



Law Enforcement Best Practice Anti-Trafficking Manual

Questionnaire

Background

Humanity today lives in the age of communication and in a world where, more than ever before, knowledge is power. The United Nations must continue to improve upon the way in which it conveys the importance of its work to the peoples of the world.

Highlighting this concept, United Nations Development Programme is determined to support any efforts directed to combat trafficking in human beings. This is a criminal phenomenon that has a major impact upon the human rights of its victims, and which can de-stabilize the demography and economy of the countries in which it occurs, including South East Europe. UNDP is ideally placed to support the coordination efforts which are essential to success, and enhance the ability of law enforcement and prosecutors to combat trafficking.

The “Law Enforcement Antitrafficking Manual” project, financed by the USAID, is part of our strategy to foster international cooperation and communication on trafficking issues. The book will address local and cross-border anti-trafficking law enforcement issues in Romania, the Republic of Moldova, Albania, Bosnia Herzegovina, Bulgaria, Croatia, Greece, Hungary, the Former Yugoslav Republic of Macedonia, Slovenia, Turkey, the Federal Republic of Yugoslavia and Ukraine.

The manual, developed from input by local police and prosecutors throughout the region, will serve as field reference guide and will be designed to teach practitioners how to use existing law enforcement tools to prosecute traffickers in their jurisdictions, and how to coordinate their efforts with other jurisdictions across international borders. The joint result of work of practitioners and specialists in the field, the manual will be used by both the beneficiary countries and other countries in the region, which are also coping with the same types of traffickers.

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General remarks

Kindly select in your answers only not restricted information. Avoid providing personal data as these data was defined by the European Convention on Personal Data Protection. However, please feel free to share any data of already convicted traffickers and their networks.

In all sections, please respond both in English and your national language. Each country is requested to respond in electronic format if possible.

Please fill one form "A" for each agency or individual involved in combating trafficking of human beings or in providing any kind of assistance to victims of THB. These Forms are the database for the Contact Directory section of the Manual.

In the form "A" you have to write the unique identifier one both pages and to write your country name abbreviation on the first page. The unique identifier should be composed as follows:

XXX – Y - ZZZ where

- **XXX** is the country code for phones
- **Y** - is the letter P for police, B for Border Police, C for Customs, J for Prosecutor, M for Magistrate, N for NGO, H for health care units and I for International organizations.
- **ZZZ** is the your current order number given to the form

Example: Romania, General Directorate for Combating Organized Crime, listed in the third position will have the unique identifier 040 – P – 003.

Please complete this form on a computer using Microsoft Word 2000 if available. Feel free to replace the underline lines with your answers and to use as much space you need. Attach as separate documents the forms "A", "B" and the texts of legislation. You are kindly requested to name the files as follows:

- **questxxx.doc** – for the Questionnaire itself where xxx is your telephone international country code (i.e. for Bulgaria will be quest359.doc)
- **xxxzyzz.doc** - the unique identifier for form "A" (i.e. for the example above the file will be 040P003.doc)
- **caseyxxx.doc** – for the "B" form where y is the number of the case (1,2 or 3) and xxx is the country code as above (i.e. case 1 for Bulgaria will be case1359.doc)
- the names of text legislation should be formed from **Lnnnxxx.doc** where L comes from "Law", nnn is the number of the law in your country and xxx is the country phone code; attach an "e" for the English version (i.e. Romanian antitraffic law in English – L678040e.doc)

You are kindly requested to send your reply to this questionnaire to the following address:

UNDP COUNTRY OFFICE ROMANIA

Project ROM/01/009

16 Aurel Vlaicu Street, P.O.Box 1-701

79362 Bucharest

ROMANIA

Attn: Mr. Mihai Toader, Project manager

Content of Questionnaire

1. Contact information for all relevant agencies and parties in each country

Start with an initial contact in your country to be used by a foreign country, which is seeking your assistance on trafficking of human beings related issues.

Each country is requested to provide the above-mentioned data for the following type of agencies involved in anti-human trafficking:

Anti-trafficking task force, if one exists; Please provide the name of the chief and his/her contact information;

Police: central or headquarters units, local or regional units;

Border police, central/headquarters units, local/regional units, border units (i.e. airports);

Customs agency, central and local;

Prosecutor's office, central and local;

Investigative magistrate's office, if any;

Non-governmental organizations (specify level and type of current assistance);

Shelters (may omit address if location is sensitive);

Any first aid units, either government and private, that can be called upon to provide treatment or advice to victims of THB such as emergency hospitals;

HIV/AIDS expert units available for testing, if required;

International organizations, such as IOM or SECI

For each agency / actor identified please fill the FORM "A".

2. Structure of investigative agencies and prosecutor's offices

<i>Query</i>	<i>Answer</i>
<p>a. Jurisdiction Please specify which law enforcement agencies and/or other agencies have the jurisdiction/capacity to investigate human trafficking offences and related offences, listed below, in your country.</p>	
<p>b. Investigative Process Include in your description whether law enforcement agents have the capacity to bring evidence directly to the prosecutors, or whether there exists an intermediary (such as an investigative magistrate) that directs the investigation and then brings the evidence to the prosecutors</p>	

<p>c. Anti-Trafficking Task Force State whether you have a task force dedicated to anti-human trafficking and describe how this task force is structured (i.e. several investigators based at headquarters, and other investigators based in the different regions), how many are on the task force, etc.</p>	
<p>d. Prosecutor's Offices Describe the structure and capacity of your prosecutor's offices as it relates to support anti-trafficking efforts and any anti-trafficking task force in your country.</p>	

You may also wish to provide diagram/diagrams to describe the relations between agencies at national/international level. Please attach these diagrams as separate pages.

3. Laws

Please list and describe all laws (including type, number, and date entered into force) in your country that define the trafficking in human beings as illegal or as a criminal act, using the table below.

		Offence	Type of document (i.e. law)	No.	Penalty	Date of entry into force
1.	Physical offences	Sexual and physical assaults				
		Kidnapping				
		Abduction				
		Deprivation of liberty				
		Selling of organs				
		Illegal adoption				

		Offence	Type of document (i.e. law)	No.	Penalty	Date of entry into force
2.	Recruitment and transit offences	Deceptive recruitment				
		False promises of marriage				
		Illegal entry				
		Illegal border crossing				
		Production and possession of false identity and travel documents;				
3.	Exploitation offences	Exploitation within prostitution offences				
		Extortion and blackmail debt bondage				
		Exploitation within forced labor situations				
		Sexual or labor enslavement				
		Servitude				
		Forced marriage				
4.	Complementary legislation	Forfeiture or asset confiscation laws				
		Money laundering laws				
		Laws providing for a parallel financial investigation of suspected traffickers				

Note:

It is important to include only legislation which actually is usable in the fight against the above mentioned offences, even if it is not used. Such legislation should have provisions for penalties. However, please do include any relevant international agreement ratified in your country. If two laws are mentioning the same offence write them both.

In column "No" use N/A if not available, use D if the document is in drafting phase. The text of any legislation mentioned in this table should be attached in domestic and English languages.

4. Legal and Evidential Requirements

A. For each human trafficking and human trafficking-related crime, described in the above table, please answer the following:

a) What are the legal and evidential requirements in each case?

b) Who would be the investigative agency in each case?

c) Is it a legal requirement that the victim's testimony must be corroborated, or can the accused be convicted on the victim's testimony alone?

d) Does your country have conspiracy, and/or aiding and abetting, and/or attempted criminal law provisions, and could they be utilized in any/all of the above crimes?

e) Are there any legal constraints regarding the utilization of the existing laws to investigate and prosecute human traffickers?

f) Is there any law providing for, or prohibiting, plead bargaining?

B. Legal issues relating to victims

a) Describe any legal provisions for temporary residency status for victims.

b) State whether such temporary resident status is dependant upon cooperation with the prosecution. If so, describe the mechanisms by which such temporary residency status is considered and awarded.

c) Describe any legal provisions for permanent residency status for victims, if the victim chooses to stay.

d) Can victim witnesses give evidence using a pseudonym?

e) Are victims shielded from the accused during pre-trial interviews, or are victims required to give evidence in the same proceedings as the accused? If shielded, please cite and provide the relevant law or procedure.

- f) Do you accept video testimony of the victim as evidence? If so, please cite and provide the relevant law or procedure.

- g) State whether it is possible for victims to provide video testimony from separate venues from the actual courthouse, and/or from a separate country via a video link.

- h) State whether it is possible for the victim to have an independent counselor with him/her during his/her interview and/or testimony. If so, please cite and provide the relevant law or procedure.

5. Investigative Techniques utilized in Criminal Investigations

- a) Describe the pro-active investigative options available to law enforcement. What, if any, undercover techniques can be utilized?

- b) Are informants used and can they be paid legally?

- c) Can law enforcement utilize undercover agents?

d) Can physical and phone surveillance (wiretaps) be utilized?

e) Describe any other technical surveillance capacity, including video and/or still photography capacity (for covert use and for crime scene photography)

f) Can the information obtained from the above techniques be used as evidence in court?

g) Describe your country's forensic examination capacity, both in respect of the physical forensic examination of the victim, and of any crime scene.

6. Victim-treatment related issues

a) Is there a "green phone line" or "hotline" available in your country for victims and others to call?

b) How is the victim's immediate safety and welfare handled? Is there a government agency in charge of insuring the victim's security and welfare? Please describe.

- c) Is there a shelter available for victims in your country while the victim is awaiting trial or waiting to return home?

- d) Is there capacity for witness protection or other security measures?

- e) Do members of the anti-trafficking task force or other investigators have a checklist of questions available to ask victims during the interview?

- f) Do members of the anti-trafficking task force or other investigators work with IOM during the victim interviews or are victims interviewed without IOM presence?

- g) Where victim shelters exist, state if there are there any protocol arrangements in place between the police and shelter management for access to and interviews with the victims who wish to cooperate.

7. Statistics

Nominate the agency responsible for the Statistics. Please complete a Form "A" for it. Please provide a map of the primary human trafficking routes through your country.

8. Investigative and Legal Constraints

Please identify and explain any legal, prosecutorial, or investigative procedural constraints your agencies face in fighting human trafficking. Include in your answer whether investigators have sufficient technical equipment to adequately perform their jobs.

9. Case examples

Each country is requested to provide three case examples. Please omit restricted information. For each case please provide the following data:

- Time elements (start date, end date, etc.)
- Space elements (location, route...)
- Agencies involved (including international level)
- Relations between the agencies (who was doing what)
- Methods and techniques used by each agency
- Communication (please describe and evaluate)
- Prosecutor solution
- Legal solution/end result
- Pictures, if any
- Intelligence analytical maps, if any
- the situation of the victim during the investigative process (describe) including witness protection measures
- lessons learned

Additionally, it would be helpful to have the name and contact details of the officer or prosecutor in charge of these case examples, so that we could contact them directly to exchange ideas on best practice.

10. Best Practice Section

If a national best practice manual or a National Strategy on anti-human trafficking exists and is available, please provide it attached to the Questionnaire so it can be included in the Manual.

COUNTRY:

Unique Identifier:

FORM A - CONTACT DIRECTORY

Please fill one form for each agency or individual involved in combating trafficking of human beings
or in providing any kind of assistance to victims of THB

1.	Full name of the agency in the national language	
2.	Agency's name abbreviation	
3.	Full name of the agency in English	
4.	Local contact person name, if available	
5.	Location of the agency	
5.1	Address	
5.2	City	
5.3	Postal Code	
6.	Phone numbers (should be written with country code)	
6.1	Day phone	
6.2	Night phone	
6.3	Fax	
6.4	Mobile phone	
7.	E-mail	
8.	Website, if available	

COUNTRY:

FORM B – BEST PRACTICE - CASES

For each case, please fill the table below with data requested

No	Required data	Answer
1.	Time elements	start date end date
2.	Space elements	location route
3.	Domestic agencies	
4.	International agencies	
5.	Relations between the agencies	
6.	Methods and techniques used by each agency	
7.	Communication	
8.	Prosecutor solution	
9.	Legal solution /end result	
10.	Pictures, if any	Please attach
11.	Intelligence analytical maps, if any	Please attach
12.	The situation of the victim during the investigative process (describe) including witness protection measures	
13.	Lessons learned	
14.	Name and contact details	