"/> Technology/IT |
| <input type="checkbox"/> Woodwork | <input type="checkbox"/> Teaching |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Shop/Restaurant | <input type="checkbox"/> None |

Based on the family or guardian identified above, are there shelter needs for the victim?

- ☐ No shelter is available to parent/guardian
- ☐ Shelter is available but lacks toilet facilities
- ☐ Shelter is available but lacks a roof
- ☐ Shelter is available but lacks adequate space
- ☐ Shelter is available but is unsafe
- ☐ There are no shelter needs

Will the victim require food support after return or resettlement? ☐ Yes ☐ No

Will the victim require any non-food item support after return or resettlement?

- ☐ Seeds
- ☐ Shovels
- ☐ Jerry cans
- ☐ Clothing
- ☐ Bedding
- ☐ School materials
- ☐ Other (specify): _____

Does the victim have any health conditions?

- ☐ Pregnant
- ☐ Recently given birth (within two months)
- ☐ Chronic illness (specify): _____
- ☐ Injuries or wounds (specify): _____
- ☐ Substance abuse/dependency
- ☐ HIV
- ☐ Other sexually transmitted infection
- ☐ Other (specify): _____
- ☐ None

Are there indications that the victim has mental health problems that may cause risks during travel, reception or resettlement?

- ☐ Suicidal or self-harming thoughts
- ☐ Depression, frequent crying, withdrawal
- ☐ Reactivity
- ☐ Anxiety, nightmares, panic attack
- ☐ Aggressive outbursts, violence against others
- ☐ Psychosis or delusions
- ☐ Other (specify): _____
- ☐ None

Section D: Risk assessment

Are there any indications of ongoing contact with traffickers that would increase the risks associated with his/her return and reintegration?

- ☐ No
- ☐ Yes (specify): _____

Are there indications of family, spouse, loved ones or relatives involved in trafficking?

- ☐ No
- ☐ Yes (specify): _____

Was the victim trafficked by an organized crime group?

- ☐ No
- ☐ Yes – Sending location (victim's place of origin)
- ☐ Yes – Receiving location
- ☐ Yes – Transit location (specify): _____

Was the victim persuaded, encouraged, or deceived by friends or neighbours?

- ☐ No
- ☐ Through a friend/neighbour (face-to-face)
- ☐ Internet/Social media
- ☐ Local leader
- ☐ Local businessperson
- ☐ Company
- ☐ Other (specify): _____

Contact details of potential criminal traffickers:

- 1.
- 2.
- 3.

Are there any indicators that the traffickers know the current location of the victim?

- ☐ No
☐ Yes (specify): _____

Are there any indicators that the traffickers know the victim is being assisted?

- ☐ No
☐ Yes (specify): _____

Is there any indication that the traffickers know the location of the victim's family or loved ones?

- ☐ No
☐ Yes (specify): _____

Section E: Involvement of law enforcement

Has there been contact with any law enforcement agencies by the victim or the victim's family? (If yes, please state the name of the authority.)

- ☐ No
☐ Yes (specify): _____

If the victim has cooperated, to what degree?

- ☐ Has not cooperated
☐ Fears cooperation will lead to violence
☐ Has provided a formal statement
☐ Wants to cooperate but does not trust authorities
☐ N.A.

If the victim has cooperated, are the traffickers aware of this fact?

- ☐ No
☐ Yes

Have the police taken or do they plan to take any action against the traffickers?

- ☐ No
☐ Yes

Has a criminal case been opened or a criminal investigation been publicly announced? (If yes, please specify the media outlet or source.)

- ☐ No
☐ Yes (specify): _____

Have any suspects been arrested to date? (If yes, please specify if they are in custody or released on bail.)

- ☐ No
☐ Yes (specify): _____

If any suspect has been released on bail, are their current whereabouts known?

- ☐ No
☐ Yes (specify): _____

Does the victim wish to cooperate with law enforcement authorities?

- ☐ No
☐ Yes (specify): _____

Section F: Placement and referral information

A suitable family member or guardian/caretaker has been identified.

☐ Yes

☐ No

The relationship to the victim is:

☐ Mother

☐ Father

☐ Sibling

☐ Spouse

☐ Grandparent

☐ Cousin

☐ Foster home

☐ Aunt/Uncle

☐ Teacher

☐ Family friend

☐ Other community member

☐ Religious leader

☐ Government agency

☐ Non-governmental agency

☐ Other

Contact details:

An appropriate community has been identified for settlement. ☐ Yes ☐ No

☐ Victim's place of origin (home)

☐ The victim will remain in current location

☐ Resettlement with an identified caregiver

☐ Reintegration into the original community but in a different home

☐ Adoption by another family

District:

Village:

The victim needs additional assistance. ☐ Yes ☐ No

☐ Education or schooling

☐ Vocational training

☐ Shelter

☐ Psychological

☐ Food

☐ Medical

☐ Special needs

Recommended implementing partner:

Service(s) provided:

The victim is at risk of being retrafficked. ☐ Yes ☐ No

The victim wishes to cooperate with law enforcement authorities. ☐ Yes ☐ No

Section G: Child and Adolescent Needs and Strengths indicators (CANS-MH)

Score	Action level for needs	Action level for strengths
0	No need for action	<i>A centerpiece strength</i> (the focus of a strength-based plan)
1	A need for <i>watchful waiting</i> to see whether action is needed in the future	<i>A useful strength</i> – which may be included in a strength-based plan
2	<i>A need for action</i>	<i>An identified strength</i> which may be developed to be useful
3	A need for either <i>immediate or intensive action</i>	<i>No strength has been identified</i>

	Child health and safety	0	1	2	3	U*
1	Depression and worry					
2	Problem with authority					
3	Substance abuse					
4	Fear of separation					
5	Danger to self					
6	Danger to others					
7	Running away					
8	Health					
9	Abuse					
10	Neglect					
11	Exploitation					
12	Crime/Bad behaviour					
13	Sleep					

* "U" indicates "unknown" and the need for further information.

	Child daily functioning	0	1	2	3	U
14	Intelligence					
15	Social skills					
16	School achievement					
17	School behaviour					
18	School attendance					
19	Stability of relationships					
	Child strengths	0	1	2	3	U
20	Family strength					
21	Spiritual/Religious					
22	Talents/Interests					
23	Participation in community					
24	Overcoming challenges					
25	Hope for the future					
	Caregiver needs and strengths	0	1	2	3	U
26	Physical/Behavioural health					
27	Supervision					
28	Involvement in reintegration					
29	Knowledge and organization					
30	Stability at home					
31	Resources					

FORM 4

FOLLOW-UP INDICATORS

Is the child still in the resettlement/return location? ☐ Yes ☐ No

Section A: Access to basic services

- Does the child have a place to sleep every night? ☐ Yes ☐ No
- Does the child have to pay to live there? ☐ Yes ☐ No
 a. If YES, how much does the child have to pay? _____ cedi/night ☐ N.A.
- Does the child sleep inside or outside? ☐ Inside ☐ Outside
- Does the child have food every day? ☐ Yes ☐ No
- How many meals does the child have per day? ☐ 1 ☐ 2 ☐ 3 ☐ 4+
- Does the child feel like he/she has enough food to eat? ☐ Yes ☐ No
- Does the child have access to clean drinking water? ☐ Yes ☐ No
- Does the child have access to a toilet? ☐ Yes ☐ No
- Does the child have access to medical treatment? ☐ Yes ☐ No

Section B: Access to education

- Is the child currently enrolled in school? ☐ Yes ☐ No ☐ N.A.
- How often does the child go to school? ☐ Every day
☐ 3–4 days per week
☐ 1–2 days per week
☐ Less frequent than 1–2 days/week
☐ N.A. – not a school-aged child
- What barriers, if any, are there to the child being able to go to school regularly? ☐ No barriers
☐ School fees
☐ Distance from home
☐ Needed at home to work/ take care of chores
☐ Lack of school uniform
☐ Lack of desire from child/family
☐ Others (specify): _____

Section C: Risks/safety assessment

Select all safety concerns that exist for the child:

- ☐ No concerns
- ☐ Concern of retrafficking
- ☐ Threats made to the child/family from traffickers
- ☐ Violence in the community
- ☐ Violence at home
- ☐ Others (specify): _____

Does the child wish to leave home? ☐ Yes ☐ No

Does the child's family wish for the client to leave home? ☐ Yes ☐ No

Does the child display any signs of domestic abuse or violence? ☐ Yes ☐ No

Has there been any criminal investigation? ☐ Yes ☐ No

If YES:

- ☐ A criminal case has been opened or announced
- ☐ A suspect has been identified
- ☐ A suspect has been arrested
- ☐ A suspect has been brought to trial
- ☐ A suspect has been tried/arrested and release
- ☐ There has been no action by law enforcement agencies but there were identified criminal elements in the case
- ☐ There has been no action by law enforcement agencies but there were no identified criminal elements in the case

Section D: Services being provided			
Service/Item	Identified as a need at risk assessment	Provider (if currently still being offered to client/family)	Client satisfaction level with services 1 = Very dissatisfied 2 = Dissatisfied 3 = Satisfied 4 = Very satisfied
School enrolment			
School fees			
Livelihood/Vocation training Farming Fishing Masonry Woodwork Construction Shop/Restaurant Sewing Beading Technology/IT Teaching			
Shelter assistance (rent payments)			
Food assistance			
Non-food items Seeds Shovels Jerry cans Clothing Bedding School materials Mattresses/Beds Suitcases Mosquito nets Plates and cups Other			
Medical care Counselling Specialized psychiatric care			

Section E: Child and Adolescent Needs and Strengths indicators (CANS-MH)

Score	Action level for needs	Action level for strengths
0	No need for action	<i>A centerpiece strength</i> (the focus of a strength-based plan)
1	A need for <i>watchful waiting</i> to see whether action is needed in the future	<i>A useful strength</i> – which may be included in a strength-based plan
2	<i>A need for action</i>	<i>An identified strength</i> which may be developed to be useful
3	A need for either <i>immediate or intensive action</i>	<i>No strength has been identified</i>

	Child health and safety	0	1	2	3	U*
1	Depression and worry					
2	Problem with authority					
3	Substance abuse					
4	Fear of separation					
5	Danger to self					
6	Danger to others					
7	Running away					
8	Health					
9	Abuse					
10	Neglect					
11	Exploitation					
12	Crime/Bad behaviour					
13	Sleep					

* "U" indicates "unknown" and the need for further information.

	Child daily functioning	0	1	2	3	U
14	Intelligence					
15	Social skills					
16	School achievement					
17	School behaviour					
18	School attendance					
19	Stability of relationships					
	Child strengths	0	1	2	3	U
20	Family strength					
21	Spiritual/Religious					
22	Talents/Interests					
23	Participation in community					
24	Overcoming challenges					
25	Hope for the future					
	Caregiver needs and strengths	0	1	2	3	U
26	Physical/Behavioural health					
27	Supervision					
28	Involvement in reintegration					
29	Knowledge and organization					
30	Stability at home					
31	Resources					



FORM 5

CONSULTATION NOTE

Coping: How is the victim settling (after return/reintegration or waiting for placement), and what types of problems and coping strategies is he/she using?

Family problems: What, if any, are the problems the victim is having with his/her family, or what types of problems is the family having?

Social problems: What, if any, are the problems the victim is having in his/her social life? Are there issues of stigmatization or discrimination?

Health problems: Is the victim having any problems with his/her health? Have old problems been treated, or are there new problems? Is the victim able to access health care?

Mental health problems: Is the victim having problems with mental health? Is he/she anxious, sad or depressed? Or is he/she having problems dealing with past trauma? If so, what types of services does he/she need, and what is he/she receiving now?

New special needs: Are there new events in the victim's life that need to be addressed (e.g. death of a caregiver, new disease, pregnancy)?

School and work: How is the victim adapting to school or work conditions? What has he/she been doing? Are there any issues that need to be addressed?

Hopes and strengths: What does the victim wish for in the future? What does the victim identify as strengths or skills (personal or vocational) that will help him/her achieve his/her goals?

Safety and security: Are there new or continued security concerns with the victim? Is he/she in danger of harm or re-trafficking? Does the victim feel safe and secure where he/she is living?



ASSESSMENT OF THE VICTIM’S PROGRESS

CHANGES TO THE VICTIM’S PLAN AS A RESULT OF THIS CONSULTATION



Annexes

ANNEX I

MINIMUM STANDARDS

OF ASSISTANCE

Activity Description	Minimum Standards
<p>1. Transitional shelter Shelter provided to the victim after identification while awaiting reintegration/resettlement.</p>	<ul style="list-style-type: none"> a. Shelters must be clean and secure with appropriate access to water and sanitation facilities and bedding. b. Male and female children are housed separately, with the exception of males under five years of age who may be permitted to be in a house with females for care. c. Security assessments for victims are made routinely and appropriate measures are implemented if a victim is at risk of harm either by traffickers or others.
<p>2. Health/medical services The provision of comprehensive medical care for victims including primary care check-ups, disease follow-up and treatment, and provision of acute services (emergencies, accidents, etc.).</p>	<ul style="list-style-type: none"> a. All victims must receive routine check-up care by a certified medical practitioner at the time of entry into the programme, and at the time of any change in disposition (movement, resettlement and reintegration). b. Children’s health needs are assessed regularly by trained and medically certified professionals. c. Preexisting and new diseases, including chronic conditions and physical injuries, are managed in an appropriate and timely manner.

Activity Description	Minimum Standards
<p>3. Nutritional feeding <i>Nutrition</i> is a broad term referring to processes involved in eating, digestion, and utilization of food by the body for growth and development, reproduction, physical activity and maintenance of health.¹ Activities relating to nutritional feeding encompass prevention of undernutrition through regular feeding and the correction of undernutrition including acute malnutrition and micronutrient deficiencies by means of targeted interventions.</p>	<ul style="list-style-type: none"> a. Victims' nutrition status is assessed by a trained professional and, in the case of the need for supplementary feeding (due to chronic disease including HIV/AIDS) or a targeted feeding intervention (undernutrition or nutrient deficiency), documentation is provided by a nutrition specialist or health-care professional. b. Daily meals are provided to children without specific needs three times daily and prepared hygienically. c. Children with special nutrition needs are followed up regularly and provided targeted or supplementary feeding on a set schedule in a manner tailored to their specific nutrition requirements.
<p>4. Education Activities including basic primary education as well as vocational/skills training.</p>	<ul style="list-style-type: none"> a. Primary education is provided free of charge. b. Victims are provided or assisted with the acquisition of materials necessary for the educational environment including writing implements, notebooks and uniforms as needed.

¹ *Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response* (Geneva, The Sphere Project, 2011), p. 145. Available from www.sphereproject.org/resources/download-publications/?search=1&keywords=&language=English&category=22?

Activity Description	Minimum Standards
<p>5. Counselling/ psychological assistance for victims</p> <p>These activities encompass both focused and non-specialized support services including: 1) basic mental health care and counselling by trained social workers and counsellors; 2) specialized services provided by mental health specialists; and 3) psychological first aid after acute exposure to traumatic events with a focus on active listening and ensuring further harm prevention and mitigation.</p>	<ul style="list-style-type: none"> a. Interventions should be provided after the identification of needs of the victims. b. Emphasis should be placed on harm and risk reduction of victims, ensuring basic needs are met. c. Any specialized psychiatric service must be administered by a trained professional. d. Confidentiality of victims is strictly enforced.
<p>6. Legal services</p> <p>Services provided by accredited legal counsel including the procurement of legal care orders, resolution of domestic affairs (e.g. adoption to foster families) and representation of victims with respect to criminal aspects of trafficking/ prosecution of traffickers.</p>	<ul style="list-style-type: none"> a. Any legal services provided are done so by an accredited professional. b. Any legal intervention respects utmost the rights and human security of the victims.

Activity Description	Minimum Standards
<p>7. Family tracing/Pre-visits Activities including the identification of family members at the child's place of origin, identification of risks and living conditions, and the appropriateness of disposition of the victim in his/her home as well as community investigation, and accompanied pre-visits ("go-sees") by the child prior to assisted voluntary return.</p>	<ul style="list-style-type: none"> a. Sufficient family tracing has been done to make a determination as to the appropriateness of placement of a child with his/her family, particularly with concern for risk of re-trafficking, abuse or other forms of exploitation. b. Endeavours will be made to provide family tracing for all victims. c. Social workers engaging in family tracing conduct an investigation, with end results documented in the Placement and Risk Assessment Form. d. All children to be assisted with voluntary return/resettlement will be given the option of a pre-visit/go-see accompanied by a social worker.
<p>8. Family/community counselling Counselling for victims' families and communities assisting with the process of resettlement/return/reintegration pertaining to livelihood strategies, health-seeking behaviours, childcare, family planning and conflict resolution.</p>	<ul style="list-style-type: none"> a. Counselling is provided on a voluntary basis. b. The result of counselling should be considered for the benefit of the victim of the programme, particularly with a focus on his/her security and protection. c. Confidentiality of victims and beneficiaries of counselling will be enforced.
<p>9. Long-term housing The provision of voluntary, safe and adequate long-term housing for a victim after return/reintegration/resettlement.</p>	<ul style="list-style-type: none"> a. Housing provided to victims after return/resettlement is selected with a view towards sustainability. b. Housing is secure, with access to adequate water and sanitation services, bedding, food sources and education facilities for school-aged victims. c. Security assessments are performed routinely during biweekly consultations between social workers and the victims under their care.

Activity Description	Minimum Standards
<p>10. Resettlement assistance The provision and facilitation of a new place of habitual residence for the victim, and if appropriate and necessary, with the victim's family members. Alternative resettlement strategies may also include supervised group living, foster care or adoption. Such services also include material assistance of items necessary to support resettlement (e.g. bedding and personal-care items).</p>	<ul style="list-style-type: none"> a. All resettlement activities are conducted only after an assessment of family tracing has been done and reintegration is considered a nonviable option or the preference of the victim. b. Resettlement activities are strictly voluntary on the part of the victim. c. An investigation of the suitability of the resettlement disposition including adequate access to services and basic infrastructure and security has been assessed. d. Victims are provided sufficient material assistance in order to facilitate the transition into the resettlement location. e. The victim and family are participatory members in the planning of resettlement activities. f. Safe transportation and a scheme for reception at the resettlement location are provided to the victim. g. Foster families, orphanages or adoptive parents are screened thoroughly and the results are recorded in the Placement and Risk Assessment Form prior to travel. h. Resettlement is planned in coordination with other services required of a victim through an appropriate needs assessment and documented in the Placement and Risk Assessment Form.

Activity Description	Minimum Standards
<p>11. Reintegration assistance The provision and facilitation of return to the victim's original community for the purpose of habitual residence with an emphasis on social integration and acceptance within the community.</p>	<ul style="list-style-type: none"> a. Reintegration is conducted only after an assessment of family tracing has been done, and documentation of the safe and adequate living conditions within the home community has been provided in the Placement and Risk Assessment Form. b. All reintegration is strictly voluntary on the part of the victim. c. Victims are provided sufficient material assistance if required in order to facilitate the transition into the reintegration destination. d. The victim and his/her family are participatory members in the planning of reintegration activities. e. Safe transportation and a scheme for reception at the reintegration location are provided to the victim. f. Reintegration is planned in coordination with other services required of a victim through an appropriate needs assessment and documented in the Placement and Risk Assessment Form.

ANNEX 2

CONFIDENTIALITY AGREEMENT

1. I understand that I will have access to confidential personal data relating to victims of trafficking in persons.
2. I understand that I am bound by a duty of confidentiality in relation to the personal data I receive from data subjects. The personal data shall always remain confidential, and shall not be disclosed to third parties without the prior consent of the data subject.
3. I shall comply with the established data protection principles in the event of the collection, receipt, use, transfer, or storage or destruction of any personal data in the performance of this confidentiality agreement.
4. I hereby agree to treat all personal data to which I have access with the utmost care and confidentiality.
5. Under this agreement:
 - (a) I understand and agree to maintain the anonymity of victims of trafficking and the confidentiality of the personal data disclosed to me;
 - (b) I understand and agree that I shall not disclose any confidential data relating to victims of trafficking, other than for the specific purpose required by my duties, without the express permission;
 - (c) I understand and agree that during or after my current employment I shall not disclose any confidential personal data relating to victims of trafficking to any person or entity;
 - (d) I understand and agree that I cannot discuss case-specific details with the media unless I request and receive permission regarding the nature, purpose, and limits of any communication with the media;
 - (e) I agree to notify the appropriate authority of any breach of my obligations or conflict of interest under this confidentiality agreement;
 - (f) I understand that a wilful violation of this confidentiality agreement will result in appropriate action being taken against me by appropriate authorities;
 - (g) I understand and agree that my obligation to comply with this confidentiality agreement shall survive the termination of my current employment.
6. By signing and returning a copy of this confidentiality agreement, I confirm my understanding and acceptance of the above-mentioned clauses and declare that I will comply with the contents of the agreement.

Name

Signature

Date

ANNEX 3

VICTIM-CENTRED RESCUE PROCEDURES

STEP**1****Conduct surveillance.**

A law enforcement official conversant with the local language should be sent to the suspected location incognito. Support from district officers or officials from non-governmental organizations (NGOs) can be useful, provided that the information remains confidential. Empowered survivors who are willing to cooperate could also provide useful information during surveillance.

STEP**2****Develop a rescue plan.**

A clear and well-coordinated plan should be developed for each operation, to include details of location, entry and exit points, a sketch map of the area, ways and means of removing victims securely and preventing the disappearance of traffickers. Any source information used to develop a rescue plan should be recorded/stored in such a way that anonymity of the source, victim or location is not compromised.

STEP**3****Identify the rescue team.**

The rescue team should have a designated operational commander. The rescue team should inform the Regional Police Commander. Although any government agency may conduct a rescue, the police must be involved in the planning process. In addition, a representative of the Department of Social Welfare should also be included in the rescue operation, as well as a trained medical professional to address any immediate needs of the victim and to conduct a forensic medical exam for each victim. It is important for each region to maintain a list of officials of labour department and NGOs working on fighting human trafficking in the area.



STEP

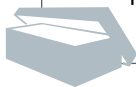
4

Inform appropriate authorities.

Inform the appropriate authorities regarding the proposed activities, including the places to be visited/searched and the proposed time. Notify the authorities of government-run shelters or recognized shelters run by NGOs at the place of rescue regarding the approximate number of persons likely to be rescued and the time when they are likely to be brought to the shelter.

STEP

5

Arrange logistics.

Arrange materials and equipment required for documentation and evidence collection (e.g. writing pad, white paper, pen, pencil, box for transporting the exhibits, box for belongings of the rescued persons, camera, videography, audio recording equipment, first aid kit, torch lights, hammers, cutters). Drinking water, snacks and others may also be arranged well in advance before a rescue. Also, arrange an adequate number of vehicles and escort for the rescued persons so that the victims are always kept segregated from the offenders.

STEP

6

Conduct pre-briefing.

The pre-briefing should review the rescue plan and assign specific duties to the officials who will participate in the rescue. This includes duties such as cordoning, guarding entry and exit points, locating the hideouts and identifying a safe place to keep the rescued persons until completion of the rescue operation. Ensure an adequate number of officials are available for the rescue operation.

STEP

7

Rescue.

During the rescue operation, all entry and exit points must be secured. Potential victims must be separated immediately from potential perpetrators. No victim should be left behind.

STEP
8**Provide safety and immediate assistance.**

After a rescue, every effort should be made to ensure the victim is safe and no longer in direct danger. The police will take an initial statement in partnership with a social worker, and then provide immediate referral for further assistance (including medical and shelter). If rescued persons are to be interviewed by the police, it should be in the presence of a social worker. If necessary, the interview can also be conducted in the presence of a member of a recognized welfare institution or organization (e.g. NGO) or a qualified social worker. NGO officials can also act as witnesses.

**STEP**
9**Debrief.**

After the immediate needs of the victim have been addressed, the rescue team meets to review the rescue operation. Stakeholders identify successes, failures and lessons learned for the next rescue operation. Representatives include law enforcement agencies, a representative from the Department of Social Welfare, and a representative from involved NGOs or relevant community leaders.

ANNEX 4

NON-GOVERNMENTAL ORGANIZATIONS WORKING ON COMBATING CHILD TRAFFICKING IN GHANA

PARTNER: Challenging Heights							
Challenging Heights was established in 2005 to prevent and reduce child trafficking. Activities include rescuing 75–100 trafficked children per year, providing them with temporary shelter and protection, and reintegrating them with their families or foster families. Its facilities include a 65-bed rehabilitation shelter in Swedru, Central region, and a community school for 600 children. Challenging Heights provides a livelihood programme and engages in advocacy (e.g. working with the Government to change law and practice with regard to combating child trafficking in the country).							
Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Johnny Whitehead, <i>Senior Operations Manager</i>	johnnywhiteheadchghana@gmail.com +223 533 049778	Central and Volta	Fishing	✓	✓	✓	Yes
Linda Ataa Osabutey, <i>Recovery Manager</i>	linosabutey@gmail.com	Brong Ahafo, Central and Volta	Fishing				Yes



PARTNER: Free the Slaves

Under the Child Protection Compact (CPC) Partnership between the Government of the United States and the Government of Ghana, Free the Slaves promotes community engagement and mobilization and builds the capacity of civil society actors in providing aftercare services, as well as providing support for victims of trafficking. It provides support to its partners by training district stakeholders and community members and by supporting them to engage in national policies. It also works with Right to Be Free on national-level advocacy and awareness.

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Joha Braimah, <i>County Director</i>	joha.braimah@freetheslaves.net +233 208 384644	Ashanti, Brong Ahafo and Accra	Artisanal mining, fishing				
Bismark Quartey, <i>Country Programme Manager</i>	bismark.quartey@freetheslaves.net +233 542 821282	Ashanti, Brong Ahafo, Winneba, Accra (advocacy programme) and Volta	Artisanal mining, fishing				

PARTNER: International Organization for Migration

The International Organization for Migration (IOM) is a CPC Partnership grantee working to strengthen the Government's capacity in addressing child trafficking. Engaged in counter-trafficking since 2003, IOM provides support for the rescue, rehabilitation and reintegration of victims. It also organizes community outreach programmes to identify and assist existing trafficking victims and prevent child trafficking. IOM collaborates with UNICEF to increase child protection and combat child trafficking in the Volta region.

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Alexander Billings, <i>Head, Counter-trafficking Unit</i>	abillings@iom.int +233 553 006308	National, but more specifically Central, Greater Accra and Volta	Across all sectors	✓	✓	✓	No

PARTNER: Don Bosco Shelter Opened in 2014, Don Bosco Shelter is one of the largest shelters, if not the largest, receiving children from other organizations, including IOM, Free the Slaves, the International Justice Mission (IJM) or government agencies such as the Anti-Human Trafficking Unit (AHTU). The organization is not directly involved in the rescue of children and does not do monitoring post-reintegration. Don Bosco Shelter's facilities include dormitories with separate bathrooms, classrooms, a dining room, a clean and well-equipped kitchen, and a large playing field.							
Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Francis Adzraku, <i>Deputy Director</i>	yakafui@yahoo.com +233 201 543156	Greater Accra			✓	✓	Yes

PARTNER: Madamfo Ghana Madamfo Ghana provides accommodation to rescued child labourers in its Children's Home in Ho, Volta region. The children receive care, education and other types of support. They are also sponsored through donations. A few organizations exclusively provide shelter and sponsorship opportunities for the rescued children. Orphans' Heroes also provides rehabilitation services for the children rescued from trafficking. The organization assists with sponsorships of children rescued from slavery and sexual abuse. Within the Volta region, Madamfo Ghana also has a children's home in Ho for children whose reintegration with their parents is not possible. The children's home, completed in August 2012, has a dormitory, kitchen, dining hall, library, first-aid station, administrative building and a playground. The children's home is mainly funded by sponsorships for the children through regular donations. Madamfo Ghana cooperates with the Government, specifically the Ministry of Social Welfare in Ho, to ensure that all requirements for custody and legal residence are duly met.							
Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Emmanuel Stephenson, <i>Director</i>	mail@madamfo-ghana.de +233 246 610584	Volta			✓		Yes

PARTNER: Partners in Community Development Programme

Partners in Community Development Programme (PACODEP) has been involved in the rescue and rehabilitation of children since 2003, with more than 500 children rescued since then. PACODEP is also engaged in prevention of child trafficking by educating fisherfolk about laws concerning child labour and organizing skills training to allow fisherfolk to improve their livelihoods without the use of child labour. The organization also works to reintegrate children with their families. If it is not safe for the child to return home for fear of re-trafficking, the child is taken to the PACODEP Village of Life shelter in Kete Krachi, Volta region. PACODEP collaborates with IOM, Free the Slaves and Challenging Heights, as well as the AHTU and the Ministry of Gender, Children and Social Protection (MGCSP).

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
George Achibra, <i>Executive Director and Founder</i>	pacodepgh@yahoo.co.uk +223 242 202629	Volta	Fishing	✓	✓	✓	Yes

PARTNER: Engage Now Africa

Founded in 2002, in Ghana, Engage Now Africa started working on anti-slavery programmes in 2011, but it officially launched the Ghana Modern Slavery Programme in 2014. Its main areas of focus include prevention of slavery, education and advocacy.

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
David Kofi Awusi, <i>Assistant Director</i>	kofiawusi@gmail.com ceamankwah@gmail.com +233 544 311079 +223 240 577480	National (office in Accra)					

PARTNER: Enslavement Prevention Alliance West Africa

Founded in 2007, Enslavement Prevention Alliance West Africa (EPAWA) follows a three-pronged approach to combating child forced labour, namely, prevention, prosecution and protection. It has also been at the forefront of combating human trafficking, particularly trafficking for the purposes of sexual exploitation including ensuring that perpetrators are prosecuted under the Human Trafficking Act. EPAWA has partnered with Orphans' Heroes. In 2011, Orphans' Heroes and EPAWA established a residential home for young adults in Accra for children rescued from abuse and slavery, to provide holistic care, including education, medical attention, and psychological counselling, with the aim of allowing them to gain emotional and financial independence.

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Tatiana Kotlyarenko, <i>Executive Director</i>	Tk2238@gmail.com	National (focus also on West Africa)	All types of trafficking	N.A.	Data not available	Data not available	No

PARTNER: Friends of the Nation

Since 2007, Friends of the Nation (FoN) has been promoting fisherfolk's participation in fisheries governance. FoN leads the child labour and trafficking (CLaT) component of the United States Agency for International Development (USAID)/Government of Ghana Sustainable Fisheries Management Project (SFMP) in the Central region by working on providing education and raising awareness through evidence-based information gathering and implementing behavioural change and livelihood interventions targeting adult caretakers. FoN's work focuses on prevention of CLaT in the source communities. The organization engages in information gathering to understand the root cause of CLaT in various locations; institutional capacity assessments and strengthening; communication with stakeholders for attitudinal and behavioural changes; and identifying and linking up with other organizations that do rehabilitation and enforcement. FoN also provides livelihood support to households that take their children back from trafficking, including cash transfers, linking households to the Livelihood Empowerment Against Poverty programme under the Department of Social Welfare (DSW) and providing improved fishing technologies and facilities, and conducts education activities on these issues in the Western and Volta regions.

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Kyei Yamoah, <i>Executive Director</i>	kkyeiyams@gmail.com +233 244 817020, +223 233 055331	Central	Fishing				

PARTNER: Ghana Make a Difference

Started in 2012, Ghana Make a Difference (GMAD) is a volunteer-based organization, headquartered in the United States, with no paid staff outside of Ghana. All donations are used to support feeding, clothing and caring for children in its Central region shelter, which has been in existence for just over two years. The shelter accommodates up to 50 children. GMAD has 15 full-time staff and as many as 14 foreign volunteers. In 2015, GMAD had not yet started taking child victims of trafficking. All children staying at GMAD are referred by the DSW. Other GMAD activities in 2015 included: sheltering and caring for 47 children; unifying 21 children with permanent families; and establishing alliances with Ghana's MGCSF, and two NGOs dedicated to helping children with disabilities and craniofacial disorders in Ghana (Acacia Shade). GMAD also has a programme for volunteers from abroad to help operate and manage the shelter.

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Cornelius Hoffman, <i>Chairman</i>	cory@ghanamakeadifference.org +223 576 570048	Dabanyin, Central					

PARTNER: International Justice Mission

The International Justice Mission (IJM) aims to protect the poor from violence by working with local governments, assisting in the prosecution of perpetrators, partnering with shelters (for reintegration and restoration) and working to ensure that the system is able to protect victims. In Ghana, IJM focuses on ending forced child labour in the fishing industry on the Volta Lake by working with public justice system officials to save children from forced labour in the fishing industry and bring traffickers to justice. Since IJM does not have a shelter of its own, it has partnered with other organizations for the rehabilitation and reintegration of children. IJM works with the DSW to trace families and conduct community assessments. The organization also assists in reintegration and restoration of victims. Once children are reintegrated, IJM continues to monitor them for up to two years.

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Kaign Christy, <i>Field Office Director</i>	kchristy@ijm.org +223 330 2543793	Volta and national	Fishing	✓	✓	✓	No

PARTNER: International Labour Organization

The International Labour Organization (ILO) has been involved in several child labour programmes in Ghana and has also participated in rescue missions on the Volta Lake. Under the ILO International Programme on the Elimination of Child Labour, the organization carried out interventions in the cocoa sector and conducted a survey in 2013 investigating child labour in mining and quarrying across 11 districts in Ghana. In 2015, the ILO did not have any active projects on child labour in Ghana until late in the year. The US Department of Labor funded a new project that started in December 2015, which will run until April 2019. The project focuses on the reduction of child labour and the improvement of working conditions in artisanal and small-scale gold mining in Ghana and the Philippines.

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Lalaina Razafindrakot, <i>Project Director</i>	lalaina792000@yahoo.fr kwame@ilo.org	National	Artisanal mining				

PARTNER: International Needs Ghana

International Needs Ghana (INGH) is one of the subgrantees of Free the Slaves that focuses on activities at the community level, including training community leaders to recognize child trafficking, take appropriate action, help reintegrate rescued children into communities, raise public awareness in selected communities and support livelihood alternatives for the families of reintegrated children. INGH will also work with aftercare specialists. Previously, INGH had a project on child labour and trafficking in the fishing industry; currently, it is still working in 21 communities, focusing on preventing and responding to abuse, exploitation and violence. From 1995 to 2003, INGH also worked on ritual servitude, rescuing women and girls, and established a vocational training centre in the Volta region to provide counselling, tracing services and skills training. INGH has worked in areas related to child sex trafficking by engaging in prevention of trafficking, early intervention and response to cases of trafficking, in collaboration with the Ark Foundation. INGH is currently focused on child marriage.

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Cromwell Awadey, <i>Head of Programmes</i>	cromwell@internationalneedsgh.org +233 302 300222/224	Volta, Greater Accra and Central (office in Accra)					

PARTNER: Legal Resources Center

The Legal Resources Center (LRC) is a legal-based organization focusing on legal rights. Having started as a community-based organization 18 years ago, the LRC has a legal clinic and takes on clients who cannot represent themselves. The LRC engages in research and advocacy and provides training. Between 2009 and 2011, the LRC received funding from the US Department of State to provide technical support to the Human Trafficking Management Board and training for judges, Ghana Police Service (GPS), Ghana Immigration Service and customs officers on child trafficking. The LRC was consulted when the recent Legislative Instrument for the Human Trafficking Act was drafted.

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Daphne Lariba Nabila, <i>Director</i>	dnabila@lrcghana.org +233 302 766756	National (office in Accra)	Across all sectors				

PARTNER: Mercy Project

Mercy Project works together with Challenging Heights in addressing the problem of child trafficking. Since 2012, Mercy Project has rescued and reintegrated 67 children from the Volta Lake. The organization focuses on providing economic opportunities to families to prevent the trafficking of children. Mercy Project has introduced fish cages as a more sustainable fishing method to ensure that children are not trafficked and exploited for labour, particularly children lifting heavy nets. Mercy Project has worked with the DSW and the GPS in four villages on the Volta Lake to rescue child victims of trafficking. Mercy Project does not have a shelter of its own, but it refers the children to the Challenging Heights shelter in Swedru.

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Chris Field, <i>Chief Executive Officer and Founder</i>	chris@mercyproject.net +1 214 6736732	Volta	Fishing	✓	✓	✓	No; victims are referred to Challenging Heights

PARTNER: Participatory Development Associates Participatory Development Associates (PDA) is currently implementing a programme with Free the Slaves to address the problem of child trafficking and exploitation in artisanal mining communities in three districts in the Ashanti region (Obuasi Municipality, Adansi North and Amanse Central). PDA implements awareness-raising activities and education about the protection of children, and also builds structures for communities.						
Person of contact	Contact details	Regions covered	Main sector	Activities		Shelter
				Rescue	Rehabilitation	Reintegration
Glown Kyei-Mensah, <i>Managing Director</i>	gkmensah@pdaghana.com +233 504 930085	National (office in Accra)				

PARTNER: Plan International Ghana Plan International has been working in Ghana on child protection since 1992 and on child trafficking since 2013, through a three-year project with the French Ministry of Foreign Affairs covering five countries (Benin, Cameroon, Ghana, Nigeria and Togo). The project aims to build stakeholders' capacity in this area and focuses on shelters, community work, sensitization and prevention. As part of the project, Plan International implements capacity-building for civil society organizations already working in the human trafficking arena (it is not involved in the rescue of children). Additionally, Plan International supports the Government of Ghana to promote birth registration and conducts activities to minimize teenage pregnancies through education.						
Person of contact	Contact details	Regions covered	Main sector	Activities		Shelter
				Rescue	Rehabilitation	Reintegration
Asum Skwarteng, <i>Head of Programmes</i>	ahensah.asum-kwarteng@planinternational.org +233 263 009538 +233 244 790077 +233 302 778039	Upper West, Northern, Eastern, Volta and Central (headquarters in Accra)				

PARTNER: Right to Be Free

Right to Be Free is involved in the rescue, rehabilitation and reintegration of children near the Volta Lake. It focuses on four key areas, namely, protection, prevention, capacity-building for law enforcement agencies and partnerships. Right to Be Free sensitizes fisherfolk and attempts to convince them to release the children. Although Right to Be Free works with the police, the staff members do not participate in the police raids. Right to Be Free aims to eventually reunite children with their families and continues to monitor recovering victims for approximately three years to ensure their successful reintegration.

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Eric Peasah, <i>Founder and Director</i>	epeasah@yahoo.com ePeasah@righttobefree.org +223 242 170827	Volta, Central and Greater Accra	Fishing	✓	✓	✓	No; victims are referred to Don Bosco

PARTNER: Netherlands Development Organization

The Netherlands Development Organization (SNV) manages the anti-ClaT component of the SFMP in the Central Region. The main focus of the SFMP is to improve and rebuild the fish stock in Ghana. It works in the fishing communities along the coast on the provision of alternative livelihoods, fish handling and fishing techniques to avoid overfishing. As part of the project, SNV provides energy-efficient fish smoking stoves to the communities, builds the capacity of local partners and engages in awareness-raising activities. It also establishes Community Child Protection Committees and supports them in their work. SNV also works with the government (Ministry of Employment and Labour Relations, the Child Labour Unit (CLU), the Fisheries Commission and the National Steering Committee on Child Labour under the CLU) to work on fishing strategies related to child trafficking. While SNV is not directly involved in the rescue and rehabilitation of children, if staff members uncover any cases of child trafficking, they inform the DSW or Challenging Heights.

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Dickson Adeborna, <i>Adviser on Child Labour and Child Trafficking</i>	dickcoman@yahoo.com	Central (office in Accra)	Fishing				

PARTNER: Touch a Life

Touch a Life is a privately sponsored non-governmental organization, based in the United States, providing shelter for victims of child labour and child trafficking in its centre in Ashanti. The police and the DSW refer children to the shelter. Over 90 percent of the children sheltered at Touch a Life are victims of trafficking, mainly from Volta and Greater Accra, though the shelter also takes in children who are vulnerable to trafficking. There are five dorms (two for girls, three for boys) at the shelter, each hosting around 16 children, though the shelter rarely reaches its maximum capacity of 80 children. As well as hosting children at the centre in Kumasi, Touch a Life supports children in boarding schools and has started the "Life Academy" programme to support older child labour and trafficking victims living independently in Accra by continuing to sponsor their further training. Facilities for primary education, from kindergarten to grade 2, exist on campus and plans are currently underway to build a school for older children, and this will also be open to the public. The shelter also has an arts centre where children receive art and play therapies during weekend classes.

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Rachel Brown, <i>Director of Development</i>	rbrown@touchalifekids.org	Ashanti (shelter); receives children from Greater Accra and Volta	Shelter for rescued children	N.A.	✓	✓	Yes

PARTNER: UNICEF

UNICEF collaborates with IOM on the Community Child Rights Education Project. The project focuses on eight districts in the Volta region and works towards increasing child protection and combating child trafficking. As part of this project, the education toolkit Free to Be Me is being used to initiate community dialogue around child trafficking and other child protection issues. UNICEF is involved in child protection under its Child Protection Programme with the Government of Ghana to make the child protection system more effective. UNICEF is not an implementing agency, but it supports the Government of Ghana to strengthen the legal policy framework; strengthen and reform the workforce (including both formal and informal actors); and bring about social behavioural change with regard to child protection issues. UNICEF has partnerships with IOM (on the prevention of trafficking in the Volta region), FTS (on child trafficking and child labour in *galamsey* mining communities in Brong Ahafo region) and INGH (on child marriage).

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Emilia Allen, <i>Child Protection Specialist</i>	eallen@unicef.org +233 243 132829	National (office in Accra)					

PARTNER: Village of Hope

Village of Hope is a long-term facility opened in 1996 that provides accommodation and education with four institutions – a shelter, a hospital (also open to the public), a school and a boarding high school. The Village of Hope shelter is located in the Central region and does not exclusively shelter victims of child trafficking. It will soon start receiving trafficked children from IJM up to a maximum quota of 30; Village of Hope does not plan to separate the trafficked children from the other children in the shelter to prevent stigmatization. The current residential capacity of the shelter is 147 in 10 homes (five for boys and five for girls) each is managed by married house parents and averages 12 children per house. Children are expected to help with house chores and the shelter aims to train children in “the Ghanaian way” to encourage them to settle in their original communities upon turning 18. Children may stay at the shelter until the age of 13 and then are sent to the boarding high school on campus. Opened in 2012, the boarding school is open to the public and can support 400 children (200 boys and 200 girls). A residential social worker is present on the compound.

Person of contact	Contact details	Regions covered	Main sector	Activities			Shelter
				Rescue	Rehabilitation	Reintegration	
Araba Hammond, <i>Chief Operating Officer</i>	araba.hammond@ thevillageofhope.com +233 208 232585 +233 244 313404	Central					

ANNEX 5

CASE MANAGEMENT CHECKLIST

Area	Case Management Checklist	Y/N
Screening	1. A potential victim of trafficking is referred to a trained official for appropriate screening and assistance.	
	2. Trained officials conduct a screening interview using approved Screening and Identification Protocols to determine whether the individual is a victim of trafficking and identify needs.	
	3. A trained social worker is assigned to lead in coordinating the case management of the victim.	
	4. If necessary, a social worker applies for a Care Order to a Family Tribunal in accordance with the Children's Act.	
Shelter	5. The victim has access to a safe and secure shelter, with adequate water and sanitation facilities.	
	6. Nutritionally balanced meals are provided to the victim on a daily basis and special nutritional feeding is also provided when necessary.	
	7. Recreational facilities and basic material needs are available.	
	8. The victim is monitored to know his/her whereabouts and ensure protection.	
	9. Security and risk assessments for the victim are conducted regularly to ensure his/her safety and monitor any changes in his/her security situation.	
	10. If necessary, temporary security measures are put in place when required to ensure safety of the victim.	
	11. All visits to the victim by parents or guardians are monitored, and shelter staff do not permit parents or relatives to remove children from the premises of the shelter without the written authorization of the Ministry of Gender, Children and Social Protection.	

Area	Case Management Checklist	Y/N
Medical services	12. Upon arrival at the shelter, or within a reasonable time thereafter, the victim receives a comprehensive medical examination of physical and psychological needs with a registered medical practitioner.	
	13. While at the shelter, the victim receives regular medical examinations.	
	14. A case worker accompanies the victim to medical examinations and prepares treatment plans or follow-up schedules for the victim as necessary and in coordination with medical practitioners.	
	15. The victim has access to health services and facilities as often as required, including general and specialized illnesses.	
Counselling	16. Counselling services are provided to the victim throughout his/her residency at the shelter, as required.	
	17. Counselling is provided by appropriately trained personnel.	
	18. The victim has a counselling file used to record and monitor progress.	
	19. If necessary, an interpreter for the victim is provided during counselling sessions and medical visits.	
Education	20. The victim receives basic education based on the national curriculum for primary education and depending on the victim's capacity.	
	21. Case workers do the utmost to ensure that victims are transferred into the formal education system appropriate to their age and development.	
	22. If appropriate, the victim receives vocational training.	
	23. Case workers assist the victims with insertion or reinsertion into the formal education system in their communities of return or origin.	

Area	Case Management Checklist	Y/N
Family tracing	24. Pre-visits to the victim's communities of origin are made to assess the family situation, domestic conditions, the socioeconomic status of the family, and safety and security of the victim upon return.	
	25. Case workers provide the victims with information on the outcomes of pre-visits at their level of understanding.	
Return	26. Throughout the family tracing and return process, victim participation and the victim's right to express his/her views freely is prioritized; the best interest of the child is of paramount consideration.	
	27. If the victim is a child, the legal consent of the parent and/or legal guardian is obtained before the victim's return.	
	28. Trained social workers complete the Placement and Risk Assessment Form to determine the availability of family support (consent and ability of the family to care for the child) or an appropriate care provider.	
	29. The social worker, by all means possible, endeavours to return children to their communities of origin.	
	30. When children cannot be returned to their communities of origin, an alternative and long-term shelter is arranged.	
	31. District, regional, and national government and non-governmental stakeholders are notified and returns are communicated effectively.	

Area	Case Management Checklist	Y/N
Reintegration	32. Returned victims are monitored through monthly consultation sessions, which shall be recorded in Follow-up Indicators and Consultation Note.	
	33. Counselling services are available to the victims upon their return.	
	34. Counselling services are extended to parents and/or guardians to facilitate communication.	
	35. Provision of services and counselling visits to the victims is monitored and recorded through written reports, regular meetings and on-site visits.	
Case closure	36. All monitoring documentation has been reviewed prior to case closure.	
	37. A progress review is conducted with the social worker, the victim and the family, with case plan as the measurement for achievement of reintegration goals.	
	38. A consultation is conducted with other service providers, such as health workers and teachers, to ensure the review aligns with their perspective of the child and family progress.	
	39. A careful assessment of potential risks to the child is conducted and case closure is determined to be in the best interests of the child.	

ANNEX 6

THE PEACE INTERVIEW MODEL

P = Planning and preparation

Proper planning and preparation for the interview is crucial and key to a successful interview. The following issues require careful consideration.

Interview team

Given the scale of the challenge, the effective interview of a trafficked victim is not a task for one interviewer. It requires a team approach, consisting of two evidential interviewers and, where they are available, the participation of a range of other professionals that should act in partnership with the interviewing officials.

Qualities of the interviewer

As far as is possible, the interviewers should be selected on the basis of the experience and ability within the following skill profiles:

- *Questioning skills* – key points
 - Ability to manage multiple lines of evidential questioning;
 - Specialist skills on interviewing adult and child victims.
- *Active and attentive listening skills* – key points
 - Ability to display full concentration through body language and words;
 - Not interrupting victim-witnesses when they are speaking.
- *Ability to empathize and develop rapport with victims* – key points
 - Empathize with the victim and the events that the victim has suffered;
 - Develop rapport based on trust and understanding of the victim's situation;
 - Recognize that empathy, rather than sympathy, is a key quality;
 - Some victims may regard overt displays of sympathy as insincere.
- *Cultural competence* – key points
 - Good awareness of any relevant racial, religious, social, cultural and ethnic factors that may impact on the relationship with the victim.

- *Patience and flexibility* – key points
 - To identify and extract all of the evidential facts from a trafficked victim is always likely to require a series of interviews;
 - Each interview will present different challenges that may slow down the collection of evidence;
 - Factors such as the emotional condition of the victim, the degree of coherent cooperation and the sensitivity of the events being recalled may slow the process.
- *Observation skills* – key points
 - Be observant and develop an ability to make early recognition of any signs of anxiety or distress within the victim-witness, particularly when abusive events such as rape and physical abuse are being recalled;
 - Early recognition of visible signs of distress or anxiety, such as sudden anger, weeping, irregular breathing, changes in skin colour and wringing of hands, among others, should enable the interviewer to react promptly to reduce the risk of further trauma.
- *Non-judgemental attitude* – key points
 - It is vital that interviewers do not pre-judge either the victim or the case history;
 - Interviewers should conduct a self-analysis of their own preconceptions and prejudices and leave any existing ones outside the interview room;
 - Victims usually have a highly developed ability to detect any signs of a judgemental attitude in an interviewer;
 - It is important to display a non-judgemental approach that values the victim as an equal that is as entitled to respect, credibility and belief as any other citizen.
- *Professional knowledge* – key points
 - Sound professional knowledge of trafficking crime;
 - Sound knowledge of crimes of sexual and physical assault.
- *Overall objective* – key points
 - Inspire the belief in the victim-witness that the interview is being managed by a professional and fully informed investigator.

Two-person interview team – lead and secondary interviewers

The interview team should consist of two interviewing officials and they should clearly divide their roles into those of the lead and secondary interviewers.

The role of the lead interviewer is to:

- Conduct the interview;
- Be the only interviewer that asks the questions;
- Direct the questioning to specific areas of evidential interest.

The role of the secondary interviewer is to act as the “eyes and ears” for the leader and focus on the following tasks:

- Maintain close attention to the condition of the victim;
- Provide early warning of any verbal or non-verbal signs of increased anxiety or distress;
- Monitor the progress of the interview;
- Provide an overview of the content of the interview at the conclusion to be able to redirect the lead interviewer back to any evidential areas or points that may have been missed or to clarify any contradictions or ambiguities;
- The second interviewer should not ask questions as it dilutes the fragile concentration of victim-witnesses if they are required to focus on two questioners.

An additional benefit of having a two-person interview team is that it enables the victim to develop a continuous relationship of trust and partnership with two officials, so that if one is unable to attend a subsequent interview for any reason, the second one can take over and maintain the relationship with the victim-witness. It is important to maintain continuity in the relationship so that the victim-witness develops trust in the interviewers.

Selection of the interviewers – gender and cultural factors

Selection of the interviewers and their respective roles should be determined in the light of the factors surrounding the victim, such as gender, age and background, among others.

Gender

In normal circumstances, case experience shows female interviewers should interview female and child victims as it is better for their welfare and for the quality of the evidential interview. In the large majority of cases, female victims will not be prepared to disclose sexual abuse or details of other intimate intrusions in the presence of male officers.

But there are also cases in which victims have expressed preference for male interviewers. For example, in a limited number of cases, female victims may be under less stress when relating abuse to male interviewers rather than to female ones because some female victims believe that female interviewers will be more judgemental of their conduct.

The simple solution to this issue is to ask the victim to express a preference, provided that a choice of male and female trained interviewers is available. If this is not the case, then the victim should be informed and not asked to express a preference that could not be met, which would then start the interview process off in a negative manner.

Culture

If the victim-witness is a foreign national and one of the available interview teams has some degree of knowledge of the victim's country or culture, this factor should be brought into the selection process. The more cultural knowledge that can be incorporated to make the victim less stressed, the better will be the quality of the interview.

Continuity

Continuity in the developing relationship between the interview team and the victim-witness is extremely important. The following points should be noted:

- It is extremely unlikely that a comprehensive interview with a trafficked victim will be completed in one session.
- It may take an extensive series of interviews, often conducted over a number of days or weeks in order to extract all of the evidence.
- Case analysis shows that the evidence of grave sexual, physical and psychological abuse is only likely to be disclosed during the later interviews.
- Victims are extremely unlikely to disclose details of intensely personal and intimate abuse in the initial phases.

- Most victims are unlikely to enter any initial interview phase with any degree of trust for the interviewing officers and the development of this vitally important trust and rapport will need to be nurtured during the series of interviews.

The basis of the selection of the interviewers should:

- Focus on only those officers that will be available to conduct the whole of the interview process;
- Exclude those who may only be able to undertake the initial phase before being reassigned to other duties;
- Exclude those that have leave or training commitments scheduled within the next month.

Interview team partners

Good practice lessons from across the world have repeatedly demonstrated the value of conducting victim interviews in partnership with counsellors and/or victim advocates. The wisdom of this is reflected in Section 16 of the 2005 Human Trafficking Act where counselling is mandated for rehabilitation (seeking access to justice can be a key element of rehabilitation) and in Regulation 15(3) in relation to access to counselling for victims in shelters.

Where this possibility of a partnership approach to interviewing practically exists, investigators should consider the following instructions to partners.

Instructions to interview partners – psychologists, counsellors, advocates, mediators

Allowing the participation of external partners does not alter the fact that the interviewing officers are in charge of the process and it is important that partners are given clear instructions as to the nature and extent of their role.

They should be instructed as follows:

- Not to discuss the evidential aspects of the case directly with the victim-witness.
- Not to make any statements or engage in any form of conduct that could be interpreted as inducing the victim to cooperate.
- To keep comprehensive notes if discussion of the *evidential* aspects of the case is unavoidable.
- To play no verbal part in the process unless invited to do so by the lead interviewer or in the circumstances outlined in the following points.

- The role of the psychologist-counsellor is to ensure the psychological welfare of the victim and to provide the interviewer with professional guidance and early warning of any signs of further trauma. He/She should only interrupt the interviewer if it is necessary to stop the interview to prevent any risk of further trauma damage. The lead interviewer and the psychologist-counsellor should agree on a verbal or physical signal by which to alert the interviewer if this point is reached.
- The role of the legal counsellor is to represent the legal interests of the victim. The counsellor should only interrupt if he/she feels that it is necessary to ensure that the interview is conducted in accordance with the human rights of the victim and the requirement of the criminal procedure code.

Pre-interview assessment

There are three components to the pre-interview assessment:

- The victim-witness;
- The analysis of available evidence;
- The time frame and schedule for the interview.

Prior to the interview, the interview team should conduct a pre-interview assessment, based on all of the available information concerning the background of the case, the current condition of the victim and the likely direction of the investigation. The objective is to identify the most effective interview strategy with which to proceed.

Pre-interview assessment – the victim

Where the victim has the support of a psychologist and/or a lawyer, this assessment should become an essential part of the partnership approach to the preparation of the interview and the psychologist and the lawyer should be fully consulted before the interview commences.

As a team, they should assess and agree on the most effective approach to take to the victim. The interviewing officers should seek the professional opinion of the psychologist or counsellor on the following specific points:

- The psychological assessment of the condition of the victim-witness;
- The extent of any trauma and its likely impact on the interview;
- How long the initial interview should last;
- Whether there are any specific areas of questioning that should be avoided during the initial interview;

- Whether the victim-witness is taking any medication that may have an effect on his/her ability to participate in the interview;
- It is also useful at this stage to find out from the psychologist any details that the victim-witness may have disclosed concerning his/her interests and hobbies – such as sports, fashion, films and others – as this information can be very useful in initiating the rapport-building phase.

If the victim-witness is not in the care of a victim support agency, the interviewing officers will have no option but to conduct the assessment themselves based upon these given good practice points and any available information concerning the background, age, sex, and physical and psychological conditions of the victim-witness, and the circumstances surrounding the case.

Pre-interview assessment – evidential analysis

It is important that the interviewing officers review the known circumstances of the case to identify the possible offences that may have been committed against the victim.

Having identified the possible offences, they should then analyse and identify: (a) what evidential material already exists in relation to these possible crimes; and (b) what specific additional evidential material needs to be explored with the victim.

Having done so, the interviewing officers should prepare a “points of proof” checklist to assist them during the interview. This checklist should comprise a simple analytical breakdown of:

- The specific points to be proved under the relevant specific articles of the 2005 Human Trafficking Act and Legislative Instrument 2219 and any trafficking-related offences;
- A list of the evidential topics that should be explored with the victim in order to fulfil the points of proof.

Pre-interview assessment – time frame and interview schedule

As already stated, it is highly unlikely that the full account can be obtained during one interview and the pre-interview assessment should include the following points:

- Identify how many interviews are likely to be needed and the possible time frame necessary to obtain all of the evidence.

- Recognize that this schedule is likely to take a period of days or even weeks, particularly if the victim's condition is especially fragile.
- Identify a viable schedule for the series.
- Where possible, schedule the interviews to avoid days when the victim may have other commitments related to his/her medical care or general welfare.

Interview conditions – venue and equipment

The quality of the interview venue and the equipment used for it is extremely important to the overall success of the interview. The following key points should be considered:

- If at all possible, the interview should take place at a neutral venue, particularly in the initial phases where it is more likely that the victim will regard police premises as a threatening environment.
- If it is necessary to use police facilities, the guidance set out below should be followed as far as is possible.
- If the victim is in the care of a victim support centre, it may be possible to conduct the interviews in the centre's office premises if all parties agree.
 - The room used for the interview should be private and free from foreseeable distractions.
 - It must be closed off from the view and hearing of any other individuals that are not an agreed part of the interview team.
 - The interview room should be comfortable and the furniture should be arranged in such a way as to avoid the standard layout of the victim being on one side of a desk with the interviewer seated on the other.
 - This layout can suggest a confrontational approach and it is better that the victim and the interviewer are able to sit alongside each other or at least adjacent to each other.
 - Other team members can be more discreetly present in the room.
 - It is important that the psychologist-counsellor (if available and present) is able to see the face of the victim so as to be able to monitor the victim's reactions and detect any signs of increasing stress.
 - If the psychologist is not present, the second interviewing officer should be available to fulfil this role.
 - The room should be tidy and any waste or surplus forms, materials, and other things should be removed.
 - The objective is to create a professional environment and the appearance of the venue is an important component of this objective.

- Wherever possible, there should be ready access to toilet facilities, refreshments and a private area for the victim to take a break.
- It is also important to ensure that there is an adequate supply of materials such as tapes, pens and interview forms available at the interview venue.
- “Do not disturb” signs should be hung on the interview room door handle to prevent interruptions.
- All mobile phones should be switched off. Changing the phone settings to beep alert or vibrate is insufficient in these circumstances, as the receipt of messages will still tend to disrupt the attention of all persons present and it is practically impossible not to be distracted by incoming messages.

Use of interpreters

Finding and assigning capable and accredited interpreters is an extremely challenging issue. The globalized nature of TiP means that victims may come from a wide range of countries and speak an even wider range of languages and dialects. It is often the case that investigators are unable to access adequately trained and experienced interpreters and, even where they may be available, it can also be that the interpreters do not fully understand the particular dialect that the victim speaks.

The following current good practice guidance should be considered against this challenging background and in the knowledge that there will be a significant number of cases in which investigators will not be able to follow the guidance and it will be a case of doing the best possible with whatever is available. Compromises will have to be made, but the main goal will always be to provide the victim with an opportunity – by whatever means – to tell his/her story.

The following practice points should be adhered to where practically possible:

- Where the victim-witness is a foreign national, the use of an interpreter is an essential prerequisite of the interview and no *evidential* interview should be held in the absence of the interpreter.
- This should apply even in those cases where a foreign victim-witness has a good capacity to speak the local language.

In such cases, given the importance and technical nature of the language of many of the evidential topics that will have to be covered, an interpreter in the first language of the victim should always be used so as to ensure that the victim specifically understands the nature and importance of particular questions and that the precise answers are correctly interpreted and recorded.

Use of interpreters – selection issues

The following points should be considered:

- Interpreters selected for this type of work should be adequately trained and have a sound technical knowledge of trafficking crime and the technical language that is likely to arise in any interview of a trafficked victim.
- If possible, the interpreter should also have a degree of knowledge of the physical, sexual, and psychological abuse that is inflicted upon trafficked victims and of the technical language that this is likely to arise during the interview.
- Careful consideration also has to be given to the selection of interpreters to make sure that their own prejudices and views of trafficking crime are not detrimental to the management of the interview.
- This possibility poses serious risks to the integrity of the interview and the interviewing officers must be alive to them.
- The interaction between the victim and the interpreter should be constantly monitored for any signs of hostility or overenthusiasm.
 - If the victim is a woman or girl, it is likely that the presence of a female interpreter will be more conducive to the conduct of a detailed interview.
 - The victim should be asked to express a preference, provided that both male and female interpreters are available to undertake the task.
 - If no choice exists, it should not be offered.

Instructions to the interpreter

The interviewer should make every effort to meet with the interpreter in advance of the interview and use the interpreter as a resource partner. The interpreter should be given the following instructions:

- Maintain strict professional impartiality and accuracy at all times in the interpretation of the interview;

- Provide precise translation of the questions and answers;
- Not to paraphrase or edit the questions or responses in any way;
- Ensure that the relationship with the victim remains correct at all times;
- It is acceptable for him/her to show human concern for the welfare of the victim;
- This must be demonstrated in a neutral way and not be allowed to intrude upon evidential matters in any way whatsoever;
- Under no circumstances to encourage or induce the victim during the interview process;
- Ensure that no discussions of evidential material take place with the victim other than during the course of the official interview;
- Maintain a summary record of any non-evidential discussions that may take place with the victim during any breaks in the interview;
- Maintain a record of any refreshments that may have been supplied by him/her to the victim.

A record of these instructions to the interpreter should be maintained by the interviewing officers and be available to the court if necessary.

E = Engage and explain

Having taken detailed measures to prepare for the evidential interview, the second step in the PEACE model focuses on the good practice tips that can be useful during the opening minutes of the first meeting between the interviewing officials and the victim-witness. If a psychologist, a psychologically trained counsellor and/or a victim advocate are involved, they should also be permitted to be present throughout.

The three objectives of this step are as follows:

1. Develop a degree of rapport with the victim (*the engage phase*).
2. Provide the victim with a detailed explanation on the role, rights, and responsibilities of being a victim-witness and seek their consent to cooperation (*the explain phase*).
3. Explain how the interview will be conducted if consent is forthcoming (*the explain phase*).

Engage phase – introduction and rapport-building

The first impression given by the interviewing team to the victim is likely to be the key to the success or failure of the interview relationship and it is vital to get this opening phase right.

This section of the interview process is also known as the “rapport phase”, a term which simply means the period when the interviewer initially gets to know the victim-witness and begins to develop the relationship.

The following key points should be considered:

Cultural briefing – key points

- If the interview is to be conducted through an interpreter, time should be taken before the initial meeting to get a full briefing from the interpreter of any national, religious, cultural, racial or ethnic issues that should be considered.
- The interpreter should be asked to identify any particularly sensitive areas that may impede the development of rapport if mishandled.
- The interpreter should be asked to specify any particular terms or words that would be inappropriate in the light of the victim’s language and culture.

Body language – key points

- On meeting for the first time, maintain good eye-level contact and non-threatening body language.
- Interviewers, especially males, should refrain from making physical contact with the victims, such as shaking hands, touching or embracing them.
- Even though this behaviour may be intended in a genuine, supportive way, it may be easily misinterpreted and may result in unpredictable reactions by the victim.

Initial introduction – key points

- The interviewers should introduce themselves, state their positions and roles.
- If required by law, they should show their identification badges.
- If not legally required, it is advisable not to produce badges at this initial stage as it is too formal.
- If previously unknown to the victim, the psychologist, the legal counsellor and the interpreter should then be invited to introduce themselves to the victim in a similar fashion.

Titles – key points

- The next step should be to establish how the victim wishes to be referred to by the team.
- The interviewers should encourage the victim to call them by their first names.
- Ask the victim how he/she prefers to be referred to.
- The same applies to any other persons present in the interview room.
- When using an interpreter, ensure that the questions are directed towards the victim, not the interpreter.

Rapport phase or preliminary conversation – key points

- It is important to avoid going immediately into the explanation of the interview process and case-related issues.
- Spend time on unrelated questions, so as to begin to make the victim more accustomed to the environment and persons in the room.
- Background questions on current welfare, interests, current accommodation and others should be used to trigger conversation. This approach begins to reduce the barriers that are likely to exist between the victim and the interviewers during this initial phase. It also gives the interviewers time to initially assess the emotional condition, cognitive ability and level of cooperation of the victim-witness.
- High-quality interviews of trafficked victims will take many hours so it is both acceptable and valuable to expend time at this stage to settle the victim-witness and make an initial assessment.

Health and comfort – key points

- Establish that the victim is feeling comfortable and secure in the interview room.
- Specifically enquire whether the victim is feeling well enough to begin the interview and is not suffering from any pain or discomfort.
- If the victim states that he/she is suffering from any ill health effects, medical assistance should be called for and the interview must be postponed until medical assistance has been provided.
- Ask the victim-witness if he/she requires anything, such as refreshments, toilet facilities and other things.

Explain phase – criminal justice information, rules and consent

This is the stage in which the investigator explains to the victim all of the criminal justice issues that have been set out in subsection 3.4.2 (overcoming the obstacles). The goal is to go over all of the relevant issues on a step-by-step basis to ensure that the victim's understanding is complete and correct and that therefore any consent that is given is genuinely fully informed.

This step should not be rushed and the interviewers must be satisfied that victim-witnesses have fully understood each step and the implications of their decision.

If an interpreter is involved, extra time should be allowed to ensure that the understanding is absolutely clear.

Partnership approach and roles – key points

- Provided that the informed consent is confirmed, explain the interview process.
- Explain the role of each person in the room in detail.
- Inform the victim-witnesses of the importance of their role in the process.
- Inform them that the role of the rest of the team is to assist them in recalling their story.

Promises and guarantees – key points

- Explain to the victim-witnesses that the role of the interview team is to establish the evidential facts of the case.
- Avoid making any promises as to courses of action that are not in their power to guarantee.
- Do not promise that the traffickers will be arrested unless this has already taken place.
- Do not promise that the traffickers will be convicted or punished because these are decisions in the power of the courts and not the interviewing team.
- Guarantee only that the team will do everything within its power to fully and professionally investigate the allegation.

Interview methodology – key points

- Explain the interview methodology to the victim-witnesses.
- Tell them that the interview is likely to require a number of sessions and is likely to take a lengthy period of time; explain that more than one interview will be needed.
- Explain that the key to success is to obtain as much evidential detail as is possible.
- Tell them that this will mean that the interviewers will ask many questions in order to clarify or enlarge on evidential facts.
- Tell them that many of these questions may seem trivial or senseless but that they will all be relevant.
- Explain that the purpose of the questions is to gain as much detail as possible to enable the investigation to corroborate the victim's story.

(If the victim-witnesses are old enough and cognitive enough to understand, explain in simplified, non-technical language the position that their credibility is likely to be challenged during the trial process and that the point of the detailed questions is to be able to prove through independent means that as many of the factual answers as possible are true and that, as a result, the courts will accept them as being credible, truthful witnesses.)

Interview rules – key points

As the last task before asking victim-witnesses to start talking about what happened to them, the interviewer should agree on some simple rules with them to assist the progress, accuracy and integrity of the interview.

Victim-witnesses should be told that:

- It is acceptable to say if they do not understand any question or seek clarification.
- They will not remember everything and it is acceptable to say that they cannot remember; they will not be blamed if they cannot recall specific incidents.
- They can take time in answering the questions and may take a break at any time if necessary.
- They should make a full and frank disclosure of everything that they are able to recall and avoid holding anything back from the interview team.
- Explain that they have a duty to tell the truth at all times.

Final clarification points

Ascertain that victim-witnesses have clearly understood all of what has been explained.

- Ask them if they have any questions at this stage.
- Confirm with them that they still agree to participate in the interview.

Breaks in the interview – key points

If the victim consents to the interview, the investigator will need to consider the issue of how often to take breaks in the interview and for how long. The following points should be considered:

- Agree, with the victim-witnesses, on a verbal and physical signal that they can use to call a break whenever they feel the need.
- The alternative physical signal is necessary as it is possible that traumatized victim-witnesses may become unable to speak if they suffer extreme stress while recalling painful events.
- This may become increasingly frequent as the interview begins to explore the physical, sexual and psychological abuse that they are likely to have suffered.
- Whenever they call a break because of increased anxiety or stress, the interviewer should reassess the position during the break.
- Decide whether it is in the interests of the victim to continue on the particular topic or whether it would be better to either move to another evidential topic or to postpone the interview for the day to allow the victims a longer period to recover their composure.
- If the psychologist and the legal counsellor are present, their opinion should also be sought on this point.
- Do not exceed with any preassessment guidance that has been given by the psychologist in relation to how long the first interview should last.
- There is no fixed guidance regarding breaks in the interview; good practice indicates that one hour is the maximum time frame that an interview should continue without a short break.
- There is no limit and more frequent breaks can be taken if appropriate.
- It is also important to note that the break is not only in the interest of the victim but the interviewer, too, who will also benefit from a break from trying to maintain focus on multiple lines of evidential enquiry.
- Whenever breaks are taken, the victim should be accompanied at all times by one of the interview team members. Preferably, this should not be the lead official, as the victim and the lead interviewer will both need a break from each other.

- The victim should be warned against discussing evidential matters with any person during the break.
- A full record should be kept of any refreshments that are supplied and of any discussions that may take place during the break.

Managing interviews of traumatized victims

Based upon current knowledge, it is estimated that more than half of all trafficked victims that come to notice will be suffering from some degree of trauma. Investigators should be aware of the following key impact factors that can arise from this condition during evidential interviews in order to ensure that:

- The interview complies with the “do no harm” best practice principle;
- The content of the interview is as accurate as possible.

Key impact factors

Investigators should be aware that victims suffering from trauma:

- May not be able to comprehend what has happened to them;
- Are unlikely to be able to immediately recall in detail the events that have taken place;
- May display acute anger, apathy or indifference to their situation;
- May be unable to provide a clear or coherent account of their story or of specific incidents;
- May also invent plausible elements of any situation in order to fill in blanks in their memory of what actually occurred.

Managing the impact factors

To manage these trauma factors and reduce their impact on the interview, the investigator will need to be:

- Patient and allow sufficient time for the interview;
- Flexible as to the length of the interviews and the frequency of interview breaks;
- Prepared to conduct a series of interviews over an extended period of time to allow the victim a longer period to recover and regain their ability to recall events;
- Avoid any questions that may appear as judgemental;
- Sensitive in the nature and manner of the questioning to reduce the risk of causing further trauma to the victim, especially in relation to the risk of “flashbacks”;

- Avoid applying pressure upon the victim to recall events that they simply cannot recall as a result of their condition;
- Prepared to immediately terminate the interview if the victim becomes too stressed.

A = Account and questioning

The step of the model is broken down into two distinct phases:

- **Account** – this is the first part in which the victim-witnesses disclose their story to the interviewer for the first time.
- **Questioning** – this is the second part in which the interviewer seeks to clarify and enlarge upon the events disclosed by the victim-witness during the free narrative recall phase of the interview.

Account – telling the story (also known as “free narrative recall”)

In terms of the evidence, this is the key phase of the whole process. Research clearly shows that the events described during this first telling of the story will provide the most accurate picture of what happened.

Key points

The following points should be noted:

- Victim-witnesses should be invited to recount their story in their own words and then be allowed to do so in a spontaneous and uninterrupted manner.
- There will be significant pauses during this phase as victim-witnesses try to remember events that may be very old or that are very painful, or both.
- The interviewer will have to manage them so as to avoid the silence from becoming oppressive.
- Selective use of very short prompts or encouragement – such “go on”, “continue”, “take your time” and “you are doing well” – can help to alleviate this problem.

Questioning/Clarification

The next phase of the interview process is the use of questioning to expand upon evidential points recounted by the victim during the free narrative recall phase.

Questioning style

Following are general points in this phase:

- Questions should be asked one at a time, kept short and simple, and should avoid double negatives or other difficult grammatical constructions. This is particularly important when interviewing children or foreign victims through an interpreter.
- Questions should be asked in a supportive tone. It is important to avoid using a tone or inflection of the voice that might denote disbelief or negativity or that might be construed as being judgemental.
- Police or other jargon should be avoided because it will almost certainly confuse the victim-witnesses and is virtually impossible to accurately translate if an interpreter is being used.
- The interviewer should seek to adopt the terminology used by the victim-witnesses in describing their story and, in case of sexual exploitation, their clients and prostitution activities, without using profane terminology.
- The use of correct and professional language is very important. Sexual or other profane language or sexual innuendo should not be used at any stage, even if their use is a consistent feature of the speech of the victim-witness.
- If a victim of sexual exploitation uses profane language to describe the range of sexual services that were provided, ensure that the victim describes in ordinary, non-profane language what the profane version of the sexual service actually means.
- It is acceptable to encourage victim-witnesses and to reassure them that they are doing well as long as this encouragement does not amount to any attempt to induce them to continue beyond what they want to say or what is accurate.
- It is important for evidential quality to be as accurate as possible over the chronology of the crime and the time frames of specific events for two reasons:
 - Identification of corroborative evidence will be easier to achieve if the chronology is as accurate as it can be.
 - A common tactic of defence lawyers is to seek to totally confuse victim-witnesses as to dates, times and places to the extent that

they end up so confused as to be unable to state with any degree of certainty the date when any specific event may have taken place.

- The objective of the defence tactic is to then misrepresent this inability to be precise on dates as being indicative of a lack of credibility, reliability or truthfulness.
- It is often more useful to ask victims to place specific events against chronological landmarks that are significant to them, rather than to name a date or month. For example, they could be asked to state whether they left their home before or after Christmas or some other significant religious or cultural events, or a family-related event such as before or after the birthday of a family member.
- The objective is to help them to place specific events within a fixed time frame that is meaningful to them if they cannot recall a particular date.

Four types of questions

The questions posed by the interviewer will have to be very carefully framed so as ensure that the account provided by the victim is as accurate as possible and avoids the risk of suggestibility. Suggestibility occurs when victim-witnesses tend to provide answers that, rather than being an accurate recall of events in response to specific questions, are more likely to reflect the answers that the victims believe the interviewer wishes to hear.

Trafficked victims tend to be vulnerable to this risk for a variety of reasons:

- Child victim-witnesses are always vulnerable to this risk and the lower the age of the child, the greater the risk.
- Both adult and child victim-witnesses may be suffering from some degree of trauma that is likely to increase the risk of suggestibility.
- Typically their background and personal experiences of law enforcement officers may make them wary and intimidated in the presence of police interviewers.
- In the case of foreign victims, linguistic and cultural differences may increase the risk of misunderstanding and inaccurate responses.

As a result of each or all of these factors, there is a significant risk that victim-witnesses will be vulnerable to suggestion and provide inaccurate answers for the following reasons:

- Child victim-witnesses often think that any question posed by an adult must require an answer and will provide one that they think will please the adult interviewer.

- As stated earlier in this module, traumatized victims often suffer from memory loss and may therefore invent plausible responses to fill in gaps in their memory as a personal reassurance measure.
- If the style of questioning is too closed or persistent or even oppressive, victims may provide answers that they feel the interviewer wants to hear, rather than one that accurately reflects the facts, in order to relieve the pressure.
- As the relationship develops between victim-witnesses and the interviewer over the course of a series of interviews, they may provide answers that they feel will please the interview team, rather than ones that accurately reflect their experiences.

In order to manage these risks, while at the same time expanding and clarifying the victim's account, the interviewer should utilize the following types of questions in the sequence in which they are set out:

- Open-ended
- Specific
- Closed
- Leading

Open-ended questions

An open-ended question is one that allows the victim to provide more information about the subject of the question without it in any way being suggestive or "leading" the victim to a particular response. As interviewers seek to enlarge upon the evidential details of particular incidents disclosed during the free narrative recall phase, they should confine themselves to the use of open-ended phrases such as:

- "Can you tell me more about this part of the story?"
- "I need to understand this part better."
- "Can you explain that to me some more?"
- "You mentioned in your story that something happened, can you remember anything else about it?"

As a matter of general interview good practice, interviewers should use open-ended questions throughout the interview to the maximum extent that is possible as these are more likely to obtain the victim's accurate response. In reality, there are very few interviews in which it is possible to obtain all the evidence through the use of open-ended questions. In most cases, interviewers will have to rely on specific questions in order to focus the attention of victim-witnesses on particular incidents.

Specific questions

The purpose of this type of question is to increase the evidential focus on specific events and to secure additional information or to clarify any points or ambiguities that may have arisen during the free narrative recall phase or in earlier answers to open-ended questions.

This should be achieved through the use of specific questions that are not suggestive in any way. The standard examples of this type of questioning are as follows:

- Where
- When
- What
- Who
- Why

Care still needs to be taken when using this type of question and the interviewer should phrase the specific nature of the questions in a neutral way and always try to avoid any form of suggestion.

Experience also shows that the use of “Why” questions needs to be carefully handled as, when used wrongly, it can imply some degree of blame or accusation. This is particularly true in the case of child interviews.

Closed questions

A closed question is one that sets out a range of fixed possible responses that victim-witnesses are then invited to select from. They are for use in instances where the use of open-ended or specific questions has failed to adduce any evidential detail or clarify a specific point.

The risk with this type of question is that victim-witnesses might be tempted to guess if they cannot be sure of accuracy of their answer or if they don't know the answer because they cannot remember. This is a particular risk in the interview of children or traumatized victim-witnesses.

The method of reducing this risk is either to remind victim-witnesses when the question is put of the rule that it is acceptable to say that they do not know the answer or cannot remember, or to include this factor as one of the alternative responses that are built into the question, for example:

- “You have told me that he raped you. Did this happen before you crossed the border, or afterwards, or can you not remember?”

As a good practice rule and as far as it is possible to do so, closed questions should be avoided when probing very precise and important evidential points in relation to specific events, particularly those that are likely to be challenged in court.

Leading questions

A leading question is one in which the answer is implied or assumed in the text of the question, for example:

- “He took all of your money, didn’t he?”

The use of leading questions must be avoided as much as possible and should only be used when all other types of question have failed to adduce a response from victim-witnesses on the point at issue.

Leading questions not only create a real risk of suggestion and inaccurate recall, particularly in respect to child and traumatized victim-witnesses, but they will usually trigger the most intense form of legal challenge that will put the victim under even greater pressure when giving testimony.

C = Closure

It is important to close the interview in a structured and inclusive way. The interview should not be terminated abruptly and the interview team should ensure that time is allocated to close the process properly.

It should be remembered that the partnership between victim-witnesses and the interview team has to last until the trial process and beyond, and it is important to ensure that they are kept fully informed of the next steps in the investigation process.

The following closure points should be followed:

- Take the time to cross-check with the second interviewer as to whether any key evidential points have been missed or whether any needs to be clarified.
- Summarize the key points of the victim-witnesses’ evidence check that they have been correctly recorded and understood. The summary should use the words of the victim and not the interpretation placed upon them by the interviewer.
- The victim-witness should be asked to correct any mistakes that may have been made or to clarify any specific points as necessary to ensure the accuracy of the account.

- They should also be invited at this stage to ask any questions they may have of the interview team.
- Take the time to thank them for their contribution and reemphasize the importance of their role and contribution to the partnership of the team.
- Explain in detail the plans for the next steps in the process, for instance, the schedule for the next interview and other investigative steps that may involve them, such as identification parades, medical examinations and others. This explanation should not just include the mechanics of the steps but also their purpose and objective.
- Establish that their immediate welfare needs are being addressed, such as transportation to current address, health care, accommodation, finances, other welfare issues and so on.

E = Evaluation

Once the interview has been concluded, the next task is to review and evaluate it. It is important to note that this process should be followed after each interview and not left until the whole interview process has been completed.

In trafficking cases, interviewers will almost certainly need to conduct a series of interviews and it is a matter of good practice to evaluate each in turn, as the evaluation will identify any immediate investigative actions that may need to be taken and provide important guidance on the evidential focus for the next interview.

The purpose of each post-interview evaluation within the series is to evaluate the evidential content and identify the following:

- Any disclosures that need to be developed or clarified;
- New evidential areas disclosed by the victim-witness that need to be developed;
- Next steps in the conduct of the investigation;
- Each factual incident that may be capable of being corroborated;
- Any areas for improvement after evaluating the performance of the interviewers.

PEACE interview model for child victims

The PEACE interview model was originally developed for use in evidential interviews with children and should always be applied as the most effective methodology. The guidance shown below is in addition to that set out in Annex 6.

PREPARATION

Pre-interview assessment

Wherever possible, it is essential that investigators instigate a very careful multi-agency assessment of the risks to the child *before* any evidential interview takes place with a child-victim. Consider the following issues:

- The critical judgement to be made during the pre-interview assessment is whether the best interests of the child are served by acting as a victim-witness.
- There have been a number of cases in which the risk of inflicting further emotional and psychological damage on the child as a consequence of being asked to recall traumatic events has been so significant as to compel a decision not to allow the child to cooperate with the criminal justice system, and the most careful consideration must be given to this issue.
- Wherever possible, a child psychologist, a psychologically trained counsellor or a trained social welfare officer that has been involved in the child's treatment and care should participate in the pre-interview assessment of the child victim.
- They should provide the interviewing officers with guidance regarding the impact of any trauma that may be present and in relation to the anticipated levels of resilience and suggestibility of the child.
- During the assessment, investigators should apply particular focus upon the assessment of the child in relation to the following categories:
 - Age;
 - Intelligence;
 - Gender;
 - Race, religion, culture and ethnicity;
 - Emotional state;
 - Cognitive abilities – memory and attention span;
 - Physical condition;
 - Ability to communicate;
 - Medical and social history – where readily available;
 - Educational standard;

- Sexual understanding and sexual vocabulary – if the case is one of sex trafficking or there are grounds to suspect the child has been sexually abused;
 - The child's first language;
 - Any other impediment to the interview, such as deafness, speech difficulties and mental handicap;
 - The nature, extent and gravity of abuse that the child is believed to have suffered.
- The multi-agency team should collectively assess the above factors in order to determine whether or not the child has become involved as a victim-witness or whether the level of risk to his/her physical and mental health is too great to permit such a course of action.
 - If it is decided that the child may safely cooperate, provided that he/she (or, if necessary, the parent or guardian consents), this multi-agency assessment of the factors listed above will have a major impact on the interview strategy and how best to adapt the interview process and style to properly reflect the developmental age and general condition of the child.
 - The advice of the child psychologist as to the nature and duration of the questioning must always be sought and adhered to, together with any specific directions as to when breaks should be taken.
 - Every effort should be made to ensure that the child psychologist is present during the interview sessions.

Equipment

- Wherever possible, interviews with children should be video-recorded.
- The best method is the use of a specially constructed video interview suite in which the child can sit in the video room with a single interviewer and a parent, guardian, other independent adult or, where necessary, a Social Welfare Officer.
- The remaining members of the interview team can be accommodated in the adjacent observation room.
- If the use of a video suite is not possible, the interview should be recorded using a portable camera, but careful consideration will then be necessary on how many other persons should be present in the room.
- In accordance with the child's age and cognitive ability, interviewers should explain the purposes of its use and inform them as to who may be able to view the film afterwards.
- In accordance with the level of his/her cognitive ability, the child must be asked to consent to the use of a video record.

- It is important to remember that not all children are comfortable with the video camera and it may be necessary to consider reverting to an audio or written record if the child reacts adversely to the camera.

ENGAGE AND EXPLAIN

Remember that if the child is able to understand the relevant information, fully explain the interview process so that he/she can see what you are trying to achieve and positively contribute to the process. Consider the following tips:

- Remember that the interview venue is almost certainly going to be alien to the child and it is vital to take time to ease the child into the environment and allow him/her to adjust to the surroundings.
- There should be no physical contact between the interviewers and the child; the parent or other independent adult can provide physical reassurance such as an embrace or a pat if required.
- Taking the time and effort to develop the rapport phase is of even greater importance when interviewing children.
- It may even become necessary to conduct two rapport phases on different days before the child may be ready to discuss the events of the allegation.
- As a general rule, the younger and the more nervous the child and/or the more serious the degree of abuse, the longer the time that will need to be spent in this rapport phase.
- Any subject, other than anything to do with criminal justice matters or the evidence, can serve as the basis for rapport-building; you can talk about hobbies, sports, fashion, television, books, family and friends, among others.
- Remember that the rapport phase also provides the interviewer with an opportunity to assess the condition and responses of the child that will then enable the interviewer to adjust the style and pace of the interview accordingly.

Interview rules – ability to tell the truth

- As part of the interview ground rules, the child should be told of the importance of telling the truth.
- It is also advisable to spend some time during the initial rapport-building phase to pose some questions to demonstrate that the child can distinguish between the truth and telling lies and understand the importance of the duty to tell the truth.

- This issue will have to be sensitively handled, particularly in the case of child victims of sex trafficking who are usually deeply resentful of any action that they perceive as treating them as children.
- In order to avoid the risk of alienating the child before the evidential part of the interview even begins, the choice of words will have to be carefully considered and set against the age and development of the child and the background of the case.
- With older children and/or those that have an advanced developmental age, it is advisable to start by explaining the purpose of the questions to them – that it is essential that they understand the importance of telling the truth and that they can demonstrate before the interview takes place that they have the ability to distinguish between what is truthful and what is not.
- If appropriate, the child should be asked to give his/her own examples of the difference between truth and lies and be allowed to express the concept in their own terms.
- If this is not practicable, or the child's own explanation needs clarification or reinforcement, the interviewer should consider giving the child a short and very simple scenario to clarify the point. To take an example from current good practice guidance, the interviewer could use the following:

“A boy (or girl) was secretly smoking a cigarette, after his mother had told him not to. He heard his mother coming towards his bedroom, so he hid the cigarette. His mother said, ‘Have you been smoking?’ The boy replied, ‘No, mum’.”

The child interviewee should then be asked the following sequence of questions:

“Did the boy tell a lie?”

(Pause and await the response.)

“What should he have said?”

(Pause and await the response.)

“Why do you think he said ‘No, mum’?”

(Pause and await the response.)

- The scenarios can be adjusted to reflect the child's age and what is known of his/her experiences or interests as it is better to choose a simple subject that may be relevant or of interest to the child.

ACCOUNT AND QUESTIONING

- It is vital to deduce the developmental age of the child and adapt the level and content of the questions accordingly so that the vocabulary used is one that the child can be expected to be familiar with.
- Remember that the younger the child the harder it is to access the child's memory and that the ability to remember increases as the child's general development increases with age.
- Ask questions one at a time and keep them short and simple.
- Avoid questions that contain double negatives or complex constructions.
- Avoid changing the topic of the questions too frequently.
- Avoid repeating the same question; if this is necessary, rephrase it.
- Remember that younger children tend to think and remember in abstract and do not recall in dimensions such as dates, times, height, colour, age, frequencies and size, among others. Children remember better when questions are set in the context of their daily activities or in chronological landmarks, such as birthdays, holidays, travel events and others.

CLOSURE AND EVALUATION

These should be managed as described above in "Closure" and "Evaluation".

Corroboration – medical examinations

The sensitivity of this issue is heightened in respect of children and this is a difficult decision for investigators because any form of medical examination has the potential to inflict further distress on the child.

In child cases, there are three reasons to justify a medical examination, in the following order of priority:

1. *Identify and secure treatment* for any injuries, illnesses or other medical conditions.
2. *Reassure the child* (and parents or family members if involved) as to the nature and consequences of any injury, infection or illness that may have been inflicted as a result of the trafficking abuse.
3. *Provide medical corroborative evidence* of any injury, infection or illness in cases where criminal proceedings are under consideration.

MEDICAL EXAMINERS

- Medical examinations of children are highly sensitive and complex procedures and should only be carried out by a suitably qualified child forensic medical examiner. If such a professional is not available, then a paediatrician or a gynaecologist or a registered medical professional can conduct the examination.
- As a general rule, female medical examiners should conduct medical examinations of children; and the younger the child, the more applicable the rule is.
- However, as with adults, provided that both male and female examiners are available, the child and the parent should be offered the choice.
- As far as possible, experienced paediatricians and child psychologists should be employed for the examination and assessment of children.

The following additional points will also require careful consideration:

- In trafficking cases, the medical assessment will need to identify any signs of harm or injury in relation to physical, sexual and psychological health.
- This rule should be applied irrespective of the type of exploitation. All forms of trafficking are likely to cause physical and psychological harm to victims.
- Obviously, in sex trafficking cases, the incidence of sexual harm or infection will be higher, but it must be remembered that case analysis shows that children are also repeatedly sexually abused in forced labour and domestic slavery scenarios.
- The time frame is important when considering the need for a medical examination of a child. In many cases, the abuse will be historic rather than recent and a careful assessment will be needed to judge whether the examination has any prospect of finding corroborative evidence.
- This is especially pertinent in relation to sexual abuse. Children heal quickly and current research shows that sexual examinations of children will only produce positive medical findings in less than half the cases, and only then if there has been penetrative abuse.

CONSENT

- Consent for the medical examination should be approached on the same basis as consent for the interview.
- If the child has the cognitive ability to understand the situation and the request, then he/she should be fully consulted and asked to consent.
- The consent of the parent, guardian or Social Welfare Officer will also be necessary.

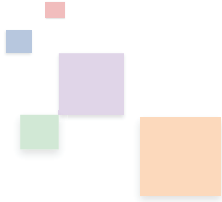
ANNEX 7

DATA SECURITY RISK ASSESSMENT CHECKLIST

Reviewing Current Systems	Yes	No
Is all sensitive personal data within your area of responsibility properly classified according to level of sensitivity?		
Have you analysed the level of security at workstations according to sensitivity levels, confidentiality, integrity, transmission and access to personal data?		
Have you identified any environmental, technical or human factors that raise specific security concerns?		
Have all the important or valuable physical measures and technical measures within your area of control been identified?		
Have you determined ways and means of continuing operations and services in the case of loss of personal data?		
Have you coordinated with the relevant data controllers to ensure the backup procedures have been regularly conducted to preserve electronic records in the event of accidental loss?		
Have you participated in carrying out reliable checks with authorized staff who store highly sensitive personal data or unprotected computer systems?		
Have you evaluated the storage location and safety measures needed to protect paper records?		
Have you evaluated the electronic storage areas and safety measures needed to protect electronic records?		

Identifying Security Risks	Yes	No
Have you examined the security threats to the storage location or computer systems used to store personal data?		
Have you examined any weaknesses of the storage location and computer systems?		
Have you assessed the consequence of techniques used by determined individuals to gain unauthorized access to security systems?		
Have you analysed the potential consequences and impacts that the security risks may have on the confidentiality, integrity and availability of personal data?		
Have you foreseen how to mitigate the risks given the existing operations, technical and physical security measures that are available?		
Do you foresee any other risk mitigation solutions that could be applied to the specific workstation?		

Identifying Safeguards	Yes	No
Have you identified new security measures to address and reduce the level of security risks?		
Have you tested the feasibility of new identified security measures?		
Have you determined the residual likelihood of occurrence of the threat in the event that the identified safeguards are implemented?		



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with an Emphasis on Child Trafficking

