

Strengthening Law Enforcement Response to Gender-based Violence and Trafficking in Persons in Borno and Adamawa (Nigeria)

PARTICIPANTS TRAINING MANUAL



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ABBREVIATIONS AND ACRONYMS

FGM	Female genital mutilation
GBV	Gender-based violence
IDP	Internally displaced person
IOM	International Organization for Migration
NAPTIP	National Agency for the Prohibition of Trafficking in Persons
NGO	Non-governmental organization
NPF	Nigeria Police Force
NSCDC	Nigeria Security and Civil Defence Corps
SEA	Sexual exploitation and abuse
STI	Sexually transmitted infection
TIP	Trafficking in persons
ToT	Training of trainers
VoT	Victim of trafficking

INTRODUCTION TO THE TRAINING MANUAL

Purpose and objectives

The Participants Training Manual is part of the International Organization for Migration's (IOM) efforts to strengthen and enhance front-line National Police Force (NPF) and Nigeria Security and Civil Defence Corps (NSCDC) personnel in the current humanitarian situation in North-East Nigeria (Adamawa and Borno in particular) with a view of the following:

- (a) Raising awareness within the NPF and NSCDC on gender-based violence (GBV) and trafficking in persons (TIP);
- (b) Equipping front-line NPF and NSCDC personnel with the necessary skills, knowledge and attitude necessary to handle GBV and TIP cases;
- (c) Enhancing the capacity of NPF and NSCDC in providing survivor care and assistance; and
- (d) Eliminating stigmatization and stereotype faced by survivors of GBV and TIP seeking protection and justice.

The Participants Training Manual integrates training materials and resources developed by other agencies and experts, operationalizes key guidelines including those from Inter-Agency Standing Committee and is an accompanying resource for the training of trainers (ToT).

Targeted audience

The training targets front-line personnel from the NPF and NSCDC who are on rotation to be deployed/or already deployed in internal displacement camps or settlement settings across Adamawa and Borno States, as well as selected personnel from law enforcement headquarters responsible for handling GBV, TIP and sexual exploitation and abuse (SEA) cases.

Methodology

This training follows methodologies that support adult learning. It is not designed as a series of lessons in which the participants will be taught information verbatim. Rather, the training utilizes the manual as pre-reading requirement and resource reference for the ToT. The training curriculum is highly participatory, with exercises and activities intended to prompt questions and reflections, draw out experiences and lead to shared learning.

The ToT aims to transform the participants into facilitators of the training in their different localities and postings; therefore, it is more about listening, learning and sourcing reference information. The participants will be encouraged to think critically about the content of the manual, information presented and share their perspectives, thoughts and questions within the peer-to-peer group level as the training progresses.

How to use this manual

The manual is structured to follow the flow of the training and will be used as a reference during the curriculum training and source of information on the delivery of essential services on preventing and responding to GBV and TIP by NPF and NSCDC personnel across their respective duty stations.

This manual is divided into three parts:

- Part 1:** Aims to increase and strengthen officer's knowledge and understanding on GBV and TIP (**Knowledge**).
- Part 2:** Aims to equip the officers with the standard approaches to handling GBV and TIP cases to ensure effective and essential law enforcement response to GBV and TIP (**Principles and approaches**).
- Part 3:** Aims to strengthen officers applications of survivor-centred skills and attitude in law enforcement procedures (**Practical application of the principles and approaches in law enforcement procedures**)

PART 1:

INCREASING KNOWLEDGE ON GENDER-BASED VIOLENCE AND TRAFFICKING IN PERSONS

1.1. UNDERSTANDING GENDER-BASED VIOLENCE

Gender-based violence (GBV) is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (namely gender roles, responsibilities, norms and practices) differences between males and females, unequal power relationship, and it encompasses threats of violence and coercions. It includes acts that inflict harm on women, men, boys and girls either physical, sexual, mental and other deprivations or all.¹ GBV is a cause and consequence of women's inferior political, economic and social status, boys and men can be exposed to gendered violence, but women's inferior status virtually means that they are its primary targets. Due to gender inequalities that are entrenched in societies, men have more power, access and control of resources, more opportunities and privileges.

1.1.1. Core concepts in understanding gender-based violence

Sex

This refers to what sex we are born with; it refers to the physical/biological differences between males and females and is determined by biology. It does not change (without surgical or hormonal intervention.)

Gender

Gender is a social construct; it is how society and culture expect people to behave based on their sex and is influenced by tradition, culture, religion and social norms. Gender norms change over time, across culture and circumstances. Gender determines the roles, responsibilities, opportunities, privileges, limitations and expectations of males and females in each culture and society.

¹ Inter-Agency Standing Committee (IASC), *Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery* (2015), p. 5.

Human rights

Every human being is entitled to rights, freedoms and protections; human rights are non-negotiable and indivisible. GBV is one of the most widespread yet socially accepted human right violations. Different acts of GBV violate a number of human rights.

Power

GBV is about abusing power. Whether the power is “real” or “perceived”, the survivor of the abuse believes the power is real. Power is directly related to choice. GBV is the abuse of exploitation of unequal power relationships. Power can be physical, economic, social, political or others.

Harm/Violence

Violence in this context is any act that causes harm. It involves the use of some type of force, real or implied, and this is a key element in defining GBV. Force does not always have to mean “physical force”; it can be emotional, social or economic in nature. Force also includes intimidation, threats, persecution, coercion or social pressure (such as in the case of forced marriage).

Consent

Consent is saying “yes” and giving your permission for something. *Informed consent* means making an informed choice freely and voluntarily. That is, he/she understands the consequences of the choice, has equal power and is freely able to exercise the right to say “no”. Acts of GBV occur without informed consent because the “yes” was said under duress; the perpetrator(s) used some kind of force/abuse of power to get him/her to say yes. Children (based on The Childs Rights Act 2003; under 18 and in Nigeria under age 14) are not able to give informed consent because they are not mature enough to understand the implications of saying “yes”.

1.1.2. Forms of gender-based violence and definitions

GBV takes many forms. Violence can be sexual, physical, psychological/emotional, or economic in nature. Violence can manifest in the form of denial of resources or access to services. Often, survivors can experience multiple forms of violence; they can experience acts of violence in combinations, thus cannot be strictly assigned to one category.

Table 1. Forms of gender-based violence

Sexual violence includes:	Physical violence includes:	Psychological/ emotional violence includes:	Denial of resources and opportunities includes:
<ul style="list-style-type: none"> • Rape • Marital rape • Attempted rape • Child sexual abuse • Online sexual abuse • Sexual violence as a weapon of war or torture • Female genital mutilation (FGM) • Sexual harassment • Trafficking for sexual exploitation • Commercial sexual exploitation 	<ul style="list-style-type: none"> • Physical assault • Biting • Burning • Kicking • Slapping • Pushing • Pulling hair • Acid attacks • Banging head on the wall • Using an instrument to inflict harm 	<ul style="list-style-type: none"> • Verbal abuse • Confinement • Forced marriage • Child marriage • Social exclusion • Humiliation • Neglect • Withholding family finances 	<ul style="list-style-type: none"> • Denying women and girls access to services and opportunities • Depriving women of their dowry or inheritance or land ownership • Giving men and boys preferential access to food and services • Withholding family resources • Spending spouse income without consent

Basic definitions

Rape

Rape is the non-consensual penetration (however slight) of the vagina, anus or mouth with a penis or other body part or object. Examples can include but are not limited to gang rape, marital rape, sodomy and forced oral sex. This type of GBV does not include attempted rape² since no penetration has occurred.

Sexual assault

Sexual assault is any form of non-consensual sexual contact that does not result in or include penetration. Examples can include but are not limited to attempted rape, unwanted kissing, unwanted stroking, unwanted touching of breasts, genitalia and buttocks and female genital cutting/mutilation.

² Attempted forced/coerced intercourse; no penetration.

Child sexual abuse

Child sexual abuse refers to any sexual activity between a child and an adult, including incest or between a child and an elder child/adolescent, as well as child to child. It involves either explicit force or direct coercion. It can manifest in different forms of sexual violence.

Sexual exploitation

Sexual exploitation is any actual or attempted abuse of a person in a position of vulnerability, differential power or trust, for sexual purposes, including but not limited to profiting monetarily, socially or politically from the sexual exploitation of another (such as sex in exchange of food).

Transactional sex

Transactional sex refers to non-commercial, non-marital sexual relationships, and is motivated by the assumption that sex will be exchanged for material benefit or status. It is not similar to sex work because it is non-commercial, and the parties involved have some form of relationship. Due to poverty, individuals might be compelled by their circumstances to resort to transactional sex to help advance their education, gain employment, business opportunities or simply to meet basic survival needs. Therefore, this practice is sometimes referred to as “survival sex”.³ It also includes accepting sex and tolerating physical or sexual violence in order to sustain relationships, which provide critical income.

Sexual slavery

Sexual slavery refers to sexual activity/violence perpetrated while the survivor was being forcibly trafficked or being forced to join an armed group (forced conscription) or held against his/her will (abducted or kidnapped).

Harmful traditional practices

These refer to harmful traditional cultural practices that encourage GBV in the society and includes FGM, early marriage, honour killing, infanticide or neglect, and denial of education for girls or women.

³ Survival sex occurs when a person exchanges sex for basic needs or for protection. It involves selling sex to survive, which is a negative coping mechanism. Survival sex is not voluntary or equal; they are not formal sex workers (Joint United Nations Programme on HIV/AIDS (UNAIDS), *UNAIDS Guidance Note on HIV and Sex Work* (Geneva, 2009). Available at www.unaids.org/sites/default/files/sub_landing/files/JC2306_UNAIDS-guidance-note-HIV-sex-work_en.pdf).

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Physical assault

Physical assault is physical violence that is not sexual in nature. Examples can include but are not limited to hitting, slapping, choking, cutting, shoving, burning, shooting or use of any weapons, acid attacks or any other act that results in physical pain, discomfort or injury. This type of GBV does not include female genital cutting/mutilation or honour killing.

Forced marriage

Forced marriage is marriage of an individual against his/her will.

Denial of resources, opportunities or service

This is denial of rightful access to economic resources, assets, livelihood opportunities, education, health or other social services. This type of GBV does not include reports of general poverty.

Psychological/emotional abuse

This is infliction of mental or emotional pain or injury. Examples can include but are not limited to threats of physical or sexual violence, intimidation, humiliation, forced isolation, stalking, verbal harassment, unwanted attention, remarks, gestures or written words of a sexual and/or menacing nature and destruction of cherished things.

1.1.3. Survivors and perpetrators

Gender-based violence victim or survivor

Both terms refer to a person who has been subjected to one or multiple forms of GBV. In the legal systems or medical field, often the term “victim” is used. But among the humanitarian field, the term “survivor” is preferred because it implies resilience.

Perpetrator

Perpetrator is a person, group or an institution that directly inflicts, commits, supports or condones acts of GBV. Characteristics of perpetrators are as follows:

- Persons with real or perceived power
- Persons in decision-making positions
- Persons in authority

Perpetrators can be:

- Intimate partner: Husband or partner
- Family members or close relatives or friends or stranger
- Influential community member in a position of authority
- Insurgent groups
- Security forces, soldiers, aid workers and peacekeepers
- Institutions or entities known to the survivor

Is a perpetrator a stranger?

Acts of GBV are often perpetrated by someone known to the survivor and not a stranger; often, perpetrators are men who abuse their authority or power and use violence as a form of dominance and control to assert or maintain their privilege and power over others. However, women can also be perpetrators; for example, a mother forcing her young child to marry or prostituting her child or selling the child to traffickers for sexual exploitation.

1.1.4. Causes and contributing factors of gender-based violence

Causes of gender-based violence

The root causes of all forms of GBV lie in society's attitude towards and practices of gender discrimination and norms that determines roles, responsibilities, opportunities, privileges and limitations between women, men, girls and boys in a particular society, and this consequently shapes the power/relationships.

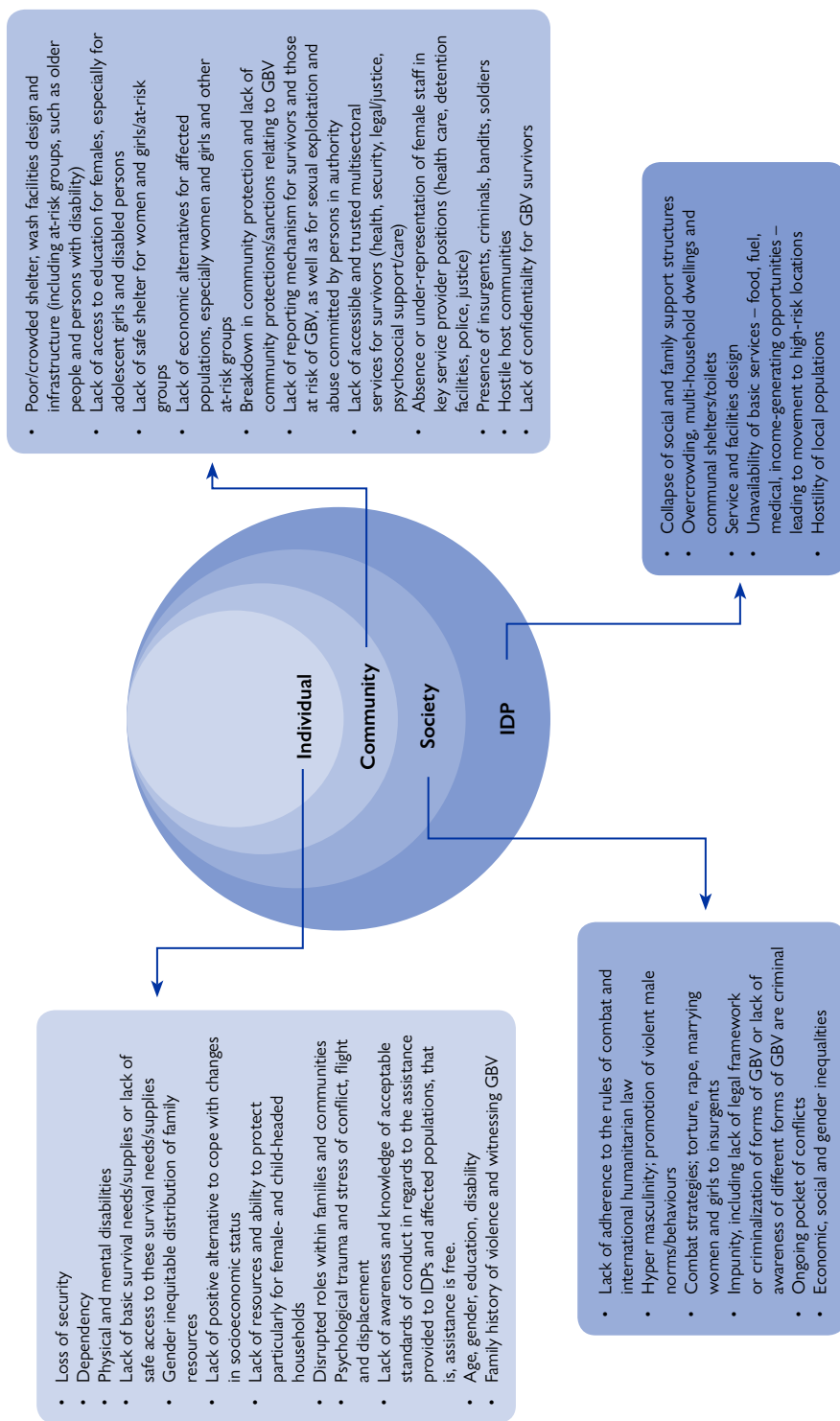
- **Power imbalance:** Power is used to dominate, marginalize, force other persons to act against their will and impose restrictions in other people's lives. Power can be physical, social, economic, political or others.
- **Disregard for human rights:** Lack of respect for the human rights of women and girls, desire for power and control, including using violence against women and girls as a weapon of war or to instil fear, insufficient laws against GBV and impunity for perpetrators.

Contributing factors of gender-based violence

These include factors that perpetuate GBV or increases risks and type of GBV experienced. Contributing factors do not cause GBV, although they are associated with some acts of GBV, such as displacement, presence of armed conflict, poverty, substance abuse including drugs and alcohol, collapse of traditional society and family support systems, boredom, lack of services, activities and loss of male power due to change of gender roles and responsibilities in the family and community. Examples of contributing factors at the individual, community, systematic and internally displaced persons (IDP) settings are on the graph that follows.

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Figure 1. Contributing factors of gender-based violence



1.1.5. Vulnerable and at-risk groups

In humanitarian situations, there are groups of individuals who are more vulnerable to harm than others. Individuals can be vulnerable due to their age, sex, religion and ethnicity, which in turn intersect with gender-based discrimination, rendering women, adolescent girls and girls more vulnerable and at risk than any other groups to multiple forms of GBV violations.

In cases of men and boys, gender norms relating to masculinity can increase their exposure to some forms of sexual and other forms of violence. **Not all at-risk groups** listed below will always be experiencing a heightened risk of GBV. However, often there will be a heightened risk of harm in the emergency settings; thus, their safety and security should be prioritized.

Table 2. Groups at risk of gender-based violence

At-risk groups
<ul style="list-style-type: none"> • Adolescent girls • Elderly women • Women-headed and child-headed households • Girls and women who bear children from rape and their children born from rape) • Separated and unaccompanied children (girls, boys and orphans including children associated with forces/groups) • Women and men involved in forced and coerced prostitution and child survivor of sexual exploitation • Women, girls, men and boys with disabilities • Women, girls, men and boys living with HIV • Women, girls, men and boys who are survivors of violence
Examples of violence these groups might be exposed to the following:
<ul style="list-style-type: none"> • Sexual assault (for all at-risk groups) • Sexual exploitation and abuse (SEA) (for all at-risk groups) • Child/or forced marriage • FGM/cutting • Lack of access to education • Exploitation and abuse by caregivers • Denial of rights to housing and property/inheritance • Intimate partner violence and other forms of domestic violence • Social exclusion • Honour killing • Secondary exploitation/violence

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Factors that contribute to increased risk of violence

- Age, gender and restricted social status (for all at-risk groups)
- Increased domestic tasks that keep girls isolated in the home
- Lack of access to understandable information about health, rights and services including reproductive health
- Being discouraged or prevented from attending school
- Early pregnancy and motherhood
- Loss of family members, especially immediate caretakers
- Weakened physical status/disabilities and chronic disease
- Limited mobility due to disability or age
- Neglected health and nutritional needs
- Lack of access to understandable information about rights and services
- Social stigma and isolation; exclusion from their homes, families and communities
- No participation in their communities and earning livelihoods
- Engagement in unsafe livelihood activities (such as begging in the streets)
- Poverty, malnutrition and reproductive health problems
- Lack of access to medical care
- High level of impunity for crimes against those involved in forced or coerced prostitutions
- Obstacles and disincentives to reporting incidents of violence (especially sexual violence)
- Fear of speaking out against authorities
- Dependency on exploitative or unhealthy relationship
- Poor hygiene and lack of sanitation
- Overcrowding of detention facilities
- Failure to separate men, women, families and unaccompanied minors in difference service points
- No access to medical care/health information and rehabilitation services

1.1.6. Violence perpetrated by a person in position of power or authority

SEA is a form of GBV and refers to cases involving abuse of power and trust by virtue of an authority or position.

SEA means any actual or attempted abuse of a position of vulnerability or differential power or trust for sexual purposes. It is a form of exploitation that is not consensual, but a survival strategy for the survivor due to their extreme needs. Examples of SEA include the following:

- Exchange of sex or sexual acts for food;
- Sex for shelter;
- Sex for protection;
- Sex for other survival needs, services or money; and
- The exploitation can also include involving the survivor in pornographic or sexually explicit photos or websites.

Sexual abuse refers to actual or threatened physical intrusion of a sexual nature whether by force or under unequal coercive conditions. Examples include inappropriate touching or talk of sexual nature, kissing of a sexual nature perpetrated using force for or by taking advantage, that is, without consent.

The acts and examples that constitute SEA are *prima facie* criminal offences and punishable in law. For example, in Nigeria, it is an offence to have unlawful carnal knowledge of a woman without her consent (rape) or have sexual relations with a child/underage person as deemed to be unable to give consent. In some cases, consent is negated when it was obtained through coercion, intimidation, force, false pretense, impersonation or misrepresentation.

Survivors of SEA are often exploited or abused due to their vulnerable status as women, men and boys and girls. SEA is an outcome of unequal power relations and exacerbated during a humanitarian crisis, which is characterized by violence, mass displacements and the breakdown in traditional family structures, social, legal, governance and value systems or structures that are designed to protect members of the community. Inevitably:

- Creating a situation where the dependency of the affected populations for their basic needs creates a particular duty of care on the part of those who are responsible for protecting and providing assistance including State and non-State actors.
- Displaced populations, particularly in the context of armed conflict, have usually fled from an environment of violence and will often encounter further violence, exploitation and abuse during the course of their displacement.
- Unequal power relationships provide the basis for SEA. Due to their unequal status, women and girls are particularly at risk of SEA. However, it is important to recognize that boys and men are also vulnerable to SEA.
- Economic environment: The resource environment, particularly the lack of adequate food and services, contributes to the risk of SEA. Particular issues, such as breaks in food pipelines as well as unmet basic needs are all exacerbating factors.
- The scarcity or inadequacy of humanitarian relief exacerbates economic vulnerability.
- Lack of economic opportunities for displaced populations may result in commercial and exploitative sex being one of the few options for income generation to meet basic needs; examples include survival sex.

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- Corruption and impunity tend to be endemic in crisis situations, often leading to lack of accountability for perpetrators of GBV.
- IDP women are sometimes fleeing from sexual violence perpetrated by insurgent groups or the military. This makes them more vulnerable to further abuse and exploitation.
- There is a lack of adequate policies, procedures and accountability mechanism that protects the affected population from those who are responsible to protect and assist them.

Positive and negative use of power or position

Positive use of power

Protecting, ensuring safety and dignity, fair decision-making, being accountable, respecting the rule of law.

Negative use of power

Rape, exploitation, violence, abuse, denying justice, neglecting human rights, altering evidence, false accusations, corruption, harassment.

Thus, acts of SEA are perpetrated by someone responsible or mandated or has a role in providing protection or assistance. In cases of SEA, the perpetrator can be:

- A person with real or perceived power;
- A person in decision-making position;
- A person in authority; or
- Has access and contact with vulnerable population (IDPs, refugees or others). Examples of people who have access or contact with vulnerable people include humanitarian actors (staff of UN agencies, international non-governmental organizations (NGOs) and international NGOs) and other actors who have specific mandates or roles in providing humanitarian assistance and protection to the IDPs or refugees (including the National Police Force (NPF), Nigeria Security and Civil Defence Corps (NSCDC), State Emergency Management Agency and National Emergency Management Agency)

The survivors are as follows:

- Women, men, girls or boys;
- Vulnerable people; or
- IDP or refugee (affected population).

SEA is a form of GBV, where the survivor is abused based on the vulnerability status as women, men, boys or girls. However, not all forms of GBV are SEA. Sexual harassment is not part of SEA, as it occurs between staff/personnel in an organization.



Sexual harassment

Sexual harassment is a form of GBV, as it involves unwelcomed sexual advance or unwanted verbal or physical conduct of a sexual nature.

Protection from SEA is a term used by the international community to refer to measures taken to protect vulnerable people from SEA by their own staff or associated personnel.

Sexual exploitation and abuse prevention and response framework for Nigerian Police Force and Nigeria Security and Civil Defence Corps

Besides the legal normative that exists in Nigeria, law enforcement agencies – including the NPF and NSCDC – and their behaviour while on duty or off duty are governed by the following:

- Police Service Commission Act 1999 (subsequence enactments until 2016):
 - Section 353–368 Part XV of the Police Act sets out the code of conduct for police personnel;
 - Section 375–378 Part XVI the Disciplinary measures including reporting and investigations;
- Nigeria Police Code of Conduct, 2013; and
- Nigeria Security Civil Defence Corps Act, 2003 and subsequent amendment in 2007.

Both the NPF and NSCDC personnel are public servants and subject to the Public Service Rules and Code of Conduct. The overall aim of the public service rules is to ensure good conduct, honesty, courtesy, hard work and ethical principles. Anything contrary to good conduct and behaviour by an officer becomes indiscipline. Acts of indiscipline are divided into two: misconduct and serious misconduct.

According to rule 030301 of the Public Service rules, misconduct is defined as an act of wrongdoing or improper behaviour that is inimical to the image of the service and can be investigated and proved to lead to dismissal, termination and compulsory retirement. According to the Pension Reform Act 2004, officers who are dismissed forfeits all claims to retirements, leave or transport grant.

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Act of misconduct that constitute to GBV and SEA offences as mentioned by the Public Service Rules include the following:

- Scandalous conduct, such as the following:
 - Immoral behaviour (including acts of sexual nature);
 - Assault;
 - Battery; and
 - Discourteous behaviour in public.
- Serious misconduct includes the following:
 - Conviction of criminal charge (Examples: rape, sexual assault, physical assault);
 - Sexual harassment (not an act of SEA as it involves staff-to-staff violation);
 - Bribery (definition of rape includes cases where intimidation or bribe is used to obtain consent for sexual relations);
 - Corruption; and
 - Any act unbecoming of a public officer.

Mandatory reporting

According to the above acts that apply to both NPF and NSCDC, as well as the Public Service Rules, citizens have a right to complain to the public office in cases of SEA following established departmental policy for processing complaints.

For NPF and NSCDC, citizens can complain through the following:

- (a) Drop-in method: Request to see a senior officer in charge;
- (b) Complaint box; use of the complaint box that is designated across different NPF and NSCDC stations;
- (c) Calling NPF through the Public Complaint Unit; the unit can be reached 24/7/365 days through calls only via the following numbers: 08057000001 and 08057000002; SMS and WhatsApp: 08057000003 via twitter @PoliceNG_PCRRU; and
- (d) Calling NSCDC through the Peace Conflict and Resolution Unit; the unit can be reached on following numbers: 08033941284 and 08033941284.

According to Public Service Rules (030302), a senior officer who notices any misconduct is required to issue a query in writing to the offending officer, giving details of the unsatisfactory behaviour and requesting the offending officer to submit – within a specific time – written representation for disciplinary process/action.

In cases where a junior officer notices the offence, he/she is required to report the matter to a senior officer.

Procedures for handling sexual exploitation and abuse complaints

- If the complaint is received by a junior officer and the complaint is against a superior, the junior officer must transfer the complaint to a senior officer.
- A file must be opened and investigation should be initiated for evidence-gathering purposes.
- The evidence will be gathered and reviewed.
- If a case involves a criminal offence (such as a GBV offence), the officer will be disciplined internally, removed from the service and prosecuted in court.
- In cases involving other offences that are not criminal in nature (for example acts of misconduct), the officer will face disciplinary measures within the system as prescribed by the personnel rules and procedures.

As law enforcement agencies, both NPF and NSCDC must create and maintain a safe and confidential environment that prevents SEA and protects the safety, dignity and integrity of Nigerian citizens. This can be ensured through the following:

- The complaint procedures and mechanisms are known to the public and IDPs;
- The mechanism and procedure ensure survivors safety and confidentiality;
- Effective and transparent SEA cases handling procedures; and
- Accessible to the most vulnerable including those who do not have access to phone or social media.

1.2. UNDERSTANDING TRAFFICKING IN PERSONS

1.2.1. Defining trafficking in persons

Nigeria is a source, transit and a destination country for trafficked women, men, boys and girls. In 2003, Nigeria ratified the United Nations' Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000), also known as the Palermo Protocol. According to the article 3 of the Protocol:

"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 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.

The consent of a survivor of trafficking in persons (TIP) to the intended exploitation shall be irrelevant where any of the means set forth above have been used; with children, 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 forth in the subparagraph.

At the domestic level, the ratification came in the form of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 and subsequent revisions in 2005 and 2015. However, legal provisions that criminalize forms of TIPs can also be found in the Constitution of the Federal Republic of Nigeria 1999 and the Penal Code Act, 1963.

Acts, means and purpose: Key elements of the trafficking in persons definition

<p>The act (What is done)</p>	<p>The actions taken by traffickers to introduce or maintain a victim in a trafficking situation (that is, the recruitment, transportation, transfer, harbouring or receipt of persons).</p>
<p>The means (How it is done)</p>	<p>The use of threat or use of force or other forms of coercion, of abduction, the abuse of power or receiving of payments in order to achieve the consent of a person having control over another person.</p>

The purpose (Why it is done)

Describes the objective of the crime, the purpose of the exploitation, including prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery or servitude.

(Note: There is no requirement for the purpose to have been achieved; if a person is rescued before exploitation occurs, he/she is still a victim of trafficking.)

Who is a victim of trafficking?

A victim of trafficking (VoT) is any person who has been moved from his or her family, community or country to another location at the instances/influence of another person and is subsequently exploited.

Who can identify victims of trafficking?

Identification of a VoT can be done by anyone who possesses the information, knowledge and understanding of human trafficking including service providers (health providers, law enforcement agencies, government bodies, civil society organizations, international NGOs) and members of the public (families, friends and neighbours).

The process of VoT identification is a critical one, as it enables a person or an agency to distinguish a VoT from other victims and perpetrators of crime. It is often possible for the suspected or potential victims of trafficking not to be aware that they have been trafficked, are experiencing a process of trafficking or have gone through a trafficking experience due to the manipulative methods that traffickers use. This lack of understanding prevents many from initiating contact with law enforcement agencies (police) or other service providers to help them. Therefore, it is critical that service providers possess the skills and capacity to identify VoTs.

Elements necessary for identifying an adult victim of trafficking

To be classified as a VoT, an adult must have gone through at **least ONE element from each of the three categories** below. Even though in reality traffickers commit multiple acts using a variety of different means, **it is only necessary to identify one within each of the three elements for a crime to be complete**. According to the definition, it is not necessary to prove that the exploitation has actually occurred, if it can be proven that the trafficker *intended* to exploit the victim in one of the defined ways.

Table 3. Elements for identifying adult victim of trafficking

Any one or more acts	Any one or more means	Purpose of the exploitation
<ul style="list-style-type: none"> • Recruitment • Transportation • Transfer • Harboursing • Receipt of a person 	<ul style="list-style-type: none"> • Threat to use force • Use of force • Other forms of coercion • Abduction • Fraud • Deception • Abuse of power • Abuse of position of vulnerability • Giving or receiving of payment or benefits to achieve consent 	<ul style="list-style-type: none"> • Exploitation of the prostitution of others • Other forms of sexual exploitation • Forced labour or services • Practice similar to slavery and servitude • Removal of organs • Baby-making factory

Elements necessary for identifying a child victim of trafficking

In cases involving children, **only two categories** need to be proven for the child to qualify as a trafficked person – **act** and **exploitation**. It is not necessary to prove the means since a child cannot give consent to being exploited even if he/she is aware and agreeable to being trafficked.

Table 4. Elements for identifying child victim of trafficking

Any one or more acts	Purpose of exploitation
<ul style="list-style-type: none"> • Recruitment • Transportation • Transfer • Harboursing • Receipt of a person 	<ul style="list-style-type: none"> • Exploitation, that is, prostitution or others • Other forms of sexual exploitation • Forced labour or services • Practice similar to slavery and servitude • Removal of organs • Baby-making factory

1.2.2. Types and forms of exploitation in trafficking in persons

- Forced and exploitative prostitution: Survivor has not consented/ choose to be a prostitute, also includes a situation where the survivor knew that he/she would engage in prostitution but not on the condition that it would be done.
- Other forms of sexual exploitation: Examples include production of pornography, pornographic performance and keeping a person for satisfying one's own sexual needs.
- Forced labour: such as in agriculture, construction, services, logging, mining and fishing.
- Exploitation of domestic help/domestic servitude
- Forced begging and peddling
- Forced involvement in criminal activities: Examples include petty theft, production and trafficking of drugs.
- Forced and servile marriage
- Debt bondage
- Forced participation in armed conflict
- Illegal transplantation of human organs or tissue⁴
- Derivation of the offspring of any person
- Mixed exploitation (where a survivor is subjected to several types of exploitation at the same time); examples include forced and sexual exploitation.
- Slavery or practices similar to slavery
- Slave dealing
- Child labour
- Forced child labour

⁴ For it to be considered TIP, the victim must be alive at the time of the surgery and remain alive after.

The list of types and forms of exploitation in trafficking in persons is not an exhaustive list. Criminal gangs reinvent their mode of operations continuously to achieve their criminal intentions, and new forms of exploitation keep appearing. It is critical that law enforcement agencies should never limit their list of exploitation and should focus more on the intention of the trafficker and not in proving if the exploitation actually took place.

1.2.3. Trafficking in persons and other offences

Child labour

TIP (child) and child labour are not the same; the two phenomena are at times closely connected and often overlap. A child can be trafficked to perform labour, employed in a residential home as a domestic helper, working in the agriculture or working at school or in institutions. All forms of child labour are prohibited under the Child Rights Act of 2003 and NAPTIP Act in Nigeria.

Worst forms of child labour that must be eliminated as a priority

As defined by the International Labour Organization Convention no. 182 (ratified by Nigeria in 2 October 2002):

- (a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children and recruitment of children for use in armed conflict
- (b) The use, procuring or offering of a child for prostitution, for the production of pornography or pornographic performances
- (c) 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
- (d) Work which, by its nature is likely to harm the health, safety or morals of children.

Smuggling of migrants

TIP and smuggling are not the same thing; however, they can overlap. An incident can start as smuggling of migrant and end into trafficking of the victim. Each case must be examined individually with a focus on human rights and consent.

- TIP is an act based on exploitation, while smuggling is an act of transportation.
- For TIP, the victim has no choice, while in smuggling, the victim makes the choice and has contact with the smuggler.
- TIP can occur within and outside the country, while smuggling involves the act of crossing border points.
- The relationship between the traffickers and the victim is exploitative and continuous, while the relationship between the migrant and smuggler often ends upon arrival at the destination point/across the border.
- Trafficking is a crime against the person, while smuggling is a crime against the State.

Smuggling can develop into human trafficking incidents.

- Persons who engage smugglers may be unable to pay the fee as intended and find themselves in debt or compelled to do forced labour to pay off the debt. The risk that smuggling may become trafficking is also exacerbated on long and fragmented journeys.
- Smugglers may also be tempted to sell persons they are transporting to traffickers for a higher profit than what they have received or agreed upon originally.
- Victim willingly contacted a trafficker, believing he/she is a smuggler.
- For all smuggled asylum seekers and refugees, the clandestine nature of their journey, the occasional unscrupulous and corrupt conduct of their facilitators and collaborators, and most critically, the extent to which some countries will go to to prevent their departure, transit or arrival all create serious risks to their personal security and well-being.
- Smuggling can be abusive, even if it does not reach the level of exploitation that characterizes a trafficking incident. Examples of such abuse can include being transported in cramped and unsafe conditions and deprived of food and water.

1.2.4. Vulnerable and at-risk groups

Crisis-affected populations exhibit a higher vulnerability to exploitation overall; the following groups could be considered to be at particularly high risk for trafficking during crisis and displacement phase:

- Unaccompanied, separated children or orphans
- Single-headed households, particularly those headed by women and children
- Young to middle-aged able-bodied men actively seeking work
- Female and child survivors of domestic violence or any form of GBV
- Trafficked persons (risk of re-trafficking)
- Refugees, asylum seekers, stateless persons and other non-nationals in the country in crisis
- Ethnic, racial, religious, social and other minority groups⁵

1.2.5. Causes and contributing factors of trafficking in persons

Deterioration of the traditional support and protection structures and the rule of law

In conflict, instability or humanitarian situations, justice systems may collapse, norms regulating social behaviour weaken, and traditional social systems break down. Women and children may be separated from their families and community support, making them more vulnerable to abuse and exploitation due to their gender, age and dependence on others for help and safe passage.

During armed conflicts, sexual violence and exploitation can be used as a weapon of war and often include abductions, sexual slavery, domestic servitude and other contemporary forms of slavery.

⁵ Sarah Craggs, Laura Lungarotti, Michela Macchiavello and Agnès Tillinac, Responding to human trafficking and exploitation in times of crisis: Reducing the vulnerabilities of migrants in preparedness, response and recovery efforts. *Migrants in Countries in Crisis Initiative Issue Brief*, January 2016. Available at https://micicinitiative.iom.int/sites/default/files/resource_pub/docs/trafficking_issue_brief_final.pdf

Favourable conditions for organized criminal groups

Traffickers take advantage of populations affected by crises, as well as crippled or overwhelmed law enforcement, prevention, protection and prosecution systems, for instance by targeting victims in places, such as refugee and IDP camps or local populations hosting high numbers of mobile populations.

Increased willingness to engage in risk-taking during displacement

Individuals and families caught in crises and displacement face little opportunity to generate income and formally engage in existing livelihood activities. As a result, they sometimes resort to desperate coping mechanisms, such as early child marriage and various forms of informal labour that can lead to exploitation. IDP and refugee camps can become a viable source of new victims for traffickers and other criminal networks looking for a cheap or free workforce, sexual services and other exploitative services.

Emergence of new markets (such as aid workers, peacekeepers, militias and fighters)

In a crisis setting, the increasing presence of external actors may lead to exacerbated trafficking and exploitation due to increased demand for child soldiers, sexual services, abductions for the purpose of slave-like practices and also as means to finance warfare, break down communities, cause intimidation and ensure systematic discrimination, as well as maltreatment of minorities.

Increased attractiveness of high-risk migration

In a crisis setting and the resulting displacement of affected people, even high-risk migration routes to peaceful and economically viable areas are highly attractive. Therefore, displaced individuals escaping poverty and conflict are an easy target for traffickers and smugglers.

Other push factors

There are factors that need to be considered, such as poverty and limited access to livelihood and opportunities. The lack of safety and overcrowding, as well as lack of protection from security forces, in turn makes more people vulnerable and unsafe. Other push factors include the collapse of traditional society and family support systems and lack of identity documents and proper birth/marriage/death registration. In cases of children, push factors include instability in the legal, social and political systems leads to sexual exploitative services, such as child prostitution, especially for girl-child. Armed conflict and instability tend to help drive children into the grasp of traffickers who lure victims with the promise of better life elsewhere, but in reality, they are victimized and exploited.

1.2.6. Traffickers' profile, mode of operation and control of victims

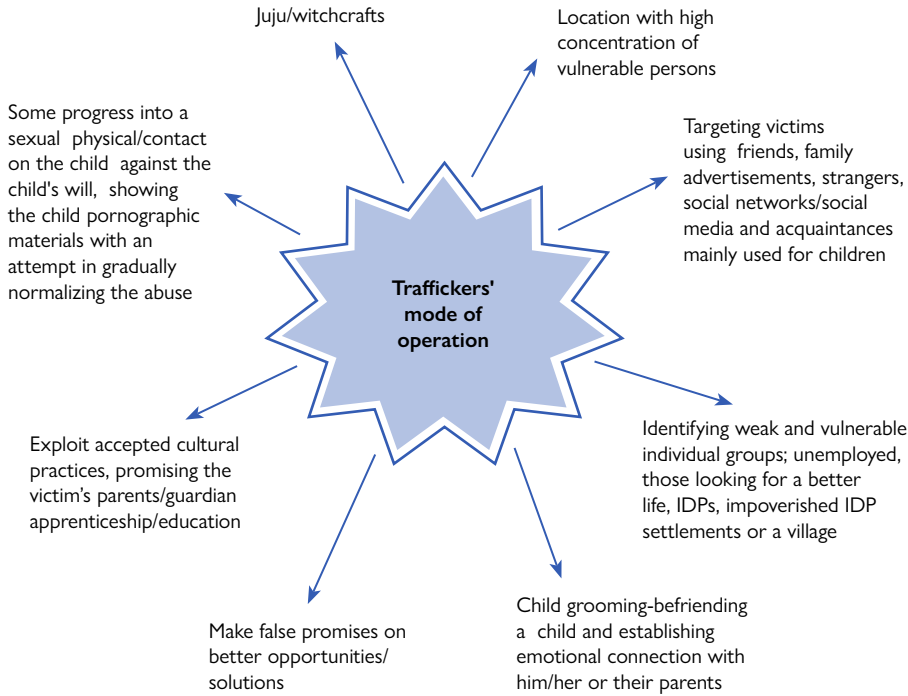
Who are traffickers?

Traffickers can be a man or woman, operating independently or as part of an organized criminal group. Traffickers may come from the community, live in the IDP settlements/or camps or have contacts in either rural or urban settings where they source victims from. A trafficker can be a displaced individual, a businessperson, security personnel, IDP settlement personnel and NGO staff.

Traffickers' mode of operation

Traffickers identify and tap into a source of vulnerability to gain access to victims. For instance, identifying weak and vulnerable persons, the unemployed, desperate, those looking for a better life, IDPs, impoverished IDP settlements or a village. The more a location has a high concentration of vulnerable persons, the more likely it is to be repeatedly targeted as a source.

Traffickers target victims using various avenues, such as personal contacts, friends, family including extended family, advertisements and social networks including social media or through abduction. The majority of the adults – 80 % – are recruited by strangers or acquaintance, and children are either recruited by strangers/acquaintance or family/friends. Traffickers usually make false promises, incomplete and deceitful information, promises of better opportunities and solutions to problems and immediate relief. They exploit accepted cultural practices promising the victim/parents/guardian apprenticeship, access to education or a comfortable living with well-off relatives.

Figure 2. Traffickers' mode of operation

Traffickers also utilize abusive cultural practices and traditions, such as juju/witchcrafts or may also engage in child grooming or befriending a child and establishing an emotional connection with him/her or with his/her family with the objective of sexual abuse and/or child trafficking.

Traffickers will try to gain parents or guardians' trust with the intention of accessing the child, offering to mind the child, giving gifts or money to the child or parents/guardians. Traffickers also use sexual or physical violence, such as raping the child, showing the child graphic sexual materials including pornographic materials or conducting sexual conversation with the child with a view of normalizing the abuse.

Traffickers' mode of control of victims

Traffickers, due to the exploitative nature of the crime, will apply a variety of methods to keep the victims under their control, which may include the following:

Figure 3. Traffickers' mode of control of victims

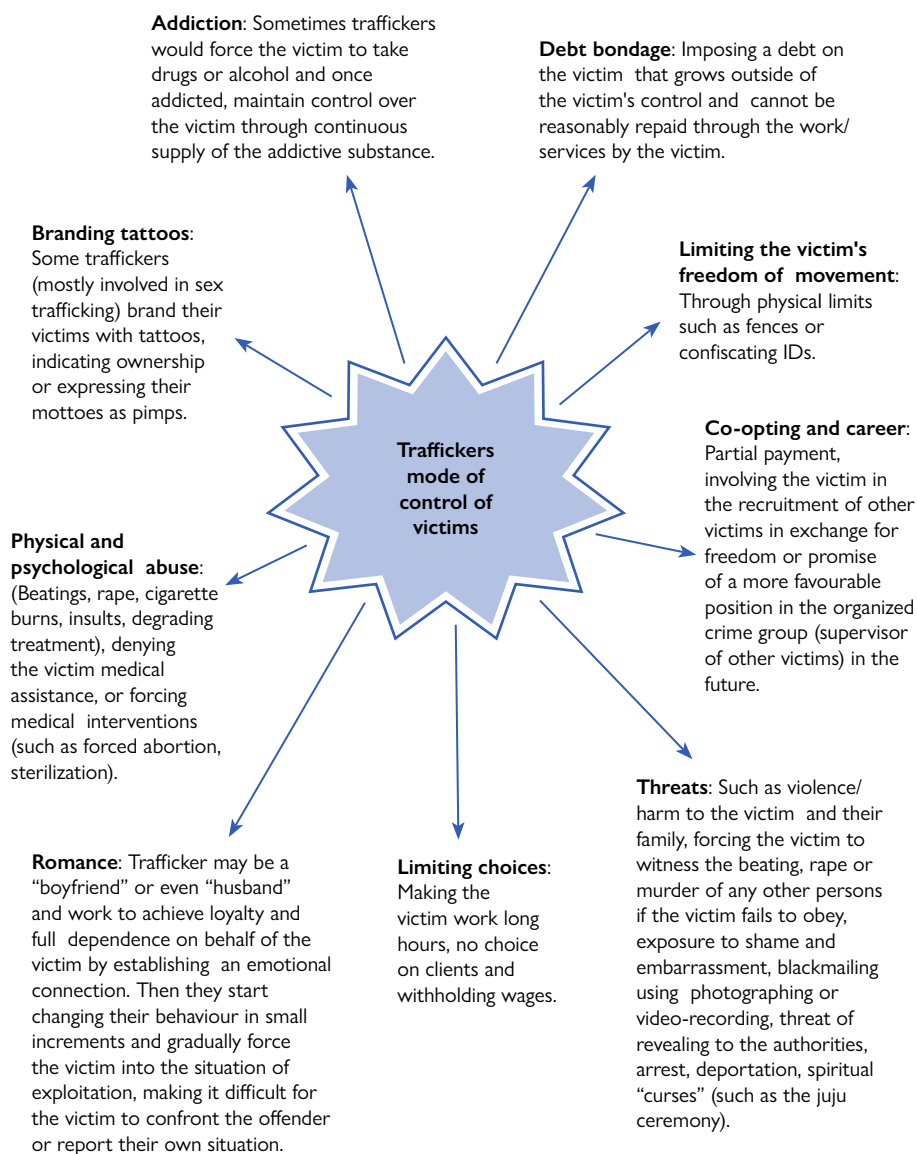
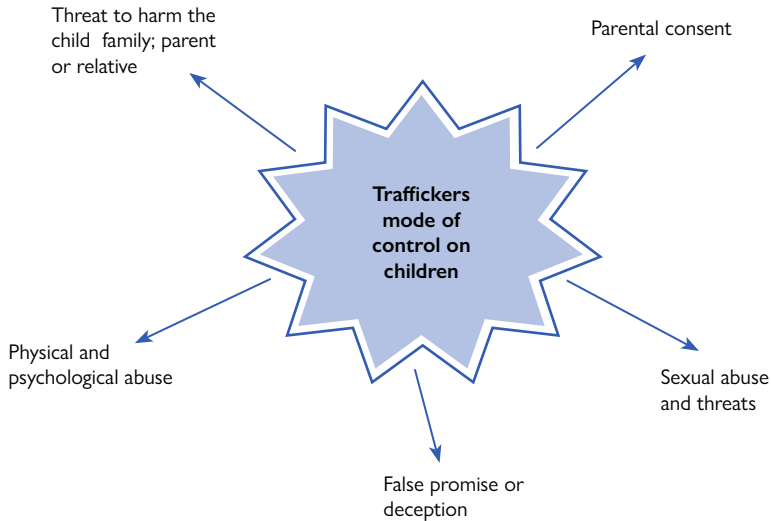


Figure 4. Traffickers' mode of control on children



1.2.7. Identification of victim of trafficking

Identification of VoT is a process that aims to determine the victim through a set of observable indications or signs or through a process of preliminary interview.

When can a victim of trafficking be spotted?

- During recruitment phase/transferring/harboursing
- Movement: When the VoT is being moved from point of source to a place of holding
- During exploitation
- Upon return or when VoT resettled back into place of origin/home

Table 5. Signs or indicators for identifying a victim of trafficking

Recruitment stage
<ul style="list-style-type: none"> • Reports or evidence of IDPs or vulnerable groups being offered work abroad or in a different location or advertisements being circulated. • IDPs or other vulnerable groups in a poor village or community showing previously unseen or increased interest in issues associated with travelling abroad or of a better life elsewhere. • Reports from the community about abductions, especially of children. • Persons coming to the village, community, IDP settlements or camp to offer parents to send their children away, such as to a boarding school or to live with a rich relative or abroad to another country.
Movement stage
<ul style="list-style-type: none"> • IDPs, women, men, children, elderly or disabled people (vulnerable groups) travelling in a group, led by someone. • Groups of children travelling outside of the village/IDPs settlements to join boarding school or a form of education (formal or informal). • Children moving out escorted by relatives other than their immediate family (parents, grandparents, adult siblings). • Children or adults being moved across the borders and not knowing their destination or what they will do upon arrival/represented by a group spokesperson. • Inconsistent story about the reason for travelling or suspiciously similar stories given by different persons in a group. • Bags packed with foodstuffs and water. • Nervousness on the part of intercepted persons. • An unsure story of who to meet at destination.
Exploitative stage
<ul style="list-style-type: none"> • Persons involved in activities associated with trafficking and exploitation (prostitution, begging, peddling). • Children systematically missing from school and extra-curricular activities. • Reports of disappearances of family members who have left the village/area/IDP settlement or camps. • Reports of GBV, sexual exploitation of certain groups of IDPs, other vulnerable groups, community/religious. • Persons exhibit injuries that appear to be the result of an assault. • Unusual tattoos especially on women and adolescent girls and boys (sexual prostitution). • Persons acting as if instructed by someone or allow others to speak for them when addressed directly, look down when spoken to or avoid eye contact. • Persons/children unsure of their name or personal information. • Persons appearing to be afraid of uniformed security. • Persons are providing cryptic answers or wearing clothes unsuitable for their destination. • Persons receive little or no payment for work done, have no access to their earnings. • Unlicensed marriage ceremonies involving child brides taking place inside the camp.

Resettlement/Returning home stage

- Person who previously lived in an IDP settlement, camp or village but has been away for some time.
- Returns with few personal belongings or, on the contrary, with unexplained cash or goods.
- Exhibits signs of physical injuries and sickness.
- Refuses to explain or provides little detail on where he/she has been or, on the contrary, tells a fairytale-like story.
- Returned women specifically fearful of men, law enforcement officers or the army.
- Returned persons show specific distrust to authorities and/or local community leaders.
- Returned person has depression, shows symptoms of post-traumatic stress or addiction.
- Persons rejected by their families for “dishonouring” the family or similar reasons.

1.3. IMPACT AND CONSEQUENCES OF GENDER-BASED VIOLENCE AND TRAFFICKING IN PERSONS

1.3.1. Impact and consequences of gender-based violence

GBV has long-term physical, economic and social consequences on the survivors and on their families and communities. GBV poses serious public health risks for Nigeria because it hinders the fight against the spread of HIV, improvements in child and reproductive health and has long-term devastating impact on survivors' immediate sexual, physical and psychological health. Possible sexual health consequences include unwanted pregnancies, complications from unsafe abortions, female sexual arousal disorder or male impotence and sexually transmitted infections (STIs), including HIV. Possible physical health effects of GBV include injuries that can cause both acute and chronic illness, impacting neurological, gastrointestinal, muscular, urinary and reproductive systems. Possible mental health problems include depression, anxiety, harmful alcohol and drug use, post-traumatic stress disorder and suicidality.

Survivors of GBV may suffer further because of the stigma associated with GBV. Community and family ostracism may place them at greater social and economic disadvantage. The physical and psychological consequences of GBV can inhibit a survivor's functioning and well-being personally, as well as in relationships with family members and with his/her working environment.

The impact of GBV can further extend to relationships in the community, such as the relationship between the survivor's family and the community, or the community's attitudes towards children born because of rape. GBV can affect child survival and development by raising infant mortality rates, lowering birth weights, contributing to malnutrition and affecting school participation. Many of these effects are hard to link directly to GBV because they are not always easily recognizable by health and other providers as related to a GBV incident. This can contribute to mistaken assumptions that GBV is not a problem. However, failure to appreciate the full extent and hidden nature of GBV, as well as failure to provide essential and timely response by the NPF and NSCDC can contribute to secondary victimization and can be life-threatening for the survivors and families.

Survivors' experiences of GBV vary, and the services and support needed by each person is different. When supporting a survivor, it is important not to assume to know, what their experience was like or the consequences it has had for them. To understand the survivors' needs, they should be listened to.

Table 6. Consequences of gender-based violence

Social consequences	Psychological consequences	Physical consequences
<ul style="list-style-type: none">• Blaming the survivor• Social stigma• Social rejection and isolation• Rejection by partner and/or family• Loss of ability to function in the community• Loss of income function, care for children	<ul style="list-style-type: none">• Post-traumatic stress• Shame• Insecurity• Depression/mental illness/disorder• Anger• Anxiety• Fear• Self-hate• Self-blame• Suicidal thoughts and/or attempts• Withdrawal and hopelessness	<ul style="list-style-type: none">• HIV and STIs• Physical injury• Fistula• Unintended pregnancy• Complications of pregnancy and childbirth• Maternal mortality• Unsafe abortion• Death

Impact and consequences of gender-based violence on children

Many children will not say anything about the abuse that has happened, usually because of fear and retribution from the perpetrator. Often, the perpetrator has told them that the abuse is normal or that something bad will happen if they react or say anything. Also, children sometimes don't understand that the abuse is wrong.

However, most children will show reactions after the abuse or violence; behavioural reactions and personality changes may be an indicator of abuse. But while the presence of these indicators may raise concern, it does not always mean that a child has been sexually abused. In a later stage of development, when they fully understand what happened and develop their own sexuality, many children develop reactions and psychosocial problems as a backlash of the earlier abuse.

1.3.2. Impact and consequences of trafficking

The consequences of trafficking experience for women, men, boys and girls are similar to GBV; in addition to what were previously mentioned, the following consequences can be experienced by survivors:

- Health:
 - Unwanted pregnancy, unsafe abortions, injuries (bruises, lacerations, burns and possible fractures)
 - Complications related to the reproductive system, fistula, HIV/ AIDS and other sexually transmitted diseases, and death
 - Malnutrition

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- Mental health and psychosocial:
 - Fear, depression, stigmatization, confusion, anger, long-lasting psychological consequences (such as depression, anxiety, eating and sleep disorders)
 - Fear, feelings of isolation and suicidal thoughts, as well as relationship problems and rejection by family and community, hostility or withdrawal, break-up of family relationships and ties
 - Mistrust of self and others
 - Alcohol, drugs or substance abuse
- Legal and security: Retribution by traffickers for reporting violence; risk of being sent back to the country of origin
 - In some countries, difficulty in securing legal recognition for children born as a result of sexual exploitation or rape
 - Risk of harassment by persons in authority; risk of further violence or harm, also affecting family members
- Socioeconomic: Debts, loss of previous employment, poverty due to difficulties in finding a job or legal paperwork needed for employment, no longer being financially supported by husband or relatives (for example, in case of sexual exploitation, divorce, dropping out of school, being unable to pay for the journey home).
- Lack of adequate clothing
- Lack of shelter or appropriate accommodations

1.3.3. Reporting or disclosure

Reporting is a process in which the survivor of GBV chooses to disclose an incident of GBV to anyone. A survivor has the freedom and the right to disclose his/her experience to a trusted family member, a friend, a trusted individual or an organization in the community or through law enforcement and other service providers.

In cases of GBV, disclosure or reporting refers to specifically how a person, organization or an institution comes to learn about the GBV incident. Disclosure can either be the following:

- Direct disclosure: GBV survivor reports or discloses his/her own experience directly; or
- Indirect disclosure: Where someone who has witnessed the GBV reports the incident.

Barriers to reporting – Children

Identification or involuntary disclosure is commonly used in the cases of small children, as they are too young to speak about the incident and a third person identified the violence (parent, relative, teacher, health worker either during examination or otherwise).⁶ Children who have been experiencing sexual abuses often do not disclose about the abuse, even to their parents or caregivers. The reasons for the lack of reporting/disclosure include the following:

- **Fear:** Many children are afraid to tell an adult about the abuse. Often, the perpetrator threatens the child, which in turn causes the child to fear disclosing the abuse. The child might also be threatened or believe that he/she or one's family will be blamed or shamed for the abuse.
- **Not believed:** Children are afraid that the adults, including their parents, or community members will not believe them and won't give them help.
- **Manipulated:** The perpetrator could be using gifts or other items in exchange for not disclosing the abuse.
- **Personal blame:** The children might believe it is their fault or that such abuse is normal. Perpetrators sometimes engage in a process of grooming and intimidation where they tell the children that no one will believe them or that it is their fault or if/should they disclosed, they will be punished.
- **Protecting the perpetrator:** especially true when the perpetrator is close to the child or family.
- **Protecting the parent:** Children sometimes feel an overwhelming sense to protect the non-abusive parent from being blamed.
- **Shame and guilt:** Perpetrators often use reversal psychology on the children where they often make the child feel shameful, embarrassed or guilty about the abuse or blame the child for the abuse and the child internalizes that belief.

⁶ International Rescue Committee, *Caring for Child Survivors of Sexual Abuse: Guidelines for health and psychosocial service providers in humanitarian settings*. First edition (International Rescue Committee and UNICEF, New York, 2012).

**Table 7. Barriers to reporting gender-based violence and trafficking in persons
(Accessing services)**

<ul style="list-style-type: none"> • Fear for survivor safety and security: Including of their immediate and distant families • Family pressure: Especially true in cases where the perpetrator is a family/or relative • Emotional attachment or loyalty to the abuser • Economic and emotional attachment to the abuser • Self-blaming • Religious or cultural values and accepted norms • Fear of immigration or deportation • Social isolation or lack of support • Lack of multisectoral survivor-centred services • Often survivors of GBV and trafficking are unbelieved or treated as criminals by association (especially for TIP survivor) by the police, authorities or community • Fear of discrimination or hostility of the law enforcement after reporting • Lack of legal protection, for example, if violence is perceived to be within the private sphere and not a criminal offence, or when only physical violence is considered a crime 	<ul style="list-style-type: none"> • Fear of secondary victimization: Police or other law enforcement agencies, due to lack of understanding and identification of cases, often recycle victimization for the survivors and survivors of GBV and TIP through their response procedures • Survivors don't believe or don't have trust in the law enforcement or criminal justice system in stopping the abuse, helping them or protecting them • Deeply rooted cultural norms that dictate that women-girls' roles and responsibilities within homes and community • Lack of familiarity with the reporting and support systems in displacement context • Not having a safe place to go after reporting • Lack of GBV or TIP comprehensive services • Fear of being deported especially on cases involving migrants/refugees • Fear of loss of access to humanitarian assistance, such as food rations and shelter
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1.4. HUMAN RIGHTS – LEGAL FRAMEWORK ON GENDER-BASED VIOLENCE AND TRAFFICKING IN PERSONS IN BORNO AND ADAMAWA

Survivors of GBV and TIP are the most vulnerable and often have experienced horrific violations and abuse, sometimes several abuses before they gather the courage to disclose and formally report to the police.

The NPF and NSCDC have a responsibility and duty to protect, prevent crimes and enforce the law. However, on GBV and TIP offences, the NPF and NSCDC have often treated the reports and offences as “private or domestic” matters and as a result condemn the survivors to further abuse, violations and suffering.

GBV and TIP violates the dignity, safety and human rights of the women, men and children involved. Survivors of GBV and TIP should feel safe and encouraged to come forward and make complaints to the NPF and NSCDC, but will not do so if they are subjected to negative attitudes and poor law enforcement practices. The initial contact between the NPF and NSCDC personnel and the survivor is a critical entry point for survivors of GBV and TIP in the flow of accessing critical life-saving services, safety, security and support, often the first stop for accessing medical and justice due to the national law requirements.

Therefore, it is critical that the NPF and NSCDC adopt an attitude, understanding and corresponding procedures that treat these offences as crimes as provided by the national legislations.

Adequate legal framework exists in North-East Nigeria that provide protection from GBV and TIP, treat these offences as crimes and provide provision for the prosecution of the offenders/perpetrators.

1.4.1. Legal provisions on gender-based violence and trafficking in persons in Nigeria

Nigeria has integrated crimes of GBV and TIP under the criminal and legal justice mechanism. In North-East Nigeria, the crimes have been recognized through the following normative frameworks:

- Constitution, 1999;
- Penal Code (Northern States) Federal Provisions Act, 1963;
- Penal Code (Revision for Adamawa State alone), 2018;

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- Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003;
- The subsequent NAPTIP Act revisions in 2005 and 2015; and
- Child Rights Act, 2003.

Section 34 of the Constitution of the Federal Republic of Nigeria, 1999 provides for the rights of every citizen of Nigeria, for respect to the dignity of his/her person and not subject to torture, inhuman or degrading treatment, or held in slavery or servitude or forced to perform compulsory labour.

Section 281 (1) of the Penal Code Act 1963 states that a man commits rape when he has sexual intercourse with a woman against her will, without her consent or where consent was obtained by putting the fear of death or of hurt, she is under the age of 14 or of unsound mind.

According to the **Penal Code Act**, sexual intercourse between a husband and a wife will not amount to rape. However, in the circumstances where the wife has not attained puberty/or under 14 years old or in circumstances when the intercourse was attained through intoxication or sedation, the act will be treated as rape.

On cases of sodomy referring to a man or a boy, the NPF and NSCDC can refer to **section 284 of the Penal Code Act**, which states that whoever has a carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment and fined.

On other cases of sexual violence excluding penetration, the NPF and NSCDC can refer to **section 285 of the Penal Code Act**, which criminalizes all acts of “gross indecency” upon the person of another without his/her consent or by the use of force or threat to compel a person to join in the commission of the act.

In **section 383 of the Penal Code Act**, the cohabitation or sexual intercourse by a man with a woman who is not lawfully married by deceit, causing the woman to believe she is lawfully married, is criminalized.

On cases of physical and domestic violence, the NPF and NSCDC can refer to the following legal provisions that talk about assault: the use of criminal force, which in turn causes grievous hurt.

Section 262 (a)–(c) of the Penal Code Act defines the word “force” as the use by a person to another through causing, changing or cessation of motion to that other person; by the person’s power; through the use of any substance or by means of any animal to come in contact with any part of another person’s body or anything that the other is wearing or carrying that such contact affects the other person’s sense of feeling.

Sections 240 and 241 of the Penal Code Act defines “hurt” to mean an act that causes bodily pain, emasculation, deprivation of sight, hearing, power of speech or any member or joint, destruction of permanent impairing of the powers of any member or joint, permanent disfiguration of the head or face, fracture or dislocation of a bone or tooth, disease or infirmity and any hurt which endangers the life of any person or which causes the sufferer in severe pain or unable to follow his/her ordinary pursuits.

Section 263 of the Penal Code Act punishes the act of a person applying criminal force to another. **Section 263 (a)–(b) of the Penal Code Act** refers to criminal force in anticipation of and during the commission of an offence. This also includes for instance; the application of such force as may be counted as physical assault with the intent to commit an act of rape or sexual assault. **Section 263 (c) of the Penal Code Act** refers to the act of criminal force/ physical assault as crime in itself and not necessarily of a sexual nature.

In cases of domestic violence, where the force used as stated under **section 55(1) (a)–(d)** is such that inflict grievous bodily hurt on a person as would be described as having the elements within the definition provided under **sections 240 and 241 of the Penal Code Act**, this will be punished as provided under **section 263 of the Penal Code Act**.

In cases of domestic violence or any form of violence inflicted on a pregnant woman or a girl, **section 232 of the Penal Code Act** states that whoever causes a woman or girl to miscarry a child or a fetus shall be punished to 14 years of imprisonment or fined or both.

On cases of forced/early marriage

Section 3(1) (d) and (e) of the Matrimonial Causes Act⁷ provides that a marriage is void in any of the following: (a) where consent of both parties is not obtained or consent was obtained by duress or fraud; (b) a party is mentally incapable of understanding the nature of the marriage contract; or (c) either of the parties is not of a marriageable age (14 years old).

⁷ Matrimonial Causes Act of 1970.

Section 5 of the Matrimonial Causes Act provides for **voidable marriages** to include marriages entered into with persons of unsound mind or a mental defective. Subsection (2) defines “mental defective” as a person who, owing to an arrested or incomplete development of mind, whether arising from inherent causes or induced by disease or injury, requires oversight, care or control for one’s own protection or for the protection of others and is, by reason of that fact, unfitted for the responsibilities of marriage.

On cases of psychological violence and denial of resources, opportunities and services, for the purposes of the law are regarded as civil cases which are outside the remit of the NPF and NSCDC as a result of the civil procedure, the rules of the Area Court apply.

Note: It is critical to note that cases of forced marriage/early marriage, denial of resources and opportunities, emotional and psychological abuse are civil cases outside the mandate of the NPF and NSCDC. Should a survivor report the case to both NPF and NSCDC, the personnel at these two entry points should inform the complainant of the nature of the case and refer him/her to the appropriate avenues, such as Area Court that includes sharia and customary laws and procedures.

Laws on trafficking in persons

TIP is a protection concern for the NPF and NSCDC. Human trafficking and everything that happens to the survivor – the abuse, violence, exploitation in and of itself – is a violation of human rights, and several legal provisions in Nigeria criminalize different forms of TIP, such as the Constitution of 1999, the Penal Code Act, 1963 and the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015.

Section 275 of the Penal Code Act criminalizes trafficking of a girl-child below the age of 18 years for the purpose of sexual exploitation/assault.

Section 11 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act further provides in relation to exportation of any person out of Nigeria and importation of persons into Nigeria. Any person who:

- (a) Exports from Nigeria to any place outside Nigeria any person under the age of 18 years with intent that such person, or knowing it to be likely that such person will be forced or seduced into prostitution in that place; or

- (b) Imports into Nigeria from any place outside Nigeria, any person under the age of 18 years with the intent that may be, or knowing it to be likely that such person will be forced into prostitution anywhere in Nigeria.

Section 14 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act.

Procurement of any person under 18 years (1) Any person who procures a person who is under the age of 18 years to have unlawful carnal knowledge with any other person or persons, either in Nigeria or any place outside Nigeria, commits an offence and shall be liable on conviction to imprisonment for 10 years; (2) Any person who procures any person under the age of 18 years to-- (a) become a prostitute, either in Nigeria or any place outside Nigeria; (b) leave Nigeria with intent that such person may become a prostitute in any place outside Nigeria; (c) leave such person's usual place of abode in Nigeria, with intent that such person engage in prostitution either in Nigeria or any place outside Nigeria, commits an offence and is liable on conviction to imprisonment for 10 years.

Section 276 of the Penal Code Act criminalizes the act of importing into Nigeria a girl under the age of 21 years for the purpose in **section 275 of the Penal Code Act**.

Section 278 of the Penal Code Act criminalizes the act of selling, hiring (recruitment) or obtaining possession (receipt of a person) or disposal (transfer) of a person under 18 years with the intent that the person shall be employed or used for the purpose of prostitution or for an unlawful or immoral purpose or knowing it to be likely that such minor will be employed or used for any of such purpose.

Section 279 of the Penal Code Act criminalizes trafficking of a person for the purpose of slavery. **Sections 34 (1) (b) and Section 35 (1)** of the Penal Code Act are complementary provisions. **Sections 23 and 24 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act** criminalizes trafficking in slaves and slave dealings respectively.

Section 280 of the Penal Code Act criminalizes forced labour. **Sections 34 and 35 of the Nigerian Constitution** complement section 280 of the Penal Code Act. **Section 15(d) of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act** states that any person who traffics another person for the purpose of forced or compulsory recruitment use in armed conflict commits an offence and is liable on conviction to imprisonment for 14 years without an option of fine. **Section 22 of the Trafficking in**

Persons (Prohibition) Law Enforcement and Administration Act prohibits unlawful forced labour.

Section 281 of the Penal Code Act criminalizes the running of a brothel. In the words of the Penal Code Act, “whoever, in order to gratify the passions of another person, procures, entices or leads away a woman or girl for immoral purposes shall be punished”.

Section 12 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act: Procurement of any person any person who – (a) by use of deception, coercion, debt bondage or any means whatsoever induces any person under the age of 18 years to go from one place to another to do any act with intent that such person, may be, or knowing that it is likely that the person will be forced or seduced into illicit intercourse with another person; or (b) in order to gratify the passions of another person, procures, entices or leads away, even with such person’s consent, any person under the age of 18 years, commits an offence and is liable on conviction to imprisonment for 10 years without an option of fine.

Section 13 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act: Causing or encouraging the seduction or prostitution of any person under 18 years (1) Any person who, having the custody, charge or care of any person under the age of 18 years, causes or encourages the seduction, unlawful carnal knowledge or prostitution of, or the commission of an indecent assault upon any person, commits an offence and is liable on conviction to imprisonment for 10 years.

Section 15 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act: Procurement of any person for prostitution, pornography and use in armed conflict. Any person who – (a) procures, uses or offers any person for prostitution, or the production of pornography, or for pornographic performance; (b) keeps a brothel; (c) allows a person under the age of 18 years to be in a brothel or trades in prostitution; (d) procures, uses or offers any person for the production and trafficking in drugs; and (e) traffics any person for the purpose of forced or compulsory recruitment use in armed conflict, commits an offence and is liable on conviction to imprisonment for 14 years without an option of fine.

Section 16 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act: Foreign travels which promote prostitution. Any person who organizes or promotes foreign travels which promote prostitution of any person or encourages such activity commits an offence and is liable on conviction to imprisonment for ten years without an option of fine.

Section 21 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act: Buying or selling a person for a purpose. Any person who buys, sells, hires, lets or otherwise obtains possession or disposes of any person under the age of 18 years with intent that such person be employed or used for immoral purposes or knowing it to be likely that such person will be employed or used for any such purposes, commits an offence and is liable on conviction to imprisonment for 14 years without the option of a fine.

1.4.2. Procedure for prosecution

Section 5 of the Criminal Procedure Code provides that all offences under the Penal Code shall be investigated, inquired into and otherwise dealt with according to the provisions contained in the Criminal Procedure Code.

In Nigeria, criminal offences are legally regarded as crimes against the State; thus, a citizen can report the offence or be a complainant. **Section 39 of the Criminal Procedure Code** equally empowers any person to make an arrest and hand over the arrested person to the police. The police will then re-arrest. Thus, GBV or TIP offences can be reported by a neighbour or an active bystander, and necessary provisions exist that allows for that and the matter of reporting/disclosure of the offence is not just for the survivor.

1.4.3. Responsibilities of the police

Section 4 of the Police Act. The police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or outside Nigeria as may be required of them by, or under the authority of this or any other act.

Section 23 of the Police Act. Subject to the provisions of sections 174 and 211 of the Constitution of the Federal Republic of Nigeria 1999 (which relate to the power of the Attorney-General of the Federation and of a State to institute and undertake, take over and continue or discontinue criminal proceedings against any person before any court of law in Nigeria), any police officer may conduct in person all prosecutions before any court, whether or not the information or complaint is laid in his name.

Section 40 of the Criminal Procedure Code. A police making an arrest under section 39 shall, without further delays, take or send the person arrested to court of competent jurisdiction for the court to take cognizance of the case or before the officer in charge of the police station. The police procedure is stated clearly under section 118(1) (a)–(d): Send the person to the appropriate police station and carry out investigation.

Section 227 of the Criminal Procedure Code. Representation on behalf of the State shall be by any public servant, in his official capacity, a law officer, Attorney General, state counsel, administrative officer, a public officer or by a legal practitioner or another person duly authorized in that behalf. Subsection provides that where such other person than the Attorney General prosecutes on behalf of the State, it must be subject to the direction of the Attorney General.

Responsibilities of NAPTIP – Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003

Section 5 Special power of the Agency: (1) The Agency shall have the power to cause investigation to be conducted – (a) as to whether any person has committed an offence under this Act; and (b) with a view to ascertaining whether any person has been involved in offences under this Act.

Section 9 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act: Duties of the Special Departments [2005 No. 28]: (1) The Investigation Department shall liaise with the police for the prevention and detection of offences in violation of the provisions of this Act, and shall work in collaboration with the Immigration Service, Custom Service and other relevant security agencies.

Section 9 (2) of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act: The Legal Department shall be responsible for prosecuting offenders under this Act, supporting the investigation department with legal advice and assistance whenever it is required, acting as secretariat to the Board, conducting such proceedings as may be necessary towards the recovery of any asset or properties forfeited under this Act and performing such other legal duties as the Agency may refer to from time to time.

1.4.4. Responsibilities of the Nigeria Security and Civil Defence Corps

Section 3 (1) a) of the NSCDC Act, 2007: Assist in the maintenance of peace and order and in the protection and rescuing of the civil population during the period of emergency.

Section 3(f) have power to arrest, with or without warrant, detain and investigate legal proceedings by or in the name of the Attorney General of the Federation.

Note: However, it is important to note any criminal cases that involve human trafficking according to the NPF procedures; these should be referred to NAPTIP for investigation even if cases involve GBV component. For any GBV criminal cases that do not involve a human trafficking component, the NSCDC are supposed to refer the case to the NPF as the matter is criminal and NSCDC remit is to handle civil cases alone.

However, GBV offences that are civil in nature are outside the remit of the NPF but fall under the jurisdiction of the NSCDC, who in turn can investigate and refer the case to the Area Court (such as neglect, cruelty, verbal abuse, threatening, humiliation, shouting, insulting, refusing to pay dowry or inheritance, spending spousal income without consent or preventing someone from owning a property or attending school, which amount to psychological-emotional abuse or denial of resources, opportunities and services).

PART 2:

FRAMEWORK FOR ACTION: KEY APPROACHES TO RESPONDING AND PREVENTING GENDER-BASED VIOLENCE AND TRAFFICKING IN PERSONS

2.1. GUIDING PRINCIPLES FOR HANDLING SURVIVORS OF GENDER-BASED VIOLENCE AND TRAFFICKING IN PERSONS

All actions and activities in relation to the response to GBV and TIP must be anchored in four key approaches, also known as principles for law enforcements.

Framework for action: Four key approaches in preventing and responding to GBV and TIP.

- Rights-based approach
- Survivor-centred approach
- Multisectoral approach
- Cultural-age appropriate/sensitive approach

2.1.1. Right-based approach

GBV and TIP are human rights violations and are criminal offences as enshrined under the Constitution 1999, the Penal Code (Northern States) Federal Provisions Act, 1963 and the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 (and the subsequent revisions in 2005 and 2015). Law enforcements agencies as duty-bearers⁸ are obligated to promote and protect these human rights, and all activities undertaken by the different agencies must be designed and implemented with this understanding.

⁸ Duty-bearers are those with responsibility to protect and fulfil the rights of rights-holders. The State is the primary duty-bearer and thus responsible for preventing and responding to GBV and TIP.

Rights-based approach requires a change in thinking, one that recognizes and views the following:

- That GBV and TIP are human rights violations;
- That survivors of GBV and TIP are right-holders, that is, they possess legal rights to protection and assistance;
- That GBV and TIP survivors can demand and exercise their right for protection, assistance and support; and
- Duty-bearers are accountable to meeting their responsibilities once rights have been violated.

By adopting a rights-based approach to the delivery of their day-to-day services, law enforcement agencies must recognize that they have a primary responsibility to respect, protect and fulfil the rights of survivors of GBV and TIP. NPF and NSCDC must appreciate and recognize that GBV and TIP offences are crimes. A human rights approach calls for services that prioritize safety and well-being for survivors and care that is grounded in dignity, respect and sensitivity. It equally calls for the highest attainable standards of policing services in terms of quality, availability, accessibility and acceptability to survivors.

Safety is paramount: The safety and security of the survivor must be at the forefront when delivering quality law enforcement services. Officers must always strive to avoid causing further harm or recycling victimization through their actions, attitude and behaviour in handling cases.

2.1.2. Survivor-centred approach

This approach aims to create a supportive environment in which GBV and TIP survivor rights are respected, safety is ensured and the survivors are treated with dignity and respect. The approach helps to promote a survivor recovery and strengthen his or her ability to identify and express needs and wishes. It also reinforces the person's capacity to make decisions about possible interventions.⁹

Survivor-centred approach recognizes that each person is unique and will react differently due to their distinct experience of GBV and TIP. Thus, each survivor will have different needs and safety concerns. The approach aims at minimizing harm to the survivor and maximizing efficiency in response interventions.

⁹ IASC, 2015.

The survivor-centred approach is considered essential to the following:

- Protect survivors from further harm;
- Provide survivors with the opportunity to talk about their concerns without pressure;
- Assist survivors in making choices and seeking help, if they want to;
- Cope with the fear that survivors may have of negative reactions (from the community or their family) or of being blamed for the violence;
- Provide basic psychosocial support to the survivor; and
- Give back the control to the survivor, which he/she lost during the GBV and TIP incident.¹⁰

To apply the survivor-centred approach, service providers must ensure their services and actions are grounded in four interconnected guiding principles.

(a) Safety

The safety and security of the survivor and others, such as survivor's children and people who have assisted them, must be the number one priority for all actors. Individuals who disclose an incident of GBV or a history of abuse are often at high risk of further violence from the perpetrator(s) or from others around them, including their own families and wider community.

(b) Confidentiality

Confidentiality reflects the belief that people have the right to choose to whom they will, or will not, tell their story. Maintaining confidentiality means not disclosing any information at any time to any party without the informed consent of the person concerned. Confidentiality promotes safety and trust between the survivor and the service provider and empowers the survivor.

(c) Respect

Respect for the choices, wishes, rights and dignity of the survivor must guide all actions. It is essential to maintain a climate of respect for survivors within the activity sessions.

¹⁰ IASC, *Caring for Survivors of Sexual Violence in Emergencies: Training Pack* (IASC, Global Protection Cluster, 2010).

(d) Non-discrimination

Regardless of age, race, national origin, religion, ethnicity, disability, marital status, educational and socioeconomic status, all survivors are equal and shall be treated the same and have equal access to services.

Table 8. Survivor-centred response do's and don'ts

Do's
<ul style="list-style-type: none">• Do ensure and respect confidentiality If a woman or child says she needs help, try to have the conversation in a place that makes her comfortable. This may be a private place, or she may prefer a public place to avoid stigmatization.• Do believe the survivor's experience until proven otherwise Listen to the survivor and believe her/ him. Acknowledge the survivor's feelings and needs and let the survivor know that he/she is not alone and you will try to get him/her help.• Do make referrals and promote access to community services Provide information to survivors about medical care and other services and the consequences of seeking help or not doing so; provide practical assistance if needed and available (such as transport, calling the service and identifying someone to accompany the survivor).• Do help the survivor to plan for safety Whenever possible, ensure the survivor is not in immediate danger of re-victimization; if the perpetrator of the violence is in the survivor's home, help find the survivor an alternative place to stay or a way to keep him/her safe in the home by making an immediate referral to specialized service providers.• Do acknowledge the injustice Sexual violence is NOT the survivor's fault; do your best to ensure the survivor understands this.• Do provide information to the survivor Inform the survivor about who you are, what you can do for him/her and what the options are to seek help.

Don'ts

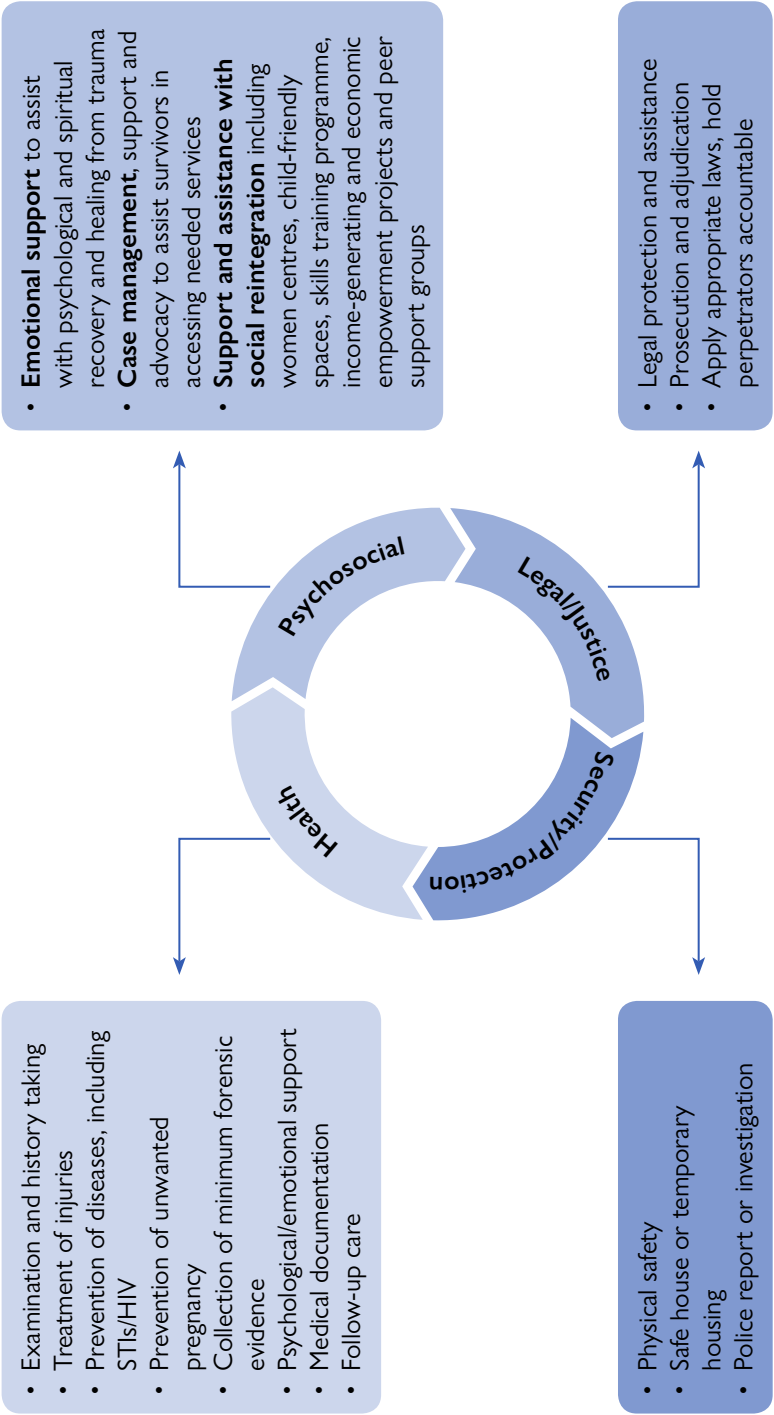
- **Don't pressure the survivor to tell you details of what happened to him/her**
Never insist on telling the story or revealing details about what happened when a survivor does not feel ready to talk about this.
- **Don't trivialize or minimize the violence**
Not taking a survivor's story seriously is a violation of his/her trust and can serve as a barrier for a survivor seeking help. Not taking a survivor seriously is re-victimizing.
- **Don't refer survivors to services that will not provide confidential, respectful care**
Community groups should work together to ensure that they refer survivors to agencies that provide compassionate and confidential care.
- **Do not ignore the survivor's need for safety**
Do not instruct the survivor to return to a home or a village that he/she knows to be unsafe, or where his/her perpetrator continues to threaten him/her.
- **Do not blame the survivor**
Do not ask questions like "Why didn't you run?" or "What did you do to make him hurt you?" Sexual violence is NEVER the survivor's fault. Reinforce this fact to the survivor.
- **Do not tell the survivor what to do**
You may suggest options for assistance to the survivor and help a survivor to make a choice, but you should never decide for a survivor what to do.

2.1.3. Multisectoral approach

Multisectoral partnership and integrated services, due to the impact of the GBV and TIP experience, survivors have multiple needs that are beyond one sector or agency; thus, the need for an approach that recognizes the impact of GBV and TIP from a multisectoral perspective in order to comprehensively respond and prevent.

The NPF and NSCDC have to identify and establish partnership and collaboration with other service providers, establish procedures for intervention and referral, as well as integrate multidisciplinary assistance measures and approach. All actors must play a crucial role in ensuring survivors gain access to a whole set of services and support; upon reporting on the nature of the violations/offences, survivors should be able to access safety and security, health/medical treatments, community-based psychosocial care and, as necessary, more targeted specialized psychosocial and mental health care according to the survivors' wishes and needs to address the different kinds of consequences.

Figure 5. Basic service package for survivors of GBV and TIP



PARTICIPANTS TRAINING MANUAL

Survivors may also wish to access legal/justice support in certain contexts, and have some of their material immediate and long-term needs met. Survivor-centred service delivery thus will require the law enforcement agency to coordinate with other service providers, specialists and non-specialists through a process of case management, which in turn support survivors to find out what options/services they need and can access. Quality referral pathways among service providers are of paramount importance to enable timely, survivor-centred interventions in response to survivors' multiple needs. Therefore, NPF and NSCDC must collaborate and coordinate with others to identify systems of care that can be mobilized if a survivor discloses a GBV or TIP incident.

2.1.4. Culturally and age appropriate/sensitive approach

Services must take into consideration the survivor's circumstances and experiences including age, status, culture, gender, ethnicity and language preference. It must appreciate the multiple experiences of discrimination experienced by survivors because of their race, gender, ethnicity, religion, disability, marital status and others.

2.1.5. Guiding principles for care – Child survivors

When it comes to cases involving children, all actors involved in GBV and TIP prevention and response intervention should apply the above principles and must additionally adhere to a common set of principles to guide decision-making and overall quality of care for the child.

Minimum standards in providing quality care for child survivors

- (a) The best interests of the child: This principle should be applied to both the decisions relating to individual children or groups of children. In each and every decision affecting children, the various possible solutions must be considered and due weight must be given to the child's best interests.¹¹ The decision about how to establish a child's best interests can often be difficult, and no single answer may be obviously and indisputably correct. There are many factors that have to be considered, such as age, sex, cultural background, general environment and past experiences of the child. Any interpretation of the principle must be made in the spirit of the rights of the child and must give due regard to expert advice, from both a legal and child development perspective.

¹¹ "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration" (Article 3.1 of the Convention on the Rights of the Child, 1989).

- (b) Ensure the safety of the child/The right to life, survival and development: Ensuring the physical and emotional safety of children is critical during care and treatment. All case actions taken on behalf of a child must safeguard a child's physical and emotional well-being in the short and long term.¹²
- (c) Comfort the child: Children who disclose sexual or other types of abuse require comfort, respect and support from all service providers. Service providers should believe children who disclose abuse and never blame them in any way for the abuse they have experienced.
- (d) Ensure appropriate confidentiality: Information about a child's experience of abuse should be collected, used, shared and stored in a confidential manner. This means ensuring the following: (a) confidential collection of information during interviews; (b) that sharing information happens in line with local laws and policies and on a need-to-know basis, and only after obtaining permission from the child and/or caregiver; and (c) that case information is stored securely. In situations where a child's health or safety is at risk, limits to confidentiality exist in order to protect the child.
- (e) Involve the child in decision-making/participation: Children have the right to participate in decisions that have implications in their lives. The level of a child's participation in decision-making should be appropriate to the child's level of maturity and age. Listening to children's ideas and opinions should not interfere with caregivers' rights and responsibilities to express their views on matters affecting their children. While service providers may not always be able to follow the child's wishes (based on best interest considerations), they should always respect, empower and support children and deal with their concerns in a transparent manner. In cases where a child's wishes cannot be prioritized, the reasons should be explained to the child.
- (f) Treat every child fairly and equally (Principle of non-discrimination and inclusiveness): All children should be offered the same high-quality care and treatment, regardless of their status, such as IDPs or refugees or from host community, race, religion, gender, family situation or the status of their caregivers, cultural background, financial situation or unique abilities or disabilities, thereby giving them opportunities to reach their maximum potential. No child should be treated unfairly for any reason.

¹² "States Parties recognize that every child has the inherent right to life" (Article 6.1 of the Convention on the Rights of the Child, 1989); and "States Parties shall ensure to the maximum extent possible the survival and development of the child" (Article 6.2 of the Convention on the Rights of the Child, 1989).

- (g) **Strengthen children's resiliency:** Each child has unique capacities and strengths and possesses the capacity to heal. Service providers can assist child survivors to recover by treating them with dignity and encouraging others to do the same, helping them participate in family and community life, and to build and maintain healthy relationships.¹³

2.1.6. Common characteristics of quality law enforcement services

- **Availability:** Law enforcement services must be available in sufficient quantity and quality to all survivors regardless of one's status as IDP, refugee, migrant, host community, place of residency, nationality, ethnicity, class, age, religion or language or level of literacy, marital status, disability or any other characteristics.
- **Accessibility:** Service must be physically accessible (services are within a safe physical reach especially for women and girls), economically affordable (that is, accessible without undue financial and administrative burden) and linguistically accessible (that is, information is provided in various forms).
- **Adaptability:** Services must recognize the differential impact of GBV and TIP on different groups of women, men, boys and girls and the community at large. Law enforcers must respond to the survivors in ways that integrate their human rights and cultural sensitivity.
- **Appropriateness:** Services must be delivered in a way that is agreeable to the survivor's dignity, guarantee confidentiality, is sensitive to the distinct needs and perspectives and minimizes secondary victimization.¹⁴
- **Prioritizes safety:** Risk assessment and safety planning: GBV survivors experience many risks to their immediate and going safety; these risks will be specific to the circumstances of the individuals. Risk assessments and safety planning can reduce the levels of risk. Risk management includes consistent and coordinated approach between the health, social, law enforcement and justice sectors.
- **Effective communication:** Survivors need to know that they are believed and being listened to, and that their needs are being understood and addressed. Communication is a critical component in trust-building; how information is being communicated can empower the survivor to seek critical services or withdraw from the process.

¹³ United Nations High Commissioner for Refugees, *Sexual Violence against Refugees: Guidelines on Prevention and Response* (Geneva, 1995); and International Rescue Committee, 2012.

¹⁴ Secondary victimization has been defined by the UN Updated model strategies and practical measures to be victimization that occurs as a direct result of the act but by through the inadequate response of institutions and individuals or the survivor.

- **Informed consent and confidentiality:** The services must be delivered in a manner that protects the survivor's privacy, guarantees the survivor's confidentiality and discloses information only with the survivor's consent to the extent possible. Experiences of violence and trafficking can be extremely sensitive and sharing the information inappropriately can have serious and potential life-threatening consequences for the survivors and their families.
- **Data collection and information management:** Survivor experience relay must be minimized through accurate collection of information in the initial contact; the information must be kept in a confidential, secure storage.
- **Linking with other sector and service providers/Referral and coordination:** Survivors have multiple needs that cut across different sectors and service providers mandate, thus, it is critical that law enforcers coordinate with others and establish clear channels and procedures for referrals to assist the survivors in accessing timely and appropriate service.

PART 3:

BUILDING SURVIVOR-CENTRED SKILLS AND ATTITUDE: LAW ENFORCEMENT PROCEDURES FOR INTERACTING AND HANDLING GENDER-BASED VIOLENCE AND TRAFFICKING IN PERSONS CASES

3.1. INITIAL CONTACT

A positive initial contact experience with the legal justice system is critical for GBV and TIP survivors. It is vital that the initial contact demonstrates to the survivor that the law enforcers are committed to the survivor's safety, they take the incident/complaint seriously and that timely and adequate support and assistance is provided depending on the needs of the survivor.

Case identification

The first step for law enforcement is to identify the survivor. This can happen through different ways:

- (a) Self-disclosure (survivor directly discloses to the NPF or NSCDC either by physically coming to the station or calling the hotline numbers);
- (b) Third party-persons disclosure: also known as identification or involuntary disclosure is commonly used in cases of small children, who are too young to speak about the incident and a third person (parent, relative, neighbour, health worker, school teacher¹⁵) has identified the abuse or violence; and
- (c) Meet the survivor at the site of incident or emergency situation (following an investigation, raid or after a call from the survivor or other persons).

¹⁵ International Rescue Committee, 2012.

Disclosure

Disclosure is a process of revealing information referring to the GBV or TIP incident. The survivor has the right to disclose an incident to anyone. Usually, the survivor is the one who chooses whom to disclose to, when to disclose and that should always be respected. The survivor can disclose to a trusted friend, family member, legal enforcement agencies or other humanitarian/service providers. Law enforcement agencies must strive to avoid any negative impact when a survivor discloses/reports by adopting a survivor-centred approach.

Table 9. Do’s and don’ts in handling disclosure

Survivors’ rights	Negative impacts
<ul style="list-style-type: none">• To be treated with respect• To choose• To privacy and confidentiality• To non-discrimination• To information	<ul style="list-style-type: none">• Survivor-blaming attitudes• Feeling powerless• Shame and stigma• Discrimination on the basis of gender, ethnicity, religion, and others

Initial contact: Applying survivor-centred approach

Upon disclosure of the gender-based violence or trafficking in persons incident, it is critical that law enforcement agencies treat the survivor with empathy and dignity, which could be achieved by the following:

- Greeting the person in a welcoming manner;
- Introducing yourself (name, position and briefly explain the institution mandate/service, that is, the mandate is to investigate and prosecute criminal or civil offences);
- Asking the person kindly to introduce herself/himself;
- Asking the person about the preference of being assisted by an officer of the same sex;
- Taking the person to a secure room separate from the reception; and
- In cases of survivors of trafficking, explaining to the presumed VoT the purpose and structure of the interview, his/her rights and obligation and ensuring that the VoT is comfortable and there are no obstacles to the interview.

3.2. INTERVIEW AND INVESTIGATION

In cases of investigation or emergency situations

- Make contact with the survivor as soon as possible to address safety concerns (for survivor children who are present).
- Immediately separate the survivor from the threat or alleged perpetrator.
- Identify and secure any weapons that may be at hand to protect all persons present.
- Evaluate the scene for people, vehicles or objects involved, as well as possible threats.
- Relay all vital information to other officers, including any possible language barriers.
- In case of physical violence with life-threatening outcomes or sexual violence, secure the crime scene to ensure that evidence is not lost, changed or contaminated.
- Request assistance from other specialists (such as field evidence technicians, crime laboratory personnel and the prosecuting attorney) when appropriate.
- Isolate, search and secure the perpetrator (if present) and remove him/her from the scene in cases when the survivor is asking for assistance directly at the station or in case of referral from other institutions/services.
- A survivor reaching out for assistance may be in crisis. The survivor's behaviour may actually be symptomatic of this condition and can range from hysteria, crying and rage to laughter, calmness and unresponsiveness. There is no one typical reaction, so it is important to refrain from judging or disregarding any survivor.

Use healing and positive messages

- "Thank you for coming forward and sharing that with me."/ "You did not deserve what happened to you."
- "I am sorry to hear what happened to you."
- "I believe you."
- "What happened is not your fault."

- “You are very brave to talk to me, and I will try my utmost best to help you.”
- “You are a survivor; it’s now over.”
- “Your identity, dignity and self-respect can never be taken away from you.”
- “Please let us help you be free and safe.”/“We are here for you.”

Law enforcement agencies are responsible for the following:

- Give the survivor complete and honest information about the services available and advise on next steps.
- Encourage the survivor to seek further help, especially medical help if the case involves sexual or physical violence.
- Accompany the survivor through the process.

It is important not to tell the survivor what to do; remember that all choices are the survivor’s own and must be respected. However, do encourage when medical assistance is critically needed; useful phrases that could be used include the following:

- “If you are feeling hurt or in pain at all, I would really encourage you to see a doctor as some injuries can be life-threatening.”
- “There are urgent medical treatments that can only be done within three to five days of the incident. I would really encourage you to seek this care if you suffered from physical abuse or sexual assault.”
- “Other women have found it helpful to talk to a social worker about what they’re going through. A social worker can also help connect you with other support you may need.”

After explaining the service and seeing which services he/she is interested in, talk through the benefits and consequences/risks of accessing those referral services:

- “In what ways do you think talking to a social worker would be helpful?”
- “Do you have any concerns about seeing a lawyer?”
- “Do you anticipate any challenges in going to the clinic (such as safety, having no money, the clinic is too far and others)?”

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- “What resources or people can help you get there and receive the service?”

The NPF and NSCDC staff should make a decision on the next steps (legal assistance/investigation, collection of evidence, documenting GBV/TIP and referral) to be followed, according to the resources, skills and mandate to effectively address GBV and TIP. An assessment of the survivor's needs and resources should be undertaken that would serve as the basis for developing further steps of investigation. Remember the needs of different population groups (such as persons with physical or mental disabilities, religious persons and ethnic minorities) and make efforts to address them.

Response planning

Based on the survivor response, law enforcement at this stage should prioritize the following actions:

- Address the immediate health needs that may threaten the life or integrity of the survivor.
- Ensure the safety of the survivors, and possible accompanying children must be priorities.
- Refer survivors with severe life-threatening conditions for emergency treatment immediately, prior any further step of investigation.
- Do not leave the survivor alone, especially when self-injuries are suspected or the risk for it is present.

Obtain survivor's consent

- Obtain consent for services that will be provided. If the survivor cannot read and write, the informed consent statement will be read up to the survivor and a verbal consent will be obtained (This will be mentioned in the informed consent form or other records).
- Explain the right to provide limited consent where the survivor can choose which information are released and which are kept confidential.
- Give adequate information for informed consent. Inform the survivors about possible implications of sharing information about his/her case with other institutions/services.
- Assure the survivor that he/she is assisted in a non-judgemental, compassionate and understanding way, and all efforts will be made to help him/her.

- Ask the survivor to express his/her own expectations from the law enforcement assistance/intervention.
- Think of the assistance/intervention that should be provided, tailored on the needs and expectations in order to protect the GBV/TIP survivor.

Documenting the incident

Documenting GBV or TIP incidents is usually done in several phases during the service provision by the law enforcement.

- (a) At the very first interaction of the survivor with the law enforcement system (emergency call system or NPF or NSCDC case registration desk)
- (b) When interviewing the survivor and perpetrator (either the site of the crime or raid or at the station)
- (c) During investigation
- (d) At the final step when the officer/investigating officer summarizes the whole case.

Any GBV or TIP incident should be documented using a specific structured incident form with a view of maximizing the quality of data collected, facilitating appropriate follow-ups and adequately responding to the needs of the survivor without subjecting the survivor to multiple interviews, thus reliving the trauma. If no specific forms exist to capture GBV or TIP reported incidents, indicators can be added regarding the incidents. Examples of indicators include the following:

- Observation of the survivor or the crime scene including the behaviour of the survivor and the perpetrator
- Full testimony of the incident from the survivor
- Type of violence or TIP
- Nature and seriousness of the survivor's injuries (physical and emotional)
- Details of survivor's fears or threats made before since the incidents
- Details of the witnesses (if any) present during the incidents especially if children were involved

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- Action plans or measures planned to be taken/or taken, including referrals made
- Officers' details who interviewed the survivor or the perpetrator
- Evidence collected from the scene

Taking the survivor's testimony

Asking the survivor to talk about GBV or TIP is challenging for any service provider. The following tips and recommendations will help the law enforcement agency to increase their confidence in investigating in a manner that is survivor centred, build trust and avoid re-victimization.

Tips and recommendations

- Make sure that survivors are not deferred, delayed or asked to wait to make a report or pay for the service.
- Greet the person in a welcoming manner. Introduce yourself (name, position and briefly explain the institution mandate/service, that is, the mandate is to investigate and prosecute criminal or civil offences).
- Kindly ask the person to introduce himself/herself.
- If possible, leave anything (such as gun or cudgel) linked with the law enforcement status and that might intimidate the survivor outside the room where the interaction with the survivor will take place. If not possible and it is mandatory to keep them with you, explain this to the survivor and highlight that this has nothing to do with his/her situation.
- Ask the person about the preference to be assisted by an officer of the same sex.
- Take the person to a secure room separate from the reception.
- All personnel receiving a report of GBV and TIP offences or incidents must explain to the survivor the investigation and justice processes and procedures, their rights and the services available throughout the process.
- Immediately commence survivor-centred investigation, placing special consideration on survivor context, such as physical, mental trauma experience and any potential impact upon the survivor resulting from reporting the incidents.
- Ensure all actions that will be taken are done with the view of not causing further harm or reducing secondary victimization.

- Take the initiative to ask about violence or abuse; do not wait for the survivor to bring it up. This shows that you take a professional responsibility for the situation, and it helps to build trust.
- Avoid asking about the abuse or exploitation in the presence of a family member, friend, children or any other person, unless the survivor requests their presence in the room.
- Be patient with the survivors, keeping in mind that in crisis, they may have contradictory feelings. Don't pressure the survivor to disclose. If he/she does not disclose, tell him/her what made you think about violence. Offer the survivor water or tea to calm him/her down.
- Avoid unnecessary interruptions and ask questions for clarification only after he/she has completed the account. Ensure the door is closed and request no disruption as the interview process is in progress.
- Ask the survivor to tell in his/her own words what happened, to talk about the perpetrator, types of violence, current GBV/TIP incident and previous GBV/TIP experiences.
- Encourage the survivor to be specific and to tell his/her personal story, not what he/she might consider being common with other GBV/TIP situations.
- Minimize the number of times a survivor must relay his/her story. Make sure you take a detailed and clear information report for the other department's usage.
- Avoid passive listening and non-commenting. This may make the survivor think that you do not believe him/her and that he/she is wrong, and the perpetrator is right. Carefully listen to the survivor's experience and assure him/her or that his/her feelings are justified.
- Use the same language as the survivor. If the survivor speaks another language, ask for a provider who speaks the same language or an interpreter to assist him/her. If it is going to take time to get someone who speaks same language, inform the survivor of the delay. Include sign language for those with hearing impairment and Braille for the visually impaired.
- Adapt language and words at the understanding level of the survivor. Avoid big words and acronyms that might intimidate the survivor. Do not use professional (security or legal) jargon and expression that might confuse the survivor. Use simple language to ensure understanding and comprehension.

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- Formulate questions and phrases in a supportive and non-judgemental manner using a sympathetic voice. Use open-ended questions and avoid questions starting with “Why...”, which tends to imply blaming the survivor.
- Don’t blame the survivor. Avoid questions such as the following:
 - “Why did you stay with him?”
 - “Did you have an argument before the violence happened?”
 - “What were you doing out alone?”
 - “What were you wearing?”
 - “Why did you go with them there?”
 - “Did you want a different life for yourself?”

These kinds of statements reinforce secondary victimization and abuse.

- Use supportive statements, such as “I am sorry that this happened to you” or “You really have been through a lot”, which may encourage the survivor to disclose more information.
- Emphasize that violence is not the survivor’s fault and only the perpetrator is responsible.
- Explain that the information will remain confidential and inform about any limitations to confidentiality for law enforcement agencies.
- Use eye contact as culturally appropriate, and focus all attention on the survivor. Avoid doing paperwork at the same time. Give full attention; avoid touching the survivor.
- Be aware of your body language. How you stand and hold your arms and head, the nature of your facial expression and tone of voice all convey a clear message especially to women survivors and about how you perceive the situation.
- Show a non-judgemental and supportive attitude and validate what the survivor is saying.
- Avoid body language conveying the message of irritation, disbelief, dislike or anger towards the survivor.
- Do not judge a survivor’s behaviour based on culture or religion.

Identification of survivor of trafficking in persons – During interview or investigation stage

The NPF and NSCDC, through the interview or investigation process, can assess whether the presumed survivor of trafficking is indeed a VoT or otherwise. A person may experience abuse or exploitation signifying the possibility of a trafficking experience when the following indicators are present, that is, when a person:

- Is made to work against his/her will;
- Is unable to freely leave his/her work environment;
- Is unfamiliar with the local language/culture where he/she is working;
- Does not know his/her home or work address;
- Is forced to work under inhumane conditions (often exploitative); has no or only partial access to his/her earnings;
- Works excessively long hours over long periods without compensation; does not have any days off;
- Is forced to live in crowded or substandard accommodations to accomplish tasks for the employer;
- Has tried to escape from a situation of work or family and is returned back;
- Has accepted or is about to accept an unclear job advertisement/offer away from home;
- Has had the costs for transport to the destination paid for by facilitators, whom he/she must pay back by working or providing services in that place;
- Shows signs that his/her movements are being controlled;
- Is distrustful of the authorities or threatened with being handed over to the authorities;
- Is afraid of revealing his/her immigration status;
- Is not in possession of his/her passport or other travel or identity documents, as those documents are being held by someone else;
- Is found in or connected to a type of location likely to be used for exploiting people;

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- Has limited or no social interaction because he/she is restricted by someone else;
- Has limited or no contact with family or with people outside of his/her immediate environment;
- Shows signs of injuries that appear to be the result of assault or sexual abuse, and it is revealed that such injuries are inflicted frequently;
- Suffers injuries that appear to be the result of the application of control measures;
- Is sick and has had no access to medical attention for a prolonged time;
- Seems fearful, not confident and prefers others to speak on his/her behalf when addressed directly;
- Acts as if he/she was instructed by someone else;
- Shows fear or anxiety because of someone controlling him/her or forcing him/her to do something unwanted;
- Is subjected to violence or threats of violence against family members or loved ones, if he/she wants to leave a working situation; or
- Is under the perception that he/she is bonded by debt or cultural bondage (such as witchcraft bond).

In cases involving children

Possible indicators that should raise suspicion of child trafficking include when a child:

- Has no or limited access to his/her parents or guardians;
- Travels unaccompanied, depending on age;
- Travels in groups with persons who are not relatives;
- Travels accompanied by suspicious individuals or is unable to speak fluently in the local language;
- Has no friends of his/her own age elsewhere, except in his/her area of work;
- Is engaged in work that is not suitable for children;
- Performs works of a certain nature (such as begging on the streets);
- Has no access to education;

- Has no time for play;
- Lives apart from other children in an unhealthy environment with substandard accommodation;
- Looks intimidated and behaves in a way that does not correspond with behaviour typical of children his/her age;
- Eats apart from other members of the “family”;
- Is given only leftovers to eat; or
- Has scars or injuries on his/her body suggestive of abuse.

Investigation and evidence collection

Law enforcement agencies have a duty to prevent and investigate serious crimes; this includes a responsibility to conduct a substantive investigation of all GBV and TIP crimes, and to treat all survivors with dignity, respectful and confidentiality.

The purpose of an investigation are as follows:

- Determine whether an offence was committed or disprove an allegation;
- Identify survivor and witnesses;
- Gather and preserve evidence of any kind that may be relevant;
- Discover the cause, manner and location of an offence and time;
- Prove the identity of the suspect or person(s) responsible;
- Formulate the grounds/evidence to bring a charge against the perpetrator;
- Document the investigation and evidence and prepare to present evidence at trial; and
- Prevent further victimization (includes both the survivor and others who may be affected, such as children).

An effective investigation, generally, is one where the investigator:

- Acts in a professional and survivor-centred manner
- Is diligent in the collection of statements and physical-medical evidence where required to support the case for prosecution and justice

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- Treats the survivor at all times with respect and dignity
- If there is a criminal offence, identifies the person(s) responsible and collects sufficient evidence to prove the case in court
- Conducts threat assessment and took necessary steps to address safety and protection needs of the survivor and others at risk

Interviewing rules

The investigator may consider using the following to help put the survivors at ease:

- “I am here to help, not to judge or accuse.”
- “If I misunderstand something you say, please tell me.”
- “I want to know, and I want to get it right.”
- “If you don’t understand something I say, please tell me.”
- “And I will try again. If you feel uncomfortable at any time, please tell me or show me the stop sign (one hand held up, palm facing the other person).”
- “Even if you think I already know something, tell me anyway.”
- “If you are not sure about an answer, please do not guess. Tell me you are not sure before you say it.”
- “The more you can tell me about what happened, the more I will understand what happened.”
- “Please remember that I will not get angry or upset with you.”
- “Only talk about things that are true and really happened.”

Tips for investigating or evidence collection in gender-based violence and trafficking in persons criminal cases

- Explain to the survivor about his/her legal rights and ways to exercise them. Advise the survivor on options and assistance available, as well as all information that may be necessary or helpful to enable him/her to make a decision.
- Advise the survivor on the right to make a complaint and follow court trial, in accordance with the offence.

- The survivor should clearly understand that filling up the abuse report is not a criminal action.
- Record the survivor's complaint in the registration book and assign a registration number for future follow-up. Give the survivor the case/file number.
- In cases that involve physical or sexual assault or harm or physiological harm, officers should focus on the survivor experience needs, that is, medical, safety or social needs.
- Ensure immediate referral to medical and health professionals and other service providers if needed.
- After advising the survivor on the available options, explain clearly the further process, including legal procedures and obtaining counselling and other psychosocial, livelihood, health or material support and safe housing.
- When explaining the processes, avoid legal terminology as much as possible, as many survivors may not understand legal terms and may be confused by them.
- The survivor may want the following questions answered:
 - How long will I be here today?
 - How many times will I have to come back?
 - Will the perpetrator find out what I am saying?
 - Can you keep me and my family safe?
 - How long will the investigation take?
 - Will there be a trial?
 - Who will decide if there is going to be a trial?
 - What will I have to do if there is a trial?
 - How long does a trial take?
 - What is a trial like?
 - What if the community/society punishes me?
- Reassure the survivor about the confidentiality of the information/evidence.
- Ensure that the survivor statement is taken immediately in a non-judgemental, professional and survivor-sensitive manner.
- Ask the survivor to tell in his/her own words what happened, to talk about the perpetrator, types of violence, abuse and severity. In case of reporting by other providers, some information might be already available.

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- Record accurately and read back to the survivor the content and confirm testimony.
- Avoid exposing the survivor to multiple investigations.
- Evaluate the needs and resources to understand the social, familial and individual context that affects the survivor's situation. Prioritize the safety and security needs of the survivor.
- Inform the survivor about the institution's mandate and the possible action/intervention that can be made by law enforcement institutions.
- Specify the mandatory legal actions (for example, for certain crimes, the submission of a case file to justice is mandatory, regardless of the survivor's complaint; for crimes against the State, survivors are witnesses and the State can go forward with the prosecution).
- Offer procedural guidance/assistance and counselling in the mandate limits, as may be necessary, to avoid wasting time and re-victimization.
- Offer psychological support (at basic level) to respond to the immediate psychological needs of the survivor. If not possible, ask for assistance from a specialized service or refer the survivor to a specialized GBV/TIP service provider in the area (State actor or non-State actor providers).
- Mobilize social support, if needed or at the survivor's request.
- Assist the survivor in safety planning to increase safety especially in cases of women; conduct safety planning for the survivor and her children, where needed.
- Ensure the safety of the survivor, if mandated to do so, during the period of investigation if/when necessary.
- Open a case file and process all relevant documents to be sent to the judiciary if/when necessary.

Note:

Investigating officers should remember to:

- Capture and document survivor's own words of the violation.
- Keep all records in a safe and confidential place and inform the survivors about the possible usage of the records and for how long the authorities will keep the records.

- Plan any follow-up assistance/intervention, if and as required.
- Avoid creating a situation of confrontation with the perpetrator.
- In cases involving sexual or physical violence/assault or harm, the investigating officer must refer the cases to the health facilities for immediate health service for the survivor, as well as for forensic examination. Thus, evidence must be collected or a medical report must be attached as evidence for prosecution of the perpetrator.
- Investigating officers, or any other person except the forensic staff, should not normally be present in the examining room.
- Upon the consent of the survivor, a medico-legal examination must be conducted and documented in a timely and gender-sensitive manner that takes into account the needs and perspectives of the survivor and respect his/her dignity and integrity.
- Officers shall protect the integrity of the evidence and guard the chain of custody by properly marking, packaging and labelling all evidence collected, including the following:
 - (a) Clothing worn at the time of the assault and immediately afterward, especially in case of sexual assault.
 - (b) Photographs and/or videotape of the survivor's injuries (if any), the suspect's injuries (if any) and the crime scene prior to processing. When photographing a survivor, the officer must be sensitive to the location of the body injuries. The officer photographing must be of the same sex as the survivor.


DNA evidence plays a crucial role in the sexual assault investigation. In addition to the survivor and suspect's bodies and clothing, there are many other potential sources, such as condoms, sheets, blankets, pillows and bottles that may contain biological evidence, such as blood, sweat, tissue, saliva, hair and urine.

To properly collect DNA evidence, NPF and NSCDC officers shall follow internal standard operating procedures, if mandated, or to ask for officers in charge with DNA collection. The officer should:

- Explain to the survivor about the collection of evidence process.
- Explain what should be done and what should be avoided in order to preserve/not to destroy the evidence (such as not to wash, change clothes in cases of rape or other sexual violence).

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- Explain for what purpose the collected evidence might be important/ useful.
- Ask the survivor if he/she desires the evidence of violence to be collected (according to the State law).
- Ensure immediate access to a medical-legal examination is arranged if appropriate for prosecution purposes.
- Refer the survivor to the nearest facility that can collect forensic evidence.
- Forensic-gathering process should abide by the standards and respect the dignity and minimize intrusion to the survivor.
- Forensic evidence-gathering must focus on lending credibility to the survivor and not to be used to verify if the survivor is telling the truth.
- Ensure the survivor is accompanied to the facility, preferably by an officer of the same sex, if needed or requested.
- Recall the importance of collecting evidence as soon as possible in a particular situation of rape or sexual violence.
- Ensure when working with child survivors that services are age appropriate, interview rooms are child friendly, the procedures adopted are child sensitive and that the non-offending guardian of the child is involved and participate in all actions and decision-making processes.
- Ensure witnesses or others who can corroborate the allegations are interviewed as soon as possible.
- Ensure a transparent and accountable compliant management system is in place to address service complaints.



Throughout the interaction with the survivor, from initial contact to case closure, it is important for the NPF and NSCDC to abide by the guiding principles – safety, confidentiality respect and non-discrimination. The following related attitude and skills are considered essential for a survivor-centred approach across all law enforcement response actions relating to the survivor.

3.3. ON CASES INVOLVING CHILDREN

When talking to children, give their age and the trauma experience due consideration. They require great care and sensitivity on the part of the law enforcement agencies when being interviewed. The law enforcement officers should remember that children are not adults; they speak and behave in their own manner that reflect their age, development stage and evolving capacities.

To ensure that children are protected from harm, law enforcement officers need to adapt their language, approach and behaviour when interacting with them.¹⁶ The officers must also ensure all action conducted throughout reflect **the best interest of the child**.¹⁷

This means:

- Following the first contact – First encounter with the child survivor of trafficking/GBV: Officers should ensure the child is safe, protected from immediate danger and attend to his/her immediate needs and provided with water, food, shelter, clothing, toilet access, as well as medical care and rest if necessary.
- Refer potential child survivor to the appropriate child services or NAPTIP.
- If possible, potential child survivor should be interviewed by specially trained officers.
- Officers must not do anything that could harm the child in any way physiologically or physically, for example shouting at the survivor, forcing him/her to speak or abusing him/her verbally or striking him/her.
- The officer should try to make the child comfortable and confident about telling his/her story. The child should understand how he/she will be assisted and protected. The officer should try to behave in a manner that shows the child that you wish to hear his/her story.
- The child survivor should not be detained or feel as if he/she has been detained. The child survivor should be transferred to a safe and appropriate location, such as shelter or other accommodation as soon as possible.

¹⁶ Adapted from Mark W. LaLonde, Yvon Dandurand and Siegliende Malmberg, *Commercial Sexual Exploitation of Children: Police Training Manual and Training of Trainers* (UNICEF, Viet Nam, 2007).

¹⁷ Regional Support Office – The Bali Process, *Assisting and Interviewing Child Victims of Trafficking: A Guide for Law Enforcement, Immigration and Border Officials* (Regional Support Office – The Bali Process, Bangkok).

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- The child survivor must be treated equally regardless of status, gender, religious, ethnicity, language; all child survivors must receive the help, protection and support that is appropriate for their age.

Table 10. Recommended language and approach when interacting with children

Avoid	Use
<ul style="list-style-type: none"> • Long sentences • Complicated sentences • Passive voice • Negative sentences, such as “Why didn’t you tell anyone?” • Questions with more than one meaning • Double negative, such as “Didn’t your mother tell you not to go out and talk to strangers?” • Hypothetical questions, such as “When you’re tired, tell me.” 	<ul style="list-style-type: none"> • Short sentences • Simple sentences • Use active voice • Use positive leading sentences, such as “Did you tell someone?” • Use questions with one meaning • Avoid using negative sentences or use single negative; for example: “Did your mother tell you not to go out?” • Use direct approach, such as “Are you tired?”

Act on the best interest of the child

- It is preferable to reunite the child with the family, parents or guardian, particularly if the child is unaccompanied.
- If the child is accompanied by a parent or a guardian, do not separate him/her unless you have reasons to suspect the parent or guardian is involved in the child trafficking and exploitation.
- Parents and guardian can better support the child if the interview process is fully explained to them.
- If there is a credible information or clear indicators that the child may have been trafficked by the adult accompanying them, then you should separate the child from the suspected trafficker.
- If the child is from another country, contact the child embassy or consulate.
- Do not do anything that could humiliate or offend the child’s dignity. For example, do not handcuff or restrain the child. Always protect the survivor and his/her family’s privacy; do not parade the survivor in public or expose to the media.
- Pay close attention to the child’s appearance and behaviour, as well as his/her words.

Preparing for the formal interview: Points to remember when preparing for formal interview

- Conduct the interview as soon as the child is ready to share the GBV/trafficking experience. Remember, as time passes, the child might not remember all the details of the GBV/trafficking experience or may have a long recovery period.
- Find the child's basic information: name, age, language spoken, consider his/her cultural and religious background, development and ability.
- A child's story may be better understood once information has been gathered from all relevant sources (perpetrators, co-survivors, witnesses).
- It might be better for another officer to act as a note taker to avoid interrupting the child or delaying the story.
- The child should be interviewed by an interviewer of the same sex.
- Wherever possible, the interviewer should wear civilian clothes and not official uniform.
- Try not to intimidate the child. The interview room should be comfortable. If possible, provide the child with paper and pencil to help him/her draw what happened. Toilet facility should be accessible and provide clean water and, where possible, snacks.
- Be aware that a child might need more break time during the interview; therefore, allow extra time.

At the interview stage: Have the correct attitude

- Make the child feel comfortable by being friendly; for example, start by asking about his/her interest or likes. Listen and allow the child to talk uninterrupted.
- Pay close attention to the child's behaviour, language and emotion. Do not pressure or intimidate the child.

Maintain privacy

- Close the interview room door. If the child prefers, place a do not disturb or no entry sign on the door to avoid interruptions.
- Make sure that you will not be disrupted by radio or telephone communication.

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Explain everything clearly

- Introduce yourself and explain the purpose for conducting the interview.
- Explain the interview procedure to the child and how it will be helpful for him/her.
- Introduce the attendees and explain in simple language why they are there.
- Tell the child how the information provided will be used and how it is kept confidential.
- Explain to the child that:
 - (a) If he/she does not have information on the incident or does not have an answer to a question, he/she should say “I don’t know.”
 - (b) If he/she does not understand a question, he/she should say “I don’t understand.”
 - (c) If he/she forgets any information or incident, he/she should say “I do not remember.”
- Use appropriate questioning style.

Note: Adolescents or survivors in their late teenage years may be able to understand and respond to questioning that is appropriate for adults, but with younger children, care must be taken to develop questions that are appropriate for their particular age and maturity level.

No matter what the survivor’s age is, try to use open-ended questions, such as the following:

- “What happened after that” rather than yes or no questions that have the answer in them, such as “Did they put you onto a truck”?
- Do not ask multiple questions at once.
- Be a careful observer; ensure details and notes are taken and closely observe the child’s body language.
- Children can be prompted to provide more information about their experience with questions such as the following:
 - Then what happened?
 - What happened next?
 - What did you see?
 - What did you hear?



Do not overcrowd the interview room and allow the child to tell the story in his/her own way before he/she is asked specific questions about the trafficking experience. Allow the child to feel his/her best interest have been considered and cared for.

At the closing interview stage: Inform the child

- Summarize the main points of evidence in the child's statement before the end and check that you have understood what you have been told.
- Explain what the child has mentioned in a very simple language and see whether there is something else you need to know.
- Ask the child if there is something else he/she needs to ask you.
- Thank the child for his/her time and effort BUT not his/ her disclosure of the case. For example, say "Thank you so much for your information and for being here." You should never say "Thank you for the secrets you have disclosed."
- Inform the following to the child:
 - What will happen next;
 - How and when you will further assist the child;
 - Details of support services the child may be referred to;
 - Whether further interview might be needed; and
 - Contact details of the interviewer.

3.4. RISK ASSESSMENT AND SAFETY PLANNING

Risk assessments and safety planning should be part of the protection measures for survivors offered by law enforcements as part of their essential service package. When incidents of GBV and TIP are reported, it is critical that protection measures are put in place and available and that are independent of any initiation of criminal or civil cases.

Throughout the initial testimony, investigation and evidence-gathering phase, the officer should simultaneously be assessing the threats or risk the survivor might face either from the perpetrator, husband or family/relatives or other community members due to reporting.

A safety plan or protection measures should be developed by the investigating officer taking into consideration all the risk factors as well as resources available both within the law enforcement agency or with other service providers including humanitarian agencies working on preventing and responding to GBV and TIP cases.

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Officers must in a timely manner gather intelligence and seek survivor perspective on potential threats, as well as putting in place measures that will guarantee an ongoing risk assessment with a view of identifying changes in the survivor's vulnerability and ensure appropriate measures are in place to ensure safety and protection.

Officers should ensure risk assessments include are at a minimum. Examples of risk factors include the following:

- Risk of repeated violence/history of violence;
- Survivor's fear of future violence and the basis of that fear/opinion of the abuser;
- Level or extent of harm to the survivor, his/her family or other relevant persons;
- Prior victimization;
- Threats to which the survivor is exposed and the presence of threat to use weapons;
- Evidence of escalating violence or intimidation;
- Status of the relationship; and
- Existence of possible triggers within the community that may lead to escalation of violence or abuse.

Based on the identified threats, work with the survivor to identify options and available resources and based on the risk assessments.

- Develop a safety measure plan that aims to ensure the survivor and immediate family's safety and security.
- Prioritize safety concerns of the survivors at all times and across all decision-making processes.
- Officers in consultation should seek consent of the survivor to identify a list of persons (friends, family or neighbours) that might be called in an emergency situation or who could give shelter for few days.
- Coordinate protection and support services with others by identifying other critical actors with them to develop a multisectoral response support or assistance package for the survivor through a case management process and in a non-stigmatization manner.

- In cases where no safe shelter exists or could be identified and threat of violence exists within the home, officers should discuss with the survivor the option of identifying one or two neighbours who can keep an eye out for the survivor/can report should and if a disturbance occurs in the home.
- Officers should do everything possible to ensure safety of the survivors especially when children are involved. Coordination with government and non-governmental agencies is critical in ensuring adequate life-saving service is provided to the survivor.

3.5. MULTISECTORAL COORDINATION AND COLLABORATION

As a result of the violence, trafficking experience and exploitation, survivors suffer from series of health, psychosocial, economic, legal and other consequences in the short, mid and long term. Depending on the level of abuse or violence, survivors may need access to immediate comprehensive GBV services and TIP direct support (health, psychosocial, safety and security, legal services, shelter and other material and non-material support).

Thus, the consequences of not intervening in a timely manner and providing the needed specialized services and assistance are severe for the survivors and their families. Survivors should not be limited by their experience; they should be provided with the opportunity to heal, recover and thrive within the society and live a dignified life.

Partnership, collaboration and coordination

The law enforcement services provision is part of multisectoral response to GBV and TIP standard operating procedures. The NPF and NSCDC as responsible duty-bearers, and service providers must appreciate the multisector needs of the survivors. No single agency, including the NPF and NSCDC, can meet them alone, except through coordination and collaboration with other service providers and actors through a process of referral.

All service actors must play a crucial role in ensuring that survivors gain access to a whole set of services and support. Survivors should be able to access safety and security, health and medical treatments, community-based psychosocial care and, as necessary, more targeted specialized psychosocial and mental health care according to the survivors' wishes and needs, in order to address the different kinds of consequences.

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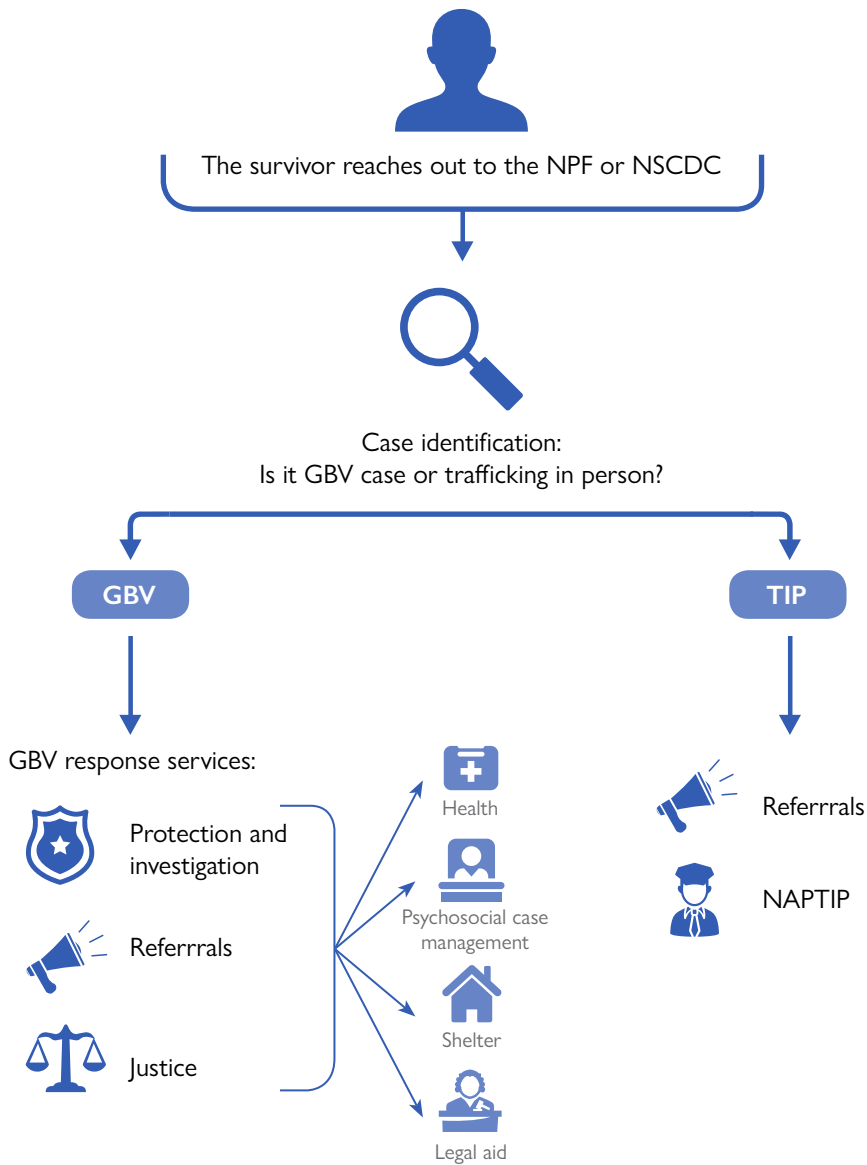
Survivor-centred service delivery thus will require the law enforcement agency to coordinate with other specialist and non-specialist service providers through a process of case management, which in turn would support survivors to find out what options are available, choose the support and services they need, and access these.

For example, a rape survivor needs access to the following:

- Post-exposure prophylaxis to prevent the transmission of HIV within 72 hours;
- Emergency contraception to prevent an unwanted pregnancy within 120 hours;
- Antibiotics to prevent STIs as soon as possible;
- Psychosocial support as soon as possible; and
- Legal support/advice to survivors.

Quality referral pathways among services are of paramount importance to enable timely, survivor-centred interventions in response to survivors' multiple needs. Therefore, NPF and NSCDC must collaborate and coordinate with others to identify systems of care that can be mobilized if a survivor discloses a GBV or TIP incident.

Figure 6. GBV and TIP case flow process



Referral and assistance

- In the interview stage, when the interviewing officer confirms the status of the GBV or VoT, then the person's emergency needs should be identified and addressed before an interview can be conducted.
- If identified after the interview, then that person should be referred to other service providers for appropriate assistance.
- In cases where physical or sexual violence is evident, ensure that the survivor is immediately referred to a medical facility for medical assistance, with his/her consent to undergo medical examination.
- Referral and assisting the survivor includes giving assistance or advice in accessing safe shelter.
- Officers who participate in the GBV and TIP coordination forums should keep an up-to-date directory of institutions and organizations that provide services for GBV or TIP survivors. The directory must include the institution or organization's name, contact persons, address, list of services provided and any other entry/referral requirements, if any (referral pathway).
- Always consult and inform the survivor of the service options and seek out consent prior to the referral to other service providers.
- Always clarify and inform the survivor what information will be shared to other service providers and what will be kept confidential.
- Provide the survivor with a copy of the service providers:
 - (a) Who: Name, telephone number of the organization/service provider.
 - (b) What: What source of assistance or services can the survivor expect to receive.
 - (c) Are the services free or at a cost? if so, is he/she expected to pay or someone else will pay and how much.
 - (d) Where: Where exactly is the facility or the service point; what is the address.
- In high-risk cases or cases involving children and where resources allow, physically accompany the survivor to the health facility at minimum, if needed and possible.

- Or in cases that are not possible, officers should always ensure to accompany the survivor with a written report, referral or telephone discussion with the other service provider while the survivor is present to assure the his/her of the referral.
- Always aim to provide the referred service provider with the necessary information to avoid situations where the survivor will be forced to retell the story and undergo multiple interviews, thus causing psychological distress and secondary victimization.
- Empower the survivor by encouraging him/her to also self-refer to the service point.

CONCLUSION

The NPF and NSCDC are often the gatekeepers to access to service and justice for survivors of GBV and TIP. The initial contact, treatment and response provided to the survivors is often the basis in which the survivors decide whether or not to access key life-saving services and legal systems for justice.

The NPF and NSCDC are guided by their mandates to prevent crimes, maintain peace and uphold fundamental rights and protection both in terms of safety and overall security. According to the Nigerian Constitution, Penal Code Act and NAPTIP Act, GBV and TIP are both regarded as crimes against the State. The NPF and NSCDC are part of the initial step for survivors of GBV and TIP to access life-saving assistance and services, including safety, security, support and justice. Therefore, the delivery of quality survivor-centred GBV and TIP response is critical for both NPF and NSCDC to deliver on their mandates under the law.

NPF and NSCDC have a duty and responsibility to protect survivors and provide sensitive law enforcement services, protection and perpetrator accountability. Therefore, both agencies have the following duties:

- (a) Create a safe and confidential environment for survivors to report GBV and TIP incidents;
- (b) Treat all reported GBV and TIP cases as serious crimes and not private matters for individuals, families and communities;
- (c) Effectively investigate all alleged incidents of GBV and TIP in a survivor-centred manner;
- (d) Conduct all actions, including investigation in a manner that respect the rights, needs and wishes of the survivors;
- (e) Establish multisectoral cooperation and partnership with other actors working on GBV and TIP incidents and ensure survivors have access to a broad range of service options (at a minimum, to health, psychological, security/protection, legal and justice services);
- (f) Take all necessary actions to support and protect survivors from secondary victimization; and
- (g) Ensure perpetrator accountability.

This manual is designed for NPF and NSCDC first responders to:

- (a) Strengthen their understanding of the issues, impact and consequences of GBV and TIP and the multisectoral survivors' needs;
- (b) Provide an overview of relevant laws, norms and standards and give guidance on approaches, survivor-centred skills and attitudes in responding to GBV or TIP cases; and
- (c) Respond as part of a broader multisectoral partnership and collaboration with other service providers in order to meet the needs of GBV and TIP survivors.

Therefore, it is hoped that the NPF and NSCDC first responders, investigators, supervisors and managers will benefit from this manual and accompanying training. As a result, ensure positive survivor experience of law enforcement is ensured, as well as enhancement of survivor's safety, access to service, protection and perpetrator accountability.

Strengthening Law Enforcement Response
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in Persons in Borno and Adamawa (Nigeria)

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